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REVIEW OF THE NATIONAL DRUG CONTROL STRATEGY

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HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

THE OVERSIGHT OF THE PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY

SEPTEMBER 7 AND 12, 1989

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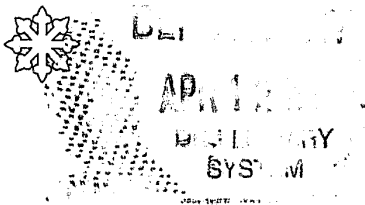
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CONTENTS

THURSDAY, SEPTEMBER 7, 1989

OPENING STATEMENTS

	Page
Biden, Chairman Joseph R., Jr	1
Thurmond, Hon. Strom	4
Hatch, Hon. Orrin G	18
Kennedy, Hon. Edward M	21
Simpson, Hon. Alan K	25
Metzenbaum, Hon. Howard M	27, 31
DeConcini, Hon. Dennis	35
Grassley, Hon. Charles E	40
Leahy, Hon. Patrick J	52, 57
Specter, Hon. Arlen	58
Heflin, Hon. Howell	65
Simon, Hon. Paul	72

CHRONOLOGICAL LIST OF WITNESSES

Dr. William J. Bennett, Director, Office of National Drug Control Policy, accompanied by Reggie B. Walton, Dr. Herbert Kleber, John Walters, and Bruce Carnes	5
---	---

TUESDAY, SEPTEMBER 12, 1989

OPENING STATEMENTS

Biden, Chairman Joseph R., Jr	103
Thurmond, Hon. Strom	105
Simon, Hon. Paul	161
Grassley, Hon. Charles E	162
Specter, Hon. Arlen	166
Hatch, Hon. Orrin G	276

CHRONOLOGICAL LIST OF WITNESSES

Hon. Joseph P. Riley, Jr. mayor of Charleston, SC, and past president, U.S. Conference of Mayors, Hon. Daniel T. Blue, Jr., state representative, North Carolina, and chairman of the committee on law and justice, National Conference of State Legislatures, Hon. Fred B. Ugast, Chief Judge, Superior Court, District of Columbia	107
Panel consisting of: Sterling Johnson, Jr., special narcotics prosecutor, Office of the Manhattan District Attorney, New York, NY, Charles B. Meeks, executive director, National Sheriffs' Association, Anthony P. Travisono, executive director, American Correctional Association, John S. Gustafson, president, National Association of State Alcohol and Drug Abuse Directors, and Thomas J. Quinn, executive director, Delaware Criminal Justice Council, and past president, National Criminal Justice Association	171

ALPHABETICAL LIST AND SUBMITTED MATERIAL

Bennett, Dr. William J.:	
Testimony	5
Prepared statement	9
Response to written questions of Senator Simon	87

IV

	Page
Bennett, Dr. William J.—Continued	
Written questions of Senator Kennedy	98
Blue, Hon. Daniel T., Jr.:	
Testimony	122
Prepared statement	127
Carnes, Bruce: Testimony	15
Gustafson, John S.:	
Testimony	196
Prepared statement	199
Written questions of Chairman Biden	215
Johnson, Sterling, Jr.: Testimony	171
Kleber, Dr. Herbert: Testimony	51
Meeks, Charles B.:	
Testimony	172
Prepared statement	175
Quinn, Thomas J.:	
Testimony	219
Prepared statement	222
Comprehensive Targeted Substance Abuse Model (East Side of Wilming- ton)	228
Riley, Hon. Joseph P., Jr.:	
Testimony	107
Prepared statement	111
Comparison of President's drug strategy and Conference of Mayors' rec- ommendations	117
Travisono, Anthony P.:	
Testimony	182
Prepared statement	185
Ugast, Hon. Fred B.:	
Testimony	141
Prepared statement	145
Walters, John: Testimony	16
Walton, Reggie B.: Testimony	20

REVIEW OF THE NATIONAL DRUG CONTROL STRATEGY

THURSDAY, SEPTEMBER 7, 1989

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 9:00 a.m., in room SD-106, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Kennedy, Metzenbaum, DeConcini, Leahy, Heflin, Simon, Thurmond, Hatch, Simpson, Grassley, Specter, and Humphrey.

The CHAIRMAN. The hearing will come to order. Good morning. Dr. BENNETT. Good morning.

OPENING STATEMENT OF CHAIRMAN BIDEN

The CHAIRMAN. Good morning, Dr. Bennett and the Bennett team. It is nice to have you all in place and here for the first time. We are anxious to hear what you have to say, and I say at the outset, this may be an unusual debate we will have in the ensuing several weeks. Usually the debates go on between agencies or individuals coming before the Federal Government telling what they propose to spend to deal with the problem or propose to do, and the argument is can't you do less. I suspect the debate here is you are going to have to try to figure out, at least from some of us, why you will not take more of what we want to give you, but we will see how that works out as we move along.

Let me begin with a housekeeping measure. We are going to have just two brief opening statements, one by me and one by the ranking member, and then we are going to move immediately to our colleagues because Dr. Bennett, as well as our colleagues, has his first hearing also on the House side. And we are going to try to accommodate our House colleagues as well as Dr. Bennett because everyone with, very good reason, is anxious to hear what you and your team have to say, Doctor, and to get this process underway.

And so we will limit Senators to 10 minutes per round of questions as long as we have Dr. Bennett available to us. On a more substantive note, Director Bennett, let me say as far as I am concerned you did your job, and it was a tough one.

Dr. BENNETT. Thank you.

The CHAIRMAN. The Congress wrote a law. We sat up here and we said that we did not want to have happen what happened in Republican and Democratic administrations in the past: a great dif-

fusion of power and responsibility and accountability. And so we created this office and every president resisted it because no one wants to have it all located in one spot because then we know where it resides. But you did not shy away from that. You jumped right in, and you said you would be back up here within the time frame. I guess you officially have until tomorrow or whatever to actually get here, but you did it. And we appreciate it.

There obviously is going to be a debate over the next month or so, and as you pointed out in the statements I have heard you make, we are on, to use Washington jargon, a fast track. What we are talking about here is trying to figure out how much money we are going to spend in the upcoming year for the war on drugs, and where we are going to put that money.

And usually we start that process a year earlier. We start that process to simplify it a bit. We start that process back in January and February because the fiscal year starts in October, just a month from now. And through no fault of yours, because of the way in which the law was written and the way in which the process began, you not only had to come up in a short amount of time with a strategy—and the strategy that you produced is this strategy here, and you did it—but we now, along with the President, also have a difficult job.

Whether we accept this strategy in total or whether we add to this strategy—add to the pieces of it, at least for the next fiscal year—it all has to be done in the next couple of weeks. And so it is going to require not only the leadership of the President, but it is going to require our cooperation with you and yours with us in order to get that done. And I really think that Republicans and Democrats on this committee as well as the entire Congress are anxious to do that.

But there will be a debate. And the debate will be about sufficiency. And the debate will be about whether or not the goals that are set out can be met with the resources that are proposed. I might add, I am fully aware that this is not the final strategy for America. This is not the strategy for the next 20 years or 30 years. This is strategy for next year. And we understand that. But nonetheless, we are going to end up debating a little bit about whether or not that strategy is sufficient.

And let me make clear, so we can begin, at least how I define the terms and what I mean by them. By strategy we do not mean that we should go out and prevent children from getting on drugs, and get those that are on drugs off drugs, and make those who are peddling drugs and using drugs accountable and put them in jail, and make sure that those we put in jail serve their time in jail, and that we go and stop those who are producing this material abroad.

That has been the strategy of the Federal Government since President Nixon put it in place in the late 1960's. So we all agree on the strategy. The differences that we may have, and that I have, do not relate to whether we should do those things, but how much emphasis we should put on each piece and how soon—how quickly—we should do it. And that is where the debate, to the extent it is going to take place at least from the chairman of this committee, will come from.

And do we have enough in there to put enough police officers on the street? Right now we have—and should we have 500,000 police officers trying to stop 36 million crimes a year that are being committed, not all drugs. Do we have enough prosecutors and judges to make the system, the criminal justice system, work. And as you and I know and everyone else on this committee knows, somewhere over 90 out of every 100 arrests, are done at a State level. They are not done by an FBI agent or a DEA agent. They are done in the streets in Selbyville, DE, or Omaha, NE, or Los Angeles, CA.

And the question is not only do we have enough, but also what is the Federal Government's role? As you aptly pointed out the other day when you and I were in a program, they said, well, we welcome Senator Biden to federalism or something to that effect. Well, why does this split? We should tell the folks straight up. What do we expect the States to be doing, and what is the Federal Government's role? Because right now that criminal justice system releases 6 out of 10 people after they are arrested before they ever get in the system. Six out of ten—for a lot of reasons, not the least of which, as Judge Walton can tell you, is that there are not enough prosecutors, there are not enough judges, and there are not enough jails.

I could go on and I will not. I will refrain from doing that because you and I have had a chance to talk an awful lot over the months and for that I thank you. You have kept me informed, and I have tried my best to keep you informed of what we were doing. Let me just conclude my remarks here by saying that because of the nature of the institution—the institution of the Presidency and the administration, the institution of the Congress—and because ultimately this war on drugs just like any other war depends on how many bullets you have in the gun, our bullets are our resources. They are not the only bullets, but they are the ones that we are legislating, the ones that we deal with.

We can and should exhort and encourage the American people to be more accountable and to do more. But ultimately we, the Federal Government, have in a strange sense, a very limited function and, within that function that we are going to have to exercise right now, legislatively we have a limited function. We decide how many bullets to put in the gun. But it is not about money ultimately. It is about people.

It is about health and it is about safety. And so we are trying to figure out how much we can and must do to increase the safety of the American people and the health of the American people. And let me close by saying I heard President Bush at a press conference yesterday, and I thought he made a very good statement overall about what he thought should be done about drugs. In a strange way, Bill, this bill has already worked.

One of the purposes of the drug czar bill was to do what has finally happened. This is the first President that has made this, the drug issue, not only rhetorically but apparently for real the single major priority, first priority in his Government. And you have Secretaries of State and Secretaries of the Treasury and the Director of CIA and the Justice Department all talking about drugs. That never happened before. That, in and of itself, is part of the reason why the law was written and why you are in the job you are in.

But the President said something when it came to funding this drug fight. In response to a question, I believe, about whether or not you could take money out of Star Wars or out of the B-2 program or something about defense, the President said—and I am paraphrasing—I do not have the quote in front of me—as you know I am very careful about quoting and paraphrasing—[Laughter.]

The President said I am not going to jeopardize the national defense—I believe he said—for this issue or any other issue. Maybe that is the nub, the fundamental nub of disagreement. I believe, and I think many of my colleagues believe this is the national security issue, the national defense issue. We already have a war underway that we are losing. We need to spend money on a defense department so there will never be a war that we will have to fight and win. And so maybe that is part of the debate as it relates to priorities, how much we are willing to do where, when and from whence.

But let me stop with that and turn to Senator Thurmond. Again, thank you for keeping your commitments, thank you for being straight with me, thank you for being the gentleman that you have been, and I promised you I would keep the promise. I told you I would not criticize you, go after you, make you come up here, and I know it is going to be hard to believe sometimes as this thing goes on. It is like that old joke, we are from the Federal Government; we are here to help you.

We want to help you. This committee wants you to be the voice, as you have been on this issue, because we need it in one person. I yield to my colleague from South Carolina.

OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Thank you, Mr. Chairman. Mr. Chairman, I am pleased to be here today for this very important hearing. We are assembled to hear testimony from Dr. William Bennett, Director of the Office of National Drug Control Policy on the administration's national drug control strategy. The scourge of drug abuse and its associated violence have been the focus of national attention in recent years.

Once perceived to be a problem of only major cities, drug abuse has spread into suburban areas and rural communities hitting virtually every street corner in this country. Recent legislative efforts to eradicate the drug problem have proven effective as major first steps. However, there is still much more to be done. Congress recognized the need for a coordinated national effort, and the war on drugs when, as part of the Anti-Drug Abuse Act of 1988, it created the Office of National Drug Control Policy.

Under the leadership of drug czar William Bennett, the Office of National Drug Control Policy has provided the Bush administration with a comprehensive \$7.9 billion national strategy to combat drugs. This antidrug blueprint, among other things, represents a shift in emphasis by stressing the principle of user accountability. By holding all drug users, whether heavy or casual, accountable for their actions, we will be sending a signal that drug use will not be tolerated.

This comprehensive policy calls for swift prosecution and punishment of narcotics dealers, increased efforts against cocaine production in source countries, and improved drug treatment programs by making them more accountable and result oriented. As we are all watched, this plan was outlined by President Bush earlier this week during a tough, straightforward, national televised talk with the American people.

The people has made clear his intention to aggressively fight the war on drugs and to win it. I have pledged my strong support to the President and to Dr. Bennett to see that this strategy is effectively implemented. In closing, our Nation is currently facing the major task of winning the drug war. The national drug strategy is a solid, well-thought-out plan for action. It represents a solid, direct and effective measure aimed squarely at the drug epidemic which is undermining our communities, young people, and threatens our society.

As we continue to fight the war on drugs, a war which will not be won easily, our resolve to prevail must become stronger. One just has to witness a crime, violence and heartbreak drugs cause to realize we must not give up. Our efforts to beat this drug problem must continue to be relentless. Mr. Chairman, I look forward to today's testimony. Incidentally, I have got to go to the Armed Services Committee at 9:30 for a few minutes, but I will be back as soon as I can. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you. Again, Dr. Bennett, welcome, and we would appreciate anything you have to say as an opening statement.

STATEMENT OF DR. WILLIAM J. BENNETT, DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY, ACCOMPANIED BY REGGIE B. WALTON, DR. HERBERT KLEBER, JOHN WALTERS, AND BRUCE CARNES

Dr. BENNETT. Thank you, Mr. Chairman, and thank you as well, Senator Thurmond. I very much appreciate, Mr. Chairman, your comments about effort and our work. We took the issue seriously, and we are proud of the strategy. We look forward to discussion of it and to tell the truth, we look forward to formulation of the next strategy in February, refinements we hope based on the national debate about this strategy over the next few weeks.

We share with you as well an interest in, as you called it, the fast track debate to be mindful of time and the urgency of this matter, and that we get about our business. In response, I would begin by saying that you kept your commitment too, and I appreciate that. You just said three things. You said you would not criticize me; you would not go after me, and you would not drag me up here. And the most important of those three is the last. And all of them are important, but you did keep that commitment and that enabled us to get our work done, and I thank you very much.

You and I did communicate over the course of the last 6 months about various issues, took the pulse at various times, and that was well worth it, and again I thank you for keeping that commitment. I know you tried as well. I thank you for your intercession with others to keep them from dragging us up here before we were

ready, and I think you prevailed in almost every case. So I very much appreciate that. You gave us room to get our work done.

That was a commitment, an honorable commitment, and you kept it. And it made a difference to us. So thank you. I think we start on a good footing. I want to thank the committee for convening this hearing on the drug strategy, and if you will allow me just a few minutes. I would like to give a summary of what we intend to talk about.

When I came, Mr. Chairman, to Capitol Hill 6 months ago for my confirmation, I explained to your committee how I felt about the task ahead of me. I said, "It will be the director's job to lead a consolidated national campaign against illegal drugs, resolving difficulties that may arise when so many different agencies of the Federal Government must be involved in a unified effort."

The national strategy that we present to you today is the first step toward mobilizing the Nation in that effort. I say it is the first step because I want to make it clear that this strategy is not the final word on drug policy in the United States. The law mandates that the President deliver another strategy next February.

Therefore, I look forward to this debate and discussion with the Congress on the ideas contained in this first report in the hopes of improving our future strategy. This first national strategy describes a balanced plan of attack for all levels of government, for private industry and for American citizens.

It recommends the largest dollar increases in the history of the drug war: nearly \$2.2 billion, 39 percent above the fiscal 1989 level. The first goal of our strategy, as it should be for any antidrug strategy, is to reduce in number those Americans who choose to use drugs.

To that end, the President's strategy stresses the principle of user accountability in law enforcement efforts focused on individual users, in decisions regarding sentencing and parole, in school, college, and university policies regarding the use of drugs by students and employees, in the workplace, and in treatment.

The strategy calls for increased focus on source countries and a more active international role by the United States to engage other nations in this effort. Obviously, from the news this morning, we see from time to time an occasional success. This was an important moment this morning and last night when Mr. Martinez arrived in the United States. This is only one person. This is a long way from the resolution of the problem, but it makes a very important point. It shows here the commitment of the United States and Colombia to the rule of law, and it shows that from time to time, at least, civilization and the rule of law can prevail.

In addition to those efforts, of course, interdiction efforts should be maintained as well. As you know, major priority is placed on increasing the capacity of the drug treatment system, and making it more accountable for results. Significant priority would also be given to providing increased support for prevention education efforts aimed at helping young people and others resist and reject drugs. Strategy embodies several principles.

First, our criminal justice system must be reinvigorated to the point where order and stability are restored to neighborhoods which are now controlled by illegitimate authority and power. This

will require bigger jails, more police, swifter courts as well as alternatives to traditional incarceration. Drug users also must be held accountable for the chaos which they finance. This can be done through a number of innovative sanctions. We must also mobilize our local communities. Communities must create an atmosphere in which drug use will not be tolerated.

By communities I mean not only urban neighborhoods but also colleges, public housing projects, farming towns and factories. The workplace is a particularly important sector of American life, and therefore, private industry must work to promote drug-free policies. Testing should be used where appropriate in both the public and private sectors. Our treatment system needs to be overhauled so that the quality and quantity of drug treatment increases.

We must discover more effective forms of treatment and see to it that the states utilize those methods. We must require testing in treatment programs receiving Federal funds. We must explore the idea of civil commitment for unwilling addicts, and we must reach out and target pregnant drug users.

Our international efforts will focus on reducing drug production and dismantling the criminal enterprises responsible for drug supply. Understanding how these organizations work is a pre-condition to more effective international efforts, and this means good intelligence. We must also focus on reducing the profit in drug trafficking by greater emphasis on money laundering investigations.

We need a fresh approach to interdiction. We should identify and target the most important smuggling modes and routes. Moreover, our resources must be focused on high value individuals and shipments. We must enhance our border systems, operations and activities. To refine our understanding of the problem, better research capabilities must be developed that would enhance technology and information flow. A Drug Control Research and Development Committee will be established.

Both supply reduction efforts and demand reduction efforts must be better coordinated. This can be done by the creation of two interagency committees, chaired by the Office of National Drug Control Policy.

Finally, this war requires a reordering of our Nation's spending priorities. The antidrug budget must be increased by \$2.2 billion. Compared with 1989 funding, priorities should break down as follows: state and local law enforcement assistance increased by \$200 million; treatment and prevention programs increased by \$554 million; international initiatives increased by \$199 million; corrections and courts should receive an additional \$908 million; and other law enforcement efforts \$334 million.

To succeed, we need the support and involvement of every level of government and every private citizen. From the Congress, we need not only support for our ideas, but also a speedy reallocation of the Federal dollars necessary to implement this antidrug program and a recognition, a clear signal, that this vigorous action by the Federal Government does not replace but must stimulate equally vigorous action by the States.

We cannot send the signal that the Federal Government can or will do it all. It cannot. It should operate vigorously in its sphere. But State legislatures, town councils, school boards, churches and

communities must meet their responsibilities. The worst thing that we could do is to suggest that we are arrogating to ourselves the responsibilities of others rather than sending a clear signal of joint and shared responsibility for this effort.

With vigor at the Federal level, but without vigorous action and commitment at the local level, the war on drugs will not be won. Only if all of America works will this job get done. Thank you very much, Mr. Chairman.

[The statement of Dr. Bennett follows:]

Statement of William J. Bennett
Director, Office of National Drug Control Policy
Statement for the Committee on the Judiciary,

United States Senate

September 7, 1989

Washington, D.C.

Good Morning. I'd like to thank the Committee for convening this hearing on the President's National Drug Control Strategy. I look forward to a productive working relationship with this Committee.

When I came to Capitol Hill six months ago for my confirmation hearing, I explained to the Senate Judiciary Committee how I felt about the task ahead of me. I said, "it will be the Director's job to lead a consolidated national campaign against illegal drugs, resolving difficulties that may arise when so many different agencies of the Federal government must be involved in a unified effort."

The National Strategy I present to you today is the first step toward mobilizing the Nation in that effort. I say it is a first step because I want to make it clear that this Strategy is not the last word on drug policy in the United States. The law mandates that the President deliver another Strategy next February. Therefore, I look forward to a healthy debate and

discussion with the Congress on the ideas contained in this first report in the hope of improving our future Strategy.

This first National Drug Control Strategy describes a balanced plan of attack for all levels of government, for private industry, and for all American citizens. It recommends the largest dollar increases in the history of the drug war -- nearly \$2.2 billion, 39 percent above the Fiscal '89 level.

The first goal of our Strategy (as it should be for any anti-drug strategy) is to reduce in the number of Americans who choose to use drugs. To that end, the President's Strategy stresses the principle of user accountability -- in law enforcement efforts focused on individual users; in decisions regarding sentencing and parole; in school, college and university policies regarding the use of drugs by students and employees; in the workplace; and in treatment.

The Strategy calls for increased focus on source countries and a more active international role by the United States to engage other nations in this effort. Interdiction efforts would be maintained.

Major priority is placed on increasing the capacity of the drug treatment system and making it more accountable for results. Significant priority would also be given to providing increased

support for prevention/education efforts aimed at helping young people and others resist and reject drugs.

The Strategy embodies several principles. First, our criminal justice system must be reinvigorated to the point where order and civility are restored to neighborhoods which are now controlled by illegitimate authority. This will require bigger jails, more police, swifter courts as well as alternatives to traditional incarceration. Drug users also must be held accountable for the chaos which they finance; this can be done through a number of innovative sanctions.

We must also mobilize our local communities. Communities must create an atmosphere in which drug use will not be tolerated. By communities, I mean not only urban neighborhoods but also colleges, public housing projects, farming towns and factories. The workplace is a particularly important sector of American life and therefore private industry must work to promote drug-free policies. Testing should be used, where appropriate, in both the public and private sectors.

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We need a fresh approach to interdiction. We should identify and target the most important smuggling modes and routes. Moreover, our resources must be focused on high-value individuals and shipments. We must enhance our border systems, operations and activities.

To refine our understanding of the problem, better research capabilities must be developed that would enhance technology and information flow. A Drug Control Research and Development Committee will be established.

Both supply reduction efforts and demand reduction efforts must be better coordinated. This can be done by the creation of two interagency committees chaired by ONDCP.

Finally, this war requires a reordering of our nation's spending priorities -- the anti-drug budget must be increased by \$2.2 billion. Compared with FY '89 funding, priorities should break down as follows: state and local law enforcement assistance should be increased by \$200 million; treatment and prevention programs should increase \$554 million; international initiatives should be increased by \$199 million; corrections and courts should receive an additional \$908 million; and other law enforcement efforts should increase by \$334 million.

To succeed, we need the support and involvement of every level of government and of every private citizen. From the Congress, we need not only support for our ideas but also a speedy reallocation of the Federal dollars necessary to implement this anti-drug program.

The CHAIRMAN. Thank you very much. I will begin, and I am going to keep myself and the rest of our colleagues to the 10 minutes. Let me begin with sort of a procedural question, Director. You and I both know, and all of your colleagues—and by the way, I welcome all of you. You are a distinguished team, and I know you all played a very significant role in putting this together, and we thank you for that.

We all know that as you said, to use your phrase, we are on a fast track, or to use my phrase, we have very little time in the first year of this plan, which is next year.

Dr. BENNETT. Right.

The CHAIRMAN. States are saying, well, I wonder what was going to come from this plan. Is the help on its way, and they are looking for that help to come in November, and December and January and February and March. And we have got to get the job done in the next 3 weeks or so for that to be done.

In my experience up here—and Senator Kennedy and Thurmond and others, Senator Hatch, have had as long or longer experience than I have—when you have a big issue like this, a controversial issue, an important issue, and a short time frame, the only way this usually gets done is whether or not the administration and the leaders of Congress are literally willing to do something that is not part of the regular system. And that is get together, convene at the White House or convene somewhere and not have to go through the entire committee—we are going to have to go through the committee process. But because the time frame is so short, is it your impression that the President is willing, if not himself, to designate you or someone to actually sit down with the congressional leadership in charge of this issue, both Republican and Democrat, and hammer out an answer to the first year, and to do it soon?

Dr. BENNETT. Yes, we are going to meet this afternoon, late this afternoon, a group of us, and talk about the best way to proceed, but I cannot commit the President at this very moment. But I think it is fair to say that this notion of moving things quickly is there, and if that is what it will take, I am sure that is what we will do.

We will meet, try to decide how, if you will, the legislative effort needs to supplement the strategy. How can we get the thing done? So yes, in general.

The CHAIRMAN. Because, as you rightly point out, this is a lot of money, whether you accept the proposal that some of we Democrats are proposing in order to do more or we do not do more.

Dr. BENNETT. Right.

The CHAIRMAN. Just what you are proposing.

Dr. BENNETT. You bet.

The CHAIRMAN. And as you know, we have had a lot of trouble finding that money before.

Dr. BENNETT. Right.

The CHAIRMAN. The Congress did not come up with it, and when the Congress did come up with certain sources, the President threatened to veto it. And everybody, we all say we are for funding this. But if the President says I want to fund it from unexpended funds, and the Congress says they want to fund it from the star

wars program, then we do not have a funding mechanism. We do not end up funding it.

So we are going to have to, in my humble opinion—and I think my Republican colleagues might agree, although I have not spoken with them—I think we are going to have to sit down quickly.

Dr. BENNETT. Yes.

The CHAIRMAN. And figure out how to do this.

Dr. BENNETT. OK. I agree.

The CHAIRMAN. I request that you ask the President whether or not he is willing to either do it or designate someone to do that.

Dr. BENNETT. Right.

The CHAIRMAN. Now on a more substantive area, we are in agreement—I think all of us are—that the criminal justice system just is not functioning as well as it needs to in order to protect the health and safety of the American people. And it is not because there are bad cops, bad prosecutors, bad prison officials, bad judges, there is just not enough.

Now, let us talk about prisons for just a moment. As we said at the outset, the vast majority of the people who are abusing drugs, using drugs, breaking the law and wreaking havoc on society, are doing it within state jurisdictions. You propose an increase from what the Congress proposed for prisons—and a sizable increase, to your credit.

Congress proposed \$630 million last year. You proposed \$1.476 billion. Now there are only 50,000 Federal prisoners. There are close to a million prisoners in the State prison system. If the State prison systems merely, if you would excuse the expression, keep up with inflation of prisoners—if the user accountability laws, which I support, do not bring more prisoners into the system—if they just stay even, which means they are all overcrowded and most under Federal court order to empty their prisons to some degree, they will have to spend a 7-percent increase next year. They will have to spend \$4.5 billion just to stay even.

Now my question to you is this: we are proposing to spend \$1.4 billion for 50,000 prisoners and whatever increase will be produced, which only takes up a very tiny part of the drug abusers and the violent offenders out there. Are we telling the States collectively that they have to spend to stay pace with what this strategy recommends, \$10 billion to \$12 billion within the next fiscal year?

Dr. BENNETT. I do not know what the number is that would be implied by your formula. Bruce, do you have a comment.

Mr. CARNES. Mr. Chairman, what we are saying not only in the area of law enforcement but in the area of education and the area of treatment and prevention, that indeed States and localities are going to have to step up to this across the board.

The CHAIRMAN. I understand, Mr. Carnes. If we could stick to the single issue of prisons. I only have a little bit of time.

Mr. CARNES. Yes, sir.

The CHAIRMAN. I only have a little bit of time.

Mr. CARNES. Right.

The CHAIRMAN. I would like to focus on that one issue for the moment.

Mr. CARNES. I will respond to the question. We are suggesting that we are providing additional funds to help States plan judicial

systems, court improvements, design prisons and jails. We are not providing Federal construction funds for prison construction at the State level.

The CHAIRMAN. Would you acknowledge that if the States do not do anything with their prison systems and the Federal Government gives them no help to do with their prison systems, that in effect we have done almost nothing to deal with the problem because we are only dealing with 50,000 out of a million prisoners. Is that a fair statement?

Dr. BENNETT. Mr. Chairman, I do not understand why you believe States should not build their own prisons.

The CHAIRMAN. No, I am not saying they should.

Dr. BENNETT. Why should the Federal Government build State prisons?

The CHAIRMAN. We should not. I am prepared to say. I think we should, but let us for the sake of argument say we should not.

Dr. BENNETT. Should or should not?

The CHAIRMAN. All I am trying to get at is how much money does your drug strategy expect the States to spend on prisons in order for the drug strategy goals to be met? One of those goals being a criminal justice system that provides sure, swift, certain punishment for drug offenders? That is my question. I think it is a fair question.

Mr. WALTERS. Senator, if I might, in connection with some of the research we did for the President's crime package, there is an issue of the premise of your question. The States are doing a lot, as far as we can determine.

The CHAIRMAN. I understand that.

Mr. WALTERS. In terms of bringing more prison space on line. In addition, what we are suggesting is that we look at ways of providing punishments that are most cost effective than prisons. Yes, they need to build prisons. We have not quantified the total number here. The one mistake we could make here is by substituting Federal resources for the plans and commitments that States already have.

I think they will be building prisons, in other words, to support. How many the total number will be, that is difficult to estimate.

The CHAIRMAN. Give me a range. \$100,000, \$1 billion, \$5 billion, \$10 billion?

Dr. BENNETT. Certainly several billion dollars; \$5 to \$10 billion?

Mr. CARNES. We do not have any estimate of what it is going to cost the States if every State decided that they were going to imprison every drug offender. We are not suggesting that every State would need to do that.

The CHAIRMAN. What are you suggesting that the States do with regard to drug offenders and imprisonment?

Dr. BENNETT. Well, obviously we are suggesting along the lines recommended in the strategy, imprisonment for some; for others revocation of driver's license; loss of property.

The CHAIRMAN. Let me sum this up.

Dr. BENNETT. So on. But I mean States can make up their own minds about this and how they want to apportion their funds. We are not sitting here saying every drug offender must go to prison. This has been one of the consistent misunderstandings of this. We

are saying every drug offender ought to have a sanction. That does not mean that they need to go to prison.

The CHAIRMAN. But Bill, look, you are a straight talking guy. And I am not trying to argue with you. I am just trying to understand. This strategy is for America.

Dr. BENNETT. Right. That is correct.

The CHAIRMAN. This is for America.

Dr. BENNETT. Right.

The CHAIRMAN. And the President went on the air and all of us, me too, and said we need a national strategy. And one of the things the President said, and I said, and everybody here said, and you said, is we need sure sentences. Of those we are going to sentence—

Dr. BENNETT. Right.

The CHAIRMAN [continuing]. They have to go to jail.

Dr. BENNETT. Right.

The CHAIRMAN. And the President says he wants longer sentences.

Dr. BENNETT. Right.

The CHAIRMAN. So you know that is going to increase the prison population. And we said that the basic premise upon which all of your strategy rests, and I agree with it, is that we must return civility to America before we can focus on other things. We must take, to use your phrase, take control of the streets again.

Dr. BENNETT. Right.

The CHAIRMAN. And you say and the President says that a major element of that is making sure that those really bad folks are put in jail for sure and for a long time. And you say for the Federal Government to do its part in that, you have got to spend \$1.400 billion next year just on prison construction.

Dr. BENNETT. Right.

The CHAIRMAN. So I think it is a fair question to say in broad terms what does your national strategy envision—whether they already have done it, whether they should do it—the States committing in prison construction? That is all I am asking.

Dr. BENNETT. Well, again, we do not have that exact number, but let us deal with a number. Let us put a number on the table subject to revision, review. Bruce, we can come up with some kind of an estimate of a number. But let us say it is several billion dollars.

The CHAIRMAN. Well, my suggestion to you would be, and I would like you to comment on it at another hearing or later—

Dr. BENNETT. OK.

The CHAIRMAN. I believe, based on your requirement for the Federal Government for the Federal prison system, that the States will have to spend at least \$5 billion to keep pace with what the Federal Government is doing to keep this criminal justice system in better shape as it relates to prisons.

Dr. BENNETT. OK.

The CHAIRMAN. And closer to \$10 billion, and I would like you to check it out for me.

Dr. BENNETT. We will.

The CHAIRMAN. My time is up. I will be back. I yield to my colleague from Utah.

OPENING STATEMENT OF SENATOR HATCH

Senator HATCH. Thank you, Mr. Chairman. Welcome to all of you. I just want to personally pay a compliment to all of you for the really good work you have done. This is a very difficult area. No matter what you do there is going to be criticism. There are going to be those who say you are just not spending enough money on this. That is the answer to everything. Let us just throw money at it.

There are those who are going to say you are not spending enough time on education and treatment. You are not spending enough money for that. You are spending it on enforcement and other purposes rather than putting the total amount, sums of money, that they would like to have on education, community action, workplace and treatment.

You are going to be criticized just on a partisan basis from time to time. We have seen some of that over the last couple of days. But I think the big problem is going to be money. People are going to say up here, you are not putting in nearly enough money. If you put in \$10 billion or \$14 or \$20 billion, it still would not be enough money in the eyes of some up here on Capitol Hill who never worry about where the moneys come from. Just throw more money at it. That is the answer to everything.

Now there is no question that if you had more money and you were able to conjure it up out of the winds that you could use it. The question is where do we get it, what are we going to do to get it, will the Congress have the resolve to go through some of these programs and find these extra funds? Will the United States Senate today vote to save \$45 million in Senate mailing privileges, franking privileges, if you will, so that it can use those funds for the drug war? I think we will. I think that is going to be a message that has to be sent here today, and it is about time we did. But there are lots of programs like that where we can find these moneys if we have the will and the resolve to do so.

I think one reason the President has decided he does not want to increase taxes is he knows these good people up here have an insatiable need for more tax revenues so they can spend more on other social welfare programs, not necessarily antidrug programs.

So you are going to go through a lot of problems, but as I see it, you have addressed at least seven major areas: Criminal justice, drug treatment, education and community action and the workplace, international affairs and how you resolve the problems of source among others through international activities, the problem of interdiction, the problem of research, and, of course, the intelligence problem. I want to compliment you. I think it is almost an impossible job that you have tried to do.

And it is going to be an almost impossible job for you to implement it, and I wish you luck and intend to help you every step of the way that I can. Again, just so I ask a couple of questions that may be important, Dr. Bennett, I have been told that State governments already do provide 48 percent of the funds to treat alcohol and drug abuse, while the Federal Government only provides about 23 percent, as I recall, with the balance coming from other sources.

Of the money spent on State programs, 77 percent—or about \$1.8 billion—goes for treatment, as I view it. States like Utah, my home State, are strapped for money. We cannot mandate what they have to do without providing some means whereby they can do it within the frameworks of their difficult economies as well. Now could you tell us here how you propose to generate an increase in State services?

Dr. BENNETT. Sure. John.

Mr. WALTERS. Well, directly, we are providing increase through the increases in Federal support for treatment within the States. In terms of generating additional State revenues, we are not mandating that the States increase the treatment slots available. We are hoping that the example of the Federal Government and the recognition in the States, as we have heard it in talking to State officials in preparing the plan, will lead them also to see the importance of increasing resources here.

We are not requiring them to spend moneys that they may not have at this point. We are beginning on the good faith assuming they, too, will work on this problem.

Senator HATCH. This is one reason why I think, Dr. Bennett, you said yesterday to a group of us that you and your people are going to try to go to every State legislature in this country to see if you can encourage them to be a greater part of this process.

Dr. BENNETT. That is right. To take the responsibility that should be taken and the effort, to take some of the credit for the solution, to make it clear that there is not just one responsible person or body in this area, nor is there a responsible funding sugar daddy in this area. It is a responsibility of everyone and there is enough credit for everyone if Governors and State legislatures will act, as many of them have indicated already they will act, provided we do not send a signal to them that they do not have to act because we are going to pay for it all.

Senator HATCH. One of the concerns of the States is that money frequently goes from the Federal Government to large cities, leaving the rural areas, or even the less urban areas, without adequate funds.

In the Labor Committee, we have made an effort to get funds to the States so that they themselves can make the decision on where the greatest need is. And you have already been criticized by some, certainly in the large urban areas—

Dr. BENNETT. Yes, sir.

Senator HATCH [continuing]. That the money should come directly to the cities and not through the States. And that is one reason why we did this in the Labor Committee. We thought it works. So I want to commend you for sticking with that, and let the States determine this. And the cities certainly have a lot of influence with the Governors of the States and with the legislatures, and they ought to be able to get in there and pitch for what they need. But the lesser urban and rural areas need help, too, as you know.

Dr. BENNETT. Yes, sir, they do.

Senator HATCH. In this last recess, I have gone all over my State of Utah, and everywhere we have gone we have chatted with prosecutors and every one of them say that the bulk of their prosecutions are now drug-related.

Dr. BENNETT. Yes.

Senator HATCH. The heavy bulk of them.

Dr. BENNETT. Yes.

Senator HATCH. And they need help in these other areas as well. Do you have any recommendations as to how we're going to do that, apart from your plan to meet with the State legislatures, to encourage them to consider those areas, and to do what can be done that way?

Dr. BENNETT. Judge Walton may want to comment. I know that he has been hearing both kinds of complaints, not in a nasty way. But I know he has heard from the big urban areas loudly and also from the rural areas.

Mr. WALTON. Yes. As I have toured the country and talked to various officials at the county and city level, I hear from them that there are problems in many situations with them getting the funds from the State once the money gets to the State from the Federal Government. We are fully aware of that situation. There are good delivery systems in some jurisdictions, and we plan to sit down and talk to the Governors and sit down and talk to the mayors and the county executives to see if we can speed up that process.

But we are confident that as I talk to people that they are fully aware of the problem, and they want to do something to resolve it.

Senator HATCH. One of the questions that has arisen is that there is a lot of emphasis on cocaine and crack cocaine in your report. I assume that you are concerned about every aspect of drug abuse including even prescription drugs and alcohol as well; is that correct?

Dr. BENNETT. Well, we had this debate during the confirmation hearings.

Senator HATCH. Yes.

Dr. BENNETT. And the chairman made it plain to me, as is plain in the language, that we do not have a specific focus or responsibility on alcohol. It is not a controlled substance, and we are talking about controlled substances. We also discussed during the hearings that it was important in the education process, the prevention process, education/prevention part of this problem to talk to young people, particularly about alcohol and other things because these are, in the parlance, gateway drugs to other drugs.

Senator HATCH. I was pleased to hear President Bush note his concern with drug use among pregnant women and the tragedy affecting their babies. And I want you to know that this is one Senator who is very interested in seeing that we expand our efforts in this particular area because I think it is one of the most tragic areas of all.

Now the effects of using alcohol and drugs range from mental retardation to failure of various organ systems to develop. This accounts for a societal cost, as we view it on the Labor Committee, that is really unmeasurable. So that message has to get across. Now how do you expect to increase the services to pregnant women and the children that they bear?

Mr. WALTERS. Well, in this area as well as in the area of resources to local rural and urban areas, we're asking the States when they receive money to identify particular areas of need and target the money on the basis of an assessment of statewide need.

In addition, we are asking them to put a special priority on getting Federal treatment resources to pregnant women in the State area. So that will be a priority built into the additional funds as well as setting priorities within the State looking at the entire drug problem within a State.

Senator HATCH. Great. Again, my time is up, and I just want to compliment all of you. I appreciate the work you're doing, and we intend to help you every way we can.

Dr. BENNETT. Thank you, Senator.

The CHAIRMAN. Thank you, Senator. I hope you will be able to stay for a second round. The Senator from Massachusetts, Senator Kennedy.

OPENING STATEMENT OF SENATOR KENNEDY

Senator KENNEDY. Thank you very much, Mr. Chairman. I want to join in welcoming Dr. Bennett to the committee and the other members of his team. I have had the chance to spend some time with some of them and have welcomed that chance to do so. Dr. Bennett, I watched the President of the United States the other evening. No American, I think, could doubt President Bush's own sincerity, his own personal commitment to deal with this scourge for the country. And I agree with Chairman Biden that at last we have a national strategy, and you deserve credit for that.

It is entirely appropriate that we have this Presidential commitment on the drug issue, because he has a responsibility under the Constitution for the domestic tranquility. And when families, senior citizens, and young children across this country are put in fear, which so many are all across this Nation, he has a responsibility to act.

I would pledge to you my desire to continue to work closely with you and the administration in a number of areas that you have outlined, and many of which have come before this committee, and the Labor and Human Resources Committee, on which Senator Hatch and I serve, dealing with the education and the treatment provisions. I think it is important, though, for the American people to have some understanding that we are not going to over-promise. We have had too many false strategies in the past.

And I think part of the point is that when we declare a war, most American people support that concept; but when Franklin Roosevelt declared war, we were not figuring out what the bottom line on expenditures was going to be.

President Kennedy said: "We are going to go to the Moon." He did not say we are going to have x amount of dollars that might have brought us maybe 10 miles from the Moon. He said we are going to go there and we are going to spend what is necessary. We are not going to spend any more, but we are going to spend what is necessary to get there. We are going to utilize all the resources.

And I think the American people want to, I believe, expend what is necessary and not expend a nickel more. Find out the things that work; focus on it. We are prepared to face up to this, but not waste resources.

We have even seen in the Congress this year how swiftly we acted with the savings and loan industry—we have some important

savings and loan industry in my State, but not nearly what California, Texas, and Oklahoma have. We passed that savings and loan legislation in the U.S. Senate in 3 days. The Wall Street Journal expects the Government to spend \$160 billion in the next 10 years as a result. So when some of us raise issues over what is being proposed by the administration, I think it has some use or value to measure what the administration is really going to do.

Robert Morgenthau is a distinguished district attorney and he believes that New York will get \$16 million for State and local law enforcement under your formula. They spend on police alone in New York City \$1.2 billion a year. Massachusetts expects to get about \$10 million. We spend between \$3 and \$4 billion a year in Massachusetts on law enforcement. We cannot lock the American people into a false sense that this strategy alone is going to resolve things. You are not representing that it will, but it is important, I think, that we have some understanding about the expenditures.

Secondly, in the areas of treatment and education, we have seen that education has had an important impact—certainly with the casual user. As greater information has been available to students across the country, as the University of Michigan studies and others demonstrate, the knowledge of young people increases in terms of the danger, the numbers of drug users go down. You can argue about the significance of it, but it is clear over the last years, education and treatment works.

No one is saying that treatment is going to solve all the problems, but treatment for me would work if that individual stops committing crime, maybe shows up for work, and is not a disruptive person. Maybe we are not going to be able to treat drug addiction and solve the problem from all the chemical points of view, but at least when we reduce crime, we have made some progress. The President's Commission on AIDS recommends 10 times the funding that your national strategy recommends in terms of treatment just to deal with IV drug abusers. Ten times. So I would just hope, Dr. Bennett, that as we work out this common strategy—and if we are going to be serious about really declaring a war—that we are genuinely going to be able to demonstrate the will and desire for it.

I regret my colleague from Utah left, since I was about to talk about crack babies.

The CHAIRMAN. He had to go because he's on the ABC bill.

Senator KENNEDY. That is right. We will be dealing with that legislation on the floor in a few moments, and I will have to leave.

A Florida study gives some sense of the immense social cost of drugs. The State of Florida will spend \$700 million for health care, social services, and special education to prepare 17,500 cocaine-exposed infants born in 1987 for kindergarten in 1992; \$700 million in 1 year, in one State.

So when we are talking about—and just in one section of a population, enormously vulnerable, the victims, innocent victims. And I would hope that when we consider the national drug strategy, it is not going to be a take-it-or-leave-it strategy, because there is a willingness and a desire to work together on this issue.

Let me just add one other question and then ask you if you would comment. The recent seizures in Colombia these past few

months have shown that over half of the guns that are being used by drug cartels in Colombia are being manufactured or obtained here in the United States of America.

As I pointed out previously, you deserve a great deal of credit for your position on assault weapons. And we express credit to the President for dealing with those assault weapons that are manufactured overseas. But American people, I think, want action with regard to the weapons of choice of these thugs and mobsters on the streets and the assault weapons that are being exported and used to gun down members of the judiciary in Colombia and other places. Are we going to get any action out of the administration on the issue of domestic assault weapons proliferation so that we can try and make our streets more safe and secure?

Dr. BENNETT. On the issue you ask about, Senator, we heard about this as well at a meeting I had with Justice Minister de Greiff and some of her colleagues from Colombia. We heard these same reports. This was a couple of weeks ago, and we immediately called the Bureau of Alcohol, Tobacco and Firearms, and they are looking into it. It is a matter of concern to us. It is being discussed. Yes, sir.

Senator KENNEDY. Well, are you going to make a recommendation on the weapons of choice, the assault weapons that terrorize the streets of this country—are you going to make a recommendation to us to ban the manufacture and the production and distribution of those weapons here in the United States?

Dr. BENNETT. No, I am not, Senator.

Senator KENNEDY. You are not. Why not?

Dr. BENNETT. No, I am not. Because I think there are very serious constitutional problems in doing so on characterization of these weapons.

Senator KENNEDY. On manufacturing of assault weapons?

Dr. BENNETT. And we do not want to—we have had this discussion before—interfere with the legitimate rights of gun owners and collectors and hunters. It is just hard to parse this. In terms of the international dimension, we are looking into it.

Senator KENNEDY. Well, are you going to propose a constitutional amendment, Mr. Bennett?

Dr. BENNETT. No, no.

Senator KENNEDY. You do it with regard to issues of—

Mr. WALTERS. Senator—

Senator KENNEDY. Well, I will just finish because my time is running out. The administration has resorted to a constitutional amendment with regards to an issue of importance to some in terms of the protection of the flag. I am asking why you cannot do it with regard to the weapons of choice for drug dealers that are the principal weapons that are used to terrorize the police in this country. We have banned machineguns. We have also passed other legislation dealing with handguns—the 1968 Gun Act has been upheld as constitutional. But you are not prepared to even send a proposed constitutional amendment to the Congress, recommend and let the Supreme Court make a decision on it?

Dr. BENNETT. No, I am not. And to tell you the truth, I am not particularly focused on that issue right now, Senator. I do think there is a good response in Federal law and a number of State

laws, and we are seeing some good effects from those right now in the mandatory minimum sentences for people carrying these kind of firearms during the commission of a felony, drug crimes of various sorts. And I think that is a very good response.

Senator KENNEDY. Mr. Chairman, my time is up.

The CHAIRMAN. Thank you very much, Senator. Our next questioner is the distinguished Senator from Wyoming and the No. 2 man in the Republican hierarchy here these days, Senator Simpson.

Senator SIMPSON. Thank you, Mr. Chairman.

Dr. BENNETT. Could I just say one other thing? Sorry.

Senator SIMPSON. Yes, sure.

Dr. BENNETT. Before Senator Kennedy leaves.

Senator KENNEDY. I apologize, Dr. Bennett.

Dr. BENNETT. That is all right.

Senator KENNEDY. We are debating the ADA Disability Act on the floor of the Senate. I regret that I cannot be here, but we will have a chance to talk about these matters further in the future.

Dr. BENNETT. But you know that this is an issue that I take seriously, but we have to say in talking about drugs and drug crime that it further complicates the matter that the gun of choice in these situations is the handgun. It is not the assault rifle. It is the handgun that keeps appearing over and over again, just much more frequently, much more often. And I do not think anybody—

Senator KENNEDY. My question to you then is: Will you support tighter handgun controls?

Dr. BENNETT. No. You mean the ban on handguns?

Senator KENNEDY. Yes. I mean if that is the weapon of choice for criminals.

Dr. BENNETT. No, I would not suggest telling American citizens they cannot have handguns for their own protection.

Senator KENNEDY. The small Saturday night special that is not used for hunting purposes, has no other purpose than to shoot individuals, and is not accurate beyond 12 feet. You cannot have it both ways. Assault weapons are, for gangs and the Colombian cartels the weapon of choice. The small Saturday Night Special is the choice of the individual mugger. You will not recommend action with regard to the gangs and cartels, and you will not do it with regards to the weapons used by individuals.

Mr. WALTERS. But, Senator, by far the largest used weapon in drug crimes is the handgun and drug traffickers—

Senator KENNEDY. But you do not do anything to limit the spread of these weapons to criminals, Mr. Walters.

Mr. WALTERS. And drug traffickers do not have to buy cheap guns. They can buy very expensive handguns. I mean we can differ over whether or not you want gun control.

Senator KENNEDY. But you will not ban or restrict the proliferation of any of them.

Mr. WALTERS. But to suggest that a certain category of gun is simply the answer, I think the facts do not support that, Senator.

Senator KENNEDY. Perhaps, but you will not ban any of them?

Mr. WALTERS. Some guns are banned now. Machineguns are banned.

Senator KENNEDY. You would not ban anything new? You are not proposing action in your strategy—the President did not talk about it.

Mr. WALTERS. There are no gun control proposals in this strategy.

The CHAIRMAN. I get the impression we will have an awful lot of opportunity to talk about this. Thank you, Senator.

Senator SIMPSON. Come back here, Kennedy. Oh—

The CHAIRMAN. Senator Simpson. We have already used up 5 minutes of your time but go ahead.

Senator SIMPSON. I saw that, yes. I was watching the clock run while my colleague was doing that. Well, that, Mr. Chairman, shows the diversity of our country. [Laughter.]

Because really what the people of Massachusetts have chosen to do in their own area of gun control is something that is totally repugnant to the people of Wyoming, and I am sure they are just as appalled at the people of Wyoming who believe, indeed, it is a constitutional right to keep and bear arms. It is almost ethic within our State. I believe that Massachusetts even has a sign on the border that says anyone apprehended with a weapon is automatically fined \$100, and confiscation and so on.

In our part of the country you have a gun rack in your pick up.

The CHAIRMAN. Because anyone who does not have a weapon is in trouble.

Senator SIMPSON. That is right. Gun control is how steady you hold your weapon. [Laughter.]

It is funny, but it is not funny, and it is a critical thing. Assault weapons are a very critical thing, and I am always waiting for the reports from the Bureau of Alcohol and Firearms as to what are the weapons of choice that do kill our DEA people and our FBI and our Secret Service. Any of us that turn our head on that are abrogating our responsibility.

OPENING STATEMENT OF SENATOR SIMPSON

Senator SIMPSON. Well, I thank you, Mr. Chairman, and I appreciate your having this hearing. I just want to say that I think the strategy of our President is sound and reasonable and comprehensive and a very darn good work product for us to go with. And I know you, Dr. Bennett. I know you and some of these fine people that are assisting you who are responsible for much of the strategy that we will be considering.

I think you have done an excellent job to present us with this package. I think there is very little doubt that the increase in the number of frequent users, these unique people who call themselves casual users, recreational users, those are the people that I am ready to zero in on. Those are the people who are creating the demand. They are often the more adroit in our society, the more privileged in some cases, and they leave us with the wreckage of those down below. And I think as we begin to deal with serious issues with those people, confiscation of vehicles, loss of driver's license, issues that go back to the burning issues that we deal with on this committee like the exclusionary rule and various rules of

evidence, and habeas corpus, those are things that we have to look at here.

Hopefully, and I agree with the chairman, and I think that Senator Mitchell and Senator Dole are on a track there, of trying to pull everything together into one arena so that we do not have these tremendous numbers of committees pleading for some piece of the action so they can have seven camera hearings throughout the next few months while you are here and not doing the job that you are hired on to do.

I do think that that is important, and I think the chairman wants to do that. I am ready to help him do that. And violent crime, and as Senator Hatch says in his tour around Utah in the recess, finding that that is most always now drug related, and certainly it is. And even here in Capitol Hill, I noted an article in this week's Roll Call magazine of an increase in violence right around where we work. Sometimes that gets our attention, not always, but sometimes. Much of it, if not all, is drug-related.

So you have presented your program. It deserves our careful attention, our thoughtful legislative activity, and let me just say that it is my firm belief after being here in this place for 11 years that more money has never solved one damn thing I have ever seen yet. It is not the sole solution to a problem. Money foolishly spent is not effective one whit. I would hope that we would sober up on that one. That is the real drug around this place: that all we need to solve, every issue in society, is more money and i.e., more staff. That is a total blank out failure, period.

What we need are a few zealous people who are ready to go to work and not want to get somebody to hire so they can be over somebody. I remember the great story of Herman Talmadge. He said he met a friend of his who pleaded for a job, just begged him, and Herman finally saw him on the street, and he said, well, how is your job, and he said, well, it is not too good. I really do not like it. He said why not? You bled for it. He said I have not got anybody under me. And so it is in this place. We do not need more staff. We need more people to slug it out, and we know what we have to do. We have a debt limit extension this month to vote on of \$3.2 trillion; \$3 trillion, \$200 billion and a lot of problems in society that obviously were not solved by that expenditure of money.

And I am not going to challenge the sincerity. I think it is a mistake to challenge the sincerity of the enthusiasm of one's commitment, and I have done this. I am going to watch it. Fighting the drug problem gauged only on how much money the President or Congress or local government is willing to spend on the problem. We will find, and I think it is great, we will find that this overriding important issue of drugs is going to bump, finally, bump from the national scene some of these politically popular but long overdue for extinction programs that we are just never able to deal with honestly.

We are going to see those go down the pipe. I could name one, community development authority, which now applies to 85 percent of the people in the United States. It was set up to apply to 10 percent or 5. That is totally out of whack, goofy. Commissions, boards that have their executive offices right down there on Lafay-

ette Square, are out of existence for all practical purposes but we cannot get rid of them because it is politically impossible.

We are going to bump up against those, and we are really going to hammer a lot of those babies flat, I hope. That is my view; then you can go home and say I got rid of your outfit there, but I did it to get a control on drug abuse and the drug problem in the United States. You can get away with that one politically.

Dr. BENNETT. Yes, that is good.

Senator SIMPSON. And I think that is going to happen, too.

Dr. BENNETT. That is good.

Senator SIMPSON. That was not an intent, certainly not an intent of our President. But that is going to happen because there is no way you can justify some of those things when you are down here grubbing for the real bucks to do a real job in the most critical national problem of the day. So we need to commit the additional resources, but our resources are not infinite. Money has not solved everything in this United States; we all ought to be fully honest with ourselves on that. The States and local governments have a serious responsibility here, and we cannot let them shirk that.

So I just hope we will not fall into partisan bickering on this serious issue. You know the things they'll say: well, we are going to push George Bush to a tax increase. We remember that speech and all that stuff. That is not the issue. The issue is substance. What are we going to do? The drug problem should not be a vehicle for posturing on how tough one party is on crime, whether we Republicans win the award or the Democrats win the award, or how much money we should spend on the defense budget and whether we should have a B-2 or a B-1 or star wars; or whether or not we should raise taxes. Those are important, but unconnected issues. They should not clog our minds in this national debate, a serious national debate that we must have on this drug policy.

So I look forward to a good session with you, and I mean the session of Congress as we work on this, and I thank you for pursuing the issue as vigorously as you have, and Mr. Chairman—I see that the chairman has stepped away—but the chairman, too, is in this one for the long haul. You two have talked a long time together about this; there should not be any reason why your fine personal relationship should not bring you through all the stuff you are both going to take on this one. Because your goals, the chairman's goals, and the President's goals are exactly the same, exactly the same. So I hope we will be about it. And I thank the chairman.

OPENING STATEMENT OF SENATOR METZENBAUM

Senator METZENBAUM. Mr. Bennett, nice to see you. Good morning, Doctor. I have heard some of these comments about where money is coming from, and I just want to make a side comment. My understanding the administration is looking favorably upon the development of a jet propulsion lab or facility in the South that will cost a half a billion dollars.

It is my understanding that the budget people have looked favorably on a method of financing that by borrowing the money from CitiBank and therefore not having it go on the budget and not having to pay anything on it for a period of 3 years. I think that is

the wrong way to do business. But I would say to you that if you can do it for a jet propulsion facility, then maybe you can do it for \$1.4 billion of prisons as well. I myself believe it is the wrong way to do, but if the administration can accept this kind of financing in that direction, then maybe there is \$1.4 billion that they can find in that respect. I believe it would be very wrong, but I believe if you can do it for jet propulsion facilities, you can certainly do it for prisons and I make that comment to you and do not expect you to be at all knowledgeable on the subject. But I could not help but think about it as we were talking about where is the money going to come from.

Now your drug strategy, Dr. Bennett, calls for civil commitment of addicts to drug treatment programs. I am concerned that the unwilling participant is probably going to be the least likely to benefit from such a program. When we are treating only 40 percent of those who actually seek treatment, do you not think that the effort to make the unwilling participant, spending our funds on the unwilling participant, may be a substantial waste of funds?

Dr. BENNETT. Call for a study of that, not for civil commitment. But Judge Walton is our expert on this.

Mr. WALTON. Well, Senator, obviously we are very mindful of the civil rights of individuals in our society. But let us take, for example, the pregnant woman. And let us take for example that we have identified her as someone who is using drugs, and she is carrying a child. And we decide that we are going to require that she go to an outpatient treatment program, and she refuses to do so, and continues to use drugs. And we know the cost that it is going to cause to that child if she continues to do so. And once we exhaust all possible ways of getting her treatment in an outpatient facility, the only way that we may be able to hopefully give that child a chance at a decent life is to possibly go by way of civil commitment.

Senator METZENBAUM. I am concerned—I will come back to the subject of money—about how much money we are spending on the drug plan, and I am not sure that we are not playing little games with the figures. As I understand it, \$5.6 billion of the total \$7.8 billion drug budget is old money already allocated to drug efforts. Almost half of that, \$2.3 billion, is from the current Department of Justice budget. But the entire Justice Department budget is only \$5.7 billion. My concern is, is almost half of the Department's mission now drug-related, or are we inflating what is actually being spent on the drug effort?

Mr. CARNES. I think the answer to that question, Senator, depends upon which agency of the Department of Justice you are talking about. For instance, in the Bureau of Prisons in 1988, 43 percent of all their costs were associated with drug-related crimes and offenders. DEA, obviously 100 percent of their costs are associated with drug problems. At FBI it is smaller. Back to prisons for a second. We expect the proportion of prison money devoted to drug-related crimes actually to go up over several years, and indeed, by 1991 it would be as high as 70 percent. So I think an across-the-board rough estimate, you might very well be in the ballpark. I have not done it for the entire agency, but it certainly seems to tally if you look at it agency by agency.

Senator METZENBAUM. Well, this year's Justice Department budget actually called for the FBI to lose 247 positions, for the prison system to reduce 208 work years, and for the U.S. attorneys to lose 128 positions. According to the Justice Department, some of these reductions will be offset by increases in the Department's budget. Does this mean that the money provided to fight the drug war will allow these positions to be hired back? And if so, we have not really increased our resources. The question I really have is are we sort of involved in a shell game to convince the American people that something is being done when in reality we will not really be doing very much?

Mr. CARNES. The reductions that you are referring to, Senator, are a product actually of the 1988 antidrug abuse law which required that in the 1990 budget the administration had to come up with a separate figure for the Organized Crime Drug Enforcement Task Force. Normally, in all prior years all the people and dollars associated with drugs had been shown in those agencies for the OCDETF account. This year there is a separate line for OCDETF, \$215 million. The individuals that you see down, and the dollars you see down in those accounts are actually now showing up in the OCDETF account, and there is a net increase for both FBI, DEA, and other agencies, if you reapportion it back to drugs.

Senator METZENBAUM. Let me carry that further.

Mr. CARNES. It is twisty.

Senator METZENBAUM. The President announced an additional \$2.2 billion increase in the drug budget. Most of this was already presented to this committee as part of the President's crime package. A billion of it goes to prisons. Can we really say that all this prison money is to be allocated to the drug strategy? Surely, we will use those prisons to incarcerate nondrug offenders, and, moreover, the \$1 billion cannot be spent quickly in a way that will have an immediate impact on the problem.

It will take many years to find the sites, to build the prisons, to staff them and have them ready for prisoners. My point is that once you look behind the big total, it is not clear that this strategy is marshaling the kind of resources this problem warrants, and you sort of get the feeling that the words are good, the intent is good, but when it comes to finding where is the meat, there is just not enough of it there, and we are only kidding ourselves. Now I have heard you, Dr. Bennett, speak out on this subject as if the Democrats were harping at the Republican policy. I want you to know that I do not feel that way about it.

I feel that drugs are so damn important to our Nation and to all of us that I do not need to make any political mileage out of the issue, and I am concerned that the administration is not doing as much as the American people really want it to do. And I would just like your thoughts on that subject. I am not trying to get political with you and stuff. I just—

Dr. BENNETT. Well, Senator, I am very pleased that you do not want to make political mileage out of it, and I respect that, and I wish you could make that view unanimous. Because there is going to be that temptation.

Senator METZENBAUM. Let me say it is a two-way street.

Dr. BENNETT. Yes.

Senator METZENBAUM. I have heard you pretty rough on the Democrats. I have heard some Democrats rough on you.

Dr. BENNETT. In response.

Senator METZENBAUM. I say cool it, man; let us just stay with drugs.

Dr. BENNETT. I challenge you to find a political statement in this strategy or in the President's presentation. I think as the chairman knows, I have been if anything averse to politics over the last 6 months. I have gone to political events. And we have had a distinctly nonpolitical, apolitical approach to this problem. The question here is about money. And it is always a question on which reasonable people can disagree. The question is whether the disagreement is in good faith or not.

I do not have any problem with good faith disagreements about it. People want to suggest some reallocation of accounts in this strategy or reallocation of accounts in the Federal budget, they can. But we wrote the strategy first, and we came up, after having written the strategy, of what we thought it would cost in fiscal year 1990, not fiscal 1991, 1992, 1993. We will be back in 1991, 1992, 1993. I do not know that this will make news. Maybe it will, but we will probably ask for more in 1991 and probably more again in 1992. I am not in any way embarrassed about that.

But in response, I guess, I think whatever the level of disagreement, and I am not suggesting this is what you were saying, but if as the days go on, there are efforts to, whatever motivates them, whether it be politics or anything else, to belittle this strategy and its budget, to suggest that this is doing it on the cheap or something, the more it will be hurt. The more people will contribute to cynicism. The more we will add to the doubters and the effort will be hurt. We did this in good faith, and we would like response in good faith. Most comments I think that have been made to date, made by members of this committee, have been in good faith. And that is fine.

We heard people saying this was not enough money before anybody had seen any budget numbers. Just the reflex seems so irresistible. People were saying this before they had any idea of the numbers. And that does not serve any of us. That is how I see it.

Mr. WALTON. Senator, if I could please make an observation on that same point. I was on the bench, and I used to be very troubled when I had people come before me who needed treatment but yet we did not have treatment slots available. At the same time, many of those individuals who were going into treatment were going into treatment programs that really did not deliver. So we were putting a lot of money into programs that were not bringing about positive results. So we were throwing away money.

So while at some point it maybe appropriate to bring on line additional slots to deal with the treatment issue, I think we have to make sure that we have on line programs that work because throwing money into a sink hole from which you get no results really does nothing to affect the drug problem.

Senator METZENBAUM. Thank you, Mr. Chairman.

[The statement of Senator Metzenbaum follows.]

U.S. Senator Howard M.
METZENBAUM
of Ohio

Committees:
 Judiciary
 Labor and Human Resources
 Energy and Natural Resources
 Select Committee on Intelligence

Chairmanships:
 Subcommittee on Antitrust
 Subcommittee on Labor
 Subcommittee on Energy
 Regulation and Conservation

STATEMENT OF SENATOR HOWARD METZENBAUM
 HEARING ON THE NATIONAL DRUG CONTROL STRATEGY
 SENATE COMMITTEE ON THE JUDICIARY
 SEPTEMBER 7, 1989

I COMMEND PRESIDENT BUSH FOR CHOOSING TO HIGHLIGHT THE TERRIBLE DRUG PROBLEM FACING THIS COUNTRY BY MAKING IT THE TOPIC OF HIS FIRST NATIONAL ADDRESS TO THE AMERICAN PEOPLE. I ALSO WELCOME THE TESTIMONY OF WILLIAM BENNETT TODAY IN WHICH HE WILL OUTLINE THE DETAILS OF THE PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY.

WE IN CONGRESS HAVE SPENT A GREAT DEAL OF TIME AND EFFORT WORKING TO FIND A SOLUTION TO THE DRUG EPIDEMIC. THE JUDICIARY COMMITTEE HAS AUTHORED MAJOR LEGISLATION IN BOTH THE LAST TWO CONGRESSES AIMED AT WAGING THE WAR ON DRUGS. THE OMNIBUS ANTI-DRUG BILL OF 1986 AND THE ANTI-DRUG BILL OF 1988 PROVIDED POTENT WEAPONS TO FIGHT THIS WAR. IN 1986 WE INCREASED PENALTIES FOR MOST DRUG CRIMES, INCLUDING MINIMUM MANDATORY PRISON SENTENCES AND MULTI-MILLION DOLLAR FINES FOR MAJOR DRUG

TRAFFICKING OFFENSES. IN 1988 WE CREATED THE POSITION OF CABINET LEVEL DRUG CZAR AND REQUIRED THE SUBMISSION TO CONGRESS OF THE NATIONAL PLAN WHICH THE PRESIDENT JUST ANNOUNCED AND ABOUT WHICH WE WILL HEAR MORE TODAY. WE ALSO PROVIDED ADDITIONAL PENALTIES FOR DRUG DEALERS AND USERS AND INSTITUTED THE DEATH PENALTY FOR MAJOR DRUG TRAFFICKERS INVOLVED IN MURDER. OUR LAW ENFORCEMENT OFFICIALS NOW HAVE THE TOOLS TO BE TOUGH ON DRUG PROBLEM. AS THE PRESIDENT SAID THE OTHER NIGHT, "THE BASIC WEAPONS WE NEED ARE THE ONES WE ALREADY HAVE."

IN SPITE OF THESE EFFORTS TO GET TOUGH WITH DRUGS, WE ARE LOSING THE WAR. THIS IS OBVIOUS TO ANYONE WHO READS THE PAPERS OR VENTURES OUT ON THE STREETS OF MANY OF OUR URBAN AREAS. CLEARLY WE NEED TO DO MORE. THE PRESIDENT HAS RECOGNIZED ONE THING WE NEED TO DO AND THAT IS TO PROVIDE THE RESOURCES NECESSARY TO USE THE TOOLS CONGRESS HAS PROVIDED. WE MUST HAVE MORE RESOURCES DEVOTED TO ENFORCEMENT, PREVENTION, AND TREATMENT. THE PRESIDENT HAS PROPOSED \$7.8 BILLION. THAT \$7.8 BILLION REPRESENTS ABOUT WHAT THE BUDGET WOULD HAVE BEEN HAD THE ANTI-DRUG BILL OF 1988 BEEN FULLY FUNDED. OF THIS \$7.8 BILLION ONLY \$716 MILLION IS NEW MONEY FOR FISCAL 1990. THE REST IS MONEY ALREADY ALLOCATED IN THE BUDGET OR MONEY THE PRESIDENT HAS REQUESTED FOR MORE PRISONS AND OTHER PIECES OF HIS ALREADY ANNOUNCED CRIME PACKAGE. WHEN WE CAN FIND \$300 BILLION TO BAIL OUT THE SAVINGS AND LOAN INDUSTRY, I THINK WE CAN COME UP WITH MORE THAN \$716 MILLION IN NEW MONEY TO FIGHT

WHAT THE AMERICAN PEOPLE CONSIDER TO BE THE GRAVEST DOMESTIC PROBLEM FACING THIS COUNTRY.

AS I SAID, WE HAVE GIVEN LAW ENFORCEMENT OFFICIALS THE TOOLS TO ATTACK THE SUPPLY SIDE IF THEY ARE GIVEN THE RESOURCES TO ACT. BUT IF WE ONLY ATTACK THE SUPPLY OF DRUGS, WE WILL LOSE THE WAR. WE CANNOT SEAL OFF OUR BORDERS NO MATTER HOW MUCH WE SPEND AND FILLING OUR PRISONS WILL NOT STOP THE DRUG TRADE. SO LONG AS PEOPLE DEMAND DRUGS, OTHERS WILL FIND A WAY TO SATISFY THAT DEMAND AND WILL RISK WHATEVER PENALTIES TO PROFIT FROM THAT DEMAND. AMERICA'S YOUTH NEED TO KNOW JUST HOW DANGEROUS DRUGS ARE AND THE POOR AND DESPAIRING NEED TO BE GIVEN ALTERNATIVES TO DRUG ADDICTION AND CRIME. THOSE WHO ARE ADDICTED NEED TO BE TREATED. THESE THINGS COST FAR MORE MONEY THAN HAS BEEN ALLOCATED, BUT GIVEN THE COSTS TO SOCIETY OF DRUG ABUSE, SUCH MONEY WOULD BE WELL SPENT AND NEEDS TO BE FOUND. AGAIN, THE PRESIDENT RECOGNIZES THE NEED BUT HASN'T DONE ENOUGH. THE \$7.8 BILLION PROPOSED BY THE PRESIDENT WILL BE SPLIT ROUGHLY 70/30 FOR SUPPLY REDUCTION VERSUS DEMAND REDUCTION. WE MUST DO AT LEAST AS MUCH TO REDUCE DEMAND AS WE DO TO REDUCE SUPPLY IF WE ARE TO SUCCEED.

AS A MEMBER OF THE SENATE JUDICIARY COMMITTEE, I LOOK FORWARD TO DR. BENNETT'S TESTIMONY. I HOPE WE WILL HEAR ABOUT AN EVEN GREATER EFFORT TO FIGHT DRUG ABUSE IN THIS COUNTRY AND THAT ALL ASPECTS OF SOLVING THIS PROBLEM WILL BE ADEQUATELY FUNDED.

The CHAIRMAN. Thank you very much. Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman. Dr. Bennett, a major component of the strategy is to reinvigorate our criminal justice system through aggressive prosecution of drug offenders. You note that tough criminal sanctions will deter potential offenders. Please discuss whether you believe expanded use of the death penalty in appropriate cases will prove effective in our efforts to deter potential offenders?

Dr. BENNETT. Yes, Senator, I think it will. I believe it will, and that is why I support that penalty. But the key phrase there is "appropriate cases." Take for example the current situation, the headlines in today's paper. We are talking about extradition, an extradition treaty with Colombia. The Colombians and President Barco, I believe, will not agree to continued extradition if the death penalty is applied to people extradited under this treaty. Is that not correct, John?

Mr. WALTERS. Yes. The Colombians do not have death penalty provision. So the condition of extradition is that no penalty severer be applied to the individuals than they would be applied in Colombia. We have a treaty on this basis. The careful thing here is to make sure that we do not expect or present ourselves as willing to do something more harsh in the punishment of people extradited than would be in keeping with the treaty because the maximum penalty in Colombia is 30 years imprisonment.

Dr. BENNETT. We want that extradition process to continue. Could Judge Walton make a brief comment, Senator?

Mr. WALTON. There is always going to be a lot of debate regarding the appropriateness of the death penalty, but, you know, there are always people who say, well, why do you not get to the kingpins? Why do you not get to the top, and I can tell you as a former prosecutor that if you are not prepared as a society to do what the criminals are prepared to do, and that is to take a life, then it is going to be very difficult to get to the top.

Because if you get someone who is down on the totem pole, and that is usually the way you eventually work your way to the top, and you are not prepared to, at least, let them know that the potential death is there, then they make a very rational decision, and that is that I am not going to cooperate with the Government. So therefore, we think that it is appropriate in certain circumstances to have available in your arsenal the death penalty.

Senator THURMOND. Dr. Bennett, several fundamental themes underlie the national strategy including the notion that state and local governments should play a considerable role in the drug war. I share your view that States must assist the Federal Government in our national effort to win the war on drugs. Please discuss how you will encourage the States and local governments to do what you think should be done to fight the drug problem by holding users more accountable?

Dr. BENNETT. Yes, sir. I think it is a very, a very important point. And it is a somewhat different point than the money point. Let me start by talking about the money point. If we all came to agreement tomorrow that the amount of money needed in the nation to win the drug battle was \$50 billion, just to pick a number out of the hat. And we decided we were going to spend \$75 billion

just to be sure we paid for it all, but we spent it all at the Federal level, and said to the States you do not have to do anymore, we would lose the war on drugs, and we would lose it fast. The reason is it will be because of local action, State action, regional action, school board action, action on all those fronts I mentioned in my opening statement that will make a great deal of difference in this effort.

We have our responsibilities. States and locales have theirs. The user responsibility particularly is important, and again, I think this point has been missed by a lot of commentators already. It is not simply a matter of being punitive, though I do think justice is served by sanctions on the casual user. This is the best kind of hard-headed prevention, I think, that one can come up with. The reason is it is most often the casual user, the so-called casual user, who provides or gives drugs to someone else. It is the casual user who spreads this problem.

It is the casual user who is the carrier. And that casual user, that person who appears to have his life together, who has not bot-tomed out, and has not become a burned out case yet is the person who is contagious, particularly to the young person. If all young people saw when they saw evidence of drug use were people lying in the gutter, burnt out on crack, this would, in the end, constitute a pretty strong disincentive to take drugs.

But when they see people who appear to have their lives pretty well together, who have a nice family, house, car, job, and they're taking cocaine, it is an invitation and a provocation to those young people to do likewise. That is why we need to act there.

Senator THURMOND. Doctor, I have an appointment with the Sec-
retary of Energy. I have got to go now. I will be back, and I have
some more questions at that time. Thank you very much.

Dr. BENNETT. Thank you.

The CHAIRMAN. The Senator from Arizona, Senator DeConcini.

OPENING STATEMENT OF SENATOR DeCONCINI

Senator DeCONCINI. Mr. Chairman, thank you and thank you for
your leadership in holding these hearings at a most opportune
time. You have demonstrated leadership in this area for a long
period of time and I am pleased that Dr. Bennett has come forward
today with his frankness, as usual. Dr. Bennett, I think your plan
is a good beginning. We can talk about money and we will over the
next several months and maybe years. Any war costs money. I
think you would probably agree to that, and we are going to have
to spend a lot of money on this program.

The Senator from Utah says that just throwing money at this
epidemic is not going to do it. I agree. The Senator from Massachu-
setts says we have got to spend more. I agree. And I am sure you
have some restraints on how much you can convince the adminis-
tration to commit to this, and I realize that that is not really pri-
marily your responsibility under the national drug coordination
statute. You feel you are to present a strategy and a plan, and you
have done that. This problem to me is generational. It has taken us
a generation to get where we are. It has cost a lot of money and a
lot of detriment and hardship to people to get where they are in

this society of drugs, and it is going to take a generation and a lot of money and a lot of hardship and sacrifice to get out of it.

I am very pleased overall with your plan because I think you did what the Congress directed you to do by that legislation, and that was to make us an analysis, comprehensive analysis, and make comprehensive recommendations. I am disappointed quite frankly, Secretary Bennett, that you failed to designate any high intensity drug areas. Last April, I and seven of my colleagues representing the Southwest border, four States, provided your office with a detailed proposal on why we believe the Southwest border should be designated as well as perhaps other areas in the country.

The recent report on drug trafficking compiled by the Attorney General of this country, Mr. Thornburgh, backed up our proposal. I am sure you are aware of it. The report describes the Southwest border as a major transshipment and distribution point for illegal drugs. I hope our proposal will ultimately be supported by your office in addressing the Southwest border and the tremendous problem that we are facing there.

I do not say that it should be taken away from any other area of the country, but I think the Southwest border is recognized by law enforcement and I know by you, having visited there, that much has to be done. President Bush to me is sincere as any person can be about wanting to hit this problem head on, and he has made a proposal here, and I hope that you can use your influence, Mr. Secretary, with the President, even though it may not be your absolute job to convince him that some financial resources are going to be necessary over what the President and Mr. Darman have put forward so far, roughly \$716 million of reallocated funds from areas that the Congress has already elected not to reallocate. We are looking at offsets of \$716 million if we went along completely with the President's proposal, but yet the price tag here is \$2.2 billion, I believe.

We have a long way to go. I would like to address the section of your strategy that covers interdiction and specifically the Southwest border. I agree with the statement in the strategy that no country can afford to leave its borders unprotected, and that maintaining a border interdiction system demonstrates to foreign nations and trafficking organizations that we are committed to combatting the drug trade. As I detailed to you in the proposal some months ago, the Southwest border has become a major trafficking area.

When the first draft of your national strategy was made available this summer, five high-intensity drug areas were designated, including the Southwest border. Can you tell us why you decided against any designation at this time?

Dr. BENNETT. Yes, certainly not, Senator, for lack of sensitivity to or appreciation of the serious problem at the Southwest border. As you pointed out, I have been there, and I have seen it, and I have read the reports, and it is very serious problem there, as it is a very serious problem in many other parts of the United States.

I felt I needed more time on this one, Senator, to think of the right criteria and the right way to do it, and to be very frank, one of the reasons that I felt I needed more time is that the more cities and places I went to, the more reasonable candidates I found for a

designation. We will come forward in February with a designation of the areas. I think it makes more sense to do that in conjunction with the budget cycle and the presentation of the budget in February. So you can count on us doing that.

Senator DECONCINI. You are not hampered at all in designating a high-intensity area anytime you decide that should be the national policy; is that correct? That is my understanding.

Dr. BENNETT. That is right. I believe that is right.

Mr. WALTERS. Yes. There are consultation requirements.

Dr. BENNETT. Consultational requirements.

Senator DECONCINI. But he can come forward.

Dr. BENNETT. Yes, I can.

Senator DECONCINI. So you could do that in February or whenever you decide. You are telling the committee today that your intentions now are to make some designations by February; is that correct?

Dr. BENNETT. Strong intention to do it by February, yes, sir. And I would point out, and I know you may want to get into further discussion of the interdiction effort partly in response to what we saw at the Southwest border, I hope you noticed that we did recommend an increase for INS for the Border Patrol.

Senator DECONCINI. Indeed.

Dr. BENNETT. I visited with the Border Patrol, went up in the helicopter with them, watched things at the border one sundown evening and was very impressed with their commitment and their work.

Senator DECONCINI. Thank you. You took my next question or my next comment that, indeed, I compliment you for zeroing in on that particular need. In the area of money laundering which is a major problem, you have recommended a \$15 million increase to Customs for that purpose; \$20 million for Border Patrol, to address the areas between the port of entries; use of drug detection dogs, anti-vehicle barriers, container inspection, and enhanced use of readable machine documents. Those are positive things, Dr. Bennett, and I think you have done a good job analyzing the southwest border and coming forward with some strategy.

Another area that you mention, and quite frankly it is the first time that I have seen an administration confront the problem, is turf battles between Federal agencies. We all know that occurs. We all criticize it, and your policy and strategy lays it out that there is lack of interagency cooperation, that these are good people out on the front lines, they are committed, they are hardworking, they are risking their lives, but there is a problem here.

You make the point that these agencies and the dedicated individuals that work for them are proud, competitive and want to succeed. Under the current system of keeping track of who has seized the most drugs or arrested the most criminals, it is foolish to believe that turf battles are not going to continue to occur. You recommend a central coordinating body, chaired by yourself, that would establish a new approach to agencies and agent evaluation. I compliment you for that. Could you describe more specifically how you plan to implement this particular priority?

Mr. WALTERS. Well, on the supply side, there are actually two mechanisms that allow for coordination. One is, as you say, a group

of agency heads from supply reduction agencies that will allow us to go through both the implementation of this strategy, and then its ongoing management. You will note in the appendices to this strategy every agency is required to submit an implementation plan for clearance by our office.

That will be the beginning of the process of setting specific relationships and responsibilities in terms of implementing the strategy and authority. We also anticipate going through the subsequent development of strategies with an eye toward taking areas where there are overlaps of authority that frequently cause these turf battles that are referred to and trying to rationalize those either procedurally or on the basis of looking at the statutes.

Senator DECONCINI. So Mr. Walters, will this committee that the Secretary is going to chair, will this be Cabinet post members or will it be their under secretaries?

Mr. WALTERS. Actually, it is at the assistant secretary level or above, and actually our deputy for supply reduction will chair that committee just as on the demand side, Dr. Kleber would chair.

Senator DECONCINI. And would this committee come up with guidelines and directions for coordination and evaluation?

Mr. WALTERS. As necessary it will look at policies and management procedures. It will not say go arrest so-and-so over here.

Senator DECONCINI. I understand.

Mr. WALTERS. There is also—and I should say this—there is one other coordinating body which is through the National Security Council. We chair a policy coordinating committee.

Senator DECONCINI. You will also do this in the area of treatment and education programs as well?

Mr. WALTERS. Yes, there is a demand reduction parallel.

Senator DECONCINI. I think the point has been made so well that it is not just law enforcement turf battles and ineffectiveness—

Dr. BENNETT. Exactly right.

Senator DECONCINI. It is also treatment and education programs.

Dr. BENNETT. You bet.

Senator DECONCINI. We all understand that education is the ultimate answer to this serious crisis, and treatment has to happen, but there are a lot of poor treatment programs that have wasted a lot of money.

Dr. BENNETT. Yes, sir.

Senator DECONCINI. I am pleased that you are zeroing in on that. Thank you, Mr. Chairman.

Mr. CARNES. Senator, if I could add just one point. We are going to go one step further in this management issue, and we are going to go into the personnel evaluation systems of each of the agencies.

Senator DECONCINI. I understand, and you are going to—if I can, Mr. Chairman—you are going to evaluate partly on cooperation—

Mr. CARNES. Absolutely.

Senator DECONCINI. As well as arrest and productivity, et cetera, is that correct?

Mr. CARNES. Yes, sir.

Senator DECONCINI. That is what I read in your statement. Thank you, Mr. Chairman.

The CHAIRMAN. The Senator from Iowa, Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. I have a full statement I would like placed at the appropriate place in the record.

The CHAIRMAN. Without objection your entire statement will be placed in the record.

[The statement of Senator Grassley follows:]

STATEMENT OF SENATOR CHARLES E. GRASSLEY
"THE BATTLEGROUND OF VALUES"

ON THE SUBMISSION OF THE NATIONAL DRUG CONTROL POLICY STRATEGY
BY DR. WILLIAM BENNETT, DIRECTOR
OFFICE OF NATIONAL DRUG CONTROL POLICY

SENATE JUDICIARY COMMITTEE
SEPTEMBER 7, 1989

.....

MR. CHAIRMAN, THANK YOU FOR HOLDING THIS HEARING WHICH
WILL ALLOW OUR COMMITTEE THE OPPORTUNITY TO EXERCISE ITS
OVERSIGHT OF THE NEWLY RELEASED NATIONAL DRUG CONTROL STRATEGY.

AND DR. BENNETT, I WANT TO ADD MY THANKS TO YOU FOR BEING
SO GENEROUS WITH YOUR TIME AND ALLOWING OUR COMMITTEE TO BE
AMONG THE FIRST IN THE CONGRESS TO ADDRESS THE ADMINISTRATION'S
NEW INITIATIVES, WHICH WE ALL HOPE WILL LEAD TO THE FIRST TRULY
NATIONAL EFFORT TO GAIN THE UPPER HAND CONTROLLING DRUG
CONSUMPTION AND SUPPLY IN THE UNITED STATES.

THE NEWLY RELEASED NATIONAL DRUG CONTROL STRATEGY -- WHICH
INCLUDES A MECHANISM TO INSURE ITS OWN ACCOUNTABILITY -- IS AN
AFFIRMATION OF THE FEDERAL GOVERNMENT'S STRONG ROLE IN THE WAR
AGAINST DRUGS.

AS I HAVE STATED TIME AND TIME AGAIN, TODAY'S DISCUSSION
CENTERS AROUND VALUES AND THE CHILDREN OF TODAY, AND TOMORROW:

... WILL WE LEAVE THEM A SOCIETY THAT TOLERATES OR
PROMOTES DRUG USE, THUS CHEAPENING THE GIFT OF LIFE ?

... WILL WE LEAVE FOR THEM A NATION WHERE DRUG-RELATED
VIOLENCE IN THE STREETS AND THE SCHOOL-YARD THREATENS THEIR
ABILITY TO GROW AND LEARN -- INDEED, TO SURVIVE ?

THE EVIL RESIDUE OF DRUG ABUSE AND DRUG-RELATED CRIME HAS
BEEN WELL-DOCUMENTED:

- (1) INCREASED VIOLENCE;
- (2) LOW WORKER PRODUCTIVITY;
- (3) DECREASED MOTIVATION OF OUR YOUNG PEOPLE TO ACHIEVE
EDUCATIONAL EXCELLENCE;
- (4) UNSAFE PUBLIC TRANSPORTATION, BOTH ON THE GROUND AND
IN THE AIR;
- (5) IMPAIRED MILITARY PREPAREDNESS; AND
- (6) PUBLIC AND PRIVATE CORRUPTION.

IF OUR "WAR" ON DRUGS IS TO BE MORE THAN A SLOGAN, WE MUST RECALL AN ADMONITION FROM A FORMER PRESIDENT, AND GENERAL, DWIGHT D. EISENHOWER.

AS HE PUT IT:

"WHEN YOU APPEAL TO FORCE, THERE'S ONE THING YOU MUST NEVER DO -- LOSE."

OUR CHILDREN CAN'T AFFORD US TO LOSE THIS WAR.

THE COST TO THE NATION IN TERMS OF NARCOTICS-RELATED CRIME, HEALTH CARE, DRUG EDUCATION PROGRAMS, AND DRUG USERS' LOST PRODUCTIVITY, IS STAGGERING. ALTHOUGH NO TRULY ACCURATE FIGURE IS AVAILABLE, MOST WHO ARE KNOWLEDGEABLE ABOUT OUR DRUG PROBLEMS PLACE THE AMOUNT WELL INTO THE BILLIONS OF DOLLARS.

IN ADDITION TO THESE TANGIBLE COSTS, THE NATION BEARS AN INCALCULABLE BURDEN IN TERMS OF RUINED LIVES, BROKEN HOMES, AND DIVIDED COMMUNITIES.

AS MANY HAVE LONG RECOGNIZED, THOSE WHO ARE INVOLVED WITH DRUGS -- BOTH AS PURVEYORS AND CONSUMERS -- ARE AT WAR WITH OUR SOCIETY. HOWEVER, WE HAVE YET TO ADEQUATELY WAGE A SERIOUS CAMPAIGN AGAINST THEM TO SAVE OUR SOCIETY.

AND SO WE MUST ENGAGE ALL OF OUR AVAILABLE WEAPONS:

- * EDUCATION
- * INTERDICTION
- * PROSECUTION
- * REHABILITATION
- * AND TREATMENT.

HOWEVER, AS I STATED TO DR. BENNETT IN JUNE WHEN HE WAS SOLICITING THE VIEWS OF AMERICANS ABOUT THE KEY INGREDIENTS TO BE INCLUDED IN THE NATIONAL DRUG CONTROL STRATEGY, TO HAVE A CHANCE AT SUCCESS, ALONG WITH ENGAGING ALL OF OUR RESOURCES, I BELIEVE WE NEED TO ORIENT OUR ATTACK TOWARD THE DEMAND FOR DRUGS.

BECAUSE, WHILE INTERDICTION OF THE SUPPLY OF ILLEGAL DRUGS INTO THIS COUNTRY HAS BEEN MORE SUCCESSFUL THAN EVER, AND INNOVATIVE EDUCATION AND TREATMENT EFFORTS ARE INCREASING --- THEY HAVE NOT -- NOR CAN THEY -- SUFFICIENTLY REDUCE THE AVAILABILITY, USE, AND DEMAND FOR DRUGS NOW RAMPANT IN AMERICA.

OUR DRUG PROBLEM IS NOT A FOREIGN POLICY PROBLEM THAT IS INFILTRATING OUR BORDERS FROM SOME FAR OFF MOUNTAIN ENCLAVE CONTROLLED BY INTERNATIONAL THUGS.

OUR DRUG PROBLEM IS NOT BEST CHARACTERIZED AS A "PUBLIC HEALTH EMERGENCY" NOR IS IT AN "ADDICTION CRISIS". OUR DRUG PROBLEM CANNOT BE BLAMED ON THE CHEMICAL OR BIOLOGICAL EFFECTS OF DRUGS.

THESE EXCUSES JUST MASK THE REAL CULPRIT. WE HAVE MET THE PROBLEM, AND IT IS US.

OUR DRUG PROBLEM BEGINS IN OUR OWN STREETS -- FROM NEIGHBORHOODS WITHIN THE SHADOW OF THE CAPITOL DOME IN WASHINGTON, TO THE RURAL COMMUNITIES OF AMERICA'S HEARTLAND.

OUR DRUG PROBLEM MUST BE SOLVED AT THE DOOR-STEPS OF THE OVER 23 MILLION AMERICAN DRUG USERS -- EVEN THE SO-CALLED CASUAL USERS -- BY CURBING THEIR APPETITE FOR DRUGS.

REDUCE THE NUMBER OF CUSTOMERS FOR DRUGS, AND WE WILL REDUCE THE DRUG PROBLEM IN AMERICA.

GIVEN THE DECAY OF COMMUNITY INSTITUTIONS AND INDIVIDUAL VALUES OVER THE PAST QUARTER CENTURY, THE WAR ON DRUGS MUST BE FOUGHT AND WON ON THE BATTLEGROUND OF VALUES.

PUBLIC FUNDS ARE AN IMPORTANT INGREDIENT -- AND I APPLAUD THE PRESIDENT FOR MAKING DRUGS A PRIORITY IN BOTH HIS ORIGINAL FY'89 BUDGET AND NOW IN THE NATIONAL DRUG CONTROL STRATEGY.

HOWEVER, BY SIMPLY INCREASING FEDERAL GOVERNMENT SPENDING ON VARIOUS ANTI-DRUG ABUSE PROGRAMS, THERE IS LITTLE DOUBT THAT THE FEDERAL GOVERNMENT WILL FAIL TO WIN THE WAR.

WE MUST BEGIN AGAIN TO HOLD THE INDIVIDUAL CITIZEN RESPONSIBLE FOR THEIR ACTIONS -- WHETHER OR NOT THEY ARE A PART OF THE AFFLUENCE OF THE SUBURBS OR THE POVERTY OF THE INNER CITY.

DRUG USE AND ABUSE CAN NO LONGER BE TOLERATED AS A "HARMLESS" OR "VICTIMLESS" ACTIVITY.

THE FOUNDATION OF THE AMERICAN TRADITION IS THAT THE PEOPLE GOVERN THEMSELVES -- THEY DO NOT RELY ON SOME SO-CALLED EXPERT IN WASHINGTON OR IN A STATE CAPITAL.

WE MUST RE-INSTILL THIS TRADITION IN BOTH THE INDIVIDUAL AND THE LOCAL COMMUNITY.

BILL BENNETT HAS STATED THAT THE DRUG PROBLEM IN AMERICA IS "FEROCIOUS" AND "CLEARLY THE NATION'S NUMBER ONE DOMESTIC PRIORITY".

I DON'T BELIEVE THAT POLICY MAKERS AT ANY LEVEL NEED TO CONVINCING THE AMERICAN PEOPLE OF THIS. ACCORDING TO THE GALLUP POLLING ORGANIZATION, DRUGS TOP THE LIST OF THE MOST PRESSING PROBLEMS FACING THE COUNTRY - AN ALMOST UNPRECEDENTED POSITION FOR A SOCIAL ISSUE.

IN ADDITION, MORE THAN THREE-FOURTHS OF THOSE SURVEYED WANT TO SEE TOUGHER LAWS ENACTED AGAINST DRUG USERS, INCLUDING TESTING FOR DRUGS THOSE INDIVIDUALS WHO WORK IN JOBS THAT INVOLVE PROTECTING THE PUBLIC HEALTH, SAFETY, AND WELFARE.

PUTTING MORE POLICE ON THE STREETS,
MAKING JAIL TERMS -- INCLUDING SHOCK INCARCERATION OR BOOT CAMPS FOR SOME -- FOR DEALERS LONGER AND MORE LIKELY,
FORCING USERS INTO TREATMENT,
EDUCATING THE YOUNG AT THE VERY BEGINNING OF THEIR LIVES,
AND TESTING INDIVIDUALS ENGAGED IN CERTAIN OCCUPATIONS -
WITHIN CONSTITUTIONAL BOUNDS - FOR DRUG USE,

ARE THE TYPES OF INITIATIVES THAT CAN PROVIDE THE NEEDED IMPETUS TO FORCE THOSE INVOLVED WITH DRUGS TO FACE THE CONSEQUENCES OF THEIR ACTIONS.

SWIFT, SURE, AND EXACT PUNISHMENT FOR THOSE WHO DO NOT RESPECT THE RIGHTS OF OTHERS MUST NEVER GO OUT OF STYLE IN OUR ARSENAL OF WEAPONS AGAINST DRUGS.

BILL BENNETT HAS ALSO SAID THAT HE BELIEVES THAT THE "WAR" ON DRUGS IS NOT LOST BECAUSE WE HAVE NOT REALLY WAGED A TRUE WAR YET." HE UNDERSTANDS THAT FOR A LONG TIME, MAYBE THE COUNTRY UNDERESTIMATED THE SIGNIFICANCE OF THE DRUG PROBLEM OR HOW LARGE OR TOUGH THE PROBLEM HAS BECOME.

IN ANY EVENT, HE BELIEVES THAT PESSIMISM WILL GET US NOWHERE, AND ALTERNATIVES SUCH AS LEGALIZATION WILL ONLY GET US MORE PEOPLE TAKING DRUGS.

I THINK THE PROPOSED STRATEGY IS AN ACCURATE REFLECTION OF THE CONDITIONS FACED BY ALL RESPONSIBLE CITIZENS AS WE ATTEMPT TO TACKLE THE PROBLEM OF DRUGS IN AMERICA IN THE COMING DECADE.

MAYBE MOST IMPORTANTLY, I THINK, THE STRATEGY RECOGNIZES THAT OUR DRUG PROBLEM CANNOT BE SOLVED BY ONE LEVEL OF GOVERNMENT OR ONE SEGMENT OF OUR SOCIETY. IT'S GOING TO TAKE ALL OF US, WORKING TOGETHER.

I LOOK FORWARD TO WORKING WITH THE PRESIDENT, DR. BENNETT, AND MY COLLEAGUES AS WE TAKE OUR FIRST REAL STEPS IN A REAL WAR AGAINST DRUGS.

OPENING STATEMENT OF SENATOR GRASSLEY

Senator GRASSLEY. Dr. Bennett, like most of my colleagues, I spent last month listening to the people in my State. After meetings in 48 of Iowa's 99 counties I heard my constituents sound a clear warning about the nature and scope of the drug problem, both urban and rural.

The President's national strategy, the product of much coordinated thinking at the Federal, State, and local levels, and of course, with your skillful brand of leadership, Dr. Bennett, I believe is an appropriate place to start. I am proud that a number of my own suggestions have made their way into the national strategy. But frankly, this is not the time to count political scores or try to settle them.

So, I urge some of my colleagues to resist the temptation to preemptively condemn the new strategy, including the proposed amount of money to be spent on it.

Rather this is the time to keep our powder dry, to unite behind the plan, in a bipartisan way, and work together.

We hear a lot about bipartisanship, but as always, the politician's deeds are more important than mere words. One thing is certain: only if we agree to work together do we even have a chance at solving the problem.

With that, I welcome you back, Secretary Bennett, before the committee. I'd like to start my questions by getting at the philosophy behind the strategy. You have stated that our first priority at home must be this: we must take back our streets from the drug traffickers. Security for law-abiding citizens is the first requirement for any civilized society."

I agree.

Tell us how the new national drug control strategy is going to fulfill this priority that you have set?

Dr. BENNETT. Thank you, Senator. As you see in the strategy, we begin by talking about law enforcement, and I take it from comments this morning, it is a concern shared by every member of this committee. Apart from the fact, the very important fundamental fact that you remind of, the spirit of Federalist Paper No. 2, the first responsibility of government is the security of its citizens. Quite apart from that, irreducible and irrefutable principle, it is simply the case that if you look at the drug problem as a whole, not much good is likely to happen unless you have some measure of security.

It is not likely to be the case that educational efforts or prevention efforts or counseling or treatment or recovery efforts are going to have much impact on a community if it is crime-ridden, if it is terror ridden, if there are drive-by shootings, if the streets of the town or city are controlled by drug criminals. It is not only an important condition itself then. It is a necessary condition for other things to take place.

Senator GRASSLEY. Now, I think you have accurately stated that part of the answer to the use of illegal drugs comes down to the values that we have as a people. Now we have around 14 million Americans who use drugs. That leaves 226 million or so who do not. Some of these people may be deterred by the criminal justice

system. But, I suspect that many more simply do not use drugs because they know right from wrong, and that it is wrong to use drugs.

Secretary Bennett, you and I know that there are rights and wrongs in the world, and that our children must know that drugs are wrong.

To what extent will the victory over drugs, if we are to win, be found in America's families?

Dr. BENNETT. It will be very important. The real news story, of course, about all this, I think, is not the strategy, not the debate about finances. The real news story—but no newspaper or magazine I know would run the headline—is this: Americans have decided that drug use is wrong. That is the most important thing that has happened in the last 10 years. Without that, nothing else happens, nothing else that we are proposing, whether it be in treatment or law enforcement or education can work.

In 1979 most Americans thought drug use was wrong, but they did not think it hard enough. They did not will it enough. And perhaps were not as clear about it and did not act as resolutely as they should. And there were too many people who were not sure whether drug use was wrong, and everything depends on this. When I say everything depends on this, I mean the strategy and I mean the success and I mean the war. If we were to go through another cultural sea-change like we did in the late 1960's, the war is over and the war is lost. If somebody decides that America should become Woodstock nation again, forget it. Everything that we are proposing will have little effect.

That is the importance of values, the word that you are talking about. Societies, free societies have to be able to answer one question, a lot of questions, but at least one question, and that is why not? Why not do something? And the answer to the question why not do drugs, this society has now answered. And it has said the doing of drugs destroys human character. It makes people bad neighbors and bad friends and bad parents and bad workers. And it leads us to all sorts of other problems, I suppose most palpably and most movingly the kind of thing the President saw in the hospital yesterday.

So—I am sorry to be long winded—what are the major generators and sustainers of our values in this country? The first and most important institution is the family. If every family were to teach its children both by precept and by example about the dangers of drugs, we would not have anything like what we have in our hands right now. That transaction between parent and children is the most effective thing we can do by way of prevention and education. It is also absolutely free.

Senator GRASSLEY. Secretary Bennett, you put great emphasis in using resources within the community. The new strategy is the first such comprehensive, national strategy we have had. As you know, in the past, we have had drug interdiction strategies; we have had drug investigation strategies; and we have had drug intelligence strategies.

I would like to have you explain how the new drug control strategy reflects your philosophy of the use of resources within the community?

Dr. BENNETT. Yes. Well, I think what the strategy suggests is that we employ and deploy our resources in a way to change the ultimate and final object. And the ultimate and final object is a reduction in drug use. That is very important, and that makes for important operational differences. It is important to capture kingpins. It is important to make seizures of cocaine. It is important to make arrests and prosecutions, but these are all means to the larger end in this strategy, and that larger end is the reduction of drug use. So any strategy and any deployment of funds, we put to the following test: will this by itself or in conjunction with other things lead us to a reduction in drug use.

Senator GRASSLEY. Secretary Bennett, I want to keep drugs out of Federal prisons. If we cannot keep drugs out of Federal prisons, we probably, as closely controlled as they are, cannot keep drugs out of anyplace else in society. You and I have talked about that before.

I would like to have you explain how the strategy will attack the drug problem in our prisons and where does controlling drugs in our prisons fit into your strategy?

Dr. BENNETT. I think Judge Walton who probably has more experience with prisons than any of us, not that he has been in one, but he has sent a lot of people to prison—that is the only way I can say it—maybe would respond to this.

Mr. WALTON. That is a major problem. In fact, Senator Biden and myself were on the Nightline show on Tuesday night, and Senator Biden asked one of the inmates a question regarding the availability of drugs in the Lorton facility. And the inmate candidly admitted that drugs are readily available, and that is a serious problem. I mean we should not be permitting individuals who are in an incarcerated state to have access to prisons. And we—

Senator GRASSLEY. If you cannot keep them out of prisons, how are you going to keep them from society generally?

Mr. WALTON. Well, we feel that individuals who take drugs into prison, whether they be guards, whether they be visitors, that they should be punished. And one of the things that we recommend is additional funding for prison personnel. And we think it is important that individuals when they come into prisons be searched. And one of the things that we are looking at is the potential of future recommendations regarding enhanced penalties regarding taking drugs into penal institutions.

Mr. CARNES. Senator, we are adding a drug testing requirement in the Federal criminal justice system in addition that would require the testing of arrestees, parolees, and those seeking to go out on bail.

Dr. KLEBER. And also I would like to add to that that there was a study done some years ago where they did an unexpected urine test in prisons and found over 40 percent marijuana use. They then instituted drug testing, told the inmates it was coming, and the marijuana use dropped to below 5 percent. So I think that if prisons can institute some of that testing with, you know, the stick being loss of good time or whatever, that we would find that the drug use in the prisons would sharply drop.

The CHAIRMAN. Mr. Carnes, you are requiring that of State prisons also in order for them to qualify to get any money under the Federal rule; right?

Mr. CARNES. What we are requiring is that States in order to get that Federal money have a plan to use drug testing at some place in the criminal justice system. The States are going to have a lot of latitude to decide where to implement it, how broadly to implement it, whether in a jurisdiction or statewide for certain groups of prisoners, or whether it would be just for certain kinds of decisions that would be made.

Our intention is that we are going to up in funding in this area over a period of years so that it can be expanded. The point is to increase the risk of drug use. You cannot get everybody, but you can sure increase the risk.

The CHAIRMAN. Well, I agree with you completely. We all recommended that. We agree with you, and if you just test them once a year in the system, and you do what the recommendation says, test arrestees, prisoners, parolees, and those out on bail, which you recommend and say is a condition of getting money, that costs a quarter of a million dollars for the States.

Mr. CARNES. It could if you were to do all of those people.

The CHAIRMAN. Yes, you got it. OK. And by the way, one other digression. You know what the fellow said to me in answer to that question on that Nightline show when—you know, this was in Lorton prison and Ted Koppel was in the midst of 39 or 40 prisoners in a special drug program. And there are 7 or 8 or 6,000 prisoners in Lorton. The Senator from Vermont would know that since he used to have jurisdiction over that—but thousands.

And I said how many folks out there in the yard but not in this program, other than you 39 people, are stoned or are on drugs, will be on drugs tomorrow? He said all of them. And the other guy said, no, about 70 percent. And this one guy stands up and says—he was one of the people speaking. He said you know my first 5-year stint in prison, he said I figured the only way to get through was to be stoned. So for 5 years everyday I was stoned. Remember that?

Now they may be bragging and it may not be true, but it seems like a lot. I yield to the Senator from Vermont who, as I said, used to have jurisdiction over the Lorton prison, I think.

Senator LEAHY. Thank you.

The CHAIRMAN. I may be mistaken.

OPENING STATEMENT OF SENATOR LEAHY

Senator LEAHY. I did, and I was so happy with the inexorable progress of the seniority system that I gave that up and went on to something else. Director Bennett, I was thinking as I was listening to the testimony and to your answer on one of those rare occasions when you actually got a chance to answer a question in here, because you have listened mostly to us, that I spent about a quarter of my adult life, almost a third of my adult life, as a law enforcement officer.

So I tend to have a visceral, favorable reaction to these programs to do more for law enforcement, and to give them more resources. But I have to tell you I was disappointed when I read the strategy

that 73 percent of the resources are allocated to control the supply of drugs, and only about 27 percent to reduce the demand. In the 1988 drug bill, which was strongly supported by both Republicans and Democrats, Congress said that we had to cut both supply and demand to win this drug war.

Now the past administration put an awful lot of money into reducing the supply, but they did not want to spend much money to reduce the demand. I am thinking one of its proudest achievements seemed to be to print "Just Say No" on supermarket bags. Now I do not know too many drug dealers, drug addicts, Colombian cartel leaders, anybody else, who would walk into the Gourmet Giant and see "Just Say No" on a supermarket bag and say, "Damn it, why did not I think of that? That is a great idea."

Dr. BENNETT. It is easy to make fun of that, Senator, but—

Senator LEAHY. But, no, I really, I mean it seriously. And it is not just—

Dr. BENNETT. Supposing it persuaded one kid not to say no. That would be a pretty good thing, would it not?

Senator LEAHY. If it persuaded one kid, sure. But the problem is, Dr. Bennett, and you know what I am driving at, more and more the emphasis was that somehow we would have voluntarism save the day, and the Federal Government did not take responsibility for programs. Even if that one kid who may have been an addict said, "Yes, I will go seek help," in most places where he would go to seek help, they would tell him, "Well, come back in 9 or 10 months and we will move you up on the waiting list so that you can get help." And if he can stay away for 9 or 10 months and come back, he did not need the help in the first place. That is the point.

Now you have said, and I believe it, that this should be a non-partisan thing, but I think your statement on the Today Show yesterday went a little bit beyond that. In effect, it said that you wanted a drug program and Democrats wanted a tax increase. Well, when you read your statement, you say from the Congress we need not only support for our ideas, but also a speedy reallocation of the Federal dollars necessary to implement this anti-drug program.

Well, Dr. Bennett, I think you will find again that every single Republican and every single Democrat on Capitol Hill wants to rid this country of this drug problem. I can say that as a Senator but more importantly as a parent and as a former law enforcement official. And if we ask where the money is and where it is coming from, it is probably because many of us have been concerned that in the past really the emphasis has been on "Just Say No" and on passing out pins, which once was done on inflation. You know the WIN, [Whip Inflation Now], and it would go away, and it instead increased. And I always worried that the only people who benefit from those slogans are the people who make the pins or print the bags.

But let us take a specific point. I am chairman of the Foreign Operations Committee. I am probably going to be the first person here in the Senate who actually is going to do something on funding this, because in a few days I have to put together a foreign

aid bill that is going to fund a large part of this drug program you have laid out.

Now it looks like what you are trying to do is to propose to shift about \$125 million from DOD to the State Department's International Narcotics Program. Is that correct?

Mr. CARNES. That is correct.

Senator LEAHY. That is correct.

Mr. CARNES. To be spent, to be spent by State.

Senator LEAHY. Yes. Well, the reason I ask that, a little while ago, and as I say, I am the first member of the Senate who is actually going to have to put some money in for this program, I asked the head of the State Department Counter-Narcotics Program what he would do if he got twice the money the administration had requested, which is basically what you are doing now. And let me give his response.

Dr. BENNETT. Who is this, Senator?

Senator LEAHY. He is the head of the State Department Counter-Narcotics Program.

Dr. BENNETT. Levitsky?

Senator LEAHY. I will give you the exact—

Dr. BENNETT. Is that Mel Levitsky?

Senator LEAHY [continuing]. Response on this. His response was this:

Unless the Congress is prepared to fund sufficient levels of economic assistance to backfill the loss of foreign exchange occasioned by increased eradication interdiction initiatives, I seriously doubt that we could effectively outlay much more than has been appropriated by Congress.

Now you are asking for twice that. Before I accept that recommendation and put it in the bill, do you think the State Department has an ability even to use that? Are they the right agency or do they have an institutional bias against spending this kind of money?

Dr. BENNETT. OK. Mr. Walters has been chairing the sessions with Assistant Secretary Levitsky and others in the international arena. I will ask him to respond.

Senator LEAHY. It was a Mr. Hoobler who gave the answer. He was the acting head of State's Narcotics Bureau at the time. I realize Mr. Levitsky is now the head.

Dr. BENNETT. OK.

Senator LEAHY. But that is their answer.

Mr. WALTERS. Well, if Hoobler was acting head, it was an answer several months ago. But we have gone on and set up a specific plan and worked with the relevant agencies in the executive branch through the NSC. Our plan calls for providing law enforcement, military and intelligence system to the three Andean countries, allowing them to deploy more effectively with their own personnel against trafficking in specific areas, trying to stop the supply, trying to disrupt laboratories, trying to eliminate some of the production areas, and with specific measures of progress, allowing in subsequent fiscal years or sooner if they can deploy sooner, economic assistance to Peru and Bolivia to assist them with some redirection of economic resources from illicit trade in drugs to licit trade in other products. So yes, there is economic aid intended in the multiyear plan we are presenting.

Senator LEAHY. You see the reason I ask is that it is going to also require some stepping on toes and what not. I have a great deal of respect for our State Department, but they do not really strike me as the agency that is normally willing to do that. They are more one for accommodation. Is this the best agency to send it? I mean I am not concerned about reprogramming the money, you understand, Dr. Bennett. I am just concerned about whether State is the best place to do it in light of their past answer, and maybe we should ask them the same question again.

Dr. BENNETT. I think there is a difference, Senator. I think there is a shift in tone and emphasis at the State Department. Secretary Baker and I have met on several occasions. I spent about 5 hours with Mr. Eagleburger the other day talking about these issues, and I see a very clear sense of commitment to this issue, and it is the State Department of the United States. If we are talking about economic assistance to other countries it ought to be. Then we should not be in a position where we need to bypass such an important department. They need to be brought in, and they brought themselves in, and the President has been clear about their responsibility.

Senator LEAHY. Well, let me follow up that a little bit more because you mentioned the State Department, the President's involvement. The President also sent me up a budget amendment which he had asked if I would put in the bill sometime in the next few days to set aside the Brooke amendment. The Brooke amendment is, you know, the law that cuts off United States foreign aid to any country that is more than a year behind in its debt payment to the United States. He wants to set aside the Brooke amendment for drug-related assistance going to Colombia, Peru and Bolivia for any narcotics-related activities. Now that is a fairly substantial loophole, and when the White House consulted with me back here a couple weeks ago on the money for Colombia, when they came and consulted with me and the other appropriate chairmen of these committees, I was very specific, and I had no problem with that.

In fact, I publicly stated support of the President's move on that. But in this case, just what does "any narcotics-related activities" mean? For example, if the military said, "Look, we want a bunch of M-1 tanks." Do we just say OK? "We want some more fighter planes. We want some encrypted material. We want an NSA type listing post. We want AWACS." Do we say OK?

Mr. WALTERS. No, sir. We will begin consultations between our embassy personnel and these governments to discuss what we believe is appropriate assistance to fight, counter narcotics. It will be in conjunction with us. We will be making an assessment as to whether or not the equipment and training is appropriate to counter narcotics efforts.

Mr. LEAHY. I think before I am ready to waive that—you might want to pass this back to the administration—somebody might want to come up here and have a little chitchat with me because for years, every year somebody comes up and says let us waive the Brooke amendment for this, that or the other reason, usually finding a way to get aid into countries that are in default in debts to us. I mean we all stand up and say we want these debts paid back. We are going to be tough on foreign aid. And then the thing that

the press does not see and nobody else sees is that every year, every administration does this, not just this one, but every administration comes up and says "Cannot we just waive it on this one?" Before we waive that, I think somebody better come up and be a little bit specific.

I want to make sure it is on drug-related activities, and I will support it. I want you to understand, I will support you on that.

Dr. BENNETT. Fine. That is helpful.

Senator LEAHY. But I am not going to open up the floodgates and say "Here is all the rest of this stuff, kind of forget what you owe us."

Mr. WALTERS. We will be happy to meet with you.

Dr. BENNETT. I think that is fine, Senator. But let me be sure I understand you. You are not in principle opposed to such a waiver if it makes sense.

Senator LEAHY. No, of course not.

Dr. BENNETT. Because this would indicate that drugs do have a priority.

Senator LEAHY. Remember I was one of the four chairmen who gave strong support back here a couple weeks ago to the money that went down to Colombia and the reprogramming to do just that.

Dr. BENNETT. Very good.

Senator LEAHY. I just want to make sure that because of the past history——

Dr. BENNETT. I understand.

Senator LEAHY [continuing]. Of all administrations that say "Let us get around the Brooke amendment" that we do not use this as a way to get around it for other than drug-related activities.

Dr. BENNETT. Right.

Senator LEAHY. Thank you, Mr. Chairman.

[The statement of Senator Leahy follows:]

U.S. SENATOR PATRICK LEAHY

VERMONT

Statement of Senator Patrick Leahy
President's National Drug Control Strategy.
Senate Judiciary Committee -- September 7, 1989

Drug abuse is a plague attacking the foundations of our society. Families from Washington, DC to Los Angeles, California to Middlebury, Vermont are being torn apart. Parts of our cities literally have become war zones.

We in Congress are ready to work with the Administration to solve this national crisis. Director Bennett, I want to remind you that Congress passed comprehensive anti-drug legislation in 1986 and again in 1988. The Administration refused to put the money necessary behind those programs.

Now is the time for us to attack this problem together, with a bi-partisan approach. Your National Drug Control Strategy includes many good things: more resources for law enforcement, international drug control, and treatment and educational programs.

But you and the Administration must tell us how we will fund this new proposal. We still have a \$1.7 billion shortfall in funding for the 1986 and 1988 Drug Bills, the legislation on which the Drug Strategy is based. To win the war against drugs, all Americans -- starting with President Bush -- must be willing to sacrifice. I think the American people are prepared to pay the price to rid us of this scourge. Is the Administration?

Director Bennett, I am also disappointed that the strategy allocates 73% of resources to control the supply of drugs and only 27% to reduce demand. In the 1988 Drug Bill, Congress recognized that we must cut both supply and demand in order to win this war. The Administration cannot continue, as the Reagan Administration did for eight years, to pour money into reducing the supply without spending equal amounts to reduce the demand for illegal drugs.

The Administration needs to bring a bold, creative approach to the national drug crisis: sweeping programs and adequate funding.

I look forward to discussing with you today questions of funding for this strategy and aspects of the international drug control programs proposed.

Dr. BENNETT. Yes, sir.

The CHAIRMAN. Thank you very much. The Senator from Pennsylvania, Senator SPECTER.

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. Thank you, Mr. Chairman. At the outset, Director Bennett, I compliment you and your colleagues and the President on the report which has been submitted. I think this is an important step. There is significant additional funding, and I would say at the outset that I would hope people would keep the drug problem in perspective. It has been with us for a very long time and it has been very difficult. There have been no easy answers to it, and the skepticism which has been voiced by some, I think is really untoward.

I recall as an assistant district attorney back in 1959 prosecuting drug sellers on the streets of Philadelphia, and as district attorney in the midsixties, the problems of LSD and heroin. I also recall the efforts in the late sixties when the first rehabilitation programs came forward on Day Top Village out of New York, and we had Gaudenzia House in Pennsylvania, and the difficulties of finding an answer on rehabilitation and the problem of evaluating what would, in fact, work so that there are no secret cures.

And I believe it is going to be a long, tough battle, but I have been in the trenches for a long time, and I am personally optimistic that the war on drugs can be won. And I would be hopeful that Senator Biden's thought would be picked up, and that is that some of us would sit down with some of you in the executive branch and try to move forward on some of the details, for example, on the prison item. There are ways to build prisons in this country on a much less expensive basis. On the military units, for example, Director Quinlan of the Bureau of Prisons has outlined the possibility of having beds available at \$2,000 a bed, vastly under the \$33,000 a bed for minimum security.

And those prisons could accommodate a great many people. I do not believe that the President is in concrete on a 70-30 split, 70 percent for the supply side, and 30 percent for the demand side. It may be that we can find additional funds among our discretionary accounts that would add some funds to the demand side. And I am sure if we can do that, there would be an agreement on the executive side. But I would just hope that we could move along the specifics.

Now, Director Bennett, in my first round today, I want to turn to a subject which has not been broached, and that is the subject of a multi-national strike force which has come into sharp focus as a result of what has happened in Colombia in the course of the past few weeks. It is remarkable what has occurred in that country since August 18, which is just less than a month ago, where Colombia had been under seige for years. I had an opportunity to travel to Colombia, Bolivia and Peru last year and to talk to President Barco and others. And it was a state, I thought, of absolute chaos with virtually nothing being done.

Some things were being done; I think it is more accurate to say that very little was being done. But with the assassination of the

State senator who was a Presidential contender, Dr. Barco has responded with vigor and with determination, and I think the extradition of Martinez which was accomplished yesterday just in the late editions of the morning media is a very, very significant step. We have been moving in what is called extraterritorial jurisdiction in a number of lines.

It has come at the terrorist line, and now it comes in the drug line, and that is our ability to prosecute in Federal courts individuals who violate our laws although they never set foot in the United States. But we have the authority under international law and under our congressional statutes to hold them responsible for criminal conduct if the consequences occur in the United States or if U.S. citizens are involved as victims.

This is a subject which you and I have discussed before, both on and off the record; we have discussed the issue of international court as to terrorists, and of international court as to drug dealers. The 1988 legislation contained a recommendation urging the President to move on an international court for drug dealers, as 1986 legislation contained that international court concept for terrorists. And our 1988 drug bill asked that the President move through the Ambassador to OAS [the Organization of American States] to try to get a multinational strike force.

And I could understand that with all of the problems that you have had, there has not been much of a focus on that issue up to the present time. But I believe that the incident in Colombia brings it into sharp focus. The use of U.S. military force has been rejected, and I think properly so for many reasons. President Barco does not want U.S. military force. There is a problem of intrusion of sovereignty, and there is a real difficulty in having big uncle from the north come down and be the powerful person in Latin America.

But the idea of a multinational strike force has been advocated by some in the Latin American community, principally by Prime Minister Manley of Jamaica. And there are sound indicators that there are a number of countries which would be willing to join together on such a multinational force. There is a Reuter's dispatch this morning which contains a comment from a Soviet foreign minister official raising the question and concern about U.S. unilateral force, but raising an affirmative approach toward joint action. I am not saying the Soviets are about to enter into joint action or that they should be, but I think that is indicative of what Secretary of State Baker has testified about in his meetings with Mr. Shevardnadze about Soviet cooperation on drugs as Soviet cooperation on terrorism.

And with that overly lengthy introduction, Director Bennett, I would like to ask you for your views for the record. I already know what they are because you and I talked about this matter two weeks ago over the phone, but I think it is important to develop this concept. I have discussed it with Attorney General Thornburgh and Secretary of Defense Cheney, and General Scowcroft of National Security Council, and the President, and may others in the Executive Branch. And I would like for the record your views on the subject.

Dr. BENNETT. Well, we have been obviously very busy with the production of the strategy so I have not had a chance, Senator, to

have the conversations that I wanted to have, particularly with Dick Cheney and Brent Scowcroft about this topic specifically. But I know of your concern. They know of your concern. And as I said to you, I think it is something we can look at and should take a look at.

I think the situation in Colombia, events unfold now so quickly and so dramatically, we need to be ready with a range of options and possibilities. I think right now, as you know, and I think you would agree, given the situation in Colombia, what President Barco needs is the help, the kind of help that we are giving him, and take a step here in the direction you are talking about, help and assistance from other nations. That a step precedent to a multinational strike force, which is multi-national support and encouragement. The President, when the President and I were talking recently, he was telling me of the increasing interest of other countries in this problem. Their interest is increasing in part because they sympathize with Barco. Increasing in part because of their own increasing drug problem.

Western Europe, we know, is facing this in a very serious way. He talked about Mr. Mulroney and Margaret Thatcher and others, and indicated that they may soon be giving measures of support to Mr. Barco by way of encouragement and telling them things similar to what the President has told Barco that they are behind him.

Perhaps as well, it is not inappropriate to suggest that when the requests for assistance come, requests of the sort Senator Leahy was talking about earlier, they might come to more than one party, to more than the United States, since this is a common problem. On the multinational strike force itself, we will take a look at it. I promise you that. I did not know about the Soviet interest in participation. That is an interesting wrinkle.

Senator SPECTER. Well, I think that is a possibility. My yellow light is up so I want to ask one other question on this first round, and that is your views, combining your hat as director of the drug issue with your former position as Secretary of Education, on the merits, and possibilities of mandating by the Federal Government drug education in the schools. An interesting piece of legislation has been introduced in the Pennsylvania assembly, and it would certainly be preferable if each State mandated drug education, going down to the kindergarten level. However, we are about to have a mark-up tomorrow on the Subcommittee of Appropriations, Labor, Health, Human Services and Education, where I am the ranking Republican.

We are working on the concept to the extent we can without legislating it all in the appropriation or perhaps we can get a waiver on it, to put some requirement in as a condition to funds which States receive under the education chapters. They may generally require as a condition to receiving Federal funds that there be mandatory educational programs in each of the 50 States on drug education. And I would be interested in your views, realizing the sensitivity for mandates and the Federal system a division of authority, but it seems to me that given the seriousness of the problem now and our intense efforts that this might be a good time to do just that.

Dr. BENNETT. I think there is a bit of a difficulty. Let me state my own preference candidly, Senator. There is a bit of a difficulty in the mandating of a requirement of drug education because I do not think it means much or means enough—I should not say it means much—unless one also prescribes the kind of curriculum that should comprise drug education. And on that issue the Federal Government is proscribed from mandating curriculum. The problem—you asked me to put both hats for a minute. I was the Secretary of Education, and I saw drug education programs that I would give to a dog unless I wanted to arouse his interest in drugs.

Things have gotten a lot better on this front. Drug education programs are for the most part better and clearer and less ambivalent and ambiguous about drugs, but there is still a whole slew of them out there. As you will note in the strategy, we talk about the requirement of a drug education program and think that is essential. It should begin early on, too. Governor Dukakis and I, in fact, were talking about that last night, that early education is very effective.

But as well we are seeking some changes here which have not been, I think, well noticed or observed yet that will make as a condition of receiving any Federal funds that schools not only have policies but carry out these policies and have penalties for drug use. In my experience as Secretary of Education, the best situation was a sound, clearly based, unambiguous drug education program coupled with clear school policy about it.

This was the situation at, I think it is W.R. Thomas Middle School that I saw in Miami, right in the middle of cocaine alley. You probably cannot find many areas in the United States with more drugs moving in and out, back and forth than that particular situation. But everyone there in that community including the police, and they will tell you the truth always on these issues, said that that school is drug-free because of a good drug education program and good policies.

Senator SPECTER. Well, just one final statement in conclusion. While it may be true that we cannot under existing law mandate curricula, if the Congress decided to do so and if the President signed it, we could do it and we just might. Perhaps not tomorrow, but we could do it as a matter of our own legislative authority under public policy.

Dr. BENNETT. Would you move for algebra next and then the Federalist papers? I might go along with you.

Senator SPECTER. No, no. I would move for the Federalist papers before algebra.

The CHAIRMAN. As long as you are not using the Federal papers to wrap their cocaine in or their heroin in. Next our colleague from Alabama, Senator Howell Heflin.

Senator HEFLIN. Mr. Bennett, I want to commend you for your coordinated and comprehensive plan of attack which focuses certainly on the key national priorities of criminal justice, treatment, education, community action, the workplace, international initiatives, interdiction, research and intelligence. Have you had the cooperation in formulating your plan from agencies here? Are you satisfied with the cooperation—

Dr. BENNETT. Yes, sir.

Senator HEFLIN [continuing]. Of other agencies?

Dr. BENNETT. Yes, sir.

Senator HEFLIN. What would you say would be the single most important element of the drug plan that you have worked on?

Dr. BENNETT. Well, I do not know that I could pick out any piece. I do not want to be overly complimentary of the strategy but just way of analogy, by analogy I do not know what the most important instrument in the orchestra is, and this thing is supposed to play together and give us a good sound, give us a good effect.

I think probably the most important principle in the strategy which underlies everything else we lay out in the introduction which is the principle that drug use is wrong, and that the bottom line in the strategy, the end that we are pursuing is a reduction in drug use. That we are pursuing all sorts of other things too: the imprisonment of dealers, the restoration of order to streets, good education programs, but the ultimate end is a reduction in drug use.

If crime went down dramatically and if all kingpins were arrested and the cartel went out of business, but the same number of Americans or something approaching the same number of Americans were on drugs, the strategy would have failed.

Senator HEFLIN. What would you say should be given the first priority in your plan?

Dr. BENNETT. Well, it all depends where you are thinking, what context you are thinking about, and in some ways who you are thinking about. I noticed when I came up for breakfast with Members of the House about 3 or 4 weeks ago, without giving them any indication of where we were, I asked a group at breakfast where do you think the priorities should be. And three of the four people who spoke in the initial session said education. It should emphasize education. So that our children learn early on the dangers of drug use.

It would not have occurred to me at the stage in the writing of the plan, Senator, to have answered the same way. It may just have been the recent experience and the recent travel and study I had been doing, but at that point in time and I would, I guess, say it this morning, the first place to go, if you will, with the fire brigade to put out the fire is to certain of our areas, our neighborhoods, our communities which are under seige. And that, in its first blush, is not an educational problem so much as a law enforcement problem. That is to go to those parts of America with federal as appropriate, but most usually State and local people, to put out the fire where Americans are living under terror of the drug criminals.

Senator HEFLIN. What priority would you give to international initiatives particularly in regard to Colombia?

Dr. BENNETT. Well, I think international events and international affairs often are a function of circumstances and opportunities. I would have to say that I think in the last month if anyone asked, my guess is you would probably see a change, something of a change in opinion about such efforts.

From the very beginning, it was our intention and it was our position, which we argued and discussed in meetings of our various groups, that we should have a more ambitious strategy offshore, as we call it, in the Andean region, particularly in Colombia and Peru

and Bolivia. This was not a matter either in the groups in which we discussed it or to the public at large or to the press or to commentators with which everyone agreed at first blush.

I think in part due to the events, due to President Barco's action, due to the terrible assassination of the candidate there in Colombia that there has probably been some shift of opinion there. It is—sorry I am taking so long on this—it is important that we seize the opportunity now given what is going on in Colombia to be of as much assistance as we can, as much as Barco is asking for, and I think reflectively what is going on in Colombia explains why it is that we think an Andean strategy is very important right now.

Senator HEFLIN. You are a student of history. My mind goes back to 1968, I believe it was, when the Omnibus Crime Control and Safe Streets Act was passed. The Law Enforcement Assistance Administration was created, the LEA program. I think the program was an excellent program. I think it brought about the professionalization of the law enforcement at local and State levels in America. But many people criticized it, and it obviously went its way, and its demise was attended with great criticism.

I do not know whether there is any benefit to be gained from a study of the LEA program as it would relate to the plan that you have now, but have you looked at any of the LEA programs and seen some of the defects and defaults and have you attempted to try to avoid those at this stage?

Mr. CARNES. Senator Heflin, we are generally aware of the history, but not obviously in as much detail as you are at this stage. We do intend to review that better and see if there are ideas in there that we ought to be paying closer attention to. But we are, in general, aware that there have been efforts in this area that are interesting.

Senator HEFLIN. Mr. Bennett, I held hearings in my State on behalf of the Senate Judiciary Committee, and had law enforcement, education, all elements involved in this drug problem came and testified. We had law enforcement officers from the Coast Guard, the Customs, I believe FBI, the Drug Enforcement Agency, sheriffs, police chiefs, policemen in charge of drug problems, and policemen that were on the beat fighting the drug problem.

To the man, to my utter amazement, every one of those law enforcement officers, says that if we are going to win the war on drugs, it has to be won on the demand side, and that it has to be won in the schools. That was law enforcement, not the educators. I am a little disappointed in the plan in regard to education. I hope we can have more of an emphasis. You bring out the fact that you are proscribed from giving a curriculum, but there is nothing, as I know at this time—I might be corrected—that would prevent us from having aspirational or model guidelines and curriculum as it would apply to education.

Dr. BENNETT. Right.

Senator HEFLIN. And I would assume that if that can be developed that the State and local units of education can aspire to try to follow those. We found in our hearings that there were several good programs, and my State has adopted programs that are moving in that direction.

Mr. WALTERS. Senator, those exist now. The Department of Education began actually when Mr. Bennett was Secretary and put out a guide for school-based drug prevention education that included guidelines for curriculum. That has been followed by a long research project that produced, I think, last year a guide that listed specific curricula that could be implemented in the schools. We need to get more information about these kinds of programs out, but short of mandating, in terms of finding models and giving encouragement and talking about what works, that has been done by the Federal Government, the Department of Education both during and after Mr. Bennett's tenure. It is one of the things that we should make people more aware of.

Dr. BENNETT. Could I comment on your statements?

Senator HEFLIN. Sure.

Dr. BENNETT. Because I much appreciate them. I visited, just before I took this job, I visited your State. I went to Troy State University and gave a talk down there and took the opportunity while a private citizen to meet with some local law enforcement officials in Alabama and have met with others since. What you describe in the law enforcement community, I think, is quite characteristic and typical of what law enforcement people say, and I think they are right. I think they are accurate. In the end, in the end this problem will be won on the demand side.

The question is what do we do tomorrow? And there I think law enforcement people when I have pressed them on that would not deny that they are essential to this task. I think that police officers in this country with whom I have met want it to be understood that a society cannot ask them to do the whole job. It cannot refuse to divide the labor and say that it is a law enforcement problem and you must do the entire job. And I think that is what they are saying. And again, depending on who you are thinking about when you talk about where do we go first, the child who lives in terror in a crack house, who is going to be a victim or a mark for the local drug thugs, needs first to be rescued from that situation, I think while and before his education takes place.

I do not want, we do not want to put the burden, the entire responsibility on anybody, the cops or the Defense Department or the State Department. Everybody has to see their part they have to play. But I do think, as I have said a number of times, if you will not object to a little philosophy, you compliment me on being an historian. I am actually a philcsofizer, which means the facts are not as important as the principles. I try to compensate by paying attention to facts, too.

But I have been saying throughout the process that the restoration of the family, the church, and the school are the long-run solution to this problem. But what do we do tomorrow while we are waiting for these institutions to get better and improve. Sorry. I did not want to take your time.

[The statement of Senator Heflin follows:]

STATEMENT OF SENATOR HOWELL HEFLIN
SENATE JUDICIARY COMMITTEE
HEARING TO REVIEW THE
NATIONAL DRUG CONTROL STRATEGY

SEPTEMBER 7, 1989

MR CHAIRMAN:

TODAY THE SENATE JUDICIARY COMMITTEE WILL REVIEW THE NATIONAL DRUG CONTROL STRATEGY -- OUR FIRST NATIONAL STRATEGY, DEVELOPED BY OUR NATION'S FIRST DRUG POLICY DIRECTOR, WILLIAM J. BENNETT. ACCORDINGLY, WE HAVE TAKEN AN IMPORTANT AND VITAL STEP TOWARD FIGHTING THIS TERRIBLE PLAGUE ON OUR SOCIETY.

THE RECENT BLOODSHED IN COLOMBIA IS BUT ONE EXAMPLE OF THE UTTER DEVASTATION ATTRIBUTED TO DRUGS. AND EVEN THOUGH CRACK REMAINS OUR COUNTRY'S MOST PRESSING IMMEDIATE DRUG PROBLEM, WE HAVE LATELY LEARNED THAT NARCOTICS SUCH AS SMOKABLE HEROIN MAY BE THE NEXT HORRIBLE GENERATION OF POPULAR DRUGS. THEREFORE, TO SAY I WELCOME THIS DRUG CONTROL STRATEGY WOULD BE AN UNDERSTATEMENT.

I WOULD LIKE TO COMMEND THE ADMINISTRATION ON THIS COORDINATED AND COMPREHENSIVE PLAN OF ATTACK, WHICH FOCUSES ON THE FOLLOWING KEY NATIONAL PRIORITIES: CRIMINAL JUSTICE; TREATMENT; EDUCATION, COMMUNITY ACTION, AND THE WORKPLACE;

INTERNATIONAL INITIATIVES; INTERDICTION; RESEARCH; AND INTELLIGENCE.

THIS IS AN OVERALL GOOD PLAN, AND I BELIEVE THAT PRESIDENT BUSH MEANS BUSINESS. IN MY OPINION, HOWEVER, MORE EMPHASIS SHOULD BE PLACED ON EDUCATION. LAW ENFORCEMENT OFFICIALS FROM ALL ACROSS MY HOME STATE HAVE TOLD ME OVER AND OVER AGAIN THAT IF WE'RE GOING TO WIN THE WAR ON DRUGS, IT'S GOING TO HAVE TO BE WON AT HOME AND IN THE SCHOOLS.

IT IS OF PARAMOUNT IMPORTANCE THAT WE REDUCE THE DEMAND FOR DRUGS, AND EDUCATION IS THE BEST WAY TO ACHIEVE THAT GOAL. IN KEEPING WITH THIS SPIRIT, THE PRESIDENT WILL SOON TAKE HIS ANTI-DRUG MESSAGE TO THE CLASSROOMS OF AMERICA, IN A SPECIAL TELEVISION ADDRESS.

FURTHERMORE, WE MUST BE REALISTIC AND ACCEPT THE FACT THAT IT WILL TAKE A NUMBER OF YEARS TO EVENTUALLY DEFEAT THIS ENEMY. WE MUST THEREFORE ACT IMMEDIATELY TO RAISE THE NECESSARY FUNDS AND IMPLEMENT DR. BENNETT'S PLAN. NEVERTHELESS, THIS CANNOT OCCUR WITHOUT BROAD SUPPORT. IF THERE HAS EVER BEEN A TIME TO LOOK BEYOND PARTISAN POLITICS, IT IS NOW.

OVER AND OVER WE HAVE MADE A COMMITMENT THAT DRUGS WILL NO LONGER RULE OUR SOCIETY, CORRUPT OUR YOUTH, AND THREATEN OUR

EXISTENCE. THIS NATIONAL DRUG STRATEGY IS THE VEHICLE FOR THAT COMMITMENT TO FINALLY BECOME REALITY.

I PLEDGE MY SUPPORT TO THE IMPLEMENTATION OF THIS DRUG PLAN, AND I ANXIOUSLY AWAIT THE ADMINISTRATION'S INTRODUCTION OF ADDITIONAL STRATEGY EARLY NEXT YEAR.

The CHAIRMAN. I think they are also saying, Dr. Bennett, while you are giving us this help, you also have to be doing the other thing at the same time.

Dr. BENNETT. Yes, sir.

The CHAIRMAN. That one does not wait for the other.

Dr. BENNETT. Exactly right.

The CHAIRMAN. But let me yield to the Senator from New Hampshire, Senator Humphrey, and thank you for your patience, Senator, as usual.

Senator HUMPHREY. I do not have much choice.

The CHAIRMAN. That is why I am thanking you.

Senator HUMPHREY. Welcome, Mr. Director.

Dr. BENNETT. Thank you.

Senator HUMPHREY. I presume that you have come for among other purposes to ask our help. And so I am going to ask your help. We have something of an emergency before us here in the Senate. Let me preface my description of that emergency by referring to this National Drug Council Strategy Executive Summary, page six, under Roman Numeral III, Education, Community Action, and the Workplace. And under the heading of "Priorities," it says implementation of firm drug prevention programs and policies in schools, colleges and universities.

You spoke of a school somewhere in Florida that had implemented a program and a policy that was working very well. Such programs, policies, conditions of eligibility and so on. Are you aware, Mr. Director, that there is a bill on the floor right now called the ADA, the American—what does it stand for?

Senator SIMON. The Disabilities Act.

Senator HUMPHREY. The Disabilities Act that classifies drug addicts as disabled persons and provides them with all of the, will, if enacted, and it is going to be enacted, provide them with all of the benefits that are accorded and protections that are accorded to other persons who are legitimately, shall I say, legitimately handicapped? Are you aware of that?

Dr. BENNETT. Yes, sir.

Senator HUMPHREY. And the administration is supporting that?

Mr. WALTERS. No, sir.

Dr. BENNETT. Oh, no, we are not.

Senator HUMPHREY. The administration has endorsed this bill; has it not?

Mr. WALTERS. No, sir. There have been consultations between the various offices of the administration. We have been involved in those. We are not supporting the inclusion of substance dependent people dependent on illegal drugs under the category of disabled Americans.

Senator HUMPHREY. Then I was misinformed. I think I read that in the press somewhere that the administration was supporting the bill, and I am glad to hear that that information was incorrect. There is some kind of an agreement, some kind of agreement has been reached—it has not yet been made public—which tempers somewhat this horrible mistake that is about to be made, tempers somewhat. It does not erase the problem by any means. I want to go into a little greater detail.

But first of all, what would be the effect? I mean here we are. It is an incredible coincidence, is it not, that here you are and the President the other night unveiling this brand new, broadbased program, multifaceted program, to deal with the scourge of drug use on the one hand. On the other hand, in the Senate, we are prepared to give special, accord special protections to drug addicts. What will be the effect on what you are saying? This message you are delivering?

Senator SIMON. Would my colleague yield?

Senator HUMPHREY. No, because I only have 10 minutes, and I have been waiting 2 hours, and I am about to drop over from hunger because I did not have breakfast. Thank you but I will not yield. What will be the effect? I mean this is contradictory. Is the administration just going to stand by and let this crazy thing be enacted?

Dr. BENNETT. No. I do not know what Senator Simon would have said in the yield, and he will have the opportunity to say it, but I do think some compromise has been reached on this bill. Clearly, you do not want to send a message that suggests that if you take drugs and become addicted, you will then be subject to special protection by the law.

Senator HUMPHREY. Yes.

Dr. BENNETT. A second thing you do not want to say under—this is one way to interpret at least the situation originally although I think the situation there has been a compromise reached now, is that you might drive people to addiction if your interpretation is if you are taking drugs you are not protected. Only when you become addicted are you protected. The message there would be get addicted fast in order to be subject to protection of Federal law. We cannot have that. We cannot have that.

Senator HUMPHREY. Well, this agreement, if you will, as I understand it—it has not been made public yet—but it applies only to the employment sections of the bill. It would not apply to accommodations and educational institutions. For example, the school you cited or another like it could be subject to a lawsuit for expelling a student who is using illicit drugs; is that not correct?

Dr. BENNETT. Not in my understanding. We will take a look at it. If that is the situation, I promise you we will review it and make other recommendations.

Senator HUMPHREY. Mr. Walters, do you have late word on this?

Mr. WALTERS. Well, let me just say just for the record, the administration supports the overall bill which considers handicap legislation and protections beyond drug abuse.

Senator HUMPHREY. Well, is the administration supporting passage of this bill or not as it stands?

Mr. WALTERS. Well, not the provision, not a provision that would protect drug abusers as a protected class under handicap law.

Senator HUMPHREY. That is the way the bill stands.

Dr. BENNETT. Well, that is not what the administration is supporting.

Mr. WALTERS. There have been negotiations over the last couple of days. Last night there was a meeting, I believe, with Senator Kennedy's staff and other staff members up here and part of the administration. I believe we have a compromise that takes out the

offending language that is now in part of the bill. It is my understanding as of last night.

Senator HUMPHREY. Am I correct in my understanding that deals only with the employment sections of the bill and not all of the employment sections?

Mr. WALTERS. There are still discussions going on about the section 504 covering schools as of last night. I am not sure where those are. But yes, you are right. The agreement I am referring to from last night covers employment so that drug addicted individuals are not protected in the workplace by the provisions of the bill.

Senator HUMPHREY. So the provisions that accord drug addicts handicapped status with respect to educational institutions remains unchanged as of now?

Mr. WALTERS. Well, I have been here all morning. My understanding there would be discussions about the section 504 provisions that affect schools.

Dr. BENNETT. It would be our view, Senator, that that should change as well.

Senator HUMPHREY. Yes, to say the least. I am very much interested in the institution of adoption. I am an adoptive father, two adopted children, beautiful children. And it is my understanding that under this bill drug addicts would be protected if they sought to adopt children? How do you like that? I mean this is all I—

Dr. BENNETT. I do not like that at all. But I do not know that the bill provides for that.

Senator HUMPHREY. Well, that is the case.

Dr. BENNETT. Can we get back to you soon on this?

Senator HUMPHREY. The administration has been all but invisible, in fact cowardly. This bill should not be on the floor in the condition in which it was reported out by the Committee on Labor and Human Resources.

Dr. BENNETT. It has been a matter of fairly intense discussion inside the administration.

Senator HUMPHREY. Well, the administration has been utterly run over. I mean here it is on the floor. It is going fullsteam, a 100 miles-an-hour, very few Senators are going to be willing to stand up against this thing. It has got some horrible provisions, so bad that even the New York Times had editorialized against some aspects of this bill. Please help us.

Dr. BENNETT. OK.

Senator HUMPHREY. I started off by saying I am going to ask for your help. Help us. There is not much time left.

Dr. BENNETT. All right.

Senator HUMPHREY. I mean we are standing up against a steamroller, and without the help of the administration, which has been all but absent in any meaningful sense, we are going to get flattened, and your drug program is off to bad start right out of the gate.

Mr. WALTERS. I think we have made some progress. I would not deny there are probably are a few things we have go to get by.

Senator HUMPHREY. Yeah, a few big ones, huge ones. So I hope you guys will get cracking. Mr. Director, this drug scourge is a tough, tough problem. I am glad I am not in your shoes. I wish you

well, and I think your proposal is on the whole a good one. But you know I think about the use of tobacco in this country. We have had a steep decline in the use of tobacco without sending helicopters to the tobacco producing States, without sending foreign aid to the tobacco producing States, without interdicting even one carton of cigarettes. We had had a huge decline, as I understand it, in the consumption of cigarettes. And that is through the changing of public attitudes.

I wonder if there is enough emphasis in this package on changing attitudes. I am all for upholding the law and incarcerating people who are convicted. I think that is necessary to maintain respect for the law. But what about when they get out? And they get thrown back into that same pit, social pit. And what have we done to change attitudes? It seems to me that is the key really. You said it yourself about the institutions of family and church and school and neighborhood. Really I think that is the ultimate solution. It takes a long time to do that. It took a long time with cigarettes. It is going to take a long time with drugs.

But I wonder if we are doing enough in that area?

Dr. BENNETT. We are doing a lot. We can do more, but we are doing a lot, and there has been a dramatic shift in public attitudes, and not just public attitudes, public behavior. The survey results that we talked about about a month ago show that the number of people using drugs on a once a month basis has declined, declined significantly, from something like 23 million to 14 million people. That is good, but there are still too many people using illegal drugs.

But there is a shift in behavior. In terms of attitude, I think that public intolerance of drug use is at its most intense period in recent history, and that is going to be one of the major, major factors in this war. When you get a poll such as the gallop poll which says when you ask the question should casual users of drugs be subject to sanctions, should they be finished, and 14 percent say no, and 86 percent say yes, you have got very strong public opinion.

The country has had it on this issue. It wants it to end.

Senator HUMPHREY. Permit me to interrupt you.

Dr. BENNETT. Sure.

Senator HUMPHREY. I beg your pardon. But sure, people want to see the users and the middleman and everyone else, the kingpins, thrown in jail, and they should be, and that is an important element of what we are doing. But playing up to public opinion is not going to win the battle. It feels good, and it placates public opinion for a little while, and that is the way we play the game most of the time around here. But are you confident that we are doing enough in the area of education, which—

Dr. BENNETT. No.

Senator HUMPHREY. I prefer—I mean that sounds so sterile—education. I prefer to say changing attitudes. That tells you what you are doing.

Dr. BENNETT. No, not enough, a lot, and we are doing a lot more than we did 5 years ago, and certainly a heck of a lot more than we did 10 years ago, and you had none of these advertisements, for example, and other things on. But we need to do more. You bet. More. I mean we have a chance to put this thing on the run now

because some of the trends are going our way so let us put the heat on. The steady application of pressure at the right points will get us where we want to go.

Mr. WALTON. Senator, I would just like to say that we are doing very well among a certain class in society. It is just like the cigarette situation. We have done well among certain people but we have not done well among other people, and I think that we have got to perfect the message that we give to some of our high risk youth. And we are going to be emphasizing that because we have got to reach that group also if we are going to have an overall effect on the problem.

Senator HUMPHREY. Thank you.

The CHAIRMAN. The Senator from Illinois. Senator Simon.

Senator SIMON. I thank you, Mr. Chairman, and if I may comment to my friend from New Hampshire. I think we are going to get something worked out or something has been worked out that will satisfy your concerns. Clearly that is not the intent of the disability act, and I am not suggesting you are going to vote for the bill even with those immediate concerns satisfied. But I think they will.

Senator HUMPHREY. Also tell me how much this bill is going to cost I might be more encouraged to vote for it, but nobody knows.

OPENING STATEMENT OF SENATOR SIMON

Senator SIMON. Well, I am not going to use my time right now for that. First, let me just underscore the importance of what everyone of you at that witness table is doing. Just one statistic, 1985, there were 130 babies reported born with drugs in their system in Chicago. Last year it was 2200, just staggering. I spent 1 day about 4 weeks ago, conducting a drug day. I spent an hour with two Chicago policemen going around with them, visited some addicts under treatment, talked to parents, met with the U.S. Attorney, met with some people who took me to one block in Chicago where I saw people exchanging money, and they told me those people were selling drugs. I am not sure I would recognize them if I saw them, but clearly we have just a massive problem.

And my colleague, Senator DeConcini, says you are off to a good beginning. I think that is true. I will indicate some things I think need to be done. I was one of two, Mr. Secretary, who voted against you on the floor of the Senate. I did it because as Secretary of Education, you asked for a cut of one-half in drug education, and that did not send the right signal to me. Nothing would please me more than to see that you are really getting the job done, and I think we may for the first time be at the point when we are going to start getting the job done.

This is the third war on drugs announced by a President of the United States in this decade or in the last 10 years. But the speech the President gave, and I assume, Dr. Bennett, you had something to do with having the President do that, I think that in and of itself was important. I am concerned by Senator Humphrey's comments about education. When I met with the U.S. Attorneys' drug task force, and Tony Valukas is U.S. attorney in the Chicago area.

He is doing a superb job. The No. 1 thing he said was we have to do more in education.

He has taken one of his attorneys on his task force and assigned that attorney to do nothing but work on education. He is on the law enforcement side. And when I look at the budget that you have put together in terms of percentage increases, the lowest percentage increase is on border control. The second lowest percentage increase is in education. And that, I think, has to be geared up more. The chairman in some television comments said we are reaching half the children in the Nation in drug education. I don't know what the precise percentage is, whether it is half or what. But clearly we are just going to have to do a much, much better job in that area.

The CHAIRMAN. That is a heck of a vote of confidence, is it not? You think you have problems. My committee says I said half, and he is not sure it is right. I do not know.

Senator SIMON. Well, whether it is 40 percent or 60 percent or 50 percent. I do not know how anyone can measure it precisely, but I think we have to do a much better job. And I think what you are recommending frankly needs more balance. I was pleased that Senator Specter was talking about doing more in this area.

A couple of very specific questions on the law enforcement side. President Bush stated in his speech that we ought to make bail laws tougher. One of the things that is happening now in this country is that people are convicted of drug trafficking, then post bond, and walk the streets while they are on appeal selling drugs. In the jurisdiction of Cook County—now this is the State jurisdiction—919 people found guilty of felonies posted bonds and never showed up again. And even among those who are showing up, the evidence, at least anecdotally, is that a lot of them are out selling drugs while they are on appeal.

I have a bill in that would say, and it obviously applies to the Federal jurisdiction only, once you are found convicted you stay in prison while you appeal. Do not deny anyone the right to appeal, but you stay in prison while you appeal. Any reaction to that idea?

Mr. WALTON. Well, I know in the District of Columbia where I practiced and tried cases as a judge that the vast majority, virtually everyone who was convicted, did remain in jail pending appeal. There may be extenuating circumstances that may justify a person being released if, for example, the judge was of the opinion that there was a substantial question of law regarding a issue, and therefore felt that it would be improper to have that person incarcerated pending the appeal. But it seems to me in most situations, in the vast majority, the overwhelming situations, I think you are correct. When people are convicted of offenses, they should be detained.

Senator SIMON. And if we were to change the Federal law in that regard, perhaps giving a judge the right to waive in unusual circumstances, then State jurisdictions might very well follow through, and you would not have 919 people walking off in Cook County.

Dr. BENNETT. Without doing, just a first impulse, first reaction, it seems to me sensible to provide, I think you do want to provide some room for extenuating circumstances, special circumstances,

but the norm, indeed you are right, and it seems to me a sensible provision to guard against the sort of thing you are talking about. Yes, sir.

Mr. WALTON. And I think it also undermines the integrity of the system when people in the community know that a person has been convicted of a crime and they are right back on the street selling drugs the next day. I think it is very important that people respect our system of law, and as long as we have a system where people are back selling drugs after they are convicted, we cannot expect that respect.

Senator SIMON. I thank you for that response. I understand that, in brief, you discussed the prison situation while I had to duck out to another meeting.

Dr. BENNETT. Yes.

Senator SIMON. But my understanding is that a drug test costs about \$7.04. Right now we do not require drug testing of Federal prisoners before they are paroled. Do you think we ought to be moving in that direction?

Dr. BENNETT. Yes, sir, as we talk about in regard to the Federal system and recommendations for the State system, we think there ought to be more testing. It is a valuable and worthwhile tool for this effort. And it introduces more accountability into the system. Reggie, you want to comment too?

Mr. WALTON. Yes. We think it is very important. The price does vary. It depends upon a lot of different factors as to how much it will cost to do the testing, but we think that testing is very important. Again, relating back to my experience on the bench, we have a pretrial testing program so when people would become the court after they were arrested, we would have available or not they had drugs in their system.

And I found as a judge that to be one of the most important factors that I could look at in deciding whether or not I was going to grant bail or not.

Senator SIMON. We also have an unusual situation in the crack epidemic in that it has penetrated some cities and not others. Chicago happens to be one of those areas where up to this point crack has not made the same kind of penetration that it has, for example, in Washington, DC. Do you have any feeling? Is there any way we can even try demonstration projects? What do we do to make sure that crack does not penetrate a city that already is overwhelmed with other drug problems and compound those drug problems with crack?

Dr. BENNETT. It is very hard to know, Senator. When I was in Chicago. I asked them why they did not think there was a crack problem, and the answer I got from local law enforcement officials, same as I got from DEA, is they said it thought it had something to do with the existing criminal structure that was effectively keeping out crack to keep a monopoly on other drugs.

We do not know enough about this to tell the truth. And we should know more. All of us should know more, but we know that although crack seems to be in most cities in America, there are different patterns in terms of the dominant drug from city to city. Somebody wrote an editorial the other day talking about Baltimore and Washington and suggesting that Washington had made its

problem worse by trying to practice vigorous law enforcement. The article totally disregarded very important facts such as the drug patterns in the two cities, that one had a more serious drug problem than the other, and the nature of the drug problem is different.

The first thing law enforcement will tell you is that if you are dealing with a heroin population, it is a different kind of problem to deal with than if you are dealing with a crack population. I am not answering your question squarely. All I would say is we need to learn more about this.

There are a whole lot of things we discovered in the writing of the strategy we do not know about patterns and traffic and why some cities have some kinds of problems and others, others.

Senator SIMON. I know my time is up, Mr. Chairman. I just want to add, nothing will please me more, Bill Bennett, than 3 years from now to be able to come you and say I cast a wrong vote on the floor of the Senate voting against you. I want you to do the greatest job that can be done. It is so vital for this country.

Dr. BENNETT. OK. Still not out of detention with you, uh? Still on parole, uh?

Senator SIMON. Still on parole.

The CHAIRMAN. Let me suggest just a couple of things. I am going to try to accomplish a couple of things in just a very few minutes because I know your time is limited. We said we would have you out of here by 12:30. Let me make a couple points. Number one, Mr. Carnes, you indicated that you might consider asking for increased penalties for drug use in prison when we were talking about drug use in prison?

Mr. CARNES. We indicated that we were going to propose testing in prison.

The CHAIRMAN. Oh, but not increased penalties? OK. I just want you to know we gave you that.

Mr. WALTON. I made reference to that.

The CHAIRMAN. OK. Well, someone did. We already gave it to you, Judge Walton. And we allowed you under the Federal system to keep someone in jail in a concurrent sentence for up to an additional 20 years for using drugs in prison. You now have that authority. It is the law. There is another thing I want to make sure of because it gets confused. None of you said it, but when we talked about the death penalty, we also—maybe not as wide as you want—but gave you the death penalty.

The death penalty does exist. The Congress already passed it. It is in the law. It does not need to be asked for at least as it relates to drug offenders. Anyone who is in a drug deal that kills someone gets the death penalty. Anyone who is in a drug deal and kills, or not in a drug deal but any related deal, kills a police officer, gets the death penalty. And anyone who has control of five or more people in a drug distribution ring can get the death penalty. So I just want to make it clear because the press never seems to get, we never, my colleagues, all of us, never seem to get that straight, that those two things exist.

Mr. WALTON. But Senator, what I made reference to were individuals who smuggle drugs into jail. That is what I was making reference to.

The CHAIRMAN. OK. The people who smuggle in. That is a good point. I am sorry. I thought you meant people using them in there, and it includes guards in the prisons as well. That is a valid point.

The second thing I want to say quickly is that it is somewhat of a basic approach, but I think it is important. What I am trying to do at this hearing and in future hearings will be to make sure we know what the strategy is we are asking for and how much that strategy would cost and who it will cost and how much. That is why it is important. In order for the strategy to work, for example, the report says that the strategy's goals are achievable only if there is full Federal, State and local implementation of the measures set forth in the report. And it goes on to state that States have to comply with some of the recommendations in order to receive any funding.

So again, I am not arguing with what the strategy is. I want to just make sure on the record we know what the strategy is. As I compile it—and we will come back to this because we do not have time, and I will sit with you privately on the next public meeting—as I compile it, the strategy requirements that we are asking the State to fulfill, either requiring or exhorting them to do, would cost somewhere in excess of \$5 billion. I am not saying they should not. I just want to make sure we know what we are talking about if you add them up. We will go back to that.

Let me get to the goals. The second point I want to make is that one of the things in the drug legislation when we wrote it was that there be specific goals set on what we are attempting to do. Here is the strategy; how much it is going to cost, and how much it is going to cost everybody in order for it to be able to achieve results is national strategy, and secondly, these are the goals that we have under the national strategy.

I am aware that one of you gentlemen said, it may have even been the director in response to the Senator from New Hampshire, Senator Humphrey, and pointed out accurately, that cocaine use was down, monthly use of illicit drugs was down in one category. And if you look at the chart on the left—this is the same one I think you used, Director, or very similar to it when you made your announcement—the one on the left, the first part.

Dr. BENNETT. Without those idiotic dotted lines which do not make any sense at all.

The CHAIRMAN. OK. Well, let us talk about those idiotic dotted lines.

Dr. BENNETT. Let us talk about it. Because by the logic of that, we do not have to do anything other than what we have been doing. And in 5 years there is no drug problem whatsoever. Now whoever did that, really did you a disservice.

The CHAIRMAN. Will you all calm down until I ask the question?

Dr. BENNETT. No, because this is the cameras. Get it up there, make the case. Look at how unbelievably stupid our strategy is because it has overly modest goals. It is not fair.

The CHAIRMAN. Why do you not get it out of your system and let me ask my question, OK.

Dr. BENNETT. OK. I am done.

The CHAIRMAN. All right. Now if you cover up the dotted lines, is it accurate that the bold red line reflects the reduction in monthly usage from 1985 to 1988? Is that accurate roughly?

Dr. BENNETT. Yes, yes.

The CHAIRMAN. OK. Dr. Kleber is suggesting it is accurate. Now, the question I have, and the reason why they are in dotted lines and not in a continued straight line, is: is there any reason to believe that if there was no change in strategy, that trend would continue as the bottom dotted line indicates?

Dr. BENNETT. No.

The CHAIRMAN. OK. Now without getting upset tell me why.

Dr. BENNETT. Why do we not just remove the chart then because it is a distortion?

The CHAIRMAN. I am not going to remove the chart. I point out the bottom line. I am asking you. It is a dotted line because we do not know. And my question to you is if you say no, it would not continue. Tell me why it would not continue on that pattern. I am not arguing with you. I just want to know why.

Dr. BENNETT. OK. I think Dr. Kleber would tell you—I will let him say it in his own words—that there is not any credible clinician or scholar of this in the country who thinks that this trend that we have seen over the last 3 years is going to continue like this.

The CHAIRMAN. Why?

Dr. BENNETT. My point being we have probably persuaded the people most easy to persuade to get off drugs, now comes the hard part.

The CHAIRMAN. OK. That is the answer. Now your goal. Cover up—take a blue pen and strike it through the offending bottom line, if you will. OK. Just put your pencil through it. All right. It is gone. All right.

Dr. BENNETT. I still see it.

The CHAIRMAN. Now you have answered line one.

Dr. BENNETT. I still see it.

The CHAIRMAN. Now line 2, the upper line, does that upper dotted line accurately reflect the goal that you set out in your strategy for a reduction between 1988 and 1991?

Dr. BENNETT. Yes, pretty close.

The CHAIRMAN. So that is accurate?

Dr. BENNETT. Yes.

The CHAIRMAN. All right. So the end result is, and, Doctor, or whoever you want, or you, Director, tell me how much of a reduction does that represent? A 10-percent further reduction?

Dr. BENNETT. Right.

The CHAIRMAN. Or a 20-percent further reduction?

Dr. BENNETT. Ten; right? Yes.

The CHAIRMAN. Ten percent further reduction. So we have dropped down 40 percent in the last 4 years, and we are going to be able to drop down another 10 because the goal is another 10 because we did the easy job the first 4 years. The harder cases are left. That is why it is a smaller reduction, percentage reduction; is that correct?

Mr. CARNES. That is two parts. That is part of the answer. The other part of the answer has to do with the time it takes to get a

Federal appropriation through, out the door, to the States, into the States, and they get it out.

The CHAIRMAN. Valid point. OK. So the rationale for 10 percent is it is going to be a harder job to do, and even though we are bringing more ammunition to do it, it is going to take awhile to get that ammunition in the field.

Mr. CARNES. If the States had that money for a year, the rate will go down at almost the same annual rate that it has gone down in the historical part.

The CHAIRMAN. I see. So if they had the money, if we could snap our fingers tomorrow—

Mr. CARNES. Right.

The CHAIRMAN [continuing]. And they had the money—

Mr. CARNES. Right.

The CHAIRMAN [continuing]. You would then be predicting the rate would follow the bottom dotted line?

Mr. CARNES. Maybe. I do not know. It is possible.

Dr. BENNETT. In between. In between. We do not know.

Dr. KLEBER. May I interject something?

The CHAIRMAN. Sure, please.

Dr. KLEBER. There was some mention earlier about the changes in smoking. What many people do not realize is we have seen the same thing happen. That is that people that we could persuade to stop, the people were readily able to stop have stopped smoking, and the changes in cigarette smoking have begun to level off, especially in the hard to reach groups.

The CHAIRMAN. I am not arguing with you.

Dr. KLEBER. And I think that is what we are seeing with drugs that those—

The CHAIRMAN. Thank you. That is very helpful.

Dr. KLEBER [continuing]. That can stop are stopping.

The CHAIRMAN. That is all I wanted to know. Now my second question is that those who use cocaine on a weekly basis in the same study that was referred to earlier—and you have made reference to it—has gone up from 1985 to 1988; is that correct?

Mr. CARNES. Yes, sir.

The CHAIRMAN. Now, for lack of a better phrase and correct me, please, if I am wrong, cocaine use by the most casual of users has gone down, and the harder core user—whatever phrase you want to use to describe that person who is a weekly cocaine user, that means that they use it at least once a week; right?

Mr. CARNES. Right.

The CHAIRMAN. Cocaine use by that person has gone up. Now it has gone up from 647,000 people using cocaine on a weekly basis in 1985 to 862,000 in 1988; correct? Now your goal for 1991 is to reduce the rate of increase and you will have succeeded, achieved your goal, if by 1991 we have only gone from 862,000 weekly users to 970,000; is that correct?

Mr. CARNES. The problem with that chart is that if it is going to be comparable with the first chart, it ought to have another bar in there that shows current trend. And that current trend, if the strategy is not enacted, is almost 1.2 million people that you do not show on there, although you do show it on the first chart.

The CHAIRMAN. OK. I said that. Let us write in 1.2 million.

Mr. CARNES. Way up off the top of that chart.

The CHAIRMAN. OK. Way up above the other one. OK.

Mr. CARNES. Yes.

The CHAIRMAN. Well, it would not be that way up. 970—put it at the top of the chart proportionally.

Mr. CARNES. Right.

The CHAIRMAN. That is what would happen if the same trend continued.

Mr. CARNES. Right.

The CHAIRMAN. Now you are making the assumption that more and more people are more likely to become hardcore users, why?

Mr. CARNES. Because we think that the crack epidemic which did not even show up really in the 1985 series is really hitting hard. It is exploding, and what we are trying to do within about the year time we have before we have to report again is to try to really make a big dent on the way it is exploding.

The CHAIRMAN. And the dent would be reflected in the number in 1991?

Mr. CARNES. It would be reflected in the rate of increase?

The CHAIRMAN. That is right. The rate of increase. So the rate of increase would decline?

Mr. CARNES. Yes, sir.

The CHAIRMAN. But the number of total users would increase?

Mr. CARNES. Right.

The CHAIRMAN. The reason I am saying this is not that I am criticizing that. That is probably a very reasonable goal. But I just want to make sure that I understand what you are suggesting is an achievable, realistic goal. So what we are telling the American people is that we can slow down the increase in the number of hardcore cocaine users. We can slow that increase down, but we are going to still end up with more hardcore cocaine users 2 years from now.

Dr. BENNETT. Two years from now. Could we just for the sake of fairness of appearances—

The CHAIRMAN. Sure.

Dr. BENNETT [continuing]. Ask your assistant here to put in the year 1998 where we see that the number is one-half or 431,000?

The CHAIRMAN. OK. I was just trying to get—

Dr. BENNETT. Just so we do not have a pictorial suggestion that the drug strategy is aimed at producing more people addicted to drugs.

The CHAIRMAN. Take down the pictures that offend the doctor so much. OK. Take them down. All right. Take them down. But now so that our goal here—and again I am not suggesting to you that I think that if you did other things, you can somehow turn that 862,000 hardcore users down to 500,000 hardcore users in a certain amount of time. Again, the purpose of this hearing is to first, find out what the strategy is, second, how much it will cost all sectors of society to implement it, and third, to find out what the goals are so that when we look at it a year from now, 2 years from now, we can determine what is working and what is not working. That is the whole purpose of the act.

OK. Now the last point that I would like to raise with you, if I can, is that my time is up. That is the last point. Excuse me. I am

now trespassing on the time of my colleagues. I yield to the Senator from South Carolina.

Senator THURMOND. Thank you very much. Mr. Chairman, I understood Dr. Bennett was probably told he could be out by 12 o'clock.

Dr. BENNETT. Thank you very much.

Senator THURMOND. Thank you.

The CHAIRMAN. OK. Senator Specter.

Senator SPECTER. Thank you very much, Mr. Chairman. Dr. Bennett, I think today's hearings have been very helpful, especially when you and your colleagues have been given a chance to speak, and to answer questions, and to articulate and define and expand upon the program. I have a few more questions which I believe are important and want to take just a few more minutes of your time. I will not take the full 10 minutes of the second round.

On the issue of the determination of certain areas as high intensity drug areas, I have written to you about a number of such areas in Pennsylvania, the most prominent of which is Philadelphia. I know that you have deferred a judgment on identifying those high intensity areas for additional Federal help. I thank you for your willingness to come to Philadelphia at an early date to look over the problems of that city which are typical to the problems of big cities. Where the drug issue is concerned, there are both Federal and State laws which are applicable.

The same individuals in many cases could be prosecuted under either Federal or State laws. We have enacted legislation, the armed career criminal bill, which targets people found in possession of firearms who have committed repeated offenses in the past, such as sale of drugs. We are moving them to the best extent we can to the Federal courts with increased funding for the Bureau of Alcohol, Tobacco and Firearms. When they are tried in the Federal courts, of course they go to a Federal prison. My preference is to see them tried in the Federal court where there are the individual judge calendars, so that you cannot shop around; there is the speedy trial rule, 90 days, and they move with speed through the system.

But I would urge that greater consideration be given to assisting the States and local government on items like prisons. If you take Pennsylvania, you take Philadelphia or you take Pittsburgh-Allegheny County, the detention centers are jammed. There are Federal court orders limiting any more inmates coming into the system, and the prisons are jammed.

So that to the extent that there is not assistance on detention and prison incarceration, the States cannot carry the load of the prosecutions. When you come to Philadelphia, I have made the request from staff, to have you sit down with the officials of the court system, the State court system, to try to give you a greater feel for the problems there, which carry right through from arrest, to detention, prosecution, and incarceration.

So that I would urge you to take a look at the prison issue in greater help to the States.

Dr. BENNETT. OK. Excuse me, Senator. My deputy just told me that the President is trying to reach me. I told him I could be reached after 12. Do you think you might excuse me?

The CHAIRMAN. You can be reached by the President any time he wants. Yes.

Senator SPECTER. Director Bennett, I now defer to the President.

Dr. BENNETT. Thank you.

The CHAIRMAN. But maybe your colleagues might answer the Senator's question, if that is possible?

Dr. BENNETT. Surely. Could I take 30 seconds on the last thing? I am all settled down now.

The CHAIRMAN. Sure. Do anything.

Dr. BENNETT. Look, my concern here is that we not get into what I call drug thinking, which is, you know, the quick fix. And I know you want to avoid that, too. And the American people have been overpromised a lot of times, and we want to avoid that. I think the goals that we have set are achievable, and if we achieve them, we are going to be in much better shape.

It is possible for things to get better faster, but that will have less to do, I think, with anything you or I decide to do and more with what people in America decide to do.

The CHAIRMAN. Make it clear, Director, I am not saying that the goals are not reasonable. I have not made a judgment about that. I just wanted to make sure I knew what the goals were and why the goal was set where it was, and it seems like you gave a reasonable answer.

Dr. BENNETT. OK. Thanks a lot. Thank you, Senator.

Dr. KLEBER. I would like to throw in one comment, if I could, on that. And that is we have to realize crack is very addictive. And there is still room for growth in that chart in three groups. One are the casual users of whom there are still many, many of them, to then go on and become the heavy users. So that we still have millions of casual users. They can go on and become the heavy users.

Two, as Senator Simon pointed out, there are major cities including Chicago where crack has not really yet arrived. And that is a major area for growth, and then we have youngsters coming of age. So I believe if we did not do anything, we would see perhaps an even steeper rise in the curve of heavy cocaine user because that is the nature of the drug and where we are in the epidemic.

The CHAIRMAN. Well, doctor, the experts like yourself with whom I have spoken, they accept the rationale that you offer—you meaning the department here—that the easiest ones are off. But they also point out that if now you educated those who are not on, since you got the easy ones off, the hardcore should not go up as rapidly as you project it might go up. Therefore, they suggest, the ones I have spoken to, that your goal of reducing monthly users is probably fairly reasonable. But your goal of reducing the rise in hardcore users is probably much less ambitious and realistic than it should be.

Mr. WALTERS. Senator, can I say one thing about that?

The CHAIRMAN. I am just asking the question.

Mr. WALTERS. I think if you check with some of the people at NIDA, though, that number of hardcore addicts is the most unreliable or difficult number to establish. Remember the NIDA survey does not even count heroin addicts because you cannot find them in the household survey.

The CHAIRMAN. That is right.

Mr. WALTERS. That is the hardest person to survey. You know, excuse me, sir, can I ask about your drug use as you are in the gutter. They do not fill out the survey.

The CHAIRMAN. I got it.

Mr. WALTERS. So that is probably the most potentially undercounted group. We are trying to take that into account. We are trying to improve our research technique.

The CHAIRMAN. That is why I think you all should be a little circumspect about advertising about how successful we have been thus far even in cocaine. The cocaine use one always worries me, too. You walk up and say, by the way, are you using cocaine now once a week or twice a week? And the guy says, yeah, I am not in prison. I am not in jail. I am just a guy walking down the street, and I am just one of your casual users. Sign me up for once a month.

So I mean obviously it has some relevance, but I just want to make sure that when this is finished and we vote on whatever we are going to vote on, the American people clearly understand (a) what we say we are going to do; (b) that we gave them the resources to do it; and (c) what our goals are. That is all. That is all I am looking for.

Dr. KLEBER. We need to know, though, in terms of the fairness to NIDA who carried out the survey, that the individual fills out the form without the interviewer in many cases seeing the result and then it gets mailed.

The CHAIRMAN. I understand.

Dr. KLEBER. So that is not asked directly how many times a week and everyone knows the answer to that.

The CHAIRMAN. I know you are all anxious to get back to my chart, but I would like you to get back to Senator Specter's question.

Senator SPECTER. Mr. Chairman, is that green light still on for me?

The CHAIRMAN. No, that green light—we are off. Go ahead.

Mr. WALTERS. If I can answer the question about prisons and support of the State and local prisons, and maybe some of my colleagues would like to add something. The best information we have, and I think this is the issue that Senator Biden touched on earlier, the best information we have about the prison system and about the deployment of resources is on the Federal prison system.

The information we have about State and local resources, shortfalls, is at best incomplete, not as adequate as it should be. Looking at—

Senator SPECTER. Mr. Walters, there is no problem in getting those statistics. The Department of Justice Bureau of Statistics has them all.

Mr. WALTERS. Well, except—

Senator SPECTER. There are 45 States of the 50 which are either under court order or in litigation. The entire prison systems of nine States are under Federal court order. There are about 30 States where some institutions are under court order. There are many, many detention centers. So you do not need to undertake any more

studies to know which courts are in deep trouble, and that the whole state systems have broken down.

Mr. WALTERS. I am still speaking precisely about the plan States have and appropriations ongoing to build prisons. There has been a significant expansion—we know that—in State commitments in this area, too. They recognize the problem. But the precise numbers—

Senator SPECTER. Michael Quinlin, the Director of Prisons, has all of that.

Mr. WALTERS. Well, we have worked with Mike. Is it not a precise science because obviously some of these things are in appropriations. Some of them are in planning. What we are trying to do is facilitate the expansion of the States.

Senator SPECTER. May I ask you what has been done, if anything specifically, on the use of military bases? That is a subject which has been a matter urged by the Congress for many years now. There are a lot of base closings.

Mr. WALTERS. There is a multiagency—

Senator SPECTER. And since you have talked to Mike Quinlin, you know, as I do, his statistic about \$2,000 a bed by using an existing military facility. They set them up at that cost in military facilities. Has anything specific been done to get military bases for use for prisons?

Mr. WALTERS. Yes, there is a commission charged with presenting a report next month that will survey all the available free military facilities to recommend their use both for drug treatment and incarceration. Congress has also placed in statute though a provision that these be provided for the homeless. So there is kind of a coordination problem here about what facilities are used for what, and we are trying to work out that consistent with the existing statutes.

Senator SPECTER. A commission has been commissioned. A commission is to submit a report? That is not too much progress. What is the time table when we can take existing military bases and turn them into prison beds to house criminals?

Mr. WALTERS. Well, the report on which facilities are available and recommendations on which facilities can be used for different activities will be available next month. I believe as soon as we can discharge, make a decision on the property and discharge it, we can start using them for one. I do not see any reason why we cannot use them for one thing or another.

Senator SPECTER. Why does it take so long? The Congress has already acted to close many military bases. We know which ones they are. We know where beds could be set up. Why is there a need to study that question further?

Mr. WALTERS. Well, there is some question about which facilities will have the appropriate configuration for various kinds of activities. Also, Congress has given a variety of purposes, as I said, for those facilities from housing the homeless to drug treatment to incarceration.

There are three possible purposes for every military facility, at least as you start out and we need to sort out which ones are best suited for use. Obviously, there will have to be consultation with some State and local officials as well as Federal.

Senator SPECTER. How long is it going to take to sort it out?

Mr. WALTERS. I think it will probably—I do not know. I cannot give you a precise date. I would guess that some can be done fairly quickly. Some will take a little longer period of time. We are anxious to move as quickly as I think the Congress is in using these facilities. I hope that some can be used in the next few months.

Senator SPECTER. Well, Mr. Walters, that is a very critical issue because career criminals commit 5 to 700 crimes a year. Every day they are on the street, the numbers are just astronomical. We made a computation that if we could turn some prison beds for \$70 million for 35,000 beds by advancing some of the funds to DOD, we would prevent several million crimes. We have discussed this issue of the prisons with Director Bennett when he was here earlier. And of course, there had to be time for his report.

But while the report was being made, it seemed to me that the use of military facilities for prisons could have been ongoing.

Mr. WALTERS. It has been.

Senator SPECTER. And it is not a satisfactory answer, as I am sure you appreciate, to talk about commission studies.

Mr. WALTERS. I did not mean to say a commission. It is a class of Federal Government since it is a committee representing every agency.

Senator SPECTER. If they were being used for the homeless, which they are not, that would be one thing, but they are not being used at all. I would ask you to supply an answer to the committee in writing as to the precise status for identifying military bases, and a specific time table when we would have those beds available. If you took the whole system today, aside from what is going on in Colombia right now in the streets of Bogota or in the cocaine fields, the prison issue is by far the most serious.

And for every bed that you set up and put a person in jail for 30 days, you are going to save 60 violent crimes. You are dealing in the millions of crimes, and those facilities have lain idle for much too long.

Mr. WALTERS. Are you willing to override the provision of these facilities to the homeless?

The CHAIRMAN. We just want your recommendation. There has to be a determination—

Senator SPECTER. Mr. Walters, I do not think it is appropriate for you to ask us if we are willing to override the provision of these facilities for the homeless. Do not ask us a question as to whether we are going to rule out care for the homeless.

Mr. WALTERS. I am not asking you to do that.

Senator SPECTER. Well, that is what you are asking us to do. The fact of the matter is that there are many, many facilities which are closed down, and they are not being used for anybody. They are not being used for prisoners, and they are not being used for the homeless. So you tell us what you would like to do with the facilities and what your time table is, and I think there are plenty of facilities to give a lot of room for immediate action on both the homeless and the prisoners if the executive branch would start to act.

Mr. WALTERS. Senator, I only raised it because I think as a matter of fairness to the people out in the country that do not understand the procedures in law, there is a process that requires de-

liberation, the possibility of communities and individuals to make recommendations and to appeal decisions about the use of these facilities.

When you have conflicting possible uses, there is a process that has to be used to resolve it, and I understand why it is frustrating but we are trying to follow the law in allocating these. I will be happy to supply an answer for the record, but the fact of the matter is the process is complex because there are multiple uses involved.

Senator SPECTER. Mr. Walters, I think that is bureaucratic doubletalk, straight from the shoulder. I think that is bureaucratic gobbledegook. We have authorized the use of military bases for prison space. We have authorized it for some other purposes as well. You are talking about appeals. You are talking about people who do not understand what goes on in the bureaucracy. I think they do. I think they understand, and my own sense of it is that we have not moved with the speed that we could move.

But you identify for us how many military bases there are and how many beds we have available.

Mr. WALTON. Senator, I think we fully appreciate the need to increase prison capacity because as I have traveled throughout the country, I am told everywhere I go that that is a major problem, and I think that a system that lacks the ability to punish the criminals does, in fact, breed contempt. So we are aware of that. One of the difficulties that we have, and I think the prime example is what happened recently in reference to Fort Meade. Just like local authorities have a difficulty putting a prison facility in a particular community, the same thing exists in reference to the Federal Government. As soon as you say the word "prison" or you say the word "drug rehabilitation center," people who live in that vicinity start to rise up against it.

Senator SPECTER. Judge Walton, there have already been——

The CHAIRMAN. Would the Senator yield?

Senator SPECTER. Just one last point, Joe. There have already been many Federal military bases used for prison facilities. Maxwell, Director Quinlin has a long list of military facilities which have been used. Now there may be problems somewhere but not everywhere. I believe—we all know of the prison shortage, but you men now have the responsibilities for executing it. And if you have got problems and something is unclear, you bring it back to this committee. We would like to know that. But do not wait for us to ask the questions. You come to us with your problems, and we will give you action. We can get these matters resolved very fast because of the attitude on Capitol Hill today.

The CHAIRMAN. If the Senator will yield?

Senator SPECTER. I do.

The CHAIRMAN. Gentlemen, there is no dispute with the local officials at Fort Meade in the Fort Meade area or any other area until there is a recommendation made as to what to do about it. And I think what the Senator is asking fundamentally is, of all the space out there, is there a piece of paper anywhere in the Federal Government that says, like the strategy about cocaine, or like the strategy on other elements of your strategy in your red book, is there any place there is a single piece of paper that says we know

these following, 2, 12, 17, 47, 99 Federal facilities have been closed. We recommend that facility A be used for this; facility B; facility C. Is there any piece of paper like that anywhere in the Federal Government?

Mr. CARNES. I think there is the list of facilities that are closed, Senator.

The CHAIRMAN. We know that. We gave you that list.

Mr. CARNES. Yes. I think what there is not, and—I think what there is not is the hookup. We will provide the hookup between this base is appropriate for this population, this one for this population.

The CHAIRMAN. The Congress cannot do that. I understand that. You were sent—not necessarily. I am not blaming it all on you. But just so we know what we are talking about so you know what we are asking you. Congress said we are closing these bases and we gave you a list. We said these are now closed. And then we said to you after we gave you the list, now you use these bases for the homeless, for prisons, for moon exploration, whatever was said. Now what your job is then to come back and say, OK. These various bases, base A, we should use for moon exploration. Base B we should use for a new kiddy-world. Base C, we should use for whatever it is. Because it is a red herring, Judge Walton, to say that the folks around Fort Meade and the local councilmen and local officials say do not do that, do not do that.

They do not even know what not to do in most of these bases. So they cannot even object. There is nothing to object to. So it is a red herring to say the reason why we have not moved is you know it is hard to get by local officials. Even local officials want to know what they are supposed to complain about. We just want to know what the piece of paper is. It would be useful to submit it to the committee. We thank you all. You have been very generous with your time, your information, and the spirit in which you have imparted it. The hearing is adjourned.

[Whereupon, at 12:30 p.m., the committee adjourned, subject to the call of the Chair.]

[Responses to written questions follow:]



OFFICE OF NATIONAL DRUG CONTROL POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
Washington, D.C. 20500

December 15, 1989

The Honorable Joseph Biden
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Biden:

Enclosed are Director Bennett's responses to the questions posed by Senator Simon at the September 7, 1989 hearing. If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Frances Norris".

Frances Norris
Director
Congressional Relations

QUESTIONS FROM SENATOR SIMON

Question. I believe that a portion of any new funds directed towards providing expanded treatment and anti-drug education be earmarked for community-based efforts assisting drop-outs, runaways, and homeless youth.

I have long been concerned with the serious problem of homeless youth, and authored the Homeless Youth Transitional Living Act which provides \$5 million in grants to the states to identify homeless youths and provide them with shelter for up to one year. During that year, anti-drug education should be an integral part of the young person's education and readjustment process.

Since school-based programs will not benefit this population, what do you think can be done to target these children so that they can take advantage of these important community-based programs?

Answer. We agree that drug education and prevention programs must place a high priority on those youth who are most at risk, whether disadvantaged, dropouts, or homeless. In the President's Strategy increased funds are requested for demonstration projects that support community-wide prevention efforts. Special emphasis will be put on projects that reach the most vulnerable young people.

Question. The National Drug Control Strategy states, "the Federal government will insist on tough, firm, fair policies on student drug use as a condition for receipt of any federal funds."

Exactly what policies does the Administration expect schools/local education agencies to administer and what specific benefits might be cut if schools/local education agencies do not meet these requirements?

Answer. We start from the premise that any educational institution, whether an elementary school or a distinguished research university, is undeserving of the taxpayers' support if it fails to be serious about illegal drugs. The Federal government will not specify exactly what policies and programs are needed in order to be eligible for Federal assistance. The law precludes us -- and rightly so, in my view -- from establishing a national curriculum at any educational institution. But we can, should, and will identify the areas in which policies and programs are needed, leaving it up to school boards, local education agencies, and individual schools, colleges, and universities to determine for themselves what is

most appropriate for their particular situation. We will monitor carefully the effectiveness of these policies and programs, and will determine whether additional steps may be necessary.

Question from Senator Simon:

A few weeks ago, I met with recovering drug addicts in a Chicago treatment facility. Those receiving treatment considered themselves fortunate to be doing so, while so many others are waiting months to receive the treatment, counseling and support so vital to end one's daily battle with addictive drugs.

Does the President's anti-drug strategy provide sufficient resources so that those who want to get drugs out of their systems and out of their lives won't be turned away?

Answer:

The National Drug Control Strategy seeks to expand the treatment system, but it also recognizes that the effectiveness of the treatment system must markedly improve. We need to improve the referral process, hold the system more accountable for results, and improve our treatment methods. Further, before significant expansion can occur, community resistance to new treatment sites must be overcome. In New York State, for example, half of the \$20 million in the state budget for treatment this year has gone unused for lack of treatment sites available. Communities around the country have resisted efforts to expand or create local treatment facilities. Funding for treatment must steadily increase as we overcome the challenges and limitations of our current system.

Question from Senator Simon:

The National Drug Strategy indicates a need for more research for outreach to pregnant drug-addicted women. In addition, the strategy mentions that the Federal government will encourage states to make outreach efforts and bring women into treatment.

How much money above the current funding level of \$5 million will be available for research and treatment of pregnant addicted women and their babies? And, could this include funding of a National Clearinghouse and Resource Center for the education/treatment of drug addicted women and their babies?

Answer:

It won't be certain how much funding will be available for research and treatment of pregnant addicts until the appropriations for FY '90 are finalized by Congress. Nonetheless, the tragedy of the pregnant addict is given high priority in the National Drug Control Strategy. Increased funding for outreach and treatment programs is being sought under ADAMHA, as well as additional funds for research in this area. We don't know enough about how to treat drug addiction of pregnant women. It is not yet clear whether we will need a separate National Clearinghouse, or whether the current one under NIDA can be expanded and improved to serve the needs of this and other areas.

Question from Senator Simon:

The President calls for the creation of a National Drug Prevention Corps to recruit, train and place volunteers in treatment centers, clinics, schools, hospitals, community and social service agencies.

Why is this not done through VISTA with an increase in VISTA appropriations specifically earmarked for training drug prevention volunteers?

Answer:

Although the National Drug Control Strategy does not call for the "creation of a National Drug Prevention Corps", per se, it does call for volunteers to help in the anti-drug effort. People all across the country are concerned about the drug problem in their own communities and want to do something to help. The private sector, through the President's Thousand Points of Light Initiative Foundation and other organizations, will provide substantial private dollars to organize, train and mobilize volunteers to help combat drugs in their own neighborhoods. The groundswell of interest and generosity is so great, future Federal funds may be necessary only for training purposes, while stipends will be paid through private and local resources.

QUESTION FROM SENATOR SIMON

Nothing is being done to train educators to both identify and teach children who are now being called the first generation "crack" babies. For the most part, these children are not mentally handicapped, yet they will most likely be handled as retarded by school systems.

Would the Federal government fund training for teachers and special education programs for schools enrolling high numbers of these children?

ANSWER

It is our understanding that the Department of Education, through the Office of Elementary and Secondary Education and the Office of Special Education Programs, already administers programs that target at risk children and infants for special services designed to address developmental delays. States may target "crack babies" as an at risk population and use these funds to provide services for them. It is our understanding that the Department of Education has not identified these programs as drug-related activities. Accordingly, this office is not in a position to comment on Federal funding priorities in this area.

QUESTION FROM SENATOR SIMON;

Q: We clearly are experiencing a shortage of prison space for drug and other offenders. I would like for you to explore the possibility of systematically deporting, instead of incarcerating, undocumented alien felons. There are felons in every sector of our society -- on the streets and in the boardrooms. For those convicted felons who are also here illegally, we have not sufficiently explored all of the available alternatives to incarceration.

Is there anything which prevents the Immigration Service from working with the state courts, where most drug criminals are, to participate in the penalty phase of criminal cases and take custody of convicted undocumented alien felons? Judge David Carter, the Superior Court sentencing judge in Orange County, California has proposed this idea but has told me he has received little interest from your office and from the Immigration Service. I intend to explore this idea with Gene McNary, the President's nominee for INS Commissioner. But I also want your assistance in coordination of the different departments. What are your views on this?

A: The National Drug Control Strategy speaks to the need for the effective expansion and reformation of the criminal justice system. Expansion in this context does not merely mean additional criminal justice resources. It means, additionally, "enlarging the system as a whole so that drug offenders can be dealt with swiftly, justly, and efficiently through every step of the judicial and correctional process."

With respect to foreign nationals who violate the nation's drug control laws, administrative and other sanctions -- including deportation -- provided for in the immigration laws need to be applied efficiently and effectively. In some cases, particularly those involving relatively low level couriers, possessors of illicit drugs, and the like, deportation without incarceration may be an appropriate sanction depending on the circumstances of the case.

However, and generally speaking, failure to incarcerate convicted felons would not be in conformity with the Strategy, nor adequately punish violators or provide sufficient deterrence to others who contemplate illicit activity. In fact, those who recruit foreign nationals to bring illegal drugs into the U.S. could, if deportation were the single sanction for alien drug offenders, promise the couriers that the worst thing that could happen to them if apprehended would be deportation. In felony cases, deportation should follow incarceration.

With respect to the program involving immigration agents in Judge Carter's court, this is part of the Immigration and Naturalization Service's Criminal Alien Apprehension Program, which is a priority initiative of INS. This program is an aspect of efforts of INS to improve its ability to respond to Federal, State, and local law

enforcement authorities concerning aliens arrested for, convicted of, or who are the subject of investigations related to controlled substance violations.

Sections 6151, 7343, 7347, and 7350 of the Anti-Drug Abuse Act of 1988 reflect Congressional interest in the INS program. The program is defined in three phases, with increasing deployment of automated systems the chief characteristic of its progression. Constraints on the program involve essentially resources for INS's Investigations Division, which is responsible for the initiative.

QUESTION FROM SENATOR SIMON:

The President's anti-drug strategy calls for increased emphasis on user accountability and increasing roles for state and local law enforcement. To me, this means that the number of drug-related arrests should rise dramatically.

Do the law enforcement officers fighting on the frontlines of our nation's "war on drugs", have adequate resources to conduct this intensified effort?

ANSWER: As you recall we are asking for the maximum allowable increases for state and local law enforcement agencies.

The resources needed by state and local law enforcement are critical to having an effective war against drugs. Of course some resources which effect state and local law enforcement are not under their control. We are talking here of prosecutors, courts, prisons, etc. Certain resources under the control of these agencies such as narcotics investigators, patrol officers, overtime funds, buy money, vehicles, computer, intelligence systems, laboratory and forensic facilities, etc., can often times not be put into the war due to insufficient monetary resources, people resources, equipment or other technical resources.

There are tens of thousands of police agencies across the country who are pooling resources and waging a war on a growing drug menace. There may be some jurisdictions who due to the size of their drug problem are adequately equipped. The sad truth is that the majority of agencies appear to be fighting the war on a resource compromise basis, i.e., they are probably lacking resources in at least one or more of the areas listed above.

The law enforcement officers are in need of all the assistance we can possibly give them. We must also assist them in rounding out our battle by also funding resources needed which are not under their control.

QUESTION FROM SENATOR SIMON:

Rural America is being confronted with a fast-moving tide of illegal drugs. For example, the amount of cocaine seized in Iowa during a one year period (1987-8) increased 100%. What can the federal government do to assure that small town sheriff's departments will not be overwhelmed by larger, better equipped, organized drug gangs?

ANSWER: Narcotics seizures everywhere are increasing. In those situations where a more rural area becomes the operating point for drug groups, the Federal government will, where feasible, lend all necessary assistance. This is not a terribly new phenomenon. Over the years drug gangs have set up manufacturing and distribution networks in more rural areas to escape a large bodied law enforcement presence.

The temporary task force has been employed wherein Federal agencies have deployed manpower resources on an as needed basis to assist state and local agencies to eradicate the problems as they occur. This tactic was employed very successfully, in the recent past in the Front Royal/Winchester, Virginia area.

The cooperation between the agencies involved lead to the identification of all major participants, their arrest and successful prosecution. There are many, many successes like this. The resource needs of all agencies, Federal, state and local are of great concern to this office. The ability to combat the drug problem from the law enforcement front is of extreme importance. This ability must be shared by all and they must be sufficiently equipped to react in our major cities and small or more rural areas when called upon.

QUESTION

MR. BENNETT, I WOULD FIRST LIKE TO COMPLIMENT YOU FOR YOUR EARLY STAND ON THE ASSAULT WEAPONS PROBLEM. NO DOUBT YOUR CONCERN ABOUT THE USE OF ASSAULT WEAPONS BY DRUG DEALERS WAS A MAJOR FACTOR IN THE ADMINISTRATION'S BAN ON IMPORTS. I WAS VERY DISAPPOINTED, HOWEVER, TO LEARN THAT YOU HAVE NOW BACKED OFF OF THIS PROBLEM AND WILL NOT ASK FOR A BAN ON DOMESTIC ASSAULT WEAPONS WHICH, AS YOU KNOW, ACCOUNT FOR 75% OF THE MARKET.

THE EVIDENCE IS CLEAR THAT ASSAULT WEAPONS ARE THE WEAPONS OF CHOICE OF DRUG DEALERS. AS CHAIRMAN OF THE CONSTITUTION SUBCOMMITTEE, I CHAIRED TWO HEARINGS ON ASSAULT WEAPONS IN WHICH LAW ENFORCEMENT OFFICERS FROM ALL OVER THE COUNTRY DESCRIBED THE NEED FOR A BAN ON THESE DEADLY DRUG DEALER WEAPONS. WHILE I AGREE WITH YOU THAT WE NEED TO DO ALL WE CAN TO ENSURE THAT OUR CRIMINAL JUSTICE SYSTEM IS STRONG ENOUGH TO DEAL WITH THE DRUG PROBLEM, I ALSO THINK WE MUST LISTEN TO LAW ENFORCEMENT AND DO SOMETHING ABOUT ASSAULT WEAPONS.

WHY DO YOU DISAGREE WITH THE FRATERNAL ORDER OF POLICE, THE NATIONAL SHERIFF'S ASSOCIATIONS AND OTHERS IN THE LAW ENFORCEMENT COMMUNITY WHO THINK WE NEED TO ADDRESS THE PROBLEM OF DOMESTIC SEMI-AUTOMATIC ASSAULT WEAPONS AS WELL AS IMPORTS?

ANSWER

Senator Kennedy posed a similar question to me during the September 7 hearing. As I told him, I do not believe that drug traffickers will be thwarted by stricter gun control laws, particularly laws which cover assault weapons. What we can do is impose stiff penalties on those traffickers caught and convicted of using a firearm of any type to commit a crime. I believe Congress has made much progress in passing strict laws regarding the use of a weapon in the commission of a crime. These laws, such as mandatory minimum sentencing and enhanced penalties for illegal gun use, are some of the most effective weapons in the war on drugs. I think we should work hard to have these types of laws replicated at the state level. Further, it is my hope that Congress will continue to work hard to strengthen these laws by enacting the provisions of the President's crime package.

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-8275

February 15, 1990

The Honorable William Bennett
 Director
 Office of National Drug Control Policy
 Executive Office of the President
 Washington, D.C. 20500

Dear Bill:

Enclosed are several follow-up questions from Senator Kennedy regarding the September 7 Judiciary Committee hearing on the National Drug Control Strategy.

Thank you for your assistance.

Sincerely,

JOE
 Joseph R. Biden, Jr.
 Chairman

Enclosure

WRITTEN QUESTIONS SUBMITTED BY
SENATOR EDWARD M. KENNEDY
NATIONAL DRUG STRATEGY HEARING
SENATE JUDICIARY COMMITTEE
SEPTEMBER 7, 1989

ASSET FORFEITURE

YOUR NATIONAL STRATEGY URGES STATES TO IMPROVE THEIR ASSET FORFEITURE LAWS. BASED ON COMMENTS I HAVE RECEIVED FROM STATE AND LOCAL LAW ENFORCEMENT OFFICIALS RANGING FROM MASSACHUSETTS AND NEW YORK TO CALIFORNIA, IT IS CLEAR THAT STATE ASSET FORFEITURE IS AN UNDERUTILIZED LAW ENFORCEMENT TOOL. MANDATING STATE FORFEITURE LAW ENHANCEMENTS MAKES SENSE -- IT PROVIDES MORE RESOURCES FOR DRUG ENFORCEMENT AND DEMAND REDUCTION AND IT SHIFTS SOME OF THE BURDEN TO DRUG OFFENDERS THEMSELVES. HOW WOULD YOU REACT TO THIS PROPOSAL?

MANDATORY MINIMUM SENTENCES

YOU ARE FAMILIAR WITH THE BOSTON BAR ASSOCIATION REPORT ON THE BOSTON CRIMINAL JUSTICE SYSTEM. A STRIKING CONCLUSION OF THAT REPORT IS ITS CRITICISM OF MANDATORY MINIMUM SENTENCES BECAUSE OF THE BURDENSOME EFFECT THEY HAVE ON A COURT SYSTEM THAT IS ALREADY OVERWHELMED. IN PARTICULAR, MANDATORY MINIMUM SENTENCES REMOVE INCENTIVES TO PLEAD GUILTY. BY ADVOCATING MORE MANDATORY MINIMUMS, YOU SACRIFICE SWIFTESS OF PUNISHMENT IN FAVOR OF CERTAINTY OF PUNISHMENT. AREN'T YOU THREATENING TO INUNDATE STATE COURT SYSTEMS THAT ARE ALREADY OVERBURDENED?

DRUG TESTING COSTS

YOUR STRATEGY PROPOSES AN AMBITIOUS DRUG TESTING PROGRAM, URGING STATES TO ADOPT DRUG TESTING PROGRAMS FOR ALL ARRESTEES, PRISONERS, PAROLEES, THOSE OUT ON BAIL AND THROUGHOUT THE CRIMINAL JUSTICE SYSTEM. HOW EXPENSIVE WILL IT BE FOR STATES TO IMPLEMENT THESE DRUG TESTING PROGRAMS AND DO YOU BELIEVE THAT OTHER LAW ENFORCEMENT PROGRAMS SHOULD BE SCRAPPED TO PROVIDE RESOURCES FOR STATE DRUG TESTING?

INTELLIGENCE COORDINATION

FEDERAL, STATE AND LOCAL LAW ENFORCEMENT OFFICIALS HAVE OFTEN SOUGHT IMPROVEMENTS IN THE WAY DRUG INTELLIGENCE INFORMATION IS COLLECTED AND USED. A PRIME REASON THE

OFFICE OF NATIONAL DRUG DIRECTOR WAS CREATED WAS TO BRING COORDINATION TO EVERY ASPECT OF OUR NATION'S DRUG CONTROL POLICY. THE FAILURE TO COORDINATE OUR INTELLIGENCE GATHERING EFFORTS HAS LED TO PROBLEMS AND INCONSISTENCY IN ENFORCEMENT, MOST RECENTLY HIGHLIGHTED IN A HEARING LAST MONTH BY CHAIRMAN BIDEN. AN INTELLIGENCE CENTER HEADED JOINTLY BY THE FEDERAL BUREAU OF INVESTIGATION AND THE DRUG ENFORCEMENT ADMINISTRATION TO INCREASE INTELLIGENCE EFFORTS TO TARGET TRAFFICKING ORGANIZATIONS AND COORDINATE THE USE OF SUCH INFORMATION WOULD SEEM TO BE A PRIORITY, YET NO SUCH PROPOSAL IS INCLUDED IN YOUR STRATEGY. WHY?

MILITARY VS. DOMESTIC ENFORCEMENT

PRIOR TO YOUR NOMINATION, YOU STRONGLY SUPPORTED THE USE OF U.S. MILITARY ASSETS IN THE BATTLE AGAINST THE SUPPLY OF DRUGS. MUCH OF THE \$21 BILLION IN DRUG FUNDING DURING THE LAST ADMINISTRATION WENT TO EXPENSIVE INTERDICTION PROGRAMS. THESE OPERATIONS HAVE HAD LITTLE LASTING EFFECT ON THE DRUG PROBLEM WHEN COMPARED WITH THE WAY A COP ON OUR OWN STREETS OR EXPANDED DRUG TREATMENT HAS IN THE U.S. YOUR STRATEGY PROPOSES A REDUCTION IN DEFENSE DEPARTMENT SPENDING ON DRUG INTERDICTION AND A GENERAL FREEZE IN INTERDICTION FUNDING. TO WHAT EXTENT DOES THAT REFLECT A CHANGE IN YOUR THINKING ON THE ISSUE AND DEPARTURE FROM THE DRUG ENFORCEMENT POLICY OF THE LAST EIGHT YEARS?

HIGH INTENSITY AREA FUNDING

WHAT FUNDING, IF ANY, WILL YOUR OFFICE HAVE AT ITS DISPOSAL FOR DISTRIBUTION TO DESIGNATED HIGH INTENSITY DRUG AREAS?

LAST YEAR, BIPARTISAN DRUG LEGISLATION SHIFTED THE SUPPLY AND DEMAND REDUCTION FUNDING RATIO TO A 50:50 BALANCE. YOUR NATIONAL DRUG STRATEGY RECOGNIZES THAT SUPPLY AND DEMAND NEEDS ARE IMPORTANT CRITERIA IN MAKING HIGH INTENSITY DRUG TRAFFICKING AREA DESIGNATIONS. DO YOU INTEND TO DISTRIBUTE EMERGENCY RESOURCES TO HIGH INTENSITY DRUG TRAFFICKING AREAS IN A MANNER THAT REFLECTS THE 50:50 BALANCE MANDATED BY THE 1988 DRUG BILL?

STREET CRIME CRACKDOWNS

YOUR STRATEGY PLACES CONSIDERABLE EMPHASIS ON STREET LEVEL ENFORCEMENT. WHEN PROPERLY IMPLEMENTED, TARGETED STREET LEVEL ENFORCEMENT CAN ELIMINATE STREET DRUG SALES IN TARGETED NEIGHBORHOODS, REDUCE THE RATE OF DRUG-RELATED CRIME, ISOLATE NEW DRUG NETWORKS AND INCREASE THE NUMBERS

OF DRUG ADDICTS WILLING TO SEEK TREATMENT, BUT INCREASED STREET LEVEL ENFORCEMENT IS OF MINIMAL VALUE IF IT IS IMPROPERLY IMPLEMENTED, EITHER BECAUSE OF A FAILURE TO TARGET SPECIFIC NEIGHBORHOODS OR BECAUSE OF A FAILURE TO INTENSIFY POLICE PRESENCE IN PROBLEM NEIGHBORHOODS. WHAT STEPS WILL YOU TAKE TO INSURE THAT THESE PROGRAMS WILL INDEED BE TARGETED ON THE RIGHT KIND OF STREET ACTIVITY AND IMPLEMENTED IN A WAY THAT WILL HELP LOCAL COMMUNITIES DISRUPT STREET MARKETS AND RECLAIM THEIR STREETS, AND WHAT ASSURANCES CAN YOU GIVE STATE AND LOCAL GOVERNMENTS THAT THIS WILL NOT BE A ONE-TIME INJECTION OF FEDERAL GRANT FUNDING?

FEDERAL LAW ENFORCEMENT PRIORITIES

SOME PROSECUTORS AND LOCAL LAW ENFORCEMENT OFFICIALS HAVE QUESTIONED WHETHER FEDERAL LAW ENFORCEMENT ARE DRIVEN BY STATISTICS THAT ARE TOO HEAVILY WEIGHTED TOWARD STREET-LEVEL BUY-BUST OPERATIONS AS OPPOSED TO LARGER SCALE NARCOTICS TRAFFICKING. ALTHOUGH FEDERAL LAW ENFORCEMENT HAS BEEN AN EXTREMELY PRODUCTIVE COMPONENT IN THE DRUG WAR, SOME CRITICS CONTEND THAT MANY OF THE FEDERAL LAW ENFORCEMENT TARGETS SHOULD INSTEAD BE PURSUED BY STATE AND LOCAL LAW ENFORCEMENT. EVEN IF FEDERAL AUTHORITIES HAVE TARGETED TRAFFICKING ORGANIZATIONS, THE CRITICS CONTEND, THEY HAVE IDENTIFIED ONLY THE TIP OF THE ICEBERG AND HAVE NOT FOCUSED SUFFICIENTLY ON THE LEADERSHIP OF THOSE ORGANIZATIONS. WOULD YOU AGREE WITH THAT ASSESSMENT AND, IF SO, DO YOU HAVE SUGGESTIONS?

REVIEW OF THE NATIONAL DRUG CONTROL STRATEGY

TUESDAY, SEPTEMBER 12, 1989

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 10:15 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Joseph R. Biden (chairman of the committee) presiding.

Present: Senators Biden, Thurmond, Simon, Grassley, and Specter.

OPENING STATEMENT OF CHAIRMAN BIDEN

The CHAIRMAN. The hearing will come to order. I thank you very, very much for indulging me. It is not Senator Thurmond's fault that we are starting late. It is mine. Although here, I was on the phone with the leadership on the floor. There is an amendment on the floor now that relates to this overall issue, and I was trying to make sure we got schedules meshed here. In the meantime, what I have had the inadvertent impact on is impacting negatively on your schedules.

It is my intention to complete this entire hearing this morning. It is my hope that you gentlemen and future witnesses will limit their testimony, their formal statements in the 5 to 10 minute range so we can have a chance for some genuine interchange.

It has only been 1 week since the President announced his plan, and at the time the President announced his drug plan, I indicated that it was my intention to do everything I could in my capacity as the, I guess, appointed leader and jurisdictional leader, in some sense, for the majority in the Congress to see to it the President got everything he wanted in his plan and got it as quickly and as soon as he possibly could get it. And I believe that will be done. And that will be done, when I say quickly, I mean in a matter of weeks, which is unusual at anytime, anything short of a declaration of war for that to happen.

But I also indicated that I thought there were some serious shortcomings and, in my view, much more to learn about the plan in terms of the allocation of the responsibility for seeing to it that the President's strategy succeeded or failed.

We had a very good hearing with Director Bennett, who was very forthright, as he always is, and indicated that his strategy said that the President's strategy could not succeed unless the States and the counties and the cities did their part. And then

when I asked him what their part added up to, he was very forthright in indicating he did not know. And none of his people had any numbers attached to the specific directives or general directives that are attendant to the strategy.

I know you all and the remainder of the witnesses today have not had much of an opportunity any more than we have had to study this plan. It took the administration 6 months to put it together, and they did a good job in the amount of time that they had. Obviously, it is going to take us more than 10 days to digest it and understand what it means.

But this committee is not going to wait. This committee is not going to debate this subject for the next 6 months before we make a recommendation as an authorizing committee to the U.S. Senate and the Congress as a whole.

But it is important that we, this morning, focus on—and that is the intention of this hearing—focus on the impact of the President's national strategy on the cities, the counties, and the States so that a year from now, when we go back as a Nation and judge whether the strategy was sufficient, insufficient, should be changed, altered or kept the same, we have a basis upon which to judge whether or not the States, counties and cities did their part as called on by the President in his national strategy.

My summary figures indicate to me and my staff how we understand it, although, again I want to emphasize here, we are waiting for the President to tell us officially or even unofficially how much he expects the States and counties to spend in order to make this strategy work.

It seems that the expectation is that in the next 12 months, in order for the President's strategy to work, the States will, under this plan, be required to spend a minimum of \$10 billion—with a "b", not with an "m"—to \$20 billion.

I am not suggesting you all should not do that. I want to know whether or not you know whether or not you are expected to do that, and if you know you are expected to do that, how you expect to pay to do that because the last thing we want to have is for us to put the stamp on this plan and then 6 months from now for the States to say, "Wait a minute. We didn't know we were in for that much. We can't do that." And for the cities to say, "Whoa, wait a minute. We didn't sign on to do that."

I will give you one specific example. As you all know, in the President's strategy, in order to get any of the \$350 million for law enforcement direct to the State and local governments, there is a directive that requires there to be a drug testing program for arrestees, convicted prisoners, parolees and probationers.

The simplest calculation we can come up with which is that the experts think are required is that you would have to spend a minimum of \$244 million before you can then ask for any of the \$350 million, not counting prisons.

In fact as we calculate it, if you were just to keep pace with prisoner inflation, if you excuse the expression, which has been rising at about 7 percent per year, and not make one single improvement in the Nation's, the States' and counties' prison systems, you—the State, local, and county governments—will be required to spend a minimum of \$4.5 billion just to stay where you are.

And the strategy calls for you to significantly increase penalties, as Senator Thurmond and I wrote the bill and now is required in Federal law. They warned us when Thurmond and Biden went out there and insisted on flat-time sentencing. They warned us it was going to increase prison crowding. It did. They were right. I want to tell you all, and it is the right thing to do, in my view. He and I wrote the law. If you all go write the law the same way you are being asked to, like we did, it is going to increase prison crowding.

So the real issue I want to talk with you all about today, and I will stop in my opening statement here, is—and let us take a cold, clear look as best we can with the amount of information we can—about how do we make this program work, because the one thing everybody wants to do is make the strategy work.

And we are going to give the President a strategy as quickly as we can, and then we will probably add more to it, in my humble opinion, as we go. Let us figure out if you all know what you are in for.

Now, with that, let me yield to the distinguished ranking member, Senator Thurmond, from South Carolina for an opening statement, and then we will go to questions.

OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Thank you, Mr. Chairman. Mr. Chairman, I am pleased to be here today for this important hearing. We are assembled to hear testimony from various witnesses from State and local governments, including the distinguished mayor of Charleston, SC, Joseph Riley, regarding the administration's national drug control strategy.

Last week we heard testimony from Dr. William Bennett, Director of the Office of National Drug Control Policy, and members of his staff. Their testimony provided the committee with a better understanding of the national strategy and the reasons certain recommendations were made. Today's witnesses will offer their views on how we might implement and improve the strategy.

Drug abuse and its associated violence have been the focus of national attention in recent years. Drugs were once perceived to be a problem only in major cities, but they have spread into suburban areas and rural communities.

Nightly newscasts are full of scenes of police making raids on crack houses throughout the Nation. Fear of drugs and attendant crime are at an all-time high. Desperate addicts have turned to violent crimes to finance their habits. Our streets have been transformed into war zones where crack dealers battle over turf. Rates of drug-related homicide continue to rise in cities throughout the country.

Congress created the Office of National Drug Control Policy in recognition of the need for a coordinated effort in the war on drugs. The Office of National Drug Control Policy has provided the Bush administration with a comprehensive \$7.9 billion national strategy to combat the drugs. This package includes \$350 million for State and local law enforcement assistance, \$1.3 billion for treatment and prevention programs, and \$2.1 billion for prisons, prosecutors, and courts.

This antidrug measure emphasizes that fact that society has been too permissive of casual drug use and that better coordination of Government efforts is needed. By holding all drug users, whether heavy or casual, accountable for their actions, we will be sending a signal that drug use will not be tolerated.

This comprehensive policy also draws on the efforts of every American from civilian volunteers to Federal, State, and local officials. In addition, the strategy has set reachable, long- and short-term goals for our Nation to reduce drug abuse and to ultimately rid our society of illicit narcotics.

President Bush has made clear his intention to aggressively fight the war on drugs and to win it. Congress must join in the President's commitment by taking swift action on this drug proposal. I have pledged my strong support to the President and to Dr. Bennett to see that the strategy is effectively implemented.

In closing, our Nation is currently facing the major task of winning the drug war. The national drug strategy is a solid, achievable plan for action. It represents a direct and effective measure aimed squarely at the drug epidemic which is undermining our society.

However, since the strategy is not self-fulfilling, we must decide how it might be implemented and improved. The testimony we will hear today should offer some guidance to the committee on how this important task can be carried out.

For these reasons, I look forward to today's testimony. I may not be able to stay for the entire time, Mr. Chairman, but I will read the testimony and cooperate in every way I can, and I want to compliment you for forging ahead with this hearing.

Mr. Chairman, I want to take just a moment just to say we are fortunate this morning to have one of the distinguished mayors from my State, the Honorable Joseph Riley, to testify. I have known Mayor Riley for a number of years. I was in school at Clemson University with his uncle. I have known his father, who is a very productive, effective citizen in Charleston who does so much for the community there.

Mayor Riley has made an outstanding mayor. In fact, I consider Mayor Riley one of the outstanding mayors of America. He has made a remarkable record in Charleston. He is a Democrat and I am a Republican, but I know he has called on me to help him, and I have tried to help him every way I could. He has done a wonderful job. I compliment him for it. We are honored to have him here today.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator, you are going to get a bad reputation being able to cooperate with Democrats like me and Mayor Riley as well as you do because you sure do cooperate. I want to, again compliment you on your efforts—I guess many think this is just typical Senate tradition—but the reason why we have begun to really make some significant effort on the drug front is in good part due to your efforts on this crime issue over the last decade—and much longer. But over the decade that I have worked with you, you have always been cooperative and nonpartisan, and I appreciate it, and I am sure Mayor Riley does as well.

Senator THURMOND. Thank you very much.

The CHAIRMAN. We have three distinguished witnesses today. We have heard one introduced already, the Honorable Joseph P. Riley, mayor of Charleston, South Carolina, past president of the U.S. Conference of Mayors, and obviously someone who is acquainted with the concerns of the cities across America, large and small, because of having served in that capacity.

And the Honorable Dan Blue, State representative from North Carolina, and chairman of the Committee on Law and Justice, the National Conference of State Legislatures. The Carolinas are well-represented today.

And the Honorable Fred P. Ugast. Correct pronunciation, Mr. Ugast? Chief judge, Superior Court of the District of Columbia, a man who has been acquainted with the problem of drugs as a consequence of his responsibilities in ways that I suspect none of us here, witnesses and/or Senators, have been, and we are delighted and pleased that you would be willing to come and testify and speak before the committee.

Why don't we begin in the order in which you have been introduced, and begin with you first, Mayor Riley, with an opening statement.

STATEMENT OF HON. JOSEPH P. RILEY, JR., MAYOR OF CHARLESTON, SC, AND PAST PRESIDENT, U.S. CONFERENCE OF MAYORS, HON. DANIEL T. BLUE, JR., STATE REPRESENTATIVE, NORTH CAROLINA, AND CHAIRMAN OF THE COMMITTEE ON LAW AND JUSTICE, NATIONAL CONFERENCE OF STATE LEGISLATURES, HON. FRED B. UGAST, CHIEF JUDGE, SUPERIOR COURT, DISTRICT OF COLUMBIA

Mayor RILEY. Thank you very much, Mr. Chairman, Senator Thurmond, Senator Simon. I greatly appreciate the opportunity to represent the cities of our country to talk with you today about the scourge of illegal drugs. They are killing our people. They are destroying our neighborhoods. They are eroding our social fabric. They are crippling our cities. It is by far the most critical problem in the cities of America, as Senator Thurmond said, large and small.

For the past several years, the U.S. Conference of Mayors who had seen this as our top priority, we worked with you in the development of the 1986 antidrug bill. We worked with you in the development of the 1988 antidrug bill, and we renewed our call for a strong and comprehensive strategy.

Mayors and their police chiefs continue to call for the strongest possible national comprehensive strategy. President Bush and his splendid drug czar, William Bennett, should be commended for this comprehensive strategy that has been lacking and I believe their willingness to be held accountable for its success.

But mayors believe that the drug strategy is but a step, an excellent and commendable one, but a step, and much more must be done to rid our cities in this great Nation of this horrible and embarrassing addiction to illegal drugs.

Several points: First of all, the funding of \$350 million for State and local enforcement assistance is not enough. It is not even one

percent of the money that State and local governments spend on their criminal justice system each year.

Almost everyone acknowledges this is not enough money. Cities have increasingly committed extra resources. Last year, the cities with the 50 largest budgets increased their public safety expenditures by 32 percent. \$350 million doesn't even begin to be enough.

Secondly, the funds for treatment are inadequate. The alcohol, drug abuse and mental health block grant should be fully funded, and we must move quickly toward our national goal of allowing for treatment on demand.

Third, if we really want to help cities fight drugs, then we should allow for direct funding to cities. My written testimony, which I submit for the record, contains a number of examples of how the indirect funding through States has not worked. It is far too slow of a supply line to the troops on the front to fight a real war.

Fourth, taking money away from cities is no way to fight the drug war just as taking weapons and supplies from the forward platoons is no way to fight a military battle. The elimination of the Economic Development Administration, cutting juvenile justice funds, cutting public housing operating subsidies will harm our cities. Clearly, many of our cities would experience severe losses if these cuts were enacted.

The Conference of Mayors the last few days did a spot check on several cities using the amount of county funding in these various programs and the percentage cut proposed by Director Darman. New York City estimates a loss of \$10 million; Chicago, as much as \$5 million; Washington, \$2 million.

These losses would make the modest increase in proposed anti-drug funding insignificant. Houston would expect more than \$2 million in antidrug funding. Half of that would be given back by virtue of the cuts that would be proposed. Indeed, my city would probably lose about \$485,000 and gain \$171,000 for a net loss of \$315,000.

The CHAIRMAN. Would you say that again, please?

Mayor RILEY. We would lose net—we would lose about \$315,000. In other words, the cuts would amount to \$485,000. The moneys that we would get in treatment funds is \$171,000. So after it is all said and done, we would have less than we got now.

The CHAIRMAN. For treatment?

Mayor RILEY. For the overall plan—the President's plan—if in effect, if you take the cuts, eliminate EDA, which we have an important—

The CHAIRMAN. Including his funding portion of it, I see.

Mayor RILEY. If you cut the funds that are EDA, public housing operating systems, juvenile justice and all of those, even if you get the additional drug funding, we have a net loss, and most cities would either experience that or a slight gain.

So to cut the funds from the cities that everyone acknowledges is where the front line is, and where the battle is, and where the war is engaged, and the forces are joined, and the people are being killed, and the lives are lost, and the neighborhoods destroyed, to cut the funds from cities that they need for other programs we think is self-defeating, and just is no way to embark upon this war.

Fifth, as you raised, Senator Biden, we are unsure of the cost and the implications of the plan to State and local governments in how we are financed. It is important that as a part of this priorities are identified. The testing of everybody in the criminal justice system, as you have outlined, could be very expensive.

We need to, from a national standpoint as well as a local standpoint, weigh that priority against the other use of funds. The building of prisons is very important, but the several billion-dollar impact to State and local governments of the drug plan should be identified and understood, and then a reasonable look at resources to help meet those should be identified.

Another point is the loss of the ability to share and seize assets. Many of the big cases that are made cannot be made with the local chief of police and the local police officers working. It used to be that we would share a percentage of the assets seized, certainly a great encouragement to the local police agency involved, esprit de corps on the one hand and money available to help them fight the war on the other. The loss of the ability to share these assets we think is counterproductive.

Also, we feel it is important that the Justice Department make it clear to their prosecutors and that the Federal judiciary make it clear that this is their No. 1 priority. Mayor Koch has given these statistics before, but I think they are most revealing.

Last year, New York City made 90,000 narcotic arrests. This year, they expect it to be 100,000. They had 7,000 indictments in New York City—city, State-presented indictments. In the Southern District of New York in the Federal court, there were 200 narcotic indictments, 200 versus the 7,000.

The legislation that you and Senator Thurmond and others have gotten through the mandatory penalties, the top penalties in the Federal system really don't help that much if the Justice Department is not—what if the mail fraud case has to take second fiddle to the drug case? What if even some of the other Federal—the income tax cases were important, but if the senior judges and the Justice Department said, "We're going to make more of these cases Federal offenses," the State and the local have the brunt to producing it.

But if the Justice Department said for the next 1 year, 2 years, 3 years or whatever, this is going to be our top priority, it would have a tremendous impact. We need the resources of the prosecutors and the judges and the jails in the war on drugs from our Federal Government.

If our country is truly engaged in an all-out war on drugs, we must be willing to spend what it takes to win that war, and we feel that the American citizenry is prepared to do that. We are spending it in our cities with more than one-quarter of the large cities' budgets dedicated to public safety costs while many urban problems go unsolved.

Under the national drug strategy, the Federal Government would spend less than 8 percent of its budget to fight this war. The drug scourge is the No. 1 problem facing our country, and an 8-percent solution will not be strong enough.

In closing, if I could very briefly read from the often quoted essay of William James entitled, "The Moral Equivalent of War," written at the beginning of this century:

So far, war has been the only force that can discipline a whole community, and until an equivalent discipline is organized, I believe that war must have its way. But I have no serious doubt that the ordinary prides and shames of social man, once developed to a certain intensity, are capable of organizing the moral equivalent such as I have sketched.

In looking at serious problems, we often require an urgent solution. We look for metaphors. We harken to the Manhattan project or the Marshall plan as reasonably contemporary examples of urgent needs being met with resources sufficient to meet those needs.

Surely, this great country has the moral strength and the determination and the resources to pursue at least at one given time one moral equivalent of war, one Manhattan Project, one Marshall Plan. Winning the war on drugs must be America's No. 1 domestic priority.

Thank you very much.

[The statement of Mayor Riley follows:]



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STATEMENT BY

JOSEPH P. RILEY, JR.

MAYOR OF CHARLESTON (SC)

PAST PRESIDENT
THE U.S. CONFERENCE OF MAYORS

BEFORE

THE COMMITTEE ON THE JUDICIARY
U.S. SENATE

SEPTEMBER 12, 1989

SENATOR BIDEN, SENATOR THURMOND, MEMBERS OF THE COMMITTEE, I AM JOSEPH RILEY, MAYOR OF CHARLESTON, SOUTH CAROLINA. I APPEAR BEFORE YOU THIS MORNING ON BEHALF OF THE U.S. CONFERENCE OF MAYORS, AND I AM PLEASED AND HONORED TO HAVE THIS OPPORTUNITY TO DISCUSS WITH YOU THE MOST CRITICAL PROBLEM FACING OUR CITIES TODAY, THE SCOURGE OF ILLEGAL DRUGS.

WHEN THE 1986 ANTI-DRUG ACT WAS DELIBERATED IN CONGRESS, MAYORS WERE ITS STRONGEST SUPPORTERS.

WHEN THE 1988 ANTI-DRUG ACT WAS DELIBERATED, WE RENEWED OUR SUPPORT FOR AN EVEN LARGER WAR AGAINST DRUGS, AND A MORE EFFICIENT WAR AGAINST DRUGS.

OVER THE YEARS MAYORS AND POLICE CHIEFS HAVE BEEN DRAWN TOGETHER OVER THE DRUG CRISIS IN OUR CITIES, AND AS A GROUP WE HAVE CALLED AGAIN AND AGAIN FOR A COMPREHENSIVE NATIONAL STRATEGY.

WE BELIEVE THAT PRESIDENT BUSH AND DIRECTOR BENNETT HAVE GIVEN US THE COMPREHENSIVE STRATEGY THAT HAS FOR SO MANY YEARS BEEN LACKING.

WHILE THE STRATEGY WAS BEING DRAFTED, THE CONFERENCE OF MAYORS, ALONG WITH OTHER CONCERNED NATIONAL ORGANIZATIONS, MADE ITS RECOMMENDATIONS TO MR. BENNETT. THROUGHOUT THE PROCESS, MAYORS MET INDIVIDUALLY WITH HIM TO DISCUSS THE DRUG CRISIS IN THEIR CITIES, AND ON JULY 24 THE LEADERSHIP OF THE CONFERENCE FORMALLY PRESENTED HIM WITH A 16-POINT ANTI-DRUG POLICY, ONE WHICH WE RECOMMENDED BE INCLUDED IN THE NATIONAL STRATEGY. ON AUGUST 17 MAYORS ACROSS THE COUNTRY WROTE THE PRESIDENT AND HELD PRESS CONFERENCES TO URGE INCLUSION OF THESE 16 POINTS.

I AM PLEASED TO REPORT TO YOU THAT THE MAJORITY OF OUR RECOMMENDATIONS WERE INCORPORATED BY MR. BENNETT IN THE NATIONAL DRUG CONTROL STRATEGY. (A COMPARISON OF THE ADMINISTRATION'S DRUG CONTROL STRATEGY AND THE CONFERENCES' RECOMMENDATIONS IS ATTACHED.) WE FEEL THAT THE STRATEGY REPRESENTS AN EXCELLENT FIRST STEP IN THE NATIONAL WAR AGAINST DRUGS. BUT IT IS ONLY A FIRST STEP, AND MUST BE FOLLOWED BY MANY MORE.

THE PRESIDENT HAS PRESENTED US WITH AN INCREMENTAL PLAN THAT LAUNCHES MANY OF THE INITIATIVES THE MAYORS HAVE BEEN CALLING FOR: IT SHOULD IMPROVE INTERDICTION OF DRUGS ON OUR BORDERS AND HELP SOURCE COUNTRIES ERADICATE COCA CROPS; IT SHOULD MAKE MONEY-LAUNDERING OPERATIONS MORE DIFFICULT AND PENALTIES FOR DRUG OFFENDERS MORE SEVERE; IT SHOULD HELP FIND DRUG TREATMENTS THAT WORK, AND MAKE TREATMENT AVAILABLE TO A LARGER NUMBER OF ADDICTS.

BUT BECAUSE OF THE ENORMITY OF THE DRUG PROBLEM, WE MUST BE CONCERNED ABOUT THE IMPACT OF THIS STRATEGY, OR ANY STRATEGY, IF IT IS NOT BACKED BY ADEQUATE FEDERAL RESOURCES, IF IT IS NOT EQUIPPED TO GET THOSE RESOURCES TO WHERE THEY ARE MOST NEEDED, OR

IF IT TAKES FUNDS AWAY FROM OTHER BADLY-NEEDED PROGRAMS AND SERVICES IN CITIES.

IT IS ONE THING, SENATORS, TO HAVE A STRATEGY, AND IT IS QUITE ANOTHER TO IMPLEMENT THAT STRATEGY SO THAT IT REACHES ITS OBJECTIVES. WHILE THERE IS MUCH TO APPLAUD IN WHAT HAS BEEN PROPOSED, THE STRATEGY UNFORTUNATELY IS FLAWED IN SOME AREAS THAT WILL SERIOUSLY COMPROMISE ITS POTENTIAL SUCCESS.

AN ADEQUATE LEVEL OF FUNDING

THE \$350 MILLION PROPOSED FOR STATE AND LOCAL ENFORCEMENT ASSISTANCE AMOUNTS TO LESS THAN ONE PERCENT OF THE TOTAL AMOUNT OF FUNDS WHICH STATE AND LOCAL GOVERNMENTS SPEND ON CRIMINAL JUSTICE EACH YEAR. MR. BENNETT HAS STATED THAT THE STRATEGY CALLS FOR \$350 MILLION FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE BECAUSE THAT IS THE MAXIMUM AMOUNT AUTHORIZED FOR THE PROGRAM NEXT YEAR, AND HE HAS ACKNOWLEDGED THAT THIS AMOUNT IS NOT ENOUGH: IN REMARKS MADE THE DAY FOLLOWING THE PRESIDENT'S RELEASE OF THE STRATEGY, MR. BENNETT SAID HE "WOULDN'T BE SURPRISED IF IN 1991 WE CAME BACK ASKING FOR MORE MONEY." THAT SAME DAY, SENATOR BIDEN, YOU STATED THAT \$1 BILLION SHOULD BE AVAILABLE FOR THIS IMPORTANT PROGRAM. WE FEEL THAT YOUR RECOMMENDATION PROVIDES A REALISTIC NEXT STEP IN LIGHT OF THE NEEDS. OF COURSE, WHEN WE CONSIDER THE FACT THAT THIS FUNDING IS INTENDED TO INCREASE STREET-LEVEL ENFORCEMENT SO THAT WE CAN RECLAIM OUR NEIGHBORHOODS, TO SHORE UP ALL COMPONENTS OF OUR SEVERELY OVERBURDENED CRIMINAL JUSTICE SYSTEM, AND TO ENABLE US TO PERFORM DRUG TESTS ON ALL OF THOSE WITHIN THE CRIMINAL JUSTICE SYSTEM -- FROM THE TIME OF ARREST THROUGH RELEASE ON PROBATION OR PAROLE -- EVEN \$1 BILLION BEGINS TO SOUND LIKE A MODEST INVESTMENT.

AS WE CONSIDER THE LEVEL OF FEDERAL EFFORT, IT'S IMPORTANT THAT WE UNDERSTAND HOW DRAMATICALLY THE NATION'S CITIES HAVE INCREASED THEIR CONTRIBUTION TO THE WAR ON DRUGS. LAST YEAR ALONE, EXPENDITURES FOR PUBLIC SAFETY INCREASED BY 32.6 PERCENT IN THE 50 CITIES WITH THE GREATEST FISCAL 1988 REVENUES -- THIS ACCORDING TO A SURVEY DONE BY CITY AND STATE MAGAZINE. THE SURVEY ALSO FOUND THAT THE 50 CITIES ALONE SPENT \$11.4 BILLION ON SAFETY -- 26.1 PERCENT OF THEIR COLLECTIVE GENERAL FUND BUDGETS.

WE MUST LOOK AT THE ADEQUACY OF THE FUNDS PROVIDED FOR TREATMENT. THE STRATEGY INCREASES FUNDS FOR TREATMENT FROM \$448 MILLION TO \$651 MILLION, NOT ENOUGH TO PROVIDE FULL FUNDING FOR THE ALCOHOL, DRUG ABUSE AND MENTAL HEALTH BLOCK GRANT. THE NATION'S MAYORS FEEL STRONGLY THAT THE STRATEGY SHOULD ESTABLISH THE PRINCIPLE OF PROVIDING TREATMENT ON DEMAND AND MOVE TOWARD MEETING THIS GOAL BY PROVIDING FUNDING AT THE FULLY AUTHORIZED LEVEL, AT A MINIMUM.

DIRECT FUNDING FOR CITIES

THAT FEDERAL HELP WHICH IS PROVIDED MUST COME DIRECTLY TO CITIES. IT SHOULD NOT BE FORCED THROUGH A BUREAUCRATIC MAZE OF FEDERAL AND STATE AGENCIES. YOU ARE WELL AWARE OF SOME OF THE DIFFICULTIES WE HAVE HAD WITH THE STATE-LOCAL ASSISTANCE PROGRAMS FOR DRUG EDUCATION, TREATMENT AND ENFORCEMENT. THE FUNDS HAVE BEEN SLOW IN COMING TO OUR CITIES, AND OFTEN THEY HAVE NOT MADE IT TO THOSE AREAS OF GREATEST NEED.

YOU TRIED TO MAKE SEVERAL IMPORTANT CHANGES IN THE DRUG ENFORCEMENT GRANT PROGRAM LAST YEAR. WHILE IT WAS NOT POSSIBLE TO ENACT A PROVISION THAT WOULD HAVE PROVIDED DIRECT FUNDING TO LOCAL GOVERNMENTS, TIGHT DEADLINES WERE PLACED ON THE STATES FOR THEIR ACTIVITIES. THESE SEEM TO BE MAKING A DIFFERENCE, BUT DIRECT FUNDING WHICH SENDS THE MONEY WHERE IT IS NEEDED MOST IN OUR CITIES IS STILL DESPERATELY NEEDED.

LAST SPRING THE CONFERENCE OF MAYORS CONDUCTED A SURVEY TO ASSESS THE CURRENT STATUS OF THE BLOCK GRANT PROGRAMS FOR ENFORCEMENT, TREATMENT AND EDUCATION. IT IS ATTACHED TO MY TESTIMONY, AND I WOULD LIKE TO SUBMIT IT FOR THE RECORD. LET ME PROVIDE YOU WITH SOME OF THE HIGHLIGHTS OF THIS 30-CITY SURVEY:

- MORE THAN TWO OUT OF THREE OF THE SURVEY CITIES BELIEVE THAT THE SYSTEM OF STATE BLOCK GRANTS ESTABLISHED THROUGH THE 1986 ACT IS NOT RESPONSIVE TO THEIR NEEDS.
- MORE THAN FOUR OUT OF FIVE OF THE CITIES, IN RESPONSE TO AN OPEN-ENDED QUESTION, CALLED FOR DIRECT FEDERAL FUNDING OF CITIES, OR FOR A SUB-STATE FUNDING ENTITLEMENT FOR CITIES TO MAKE THE VARIOUS PROGRAMS MORE RESPONSIVE TO THEIR NEEDS.
- MORE THAN THREE OUT OF FOUR CITIES HAD NEVER PARTICIPATED IN THE DEVELOPMENT OF THE STATE PLAN FOR EDUCATION. ONE-HALF OF THE CITIES GAVE THEIR STATES A POOR RATING FOR ADMINISTRATION OF THE EDUCATION PROGRAM IN TERMS OF ITS RESPONSIVENESS TO ADDRESSING THEIR LOCAL ILLEGAL DRUG PROBLEMS.
- MORE THAN FOUR OUT OF FIVE OF THE CITIES HAD NEVER PARTICIPATED IN THE DEVELOPMENT OF THE STATE PLAN FOR TREATMENT. SIXTY-EIGHT PERCENT GAVE THEIR STATES A POOR RATING FOR ADMINISTRATION OF THE TREATMENT BLOCK GRANT IN TERMS OF ITS RESPONSIVENESS TO ADDRESSING LOCAL PROBLEMS.
- HALF OF THE CITIES HAD NEVER PARTICIPATED IN THE DEVELOPMENT OF THE STATE PLAN FOR ENFORCEMENT. FORTY-SIX PERCENT OF THE CITIES GAVE THEIR STATE A POOR RATING FOR ADMINISTRATION OF THE ENFORCEMENT BLOCK GRANT, IN TERMS OF ITS RESPONSIVENESS TO ADDRESSING LOCAL PROBLEMS.
- FOR THE FY89 ENFORCEMENT ASSISTANCE BLOCK GRANT:

- * FIFTY-NINE PERCENT OF THE CITIES HAD NOT HAD AN OPPORTUNITY TO REVIEW THE STATE PLAN.
- * SIXTY-FOUR PERCENT OF THE CITIES HAD NOT HAD AN OPPORTUNITY TO PARTICIPATE IN THE STATE PLANNING PROCESS.
- * SEVENTY-THREE PERCENT OF THE SURVEY CITIES DID NOT KNOW HOW MUCH FUNDING THEY WOULD GET UNDER THE PLAN.
- * FIFTY-NINE PERCENT OF THE CITIES DID NOT HAVE A SAY IN DECIDING HOW THE FUNDS WHICH THEY RECEIVE WOULD BE SPENT.
- * TWENTY-NINE PERCENT OF THE CITIES SAID THE FUNDS WERE NOT BEING SPENT FOR ACTIVITIES WHICH WERE CONSISTENT WITH LOCAL DRUG ENFORCEMENT PRIORITIES.

AND HERE IS PERHAPS THE MOST TROUBLESOME POINT:

- o TWENTY-THREE PERCENT OF OUR SURVEY CITIES HAD YET TO RECEIVE ANY FUNDING FOR ANY YEAR THROUGH THE ENFORCEMENT ASSISTANCE BLOCK GRANT PROGRAM.

THE STATE BLOCK GRANTS, PARTICULARLY THE ONE FOR LAW ENFORCEMENT, ARE CLEARLY NOT RESPONSIVE TO OUR CITIES' NEEDS. IF WE WANT TO GET THE MONEY TO THE CITIES TO TAKE BACK OUR STREETS -- IF WE WANT TO FOLLOW THE DIRECTION SET BY THE NATIONAL DRUG CONTROL STRATEGY -- THEN WE MUST SEND THAT MONEY DIRECTLY TO OUR CITIES IN A MORE TIMELY AND EQUITABLE FASHION. WE URGE YOU TO CONSIDER AGAIN CHANGES IN THE PROGRAM WHICH WILL PROVIDE THE FUNDS DIRECTLY TO OUR CITIES; THE CONFERENCE OF MAYORS STANDS READY TO WORK WITH YOU ON THE DEVELOPMENT AND PASSAGE OF SUCH LEGISLATION.

AN APPROPRIATE FUNDING SOURCE

IT IS CRITICAL THAT THE NATION'S DRUG EFFORTS BE EXPANDED WITHOUT SHIFTING FEDERAL FUNDS AWAY FROM URBAN PROGRAMS WHICH PROVIDE HOUSING OR YOUTH SERVICES OR GREATER ECONOMIC OPPORTUNITIES. TAKING ANY FUNDS FROM THESE PROGRAMS WOULD CLEARLY BE A STEP IN THE WRONG DIRECTION, ONE THAT COULD ONLY EXACERBATE THE CONDITIONS IN CITIES THAT FUEL THE DRUG PROBLEM. AS YOU KNOW, BUDGET DIRECTOR RICHARD DARMAN HAS RECOMMENDED TO CONGRESS THAT THE ADDITIONAL \$716 MILLION IN FUNDS NEEDED FOR THE DRUG STRATEGY NEXT YEAR SHOULD BE RAISED BY:

- o ELIMINATING THE ECONOMIC DEVELOPMENT ADMINISTRATION, A \$194 MILLION CUT;
- o CUTTING THE JUVENILE JUSTICE PROGRAM BY 58 PERCENT, OR \$40 MILLION;

- o CUTTING PUBLIC HOUSING OPERATING SUBSIDIES BY \$50 MILLION; AND
- o CUTTING THE INTERIM ASSISTANCE PROGRAM WHICH REIMBURSES STATES AND LOCAL GOVERNMENTS FOR COSTS ASSOCIATED WITH IMMIGRANT LEGALIZATION, BY \$320 MILLION.

HE ALSO WOULD CUT FEDERAL SUBSIDIES TO NON-PROFIT MAILERS (BY \$15 MILLION) AND THE DEFENSE DEPARTMENT'S SINGLE CHANNEL GROUND AND AIRBORNE SYSTEM (BY \$132 MILLION).

CLEARLY, MANY OF OUR CITIES WOULD EXPERIENCE SIGNIFICANT LOSSES IN FEDERAL FUNDS THROUGH THESE PROPOSED CUTS. THE CONFERENCE OF MAYORS DID A SPOT CHECK ON SEVERAL CITIES, USING THE AMOUNT OF CURRENT YEAR FUNDING IN THE VARIOUS PROGRAMS AND THE PERCENTAGE CUT PROPOSED FOR NEXT YEAR BY DIRECTOR DARMAN. NEW YORK CITY ESTIMATES A LOSS OF AS MUCH AS \$10 MILLION FROM THESE CUTS; CHICAGO COULD LOSE AS MUCH AS \$5 MILLION; WASHINGTON, D.C. \$2 MILLION. THESE LOSSES COULD MAKE THE MODEST INCREASES PROPOSED IN ANTI-DRUG FUNDING INSIGNIFICANT. HOUSTON, A CITY WHICH COULD EXPECT MORE THAN \$2 MILLION IN FEDERAL ANTI-DRUG FUNDING, COULD GIVE BACK HALF OF THAT BECAUSE OF THE CUTS THAT HAVE BEEN PROPOSED. INDEED MY OWN CITY OF CHARLESTON WOULD PROBABLY LOSE \$485,000, BUT GAIN ONLY \$171,000 IN TREATMENT FUNDS, FOR A NET LOSS OF \$315,000. AND OFFICIALS IN NEW YORK CITY FORSEE A POSSIBLE NET LOSS OF \$7 MILLION.

THE CONFERENCE OF MAYORS STRONGLY OPPOSES CUTTING KEY URBAN PROGRAMS TO FUND THE FEDERAL ANTI-DRUG EFFORT. THIS APPROACH IS ULTIMATELY SELF-DEFEATING.

THE TRUE COSTS OF THE WAR ON DRUGS

THE NATIONAL DRUG CONTROL STRATEGY PROVIDES A GOOD BEGINNING FOR A MORE COMPREHENSIVE AND EFFECTIVE WAR ON DRUGS, BUT IT IS NOT REALISTIC IN ADDRESSING THE TRUE COSTS OF SUCH A WAR. MANY OF THE GOALS IT SETS AND THE REQUIREMENTS IT PLACES ON STATE AND LOCAL GOVERNMENTS -- SUCH AS THE TESTING OF ALL THOSE IN THE CRIMINAL JUSTICE SYSTEM -- MAY BE BENEFICIAL, BUT THEY WILL COST MORE THAN WE CAN AFFORD.

IF OUR NATION IS TRULY ENGAGED IN AN ALL-OUT WAR ON DRUGS, OUR FEDERAL GOVERNMENT MUST BE WILLING TO SPEND WHAT IT TAKES TO WIN THAT WAR. WE ARE SPENDING IT IN OUR CITIES, WITH MORE THAN ONE-FOURTH OF LARGE CITIES' BUDGETS DEDICATED TO SAFETY COSTS, WHILE OTHER CRITICAL URBAN PROBLEMS GO UNSOLVED. UNDER THE NATIONAL DRUG STRATEGY, THE FEDERAL GOVERNMENT WOULD SPEND LESS THAN EIGHT PERCENT OF ITS BUDGET TO FIGHT THIS WAR. THE DRUG SCOURGE IS THE NUMBER ONE PROBLEM FACING THIS NATION; AN EIGHT PERCENT SOLUTION WILL NOT BE STRONG ENOUGH.



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COMPARISON OF PRESIDENT'S DRUG STRATEGY AND CONFERENCE OF MAYORS' RECOMMENDATIONS

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Following is a comparison of the Administration's National Drug Control Strategy and the Conference's 16 anti-drug policy recommendations which were presented by the Conference's leadership to federal drug director William Bennett in a July 24 meeting, and reiterated by mayors in letters to the President on August 17:

- 1. INTERDICTION**
Conference Policy: Interdiction of illegal drugs before and as they enter the country should be improved.

Strategy: The strategy calls for better targeting of interdiction efforts, but does not call for increased resources or the use of the military in other than a support capacity.

- 2. INTERNATIONAL DRUG SUMMIT**
Conference Policy: The President should call an international drug summit to take action on ways to eradicate the production and exportation of illegal drugs.

Strategy: The strategy calls for the convening of an Andean Summit, with U.S. participation, in the coming year, and for priority consideration of a drug summit with source, transit and consuming countries to take place after appropriate preparatory steps and the Andean Summit.

- 3. INTERNATIONAL DRUG ERADICATION ARMY**
Conference Policy: Western Hemisphere nations should cooperate in the provision of military assistance to stop the flow of illegal exports across national borders.

Strategy: The strategy calls for the provision of U.S. military support to the Andean countries (Peru, Bolivia and Columbia), but does not call for military assistance from other Western Hemisphere nations.

4. CROP CONVERSION

Conference Policy: Incentives should be provided to Western Hemisphere nations to redirect exports from illegal to legal crops.

Strategy: The strategy includes the provision of \$449 million (up from \$250 million this year) in economic and military aid to Columbia, Bolivia and Peru to reduce coca crops and diversify the economy.

5. FULL AND DIRECT FUNDING FOR ANTI-DRUG PROGRAMS

Conference Policy: There should be full funding of existing anti-drug legislative authority for enforcement, treatment and education programs, with a significant portion of the funds going directly to local governments.

Strategy: The plan does not include direct funding for cities, although the first enforcement priority is to increase street level efforts.

The strategy document states that to receive federal criminal justice funds, the states must adopt drug-testing programs for those within the criminal justice systems--arrestees, prisoners, parolees and those out on bail or on probation. Administration officials at September 5 briefings said that this provision had been dropped as a requirement for the receipt of federal funds, but that the states would be encouraged to implement it. The plan also requires schools, colleges and universities to implement firm drug prevention programs and policies in order to be eligible for federal education funds.

The strategy includes funds for enforcement and education efforts at \$350 million and \$392 million respectively, at least at the levels authorized in the 1988 anti-drug abuse act. Although funds for treatment are slated to increase from \$448 million to \$651 million, this increase would still not attain full funding of the Alcohol, Drug Abuse and Mental Health Block Grant (authorized at \$1.5 billion, with FY89 appropriations of \$806 million).

6. SHARING SEIZED ASSETS

Conference Policy: Assets seizure funds should be shared with local officials in a more timely manner; federal law should be changed to assure that these assets are shared in an equitable fashion with the law enforcement agency which participated in the seizure.

Strategy: Although the strategy discusses the seizure of assets, it does not address these specific issues.

7. **STRENGTHENED CRIMINAL JUSTICE SYSTEM**
Conference Policy: Support for all segments of the criminal justice system should be increased.
Strategy: The strategy includes increased federal funding for street-level law enforcement, courts and corrections, and also provides federal funding to states for alternative sentencing programs for non-violent drug offenders. All of this would be supported through the increase to \$350 million in FY90 for state and local enforcement assistance. In addition, it calls for increased funding for federal law enforcement activities and for federal prison construction.
8. **JUSTICE DEPARTMENT PROSECUTION**
Conference Policy: The prosecution of drug cases should be designated the number one priority of the U.S. Department of Justice.
Strategy: The strategy includes increased funding for U.S. Attorneys, U.S. Marshals and federal courts, but does not designate drug cases the number one priority of the U.S. Department of Justice.
9. **USE OF SURPLUS AND MILITARY PROPERTY**
Conference Policy: Underutilized and surplus federal property, specifically including military facilities, should be available for use as correctional and drug treatment facilities.
Strategy: Issue not addressed.
10. **TOUGHER PENALTIES**
Conference Policy: The severity of the consequences for all drug-related criminal activities, including illegal drug possession, should be increased.
Strategy: The strategy encourages states to vigorously prosecute and increase fines for all misdemeanor drug offenses, revoke drivers' licenses of those convicted of drug offenses and legislate other sanctions against users. In addition, the strategy suggests a number of areas in which model state drug control laws could be developed.
11. **BAN OF SEMIAUTOMATIC ASSAULT WEAPONS**
Conference Policy: The manufacture, importation, sale and possession of semi-automatic military assault weapons should be banned.
Strategy: Although the issue is not addressed in the strategy, the President has already imposed a ban on the importation of any new semi-automatic military assault weapons.

12. PENALIZING BANKS AND FINANCIAL INSTITUTIONS

Conference Policy: Federal money-laundering statutes should be used more aggressively so that actions against financial institutions that knowingly conduct transactions involving proceeds from unlawful activities can be pursued more vigorously.

Strategy: The strategy calls for expanded federal interagency cooperation in enforcement, with money laundering schemes a principal target area for these expanded efforts, and for money laundering to be a focus of international efforts.

13. TREATMENT ON DEMAND

Conference Policy: Drug treatment should be provided on demand, with top priority given to treatment for inmates of correctional facilities and as an alternative to incarceration for first-time offenders.

Strategy: The strategy calls for increased federal funds for treatment in order to expand the number of treatment slots and the range of treatment methods available. Funds for treatment would be increased from the current level of \$448 million to \$651 million. In addition, the draft strategy calls for improved coordination among local treatment facilities so that resources and availability match community needs, and drug users are referred to the most appropriate treatment provider, and calls for a variety of state activities to increase accountability. It also calls for the exploration of ways to increase the use of civil commitment as a means of bringing more drug-dependent persons into the treatment system.

14. TREATMENT RESEARCH

Conference Policy: Research should be expanded to find an effective treatment for cocaine.

Strategy: The strategy includes a number of research recommendations, including funds for additional basic and clinical research in the area of drug use and addiction, and the development of new technologies or innovative adaptation of existing technologies for use in controlling illegal drugs. Funding would be increased from \$192 million this year to \$251 million in FY90.

15. PRESIDENTIAL ROLE/EDUCATION

Conference Policy: The President should lead a national campaign which mobilizes entertainers, the media, and other public figures in order to impress upon the entire population the seriousness of the national drug crisis and its potential effect on every citizen. In addition, a higher priority should be assigned to drug abuse education by all levels of the education system.

Strategy: Based on his televised address to the nation, the President appears to be initiating a visible leadership role in the war on drugs. The strategy requires schools, colleges and universities to implement firm drug prevention programs and policies as a condition of eligibility for federal education funds, includes funds to establish alternative schools for youth with drug problems, and provides federal support to develop anti-drug media outreach activities that deal with the dangers of crack and drug-impaired pregnancies.

16. NATIONAL DRUG CONTROL DIRECTOR AND MAYORS

Conference Policy: The Director should participate with the mayors and police chiefs in all future national meetings on drugs and crime and in regular working sessions between the Director and the leadership of the Conference of Mayors for the development and implementation of the National Drug Control Strategy.

Strategy: Although this issue is not addressed in the strategy, Director Bennett addressed the Conference's Second National Conference on Crime and Drugs in February, Associate Director Reggie Walton addressed the annual meeting this June in Charleston, Director Bennett and Judge Walton met with the Conference's leadership on July 24, both have visited a number of U.S. cities to examine the problem firsthand, and mayors anticipate further meetings, including the Conference's special meeting on crime and drugs scheduled for September 17 and 18 in Washington, D.C.

The CHAIRMAN. Thank you very much, Mr. Mayor. Representative Blue?

STATEMENT OF HON. DANIEL T. BLUE, JR., STATE REPRESENTATIVE, NORTH CAROLINA, AND CHAIRMAN OF THE COMMITTEE ON LAW AND JUSTICE, NATIONAL CONFERENCE OF STATE LEGISLATURES

Mr. BLUE. Thank you very much, Mr. Chairman. Again, I am Representative Dan Blue, and I currently serve as chair of the Law and Justice Committee of the National Conference of State Legislatures on whose behalf I appear this morning. I am also chair of the Judiciary Committee of Law Enforcement and Public Safety in the North Carolina House and have served as chair of an Appropriations Committee on Human Resources, and it's with this background that I would like to address this issue before us this morning.

State legislatures from across the country have been involved in the effort to eradicate drug abuse and its related social ills for years. In fact, we have known for some time that drug abuse is one of our most serious problems.

We are pleased when the Federal Government recommits itself to joining in to that battle to eradicate drug abuse. By establishing the Office of National Drug Control Policy, the Congress created a focal point for public interest and coordination that we have not heretofore witnessed.

The President has accepted the challenge that you, Mr. Chairman, Senator Thurmond and the other Congressmen issued, and has issued his comprehensive report within the first year of his administration, and we certainly appreciate his willingness to do that, to put this issue in the forefront of his domestic policy.

But I would like to take this opportunity to express my appreciation to you, Mr. Chairman, for pointing out that the national drug control strategy places very high expectations on the performance of State and local governments. Unfortunately, development of the national strategy did not include a sufficient analysis of the potential cost to State and local governments in this assault.

When I look at where we are, there are certain issues that jump out at us readily. Insufficient funding in this area or diverting real costs to other levels of Government will not work, will not be supported, and should not be supported. If the Federal Government is unwilling to provide funds to implement the policies it feels are necessary, then the States should have the dominant voice in formulating drug abuse control policy.

We think that based on two recent decisions by our Supreme Court, the *Garcia v. San Antonio* decision and *South Carolina v. Baker*, when the Court indicated that it will not referee disputes of questions of federalism under the 10th amendment between States and the Federal Government, the Court said that we should look to Congress if we are really concerned about our reserved powers.

Naturally, at the State level, we met these decisions with some skepticism, but I think that it is appropriate now that we come before you on behalf of this Nation's legislatures and ask you to

respect the importance of States in working together with you in solving these problems that we share.

You have asked me though to address the national drug control strategy from the viewpoints of the States. I will attempt to address the specific questions that you raised.

The first issue that jumps out at us is that of prison capacity and conditions. You indicated, Mr. Chairman, that based on legislation mandating sentences, that we are already learning what it does to prisons as we put more people in. Our greatest burden recently has been eliminating, in eliminating the abuse of drugs, has been in the inadequacy of our prisons.

We know for a fact that financial assistance from the Federal Government could contribute significantly to resolving this crisis. We have four States this year alone in their 1989 budgets that are spending over \$1 billion each on corrections. When State general funds appropriations increase by 7.2 percent, as you pointed out, spending on corrections increased by over 14 percent.

In North Carolina alone, we plan over the next 8 years in increasing our funding and corrections by \$75 million a year, \$600 million over an 8-year period, yet it increases the capacity in our prisons by less than 2,000 additional beds, from 18,300 beds to roughly 20,000 beds, after an increase of expenditure in excess of \$600 million.

But regardless of whether a sentence is 5 years, 15 years or 25 years, prisoners still return to society, and we realize at the State level that significantly more attention has to be paid to what we do with regard to treatment and rehabilitation, treatment and rehabilitation coming out of the prisons, treatment before entering into the prisons.

Also an issue that concerns us is that of development of statewide strategies. Based upon the same rationale again, Mr. Chairman, that caused you to champion the creation of the Office of National Drug Control Policy, States have been required as a condition of receiving drug law enforcement funds to submit statewide strategies. Although the participation of State legislatures varies from State to State, we agree that Federal dollars should be allocated according to a statewide plan. We differ somewhat with our colleagues at the city level in that regard, but I would like to tell you that, without these State mechanisms, the Federal Government will have to increase its own bureaucracy to determine whether local governments are being accountable for the funds that you are appropriating to them.

Again, North Carolina is an example. Our statewide plan put Federal dollars into areas where they otherwise would not have gone had we made appropriations directly to cities. We think that at the State level we can determine where the priorities are. One specific example, on Interstate 95, after determining that it was the preferred corridor for transporting drugs from the South to the North, we decided to put on an extra highway patrolman, use our helicopters and use other things at our disposal in rural counties that could not afford, even if they received direct grants from the Federal Government, to put the level of law enforcement on the front line to deal with the scourge as we did, by having a statewide plan and then try to implement that statewide plan.

A second issue that you asked us to address is the impact that the funding provisions of the national drug control strategy will have on State efforts to combat the drug problem.

Two issues immediately surface in that regard. First is the aspect of uncertainty in Federal funding and how it frustrates State planning, how can we expect to initiate programs or hire personnel if the programs are plagued with uncertainty over funding.

About 5 months ago, I testified before the House Appropriations Committee, when the authorized level of funding for drug abuse prevention was about \$350 million, and the appropriations request at that time was for about \$150 million, and we were struggling very hard to get the appropriation up to the \$150 million level. Since that time, of course, the President has come back and has now asked for \$350 million over the authorized amount, but clearly it puts us in a position so that we do not know as States how to develop the strategies if we do not get some idea as to the real commitment and continued funding of the initiatives that you start.

We support the \$350 million level. Certainly, we would rather have much more, but we certainly support that over \$150 million. But we would suggest that one thing that would help us tremendously is if there were certainty in the funding and certainty in the direction that it goes, and it would assist us in making sensible plans.

Another point that I would like to make is that it is important, I think, since States are making a commitment to treatment and making it in a large-scale manner, that the added resources of the Federal Government are important to continue that commitment. Threatening to cut off funds in an area acknowledged to have many uncertainties, that is, in the area of treatment, is certainly not a way to create innovative and new ways to deal with the scourge that is among us.

I suggest to you that perhaps one of the things that we could do on the Federal level is encourage new ways and then determine, by letting the States fully participate, what criteria will be used to ascertain whether treatment programs are effective, not simply letting that decision be made inside the beltway.

One other point: Amendments to the Drug-Free Schools and Communities Act, to require State and local education agencies to adopt drug prevention programs and policies to be used in every elementary and secondary school would be an additional cost to State and local governments. That seems not to have been factored into some of the recommendations.

A very important aspect of this whole plan, I think, has to do with the financing proposals that have come forward. Proposals to fund the national strategy have been suggested in the letter from the Director of the Office of Management and Budget, and they suggest the possibilities that the States may actually lose.

Some of the figures that we have looked at—and it is preliminary, our staff is running the figures and would like to certainly suggest that the Congressional Budget Office continue its efforts to do that, too, but our preliminary figures show that, of \$751 million in proposed cuts in the readjustment in the proposed budget, \$604 million would come from programs that aid States, \$604 million out of \$751 million. Of the \$1,717 million in proposed increases,

only \$194 million of that is specifically earmarked for State and local governments. So, if the strategy expects States to allocate additional resources to the drug effort, then it should not diminish other State programs in the process of doing that.

Lastly, Mr. Chairman, I would say that if OMB is sending us the ominous signal that it would eliminate \$350 million or \$320 million in State assistance to legalize and provide financial and social services to new citizens, States would be justified in seeking substantial Federal aid to replace that. And to take about reducing the funds in juvenile justice, when most of us who have dealt with the problem agree, that if we are going to have any impact on this drug problem, then it is at the juvenile justice level and at the youth level, that we have to make some of the greater strides, then to cut funds in that area seems to be one of the most irresponsible. I would suggest that the NCSL's position is very strong on those two issues.

Lastly, corrections and sentencing, as I said, States' autonomy has to be respected in this area. In North Carolina, we spend over \$350 million currently in sentencing and corrections. We do not need, if you will, Federal mandates imposed. We have in many States basically processes that require that there be a fiscal impact note before new sentencing is put in place, that is, to see what the long-term effects are going to be on State budgets.

We would suggest that that is a responsible approach to take in analyzing what this plan does to State prisons. Increasing prison sentences as part of a strategy cannot be done, without substantially increasing the cost. For anyone to think otherwise simply misses the issue.

I would suggest to you that we have learned the hard way, as you suggest, Mr. Chairman, that it I think unquestionably increases the cost of prisons, the number of cells, as well as other law enforcement aspects, when we start mandating sentences.

Longer sentences require more beds, more personnel and more money. We believe that it can be justified and we at the State level are willing to do it. As I said, we have been doing it over the years, increasing our prison capacity. But we at the State level ought to participate fully in the discussion as to where those mandated sentences are, how they will be funded, and what we will do about them.

Lastly, Mr. Chairman, on the issue of mandated testing, it is an issue that we have debated in State legislatures, not only dealing with prison populations as it relates to drugs or arrestees, but also with respect to the AIDS epidemic, and we have learned the hard way that testing does cost money; \$9 per test is a modest figure. We have figures that indicate that it is substantially more than that, and I would suggest to you that if in fact we implement a testing measure at the arrest, the cost to State governments will be absolutely astronomical. Before a decision is made to apply a program like that nationally, NCSL would certainly encourage further and deeper study at the State level.

I want to thank you for allowing us to testify on this issue this morning. I think together, us working with the Federal Government, we can find an answer to this question of the drug scourge.

We do believe that it is a war. We do not think that when you declare war, Mr. Chairman, that you are talking about winning it half way. You certainly cannot win it if we simply use as our goal addressing only 50 percent of the people who are caught up in this never-ending spiral that they are on.

We believe that if it is a drug war, the goal has to be the total eradication of drug dependency in this country. We are willing to work from that angle, as State legislators, and we think that no war can truly be a war unless we set out to win it, and in order to win it we have to have clear victories and those clear victories have to be battles where there is no question as to whether or not we want half of it.

Lastly, if we are going to win it, Mr. Chairman, any strategy, any strategy has to take into account something to attack the causes of drug abuse, not just the law enforcement end of it, but the things that cause people to resort to drugs anyhow.

Thank you.

[The statement of Mr. Blue follows:]

Testimony of State Representative Dan Blue
Chair, NCSL Law and Justice Committee
Chair, North Carolina House Judiciary Committee on Law and Public Safety

before the
U. S. Senate Judiciary Committee

September 12, 1989

Mr. Chairman, I am Representative Daniel T. Blue, Jr., Chair of the Law and Justice Committee of the National Conference of State Legislatures, on whose behalf I appear before you today. I am also chair of the Judiciary Committee on Law Enforcement and Public Safety of the North Carolina House of Representatives and have served as chair of the Appropriations Committee for Human Resources. I will bring you the perspective that I have developed over my years in the legislature.

State legislators from across this country have been involved in the effort to eradicate drug abuse and its related social ills for years. We are pleased when the national government recommits itself to joining in our effort to eradicate drug abuse. By establishing the Office of National Drug Control Policy, the Congress created a focal point for public interest and a coordination that we have not heretofore witnessed. The President has accepted the challenge presented to him by the Congress and issued a comprehensive report before the end of his first year in office. We appreciate the willingness of the President to put this issue in the forefront of his domestic agenda.

I would also like to express my appreciation to you, Mr. Chairman, for pointing out that the National Drug Control Strategy places high expectations on the performance of state and local

governments. Unfortunately, development of the National Strategy did not include a sufficient analysis of the potential costs to state and local governments. The Anti-Drug Abuse Acts of 1986 and 1988, as well as the Presidential commitments expressed in the National Drug Control Strategy tell our shared constituencies that the cost must be borne by all. Policy decisions in this area as in others should be made with full knowledge of and responsibility for fiscal implications.

This is a long-term problem that will require extended commitments for criminal justice, education and treatment. Therefore, we must remain committed to this effort even when other issues resurface as primary in the public mind--the economy, AIDS, homelessness, education, the environment.

We also commend the Congress for creating an Associate Director for State and Local Affairs within the Office of National Drug Control Policy. Although I do not know Judge Walton personally, I understand that he is deeply devoted to this cause, and we expect to work closely with his Office as states continue to develop and implement strategies that complement and complete the national strategy. By working with your committee and with the Office of National Drug Control Policy we can ensure that elements of the Strategy are consistent with maintaining the constitutional role of the states in establishing state policy.

Federal involvement in policy at the state level should be matched by a commitment of resources. If a policy deserves the attention of the national government, it deserves the investment of the national government. For more prudent policy, decisions should include full recognition of the resources needed. Insufficient funding or diverting real costs to other levels of government will not work and should not be supported.

If the Federal government is unwilling to provide funds to implement policies it feels are necessary, then the states should have the dominant voice in shaping that policy. If the Federal

government pays for its share of the programs, then we can understand its interest in contributing to the policy debate.

We take our Federalism seriously. In fact, state legislators and other state and local officials have been debating over the past year, questions of constitutional reform. The Supreme Court held in Garcia v. San Antonio (1985) and in South Carolina v. Baker (1988) that it would not referee questions of federalism under the Tenth Amendment. The Court said that we should look to Congress when we are concerned about our reserved powers. Naturally, this was met with skepticism in the states, but it is therefore essential as I appear before you on behalf of this nation's legislatures, that you bear in mind the importance of the states in solving problems we share. It is tempting for Congress to read broadly its power to condition federal spending. However, states will soon question whether taking federal dollars results in too great a sacrifice of autonomy or discretion in developing and implementing policy. State legislatures are your partners in the federal system.

You have asked me to address the National Drug Control Strategy from the view of the states. I will address each of the questions that you have posed.

1. The current situation that states face in meeting the problems of drug abuse.

Every element of the drug crisis is one that receives attention from the states, but we are sometimes overwhelmed by the magnitude and complexity of the problem. Treatment, education and criminal justice are all areas where the states need the support of the federal government.

Prison Capacity and Conditions

For states, our greatest burden in eliminating the abuse of drugs is perhaps the inadequacies of

our prisons. Legislatures of more than 30 states already are under consent decrees entered by federal courts to meet constitutional requirements for incarceration. Financial assistance can contribute to resolving this crisis. Although allocating scarce resources to corrections is not the most politically popular item in our appropriations bills, it is still the fastest-growing part of our budgets. I can assure you that corrections is the top spending priority for 1990 for state legislatures.

The states of California, Florida, New York and Texas each expect to spend more than \$1 billion on corrections during 1989-90. In 1989, when state general fund appropriations increased by 7.2 percent, corrections spending was up 14.2 percent. This followed two consecutive years of nearly 10 percent growth in corrections spending. In North Carolina we plan to spend \$75 million each year for the next eight years on expanding and upgrading our prison facilities. Our capacity will be increased to 20,000 beds.

There is little debate on the need to spend more on prison facilities. But even though there is little debate on the need, it is sometimes difficult to provide adequate financing. We recognize that without adequate prison facilities, we have been unable to incarcerate as swiftly and with the certainty that the crimes deserve.

Regardless of the whether a sentence of 5 or 25 years is imposed, prisoners will return to society, and therefore significantly more attention needs to be given to treatment and rehabilitation. States are developing statewide strategies for treatment of offenders. These range from therapeutic communities within correctional facilities to intensive supervision on probation and parole. These programs are being evaluated for effectiveness and cost, and under the guidance of the U.S. Bureau of Justice Assistance information is being disseminated nationally on programs that work. NCSL will be publishing a paper on Promising Approaches to Drug Treatment in Correctional Settings next month.

Development of Statewide Strategies

Based upon the same rationale that caused you, Mr. Chairman, to champion the creation of the Office of National Drug Control Policy, states have been required as a condition of receiving drug law enforcement funds, to submit statewide strategies. This is important not only in urging states to understand the problem in a comprehensive manner, but also in serving as a method of accountability. During the debate over both the 1986 and the 1988 drug bills, state and local governments remained divided over the method of funding local law enforcement efforts. States have consistently maintained that decisions on allocating scarce resources within the states should be done at the state level in order to achieve coordination of policy and to direct funding to areas where the greatest need is demonstrated.

Although state legislatures are not given a uniformly significant role in development of the strategies, we agree that federal dollars should be allocated according to a statewide plan. Without the state mechanisms, the federal government's bureaucracy would have to expand in order to hold every unit of local government accountable for the expenditure of federal funds. The state strategies provide for committing funds to areas of greatest need, even though they may not be the areas with the most vocal advocates. In North Carolina, for instance, the statewide strategy put new federal dollars into an area where trends indicated a worsening condition, but where the local tax base was inadequate to provide support for a major effort. In only a few states have local governments complained that the state has delayed funding for local governments. These trouble spots should be corrected as needed and not through wholesale changes in the funding formula.

2. The impact that the funding provisions of the National Drug Control Strategy will have on state efforts to combat the drug problem.

As with the 1988 Anti-Drug Abuse Act, this Strategy also provides an important base for

federal cooperation with state and local governments in striving to meet criminal justice, health and education needs associated with drug abuse. The President has expressed his commitment to offer real assistance to those on the front line by supporting the authorized level of spending for the state and local assistance grants.

While Washington continues to legislate policy and implement it through the states, it is critical to our effort to govern effectively that neither members of Congress nor the President interfere with state legislative decisions regarding state revenues. We must balance our own budgets even in the face of increasing demands for services.

A frustrating aspect of our partnership with the federal government has been its uncertainty. Authorizing expenditures that exceed realistic appropriations can create disappointment among our shared constituencies. It also creates a moral mandate for the states to spend more, even though we are already devoting considerable resources within tight budgets.

Another aspect of uncertainty is the unwillingness of the federal government to make a long-term commitment to this fight. How can we expect to initiate programs or hire personnel, if the programs are plagued with uncertainty over funding? The state and local law enforcement assistance grants were authorized in 1986. States were to develop strategies to spend the money wisely. Before the Bureau of Justice Assistance had a chance to see state strategies, money was being cut from the program, and the Administration at the time proposed eliminating such funds. Then in 1988, Congress decided to double the state share in the matching grants. This year \$150 million is appropriated, and President Bush's budget proposed taking one-third of that and putting it into the classroom. Now the number increases to the more realistic \$350 million, the full amount authorized. We support this level of funding, but sensible planning at the state level becomes more difficult with such wild fluctuations.

The usefulness of allowing states to negotiate grant conditions can be seen in the area of treatment. States are making a commitment to treatment, and the added resources of the federal government are important. However, threatening to cut off funds in an area acknowledged to have many uncertainties is unwise and unacceptable. If failure of a drug treatment program threatened the cut-off of federal funds, then other programs called for in the strategy would be stifled. For instance, we would question whether a Washington bureaucrat should have authority to cut off all treatment funds to a state because unemployment offices may not offer drug treatment referrals. Who would set the accountability standards for success? Who determines what is success or failure? Would the standards take into account the degree of integrative services? These and other refinements to the Strategy should be open to discussion with state providers who may have different opinions about what works for different populations. Allow a range of options and let the states negotiate what is most appropriate for their circumstances.

The conditions that the Strategy would place upon federal funds for education should also be reviewed by Congress to ascertain whether their objectives are best met by the conditions. Amendments to the Higher Education Act requiring colleges and universities to adopt drug-free campus plans and policies, including user sanctions, could result in a need for review of state laws and policies, including state student aid policies, especially if they are linked to federal State Student Incentive Grants or work-study programs. Costs of implementing these policies would also apparently be borne by the states.

Amendments to the Drug-Free Schools and Communities Act to require state and local education agencies to adopt drug prevention programs and policies to be used in every elementary and secondary school would be an additional cost to the states and local school board. While federal demonstration grant funds would help in a few places to create innovative alternative school settings for youths who have been expelled or suspended for drug violations, the bulk of the responsibility and cost would rest with state and local agencies. States under

greatest fiscal stress would be most seriously affected.

The implications for a multiplicity of problems resulting from inconsistent policies and procedures between school districts and schools within districts, and how they square with new federal policy and federal funds transfer requirements, are enormous. These problems could be heightened in schools that are more dependent on federal compensatory education funds to serve at-risk students, as well as those that use federal assistance for special education and impact aid.

Where schools or colleges are strapped for funds, the federal government should recognize the greater need for assistance in implementing the policy. In the alternative, NCSL would propose that a range of options be offered and that states negotiate the receipt of federal dollars based upon the programs selected. The diversity of approaches taken by schools in meeting this intractable problem should not be limited by bureaucratic decisions that fail to account for innovation and different needs.

Financing proposals

Proposals to fund the National Strategy that were suggested in a letter from the Director of the Office of Management and Budget, raise the possibility that states may actually lose more federal money from non-drug related programs than they would gain back in funding for implementation of state portions of the Strategy. Of \$751 million in proposed cuts, \$604 million would come from programs aiding states. Of the \$717 million in proposed increases, \$194 is specifically earmarked for state and local governments. If the Strategy expects states to allocate additional resources to the drug effort, then it should not diminish other state programs in the process.

Specifically, a significant and ominous signal is sent by OMB when it proposes to eliminate \$320 million in state assistance to legalize and provide financial and social services to new citizens.

This is a potentially vulnerable population, and states are justified in seeking substantial federal aid in carrying out the federal policy of assisting these individuals in becoming productive members of this society. NCSL absolutely opposes the use of these funds for other purposes. Requiring states to replace these federal funds with state funds only adds insult to the injury of then asking states to match dollar for dollar the moneys being reallocated at the federal level to law enforcement.

NCSL also objects to funds being taken from juvenile justice. Here again, funds would be removed from programs directed to a vulnerable population. No sensible reason is given for removing funding that may in itself prevent a population at risk from succumbing to the lure of drugs at an early age.

3. The needs of the states, including policy and resources, that the strategy meets or fails to meet.

Corrections and Sentencing

State autonomy should be recognized in the establishment of criminal justice policy and costly mandates should not be imposed without federal funding to implement those mandates. The most logical and constitutional means of developing policy would be to encourage states through incentive grants. This is particularly true where reasonable policymakers may differ over the efficacy of certain programs.

Sometimes the incentives suggested are not really meaningful. In the President's Crime Control Act of 1989, he proposed to offer \$6 million to states that would adopt mandatory sentencing for certain firearm offenses. This suggestion was perhaps made without consideration of what the cost would be for states to expand prison space to accommodate the extended sentences. For instance, Missouri is spending \$116,000 on creating maximum security facility; at that rate, \$6

million would allow for the construction of 51 new beds for the fifty states. At an annual cost of imprisonment of nearly \$50,000 per inmate and twenty years of confinement would cost another \$1 million.

Some have said that increasing prison sentences as part of the Strategy can be implemented without additional costs. This suggests a total lack of understanding about criminal justice policy and costs. In the legislatures, we are learning the hard way that increasing sentences unavoidably increases prison crowding and costs. Legislative fiscal offices in 10 states now prepare their own prison population forecasts. Several states are starting to prepare fiscal impact statements for prison sentencing legislation. Tennessee enacted legislation in 1985 that requires that every sentencing proposal be funded from recurring revenues. This dose of reality has caused legislators to give greater consideration to the long-term impact of their proposals. Longer sentences require more beds, more personnel and more money. The cost can be justified for particular offenses. But these decisions should be made in the legislatures and not mandated from Washington.

The Strategy proposed to develop model legislation for sanctions on drug dealers and users. States frequently look to model legislation for ideas for public policy, and proposing such legislation would give states an additional source from which to act. If strong reasons can be shown to the states that uniformity is necessary, those arguments would be considered. It is important, however, that states be respected in their efforts to balance benefits and costs associated with such proposals.

Bypassing states on matters that are their traditional domain fails to recognize the importance public policy debates within our federal system. Creation of support from the ground level, through debate in the legislatures, will ultimately increase the level of commitment that legislators and other state officials have in seeing that laws work.

Mandated Testing

Already, states are developing programs to test for drugs during probation and parole. The American Probation and Parole Association and the National Association of Probation Executives conducted a survey of 231 statewide or large-county jurisdictions. Of the 100 responses, 85 percent identified and referred drug dependent clients to treatment programs. Some of these programs include random testing after the initial screening to determine whether the probationer needs treatment. The Bureau of Justice Assistance has begun efforts to expand the implementation of these programs.

If the Strategy's proposal to mandate a more sweeping program of testing is adopted, again, the significant costs should be fully backed by federal dollars. Before a decision is made to apply the program nationally, NCSL would urge further examination at the state level.

The policy of testing at every phase of the criminal process will entail significant costs depending upon the numbers to be tested, what substances are being tested for, whether testing is in-house or by contract, and overhead expenses. A recent monograph of the Bureau of Justice Assistance found the annual cost of pretrial testing in one jurisdiction to be more than \$50 per person. A second jurisdiction found the cost to be more than \$35 per felon arrested and tested. Estimating the Costs of Drug Testing for Pretrial Services Program, Bureau of Justice Assistance, June 1989.

Among the many significant issues that the BJA publication recommends examining before initiating broad testing are available treatment resources and the sufficiency of the training for the pretrial program staff. Personnel could be overwhelmed by the supervision responsibilities of monitoring.

Calculating the cost of such programs must include the costs of follow-up and treatment.

Programs of treatment in therapeutic communities cost an average of \$4500 per year per inmate. Testing without follow-up treatment or supervision would waste the resources applied to testing. Adding supervision and treatment expenses for all arrestees means that the cost of the test itself would be only a minor part of the implementation cost.

The effectiveness of these programs is currently being tested in several jurisdictions under the auspices of the Bureau of Justice Assistance. This type of assistance for demonstration projects and research is an important role for the federal government. Federal dollars for demonstration projects should require less state contribution than the dollar for dollar match, because states serve as valuable laboratories for national policy.

However, because so many of the questions regarding elements of testing depend upon local circumstances and depend upon the choice among limited resources, the judgment on whether to initiate such a program should be made at the local or state level. This policy decision should be made with full knowledge and responsibility for fiscal implications.

An alternative would be to let states negotiate with the federal government for grants in proportion to their ability to implement portions of the proposal.

Medicaid

Mandating that states reimburse treatment costs under Medicaid is easily proposed when the costs of doing so are not felt by the proposing party. If the ONDCP can study the question and convince states that costs of Medicaid might actually be reduced by covering drug treatment, then states would be more likely to see the benefit and offer the coverage. However, unless real benefit is shown, states would be reluctant to add one additional cost to their already stretched Medicaid resources.

User accountability

States must adopt user accountability laws under the 1988 Act in order to be eligible for funds. This is not new policy for the states, but the Strategy and Congress should let the states continue to experiment thoughtfully with ideas that will most effectively hold users within different targeted populations accountable.

Forfeiture

States are increasingly using asset forfeiture laws. It can be argued that these dollars should go into the general funds of states to avoid the kind of in-fighting that is experienced at the Federal level among law enforcement agencies over receipt of proceeds. This is question should be debated and resolved within each state legislature in line with its constitutional and statutory provisions.

4. The adequacy of the goals set by the Strategy.

Our ultimate goal should be to eliminate drug dependency and the related social ills. Our goals should be high, without unrealistically raising public expectations about what government can do. Our goal must recognize that our enemy may change suddenly and unpredictably. Gaining success against "crack" today may mean that we must be ready to direct our resources to another destructive element in the future.

Ignoring the role that alcohol abuse plays in destroying our society, is a notable shortcoming of this Strategy. In comments submitted by the National Association of State Alcohol and Drug Abuse Directors to the ONDCP, it was shown that the economic costs to society of alcohol abuse were nearly twice the \$60 billion annual cost to society of the abuse of other drugs. The Director has indicated that alcohol and other substances that are not controlled substances will

remain within the purview of the Surgeon General's Office. The Surgeon General was not even among those Federal Executive Branch Officials listed as consulted by the ONDCP. The Strategy explains its avoidance of alcohol abuse by pointing to its Congressional mandate relating to "controlled substances." Crack babies catch our attention today, but can we ignore babies born with fetal alcohol syndrome? NCSL urges the chair to reconsider the congressional mandate, or to explain to the Director of ONDCP that it would be appropriate to include a discussion of alcohol abuse in the report due in February, 1990.

5. The additional burdens and costs states must incur if they are to implement the recommendations included in the Strategy.

This question should have been answered by the Office of National Drug Control Policy during its creation of the National Strategy. To have not done so impedes the acceptance of the Strategy among states that are working to stay within their own budgets. It also suggests that proposals may not have received the careful deliberation that they deserved within the ONDCP.

The CHAIRMAN. Thank you very much, Representative.

Judge Ugast, welcome.

STATEMENT OF HON. FRED B. UGAST, CHIEF JUDGE, SUPERIOR COURT, DISTRICT OF COLUMBIA

Judge UGAST. Thank you, Mr. Chairman, Senator Thurmond, Senator Simon.

I am here today with Mr. Polansky, our court executive, and Mr. Jay Carver, who is director of our pretrial services agency, to try as best we can to describe for you the impact of drug abuse and the related violence on the criminal justice system here in the District of Columbia and, more particularly, on the trial court aspect of it. We believe that the District's experience is illustrative of the problems facing many of our big city trial courts and the problems are so similar.

Drugs and the related violence are driving the criminal justice system throughout our country, the police, the courts, the prosecutors, the defense services, the related agencies and, in a very special way, the various departments of corrections.

Although I would agree that each city has a responsibility and each jurisdiction has a responsibility for trying to respond to the emergency situations that are developing and have already developed in connection with this entire criminal justice problem that is drug-related and drug-produced, I would submit that no city is capable of responding alone to the crisis in the court systems and the Federal Government must and we need to have funding of a comprehensive and coordinated response to the problem.

Programs that work must be identified and funding for their replication provided, perhaps on a shared basis, local, State, and Federal. When I say "programs," I will mention briefly all kinds of programs, and as the Senator indicated, not just law enforcement, we are not going to be able to arrest our way out of this problem and we are not going to be able to build our way out of this problem. It has got to be across the board, all facets of effort in dealing with the problem, including dealing with the cause of the problems and dealing with motivation of young people and our youth is where the future lies, in my view.

I don't pretend to have the answers, but I believe, as I say, we must address the whole spectrum of the problem, both on a short- and long-term basis, and particularly here in this city. We are faced with violence daily, as you read the papers here. We have got to first and foremost slow down, cool the violence and the open-air drug markets and that type of thing. There are immediate short-term responses of the law enforcement authorities that have to be addressed, but that is just the beginning and only part of the problem.

Let me just say a quick word as background about our own court system, and then address the issues that you have asked us to discuss.

The District of Columbia has a unique, wholly unified court system. There is only a single trial court in the District of Columbia responsible for litigation of all matters and one D.C. Court of Appeals, the highest court.

We have five divisions—criminal, civil, family, tax, and probate. There is no other court, there is no municipal court, there is no other court. We do landlord and tenant matters, we have a separate branch for that, a small claims branch and a traffic branch dealing with certain major traffic offenses, all the way, of course, on the criminal side, first degree murder, on the civil side, from small claims, as I say, landlord and tenant, to major civil matters. We handle all family matters, including juvenile delinquency matters, neglect, paternity, domestic, and that type of issue.

I mention that, because I think what our experience is, as it impacts on all divisions of the court, in other jurisdictions it may be separate courts that deal with these different problems. But when you have to assign so many judges to, say, the criminal side, that also impacts on the civil division and on the family division.

The prosecution of all major offenses in the District of Columbia is by the U.S. Attorneys Office. The transfer and security of prisoners, the service of warrants, the service of process, eviction is handled by the U.S. Marshal Service, both Federal agencies and requiring Federal resources, and the Marshal Service handles the responsibility that sheriff's departments would handle in most other jurisdictions.

Now, just with that background, let me mention the general impact. There is no precise way to show the exact costs, I think, of processing a drug offender through the court, but we have estimated that \$30 million of our \$80 million annual court system budget, which includes the court of appeals and indigent services, goes for the processing of drug offenders.

Prior to any current drug enforcement programs—and the drug issue here in the District really goes back to about August 1982, when we started seeing what was happening, and then we go back to the early seventies, when it was heroin; in 1982, we started seeing it here as PCP.

In 1988, as you know, we have a drug testing program in place that was started in 1984, with a grant from the National Institute of Justice; 73 percent of the adults arrested in the superior court last year tested positive for some drug use, 66 percent for cocaine. In our juvenile drug testing program, 33 percent of the juveniles tested positive last year, and again there had been a change in the drug of choice and it has now risen, where 82 percent, I believe, of juveniles testing positive for cocaine.

We performed approximately—and when I say we, the pretrial services agency, which is responsible for the drug testing programs, screened approximately 70,000 individuals last year, performed 70,000 drug tests, and that included those that were arrested, as well as those who are monitored and tested during the course of their pretrial release, and that cost approximately \$700,000 for this program, which includes staff, chemical reagents and that type of thing.

The CHAIRMAN. \$70,000, Judge, or \$700,000?

Judge UGAST. Yes, sir, and that is all costs, including staff and reagents.

The probationers have been monitored and, again, at approximately \$10 per test, it is costing under \$200,000. Many of the probationers, as part of their condition for release, are subject to moni-

toring for drug tests, and that is performed generally by ADASA, which is the agency in the District of Columbia responsible for the drug programs.

We are told that the drug screening at the D.C. Department of Corrections costs approximately \$640,000 last year. That includes halfway people in halfway houses and others involved in the corrections systems, as well as—

The CHAIRMAN. How many people is that, Judge, in the system? Do you have any idea? You can get it for me later, if you don't have it.

Judge UGAST. I had it. The number I think is—I will pick it up, but I believe it is 22,000. You mean in corrections?

The CHAIRMAN. In corrections.

Judge UGAST. Yes.

The CHAIRMAN. You told me that it was 70,000 that you test at the time of arrest, and that cost \$700,000.

Judge UGAST. At arrest and during monitoring while they are on probation.

The CHAIRMAN. While they are on—before they go to trial?

Judge UGAST. Yes, sir.

The CHAIRMAN. Then you told me that you spend \$600,000 after trial, with conviction, for those who are in prison or in halfway houses.

Judge UGAST. That's right.

The CHAIRMAN. And then you told us you spent \$200,000—for what was the \$200,000?

Judge UGAST. Monitoring the probation—

The CHAIRMAN. Monitoring people on probation?

Judge UGAST. Yes. That is separate from the Department of Corrections. That is through the court system.

The CHAIRMAN. Yes, but it is part of the drug-testing effort.

Judge UGAST. Yes.

The CHAIRMAN. Thank you.

Judge UGAST. Again mentioned, I believe you mentioned, it was mentioned in New York, our felony indictments rose from 3,100 in 1978 to 9,700 in 1988, felony indictments. We believe they will exceed 10,000 this year, and approximately 60 percent of that figure represents drug charges, wholly apart from what other cases might involve drug-related charges.

On the juvenile side—and again, I always feel it is important to include in this whole picture—on the juvenile side, the juvenile petitions increased from 4,000 in 1982 to 5,400 last year, and tragically, the severity of the crimes that we are seeing in the juvenile branch of the court have increased in seriousness and severity.

Now, what this has meant for us as a unified court responsible for all litigation, half of the judicial resources of the court are assigned to the criminal division at this time, approximately 25 judges, plus 5 hearing commissioners and the use of senior judges wherever possible. That means that the number of judges available to handle civil matters is reduced, and the timeframe for the position of that type of litigation goes farther out and takes longer.

The family division, I have had to put more judges in there as well, and again, that has taken away from the civil division. So, robbing Peter to pay Paul is what is part of the issue for a court

administrator in terms of trying to meet the needs of the immediate moment.

The mix of the criminal cases and the increase in the number of felonies versus the misdemeanors—we have been asked by other congressional committees this past year to project the impact of the addition in the 1990 fiscal budget of the increase, say, of 700 police officers here in the Metropolitan Police Department, and our estimate in testifying has been that that will probably increase the misdemeanors by about 1,600 and the felonies by about 2,000 additional felony indictments each year. And with the indication of further efforts toward sanctions and arrests of the users, we anticipate that would increase the number of misdemeanors appearing in the courts.

Similar increases I think can be anticipated in all of the Nation's trial courts, as funds are provided to beef up law enforcement and all facets of it, and not just the trial courts, but also the appellate courts are affected by the increase of the activity at the trial level, and resources are needed.

I think sometimes it is also forgotten that the increase in the caseloads of the trial courts have a direct effect upon the costs of the entire justice system. Just the costs of providing representation for indigent defendants we think may very well—a 16-percent increase, which is what we anticipate if those additional arrests are made, translates to \$3.5 million in representation.

The CHAIRMAN. Judge, I apologize, but would you be able to summarize possibly, because we have about three more witnesses—

Judge UGAST. Surely.

The CHAIRMAN. Your entire statement will be placed in the record.

Judge UGAST. All right. I will just end by saying that the probation services, each of those requirements are increased as we go in numbers and the drug testing that goes with them.

Finally, the jail and the prison spaces will be required of a system here particularly, but throughout the country as I go around the country in other court systems, the jail spaces are just not there, they are all over capacity, many with Federal caps.

I just would close by saying the needs particularly of our urban trial courts and appellate courts and all of the court-related agencies are integral to successfully planning a comprehensive justice system response, and we want to do our part, but it is going to require proper resources to do so.

Thank you.

[The statement of Judge Ugast follows:]

Testimony of Fred B. Ugast
Chief Judge - Superior Court of the District of Columbia
Before the
United States Senate Committee on the Judiciary
September 12, 1989

Chairman Biden and members of the Senate Judiciary Committee I am here today, with Mr. Larry Polansky, our Court Executive, and Mr. Jay Carver, the Director of the nationally renowned D.C. Pre-trial Services Agency, to try, as best we can, to describe for you the impact of drug abuse and drug violence on the criminal justice system in the District of Columbia. We believe the District's experience is illustrative of the problems facing many of our nation's court systems.

As a member of the Board of Directors and the immediate past president of the National Conference of Metropolitan Courts I have discussed this problem extensively with the leaders of the largest urban court systems in this country. Drugs and violence appear to be overwhelming the justice systems of our nation's major cities. Although I would agree that each city has the responsibility for responding to its own emergency situations, I would submit that no city is capable of responding alone to the drug crisis we are all facing. The federal government must share in the funding of a comprehensive and coordinated response to the problem.

Programs that work must be identified and funding for their replication provided, perhaps, on a local, state and federal shared basis.

The Anti-Drug Abuse Grant Programs are a step in the right direction but do not yet appear to be adequately funded. Simplification of the grant application and award process would help by permitting earlier action on the implementation of needed programs. Many good programs have been funded (ranging from such programs as) DARE (Drug Abuse Resistance Education) in the schools to the replication, in a number of cities, of Mr. Carver's drug testing program.

The solution to the drug problem, in my opinion, requires the simultaneous attacking of all sides of the problem. We need to address supply, through interdiction; and demand, by making the user aware of the danger (through education) and, afraid of the risks by imposing swift sanctions. We must apply the concept of asset forfeiture to the user. The "Open Air" as well as the "Behind Closed Door" drug markets need to be shut down. Crack houses have to be eliminated.

We must find effective detoxification programs for addicted crack users. The financial attraction of participating in the illegal drug industry must be eliminated. Kids today are in a career path that brings them to our courts, at the age of 26, as national figures and captains of their "industry". We must,

somehow, redirect their energies toward useful and successful careers in traditional fields that are not illegal or immoral.

We must find a solution to the reckless and wanton use of weapons on our streets.

I don't pretend to have the answers, but I believe we must address the full spectrum of the problem, both short and long term. We must have judges, jails and prisons as well as police and prosecutors. At the same time, we must have educational programs for young and old and treatment programs for the addicted. There must be continuous drug testing and monitoring programs for those in the drug culture who come into the criminal justice system. For the long term, our greatest effort needs to be directed to our youth. In short, unless there is a coordinated and comprehensive attack on the drug and drug violence problem, there will be no solution.

There is no precise way to show the exact cost of processing a drug offender through our court, but I can tell you that over one half of the District of Columbia Courts annual budget of \$80,000,000 is allocated to the processing of adult and juvenile criminal cases. Since 30% of juvenile arrestees, over 70% of adult arrestees and even higher numbers of probationers have drug problems, it is clear that at least \$30,000,000 of D.C.'s Court' budget goes toward paying for the processing of drug offenders and their cases.

Prior to any current drug enforcement programs, our Court had already been experiencing the results of drugs and drug-related crime for a number of years.

For example, our program for drug testing of arrestees, in operation since 1984, reveals that, while 51% of adult arrestees tested positive in 1984, 73% of adults tested positive in 1988. The adult "drug of choice" has changed over these past five years from Heroin and PCP to Cocaine. (14% tested positive for Cocaine in the summer of 1984 - 66% tested Cocaine positive in 1988.)

In our Juvenile Drug Testing Program, 33% tested positive in 1988 and the drug of choice has changed from Marijuana and PCP to Cocaine. (Cocaine was not found in Juveniles tested in 1984; now, 72% of the juveniles testing positive are positive for Cocaine.)

The program conducts about 70,000 drug screens per year, testing each sample for five drugs. Arrestees are tested prior to their first appearance, and the results are processed in time for use in determining conditions of release. Since over 70% of adults test positive, follow-up testing or referral to treatment is often ordered as a condition of release.

The direct costs of operating the program come to approximately \$690,000, including staff costs, chemical reagents, and other consumables. This figure includes the costs of testing both adult and juvenile arrestees prior to their first appearance, as well as the follow-up testing.

Drug tests for adult probationers are conducted by the District's Alcohol and Drug Abuse Services Administration. For the year ending in June, 1989, 22,176 probationers were referred by their probation officer for testing.

The D.C. Department of Corrections conducts drug testing of inmates, halfway house residents, and parolees. Last year, the Department conducted 72,000 drug screens, at a direct cost of \$640,000. Of the total tested, 16,700 were tests of individuals under the supervision of the D.C. Parole Board.

Felony indictments have more than tripled; from under 3100 in 1978 to over 9700 in 1988 and we expect over 10,700 felony indictments in 1989. Juvenile petitions have increased from 4000 in 1982 to 5400 in 1988 with an estimate of 5,600 for 1989 and, more importantly, the crimes committed by those juveniles have increased tragically in their severity.

Analysis of the filings of the past several years reveals that there has been a decided shift in the severity of cases brought before the Court. Whereas, in 1985, 67% of the criminal cases formally charged were Misdemeanors, in 1988 less than 50% were Misdemeanors indicating that the number of Felony cases formally charged has almost doubled over the past five (5) years and now represents over 50% of the Criminal filings. This phenomenal change can be attributed to the influx of drugs and drug activity and also vividly reflects, in 1987 and 1988, the impact of the District's "Operation Clean Sweep."

These increases, however, occurred despite only small increases in the number of authorized police officers.

We have been asked by other Congressional Committees to project the impact of the addition, in the FY 1990 D.C. Budget, of 700 police officers to raise the authorized position level of the D.C. Metropolitan Police to 4755.

We believe that this will result in a significant number of additional arrests, including large numbers of users. Comparison of the number of police officers to the number of arrests, over a period of years, shows that, on average, we can expect a little over seven court cases per officer per year. We can estimate, therefore, that these additions will annually produce 4900 additional arrest cases, which, we project, will, annually, result in 1600 Misdemeanor filings and, after preliminary hearing and grand jury action, 2000 Felony indictments. It is our belief that

added emphasis on user arrests will substantially further increase the number of misdemeanor arrests.

The combination of the already steady annual increase in number and severity of juvenile filings with the anticipated increase as a result of the addition of 700 police officers would lead us to expect to add approximately 900 petitions to the annual juvenile court workload.

Similar increases can be anticipated in all our nation's courts as funds are provided to "beef-up" law enforcement efforts.

The increase in caseload will obviously have a direct effect upon the cost of the entire justice system. For example, providing representation for indigent defendants. The projected 16% increase in D.C. case filings translates to an estimated \$3.5 million increase in the District's current \$22 million indigent defense budget.

The prosecutorial services of the U.S. Attorney's Office and the Office of the Corporation Counsel (which prosecutes juveniles and minor criminal infractions) will be significantly affected by the above recommendations.

In addition to having to man additional courtrooms, the U.S. Marshal Service will be responsible for substantially increased warrant activity and for stepped-up drug-related evictions.

Our Court relies heavily on the very professional supporting services of our Pretrial Services Agency. That agency supplies background information (including prior criminal history, and the results of a drug test) on every arrestee. This information, which is summarized in a written report, is used at the defendant's first appearance to determine appropriate conditions of pretrial release. Increases in numbers of arrests will require a corresponding increase in the capacity of the Pretrial Services Agency to supply this information, as well as to monitor those individuals granted pretrial release. Mr. Carver estimates that a 700 person increase in police personnel would require a 15% increase (or \$450,000) in order to maintain support services at present levels.

Just as important as the information provided at the time of arrest is the post-release supervision carried out by the agency. Currently, three out of every four arrestees is drug positive. The Court relies on the Pretrial Services Agency to monitor drug-using defendants from release to final disposition.

The adult probation caseload consists of 74 percent of the population being involved in drugs. Every new probationer is drug tested and monitored when necessary. Currently it frequently takes a week or more to receive drug test results. Monitoring services have frequent delays and are not provided in a timely manner. It

is essential, if we are to effectively fight the drug war, that every jurisdiction be able to confront a probationer immediately with positive urine results and initiate swift corrective action. Resources are necessary for same-day drug testing results and immediate drug-monitoring capabilities.

At the current time, the average probationer seeking treatment must wait at least three to four weeks before space is available at City run programs. We have instituted a program which we call "Safety Net" which, through a rigid training program, has certified a number of our probation officers as drug counselors. This provides a structured support program for the drug addicted probationer during that critical time period while waiting for admission into a full-scale drug treatment program.

The District's total incarcerated population has increased from an average daily population of 4,392 in FY 1979 to 10,396 in FY 1988 -- an increase of 6,000 or 137 percent. Average daily population housed in District-operated facilities has increased from 3,848 to 8,315 during the same period -- an increase of 116 percent. The actual incarcerated population on July 19, 1989, was 11,869 including 9,024 in District-operated facilities, 1,950 in federal facilities and 895 in state and county facilities. Most District correctional facilities are operating under Federal Court imposed caps and we are already at crisis stage. Any expansion of law enforcement activity will exacerbate an already critical problem unless additional correctional facilities are made available immediately.

There are a substantial number of programs and/or services needed and which must be considered as part of a comprehensive drug offensive:

Programs:

- . Pre-Trial Drug Treatment Programs;
- . Post-Trial Drug Treatment Programs;
- . Swift sanctions for failure to comply with drug conditions of release or sentence;
- . Home Detention;
- . Pre-Trial Electronic Monitoring;
- . Expanded Diversion programs with sanctions and services;
- . Drug training programs for all components of the Justice System.

Services:

- . Improved and expedited drug lab testing;
- . Improved and expedited forensics (ballistics, etc.);
- . Improved and expedited services for pre-sentence investigation;
- . Residential probation facilities;

- . On-site urinalysis testing for probationers with "same-day" test results;
- . Accelerated implementation of the CJIS; (Integrated Criminal Justice Information System);
- . Expanded child and family counseling and treatment;
- . Additional group homes, shelter houses and residential treatment facilities for juveniles;

The needs of our courts and all the court-related agencies are integral to successfully planning a comprehensive justice system response to crime, drugs and drug violence. We want to do our part and want to do it effectively, but we must have the proper resources in order to do so.

I must reiterate a portion of my opening remarks. The solution to the drug problem requires the simultaneous attacking of all facets of the problem. Unless there is a coordinated and comprehensive attack on drugs and drug violence, there will be no solution. We must find the right programs and the money to fund them if we are to succeed in eliminating the drug crisis.

Finally, from a long-term standpoint, in my view there must be major efforts directed to our young people. This is where the future lies and we need to change behavioral attitudes. While law enforcement is the short term answer to stop the violence and open-air drug markets, we cannot arrest our way out of this epidemic. Unfortunately, it is frequently too late when these young people reach the court. We need educational programs and treatment programs. We need to develop efforts across the board in the schools, community groups and churches to stress again family values and ties; the need for family support. We need to develop incentives for the kids to want to strive to improve their education and to look to role models who stress the need to stay in school to get ahead. We need to diminish the feeling of frustration and despair about the future by providing job training and job opportunities. It is surely natural for all young people to want to improve on their life style and to enjoy life, but it's important that they understand that, with this normal desire and ambition, traditional values of right and wrong and respect for other individuals' rights should go hand-in-hand when achieving these goals.

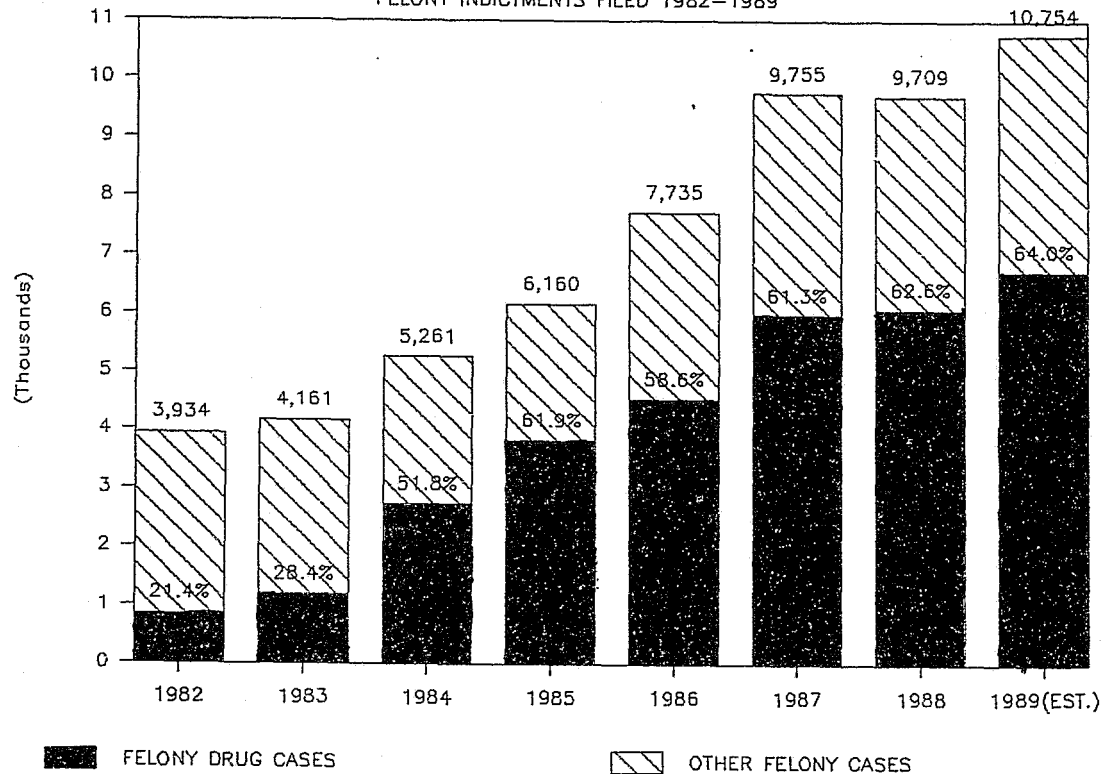
Putting an end to the drug epidemic will require our best efforts as a nation. We will not achieve this goal quickly, but we must, as communities and as a nation, have the will and the desire to persevere in all socio-economic levels of our society to bring about change. Communities throughout our country, large and small, are frustrated angry and fearful and want to do something about drugs. I believe this committee, by conducting hearings such

as this and addressing the need for all to share the financial burden of the effort, can serve as the catalyst to foster and strengthen our national will in this endeavor.

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SUPERIOR COURT — DISTRICT OF COLUMBIA

FELONY INDICTMENTS FILED 1982-1989



Annual Drug Test Results - Adult Arrestees - 1988

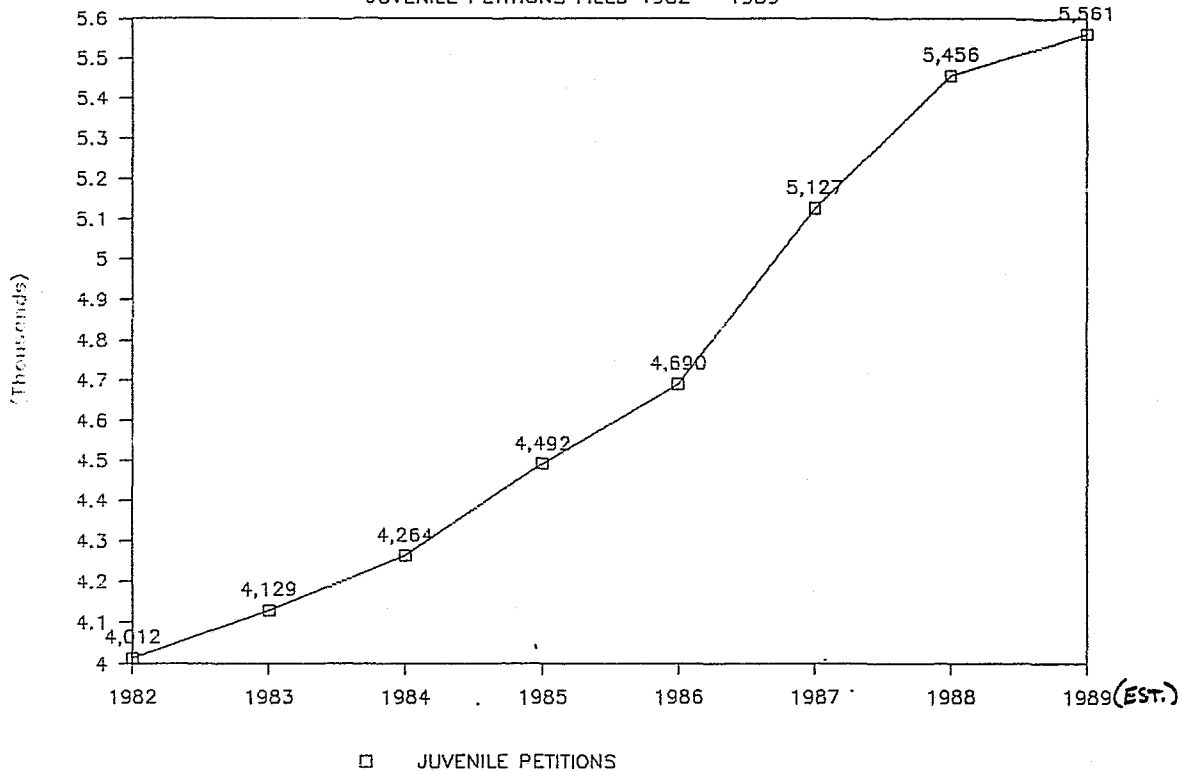
Total Number Tested 15,734

Total Positive 11,411 or 73% of those tested

DRUG	NUMBER POSITIVE	% POSITIVE
Amphetamines	156	1%
Cocaine	10,078	64%
Methadone	282	2%
Opiates	2,618	17%
PCP	5,224	33%

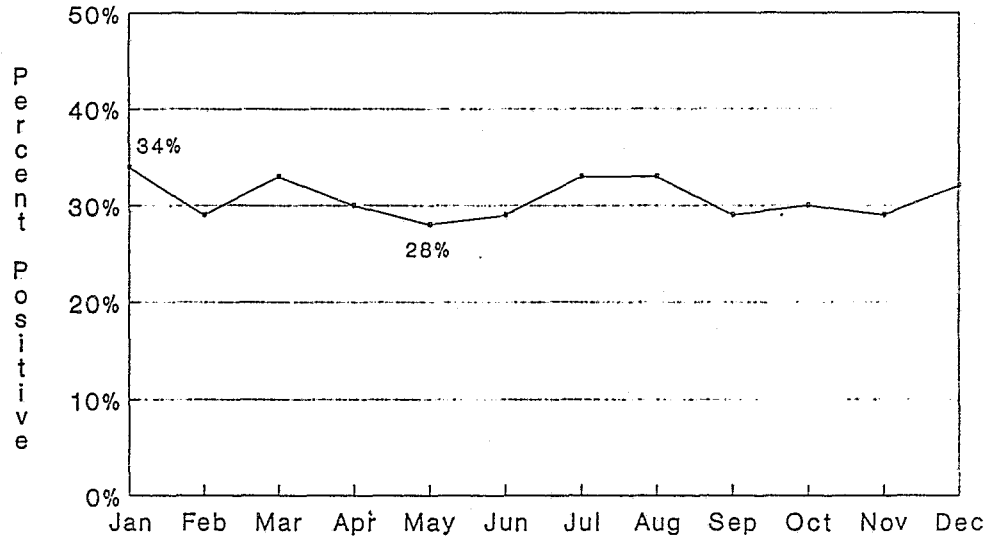
SUPERIOR COURT — DISTRICT OF COLUMBIA

JUVENILE PETITIONS FILED 1982 — 1989



1988 Juvenile Drug Testing Results

Overall Positive by Month



N = 4558

D.C. Pretrial Services Agency

The CHAIRMAN. Gentlemen, we have so many witnesses, if we could attempt to keep our questioning on the first round to 5 minutes, we may be able to move through this, if it is possible. Obviously, if you need to go beyond that, we will.

Let me begin, Judge, with you. In a system last year that had 9,700 felony arrests, and about 60 percent of those being for drug offenses, not drug related. By drug related, you mean someone on drugs who may shoot somebody in an argument, that is murder, that is not a drug offense, correct, as opposed to someone picked up with a kilo of cocaine in the back of their automobile, that is a drug—

Judge UGAST. Possession or distribution.

The CHAIRMAN [continuing]. Possession or distribution.

So, for you to take care of 60 percent, roughly 5,500 drug offenses, you had to spend between \$1.5 and \$2 million—based on the numbers you gave me—on a drug-testing program, is that about right?

Judge UGAST. I believe that is right. I said \$700,000 for the 70,000.

The CHAIRMAN. Yes, you had the \$700,000 and \$600,000 for prison and \$200,000 on probation.

Judge UGAST. Taking the entire—

The CHAIRMAN. That is what the President's plan calls for, the entire system. So, I am just trying to get a sense here. Last year in the system 1.1 million drug arrests at the State and local level, and 13 million arrests. And, depending on what the President's plan means, you can understand why it is important for cities to understand what they are about to sign onto and for States to understand what they are about to sign onto. You are already doing it, but our State legislative friends and our mayors should know that there is an absolute precondition for getting any help in for that.

By the way, I think I should compliment you on the program in this city, the testing program. And I think the President is absolutely right, that we should have such a program instituted nationwide, but I just want to make sure we all know what at least the general proportion of what we are talking about here is.

Now, let me ask both Mayor Riley and Representative Blue, if, in fact, the States and cities are to follow through with what you know to be at least the fairly broad outlines and requirements of your part of the strategy, is there any way that, to the best of your knowledge, you can fulfill your part as called for by the President and Director Bennett, without cutting services or raising taxes?

Mayor RILEY. I would not think so, Senator. You know, cities raise taxes, most of the cities in our country over the last decade, when the National Government has gone through a number of tax-cutting efforts, have raised taxes. The buck clearly stops right there, and we have raised taxes to wage the war on drugs and to fight crime, and there is no way that something will give, either services will be cut or taxes will be raised, and we really feel that the national government being the chief leader in terms of the strategy in the national comprehensive plan, that funds need to be shared with the local communities to help wage it, otherwise it is just not fair.

The CHAIRMAN. Mr. Blue?

Mr. BLUE. We would agree totally with that, Mr. Chairman. We simply, from the State perspective, do not see any way that we could implement the full plan without substantial infusion of funds. We would certainly hope that the full burden of generating these funds would not fall upon us, and that is part of my message, that if in fact it is going to be mandated from this level, then concepts of federalism would seem to dictate that we participate a little bit in the discussion as to what they are and that you participate a little bit in funding those things that are being mandated.

The CHAIRMAN. Well, my message to you is that that is not part of the message. My message to you is, as I understand—and I can be corrected by any of my colleagues—Mr. Bennett's proposal does not contemplate any more than what it states on its face, and that is there will be some help for treatment, some help along the board, and \$350 million on the law enforcement side, so I do not want you to be misled unless I misunderstand. There is nothing hidden in there, there is no hidden money for you all.

Mr. BLUE. That is what I understand, Mr. Chairman, and that is what I think could tend to be a fatal flaw in it, as States starts grappling with the availability of funds to start doing their share of the plan, and I would certainly hope that we would underscore the point that there has to be some financial participation from the Federal Government if the State is going to make this plan work.

The CHAIRMAN. Beyond what is being—

Mr. BLUE. Substantially beyond the \$350 million.

The CHAIRMAN. If I understand the point both the mayors and the legislators are saying, it is (a) you have given us some money in this plan. It is a good idea, but unfortunately to pay for the whole bill, you propose cutting programs that benefit us, so on a net trade, you are giving us—we are actually giving you money—

Mr. BLUE. Sure.

The CHAIRMAN [continuing]. You are actually not giving us money in order to help fight the war on drugs; and, second, if I understand what you are saying, that if you expect us to participate in the plan that you have laid out in order for us to do that, the way things stand now, we are going to either have to raise taxes or cut revenues in order to pay for the drug strategy at a State and local level. Is that correct?

Mayor RILEY. That is correct. The mandates that will be imposed in the legislation, and there is no money forthcoming for those, will cost us money, absolutely.

The CHAIRMAN. Thank you.

I yield to my colleague from South Carolina.

Senator THURMOND. Thank you.

Mayor RILEY, I have a few questions here, and I am kind of limited in time, if you will just answer them as briefly as you can.

Mayor RILEY. Yes, sir.

Senator THURMOND. Mayor Riley, as former president of the U.S. Conference of Mayors, you have had the opportunity to hear different opinions on how assistance to local governments can be best provided. From your experience, how would our Nation's cities mayors use financial assistance from the Federal Government in the effort to fight the war on drugs?

Mayor RILEY. Well, in various ways. Law enforcement money—and one of the problems we have with the lack of direct funding—is that State governments do not run local police departments and they are not going to put our priorities in order. I can do this very briefly, but in my written testimony, I point out that 59 percent of the cities have not reviewed their State plans, 64 percent of the cities do not have an opportunity to participate in the planning process, 73 percent of the cities did not know how much money they would get, 59 percent of the cities did not have a say in how it would be spent, and 23 percent of the cities have not gotten a dime yet, and the State governments help fund education and all like that.

When you get in law enforcement, into local police departments, you know, in South Carolina, in Delaware, in Illinois, and elsewhere, they are run locally, and what we would do with the law enforcement money is put it at the streets, put it in additional police, put it in techniques; a lot of the smaller communities, with sophisticated equipment, to help with doing undercover work and those kinds of things, that is where we would put it, right at the street and the sidewalk level. We think to direct some form of some direct funding will be necessary to really implement that.

Senator THURMOND. Mayor Riley, in your prepared statement, you have discussed what you see as the need to change the current block grant program of States. Please state whether your recommended changes, which would allow funding to go directly to the cities, would have any impact upon the need to fight the drug problem in an organized statewide manner and the need to fight the growing drug problems in rural areas.

Mayor RILEY. Senator, what we would see is a split system, the State would still receive money under grant and with the State plan work with rural areas and help with their end of it, which is corrections, in the courts and prosecuting, but have a pot of money that will go directly to at least the largest cities to get it right down into the neighborhoods where the crack houses are and where the police are being shot at. The money is not coming down there right now, it really is not, across the country.

Senator THURMOND. Mayor Riley, the national strategy includes increased funding for State and local enforcement. From your experience in the city of Charleston, where is financial assistance needed most? For example, is it needed to hire more officers, purchase more cars, or purchase weapons?

Mayor RILEY. In Charleston, we have raised our taxes and provided money to do all of those things. We would use it in law enforcement personnel and in additional techniques and material and equipment.

Senator THURMOND. Mayor Riley, in his speech to the Nation last week, President Bush spoke of the need for increased community involvement to curb the use of illegal drugs. What kinds of efforts could the city of Charleston and other communities undertake to address this problem, rather than exclusively relying upon the efforts of the Federal Government?

Mayor RILEY. Senator, the war will never be won if even the smallest hamlet in America exclusively relies on the Federal Government. It is our problem at the local level and we will fight it. Of

course, there is not an ounce of cocaine that is grown in any city in America, it all comes from abroad and to that extent it is a serious national problem. We are not asking for the Feds to do our work with us, only to be a partner.

What we have done in our city, and we are very proud of the fact that in the last 7 years we have had a 35-percent decrease in serious crime. We had fewer burglaries last year than any time in the last 25 years, fewer armed robberies, and what we have done, working with the communities, there is not one square inch of my city that the drug dealers have, not an inch, not an intersection, not a house. There is no place that the criminal element thinks they can operate with impunity. We have undercover people, we have uniformed people, and I think the communities of our country are willing to do that, working with neighborhoods, working with the housing authority residents, working with the community, it is that the national resources, if added to that, pursuant to a comprehensive plan, interdiction, demand-supply, education, treatment, all that done at the same level.

I think what the President said and what he laid out basically is that, is a comprehensive strategy which we all applaud and applaud him and applaud Secretary Bennett. We feel that even more, however, will be necessary to really make it work.

Senator THURMOND. The city of Charleston has done such a fine job, I think it would be worthwhile for other cities to emulate that city.

Mayor RILEY. Thank you, sir.

Senator THURMOND. Charleston has been a leader in so many things. I will not go into the various other things, where they say the war started and so forth. [Laughter.]

It has been a leader in many things and I congratulate you on the great progress you have made there.

Mayor RILEY. Well, we thank you for all of your continued help, Senator.

Senator THURMOND. I have used my time.

The CHAIRMAN. If you need some more, go ahead.

Senator THURMOND. Representative Blue, a recent National Institute of Drug Abuse survey found that the number of Americans using illegal drugs on a casual basis has dropped by 37 percent. Many experts attribute this decrease to intense efforts to educate society about drug abuse. Would you discuss whether you see the strategy addressing the need to educate our children about the evils of drug abuse?

Mr. BLUE. I agree with that, Senator Thurmond. I think that clearly the educational component of this plan has to be emphasized, and that is one of the reasons that I question any proposed reallocation of funds in the juvenile justice area, because I think that that education has, by necessity, to be emphasized with our youth.

Clearly, we can approach adults and try to convince them of the evils of using drugs, and that is why the youth population is decreasing. But I think at some point we will have convinced most of those who can voluntarily withdraw from the use of drugs, the casual use, but we have to make a much greater effort in treating those who cannot voluntarily withdraw, and I think that is where

we come in asking that at the Federal level there be a little bit more participation.

Senator THURMOND. As chairman of the committee, Representative Blue, on law and justice of the National Conference of State Legislators, you must be familiar with the way in which States treat casual users of drugs. In your opinion, are current State statutes tough enough to respond to the strategy to hold casual users more accountable for their actions?

Mr. BLUE. Over the last couple of years, Senator Thurmond, I think most States have started tightening up the casual use laws. In our own State, in our recently completed session, we eliminated the offense of misdemeanor for possession of cocaine and made it a strict felony, regardless of the amount possessed. We have reformed many of our drug laws to reflect this toughened attitude.

That same kind of thing is occurring throughout the State legislatures throughout the country. I believe that there is a need to show that we are serious in this effort, that drug abuse or drug use in any form is not going to be tolerated. So, in direct response to your question, States are toughening up and it is appropriate that they do so.

Senator THURMOND. Thank you.

Judge Ugast, the national drug strategy calls for the expansion of the criminal justice system to accommodate more people at every point. From your experience here in the District of Columbia, where is expansion needed the most?

Judge UGAST. Well, I have stated a number of times that the criminal justice system has to be viewed as an integrated entity and that you cannot look at just one piece, and wherever you take steps, each has to be interrelated. If you increase the police, all of the related agencies are involved, including the court system, corrections, and the various services that go with them.

Our corrections department in the District of Columbia is absolutely at the breaking point and that is the most immediate concern, I think, in the District of Columbia, and the budget request this year is for \$227 million, and 3,800 beds have been added since, I believe, 1980. But from where I sit, the prison situation here is at a very real crisis today.

Now, increased police requires increased resources for the court and all the related agencies, prosecutors, the U.S. Attorneys Office, and the Marshal Service. I am affected by the inability of the Marshal Service if they are not able to give enough marshals through the Department of Justice to handle security for the increased number of trials we have and the increased judges.

Senator THURMOND. Judge Ugast, drug-related violence on the streets of the District has received national attention. In your opinion, does the strategy provide effective solutions to the problem?

Judge UGAST. Well, that is a hard one to answer, Senator. I think many of the substantive proposals, as I have been able to gather in a quick reading in the last 2 days, really, all go to some of the aspects of a coordinated approach.

I think the most important thing is that we approach this problem in every major city, including our own, as a total approach. And whether it is enough or in the right places, I think remains to

be seen. I know we need Federal support and funding to be able to carry out our responsibilities.

Senator THURMOND. Judge Ugast, the national strategy addresses the problem of inter-agency turf battles that impede effective drug-control policy. Would you state whether you are aware of similar turf battles in the D.C. Government?

Judge UGAST. No; I do not think I am in that regard. I think in the law enforcement aspects of the District of Columbia, that every facet of it is so strained to the limits that the real crisis is the ability to meet the responsibility of each of the agencies involved, not turf battles, I do not believe.

Senator THURMOND. I wish to thank all you witnesses for your appearance here today and your contribution to this hearing.

Thank you very much.

The CHAIRMAN. Senator Simon?

OPENING STATEMENT OF SENATOR SIMON

Senator SIMON. Thank you, Mr. Chairman. I regret that I am going to have to leave after making just a few observations here.

I have been reading through the testimony not only of these witnesses, but the next witnesses. Charles Meeks, from the National Sheriffs' Association has one thing I just want to underscore, because one of these days we are going to have to face up to this, also.

He says:

In reviewing the national drug control strategy, I did note one enormous gap, alcohol abuse is excluded. We will eventually have to take a hard look at the vast problem of alcohol abuse also, if we are truly dedicated to the ideals of eliminating drug abuse in this country.

I agree with that.

I think that we have declared a war on drugs, but we have also made clear we are not serious about funding the war on drugs, and until we are willing to tackle the latter part, we are not going to do what we ought to be doing in this war on drugs.

The short-term things we are paying some attention to now, and we ought to. And I might mention, Representative Blue, one of the changes we ought to make in the law in most States is, once people are found guilty of drug trafficking, they should not be able to post bond and then walk the streets while they are on appeal.

In Cook County, IL, over 900 people last year posted bond and then disappeared, and that is happening all over the Nation much too much. But the long term, we are unwilling to face up to, and, Mayor Riley, you say because of the enormity of the drug problem, we must be concerned about the impact of this strategy or any strategy if it is not backed by adequate Federal resources, if it is not equipped to get those resources to where they are most needed, or if it takes funds away from other badly needed programs and services in cities. If we fund the short term, and hurt the long term, we have done nothing for this Nation, and I see that as a real temptation.

Representative Blue, you almost added an addendum to your remarks. You say we have to attack the things that cause drug abuse. We have done very, very little of that, and in a society that

is increasingly segregated on the basis of economics, it becomes easier and easier to ignore the problems of the poor and to ignore what I think is the very basic issue.

Finally, Judge, if I may quote you here, from a long-term standpoint, in my view there must be major efforts directed to our young people, this is where the future lies and we need to change behavioral attitudes. While law enforcement is a short-term answer to stop the violence in the open-air drug markets, we cannot arrest our way out of this epidemic. You are absolutely right.

And when I talk to U.S. Attorney Tony Valukas in Chicago, he says the No. 1 problem is education. We are going to have to tackle the problems of education and job opportunities and teaching job skills if we are really serious about this thing. We are, I think, dealing with the superficial, to some extent one of the Achilles heels—I am sure this is not true for the mayor of Charleston or Representative from North Carolina or a judge in the District of Columbia—but one of the Achilles heels of those of us in political life in the U.S. Senate is we like the publicity, but sometimes we are not willing to deal with the really substantial problems. And what we are going to have to do if we are serious about a war on drugs is to deal with the substantial problems.

I thank all three of you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.
Senator Grassley.

OPENING STATEMENT OF SENATOR GRASSLEY

Senator GRASSLEY. Mr. Chairman, before I ask my questions, I want to note that a friend of mine and former Iowan is on panel II, Anthony Travisano. Mr. Travisano was State director of corrections in Iowa during the period of time that I was in the State legislature, and I want to welcome him here.

Mr. Chairman, at last week's hearing on the national drug strategy, I urged my colleagues to "keep their powder dry" and resist urges to make political points about who can be tougher on drugs. I suppose that sort of advice in this institution is taken like a pipe-dream. But I think we ought to remind ourselves that we created the Office of National Drug Control Policy; one purpose of that office was to come up with a comprehensive national strategy. The Congress of the United States said that.

A comprehensive strategy has now been developed. Whether or not it is written precisely as members of this committee might do it if we had the responsibility, the answer to that is probably not. But is it worth a try? Absolutely yes. Is it in concrete? The answer to that is no. In less than 6 months, we will be presented with a revised strategy, as the law requires.

I think Congress ought to stand behind this comprehensive strategy and help make it work. As long as we can play with figures, anybody can make a case for spending a dollar more here or a dollar more there. But we ought to get the show on the road.

And as a part of our oversight responsibilities of the strategy, I appreciate hearing from local officials.

Secretary Bennett stated that the most important player in the war on drugs is a volunteer army of good people, parents, priests,

rabbis, teachers, older siblings. As he put it, it is more likely that "they can win the war without us, than we can win it without them." You would agree with that, wouldn't you?

Mayor RILEY. Senator, that is out there, and I agree with that. The volunteers are ready, the commitment is there. And in regard to this strategy, I think the failing would be to be too timid about what you ask of the American people, including paying for it. They are delighted, will be delighted to have the opportunity to pay as well as to volunteer and to give. I think we need to ask more, rather than less.

Senator GRASSLEY. The reason I ask the question is because is because there was no mention of that broad approach in either your statement or Representative Blue's statement. And I'd like to know the extent to which you see this as just a matter of money, especially Federal money, or whether or not you would be willing to say that it is going to take much more than money?

Mayor RILEY. Well, speaking for the cities of our country, they are spending the money right now. As I mentioned, the top 50 cities with budgets increased their public safety budgets last year by 32 percent. The money is committed, it is our No. 1 priority, we are out there. The mayors do not leave it. We see it on the streets and in the supermarkets and in the eyes and the fears and the concerns of our residents. I will see it at my city council meeting tonight, and I will see it every day. We are committed.

Senator GRASSLEY. Are you increasing your budget next year?

Mayor RILEY. We have increased our budget every year in law enforcement. My police department is about 35 percent larger than it was when I was elected mayor. We put those resources there, and the citizens are willing to pay for it.

Senator GRASSLEY. What is the approximate increase in your budget for the war on drugs, from this year over last year?

Mayor RILEY. Well, it would be hard, it really would be hard to bring that out. I would say that over the last 10 years, our public safety, police department expenditures have probably tripled.

Senator GRASSLEY. Is your increase lower or higher than what is proposed for the Federal budget in the war on drugs?

Mayor RILEY. Our increase is much higher.

Senator GRASSLEY. How about for the State of North Carolina?

Mr. BLUE. Ours would be substantially higher, Senator Grassley. As I indicated, one thing that comes to mind, I think in one of the programs there is a \$6 million challenge grant for States to build more jail cells. As I average that out, if we use Missouri as a test case, to where it costs approximately \$113,000 to build a maximum security cell, that would purchase 51 new jail cells for 50 States, 51 totally, so about 1 per State.

I indicated that we have committed to spend \$600 million over the next four bienniums, three remaining bienniums, to increase our jail capacity. In addition to that, we are—

The CHAIRMAN. In North Carolina?

Mr. BLUE. In North Carolina, our prison capacity. That does not take into account local jails. The numbers on that is substantially higher, to look at it on a local level. My city just completed work on \$50 million for a local jail, so clearly we are doing substantially

more than any money from the Federal Government would indicate.

One point I would like to add to your synopsis of what Dr. Bennett, who I might add is a North Carolinian, said about where the war is. I believe that one of the most important components of this war, while volunteers play a very significant role, but one of the most important components has to be that citizen who is addicted to drugs or that casualty who casually uses them, and we are going to have to figure out how to get directly to them. Volunteers can certainly say you cannot do it in my community, but communities get to be relatively large.

The last point, the issue that I would raise is, from the standpoint of funding, we learned I think with our experience in alcohol abuse—and I made some comments in my prepared remarks about that—that there has to be something a little bit more than saying do not do it. It will take resources. Volunteers can go a certain amount, but volunteers I do not think will build jails. It is too dangerous for them to get directly involved in law enforcement, with the kinds of characters that we are talking about, who are actively involved in drug trade. Volunteers cannot basically be judges and support the whole criminal justice system. It is going to take additional funds to do those things, Senator.

The CHAIRMAN. If you have another question, go ahead.

Senator GRASSLEY. My last point is this: Secretary Bennett has called the present-day drug crisis in America a crisis in legal, political, social, and moral authority. I do not think there is any disagreement with that. However, I also believe that it is likely that the best solutions are things that have been, and I hope will continue to be, uniquely within the domain of cities, counties, and States. Of course, there is a Federal role. But, you don't disagree with me as a general proposition, do you?

Mr. BLUE. I would agree with that substantially. Again, I would think on a strict concept of federalism, Senator, which is where the States are coming from, we have basically been wrestling with these problems to our best ability. We have raised taxes and we certainly do not like raising taxes. We have toughened laws, and we have done many other things, and if the concept of federalism works; that is, if the Federal Government is going to come in and help us do it a little bit by telling us what to do and how to do it and saying what the conditions will be for us receiving Federal funds, it is our sincere feeling that there ought to be greater participation in the cost by the Federal Government to underwrite these mandates that are being put upon us.

Senator GRASSLEY. Well, that seems to me to be too low and too simple. I have no more questions, but just one summary statement. If the whole war on drugs is a question of raising taxes or not raising taxes, spending money or not spending money and at what level of expenditure, then we are never going to win the war.

Because whether it is on this issue or any other issue, taxes cannot be raised high enough to satisfy the appetite of Congress to spend money. It just cannot be done.

We have got to get on with those things that there are general agreement on and get the program on its way.

Mayor RILEY. I would just, in a brief response, like to say that if anything that the Conference of Mayors has published at least in the last 4 years, when we have been working on this, our meeting with police chiefs and all of that, you will never find any statement that it is all a matter of taxes of funding. As Menchen said, every serious problem always has one simple solution that is wrong, and what this takes is the most comprehensive of plans this President has outlined.

Our only concern is that we make sure that it goes far enough and that the resources are there that are needed at the national level, just as the resources are there that are needed at the local level. If we do it together, it can be done.

Senator GRASSLEY. I do not see—either in the strategy or in any way—that the President has a predilection that we ought to shove more off onto the States and local governments, in fighting drugs. If he thought that, then I would tell him he is wrong. The President's approach is truly in the spirit of federalism. The fact of economic political life here in Washington is that we always have more will than wallet to spend money. If you look just for that, we are not going to solve this problem, any more than we solved a lot of social problems we have tried to spend money on or any more than we get a stronger defense by just throwing more money at the Defense Department. All you do is waste more money, whether it is defense or social programs.

It is how you spend the money that is going to make a difference, not the amount of money.

The CHAIRMAN. I just would like to point out that, in terms of timing, Senator, the administration has not even prepared, nor has it sent to the committee, the legislation to implement their own plan. In fairness to them, they do not have it ready yet, and it is reasonable why they do not. There is no delaying up here. The President said and the Director said that he probably would not even be able until October 1 to even send us the legislation that little red book calls for in order to make it the law.

So, we are way ahead on this, we are way ahead of this. As a matter of fact, there is a proposal on the floor this very hour to fund the entire President's bill that Senator Byrd and I have co-sponsored. We are going to give him the money as quick as he wants it. But in fairness, he has not even gotten up the legislation that we could vote on to give him what he asks for, and that will not even occur at the earliest they—I should not say—let me be precise—it probably would not occur until around October 1, which is what they told us. We do not have anything before us. The committee does not have anything before us.

Senator GRASSLEY. But still, Mr. Chairman, we have been talking just money and hardly anything else here today.

The CHAIRMAN. Well, you and I can debate that later. I do not think so. The President has been talking money. The President came up and said he wants to spend \$1.5 billion on prisons. He says we badly need them. Then he turned to the States and he said you should do the same thing.

Now, the President is telling the States, you spend as much money on prisons relatively speaking as we do. And yet if you look at the chart here, the little blue on the top is the number of Feder-

al prisoners. There are only 50,000 Federal prisoners. There are almost a million State prisoners. So, if we tell the States to spend as much money on prisons as we say we have to spend on prisons, the question is can they find the money.

I do not want any new taxes. I am not proposing new taxes. I think we can do it all. The question is: Are they going to have to raise taxes to do what the President is telling them to do. That is the only question.

Senator GRASSLEY. It is a case of priorities that we set and the State legislatures set and the city councils set.

The CHAIRMAN. I agree, but the point is they are not setting the priority. We are telling them. We are going to vote shortly on whether to tell them to do that, and all these guys are saying, as I understand it, is, look, if you tell us we have got to do something, then you are in on it with us. If you are not going to be in on it with us, do not tell us and we will do it our way. That is all. And the President is telling them. The President is telling them to drug test. He is not asking them, he is telling them, and that is going to cost them a quarter of a billion dollars. It is not their idea. It is not my idea. It is the President's.

Senator GRASSLEY. Just think of the overwhelming percentage of drug cases that are prosecuted in State courts, as opposed to Federal courts.

The CHAIRMAN. That is absolutely right.

Senator GRASSLEY. The President is not saying that the States should handle a bigger percentage.

The CHAIRMAN. I am not saying he is or is not. Ninety-six out of 100 people in the criminal justice system are within the States' jurisdictions, and it is a State responsibility. Unfortunately, President Nixon said, on drugs, that is primarily a Federal responsibility. Because drugs come from abroad, drugs cross jurisdictional lines like nothing else ever does, so the Federal Government should play a larger role than it should play on burglaries, than it should play on stolen vehicles, et cetera. So we said that, and I am not criticizing the President, nor, I think, are they. They are just saying if you tell us to do something, tell us how much it is going to cost us, and we will tell you whether we can pay for it, or else do not tell us. That is all. No one is making any accusation, we are just trying to find out the facts.

I yield to the Senator from Pennsylvania.

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. Thank you, Mr. Chairman.

I think that this discussion is very useful, because it focuses on both will and wallet, which Senator Grassley has commented about and, as usual, he has put it very emphatically and very effectively in saying that money alone will not do the job. But while focusing on that, it is also true that money is necessary to work on the program, along with the will.

And as Senator Biden has said, Senator Byrd has been on the floor offering \$2.2 billion additional by having an across-the-board one-half of 1 percent cut in the Federal budget, and that is going to

be a highly controversial item, because that will dig deeply into many other items which are very, very important.

But the fact that these hearings are going on and the fact that there is a tremendous focus of attention on this is vital in order to add the will and the mechanism and the determination to work on the issue within the funds which are available, and I compliment my colleague, Senator Biden for conducting these hearings in a very, very ambitious schedule.

When the hour grows near noon, Senator Biden usually finds himself alone. When Director Bennett testified last Thursday, there were a lot of Senators at the start on the so-called photo ops, we say, and by 12:15 it was a very limited group. Senator Biden and I were talking about the problems which arise when you sit too long, but he has done a prodigious job as chairman of the Judiciary Committee and I think it ought to be noted more often.

The CHAIRMAN. Thank you. You are very kind.

Senator SPECTER. He has the burden for sitting here all these lengthy times. Of course, he also gets to make the reply to the President, on "Nightline" and "This Week With David Brinkley." [Laughter.]

He has not lacked for attention, but few people realize the tedium and difficulty of conducting these hearings.

I would like to focus on the question of sentencing first and the unavailability of jail space and then come back to the costs of jail space. This is a subject that I have been concerned about for more than 20 years, because it has been apparent to this Senator since back in the sixties, on the problems of jail space and detention facilities and the impact that it had on the criminal justice system.

Chief Judge Ugast and I have talked about this subject on a number of occasions when I chaired the District of Columbia Subcommittee and looked at this problem 5 years ago, knowing at that time that the insufficient jail space was a major problem. We put up some \$40 million in Federal funds to build a new prison for the District of Columbia, when it was apparent that was necessary back in 1984 and 1985.

The subject I want to focus on for the moment is the fact that there are many people who are not sentenced to jail because there is insufficient space in jails. We know that more than 20,000 convicts are released each year in advance of their terms because of insufficient jail space.

A few weeks ago, there was a case in Little Rock, AR, where an individual was sentenced in a murder in the first degree case. It occurred during a robbery—should be 25 years under Arkansas law; the individual was committed to jail, but not received because there was no room—an incomprehensible situation.

I am told that in the city of Philadelphia, there have been five individuals in the immediate past released because of absence of space in the detention facility, and those five individuals have been charged with homicide. Those of us in the criminal justice system know that it is a repetitive problem that, when there is insufficient calendaring and court facilities available to try cases, that people on bail are charged with other offenses, and are not sentenced promptly.

But what I want to discuss with Judge Ugast for just a moment is the question of the inevitable consequence of trial judges not imposing sentences—Senator Thurmond reminds me that Mayor Riley must debate, and that is satisfactory with me. If it is up to me to excuse you, so be it. Thank you very much for coming, Mayor Riley.

Mayor RILEY. Thank you, Senator. I want to thank you for all the support that you have given this effort. We know of your experience as a district attorney and your interest in the needs of not only Philadelphia, but all the cities. We really appreciate the support.

Senator SPECTER. Well, thank you very much for coming, Mayor Riley. You have a tough job as a mayor, I think. They say the New York mayor is the second toughest job, and I would put the mayor of Charleston right on the list. You have to do a lot of things with very limited resources, and we appreciate your taking time to come here today. We understand you have other commitments and you have to leave at this time.

Mayor RILEY. There is a city council meeting tonight and I have to get back for it.

Senator GRASSLEY. Well, I know how tough those are. My wife is on the city council.

Mayor RILEY. I know her well, indeed. I served on the board of the National League of Cities with her.

Senator GRASSLEY. Wonderful. Thank you, Mr. Mayor.

Mayor RILEY. Thank you.

Senator GRASSLEY. The point that I was coming to is the brutal fact of life that, when judges look at prisons that are overcrowded, that it is an inevitable aspect of the discretionary job—and I am not saying that judges will turn away the worst hardened criminals without committing them to jail, but in the Little Rock case it did not do much good, because there was no space.

I have discussed this matter with Judge Ugast and I dug this out. Back on June 11, 1986, more than 3 years ago, Judge Ugast and I were talking about this, because I wanted an evidentiary base for the conclusion that judges do not sentence in discretionary matters where they would like to send somebody to jail, because of the insufficiency of jail space, and at this time, without reading the details, Judge Ugast referred to a conversation we had 2 years before that, where he had a different point of view.

On June 11, 1986, Judge Ugast expressed himself on the subject, and rather than paraphrase, I would ask you the question: From your extensive experience as a trial judge in a very tough city, Washington, DC, where there are horrendous problems of prison overcrowding, what is the effect of that on the discretionary judgment of cases where a judge might like to send someone to jail?

Judge UGAST. Senator, as I indicated before, it presents a real problem for the trial judge, particularly in the cases that are on the borderline of incarceration or not. I think I said then and I say still that, when faced with a situation of an individual that, in all likelihood, would be incarcerated, not necessarily for a substantial period of time, versus some type of stiff probation, because of the very, very limited capacity in our prison system at the time then and worse now, that a judge would probably opt for the toughest

type of probation, with tight conditions that he or she could impose.

I think judges still, when faced with a case that clearly calls out for incarceration, are going to impose that type of a sentence, but know up front that early release and good credits are a fact of life today.

Senator SPECTER. Well, Judge Ugast, I think that is a courageous statement that you make today and that you made back on June 11, 1986, because nobody likes to say that, under any circumstance, would a judge be disposed to impose a jail sentence, he or she will not do so because of the absence of jail space, but it has been my conclusion for many years that that is a fact of life. It is just inevitable.

If you have a first-degree murder case, a robbery and killing, like the fellow in Little Rock, you are going to impose a jail sentence, or if you feel you just have to, you are going to. But that is not the question. The question is who ought to be in jail under the discretionary judgment of a criminal court justice, and I think the people in this country do not realize how many people are on the street who ought to be in jail, because there are an insufficient number of jails. It is an horrendous problem which has been with us for a long time, and I think for the first time that we are starting to do something about it. The President has put \$1.4 billion in on jails.

I would call this to your attention, Mr. Blue, where you deal with the prison situation, you can get all sorts of figures on what it would cost, and you mention \$113,000 for a maximum-security jail. That surprises me. The highest figure I had heard was \$63,000. But what we have to do, and minimum security coming in at about \$33,000, on average. I hear a computation of about \$50,000 for a jail cell, but it is possible, according to Prison Director Michael Quinlan, to take abandoned bases and have minimum security for as little as \$2,000 a bed. He has had experience with that in Maxwell Air Force Base and other Air Force bases which are currently operative, where they have worked out minimum security arrangements and put people into beds at that level.

And one of the things that Senator Biden and I were doing on Thursday was trying to get Dr. Bennett's group to come up with specifics as to what they are doing to utilize abandoned military bases, and we got just a little double-talk on that and we are going to pursue that.

Well, Mr. Chairman, I am going to cease at this point, because I know we have a long list and I add my thanks to Representative Blue and Chief Judge Ugast for coming here today.

The CHAIRMAN. Well, I too add my thanks, and I want to make it clear to the panel that you did exactly what you were asked to do. I notice today no one was judgmental in the sense that you said that the President's plan was bad or that you did not think the President meant what he said, nor do I.

The purpose of this hearing, as I said at the outset, with State officials and local officials, was to find out what commitment is under way in their communities and nationally, now, to find out what additional commitment will be needed, if the strategy is to be undertaken as proposed from the State and local officials, and to find out what impact that will have on cutting existing services or

in increasing beyond what you are already doing, on the need for additional revenues.

I have always found it somewhat interesting: When I get my tax bill at tax time, I am not much affected by whether or not the increase is a \$10 increase in my tax because of the school system, a \$10 increase in my tax because of the city tax or a wage tax, a \$10 increase because of the county property tax, or a \$10 increase because of my Federal tax. All I know is that I have \$10 less to send to the University of Pennsylvania or to Georgetown to pay tuitions. It adds up real quickly.

So, I am not suggesting that you do not have responsibility. You do, and I think you have been meeting a significant portion of that responsibility. The question is, we demanded it when we wrote the law. We wrote a law called the drug czar law, which everybody gives me this great credit for having written. I acknowledge, I am responsible for the idea, and I imagine if it does not work, I will also be responsible for it, in political terms.

But the fact is, with this idea, we required the drug czar under the law to propose a strategy, just like we invite the Secretary of Defense to propose a strategy for the Nation's defense. We invite the Secretary of State to propose a strategy for the foreign policy. It is the business of the Congress to dispose of that. We will treat it no differently than we would if we were on the Foreign Relations Subcommittee listening to the proposals relating to Europe, which I happen to chair.

So, I appreciate your being here and I appreciate your dispassionate, straight-forward references. And if you will be willing, I know there are Senators on both sides of the aisle that have additional questions. I would like to ask unanimous consent that we be able to submit them and the record remain open until they are answered.

Again, thank you very, very much for your time.

Now, I am going to propose that we bring up the next two panels together, a total of five individuals. I will ask them to come at this time, and we are going to need one more seat there, I might state.

First is Sterling Johnson, Jr.—a well-known figure in this fight against drugs and to this committee—special narcotics prosecutor, Office of the Manhattan District Attorney—it would be an understatement to say, a very busy office.

Charles B. Meeks, executive director of the National Sheriffs' Association. Welcome, sheriff. And Anthony Trivisano, executive director of the American Corrections Association—again, a figure not unknown to this committee; and John Gustafson, president of the National Association of State Alcohol and Drug Abuse Directors; and Thomas J. Quinn, executive director, Delaware Criminal Justice Council, and past president of the National Criminal Justice Association. Welcome, Tom.

Now, gentlemen, I am going to do what Strom Thurmond always used to do. I am going to limit you to 5 minutes to your opening statement, and I mean 5 minutes, and then we will have an opportunity, hopefully, to have some real interchange or additional comments by each of you in order to try to get this important testimony in in time to be able to get to the floor to debate the issue that I presume it will be, and that is this drug issue. So I apologize for doing that.

Sterling, why don't we start with you.

STATEMENT OF A PANEL, CONSISTING OF; STERLING JOHNSON, JR., SPECIAL NARCOTICS PROSECUTOR, OFFICE OF THE MANHATTAN DISTRICT ATTORNEY, NEW YORK, NY, CHARLES B. MEEKS, EXECUTIVE DIRECTOR, NATIONAL SHERIFFS' ASSOCIATION, ANTHONY P. TRAVISONO, EXECUTIVE DIRECTOR, AMERICAN CORRECTIONAL ASSOCIATION, JOHN S. GUSTAFSON, PRESIDENT, NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS, AND THOMAS J. QUINN, EXECUTIVE DIRECTOR, DELAWARE CRIMINAL JUSTICE COUNCIL, AND PAST PRESIDENT, NATIONAL CRIMINAL JUSTICE ASSOCIATION

Mr. JOHNSON. Thank you, Mr. Chairman. Mr. Chairman, I thank you for inviting me, and Senator Specter, we served together some years ago on the National Advisory Commission on Standards and Goals many years ago.

I would like to say that I am here to endorse the President's plan. It is a first step. I applaud his efforts. I would also like to add my applause to Director Bill Bennett. When he sought about achieving a strategy, one of the smartest things that he did was to call upon experts from various disciplines throughout the country, sometimes he brought them together, sometimes he spoke to them on the telephone, and he said what is it that you would like to see in this plan—treatment, prevention, education—and some of these people are outstanding authorities and they told him, in essence, what they would like to see in the strategy.

We now have the strategy, and if you have a strategy during a war, sometimes strategies must be changed and must be altered to accommodate the situation at hand. And I say to the President and to the Director that, although I endorse your strategy, there are several things that I think is wrong with it.

One of the things I think is wrong with it, from my particular perspective, is the fact that there is not enough resources, not enough resources for treatment, prevention, education, and we are going to have to address that, if not now, then sometime in the future.

I will give an example: Last year, fiscal 1988, I think \$150 million, which sounds like a lot of money, was appropriated to State and Federal officials. By the time it came down to the special narcotics prosecutor for New York City—and I remind you that I handle something like 7,000 indictments—I received \$146,000.

The CHAIRMAN. All narcotics indictments?

Mr. JOHNSON. All narcotics indictments—\$146,000, out of \$150 million, for New York City. That is less than one-tenth of 1 percent. Now, when you look at \$150 million, that seems like a lot, but when you look at \$146,000, that really is not a lot. I take the \$146,000 and do what I possibly can with it, but you need much more resources, and the same thing goes for treatment, prevention, and education. That is one of the big problems that I have with the strategy.

I am also mindful of the requirement that we are going to have, if we are to participate in criminal justice funds, we are going to have to do drug testing, which means legislation from the State

legislature, and in New York I doubt if we can get that, and you are talking about maybe \$10 a pop for testing, and if we had 270,000 arrests last year, that is \$2.7 million just for the arrestees, not including the probationers and the parolees.

Last year, in fiscal 1988, we only received \$2.5 million, so to spend \$2.7 million, a one-shot deal for \$2.5 million, is cost-ineffective, so we need much more resources.

Like I said, I look forward to working with the President and Director Bennett. I hope the plan works, but we do desperately need more resources.

Thank you.

The CHAIRMAN. Thank you.

Mr. Meeks.

STATEMENT OF CHARLES B. MEEKS

Mr. MEEKS. Thank you, Senator Biden, Senator Specter. I will get right into my testimony, if you do not mind, please.

Mr. Chairman and members of the Senate Judiciary Committee, it is indeed an honor to be before you once more to discuss the thoughtful and ambitious national drug control strategy which has been presented to the Nation. Representing the 3,096 sheriffs of the Nation and the thousands of deputies, I feel that it is appropriate for the National Sheriffs' Association to have direct input, and I thank you for the opportunity to discuss that input at this time with the law enforcement community.

We are vitally interested in this subject, as you know, and the responsibility of housing nearly half a million people, many of who swell the jail population because of their drug involvement, falls squarely on the shoulders of the Nation's sheriffs. With the release of the recent Bureau of Justice Statistics report, indicating that a record 7.3 percent increase in incarcerated population in the first 6 months of 1989, we have confirmation of the effects that we have been feeling.

Many of the sheriffs that I am representing here today are facing the problem we thought was chiefly an urban problem, a dramatic increase in drug-related crimes. The statistics say otherwise: South Dakota has just experienced a 19.9 percent increase in incarcerated population; Utah, 13.2 percent increase; and Idaho, 11.3 percent increase. And a number of sheriffs face Federal contempt citations as they struggle with caps imposed by the Federal courts on inmate population. For these reasons, we welcome a nationwide strategy to combat these evergrowing problems. But I must be honest with you today and tell you that, in realistic terms, the national drug control strategy will be extremely costly to implement.

Mr. Chairman, if I may, let me give this committee a quick overview of just part of the impact this drug war has already had on law enforcement.

To implement local and regional drug task forces, sheriffs have had to juggle and reassign personnel and funds. They have had to take people from traffic and people from the jails and move them off into the task force. They have had to beef up manpower for the bulging detention facilities, and they have had to scramble to find alternative housing for additional inmates. Our sheriffs know the importance of preventing and detecting crime and keeping offenders off the streets and making them accountable for their actions.

But the gigantic stumbling block in this equation is this: Other than taking the offenders home with them, where can you possibly house them?

A recent survey in San Diego County showed that the jail system was the most overcrowded in the entire United States, with over 4,000 inmates crammed in a space designed for a little over 1,800 people. Worse yet, the county was unable to provide additional staffing for security, food service, medical service, and clerical support, despite the overwhelming workload. The same number of employees authorized to provide for 1,800 inmates have had to absorb two-and-a-half time's the workload and security, without additional help. A court order prohibits the booking of most misdemeanor arrests, because of the overcrowding at the San Diego jail and, as a result, 45,000 people arrested for criminal misdemeanors never made it to the county jail. San Diego County's drug testing program revealed that 85 percent of the street felons booked into the jail tested positive for drugs.

The CHAIRMAN. Eighty-five percent?

Mr. MEEKS. Eighty-five percent.

The CHAIRMAN. That were booked in, not even—this is not for trial, this is at the time they are arrested and they are booked?

Mr. MEEKS. Yes, sir. And these, by the way, as I will get on the DUF Program, they did not test all 45,000 of those, either. That was just a random sample of the ones that did come in.

One of the suggestions for the criminal justice system is the adoption by States of drug-testing programs throughout the system: for arrestees, prisoners, parolees, and those out on bail, and we are still wrestling with how you are going to get somebody to give you a golden flow when they are out on bail. That is still going to be very difficult to do.

This is not a new idea. Currently, the National Institute of Justice has 22 major cities participating in the Drug Use Forecasting Program or DUF, as it is known. It is anticipated that this will be expanded to a maximum of 25 cities by the end of the year. That is \$1.7 million for fiscal year 1990, and that only takes in—for San Diego, it was only 600 people a quarter, that is all they tested, 600 people.

The findings also provide baseline statistics that policymakers can use to monitor trends in drug use by criminal suspects. Local officials may use them to develop specific tactics for use in targeting drugs of choice in their communities and in devising the means to foil drug marketing strategies.

If the intent of gathering this information through wide-scale drug testing is to accumulate further statistics, we must realize that sufficient information is already available and we know the extent of the problem.

If, on the other hand, the intent of this provision is to indicate the necessity for, and to mandate treatment, one must realize that a system is not in place to handle the vast population requiring treatment. The national drug strategy itself indicates that we lack a sufficient number of counselors and treatment centers to make use of the results of the testing procedures.

My greatest fear is that we will comply with these provisions of drug testing, test the individuals, and find out that they need drug

rehabilitation, and the cycle goes on because there will not be additional drug treatment centers.

If such testings were mandated, most State legislatures would first have to provide statutory authority to implement the programs. I believe, however, that the testing should be widespread only after adequate support systems are in place to make use of the results of the testing.

Each of us realizes the importance of the approach which gives assistance and incentive to those in the trenches who already feel overburdened by their mandate to keep the peace. Might I suggest that as part of the States' drug plan, each State be required to complete the cost of implementing the test procedures and additional burden of incarcerating more drug-related offenders, and indicate the source of State and local funding.

In reviewing the national drug-control strategy, I did note one enormous gap and this is where I will speak to it. As Senator Simon stated, alcohol abuse is excluded, and I have got to tell you this, that 2 years ago we had the great big push against drunk drivers. We are still feeling that impact in the jails. The jails are still full of drunk drivers.

We have got the problem of drunk driving that is compounded on top of the drug problem and we have got no place to put the drunk drivers that we are out working on through DOT. So we have compounded our problem on top of the drug problem with the problems that we have already had with alcoholism.

Let me just conclude. Let me tell you that the sheriffs of this Nation stand ready and willing to play their part in eradicating the drug plague that lies upon this land. We are challenged by being the front line of defense, and we look to our States and federally elected officials to provide us with the directions and the resources to bolster the line.

Thank you.

[The prepared statement of Mr. Meeks follows:]



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CHARLES "BUD" MEEKS
EXECUTIVE DIRECTOR

TESTIMONY

of

Charles B. Meeks
Executive Director

National Sheriffs' Association

before the

United States Senate Judiciary Committee

on

The National Drug Strategy

September 12, 1989

Mr. Chairman and members of the Senate Judiciary Committee, it is indeed an honor to be before you once more to discuss the thoughtful and ambitious National Drug Control Strategy which has been presented to the nation. Representing the 3,096 sheriffs of the nation and the thousands of deputies, I feel that it is appropriate for the National Sheriffs' Association to have direct input and I thank you for the opportunity to discuss the impact this plan will have on the law enforcement community. We are vitally interested in this subject. As you know, the responsibility for housing nearly a half million people, many of whom swell the jail population because of their drug involvement, falls squarely on the shoulders of the nation's sheriffs. With the release of the recent Bureau of Justice Statistics Report indicating a record 7.3% increase in incarcerated population in the first six months of 1989, we have confirmation of the effects we have been feeling.

The nation's sheriffs are deeply concerned about the marijuana crops flourishing in the fields and forests, about the young children who are caught up in the battle to survive and to be drug free. We are concerned about the innocent victims dying on

America's streets and the increase in assaults and deaths of our officers. We are gravely concerned with those individuals arrested on drug-related crimes who seem to enter and exit the criminal justice system on a revolving-door basis.

Many of the sheriffs I am representing here today are facing the problem we thought was chiefly an urban one: a dramatic increase in drug-related crimes. The statistics say otherwise: South Dakota has just experienced a 19.9 percent increase in incarcerated population; Utah, 13.2 percent; Idaho, 11.3. And a number of sheriffs face federal contempt citations as they struggle with caps imposed by federal courts on inmate population. For these reasons, we welcome a nationwide strategy to combat these ever-growing problems. But I must be honest with you today and tell you that in realistic terms this national drug control strategy will be extremely costly to implement.

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inmates. Our Sheriffs know the importance of preventing and detecting crime, of keeping offenders off the streets and making them accountable for their actions. But the gigantic stumbling block in this equation is this: other than taking the offenders home with them, where can they possibly house them?

A recent survey in San Diego County showed that the jail system was the most overcrowded in the entire United States with over 4,000 inmates crammed in a space designed for a little over 1,800. Worse yet, the County was unable to provide additional staffing for security, food services, medical services, and clerical support despite the overwhelming workload. The same number of employees authorized to provide for 1,827 inmates have had to absorb two-and-a-half times the workload and security without additional help. A court order prohibits the booking of most misdemeanor arrests because of the overcrowding, and as a result 45,000 arrested criminals never saw the jail. San Diego County's drug testing program revealed that 85% of street felons booked into the jail tested positive for drugs.

One of many suggestions for the criminal justice system is the adoption by states of drug-testing programs throughout the system: for arrestees, prisoners, parolees, and those out on bail. This is not a new idea. Currently the National Institute of Justice has 22 major cities participating in the drug use

forecasting program or D.U.F., as it is known. It is anticipated that this will be expanded to a maximum of 25 cities by the end of the year. Preliminary results indicate a high rate of drug use among those arrested for serious crimes. The findings also provide base-line statistics that policymakers can use to monitor trends in drug use by criminal suspects. Local officials may use them to develop specific tactics for use in targeting drugs of choice in their communities and devising the means to foil drug marketing strategies. If the intent of gathering this information through widescale drug testing is to accumulate further statistics, we must realize that sufficient information is already available. We know the extent of the problem.

If on the other hand the intent of this provision is to indicate the necessity for and to mandate treatment, we must realize that a system is not in place to handle a vast population requiring treatment. The national drug strategy itself indicates that we lack a sufficient number of counselors and treatment centers to make use of the results of the testing procedure. My greatest fear is that we will comply with these provisions, test these individuals, and have no means of breaking the cycle.

If such testing were mandated, most state legislatures would first have to provide the statutory authority to implement the program. I believe, however, that the testing should become

widespread only after adequate support systems are in place to make use of the results of the testing.

Sheriffs run a business within the criminal justice system. As managers of property, people, and resources, they of course worry about the impact such provisions would have on their ability to remain within their budgets. The sheriffs recognize that the funds necessary to carry out this mandate are simply not available to them at this time. They will require substantial assistance to begin any implementation - and they will quickly realize that the program may cost far more than any federal criminal justice reimbursement they might eventually recoup. They could well end up spending a million dollars and only receiving a token share of the dollars in return. Certainly not sound business practice.

Each of you realizes the importance of an approach which gives assistance and incentive to those in the trenches who already feel overburdened by their mandate to keep the peace. Might I suggest that as part of the states' drug plan, each state be required to compute the cost of implementing the testing procedures and the additional burden of incarcerating more drug-related offenders and indicate their source of state and local funding.

In reviewing the national drug control strategy, I did note one enormous gap: alcohol abuse is excluded. I realize that Dr. Bennett's mandate was to address the issue of controlled substances, but I feel strongly that we are only postponing the inevitable. We will eventually have to take a hard look at the vast problem of alcohol abuse also if we are truly dedicated to the ideals of eliminating drug abuse in this country.

In conclusion, let me tell you that the sheriffs of this nation stand ready and willing to play their part in eradicating the drug plague which lies upon our land. We are challenged by being the front line of defense, and we look to our state and federal elected officials to provide us with direction, and the resources to bolster that line.

The CHAIRMAN. Thank you very much, Mr. Meeks.
Mr. Trivisono.

STATEMENT OF ANTHONY P. TRIVISONO, EXECUTIVE DIRECTOR,
AMERICAN CORRECTIONAL ASSOCIATION

Mr. TRIVISONO. Thank you, Senator Biden. Before I begin, I would like one moment just to say that between you and Senator Specter, you have given us some hope that something can be done through this body called the U.S. Senate that will not continue to allow corrections and our jails to be the scapegoat of the criminal justice system.

The chart doesn't show it here, but we are incarcerating Americans now at the rate we have never done before. In 1980, it was 134 per 100,000. Now, we are up to 260 per 100,000. The States and local jurisdictions have added more than 400,000 beds to the total system since 1978, doing it spending \$20 billion for construction, plus \$8 billion for operating.

More dramatically, the States are currently spending \$5.5 billion and the counties are spending \$3.5 billion just for construction in the 1988-89 fiscal 2 years. Even without the potential implications of the President's plan, they are asking for \$7 billion for 1990-91. This is as a result of a recent survey ACA took to find out—

The CHAIRMAN. That is, all the States for the next fiscal year are planning on or asking their State legislatures or their citizens to spend \$7 billion for prisons?

Mr. TRIVISONO. As of February 1989.

The CHAIRMAN. As of February 1989?

Mr. TRIVISONO. Right.

The CHAIRMAN. And that would mean, I guess, that it would kick in in the fiscal year for 1990, if they are asking for it then, is that right?

Mr. TRIVISONO. These are their wishes, if they get it. The previous money, the \$5.5 billion and \$3.5 billion, are funded. That was what happened this year and the year before, but the \$7 billion is their wish list, which may or may not have been approved since February.

The CHAIRMAN. I have got you.

Mr. TRIVISONO. Predictions about what will happen in the future when social and criminal policies are changing so rapidly almost become meaningless, although most correctional agencies are forecasting high increases in population.

We are all waiting, Senator, for the process of deterrence to kick in because I think everything is based on this. The more we lock up, the more people will realize they shouldn't be doing what they are doing, and therefore we won't need to lock up as many people. We have been waiting for this for a long time, as long as you have been in the Senate, and maybe even before that, as our States were coming together in the colonial days. So we are waiting for that.

However, even though our incarceration rate climbs skyward and the deterrence effect cannot be measured successfully, it is virtually impossible to know where we will be in the next 10 years. We don't have good forecasting procedures, although some people

will allow that we should suggest we are going to double or triple or quadruple the numbers that show up there.

In all of the war on crime in the 1970's and the limited skirmishes of the 1980's within the Federal Establishment, no money was ever allocated to build correctional facilities. Yes, money was available to improve programs, but apart from the Federal Bureau of Prisons, the Federal Government determined that the building of State and local institutions was a function of State and local government, plain and simple, no questions asked.

Consequently, even though the tolerance of crime has continued to decrease since the mid-1970's, correctional beds have become more scarce even though the States and local governments have done more than their fair share of correctional building.

Now, if the Federal plan is to increase the use of correctional beds, it obligates the Federal Government to help the States and local governments do what the President wants. We are suggesting that this plan does not help the President do what he says he wants to do. It comes nowhere near, and we applaud him for opening up this whole area and we want to work with him as best we can.

But "zero tolerance" are two words that have tremendous meaning to all of us—zero. And if we lock everybody that we think should be locked up, we would destroy our system of criminal justice, as you are well aware, without further funds for any part of the system. We would like to think that corrections will destroy it in itself because we don't like to fund correctional programs.

We have always been the tail-end of the system, and therefore, since we don't fund it, we never gain the goal of locking up everybody we want to lock up, as you said earlier and Judge Ugast and others have said.

We know, Senator, at our annual meeting last month in Baltimore you indicated that treatment programs for all drug addicts are necessary, and we concur. We would like to take the step even further for those addicts within the correctional system and we know, mostly likely, will not participate in voluntary programs. It is just the way it is with people who have not made the enormous commitment to stop abusing drugs.

We suggest that all of the releases from flat-time sentences or parole be given a term of community supervision that is coercive—not voluntary, coercive—to go into drug treatment programs or go back in the can.

In order to accomplish this task, we will need much more attention to be paid to community-controlled programs. And as you said, most everybody at some time comes out, and we must continuously be aware of our duty to protect the public.

One of the major recommendations of the President's plan is drug testing, as you alluded to earlier and as you explained to the previous panel, the enormous cost. We are struggling with this concept within corrections because we are not sure that it will help the situation because of the enormous cost.

There is a minimum of 500,000 employees in corrections and a minimum of 1 million inmates. The plan doesn't call for testing how often, how many we should test. Should it be random for employees? Should it be every day for inmates, every other day for in-

mates, or once a month? Whatever it is, we know it costs \$10 a pop to test, and it is just pure mathematics that will tell you how much money, depending upon what Dr. Bennett says we should do in that particular area. So we are very confused about the whole issue of testing.

We want to support the President. He is a highly respected human being and the public is looking to him to provide the best plan that he can recommend. Our Federal Government does have enormous resources, both fiscally and with the potential of human leadership of our people. So we ask to support him all the time.

Our message is simple, and it is consistently being simple, as we told Dr. Bennett. If you take the criminal justice system approach to solve the problem, please don't allow the correctional system to continue to be the scapegoat.

In every phase of corrections, both adult and juvenile, we offer valuable services and we can take approaches to solving problems rather than giving the appearance that we are the problem that prevents our police, our prosecutors, and our courts from doing their job.

We hope that with this in mind, Senator, you will never forget the words "corrections" and "jails" in any program that comes down from the President. The present plan does not help the States or the local jurisdictions.

Thank you very much.

[The prepared statement of Mr. Travisono follows:]

STATEMENT OF

**ANTHONY P. TRAVISANO
EXECUTIVE DIRECTOR
AMERICAN CORRECTIONAL ASSOCIATION**

before the

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

concerning

NATIONAL DRUG STRATEGY

September 12, 1989

Good morning Mr. Chairman and members of the Senate Judiciary Committee. We at the American Correctional Association consider it a privilege and an honor to appear before you to set forth some perspectives of the correctional professional as you try to provide leadership to the American people in our effort to understand the scourge of drugs.

The American Correctional Association is the oldest and largest private correctional organization in existence. Founded in 1870, the Association has become the preeminent membership organization in the corrections profession. Over the years, the ACA has evolved into a comprehensive association, representing the interests of both adult and juvenile corrections employees; we have been called upon many times to express our views on criminal justice matters. It is a pleasure for me, as spokesman for the Association, to be here today.

The ACA currently represents more than 25,000 corrections professionals in the United States and Canada, and has 64 state chapters and affiliated organizations with individuals from all areas of the correctional spectrum, as well as representatives from the general public. Our membership includes correctional officers, wardens and superintendents, probation and parole officers, chaplains, food service personnel, mental health professionals, juvenile careworkers, and volunteers from the community. The federal, state, and local governments are all

represented in ACA.

ACA believes that violent and habitual offenders must be incarcerated to protect the public. However, we also maintain that nonviolent offenders should be assigned to community control programs rather than prison or jail. Such programs are far less expensive than incarceration, and equally importantly, intermediate community-based programs and intensive probation permit nonviolent offenders to repay their debt to society while they continue to be taxpayers and a part of the community, under controlled conditions.

Nearly all of our nation's prisons and jails are reeling under the pressure of too many inmates in too little space. The need for correctional programs, both in institutions and the community, has never been greater. The term "epidemic proportions" accurately describes the current population explosion in our correctional programs. Nearly every state in the nation, as well as the Federal Bureau of Prisons, has prisons and jails operating well over the capacity for which they were designed. In 1980, we had in state and federal prisons 315,974 men and women with no war declared. In 1988, 627,402 with no war declared. Since then, the number of those in correctional institutions has risen 7.3 percent. In the first six months of 1989 we had 673,565 men and women in our nation's prisons and still no war declared. The incarceration rate has climbed from

134 to 260 per hundred thousand United States population in the same period. The states and local jurisdictions have added more than 400,000 beds to the total system since 1978 -- spending more than \$20 billion for construction plus \$8 billion in operating expenses. More dramatically, the states are currently spending \$5.5 billion and the counties are spending \$3.5 billion just for construction in 1988-89. Even without the potential implications of the President's plan, they are asking for \$7 billion for 1990-91. Predictions about what will happen in the future when social and criminal policies are changing so rapidly almost become meaningless, although most correctional agencies are forecasting high increases in population. We all are waiting for the process of deterrence to kick in as we continue to incarcerate more and more citizens who offend against the basic premises of American life. However, even though our incarceration rates climb skyward and the deterrence effect cannot be measured successfully, it is virtually impossible to know where we will be in the next ten years.

This huge increase does not include the more than 300 thousand offenders in our local jails. All told, we now have nearly one million people incarcerated in our nation's prisons and jails. It is anyone's guess what it will be ten years from now.

In all of the "war on crime" programs of the 70's and the

limited skirmish of the 80's within the federal establishment, no money was ever allocated to build correctional facilities. Yes, money was available to improve programs but apart from the Federal Bureau of Prisons, the federal government determined that the building of state and local institutions was a function of state and local government, plain and simple. Consequently, even though the tolerance of crime has continued to decrease since the mid 1970's, correctional beds have become more scarce, even though the state and local governments have done more than their fair share of correctional building. Now, if the federal plan is to increase the use of correctional beds, it obligates the federal government to help the states and local governments do what the President wants.

It is obvious that at the moment states and local jurisdictions are generating their own "zero tolerance" attitudes, even without the new war that will begin sometime soon. The casualties are great and will continue to be great in terms of offenders and their families and, as we all wish, beneficial to the public at large.

We also believe that states need resources to create innovative alternatives to incarceration for nonviolent adult offenders, even though we disagree who these people are. LEAA in the 1970's poured millions of dollars into alternative programs and, frankly, the public became upset with the use of the word

"alternative" because its use was interpreted as being equal to "slap on the wrist" sanctions. Today, correctional professionals are really talking about intermediate sanctions in the community. This new program, recommended by prosecutors and courts, should be used because we truly do want intermediate sanctions and not because the institutions are crowded. The new lexicon of home arrest, electronic monitoring, community service, day fines, day centers, intensive probation and parole, night centers and shock incarceration are all becoming acceptable because they convey a sense of personal restriction on the individual that the "slap on the wrist" approach did not convey.

Senator Biden, at our annual meeting last month in Baltimore, you indicated that treatment programs for all drug addicts are necessary and we concur. We would like to take the issue a step further for those addicts within the correctional system and we know they most likely will not participate in voluntary programs. It is just the way it is with persons who have not made the enormous commitment to stop abusing drugs. We suggest that all of the releases from flat time sentences or parole must be given a term of community supervision that is coercive. In order to accomplish that task, we will need much more attention to be paid to community control programs. As you said, most everybody at some time comes out and we must be continuously aware of our duty to protect the public.

In other words, we are called upon to supervise a person after a judge has imposed a sentence, regardless of what that sentence is. We are a part of the preventative community, a part of the law enforcement community, and a part of the social welfare/human service challenge. Whatever we are called upon to do after adjudication, we do as loyal workers in a very complex arena to provide ordered liberty in a free society. Every one of us likes to think we can be helpful in reordering the social fabric of our community and we, like others, are aware of the complexities of that social fabric.

One of the major recommendations of the President's plan is drug testing of all criminal justice system personnel and inmates on a regular basis. We are struggling with this concept within corrections because we are not sure it will help the situation and because of the enormous cost of regularized testing. There are a minimum of 500,000 correctional employees in the United States and 1,000,000 inmates, at best the cost of drug testing, in the initial test only, could not be done more cheaply than \$10.00 per drug screen. It isn't hard to calculate the cost of such drug testing on a frequency basis by the use of simple multiplication. If we only test staff, it is a budget busting trauma. If we also test inmates, probationers, and parolees at the same frequency, the costs are enormous.

Finally, the correctional community along with all

Americans, is desperately seeking to find a solution to this dreaded problem. We look to President Bush as our elected leader to set the tone and by that tone we will begin to set the public and private agenda. We have to assume that the President as our leader has had the benefit of massive input from experts as he put together the strategy that was presented to the American people on September 5.

You and your committee and other committees of Congress have the responsibility -- to react to the plan, change the plan, but in the end to offer guidance, and hopefully, accomplish the same end result. The President's advisers and those who are asked to contribute are not publicly known and when Dr. Bennett indicated that he has had major input from the nation's leaders, we really don't know who they are. In contrast, the committees of Congress have open testimony and record what is said. That record is open and available to the public.

Because of this openness, we want to present to you what we wrote to Dr. Bennett when he asked for our input (see Appendix A and B). The reason is that we don't think Dr. Bennett regarded our input significantly important as he and his team worked on the strategy for the President.

The President is a highly respected human being, and the public is looking to him to provide the best plan that he can

recommend. Our federal government has enormous resources, both fiscally and with the potential of human leadership of our people. He need but ask and he will be given the brains, the blood, and the backs of our people to rid this nation of the scourge of illicit drugs. But the President's plan will be thwarted unless there are sufficient beds for these predators. They cannot be allowed to control the situation, nor can those who become their successors.

Our message was simple. If you take the criminal justice system approach to solve the problem, please don't allow the correctional system to continue to be the scapegoat. In every phase of corrections, both adult and juvenile, we offer valuable services and we can take approaches to solving problems rather than to give the appearance we are the problem that prevents our police, prosecutors, and courts from doing their job.

The President's plan asked that state and local governments should do more.

Mr. Chairman -- the state and local governments are reaching far beyond their means, and that certainty begins to make our political leaders think and plan to cut into other services -- programs that all of us know are the bread and butter prevention programs such as schools and basic social welfare support items. America is full of "catch 22" situations and this drug dilemma is

probably the one that most consistently defies logical solutions.

We in corrections want to work with the President; we applaud him for focusing on this issue, but at the same time we do not want to work with him with our hands tied behind our back. We do not want the correctional component of the criminal justice system to go down in history as the one component that thwarted the President's plan to rid the nation of the "drug plague" of the last quarter of the 20th century.

The definition of a war on drugs gives the public the image of a massive, all-out effort -- a no-holds-barred approach with unconditional surrender as the final result. This is not the definition that the Administration has in mind. The definition in today's world means a decrease in use of drugs by 50 percent in the next ten years. This "war" is translated to mean, from the supply side, a series of skirmishes and, from the demand side, a long-term educational effort that has begun but is hindered by a combination of poverty, hopelessness, and meaningless future for many people. The attitudes of an American society that can meet the needs of all of its citizens cannot be reached until the concepts of ordered liberty are accepted--each of us demands a certain amount of discipline within ourselves as well as in others.

If corrections professionals had the decision making power

over who goes into prisons, they would ensure that space was available to the predators of society, and this means drug dealers from all walks of life, not just street dealers. The pressure that society places on decision makers is enormous and that decision making includes making the right decisions about who is to use security space that, at best, will always be scarce.

From our perspective, what the President has said is that it is time to get serious with this drug scourge. All Americans agree. If we asked the major drug dealers, even they probably would agree that we let them get away "with murder," both literally and figuratively.

From our point of view, we would like to see a war on drugs and an equal war on addiction of all chemicals that our people use to sustain themselves from day to day. The time is ripe to take a bold new look at the American way of life. The Administration and Congress have a great opportunity to move toward a solution that will create a more healthful America.

On behalf of the American Correctional Association, thank you for the opportunity to testify today.

The CHAIRMAN. It does not help the States or local jurisdictions with relationship to the corrections system?

Mr. TRAVISONO. That is correct.

The CHAIRMAN. OK.

John.

STATEMENT OF JOHN S. GUSTAFSON, PRESIDENT, NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS

Mr. GUSTAFSON. Good afternoon, Senator, Senator Specter. Mr. Chairman, the association that I represent, the National Association of State Alcohol and Drug Abuse Directors, is made up of the 57 States and territories designated by their Governors and we are responsible for overseeing the planning, funding, licensing, the overall oversight for the drug and alcohol prevention, and treatment network administered by State government.

Before I respond to the specifics with respect to the national strategy, a little bit of history, I believe, is in order on how we came about. The State agencies' response really were created and encouraged by two pieces of Federal legislation dating back almost 20 years ago now.

On the alcohol side, it was the Comprehensive Alcohol Abuse Act of 1970. On the drug abuse side, it was the Drug Abuse Office Act of 1972. State agencies developed in response to that Federal encouragement on two separate tracks, agencies dealing with alcohol abuse and agencies dealing with drugs other than alcohol.

Over the intervening 10 years or so, those two disability groups came together, and now all but two States have combined drug and alcohol authorities. Over those 10 years, from 1970 to 1980, the States continued to grow and commit large portions of their resources to combat these two disability groups.

In 1981, with the passage of the Omnibus Drug Abuse Reconciliation Act, the categorical funding program that the Federal Government had embarked upon over those 10 years was abolished in favor of a new block grant funding mechanism.

Now, while the States welcomed the so-called added flexibility here that the block grant was to afford, we did not welcome the dramatic reduction in Federal participation. To wit, in 1980, \$382 million was committed from Federal sources for drugs and alcohol. In 1982, that had dropped by over \$107 million. Now, what was the impact of that?

At a time when the system was growing, the reduction of that order of magnitude translated into a gradual deterioration of the physical plants where these treatment programs operate, by and large in community locations in the cities and the States throughout the country. Staff salaries were unable to be increased, so we lost large numbers of staff. We weren't able to expand additional programs in response to the growing problem.

What I am trying to paint here very briefly is that that act in 1981 struck a very serious wound to the service delivery capability for publicly supported treatment. We have not yet been able to recover.

In 1987, the Congress recommitted significant additional funds, but at that time the treatment system was facing a new crisis—

AIDS and all of the problems associated with that. We were dealing with much sicker patients, patients that, in fact, in many cases were dying. We also were confronted with the new phenomenon of crack, so our resources were strained really to the limits.

I want to turn my attention now very quickly to the current array of funding that exists in this country with respect to publicly supported treatment. Nationwide, the States administer a program of about \$2.1 billion for drug and alcohol treatment. About 48 percent of that comes from State resources. A little less than 25 percent, about 23 percent, comes from Federal sources. County and local governments put up about 9 percent, and fees, fines, insurance, local private insurance, come up with another 20 percent.

Now, that array of funds is directed toward providing treatment; 77 percent of the money goes to treatment, 15 percent of it goes to prevention services, and about 8 percent is used for administration. Clearly, State and local government have picked up the lion's share.

Now, what does the national strategy mean for us? As far as we have been able to identify—and we have only got a preliminary look at the strategy and have not fully been able to assess the total dollars involved here, but about a \$30 million increase for treatment, prevention, and demonstration projects, of which \$165 million would be used to augment the block grant funding mechanism.

A great deal of additional responsibility is placed upon the States—submission of State plans, coordination of programs between other State agencies that have an impact on this problem, expanded data collection and evaluation—all worthy and necessary measures, but are the resources there in terms of the recommended dollar amounts? We would submit that they are not.

The plan speaks to an expanded, at least, view of civil commitment—user accountability sanctions. Civil commitment has proven to be an extremely expensive program to operate in my home State of New York where it was initiated back during Governor Rockefeller's administration and in the State of California—extremely expensive, very cumbersome to administer.

We would submit that the funding levels do not address the current demands for treatment services. About 1.2 million alcohol and drug abuse clients are treated in publicly supported treatment programs nationally. About 10.2 million are in need of services. We don't begin to approach the demand for treatment even from those people that voluntarily present, much less develop additional coercive measures to bring people in through the criminal justice system.

The CHAIRMAN. There are 8 million people out there, if I understand you, in the States—

Mr. GUSTAFSON. That are in need of treatment services.

The CHAIRMAN [continuing]. Who are in need of treatment services, who are saying they want treatment services, is that correct?

Mr. GUSTAFSON. That is correct, Senator.

The CHAIRMAN. Eight million of them?

Mr. GUSTAFSON. Eight million.

The CHAIRMAN. And so how do you square, then, with—as I understand, the reason for the civil commitment recommendation, ac-

ording to Dr. Bennett, is to encourage people who need treatment to get into treatment.

Mr. GUSTAFSON. Well, that encouragement is through a coercive process, through an adjudication process. And we are saying that while that may be very necessary for treatment-resistant individuals, there is an army of people out there that will avail themselves of treatment if it was available.

The CHAIRMAN. There are already 8 million who want it, let alone the ones whom we think need it.

Mr. GUSTAFSON. Right. We don't need to beat the bushes out there. These people are knocking on our doors and can't get any access because there is no room at the inn.

The CHAIRMAN. OK.

Mr. GUSTAFSON. By way of summary, Mr. Chairman, we certainly are supportive of the overall goals of the strategy. We haven't had one in many years. I believe that Mr. Bennett is the right man of the job. He comes at the right time. He is an extremely dedicated, hard-working individual.

I was personally invited with a number of others to the White House and the President briefed us on the components. There is no question that this President is in it for the long haul; this is not a flash-in-the-pan issue for him. However, the resources do not begin to respond to the needs that we are confronted with at the State and local level.

We are a nation with tremendous resources. It just seems inconsistent that we are expecting to go out and to fight a war with \$8 billion committed against a problem that we estimate conservatively to be in excess of \$120 billion. You can't do it with an 8-percent solution.

Mr. Chairman, I want to just take a moment publicly to acknowledge on behalf of the organization that I represent your personal commitment and leadership in this particular area. Your particular recognition of the efficacy of treatment and the benefit that treatment provides in returning people as constructive members back to society and the cost containment measures that effective treatment provides has been very welcome and we appreciate your dedication and leadership very much.

[The prepared statement of Mr. Gustafson follows:]



NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS
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TESTIMONY OF

JOHN S. GUSTAFSON

DEPUTY DIRECTOR

DIVISION OF SUBSTANCE ABUSE SERVICES

STATE OF NEW YORK

and

PRESIDENT

NATIONAL ASSOCIATION OF STATE ALCOHOL AND
DRUG ABUSE DIRECTORS

before the

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

on

NATIONAL DRUG CONTROL STRATEGY

SEPTEMBER 12, 1989

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO COMMENT ON THE NATIONAL DRUG CONTROL STRATEGY ANNOUNCED LAST WEEK.

MY NAME IS JOHN GUSTAFSON. I AM DEPUTY DIRECTOR OF THE DIVISION OF SUBSTANCE ABUSE SERVICES FOR THE STATE OF NEW YORK AND AM APPEARING BEFORE YOU TODAY AS THE PRESIDENT OF THE NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS, INC. (NASADAD). NASADAD IS A NOT-FOR-PROFIT ORGANIZATION WHOSE MEMBERSHIP IS COMPRISED EXCLUSIVELY OF THE STATE AND TERRITORIAL OFFICIALS DESIGNATED BY THE GOVERNORS TO ADMINISTER THE PUBLICLY FUNDED ALCOHOL AND OTHER DRUG ABUSE TREATMENT AND PREVENTION SYSTEM.

A. ROLE OF THE STATE ALCOHOL AND DRUG ABUSE AGENCIES

THE STATE ALCOHOLISM AND SINGLE STATE AGENCIES FOR DRUG ABUSE PREVENTION WERE CREATED BY THE STATES IN RESPONSE TO CONGRESSIONAL ACTION IN THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT AND REHABILITATION ACT OF 1970 AND THE DRUG ABUSE OFFICE AND TREATMENT ACT OF 1972, RESPECTIVELY, TO HAVE SOLE RESPONSIBILITY IN THE STATES TO PLAN AND ADMINISTER A STATEWIDE ALCOHOLISM AND DRUG ABUSE PREVENTION AND TREATMENT NETWORK.

INITIALLY, STATES FORMED SEPARATE ALCOHOLISM AGENCIES AND DRUG

ABUSE AGENCIES THAT WERE GENERALLY SMALL, HAD LIMITED AUTHORITY AND LOW VISIBILITY WITHIN STATE GOVERNMENTS AND LIMITED STATE AND LOCAL FINANCIAL SUPPORT OF COMMUNITY-BASED SERVICE PROGRAMS WITH THE NOTABLE EXCEPTION OF A FEW STATES. HOWEVER, WITH ENCOURAGEMENT FROM THE FEDERAL GOVERNMENT, THE STATES SOON ASSUMED A SIGNIFICANT PORTION OF THE RESPONSIBILITY FOR ALLOCATING AND MONITORING NOT ONLY THEIR OWN STATE REVENUES, BUT ALSO FOR AWARDING AND MONITORING FEDERAL DOLLARS TO TREATMENT PROVIDERS WITHIN THE STATES, THEREBY PERMITTING THE STATES TO ALLOCATE THE DOLLARS WHERE THEY WERE MOST NEEDED.

UNDER THE OMNIBUS RECONCILIATION ACT OF 1981, WHICH CREATED THE ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES (ADMS) BLOCK GRANT, THE FEDERAL MANDATE FOR SINGLE STATE AGENCIES WAS REPEALED. HOWEVER, ALL STATES AND TERRITORIES CHOSE TO RETAIN THIS GOVERNMENTAL STRUCTURE IN ORDER TO ASSURE EFFECTIVE COORDINATION OF ALCOHOL AND DRUG TREATMENT AND PREVENTION SERVICES AT THE STATE AND LOCAL LEVELS AND FOR EFFICIENT ADMINISTRATION OF THE ADMS BLOCK GRANT. SINCE THE IMPLEMENTATION OF THE ADMS BLOCK GRANT, 48 STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO AND THE TERRITORIES HAVE COMBINED THE SEPARATE ALCOHOL AND DRUG AGENCIES INTO ONE AGENCY RESPONSIBLE FOR BOTH ALCOHOL AND OTHER DRUG ABUSE TREATMENT AND PREVENTION SERVICES.

THE ADMS BLOCK GRANT PROGRAM TURNED COMPLETE ADMINISTRATIVE RESPONSIBILITY FOR THE FEDERAL ALCOHOL AND DRUG SERVICE DOLLARS

TO THE STATES. ALREADY RESPONSIBLE FOR ADMINISTERING THREE-FOURTHS OF THE FEDERAL ALCOHOL AND DRUG ABUSE PROGRAMS THROUGH A MECHANISM SIMILAR TO THE ADMS BLOCK GRANT, THE STATES WERE WELL PREPARED AND WILLING TO ACCEPT RESPONSIBILITY FOR AWARDING AND MONITORING THE SERVICE DOLLARS INCLUDED IN THE ADMS BLOCK GRANT.

THE STATE ALCOHOL AND DRUG ABUSE CONTINUE TO HAVE LEAD RESPONSIBILITY FOR THE PLANNING AND IMPLEMENTATION OF COMMUNITY-BASED ALCOHOL AND OTHER DRUG TREATMENT AND PREVENTION SERVICES TO MEET IDENTIFIED STATE PRIORITIES, AS WELL AS TO COMPLY WITH FEDERAL MANDATES AND REQUIREMENTS.

B. FINANCIAL SUPPORT FOR THE PUBLICLY FUNDED ALCOHOL AND OTHER DRUG TREATMENT SYSTEM

THE PUBLICLY FUNDED ALCOHOL AND OTHER DRUG ABUSE TREATMENT AND PREVENTION SYSTEM RELIES ON FINANCIAL SUPPORT FROM ALL LEVELS OF GOVERNMENT - FEDERAL, STATE AND LOCAL. THE FEDERAL GOVERNMENT'S INITIAL EFFORTS WERE TO PROVIDE NATIONAL LEADERSHIP AND TO STIMULATE STATE AND LOCAL GOVERNMENT PARTICIPATION IN THE DEVELOPMENT OF A WELL-COORDINATED AND COMPREHENSIVE SERVICE DELIVERY SYSTEM.

IN FY 1980 (THE BASE YEAR FOR THE ALCOHOL AND DRUG PORTION OF THE BLOCK GRANT) FEDERAL APPROPRIATIONS FOR THE ALCOHOL AND DRUG PROJECT AND FORMULA GRANT PROGRAMS TOTALED \$332 MILLION. IN FY

1981, FEDERAL FUNDING WAS REDUCED TO \$262 MILLION, AN IMMEDIATE \$70 MILLION CUT. IN FY 1982, FEDERAL FUNDING WAS REDUCED FURTHER TO \$225 MILLION. IN FACT, IT WAS NOT UNTIL FY 1987, WITH THE PASSAGE OF THE 1986 ANTI-DRUG ABUSE ACT (P.L. 99-570) AND THE CREATION OF A NEW ALCOHOL AND DRUG TREATMENT AND REHABILITATION BLOCK GRANT THAT ANY FEDERAL FUNDING INCREASES WERE APPROPRIATED FOR ALCOHOL AND OTHER DRUG ABUSE TREATMENT.

FEDERAL FINANCIAL SUPPORT OF NEW YORK'S DRUG ABUSE EFFORTS DECREASED BY 39 PERCENT FROM FY 1980 TO FY 1982 WHEN THE ADMS BLOCK GRANT WAS IMPLEMENTED. NEW YORK SUFFERED A CUMULATIVE FINANCIAL LOSS OF NEARLY \$66 MILLION IN FEDERAL FINANCIAL ASSISTANCE FOR DRUG TREATMENT PROGRAMS SINCE THE SHIFT TO BLOCK GRANT FUNDING. BY CONTRAST, MR. CHAIRMAN, NEW YORK HAS CONSISTENTLY SUPPORTED INCREASES IN STATE DOLLARS FOR SUBSTANCE ABUSE EFFORTS AND DURING THE YEARS OF DECLINING FEDERAL SUPPORT, 1982-1988, THE LEVEL OF STATE DOLLARS FOR DRUG ABUSE PROGRAMS INCREASED BY OVER 121 PERCENT, FROM \$80.2 MILLION TO \$177.6 MILLION.

WHILE THE STATES WERE WELL PREPARED TO HANDLE THE ADDITIONAL REQUIRED ADMINISTRATIVE DUTIES BROUGHT ABOUT BY THE CREATION OF THE ADMS BLOCK GRANT, THEY WERE NOT PREPARED FOR THE DRASTIC REDUCTION IN FEDERAL FINANCIAL SUPPORT THAT ACCOMPANIED THIS PROGRAM. THIS LOSS OF FEDERAL SUPPORT SEVERELY WOUNDED THE PUBLICLY FUNDED TREATMENT SYSTEM - PHYSICAL PLANTS CRUMBLLED; LOW

SALARIES MADE HIRING AND RETAINING STAFF DIFFICULT; AND DRUG ABUSERS SEEKING TREATMENT GOT WHAT WAS AVAILABLE, NOT NECESSARILY WHAT WAS BEST FOR THEIR NEEDS.

THE FEDERAL GOVERNMENT ALSO LESSENERD ITS NATIONAL LEADERSHIP ROLE WITH THE ELIMINATION OF MANY DATA COLLECTION EFFORTS, TECHNICAL ASSISTANCE AND TRAINING PROGRAMS. IT BECAME INCREASINGLY DIFFICULT FOR THE STATES TO GET INFORMATION ON DRUG ABUSE TRENDS AND NEW TREATMENT APPROACHES AND IN TURN SHARE NEW TECHNIQUES WITH LOCAL TREATMENT PROVIDERS.

WHEN THE STATES AND LOCAL COMMUNITIES FINALLY SAW SOME INCREASED FEDERAL FINANCIAL SUPPORT IN FY 1987, THE TREATMENT SYSTEM WAS FACING THE NEW CRISIS OF AIDS AND HIV INFECTION AMONG INTRAVENOUS DRUG USERS AND THEIR SEXUAL PARTNERS. ADDITIONAL TREATMENT SLOTS WERE URGENTLY NEEDED AND THERE WAS A GREATER NEED FOR THE FULL RANGE OF MEDICAL CARE SERVICES TO SUPPORT THESE SICKER, DYING CLIENTS. THE SYSTEM WAS ILL-EQUIPPED TO DEAL WITH THIS CRISIS, AS WELL AS TO MEET THE GROWING TREATMENT NEEDS OF COCAINE AND CRACK ADDICTS.

CURRENTLY THE FEDERAL GOVERNMENT PROVIDES LESS THAN ONE-QUARTER (23 PERCENT) OF THE TOTAL MONIES SPENT FOR PUBLICLY SUPPORTED ALCOHOL AND DRUG ABUSE SERVICES. STATE GOVERNMENTS CONTRIBUTE 48 PERCENT OF THE FUNDING; AND COUNTY AND LOCAL GOVERNMENTS PROVIDE 9 PERCENT. THE REMAINING 20 PERCENT INCLUDES FUNDING FROM CLIENT

FEES, COURT FINES AND REIMBURSEMENT FROM PRIVATE HEALTH INSURANCE. (SEE FIGURE 1)

LAST YEAR, A TOTAL OF OVER \$2.1 BILLION WAS SPENT FOR STATE SUPPORTED ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT SERVICES. SEVENTY-SEVEN (77) PERCENT OF THESE FUNDS WERE DIRECTED TO TREATMENT SERVICES; 15 PERCENT WAS USED FOR PREVENTION ACTIVITIES AND 8 PERCENT FOR OTHER ACTIVITIES, SUCH AS RESEARCH, TRAINING AND ADMINISTRATION. (SEE FIGURE 2)

SINCE THE ADVENT OF THE ADMS BLOCK GRANT PROGRAM, STATES HAVE BEEN INCREASING THEIR LEVEL OF FINANCIAL COMMITMENT AT A MUCH GREATER RATE THAN THE FEDERAL GOVERNMENT. WHILE MOST STATES WILL BE ABLE TO CONTINUE TO INCREASE EXPENDITURES FOR TREATMENT AND PREVENTION SERVICES, IT IS EXTREMELY CRITICAL THAT THE FEDERAL GOVERNMENT BECOME AN EQUAL FUNDING PARTNER IN OUR NATIONAL EFFORT TO COMBAT DRUG ABUSE. FIGURE 3 PROVIDES A COMPARISON OF FEDERAL, STATE AND LOCAL SPENDING FOR ALCOHOL AND DRUG ABUSE SERVICES FOR FISCAL YEARS 1985 THROUGH 1988.

C. 1989 NATIONAL DRUG CONTROL STRATEGY

1. IMPACT OF TREATMENT AND PREVENTION COMPONENTS

THE STATES AND TERRITORIES ARE ENCOURAGED BY THE CALL FOR INCREASED FEDERAL FUNDS FOR TREATMENT IN ORDER TO EXPAND THE

NUMBER OF TREATMENT SLOTS AND THE RANGE OF TREATMENT METHODS AVAILABLE. AT THIS TIME IT IS DIFFICULT TO ASSESS THE IMPACT ON EACH OF THE STATES AS DETAILS ON THE DISTRIBUTION OF ANY FUNDING INCREASES ARE SKETCHY. HOWEVER, IT IS OUR UNDERSTANDING THAT THE ADMINISTRATION HAS REQUESTED A \$300 MILLION INCREASE IN FY 1990 APPROPRIATIONS FOR THE TREATMENT, PREVENTION AND RESEARCH EFFORTS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

SPECIFICALLY, \$165 MILLION IS BEING REQUESTED FOR ADDITIONAL COMMUNITY-BASED DRUG ABUSE TREATMENT SERVICES TO BE DISTRIBUTED THROUGH THE ADMS BLOCK GRANT. THIS AMOUNT WOULD REPRESENT AN APPROXIMATELY 30 PERCENT INCREASE OVER FY 1989 FEDERAL FUNDS FOR THE ALCOHOL AND DRUG PORTION OF THE ADMS BLOCK GRANT (\$520 MILLION).

WE BELIEVE THAT THE EXISTING BLOCK GRANT MECHANISM PROVIDES THE BEST APPROACH FOR PROVIDING TREATMENT INCREASES IN A SYSTEMATIC, COORDINATED MANNER. TO CREATE NEW FUNDING MECHANISMS WOULD INHIBIT OVERALL PLANNING AND COORDINATION, AS WELL AS CAUSE DELAYS IN THE USE OF THE NEW FUNDS.

THE ADMINISTRATION'S RECOMMENDED \$135 MILLION FOR PREVENTION, RESEARCH, AND DEMONSTRATION PROGRAMS, PARTICULARLY FOR PREGNANT WOMEN, DOES NOT DESIGNATE SPECIFIC FUNDING LEVELS FOR EACH ACTIVITY, THUS IT IS DIFFICULT TO ASSESS WHAT ASSISTANCE THESE FUNDS MAY PROVIDE TO STATES AND LOCAL COMMUNITIES. WE WOULD

RECOMMEND THAT A SIGNIFICANT PORTION OF NEW FUNDS BE EARMARKED TO EXPAND COMMUNITY-BASED PREVENTION EFFORTS. WHILE THE DRUG CONTROL STRATEGY'S PREVENTION EMPHASIS RELIES PRIMARILY ON SCHOOL-BASED PROGRAMS, COMMUNITY INITIATED EFFORTS PLAY A VITAL ROLE IN REACHING HIGH RISK POPULATIONS, INCLUDING DROPOUTS, RUNAWAYS AND HOMELESS YOUTH.

THE NATIONAL DRUG CONTROL STRATEGY HAS ALSO IDENTIFIED A NUMBER OF OTHER PRIORITIES THAT PLACE ADDITIONAL RESPONSIBILITIES ON THE STATES, INCLUDING THE SUBMISSION OF STATE PLANS FOR TREATMENT RESOURCE ALLOCATION AND SYSTEMIC IMPROVEMENTS; IMPROVED COORDINATION AMONG LOCAL TREATMENT PROVIDERS AND BETWEEN TREATMENT PROVIDERS AND OTHER HEALTH AND SOCIAL SERVICE PROVIDERS; INCREASED FUNDING OF OUTREACH AND TREATMENT PROGRAMS FOR PREGNANT WOMEN; AND EXPANDED AND IMPROVED DATA COLLECTION AND EVALUATION. WHILE THE STATES WOULD AGREE THAT EACH OF THESE AREAS HAS MERIT AND SHOULD BE IMPROVED, IT WILL BE DIFFICULT TO MEET THESE PRIORITIES, AS WELL AS THE CALL FOR ADDITIONAL TREATMENT SLOTS, WITH THE AMOUNT OF FEDERAL FUNDS BEING REQUESTED.

ANOTHER DRUG CONTROL STRATEGY PRIORITY THAT WOULD HAVE A NEGATIVE IMPACT ON STATES IS THE PROVISION REQUIRING STATES TO EXPLORE WAYS TO INCREASE THE USE OF CIVIL COMMITMENT AS A MEANS TO BRING MORE DRUG DEPENDENT PERSONS INTO THE TREATMENT SYSTEM. WE AGREE THAT MANDATING TREATMENT FOR SOME PERSONS IS NECESSARY. HOWEVER,

IT SHOULD NOT BE PROMOTED AHEAD OF BUILDING THE CAPACITY OF COMMUNITY TREATMENT PROGRAMS TO PROVIDE TREATMENT ON REQUEST. MOST PUBLICLY FUNDED TREATMENT PROGRAMS ARE UNABLE CURRENTLY TO MEET THE DEMAND FOR SERVICES.

THE STATE ALCOHOL AND DRUG ABUSE AGENCIES ARE ALSO CONCERNED ABOUT THE IMPACT OF SO-CALLED "USER ACCOUNTABILITY" PROVISIONS, INCLUDING ADDITIONAL CIVIL AND CRIMINAL SANCTIONS, ON PERSONS SEEKING TREATMENT, THOSE IN TREATMENT, AND THOSE IN RECOVERY. WE ARE ALSO DISMAYED AT THE AMENDMENTS RECENTLY PASSED BY THE SENATE THAT SEVERELY RESTRICT THE ANTI-DISCRIMINATION PROTECTIONS AFFORDED DRUG AND ALCOHOL DEPENDENT PERSONS THAT HAVE EXISTED FOR 15 YEARS UNDER THE REHABILITATION ACT AND THAT ARE BEING SOUGHT FOR ALL PERSONS WITH DISABILITIES UNDER THE AMERICANS WITH DISABILITIES ACT.

WE BELIEVE THAT PROVISIONS SUCH AS THESE UNDERMINE THE NATIONAL STRATEGY GOAL OF GETTING MORE PEOPLE INTO TREATMENT. DRUG USERS WILL BE INCREASINGLY RELUCTANT TO COME FORWARD TO SEEK TREATMENT IF THEIR DRUG USING STATUS ENDANGERS CONTINUED EMPLOYMENT, EDUCATION, ACCESS TO HEALTH CARE, JOB TRAINING AND OTHER SOCIAL SERVICES, ALL OF WHICH ARE VITAL TO REHABILITATION AND RECOVERY.

2. NEEDS OF THE STATES

WE ARE CONCERNED THAT THE LEVEL OF FUNDING REQUESTED DOES NOT

MEET THE NEED FOR SERVICES THAT EXIST IN ALL PARTS OF OUR COUNTRY - URBAN AND RURAL. ADDITIONALLY, SINCE THE FOCUS OF THE DRUG CONTROL STRATEGY IS ON THE CRACK PROBLEM, THE NEEDS OF THE STATES AND LOCAL COMMUNITIES RELATING TO PROBLEMS CAUSED BY OTHER DRUGS OF ABUSE, INCLUDING INTRAVENOUS DRUG USE, AIDS AND ALCOHOL, DO NOT APPEAR TO HAVE BEEN ADEQUATELY CONSIDERED AS THE NATIONAL STRATEGY WAS DEVELOPED.

IN A RECENT SURVEY CONDUCTED BY NASADAD, 40 STATES AND THE DISTRICT OF COLUMBIA REPORTED A TOTAL OF OVER 58,000 PERSONS ON WAITING LISTS FOR TREATMENT. OVER 50 PERCENT OF THESE PERSONS HAD BEEN WAITING FOR AT LEAST 30 DAYS. OF COURSE, WAITING LIST INFORMATION GROSSLY UNDERESTIMATES THE TOTAL NUMBER OF DRUG DEPENDENT PERSONS IN NEED OF TREATMENT. STATES WERE ALSO ASKED TO PROVIDE THE TOTAL NUMBER OF PERSONS CURRENTLY RECEIVING ALCOHOL AND OTHER DRUG TREATMENT SERVICES AND TO ESTIMATE THE TOTAL NEED. THE STATES REPORTED THAT A TOTAL OF 1.2 MILLION ALCOHOL AND DRUG DEPENDENT PERSONS RECEIVE TREATMENT ANNUALLY AND THAT AN ADDITIONAL 10.2 MILLION PERSONS ARE IN NEED OF SERVICES.

THE RECENT RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON THE HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIC, CHAIRED BY ADMIRAL JAMES WATKINS, CALLED FOR A LONG-TERM NATIONAL POLICY OF PROVIDING "TREATMENT ON DEMAND" FOR INTRAVENOUS DRUG ABUSERS. TO MEET THE TREATMENT NEEDS OF INTRAVENOUS DRUG ABUSERS, THE COMMISSION RECOMMENDED \$1.5 BILLION PER YEAR FOR 10 YEARS IN ADDITIONAL

TREATMENT MONIES, WITH HALF, \$750 MILLION PER YEAR, TO BE PROVIDED BY THE FEDERAL GOVERNMENT. CERTAINLY IF THE NEEDS OF OTHER DRUG ABUSERS, INCLUDING CRACK AND COCAINE ADDICTS ARE TAKEN INTO ACCOUNT, THE FEDERAL DOLLARS REQUESTED SHOULD BE MUCH HIGHER.

THE STATES ARE ALSO CONCERNED THAT THE STRATEGY DOES NOT CONTAIN ANY SPECIFICS ON FUNDING FOR FUTURE YEARS. SINCE IT TAKES TIME TO BUILD NEW FACILITIES, TO EXPAND TREATMENT CAPACITY, TO HIRE AND TRAIN STAFF, AND TO COLLECT ADDITIONAL DATA AND CONDUCT EXTENSIVE EVALUATION, STATES NEED TO HAVE A BETTER IDEA OF FUTURE YEARS' FEDERAL FUNDING. AT THIS TIME IT IS NOT KNOWN WHETHER THE OFFICE OF NATIONAL DRUG CONTROL POLICY WILL RECOMMEND ADDITIONAL FEDERAL DOLLARS FOR FY 1991.

WHILE THE STRATEGY FOCUSES ON THE NEED TO PROVIDE EFFECTIVE TREATMENT, IT DOES NOT ADDRESS HOW QUALITY OF PATIENT CARE CAN BE IMPROVED. STATES AND LOCAL TREATMENT PROGRAMS NEED TRAINING AND TECHNICAL ASSISTANCE TO IMPROVE CLINICAL SKILLS, MANAGEMENT AND INFORMATION SYSTEMS. WE AGREE THAT EVALUATION AND ACCOUNTABILITY ARE ESSENTIAL. HOWEVER, THE PROCESS AND TECHNIQUES OF THESE MUST BE CAREFULLY DESIGNED TO ACCOMPLISH THE GOAL WITHOUT ADDING USELESS REPORTING BURDENS ON STATES AND TREATMENT PROVIDERS.

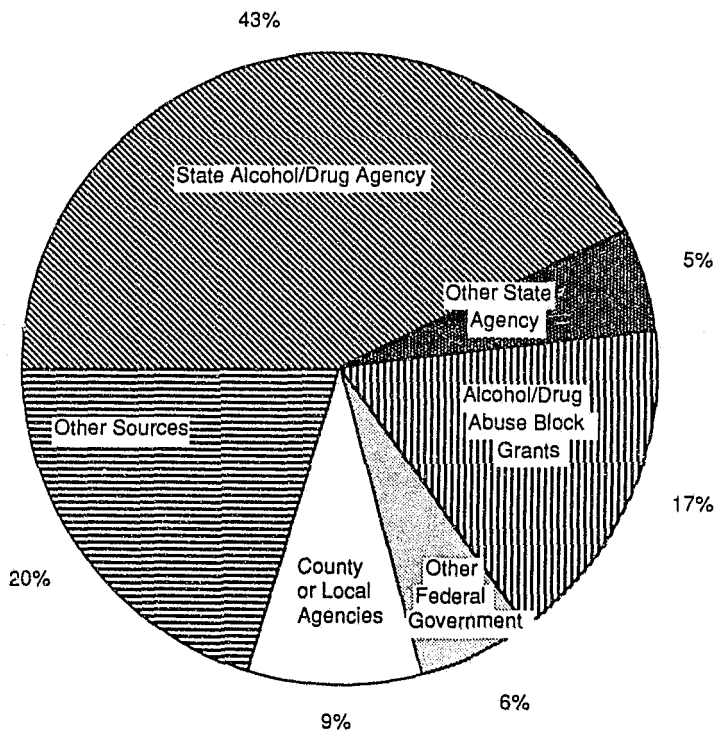
THE STRATEGY ALSO CALLS FOR REVIEW OF STATE AND PRIVATE INSURANCE COVERAGE, AS WELL AS FEDERAL MEDICAID COVERAGE OF DRUG ABUSE TREATMENT. THE STATE ALCOHOL AND DRUG ABUSE AGENCIES HAVE LONG

SUPPORTED MORE EQUITABLE INSURANCE AND OTHER THIRD PARTY REIMBURSEMENT FOR A FULL RANGE OF ALCOHOL AND OTHER TREATMENT SERVICES, INCLUDING OUTPATIENT SERVICES. IT IS IMPORTANT TO NOTE THAT THERE HAS BEEN STEADY GROWTH IN THE NUMBER OF STATES THAT HAVE PASSED LAWS RELATING TO HEALTH INSURANCE COVERAGE FOR ALCOHOLISM AND DRUG DEPENDENCY. THE CONGRESS IS CURRENTLY CONSIDERING MINIMUM HEALTH CARE BENEFITS LEGISLATION THAT WOULD PROVIDE RESTRICTED COVERAGE FOR DRUG AND ALCOHOL TREATMENT SERVICES UTILIZING ONLY INPATIENT HOSPITAL CARE AND LIMITED OUTPATIENT SERVICES. AT THE SAME TIME, STATE MANDATES FOR DRUG AND ALCOHOL TREATMENT SERVICES WOULD BE PREEMPTED. PASSAGE OF THESE PROVISIONS WOULD BE AT ODDS WITH THE STRATEGY RECOMMENDATIONS AND WOULD NOT ENCOURAGE THE PROVISION OF A FULL RANGE OF SERVICES DESIGNED TO MATCH TREATMENT NEEDS.

CONCLUSION

ALTHOUGH THE STATE ALCOHOL AND DRUG ABUSE AGENCIES SUPPORT MANY OF THE PRIORITIES DETAILED BY THE OFFICE OF NATIONAL DRUG CONTROL POLICY, WE ARE CONCERNED THAT THE FEDERAL FUNDING REQUESTED FALLS SHORT. WE URGENTLY NEED ADDITIONAL FEDERAL FUNDS, MORE AND BETTER FACILITIES, IMPROVED OUTREACH, RESEARCH ON THE MOST EFFECTIVE METHODS OF TREATMENT, A BETTER INFORMED PUBLIC, AND, OVERALL, A RENEWED COMMITMENT TO TREATMENT AS A WISE AND PRUDENT PUBLIC INVESTMENT.

FIGURE 1
EXPENDITURES FOR STATE SUPPORTED ALCOHOL
AND DRUG ABUSE SERVICES BY FUNDING SOURCE
FOR FISCAL YEAR 1988

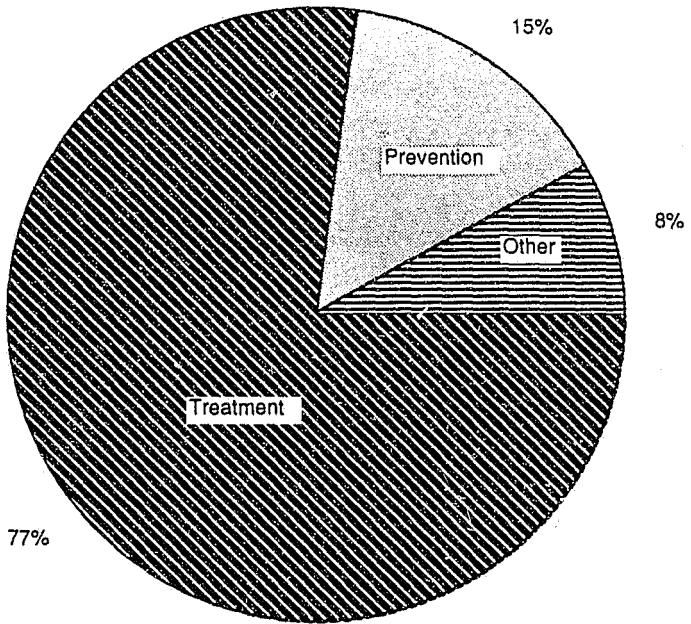


Total alcohol and drug expenditures for FY 1988 were \$2,114,857,286.

NOTE: The Other Sources category includes funding from sources such as client fees, court fines and reimbursements from private health insurance.

SOURCE: State Alcohol and Drug Abuse Profile, FY 1988; data are included for "only those programs that received at least some funds administered by the State Alcohol/Drug Agency during the State's Fiscal Year 1988."

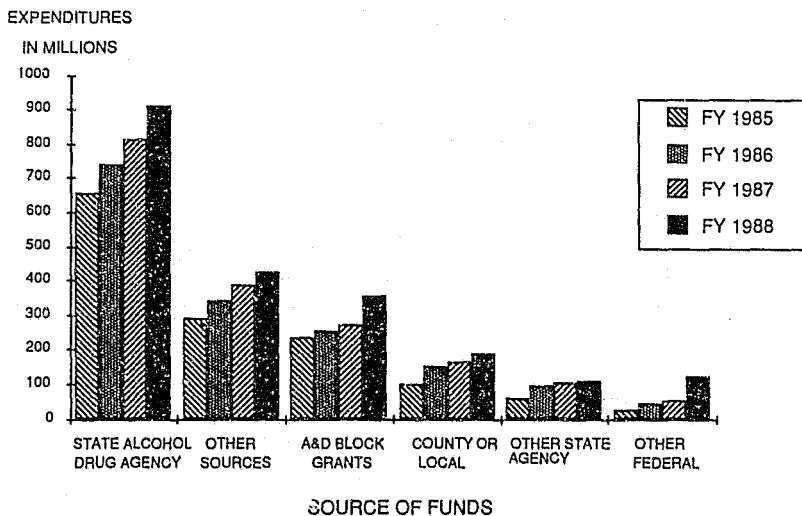
FIGURE 2
EXPENDITURES FOR STATE SUPPORTED ALCOHOL
AND DRUG ABUSE SERVICES BY TYPE OF
PROGRAM ACTIVITY FOR FISCAL YEAR 1988



NOTE: The "Other" category includes expenditures for program activities such as administration, research and training.

SOURCE: State Alcohol and Drug Abuse Profile, FY 1988; data are included for "only those programs that received at least some funds administered by the State Alcohol/Drug Agency during the State's Fiscal Year 1988."

FIGURE 3
 COMPARISON OF EXPENDITURES FOR STATE
 SUPPORTED ALCOHOL AND DRUG ABUSE
 SERVICES BY FUNDING SOURCE FOR FISCAL
 YEARS 1985, 1986, 1987, AND 1988



NOTE: Some of the apparent increases in expenditures may be related to an improvement in the State's ability to collect and provide data from different funding sources.

NOTE: The "Other Sources" category includes funding from sources such as client fees, court fines and reimbursements from private health insurance.

SOURCE: State Alcohol and Drug Abuse Profile, FY 1988; data are included for "only those programs that received at least some funds administered by the State Alcohol/Drug Agency during the State's Fiscal Year 1988."

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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

September 21, 1989

Mr. John S. Gustafson
President
National Association of State Alcohol
and Drug Abuse Directors
444 North Capitol Street, N.W., Suite 500
Washington, D.C. 20001

Dear Jack:

I am writing to thank you for testifying at the Judiciary Committee's September 12 hearing to review the National Drug Strategy.

Your testimony regarding the states' ability to provide treatment and prevention services to those who need it allows us to better understand the impact on the states if they were to implement the President's strategy.

At the hearing, I asked you to do your best at determining the number of pregnant women and the number of children under the age of 16 who would get treatment under the President's plan.

Several factors complicate this question: (1) The President's plan does not specify how much of the money allotted for treatment will be spent on either of these groups; (2) it is not clear how many people are in either group; (3) the President's plan argues that only a half of the people who report using drugs 200 times in the last year actually need the treatment we can offer.

I have been told that only a fourth of the pregnant women and a fourth of the children under 16 would get treatment under the President's plan. My staff reached that conclusion by making the following calculations:

PREGNANT WOMEN

According to Dr. Ira Chasnoff, director of the Peri-Natal Center for Chemical Dependence in Chicago, an estimated 375,000 babies will be born drug-exposed in 1989. To provide treatment for the mothers of these babies alone would cost, at \$5,000 each, (which is the amount per woman Dr. Chasnoff spends at his clinic) \$1.8 billion.

Gustafson
page 2

YOUTH

(1) The U.S. Bureau of Census reports that 39 percent of the 53,503 juveniles incarcerated in 1987 were under the influence of drugs and alcohol at the time of the offense. To provide drug treatment for the same number of juveniles (21,000) would cost, at \$5,000 each, approximately \$105 million.

(2) In 1988, 215,415 children under the age of 18 were admitted to publicly funded drug treatment programs. These 215,415 children reflect only a portion of the children who suffer from substance abuse. To provide 400,000 children with comprehensive treatment (at \$5,000 per child) would cost \$2 billion.

(The \$5,000 per youth per year is based on an average of figures from ADAMHA.)

TOTAL

Pregnant women	\$1.8 billion
Incarcerated youth	.1 billion
Other youth	<u>2.0 billion</u>
TOTAL	3.9 BILLION

The National Drug Strategy provides \$925 million for treatment, which is roughly a fourth of the above total.

I am interested in any comments you can give regarding the President's and my figures. Particularly, I am interested in the number of people that need treatment in the above groups. Also, the enclosed questions are ones that I wanted to ask at the hearing, but did not have time to cover. Please share your results with Ann Howard of my staff at (202) 224-0188.

Again, thank you for testifying. I appreciate your assistance, and I hope that I can call on you again in the future.

Sincerely,

JE
Joseph R. Biden, Jr.
Chairman

Enclosure

1. CHALLENGING BENNETT'S DEFINITION AND NUMBER OF AMERICANS NEEDING TREATMENT

THE PRESIDENT'S STRATEGY FOR DRUG TREATMENT WORKS FROM THE PREMISE THAT "ABOUT FOUR MILLION AMERICANS HAD SERIOUS DRUG PROBLEMS (BASED ON THEIR HAVING TAKEN ILLEGAL DRUGS AT LEAST 200 TIMES IN THE PRECEDING TWELVE MONTHS.)

IT THEN ARGUES THAT 1/4 OF THESE COULD GET HELP FROM FRIENDS AND FAMILY, 1/4 ARE BEYOND THE APPROACH OF CURRENT TREATMENT METHODS; AND 1/2, OR TWO MILLION PEOPLE, COULD BE HELPED BY TREATMENT.

ACCORDING TO THE STATES SURVEY ON INDIVIDUALS NEEDING TREATMENT, AN ESTIMATED 10 MILLION PEOPLE NEED TREATMENT FOR ALCOHOL AND DRUG ABUSE. THIS NUMBER IS FIVE TIMES THE PRESIDENT'S NUMBER OF THOSE WHO NEED TREATMENT.

- Q. CAN YOU BREAK DOWN THE 10 MILLION NUMBER INTO TREATMENT FOR ALCOHOL VERSUS TREATMENT FOR ILLEGAL DRUGS, AND THEN COMMENT ON THE PRESIDENT'S NUMBERS AND DEFINITION OF THOSE NEEDING TREATMENT AS THOSE PEOPLE WHO REPORT TAKING DRUGS MORE THAN 200 TIMES IN THE PAST 12 MONTHS?

2. CAN THE STATES COME UP WITH MORE MONEY FOR TREATMENT AND PREVENTION?

ACCORDING TO THE 1988 ANALYSIS OF STATE RESOURCES AND SERVICES, STATE AND LOCAL AGENCIES SPENT \$1.2 BILLION ON TREATMENT AND PREVENTION SERVICES, WHICH IS ALMOST THREE TIMES THE AMOUNT OF \$479 MILLION SPENT BY THE FEDERAL GOVERNMENT LAST YEAR.

THIS AMOUNT REFLECTS AN INCREASE OF 55% SINCE 1985, AND 17% INCREASE FROM '87-'88.

CONSIDERING THE RECENT INCREASE IN STATE FUNDS DEVOTED TO TREATMENT AND PREVENTION SERVICES,

- Q. HOW MUCH MORE DO YOU BELIEVE STATES CAN REALISTICALLY PROVIDE IN ADDITIONAL FUNDS FOR TREATMENT AND PREVENTION SERVICES IN THE NEXT YEAR?

FOLLOW UP

MUCH OF THE NARRATIVE IN THE PRESIDENT'S CALLS FOR ACCOUNTABILITY OF STATE TREATMENT PROGRAMS. I AGREE THAT PROGRAMS SPENDING PUBLIC DOLLARS SHOULD BE HELD ACCOUNTABLE, BUT I AM NOT SURE THAT SIMPLY CALLING FOR STATES TO SUBMIT A TREATMENT PLAN WILL PROVIDE THE ACCOUNTABILITY WE NEED.

Q. IS THE CALL FOR STATES TO SUBMIT A STATE TREATMENT PLAN THE BEST WAY TO ASSURE ACCOUNTABILITY OF STATE TREATMENT PROGRAMS?

3. NEEDS OF THE STATES

IN THE 1988 ANALYSIS FROM STATE AGENCIES, STATES REPORT SEVERAL MAJOR NEEDS FOR WHICH RESOURCES WERE NOT ADEQUATE IN 1988.

SOME OF THOSE NEEDS INCLUDE ADDITIONAL RESOURCES:

1. TO SUPPORT THE DEVELOPMENT AND MAINTENANCE OF TREATMENT AND PREVENTION SERVICES FOR YOUTH AND WOMEN.
2. TO EXPAND FACILITIES FOR DETOXIFICATION AND RESIDENTIAL TREATMENT; AND
3. TO INCREASE FUNDING FOR STAFF POSITIONS, TRAINING AND SALARIES;

Q. CONSIDERING THESE NEEDS AND OTHERS OF THE STATES, WILL YOU COMMENT ON HOW THE PRESIDENT'S PLAN MEETS OR FAILS TO MEET THE NEEDS OF THE STATES?

4. INFRA-STRUCTURE FOR TREATMENT

DRUG DIRECTOR BENNETT HAS ADMITTED THAT WE WILL NEED MORE MONEY TO PROVIDE THE TREATMENT THAT'S NEEDED, BUT HIS OFFICE HAS SAID THAT CURRENTLY, WE DO NOT HAVE THE INFRA-STRUCTURE THAT'S NECESSARY TO SUPPORT THE DEMAND FOR MORE TREATMENT.

Q. HOW DO YOU RESPOND TO THAT?

Q. SHOULDN'T WE BE BUILDING UP THIS INFRA-STRUCTURE AND ISN'T THAT EXACTLY WHAT THE STATES NEED AND EXACTLY WHAT THE PRESIDENT'S STRATEGY FAILS TO OFFER?

5. ADEQUACY OF THE GOALS

I AM NOT IMPRESSED WITH THE GOALS SET BY THE PRESIDENT'S STRATEGY. GRANTED, IT DOES NOT GIVE YOUR PEOPLE THE MONEY THEY NEED TO TREAT EVERYONE THAT NEEDS TREATMENT, BUT IF THE FUNDING WAS ADEQUATE, WOULD THE GOALS BE ADEQUATE?

Q. AS PRESIDENT OF THE NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS, WHAT IS YOUR REACTION TO THE PRESIDENT'S GOAL TO DECREASE THE RATE OF INCREASE IN THE FREQUENT USE OF COCAINE BY 50% IN THE NEXT 2 YEARS.

The CHAIRMAN. Thank you.
Mr. Quinn.

STATEMENT OF THOMAS J. QUINN, EXECUTIVE DIRECTOR, DELAWARE CRIMINAL JUSTICE COUNCIL, AND PAST PRESIDENT, NATIONAL CRIMINAL JUSTICE ASSOCIATION

Mr. QUINN. Good afternoon, Senators.

The CHAIRMAN. Welcome to Washington.

Mr. QUINN. Thank you. I am Tom Quinn. I am representing the National Criminal Justice Association.

The CHAIRMAN. Tom, would you hold that microphone right in front of you? The acoustics in this room are awful, and that makes it easier.

Mr. QUINN. Is this better?

The CHAIRMAN. Yes, it is. Thank you.

Mr. QUINN. OK. I am representing the National Criminal Justice Association. NCJA represents the States on crime control and public safety matters, and serves as an adviser to the NGA committee with those functions.

The CHAIRMAN. NGA is the National Governors' Association?

Mr. QUINN. The National Governors' Association, yes.

My response here is going to be very preliminary because the staff at NCJA, as well as the staff in our various State offices, are still reviewing this document and trying to determine its impact, its cost, and how well it can mesh with the State strategies which are either in place or under development.

But in that light, I do have some observations to offer. First, I would like to add plaudits to Director Bennett and to the President for putting together what I think is a comprehensive and readable document. They were given a very difficult task, and I imagine they have reams and reams of documents and they pulled it together fairly well.

While we have been awaiting this, the States have not been idle in this area. We have been aware of the drug problem. We see it firsthand; we see the results of it firsthand as it impacts our criminal justice systems.

By way of example, in Delaware we have got special committees in both houses. We have got a new coordinating council designated by Governor Castle which our Lieutenant Governor, Dale Wolf, chairs, and it has been in existence just a few months, but they are coming out with their strategy just in a couple of weeks, trying to mesh it as closely as they can with the Federal strategy.

Partially as a result of these special committees and the State-wide committee, and partially as a result of the recognition by the operational agencies, there have been significant increases in allocations of general funds to fight drugs in Delaware.

We anticipate, as a result of a special \$1 million appropriation to local law enforcement, an increase of about 20 percent in drug arrests this coming year. We have already seen an increase of some 57 percent in drug samples submitted to our medical examiner's office.

We know that we are already behind the eight ball in terms of processing these cases and trying to find spaces for them in our

prison, this despite the fact that our department of corrections has expanded in the last 5 years by 60 percent, therefore garnering an ever-increasing portion of the State budget and limiting our ability to do some other things.

We obviously feel that these things are necessary. We have expanded the prosecution, we have expanded the courts, we have expanded defense. But we are under no illusion that this increase in resources is going to solve the drug problem. We know that the steps we have taken at the State level, added to the steps that this strategy represents, are really first steps in a long and arduous journey.

The drug problem is complex and multifaceted. How it displays itself and what the ramifications are in any given jurisdiction differ, and this really leads to my first observation, and that is the concern over this mandate on drug testing.

It is an apparent mandate, I guess I should say, because I understand there has been a little bit of softening of the position and we don't have any legislation before us. But were that mandate to come about, in Delaware we would have to increase our approximately \$100,000 allocation to about \$1.6 million to drug test the eligible population eight times a year.

The CHAIRMAN. The eligible population within the criminal justice system?

Mr. QUINN. That is correct.

The CHAIRMAN. I just don't want people to think you mean the eligible population overall. Eligibility is determined by being within the criminal justice system.

Mr. QUINN. That is correct, number of arrests, number on probation, number on parole.

While we do feel there are positive benefits to drug testing, we are not sure that that is the best way to spend our money. It would exceed our Federal allocation under law enforcement grants. We believe a balanced approach is necessary, and that balance must be at the State level.

A second observation relates to the area concerning intermediate sanctions. We fully support the use and the need for intermediate sanctions. We believe there perhaps should be a greater slant on certainty of punishment over severity of punishment, and there should be a link of costs to the sanctions.

We just can't lock everyone up. Prison costs about \$47 a day; straight probation costs about \$1.20 a day. There is a lot of room in between. I have attached to the testimony what I think is a promising approach we are exploring in Delaware. We have a defined continuum of escalating sanctions, five accountability levels which increase in restrictiveness as well as in cost.

A third comment relates to the area of research. We feel that research is important. We feel that the States and localities can serve as laboratories and perhaps could play a fuller role than envisioned in the strategy, and offer our assistance in that regard.

Last, the community role. The community is mentioned in the strategy, but I believe that the community needs to play a fuller role and that they can be a full partner in actually developing the strategy. Here again, I will point to some items that I have attached on the East Side of Wilmington Initiative where we worked

with the community in identifying the problem, and then working across, horizontally, bureaucracies and across levels of government to try to deliver the necessary services in that section, the east side of Wilmington, to make a real difference.

It is a very promising approach. We have used State funds, city funds. We have used Federal funds under the Drug Act, as well as under the Juvenile Justice Act. And I might take just a moment to thank you for your leadership and support in those areas, Senator.

The CHAIRMAN. No need.

Mr. QUINN. We are now trying to evaluate that. We are hoping we can transfer whatever successes across our jurisdictional lines. Thank you very much for the opportunity to comment.

[The prepared statement and attachments of Mr. Quinn follow.]

DRAFT 2:30 P.M. - 9/11/89

PRESENTATION ON BEHALF OF THE NATIONAL CRIMINAL JUSTICE ASSOCIATION

TO

SENATE JUDICIARY COMMITTEE - SEPTEMBER 12, 1989

GREETINGS SENATORS:

Thank you for the opportunity to comment on this most important issue.

I am Tom Quinn, Immediate Past President of the National Criminal Justice Association and Executive Director of Delaware's Criminal Justice Council. As you may recall, the National Criminal Justice Association is the Washington, DC based interest group that represents states on crime control and public safety matters. It also provides support to the National Governor's Association Committee on Justice and Public Safety. In these roles, NCJA has worked on the drug control issue for several years, including issues related to implementation of the 1988 Anti-Drug Abuse Act's Drug Control and System Improvement Grant Program.

I am here to provide preliminary reaction to the recently published National Drug Control Strategy. Staff of the National Criminal Justice Association and staff in the states are still reviewing this document and considering its impact, so please consider my comments in that light. Director Bennett had an almost impossible task, and he and his staff should be commended for publishing a comprehensive, readable document that I believe represents a good first step for us all to consider.

Though awaiting this federal strategy with anticipation, the states have not been inactive in this area. They have been aware of the problem; they have observed the impact first hand; they have responded to the crisis in

various ways; they have increased and re-allocated resources to a great degree. For example, in Delaware both houses of our legislature have established special committees to consider the drug issue, and Governor Michael Castle has designated Lt. Governor Dale Wolf to chair an Anti-Drug Abuse Coordinating Council. Through these kinds of efforts and the recognition by the operational agencies in Delaware of the growing drug problem, there has been a substantial increase in resources dedicated to the problem. The Delaware Senate committee provided a special one million dollar appropriation for local law enforcement, more than tripling the amount under the State Aid to Local Enforcement program in just one year. The Superior Court, our major felony trial court, added two judges this past year. With state general funds, there were nine staff added each to the Attorney General's office for prosecution and Public Defender's office for defense in this year, and eight added to each office last year. There were additional federal funds under the 1988 Anti Drug Abuse Act to both offices as well as to the courts. We have also been expanding our correctional capacity substantially, to the point where in the last five years the Department of Correction budget has increased an incredible 60 percent. In fact, it is to the point where it is consuming an ever increasing portion of our state budget and limiting our ability to do some other things. Despite this, we have increased by over 20 percent in this current fiscal year the general fund appropriation for drug treatment and enforcement programs. Approximately half of that was added very late in the budget process at the behest of the Anti Drug Abuse Coordinating Council.

We are under no illusion that this increase in resources is going to solve the drug problem. We in Delaware and across the nation know that the

drug problem is complex and multi-faceted. It is going to require a long-term, dedicated, well planned and well coordinated effort with the flexibility to address the unique nature of the problem in different localities and the changing nature of the problem over time. My concern with the national drug strategy is that it appears to mandate specific programs or policies in the area of drug testing, a choice better left to the states. The strategy requires jurisdictions to mandate drug testing for all arrestees and offenders under supervision. While I understand that this may be toned down somewhat, and that we have no legislative package before us, such a provision can be quite costly. In Delaware, we now allocate about a hundred thousand dollars to such drug testing endeavors. It may be that more resources should be dedicated to drug testing as benefits can result. But this mandate would require over 1.5 million dollars in Delaware for ~~four~~³ tests a year to the eligible population. This would exceed our federal allocation anticipated under the state and local drug grant program. Virtually all states are using testing to some degree or another, but independent of the funding issue, there are unique personnel, practical and resource issues that affect this proposal. Further, if we identify drug use through such testing and we have no option for sanction or no reasonable treatment program available, what is the purpose of identifying the problem? We need a balanced approach and mandates such as this would limit our ability to be creative and flexible in dealing with the unique aspects of the problem at the state and local level.

I might offer a second observation relating to the call for intermediate sanctions and for severe and certain punishment of all drug offenders including users. I certainly agree with user accountability. In fact in Delaware, we are exploring some revision in our current law which allows for a

diversion and expungment of a sentence for first offenders charged with possession. There are some of us who feel that we are sending the wrong message by allowing a free bite of the apple. For DUI first offenders, we at least require a safety education course and some diagnostic screening so that appropriate treatment might be mandated, and the offender is exposed to the legal and health consequences of his act. At the very least, we should do something similar with drug offenders.

I was heartened to see the statistic that casual drug use is down 37 percent. It may be that we can further improve on that favorable statistic if we can impress on the mind of the casual users that the dollars they are spending for drugs buy the bullets used by the drug lords in South America and in the United States. So while I agree that we do need user accountability and I agree that we need more sanctions, it seems that there is a bit too much emphasis on severity of sanction when certainty of sanction is more important. We really must consider the cost to the taxpayer as we develop appropriate, proportionate and realistic sanctions.

I have attached to my testimony some information on a promising approach we are exploring in Delaware which allows for a structured continuum of sanctions that takes into account cost. As you move up the continuum in severity, you also increase in cost. We can punish certainly many more offenders at the intermediate sanction level at a fraction of the cost of incarceration. Obviously, violent offenders or career criminals must be incarcerated for lengthy periods of time, but only a very small percentage of drug offenders will be off the streets for life. We must consider the cost of the punishment and the alternative use to which we can put those dollars.

A third point I would like to address is the area of research. I again concur with the strategy that additional research and evaluation must be undertaken. I would only offer that the states and localities should be brought into that process, that it is not merely a federal effort. State efforts can serve as the laboratory for new approaches. I am certain that the National Criminal Justice Association would be happy to assist in cooperative efforts to identify research needs.

My final concern addresses the community. In a sense, if we in the criminal justice system are involved we already failed to a certain degree. The strategy recognizes the role of community but seems to limit it to the prevention/education function. I believe the community has a real part in developing the strategy and helping to identify the law enforcement and treatment and prevention needs in a given community. As President Bush stated in a speech last week, "If this battle is going to be won, it is going to be won kid by kid, neighborhood by neighborhood."

Again, I would like to point to a project in Delaware that we feel holds promise, known as the East Side Initiative. It is taking place in one neighborhood in Wilmington wherein we went into the community and dealt with the institutional leaders, the community leaders, and the church leaders; we worked with them to identify what the problem was and together agreed on what the solution would be. In essence we are facilitating a horizontal approach across bureaucracy and across levels of government. We have received a commitment from Governor Castle, Mayor Frawley of Wilmington, and the operational agency heads to try to deliver the services that are necessary to make a difference in that community. For example, we have used juvenile

justice funds, as well as 1988 Anti-Drug Abuse Act monies, to provide extra law enforcement, counseling, drug treatment, and tutoring in the community. Thank you Senator Biden for your continued leadership in insuring that those funds have been available.

If we can provide funding for parent training for pregnant high-risk teens, we might be able to prevent some babies from being born cocaine addicted. In Delaware, if we prevent just one such addiction, we will have paid for the program in savings of health care and social costs, not to mention the basic humanity of giving a newborn infant more of an even chance starting out in life. I have attached to my testimony some information on the East Side Initiative as well.

Thank you very much for the opportunity to comment on behalf of NCJA and Delaware's Criminal Justice Council and let me offer our assistance in working with you and with Director Bennett in trying to take what is a good start and make it more workable, so that a year from now we will all feel we have made some progress.

Thank you.

NCJAP(25)

COMPREHENSIVE TARGETED SUBSTANCE ABUSE MODEL

(East Side of Wilmington)

Working Paper III Update

Criminal Justice Staff
January 31, 1989

ACKNOWLEDGEMENTS

Many Criminal Justice Council staff hours were utilized to develop this paper. The following staff assisted in this endeavor: Regina Falcinelli, Cheryl Stallmann, Ben Klein, John Hogan, Rick Harris, Jim Kane and Sam McKeeman. Wilmington Police Officer Jim Nolan also assisted in the demographic research.

Various committees and Advisory Groups endorsed the concept. These groups include: Criminal Justice Executive Committee, Juvenile Justice Advisory Group, Police Advisory Council to the City of Wilmington, Delaware Police Chief's Council, East Side Advisory Group and finally, the Criminal Justice Council which allocated the staff time and \$112,500 to assist in programs for the targeted area.

TABLE OF CONTENTS

	<u>Page #</u>
I. What is the problem?	3
II. Why this approach?	3
III. What results can we expect?	4
IV. Target area East Side	5
Attachment I - Demographic analysis East Side	
Attachment II - Schools that serve East Side	
Attachment III- Recreation programs and other sources of activities in the target area	

WHAT IS THE PROBLEM?

Delaware, like all other states, has a demonstrated substance abuse problem. Drug complaints and arrest figures have remained high throughout the 1980's. Through June 1988, the number of drug complaints is 1,598 with 613 arrests. About 60% of the Crime Stopper calls relate to drugs.

School surveys show a consistently high use of various drugs by students. While the percentages of certain drugs went up or down during the 1980's, most students have experimented with at least one drug.

Substance users frequently use more than one drug, most frequently alcohol and at least one other. More inherently dangerous drugs such as crack and PCP, while lower on the list, are nevertheless frequently abused by students.

Estimates are that over 80% of prisoners are substance abusers. If you even have high substance abuse in the most secure environment in Delaware, (prisons) then, can we expect the general population to not have a drug problem?

The State STEP program and private Employee Assistance Programs increasingly involve themselves with substance abuse issues. Treatment programs are expanding our capacity to assist substance abusers, but we are still far away from providing treatment to all persons who need it.

In Wilmington, Delaware's largest city, there were 405 complaints of drug sales for fiscal year 1988. The "East Side" alone had 95 (see Attachment I of this working paper).

Delaware's justice system resources are increasingly directed toward drug and drug-related criminal activity. Justice system budgets are now doubling every few years.

Polls indicate that people invariably list "drugs" as the highest, or one of the highest domestic problems. Families, social service agencies, schools, churches, youth centers and others, are working together to combat the drug problem.

WHY THIS APPROACH?

The Comprehensive Targeted Substance Abuse Model is truly comprehensive. Comprehensive is defined by such words as "coordinated programs," "single philosophy" and "integrated to cover most aspects of human needs."

The East Side has the percentage of drug complaints and arrests well out of proportion to their population. The targeted area's natural boundaries are Walnut Street, the Brandywine River, Church Street and 4th Street.

It is an area changing in its character, perhaps for the worse. More female heads of household live in the East Side than ten years ago, plus fewer owner occupied houses exist in the area. The East Side also has a high elderly population, and ranks high in families with children and people who live below the poverty level. Unemployment figures also rank among the worst in the city.

WHAT RESULTS CAN WE EXPECT?

This model can be expected to involve many community groups, agencies and individuals. All may vary on their expectations, particularly with the dimension of time.

That not withstanding, we can set some general goals that will produce certain results. They are as follows:

1. Increase and improve target area communication and interaction.
2. Involve target area residents in determining what needs to be changed in their community.
3. Involve target area residents in determining what projects and redirected resources are required.
4. Develop a better working relationship between service providers and the target community.
5. Evaluate the quantifiable aspects of the program and the ultimate impact on substance abuse (e.g., are more children staying in school, is the age of initial drug experimentation increasing, are more people working, can more people read, is the number of drug complaints decreasing, etc.)
6. Reduce substance abuse to levels tolerated by the target community.
7. Design a comprehensive program that can be replicated in other areas of Wilmington and other urban/suburban areas.
8. Design a comprehensive program that can be used as a national model.
9. Improve individual, family and community esteem and self worth enroute to decreasing substance abuse and conditions that negatively influence substance abuse.

TARGET AREA EAST SIDE

Most experts agree that the drug problem in the United States cannot be solved by any one particular strategy. Law enforcement will admit failure in preventing the flow of drugs to the consumer. Counseling agencies, schools and parents will admit an inability to solve the problem of drug abuse on their own.

A strategy that could possibly have an impact on the drug problem would be a comprehensive one that would include all elements of the community. In Delaware we have a fantastic opportunity to implement a comprehensive approach because of our small size and because of our ability to pinpoint problem areas where the drug culture may be very serious. For the purposes of this paper, we have chosen the East Side of Wilmington (Walnut to the Brandywine River, to Church to Front). We have identified this area because: A) Wilmington Police identified this as the number one drug arrest district and B) Demographic information documents the East Side as a low income area (Attachment I).

The components for this approach would be:

I. Law Enforcement

- A. Maximum uniform presence (additional officers \$90,000 for four officers; allocated by the Criminal Justice Council).
- B. Ample supply of buy money for drugs - existing resources
- C. Undercover police - existing resources
- D. Prosecution - federal funds
- E. Defense - federal funds

II. Drug Education

A. School

1. Age specific - K through 12
2. Type of education - "Here's Looking At You 2,000"
3. Where/Location - Christina School District, for a specific listing of all Christina Schools, see Attachment II

B. General public education

1. Age specific - Age 9 through 15
2. Type of education - Wilmington Cluster Against Substance Abuse for High Risk Youth: Health Education (Holistic Health Model).
3. Where/Location - People's Settlement, Walnut Street YMCA
4. Adult Education - Age 18 and above, no current program available. This will cost \$15,000.

III. Parenting Training

- A. Drugs - none
- B. General - People's Settlement, Asbury Church (Child, Inc.)
- C. Latchkey Program

IV. Community Involvement

- A. Clergy
- B. Politicians
- C. Civic groups
- D. Community leaders
- E. Corporate
- F. Create a local board
- G. Mentor program
- H. Community organization skills training
- I. Co-op projects (food, clothing, day care, etc.)

V. PublicityVI. Vocational/Educational Programs

- A. Tutoring for juveniles - People's Settlement, Walnut St YMCA (\$22,000 - funds allocated by the Criminal Justice Council)
- B. Adult education/literacy - People's Settlement Basic Education (\$54,000 needed)
- C. Job training - 2x per week at People's Settlement unemployment counseling (\$54,000 needed)
- D. Housing
- E. Encourage government agency to locate a facility or service in target area.
- F. Black history seminars with incentives for attendance
 - 1. For youths
 - 2. For adults

VII. Rehabilitation of User

- A. Counseling - A part-time drug counselor is working at People's Settlement
- B. Inpatient - none located. To implement a quality inpatient follow-up an intensive outpatient would cost a minimum of \$108,000. This would pay for 12 inpatient slots and 12 outpatient slots. For this program to work on an ongoing basis, an inpatient program would be ideal. This would cost approximately \$450,000 a year to operate in Delaware. An additional \$450,000 - \$600,000 would be necessary to implement the concept. These costs were derived from reviewing out-of-state inpatient treatment centers. The East Side Advisory Group feels that in the first year of operation, the \$108,000 would serve as a temporary gap in this vital area of drug rehabilitation.

VIII. Recreation for Youth and Adults

An additional \$22,000 would be necessary for this concept.

IX. Evaluation of Program

\$30,000

X. Overall Administration of the Program

For a program of this magnitude to operate effectively, various levels of coordination are necessary. This coordination would include: A) Full-time Coordinator - \$30,000, B) Full-time family therapist/coordinator of family services - \$28,000 and C) Total - \$58,000.

XI. Resource Summary

Adult Drug Education -	\$15,000
Vocational Educational Programs -	\$108,000
Inpatient and Intensive Follow-up for Rehabilitation -	\$108,000
Coordination of the Program -	\$58,000
Evaluation of the Program -	\$35,000
Recreation for Youth and Adults -	\$22,000
TOTAL	\$346,000

By focusing in on a specific geographic area and by evaluating the impact of our program, we can prove whether or not we have at least displaced the drug problem to another area. If this strategy works to reduce the drug problem in a particular area and makes that area safer for the community, we can then package the program and transfer it to another area in the State.

It appears that we do have sufficient resources to implement this program in at least one geographic area while not hurting any of our existing operations. With the potential influx of a large amount of drug money in the future, we would utilize this program as an experiment to determine if we can operate the same concept with the new money.

Since the writing of Working Paper III July 15, 1988, much work has been accomplished in regard to the implementation of the East Side program. An East Side Advisory Group has been formulated. This group has met eight times and that group established a variety of subcommittees that work to fill the gaps in services underneath each one of our targeted programs. It appears that the community is extremely excited about this concept and that the program could be implemented as early as 3/1/89.

JK/sc
JONHOGAN

DEMOGRAPHIC ANALYSIS EAST SIDE

(Compared To Other Wilmington Neighborhoods)

John J. Hogan
Jim Nolan

STATISTICAL NARRATIVE

Based on the City of Wilmington's Neighborhood Demographic Profile, the population of Wilmington in 1980 was 70,195. The City itself has been broken down into fourteen regions. These are: 1) East Side, 2) Bancroft Parkway, 3) Boulevard Area, 4) Browntown-Hedgeville, 5) Central Area, 6) Delaware Avenue, 7) Midtown Brandywine, 8) Northwest Area, 9) Price's Run, 10) Riverside Area, 11) Southwest Area, 12) South Wilmington, 13) West Center City and 14) West Side. These areas range from the very affluent sections of Wilmington to the poverty stricken areas of Wilmington. The purpose is to compare the East Side to the different areas of Wilmington.

Wilmington is a city with over half of the population made up of minorities. The percentage of families declared to be below the poverty line was 20.2% for the City as a whole in 1980. The poverty level for the East Side was 35%.

The poverty level in Wilmington has a very broad range. The lowest being 0.8% in the Bancroft Parkway with the highest being 57% in South Wilmington. The East Side with 35% ranks as having the fourth highest level of poverty in Wilmington.

The East Side is made up of 94.7% minorities. Of all the single female head of families in the East Side, 96.8% are black. The average of single female black heads of family for Wilmington is 68.1%

The unemployment rate for the City is 9.5%. The unemployment rate for the East Side is 13.1%. The East Side has the fourth highest rate of unemployment in the City. The highest is South Wilmington with 30.3%.

COMPARISON OF THE EAST SIDE TO REST OF WILMINGTON

* All Ranking are out of a possible 14 - representing the 14 districts.

Wilmington

54.9% - Minority
15.7% - 65 years and over
55.1% - Families with children
20.2% - Poverty level families
9.5% - Unemployed
35% - Single female head

East Side (Census Tract 9, 17 & 20)

94.7% - Minority (3rd out of 14)
18.9% - 65 years and over (4th out of 14)
63.6% - Families with children (5th out of 14)
35.0% - Poverty level families (4th out of 14)
13.1% - Unemployed (4th out of 14)
59% - Single female head (3rd out of 14)

Bancroft Parkway (Census Tract 13)

1.6% - Minority (14th out of 14)
 20.6% - 65 years and over (2nd out of 14)
 39.9% - Families with children (13th out of 14)
 0.8% - Poverty level families (13th out of 14)
 3.3% - Unemployed (13th out of 14)
 12% - Single female head (13th out of 14)

Boulevard (Census Tract 3, 4 & 5)

61.2% - Minority (8th out of 14)
 13.8% - 65 Years and over (9th out of 14)
 60.9% - Families with children (6th out of 14)
 17.6% - Poverty level families (8th out of 14)
 8.9% - unemployed (9th out of 14)
 33% - Single female head (8th out of 14)

Browntown - Hedgeville (Census Tract 25, 26 & 27)

11.3% - Minority (12th out of 14)
 18.2% - 65 Years and over (6th out of 14)
 42.7% - Families with children (11th out of 14)
 7.7% - Poverty level families (10th out of 14)
 6.8% - Unemployed (11th out of 14)
 23% - Single female head (10th out of 14)

Central Analysis (Census Tract 1)

44.0% - Minority (10th out of 14)
 18.5% - 65 Years and over (5th out of 14)
 44.2% - Families with children (10th out of 14)
 26.2% - Poverty level families (6th out of 14)
 10.2% - Unemployed (8th out of 14)
 44% - Single female head (5th out of 14)

Delaware Avenue (Census Tract 11 & 12)

9.6% - Minority (13th out of 14)
 31.4% - 65 Years and over (1st out of 14)
 31.1% - Families with children (14th out of 14)
 7.6% - Poverty level families (11th out of 14)
 6.6% - Unemployed (12th out of 14)
 21% - Single female head (12th out of 14)

Midtown Brandywine (Census Tract 10)

61.9% - Minority (7th out of 14)
 16.4% - 65 Years and over (7th out of 14)
 42.2% - Families with children (12th out of 14)
 17.5% - Poverty level families (9th out of 14)
 10.9% - Unemployed (7th out of 14)
 26% - Single female head (9th out of 14)

Northwest (Census Tract 2)

56.8% - Minority (9th out of 14)
 14.7% - 65 Years and over (8th out of 14)
 50.5% - Families with children (8th out of 14)
 5.9% - Poverty level families (12th out of 14)
 3.6% - Unemployed (14th out of 14)
 22% - Single female head (11th out of 14)

Price's Run (Census Tract 6.01 & 6.02)

92.7% - Minority (4th out of 14)
 10.0% - 65 Years and over (11th out of 14)
 64.1% - Families with children (4th out of 14)
 27.6% - Poverty level families (5th out of 14)
 13.9% - Unemployed (3rd out of 14)
 43% - Single female head

Riverside (Census Tract 7 & 8)

98% - Minority (1st out of 14)
 4% - 65 Years and over (14th out of 14)
 82% - Families with children (1st out of 14)
 44.6% - Poverty level families (2nd out of 14)
 23.5% - Unemployed (2nd out of 14)
 78% - Single female head (1st out of 14)

Southwest (Census Tract 24)

24.2% - Minority (11th out of 14)
 20.3% - 65 Years and over (3rd out of 14)
 46.9% - Families with children (9th out of 14)
 7.7% - Poverty level families (10th out of 14)
 7.0% - Unemployed (10th out of 14)
 26% - Single female head (9th out of 14)

South Wilmington (Census Tract 19)

95.3% - Minority (2nd out of 14)
 8.4% - 65 Years and over (12th out of 14)
 73.6% - Families with children (2nd out of 14)
 57.0% - Poverty level families (1st out of 14)
 30.3% - Unemployed (1st out of 14)
 63% - Single female head (2nd out of 14)

West Center City (Census Tract 16 & 21)

79.5% - Minority (5th out of 14)
 8.4% - 65 Years and over (12th out of 14)
 70.2% - Families with children (3rd out of 14)
 38.2% - Poverty level families (3rd out of 14)
 12.2% - Unemployed (5th out of 14)
 54% - Single female head (4th out of 14)

West Side (Census Tract 14, 15, 22 & 23)

64% - Minority (6th out of 14)
 13.3% - 65 Years and over (10th out of 14)
 60.3% - Families with children (7th out of 14)
 25.4% - Poverty level families (7th out of 14)
 11.1% - Unemployed (6th out of 14)
 36.1% - Single female head (7th out of 14)

Per Capita of Drug Complaints for the City of Wilmington
Calendar Year 1987

These per capita crime rates reflect the number of drug complaints. The East Side ranks third, however, the population of the Central district is considerably smaller than the other districts. As a result, the East Side could be seen ranking as high as second.

	<u>Per Capita Rates</u>	<u>Population</u>
1st	Central 7390.3	866
2nd	West 3193.5	3100
3rd	East Side 1696	5660
4th	Riverside 1600	2562
5th	Midtown 1459	548
6th	Price's Run 1328	6472
7th	West Side 1015	11419
8th	South Wilm. 824	2061
9th	Boulevard 374	10694
10th	Del. Ave. 342.4	4964
11th	Southwest 334	4491
12th	Northwest 305.9	5556
13th	Brcwntown 256.5	8185
14th	Bancroft 110.55	3617

Please review the following graphs for further visual crime analysis display:

Chart I - Complaints of Drug Sales: Approximately 25% of Wilmington drug sales during fiscal year 1988 were identified in the target area.

Chart II - Drug Complaints by Area: This chart visually displays that the East Side ranks third in raw numbers of drug complaints. Please note the East Side has a smaller population than some other city areas.

POTENTIAL DIRECTIONS

1. The East Side has almost 20% of its people 65 and over. With a large part of its population being 65 or over, perhaps the East Side could use the help of its senior citizens to help combat the drug program.
2. Another possible direction that could be implemented would be after school programs such as latchkey projects.

BIBLIOGRAPHY

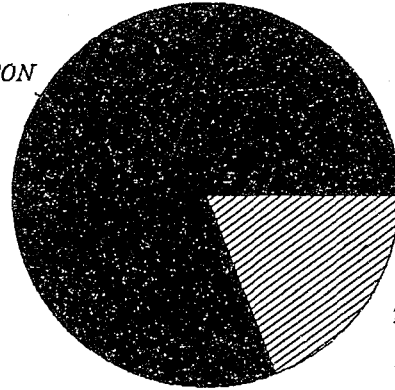
Harris, Richard J., City of Wilmington Neighborhood Demographic Profile, Wilmington, Delaware, c. 1984.

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COMPLAINTS OF DRUG SALES

City vs. Target area

CITY OF WILMINGTON
405

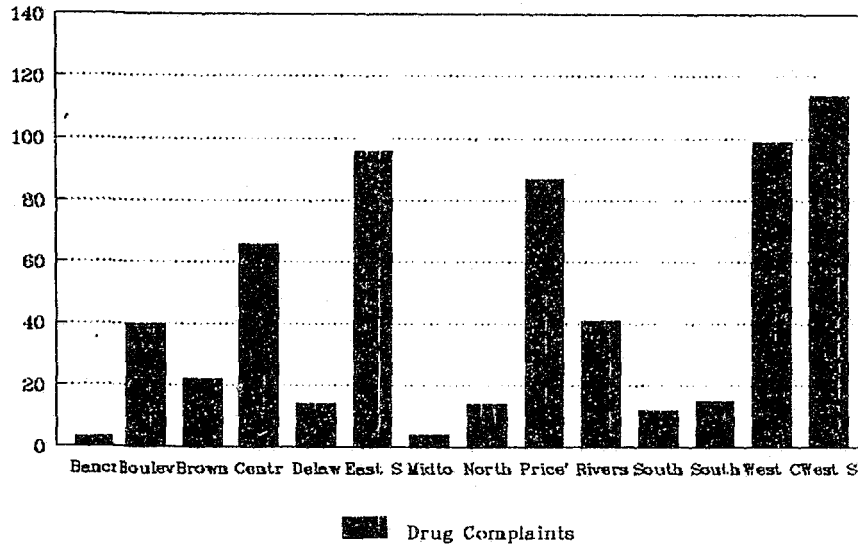


TARGET AREA
95

source : WPD 6-1-87 thru 5-31-88

DRUG COMPLAINTS BY AREA

City of Wilmington



source: WPD 1987 yearly report

Attachment II.

All students from the "area" are in the
Christiana School District.

* = "area" schools within the district.

II. Education:

A. School District - Christiana (454-2000)

- * 1. Bancroft Middle School
- 2. Bayard Middle School
- 3. Brookside Elementary
- 4. Christiana High School
- 5. Christiana-Salem Elementary
- 6. Cobbs Elementary
- 7. Joseph E. Doughlas (429-4146)
(Spec Ed Elem - Change in fall)
- 8. John R. Downes El. (454-2133)
- * 9. Draw Elementary
- 10. Gallaher Elementary
- 11. Gauger Middle School
- 12. Galsgow High School
- 13. Mary B. Leasure Elementary (454-2139)
- 14. Malcary Elementary School (454-2142)
Pre-K-3 ILC
K-3
- 15. McVey Elementary
- 16. Medill ILC 4-12 (454-2266)
- 17. Newark High School
- 18. George V. Kirk Middle School
- 19. Casimir Puzlaski Elementary
- *20. S. W. Pyle Elementary
- 21. Wilmer E. Shire Middle School
- 22. Jennie E. Smith Elementary
- 23. Sterck School for Hearing Imp.
- 24. Stubbs Elementary School
- 25. Etta J. Wilson
- *26. West Park Elementary

B. N. C. C. Vo - Tech. School District

- 1. Delcastle
- 2. Hodqson
- *3. Howard Career Center (571-5400)
- 4. Marshallton School
 - a) Adult Trade Ext & appr.
 - b) Groves Adult H. S. & G. E. D.
 - c) Project 70,00
- 5. Wilmington Skills Center

III. Parent Training

Peoples Settlement: CT88-2

Parenting Partners in conjunction with Family Service Delaware, Inc. Project barely in initial stage. See monitoring report.

Wilmington Cluster Against Substance Abuse is the only currently funded special program re drugs.

Parent Education General-

According to Evelyn Holland, Office of Prevention, Lena Harris @ People's teaches parenting from an Afro-centric perspective. Dr. Janice Jordan (U. or D.) is another parenting instructor. Not much during summer. Suggested we get a monthly class list from People's Settlement. She said Family Service Del and Child, Inc. classes would touch on people from "the area" also.

II. Vocational/Educational Programs

People's Settlement

A. Tutoring for juveniles - after school program. Students are referred from Bancroft School, family referred, or are in a latch-Key program to do h.w. etc. Karen Patton - Director

B. Adult education - one class in evening and daytime in Basic Education.

C. Job Training - representative from State Unemployment of offers job counseling twice weekly.

II. New Castle County Vo - Tech

Howard Career Center 571-4000

1. Unit on drug/alcohol abuse in health -
2. Peer counseling group - Students trained to help other students.
3. Center to help kids who are having difficulty in class or shop.

Christina School District

Dr. Musselman advised that the program "Here's Looking at you 2000" is integrated with the health curriculum. The levels are K-12, K-9, K-8 and 7. Health instruction ends in ninth grade. The program focuses on prevention incorporating the values of self-worth and decision making. It is especially successful when teachers are properly trained.

Starts in December
 Play at: Pyle School
 P.S.duPont
 *West Center City Community Center
 George Gray
 Brown Boys Club

7. Flag Football age 9-12
 age 13-15
- 6 teams in each league, all East Side
- Prices Run II

8. Special Events

Halloween
 Punt Pass & Kick Contest
 Easter Egg Hung
 76ers games

9. Public Services

Sunday Breakfast Mission
 Emmanuel Dining Room
 Public Safety Building

MLK Referral &
 Recycling Center

Complaint Center

10. Learning Centers

St. Marys Church & Elementary Workshop
 Del. Elwyn Institute
 Howard High School
 Wilmington Skills Center

11. Day Care

People's Settlement & Day Care
 YMCA
 Day Care Center

12. Industries

Slocomb Industries
 Brandywine Fiber Products
 Kaumgraph
 Del. Car Corp.

45 vacants on East Side (14 corner vacants)
 7 churches
 2 known bookie joints
 11 liquor stores

(Sam/ATFIII)
 SMC/11

SERVICES AVAILABLE TO EASTSIDE RESIDENTS

July 1989

TAB NUMBER IDENTIFICATION

TAB

Drug Education Programs	1
Parent Training Programs	2
Vocational/Educational Programs	3
Tutoring	4
Recreation	5
Day Care	6
Services for the Handicapped	7
Drug Rehabilitation and Out-patient Counseling	8

INTRODUCTION

This report lists services which are currently available to the residents of the East Side. It includes programs in drug education, parent training, vocational and educational training, tutoring, recreation, day care, handicapped services and drug rehabilitation.

This report may be used by social service workers to assist them in locating appropriate resources for their clients. The report can be updated as new programs are instituted.

This report may also be used by the residents themselves to locate programs which may be helpful to them or to family or friends.

In addition to the services listed in the report, individuals should be aware of the additional police officers now present on the East Side. Community problems may be reported to the police by calling:

573-7749

There is also a field office where community residents may meet with the East Side Officers. This office is located at the corner of 8th and Bennett Streets. The phone number there is:

654-5271

I. DRUG EDUCATION PROGRAMS

1. "Here's Looking At You 2,000" - Christina School District

This is a drug education program which is a part of the school curriculum for grades K through 12.

2. Wilmington Cluster Against Substance Abuse

People's Settlement	Walnut Street YMCA
408 E. 8th Street	10th & Walnut Streets
Wilmington, DE 19801	Wilmington, DE 19801
Arthur Boswell or Coleman Smith	Stanley Robinson (571-6935)
(658-4133)	

This program presents a holistic health model.

3. The Resource Center - Barbara Morgan (571-6975)

11th & Washington Streets
Wilmington, DE 19801

This program provides prevention and education programs about drug and alcohol abuse to community groups.

II. PARENT TRAINING PROGRAMS

1. Parent Education - People's Settlement - Lena Harris (658-4133)
408 E. 8th Street
Wilmington, DE 19801

This program offers parenting skills class taught from an Afro-centric perspective.

2. Parenting Plus - Family Service Delaware - Pat Ingham, Lorie Sink
809 Washington Street (654-5303)
Wilmington, DE 19801

Parent aids are assigned to assist families with parenting skills.

3. Food and Nutrition Education Program - Claudia Holden (1-697-4000)
504 Market Street (573-4488)
Wilmington, DE 19801

This program helps low-income families, especially those with young children acquire knowledge and skills relating to proper nutrition.

4. Parent Early Education Center - Mary Lou Kehoe (454-2137)
Christina School District
35 W. Main Street
Christiana, DE 19702

Educational and support groups are run to assist parents with children age birth to 5 years.

III. VOCATIONAL/EDUCATIONAL PROGRAMS

A. Adult

1. Adult Education/Literacy - People's Settlement - Karen Patton
(658-4133)
408 E. 8th Street
Wilmington, DE 19801
 - a. Adult Basic Education Program - evening program offered with the Christina School District - open to all residents.
 - b. First Step Program - available only to WIN recipients - provides lifeskills training, job readiness and academics.

2. Wilmington Skills Center - Alex Sansosti (654-5392)
13th & Poplar Streets
Wilmington, DE 19801

This program offers training in welding, pipefitting and electricity. Upon graduation the program guarantees a job placement.

3. Literacy Volunteers of Wilmington Library - Donna Beachy (658-5624)
10th & Market Streets
Wilmington, DE 19801

Tutoring sessions are held twice per week to teach adult non-readers to read.

4. Job Search Clinic - Brother Ronald Giannone (652-5523)
506 N. Church Street
Wilmington, DE 19801

This program offers job search and employment services.

5. Career Exploration Program - Cathy Butler (573-2449)
2516 W. 4th Street
Wilmington, DE
 - a. This program provides employability skills training try-out employment experience and job placement. There is also follow-up. Specialized groups for teen parents, day care available. (Ages 16-21)
 - b. This program provides skill identification, confidence building and job placement to individuals over the age of 55.

6. New Castle County Learning Center - Laura Anderson (654-2215)
608 Market Street Mall
Wilmington, DE 19801

This program offers GED and academic remediation programs for unemployed, economically disadvantaged adults and youth over 17 years of age. Counseling, client advocacy, social services, vocational and educational referrals are offered.

7. Howard Career Center - Vocational Programs
13th & Poplar Streets Carl Ryan (995-6173)
Wilmington, DE 19801 Adult Education
Pasquale Marra (994-4079)
- Adult education courses for High School credit and G.E.D. preparation.
- Exploratory Trades program and trades courses.

There is a \$15 registration fee for the adult education program and there are fees for the various trades programs.

B. Youth

1. Computer Camp - Wilmington Department of Parks and Recreation
John Shehee (571-4250)
Bancroft School
8th & Lombard Streets
Wilmington, DE 19801

This program is for grades 1 through 6. It is designed to familiarize students with basic techniques in computer operations.

2. 70,001 - Robert Powell (655-3196)
13th & Poplar Streets
Wilmington, DE 19801

This is a program for high school dropouts age 16 to 21. It offers employment training, job search skills, G.E.D. classes and has a blue collar trades program.

3. Wilmington Youth Development Corporation - Jana Lane Brown (571-4280)
City/County Building, 4th Floor
800 N. French Street
Wilmington, DE 19801

a. Club Excellence - Encourages higher education as an option through participation in cultural activities, self-awareness development, economic awareness and field experiences to youth in grades 7 to 9 (2 year program).

b. Keeping Pace - Youth attend meetings twice a month which focus on a variety of topics. They are then asked to participate in community service activities and assigned to internships. Following this the youth are placed in a summer jobs program.

4. Drop Out Prevention - Groves School - John Granite (994-4079)
Howard Career Center
13th & Poplar Streets
Wilmington, DE 19801

This program works with students to stay in school. Youth remain enrolled in their home school and take at least one course there. Other course work would be completed at Howard by the Groves night-school. Courses offered will include English, Math, Science, U.S. History and a career exploration program.

IV. TUTORING

1. People's Settlement - Karen Patton (658-4133)

408 E. 8th Street
Wilmington, DE 19801

a. School referral program - the school refers youth for tutorial services and provides certified teachers to assist in the tutoring.

b. Latch Key Program - in this after school program youth may participate in arts and crafts or cooking, in addition to receiving tutoring or homework assistance.

c. One on one tutoring - tutoring assistance is provided by local high school students.

2. Walnut Street YMCA - Jack Booker (571-6935)

10th & Walnut Streets
Wilmington, DE 19801

This program provides general tutoring for youth in Math, English, History and Science.

3. Wilmington Department of Parks and Recreation - John Shehee (571-4250)

a. Stubbs School
11th & Pine Streets
Wilmington, DE 19801

b. Pyle School
5th & Lombard Streets
Wilmington, DE 19801

This program provides tutoring in Math, English, Reading and Science. Grades 1-6. Program includes drug counseling. Monday through Thursday 4:30 p.m. - 6:30 p.m.

4. Christina School District - T. Williams or Maurice Pritchert
Bancroft School (454-5371 or 454-2357)

8th & Lombard Streets
Wilmington, DE 19801

This program offers tutoring students grades K through 8 in any subject area and may also include a self-esteem course. Tuesdays and Thursdays from 4:00 p.m. - 6:00 p.m.

V. RECREATION

A. Adult/Family

1. Wilmington Department of Parks and Recreation - Jerry Oravitz
(571-4254)
City/County Building
800 French Street
Wilmington, DE 19801

The Department runs several programs which include, but are not limited to:

- a. summer playground - arts & crafts, trips, etc.
- b. teen centers
- c. softball leagues
- d. swimming facilities
- e. recreation centers
- f. basketball leagues
- g. flag football leagues

A complete listing of currently operating programs can be obtained by contacting the Department directly.

2. Walnut Street YMCA - (571-69355)
10th & Walnut Streets
Wilmington, DE 19801

The YMCA runs a variety of programs for adults and youth. Membership scholarships may be available. Details on program offerings can be obtained by calling the YMCA directly.

3. Christina Cultural Arts Center - Joseph Brumskill (652-0101)
800 E. 7th Street
Wilmington, DE 19801

This program provides courses for children and adults in arts, music, theater, dance, crafts, photography, sewing, ceramics, yoga, piano, gospel piano, gospelizing, guitar, improvisational skills and cultural instruction for visual performing arts.

B. Youth

1. Brown Boys Club - Greg Williams (656-1386)
1601 N. Spruce Street
Wilmington, DE 19801

The boys club offers programs in fine arts, computers, crafts, woodworking, vocational arts, athletics and several other areas.

2. People's Settlement - Karen Patton (658-4133)
408 E. 8th Street
Wilmington, DE 19801

People's Settlement fields athletic teams which compete with the city leagues and the P.A.L. leagues. There is also a recreation area with pool and ping pong tables and board games available. Recreational trips are also sponsored.

C. Senior Citizen

1. St. Patrick's Center, Inc. - William J. Kooser (652-6219)
107 E. 14th Street
Wilmington, DE 19801

This program offers arts and crafts, painting, ceramics, exercise class, cards and games, pool, music lessons, sewing and trips for individuals over the age of 55. Also offers assistance to senior citizens with personal and/or transportation problems.

2. Wilmington Senior Center - William L. Kapa (651-3400)
1901 Market Street
Wilmington, DE 19802

This program provides cultural, recreational and social activities especially designed to meet the needs and interests of senior citizens. Serves individuals over the age of 55.

VI. DAY CARE

1. Walnut Street YMCA - Thomas Bradford (571-6935)
10th & Walnut Streets
Wilmington, DE 19801

Full-day child care for children 6 weeks to 4 years old.

2. People's Settlement - Barbara Sheppard (658-4133)
408 E. 8th Street
Wilmington, DE 19801

Provides day care through a State licensed preschool and kindergarten for children ages 2-6.

VII. Services for the Handicapped

1. Vocational Rehabilitation - Tony Sokolowski (571-2850)
Division of Labor/Elwyn Building
321 E. 11th Street
Wilmington, DE 19801

This program provides vocationally handicapped people those services which are necessary to return them to employment.

2. Delaware Elwyn, Inc. - Peter Dakunchak or Cathie Field (658-8860)
321 E. 11th Street
Wilmington, DE 19801

This program offers rehabilitation, medical diagnostics and education services to handicapped and disadvantaged adults.

VIII. Drug Rehabilitation and Out-patient Counseling

A. Inpatient

1. Greenwood - Sue Hee (239-3410 or 1-800-622-2221)

1000 Old Lancaster Pike
Hockessin, DE 19707

Provides medically supervised detoxification and treatment program for chemically dependent adults and adolescents.

2. LKEC (Delaware), Inc.

a. Kirkwood Detox center - Harry Coyle (995-8610)

3315 Kirkwood Highway
Wilmington, DE 19804

This program provides detoxification counseling and referral services for men and women and provides 24-hour supervision by nursing and counseling staff.

b. The Glass House - Naomi Lancaster (836-3080)

P. O. 546
Delaware City, DE 19706

This program offers a 90 day comprehensive treatment program to men and women with drug (primarily non-alcohol) problems.

3. Meadow Wood Center - Margie Navarro (328-3330)

575 S. DuPont Highway
New Castle, DE 19720

This is a private psychiatric hospital which offers a specialized substance abuse treatment program for adolescents aged 12-19.

4. Bowling Green Inn - Linda Silver, George Benson, Debbie Gale
(215-268-3588)

495 Newark Road
Kennett Square, PA

This is a 30 day inpatient program which is backed by psychological, psychiatric and medical staff. Aftercare is available in Delaware.

5. Genesis II - Christine Matise (215-763-2650)

1214 North Broad Street
Philadelphia, PA 19121

Residency in this program lasts from 9 months to 1 year. The program offers individual & group counseling, GED preparatory classes, vocational counseling and medical referrals. There is a component which allows residents to have their children stay with them. There is a 36 month outpatient aftercare program. (Adult)

6. Gaudenzia House - Rose Manes (215-235-5200)

a. West Chester

1030 S. Concord Road
West Chester, PA 19382

This is a 90 day therapeutic community program which encourages the clients to develop lifeskills and positive coping methods to achieve a productive substance-free lifestyle. (Adult)

b. Philadelphia

1834 Tioga Street
Philadelphia, PA 19140

This is a longterm therapeutic community program which lasts from 12-24 months. The program takes a comprehensive approach. (Adult AIDS patients only.)

7. Charter Fairmount Institute - (1-800-235-0200)

561 Fairthorne Ave.
Philadelphia, PA

a. Adult - Robert Bongard

This is a 28 day program with a psychiatric back-up. There are 2 adult units; one for adults aged 18-25 and one for those over 25.

b. Adolescent - Peggy Fisher of Jean Wade

This is a 30-60 day program. There is a school component.

Both the adult and adolescent programs have an aftercare component. They do have an office which does consultations in Wilmington.

8. Eagleville Hospital - Admissions Dept. (1-215-539-6000)
100 Eagleville Road
Eagleville, PA

This is a hospital based program with psychiatric, psychological and medical back-up. The average length of stay is 30 days. The program offers adjunctive therapy which includes literacy assistance, living skills training and GED assistance. (Adults)

9. UHS Keystone Center - Admissions Dept (215-876-9000)
2001 Providence Road
Chester, PA

This is a 28-30 day program with a 12 week aftercare component and individual counseling with psychological and medical back-up. Residents also receive drug education. (Adult)

10. Valley Forge Addictions Program - Admissions - (215-539-8500)
1033 W. Germantown Pike
Norristown, PA

This is a 21 day program with aftercare. Residents participate in group and individual counseling as well as NA/AA meetings. All residents receive medical reviews during their stay.

11. White Deer-Koala Center - Admissions (1-800-255-2335)
Devitt Camp Road
Allenwood, PA

a. Adult

This is a 28-45 day program which provides group & individual counseling along with a drug education component. Aftercare is available as needed.

b. Adolescent

This program is similar to the adult program, however, school is held for the adolescents.

B. Out-patient

1. Brandywine Counseling and Diagnostic Center, Inc.
David Skinner (656-2348)
305 W. 12th Street
Wilmington, DE 19801

This program offers individual and group counseling for substance abusers over the age of 18.

2. Delaware Alcohol & Drug Treatment Center - Frank Matthews (656-4044)
1606 W. 16th Street
Wilmington, DE 19806

This program offers individual, group and family counseling for substance abusers. Crisis intervention is available.

3. Community Recover Program - Nate Wanamaker (658-4133 or 651-9390)
Center for Pastoral Care/People's Settlement
408 E. 8th Street
Wilmington, DE 19801

This program serves substance abusers and their families. The program also focuses on adolescents who are addicted to alcohol and/or other drugs.

4. Open Door, Inc. - Bobi Freedman (798-9555)
301 Commonwealth Ave.
Claymont, DE 19703

Provides short term drug and alcohol abuse counseling, counseling for families of substance abusers, group counseling and educational programs for schools and community groups.

5. PACE Alcoholism & Drug Addiction Treatment Program
Wesley Bowman (995-1500)
3608 Lancaster Pike
Wilmington, DE 19805

This is an intensive out patient program which includes individual and family assessment, treatment and aftercare.

6. Trinity Alcohol and Drug Program - Lorraine Thalheimer (655-1153)
1104 N. Adams Street
Wilmington, DE 19801

This program provides information, referral, and counseling on spiritual aspects of drug and alcohol abuse.

7. Daylight Community Program - Debbie Avery (428-3775)
Walnut Street YMCA
10th & Walnut Streets
Wilmington, DE 19801

This program provides a continuum of care for emotionally disturbed adolescents. The overall objective is to assist adolescents to maximize their functioning potential in all aspects of their lives.

8. Juvenile Awareness Education Program, Inc. - Ozzie Lee Hall, Jr.
1020 N. Heald Street (656-7111)
Wilmington, DE 19802

This program provides group and individual counseling and community organization. (For youth and parents.)

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The CHAIRMAN. Well, thank you, and thank you all for keeping your time down. You could each spend literally a day with us and we would have a great deal to learn just listening to any one of you, but I apologize for the constraints.

I would ask unanimous consent that those of you who have formal statements—that your entire statements will be placed in the record as if read, in addition to what you have stated.

I yield to my colleague from Pennsylvania, Senator Specter.

Senator SPECTER. Thank you very much, Mr. Chairman. I have asked the Senator to yield to me for just 2 minutes to make a couple of comments.

We thank you for coming here today. The fact that there are only two of us present does not suggest that there is not tremendous interest by the full committee, but it is a very tough day. We are marking up bills on the Appropriations Committee and there are many Senators occupied there, and we are all very concerned on this committee.

There is a great deal that I could say in response to all of the comments, and I am pleased to see Mr. Johnson here, recollecting our days on the National Commission for Criminal Justice Standards and Goals, which was a 1972 venture that has produced some positive results, and there are some ideas there which we are still working on to produce more.

I would like to say this to you, Mr. Travisono, that the fact that there is not a very heavy emphasis on Federal funding for State prisons is unfortunate, and it may be that we can direct more moneys there before we are finished.

I would like to see, for example, and have put in, legislation which would require Federal prisons for those sentenced under habitual offender statutes in the States. But we are doing something to put people in the Federal prisons, and although the Federal prisons are overcrowded, they are not nearly as bad as the State prisons and somehow the Federal Government always makes an accommodation.

No Federal prison is yet under a court order, for example. I think most people do not know that some 45 of the 50 States are either under court orders or in litigation on court orders.

But we have made, through a variety of statutes, the Federal involvement in drug enforcement much more extensive. The people go into the Federal system and that puts them into the Federal prisons, so we are taking quite a large burden off of the States, and I want to see more of that done.

We have the armed career criminal bill which provides for mandatory sentences, 15 years to life, for career criminals found in the possession of a firearm. It focuses on drug dealers, the firearms unit of ATF, and those people are going into Federal jails.

Some jurisdictions, like Philadelphia, have a State criminal court system which can't accommodate every one; it is a breakdown. Many other cities are the same way, and we are now putting up \$50 million for Alcohol, Tobacco and Firearms, which was nonexistent 5 years ago, to enforce these Federal statutes, and those prosecutions will end up in the Federal courts.

But there are many of us who sympathize with the position that there ought to be a greater Federal responsibility on prisons, espe-

cially in light of the drug involvement, which is a Federal responsibility. There is concurrent jurisdiction and the Federal Government really ought to prosecute many more of the cases.

Mr. Gustafson, I just want to make one comment with respect to the rehabilitation aspect. This is an old refrain, but I think it has to be repeated, about the need to figure out statistically which programs work. We have not yet gotten a handle on where the money ought to be spent on rehabilitation in terms of a statistical base to know.

My concern about this field goes back to 1968 when we were working on drug rehabilitation, and at that time Day Top Village and Swan Lake in New York City were the forerunners. We brought Gaudenzia House to Philadelphia at that time, and there has been a proliferation of rehabilitation facilities across the Nation. I was at Abraxis House yesterday in Pittsburgh, tending to young women, 14 to 17, a lot of whom were pregnant.

But we need a handle on which programs work. We had the Secretary of Health and Human Services in 2 years ago and asked him to give us an answer and we still don't have it. We have mandated that and put funds in the 1988 drug bill.

But if, on the rehabilitation side, you folks could tell us what works and back it up, I think you would find an inclination to put very extensive funding into that line if we had a statistical base.

Mr. GUSTAFSON. Senator, I am so pleased that you asked the question because we would be pleased to respond. And I would just, by way of direct response to your question, recommend to you a study that will be released by NIDA this month. It is called the TOP study, and that acronym stands for treatment outcome prospective study.

It is a 15-year longitudinal study. It is the most definitive study that has ever been conducted by the Federal Government and it clearly points out that treatment works across all modalities, whether you are talking about a residential program, an outpatient program, or a methadone maintenance program. We are also engaged in our own compilation of 15 to 20 years of research which will point to exactly that outcome.

Senator SPECTER. It is going to be released this month?

Mr. GUSTAFSON. Yes.

Senator SPECTER. How about this week? How about today?

Mr. GUSTAFSON. If it was in my power to give you a copy, I would do it right now, but I don't have it. I understand that NIDA will be releasing the findings this month.

Senator SPECTER. Well, we would all like to see it yesterday, now, because we are making judgments on these items, and I think there would be a greater inclination on the part of the Congress to emphasize rehabilitation if we had some sound evidentiary base for what works.

Mr. GUSTAFSON. Senator, I would imagine that if you asked Dr. Schuster, he would provide you with a copy forthwith.

Senator SPECTER. It will be done before the day is out.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you.

Gentlemen, I have a lot of questions. Let me begin by suggesting that I would like to, with your permission, submit some of them to

you in writing, but I would like to go to a few of them, if I can, first.

Mr. Quinn, you pointed out, and, as usual, gave me more credit than I deserve, that the East Side project is a project that holds some real promise. For the rest of you, the East Side project really takes a whole bunch of different pieces to the problem and lets the community try to put together a total program that works.

We are fortunate enough in Delaware to be a small State and a State where politics doesn't much get in the way very often because we all go to dinner with one another or bump into one another at dinner. There are less than three-quarters of a million people in our whole State. So far, so good.

But, Tom, my recollection from when some of you all spoke to us about that is that we needed juvenile justice funds to be able to make that program work.

Mr. QUINN. That is correct.

The CHAIRMAN. Are you aware that the proposal to pay for this drug plan calls for cutting juvenile justice 40 million dollars' worth?

Mr. QUINN. Yes, I understand.

The CHAIRMAN. It is not the biggest chunk, but it is one of the biggest chunks. It is over half of the funds that they have. I don't expect you to answer the question now, although you may have an answer. It would be useful for the record for us to know, for me to know, for the committee to know, what impact that would have on the ability of the plan to continue, notwithstanding the fact that, ostensibly, we are going to get some money in from the President's plan after we have implemented a testing program in prisons and the like.

Mr. QUINN. Well, I will give you two answers. One, NCJA has a standing position in favor of continuation of the Juvenile Justice Program and funding of the Juvenile Justice Program. My colleagues feel across the Nation that it has been a very positive program and necessary for trying to get to some of the criminals at the incipient stage.

Personally, I will underscore that a couple of times and I will indicate that I think whatever steps forward the strategy takes, eliminating the juvenile justice funds will take us a step back.

The CHAIRMAN. OK. Mr. Trivisono, your profession, the correction systems, has always been at the short end of the stick. Do you have any sense—has Dr. Bennett or have any of his people had an opportunity—and I know they have reached out a great deal over the last 6 months, but have they had an opportunity to speak to you as the Executive Director or to any of your people and to tell you what they expect of the States in terms of dollar commitments, because they are asking for a dollar commitment? Have they indicated that at all, do you know?

Mr. TRIVISONO. No. Dr. Bennett wrote a letter to me as Executive Director, and I assume he did to many other national agencies, to get our viewpoint, which we submitted and it is part of this record. But to my knowledge, Senator, no director of corrections in the United States or the Federal Bureau of Prisons has ever had the opportunity to talk to Dr. Bennett personally.

The CHAIRMAN. Well, I truly don't say this as a criticism of Dr. Bennett because he has been extremely busy. I would hope, though, at some point we would—and Dr. Bennett is working on it, also—get to the point where we can forthrightly state what the actual cost of this program is—and the cost is a cost, regardless whether it is State, local or Federal—without arguing who is responsible for what, just what it costs. And that is what I was asking.

John, you said there were about 8 million folks out there waiting for treatment who needed it and who wanted it. Now, there may be a slight mixing of apples and oranges here. Although, as Mr. Meeks points out, alcohol is a serious problem in America, it does not fall under controlled substances that is the sole responsibility of the drug director and, in fact, is the sole directive he had to come up within this plan.

No one underestimates the danger of the problem, the extent of the problem with alcohol abuse, and/or the need to do something. But in fairness to the President, that was not his charge in this strategy.

Now, you mentioned 8 million, John. On page 39 of the drug strategy under drug treatment, it says, "NIDA estimates that in 1988 there were about 4 million Americans who had serious drug problems (based on their having taken illegal drugs at least 200 times in the preceding 12 months)." Most of us would acknowledge that that is serious.

Then it goes on to say that, "Many of these people, possibly as many as one in four, may be able to stop using drugs with the help of family, clergy, friends, and, above all, their own motivation."

Then it goes on to say, "Perhaps another quarter, hardcore addicts or career criminals, are difficult to reach by existing treatment methods and are unable or unwilling to stay drug-free." I assume that is a euphemism for saying we are not going to be able to do anything about them in terms of treatment. I guess that is what that means.

Then it says, "The remaining 2 million drug users represent a group for whom well-designed treatment may offer a reasonable chance for significant improvement." Now, as I understand Dr. Bennett here, or the President's strategy, he is saying there is only a total of 4 million in the whole country who are hardcore users or addicts, and then out of that only 2 million who really need programs.

Now, you say that there are 8 million who not only need them, but want them and are asking for help now. Wherein does the discrepancy lie?

Mr. GUSTAFSON. I think we are comparing apples and oranges a little bit here, Senator. The 8 million figure that I related to was an estimate for drug and alcohol-dependent people who could benefit from services.

The CHAIRMAN. I see.

Mr. GUSTAFSON. I cannot speak to how the strategy orchestrated the statistics in terms of those in need. It seems to me somewhat of an artificial division between those 25 percent that would be hardcore and would not benefit, and the 50 percent that would.

I think the strategy goes on to say that another 25 percent could deal with their problems on their own and probably would not re-

quire treatment. It is precisely that 25 percent hardcore that needs the treatment the most. Those are the people that are out there engaged in illegal activities. Those are the IV drug users that are spreading the HIV infection.

Of the 110,000 AIDS cases diagnosed to date, 27 percent of those, 27,000, contracted the virus through intravenous drug use, and fully 80 percent of all the heterosexual cases can trace the contraction of the disease to sexual contact with an IV drug user. And we know the cost of the AIDS problem confronting this Nation.

The CHAIRMAN. I guess what I am trying to narrow down here, then, is the figure that your association has given me—and I think it was you who gave it to me, I may be mistaken, a couple of days ago—which was that after surveying the States, your members, they indicated that there were at this moment 58,000 drug users who were actively seeking to get into a treatment regime—whether it was in-patient, out-patient, up-patient, down-patient, they are asking for help—who were unable to get any help as of this moment. Is that an accurate figure?

Mr. GUSTAFSON. That is exactly correct, Senator. Those 58,000 people are on formal waiting lists, which grossly understates the need because most people are frustrated and no longer present. And of those 58,000, over half have been on for at least 30 days.

The CHAIRMAN. I see. Now, there is a good deal of talk by me, by the director, by my colleagues, and by the President about a portion of the problem that has gripped the heart of the American people, and that is pregnant women who are addicted to a drug—and, in most cases we are hearing about, it is crack—who have in the immediate recent past or are now or in the immediate future will be giving birth to drug-addicted babies.

Now, the figure that I have been told—and I would like to know whether you know whether or not it is correct—is that all the treatment moneys provided in this legislation from the Federal Government's end would only be able to treat one in four of those addicted pregnant mothers. Is that figure correct, or do you know?

Mr. GUSTAFSON. I wouldn't go out on a limb because I cannot substantiate it. I don't know, but we can confirm for you the source of the figure.

The CHAIRMAN. I would appreciate that.

Another figure I would like you to confirm or give me the actual figure on is the number of people who are addicted—and we are talking about 200 or more times a year taking a dangerous drug—the number of people who are addicted under the age of 16. In fact, to treat that population, addicted under the age of 16, the entire Federal expenditure on treatment would be able to treat only one in four of those people.

Mr. GUSTAFSON. I have heard that statistic as well.

The CHAIRMAN. If you could check that for me, also.

Mr. GUSTAFSON. Just in the area of addiction, 1.2 million intravenous drug users nationwide.

The CHAIRMAN. We don't even get to them.

Mr. GUSTAFSON. 100,000 of those are in treatment at any one point in time.

The CHAIRMAN. 1.2 million—

Mr. GUSTAFSON. Intravenous drug users.

The CHAIRMAN [continuing]. Putting a needle in their arm or leg, or wherever, every day. Of those people, 100,000, you say—

Mr. GUSTAFSON. Are in treatment.

The CHAIRMAN. Are in treatment.

Now, one last question, and this sounds like such a statistical morass, I am beginning to lose it myself. But the President's Commission on AIDS, as I understand it, has recommended six times the total Federal expenditure that is being recommended for all treatment modalities, for all drug abusers.

Mr. GUSTAFSON. That is correct.

The CHAIRMAN. They recommended six times that amount just to treat intravenous drug users because they believe that it is so important to stop the spread of AIDS, is that correct?

Mr. GUSTAFSON. That is exactly correct. They recommended, specifically, \$1.5 billion a year for 10 consecutive years, and that is a very critical point. What we are talking about is the need for an ongoing, sustained commitment. This problem will not resolve itself in 1 year, 3 years, or 5 years. We have to be in this for the long haul.

The CHAIRMAN. Mr. MEEKS, the picture you paint in San Diego—is it San Diego County you refer to?

Mr. MEEKS. Yes, sir, Sheriff Duffy's county.

The CHAIRMAN. Yes. It is a pretty tough one, tough in terms of the burden that exists upon the sheriff's department as of now. Is that an exception? Did you just pick a county that makes the case look the worst?

Mr. MEEKS. No, sir. I think you can go to any urban center in the United States and face the same figures as far as the jails are concerned. I would venture to guess that you could go to any jail in the United States and find that if they are not at capacity now, they will shortly be at capacity or they are way over capacity and are facing Federal court suits to reduce the population in their jails.

The CHAIRMAN. I won't ask this question of you to be answered now, but I would ask this question for you, whenever the appropriate time, in the opinion of you and your association, is to answer it, and that is, as we receive—and has been pointed out by some of you or all of you, all we have is—and it is a good general strategy. We don't have any implementing legislation.

That is a fancy word for saying we don't know what this means yet. We don't know the detail of what it means. We don't know what it means in terms of how many prisoners you are going to have to test in Delaware how often. We don't know the answer to that.

When we get those specific proposals from the President, my request to you is, as soon as it is reasonable for you to survey your organization, for you to tell us whether or not they think that they will be better off or worse off with this strategy in place in terms of what will be required of them; not whether or not it would be a good idea if they could do it, but whether or not—in light of the limitations that exist at the county level, whether or not they are going to be able to do it.

Do you understand what I am trying to say?

Mr. MEEKS. Yes, sir. I have had already one sheriff say that he cannot do it. He would not go along with it; he can't go along with it. He could not afford to do it, and he said that he would have to resist that because it would strain his budget to go to drug testing. To mandate him to go to drug testing, he could not do it; in the present configuration, he could not do that.

The CHAIRMAN. Well, it is important for us to know that to determine whether or not we want to amend, alter, provide additional resources, or not provide additional resources. Again, I am not being facetious when I say what the job is now—the President is going to get all the money he asks for, and he is going to get it as soon as he gives us the specifics to indicate our ability to go to the floor to give it to him. He is going to get it, and I am going to do everything I can to see to it that he gets it.

But the purpose of the hearings that we are going to be holding is to find out what this means and what it means in terms of the promises we are going to make to the American people.

I don't want to go back home Tom, and say, boy, I did my job and I played my part in helping with this strategy, to find out that everybody in Delaware City, to Seaford, to Wilmington says to me, hey, but you have made life worse for us because you have increased my taxes x amount of dollars, or you made life worse for me because you haven't increased my taxes, but they cut bus service. I now have drug testing, but I don't have a bus; there is no line that comes out here anymore.

Now, Mr. Johnson, you have been in this—it is a trite expression to say—this trench, for so long, I don't know in the Lord's name how you stay in it. What is the thing—let me back up.

I have a proposal. I am not sure it is the right one. I have proposed it, and we are going to hold hearings on it to find out whether it makes sense or not. I think it makes sense.

One of the ways to help alleviate prison overcrowding in your city and your State, which in turn allows you to have more flexibility at your end, the prosecuting end, is to spend that \$1.4 billion we are going to spend at the Federal level on 10 regional prisons, with 80 percent of the population being made up of State prisoners.

All of the prisons in that new expenditure of money will be designed for drug offenders so that we hopefully, when we get around to it, can have facilities in place whereby we can have drug treatment programs.

Mr. JOHNSON. Are you referring to the abandoned military bases?

The CHAIRMAN. Yes. Now, would it be of any value for the record—I am not sure you can answer this without—you have to take time. I would like you to look into determining whether or not—and we will give you the details of the program—whether or not, for a jurisdiction as large as yours and as significant as yours, that if Biden comes along and says a regional prison is a great idea, but the end result of Biden's regional prison idea using abandoned military bases and expending \$1.4 billion that the President wants expended on prisons along that line—I want you to be able to come back and be able to say to me, in writing, Biden, that is a great idea, but it is only going to allow me to have 15 more prison

beds, and that is of no value to me. So I am going to ask you to look at that, and we will get that detail.

But the last question for you and the last question I will ask of this panel—and I want to make sure that I can find the question that I wanted to ask you, if I can get the list here. Hang on just a second. And it is not going to be how are you going to vote in the primary today.

What is the total budget for narcotics prosecution in your office?

Mr. JOHNSON. The total budget, State, city?

The CHAIRMAN. Well, your office, whatever your office is?

Mr. JOHNSON. About \$9 million.

The CHAIRMAN. About \$9 million, and how much has your budget in rough terms—and I would like you to submit for the record some more detail—has your budget increased over the last 4 or 5 years?

Mr. JOHNSON. It has remained relatively stable.

The CHAIRMAN. And what inclination do you have as to whether or not the city or the State is going to provide you any significant increase in your budget?

I suspect from that chuckle you don't expect much.

Mr. JOHNSON. No, I don't.

The Chairman. All right, and I have for you, Sterling, half a dozen questions about the change in circumstances of the drug problem, which is going to create significantly greater problems for us, and that is the number of women—not pregnant women, but women with children 4, 5, 6, 8, 10, 12 years old—who are now becoming addicted to drugs.

As I understand from you and others in the city, the phenomenon that you are seeing in New York City, that you are warning the rest of us about and the rest of the Nation about, is that it used to be that for every one woman that was addicted, there were about four men that were addicted to—

Mr. JOHNSON. Crack is now making that a 50-50 ratio.

The CHAIRMAN. Crack is 50-50, and the end result is now that there is a total breakdown in any semblance of what is left of a family, particularly in some of the urban areas, is that right?

Mr. JOHNSON. Correct. I think the New York Times wrote an article and it tells of grandmothers raising children, and I am familiar with individual cases. That is true.

The CHAIRMAN. Well, folks, as you can tell, I have many more questions than any of us have time for. But I promise again, I am not going to overburden you, but I have anywhere from three to six questions for each one of you, and it would be very helpful—this is just the beginning of the process here, the beginning in terms of deciding what we are going to do next.

Again, in fairness to Director Bennett, as he points out, this is just the first strategy. He is going to have to resubmit one by February of next year. We are going to start the process again.

It reminds me of that old joke, you know; we are from the Federal Government and we are here to help you. You have heard that before. We want to make sure that we are from the Federal Government and that what we do does help, and that is the reason for the hearings.

Thank you all very, very much for your time.

We have a statement from Senator Hatch which we will insert into the record at this point.

[Whereupon, at 1:09 p.m., the committee was adjourned.]

[The statement of Senator Hatch follows:]

SEN. ORRIN HATCH

Washington, D.C. 20510

September 12, 1989

Contact: Paul Smith, 202/224-9854

STATEMENT OF SEN. ORRIN HATCH
BEFORE THE SENATE JUDICIARY COMMITTEE
HEARING ON THE NATIONAL DRUG STRATEGY

I am pleased, Mr. Chairman, that the Judiciary Committee is meeting again today for the purpose of holding hearings on the important subject of reviewing the National Drug Control Strategy. This is the third hearing we have had in less than a week, but the magnitude of the problem we face requires the most serious attention that we in Congress can provide.

Although it is important for the committee to proceed swiftly to do what it can in the area of drugs, we should not forget that it is the president who, in our government of separated powers, is the Chief Executive. And it is the president who is necessarily and properly the focus of the national war on drugs. It was only last fall that we in Congress created the Office of National Drug Control Policy and provided its director with far-ranging powers. The director, Dr. Bennett, has developed a detailed and extensive plan which, although it surely will not please everyone, deserves to be given a fair trial.

Therefore, I hope that this hearing, and the ones to follow, will focus on what steps Congress can take to help the president in conducting the national effort to control drugs. Partisan or ideological differences as to the methods chosen to fight the war on drugs should, for once, be subordinated to the more important purpose of uniting behind the president and the director of the Office of National Drug Control Policy as they try to lead the country in this all-important war against drugs.