

S. Hrg. 101-119

**CONFIRMATION HEARINGS OF FEDERAL APPOINT-  
MENTS TO THE OFFICE OF NATIONAL DRUG  
CONTROL POLICY**

**(Bennett, Walton, and Morris)**

**HEARINGS**

BEFORE THE

**COMMITTEE ON THE JUDICIARY**

**UNITED STATES SENATE**

**ONE HUNDRED FIRST CONGRESS**

FIRST SESSION

ON

THE NOMINATIONS OF DR. WILLIAM J. BENNETT TO BE DIRECTOR OF  
THE OFFICE OF NATIONAL DRUG CONTROL POLICY, REGGIE B.  
WALTON TO BE ASSOCIATE DIRECTOR, AND STANLEY E. MORRIS TO  
BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION

MARCH 1, 2, JUNE 6, AND SEPTEMBER 20, 1989

Serial No. J-101-2

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# CONTENTS

WEDNESDAY, MARCH 1, 1989

## OPENING STATEMENTS

	Page
Helms, Hon. Jesse.....	2
Moynihan, Hon. Daniel Patrick.....	4
D'Amato, Hon. Alfonse M.....	4
Sanford, Hon. Terry.....	6
Rangel, Hon. Charles B.....	7
Biden, Chairman Joseph R., Jr.....	8, 15
Thurmond, Hon. Strom.....	23
Kennedy, Hon. Edward M.....	25, 28
Hatch, Hon. Orrin G.....	30
Heflin, Hon. Howell.....	32
Simpson, Hon. Alan K.....	34
DeConcini, Hon. Dennis.....	36
Specter, Hon. Arlen.....	37
Metzenbaum, Hon. Howard M.....	40
Grassley, Hon. Charles E.....	42
Kohl, Hon. Herbert.....	45
Simon, Hon. Paul.....	49
Humphrey, Hon. Gordon J.....	51
Leahy, Hon. Patrick.....	54

## TESTIMONY OF NOMINEE

Bennett, William J., to be Director of the Office of National Drug Control Policy.....	58, 60
--	--------

## ALPHABETICAL LIST AND SUBMITTED MATERIAL

Bennett, William J.:	
Opening statement.....	58
Testimony.....	60
Kennedy, Senator Edward M.:	
Memorandums to:	
Vice President George Bush.....	68
Donald T. Regan.....	69
Rick Davis.....	72
Tom C. Griscom.....	76
John C. Tuck.....	86
Edwin Meese III.....	91
Alfred H. Kingon.....	95
Howard H. Baker, Jr.....	99

THURSDAY, MARCH 2, 1989

## OPENING STATEMENTS

Biden, Chairman Joseph R., Jr.....	157
Heflin, Hon. Howell.....	157

IV

WITNESSES

	Page
Bennett, William J., to be Director of the Office of National Drug Control Policy .....	158
Warger, Cynthia L., Association for Supervision and Curriculum Development..	190
De Lara, Jose Garcia, national president, League of United Latin American Citizens, accompanied by Arnoldo S. Torres, national political adviser .....	197

ALPHABETICAL LIST AND SUBMITTED MATERIAL

Bennett, William J.:	
Testimony .....	158
Responses to written questions posed by Senators Hatch and Simpson.....	215
De Lara, Jose Garcia:	
Testimony .....	197
Prepared statement .....	202
Torres, Arnoldo S.:	
Testimony .....	198
Warger, Cynthia L.:	
Testimony .....	190
Prepared statement of Dr. Gordon Cawelti.....	192

ADDITIONAL SUBMISSIONS

Prepared statements by:	
National Democratic Policy Committee.....	235
Jamaica Community Adolescent Program, Inc.....	244

TUESDAY, JUNE 6, 1989

OPENING STATEMENTS

Biden, Chairman Joseph R., Jr.....	249, 253
DeConcini, Hon. Dennis.....	257
Specter, Hon. Arlen.....	258
Grassley, Hon. Charles E.....	259, 261

WITNESSES

Walton, Hon. Reggie B., to be Associate Director for National Drug Control Policy .....	268
Panel consisting of: Donald L. Cahill, chairman, legislative affairs committee, National Fraternal Order of Police; Charles A. Gruber, first vice president, International Association of Chiefs of Police; Lynn C. Slaby, president-elect, National District Attorneys Association; Lois Olson, vice president, National Association of State Alcohol and Drug Abuse Directors; and Karst J. Besteman, executive director, Alcohol and Drug Problems Association .....	302

ALPHABETICAL LIST AND SUBMITTED MATERIAL

Besteman, Karst J.:	
Testimony .....	351
Prepared statement .....	353
Cahill, Donald L.:	
Testimony .....	302
Prepared statement .....	305
Gruber, Charles A.:	
Testimony .....	311
Prepared statement .....	313
Olson, Lois:	
Testimony .....	332
Prepared statement .....	334
Ideas and Recommendations for the National Drug Control Strategy .....	342
Slaby, Lynn C.:	
Testimony .....	325
Prepared statement .....	328
Walton, Hon. Reggie B.:	
Testimony .....	268

	Page
Walton, Hon. Reggie B.—Continued	
Response to questions of:	
Senator Thurmond .....	277
Senator Grassley .....	279
Chairman Biden .....	285
Senator Baucus .....	297
Prepared statement .....	300
A report from the National Drug Policy Board—"Toward a Drug-Free America," 1988 .....	369

WEDNESDAY, SEPTEMBER 20, 1989

OPENING STATEMENTS

Biden, Chairman Joseph R., Jr .....	431
Grassley, Hon. Charles E.....	435
Thurmond, Hon. Strom.....	440

WITNESS

Morris, Stanley E., to be Deputy Director for Supply Reduction, Office of National Drug Control Policy .....	440
--	-----

ADDITIONAL SUBMISSIONS

Biden, Chairman Joseph R., Jr.:	
Letter from the Federal Law Enforcement Officers Association .....	457
Morris, Stanley E.:	
Testimony .....	440
Response to questions from:	
Chairman Biden.....	460
Senator Simon .....	466
Senator Grassley.....	470

**CONFIRMATION OF DR. WILLIAM J. BENNETT  
TO BE DIRECTOR OF THE OFFICE OF NA-  
TIONAL DRUG CONTROL POLICY**

WEDNESDAY, MARCH 1, 1989

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

The committee met, pursuant to notice, at 10:04 a.m., in room 106, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

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

The CHAIRMAN. The hearing will come to order, please.

The committee welcomes our colleagues from New York and North Carolina.

Before we begin, I would like to make a deal with the photographers. All you photographers can stay up here until we start with Dr. Bennett's statement. OK? Photographers are mad at me because I do not let them sit up here between us, Dr. Bennett, and so I am about to make a deal with them in public.

We do everything in public around here. So the deal is you all can sit here as long as you promise not to put my picture in certain papers.

But when Dr. Bennett begins to testify during the question-and-answer period, we will go back to the rules that we established earlier.

Let me suggest to my colleagues on the committee, and to our distinguished colleagues who came to introduce Dr. Bennett, how we will proceed this morning.

The schedule will be to move, first, to the introduction of Dr. Bennett by our colleagues. They are obviously welcome to stay through the entirety of the process, if they would like, but we understand their schedules. And if they are required to leave after their introductory statements we fully understand, but you are welcome to stay.

Then we will go to opening statements by members of the committee who wish to make an opening statement, which I hope we will keep somewhere on the order of 10 minutes. The ranking member and I will have a statement that will be probably slightly longer than that, but I am going to take the prerogative of the Chair to be slightly over 10 minutes. However, I ask my colleagues to stick to as close to 10 minutes as they can.

And then we will move to the opening statement by Dr. Bennett, at which time we will commence questioning.

My estimation of all of that is, though—having done this before—we will probably take most of the morning in the introductory and opening statements by all concerned, but one way or another, we are going to recess as close to 12:30 as we can, and commence the hearing again at 2 o'clock, and go until approximately 5.

But depending upon the schedules of individual Senators, and of Dr. Bennett, that could be altered, one way or another, but not to go very late into the evening. And at that time we will limit all of us to rounds of questioning of 20 minutes.

I know, Dr. Bennett, in other committees you have been before, there usually are 5- or 10-minute rules. My view is that the only way to develop a line of questioning, or a dialog, is for a Senator to be able to have somewhere on the order of 20 minutes to discuss the issues with you.

And that also gives my colleagues an opportunity to plan the remainder of their schedule.

With that, I would also like, before we begin, to welcome Mrs. Bennett, who is here. You are very gracious to come, Mrs. Bennett. You are very welcome to be here, and I anticipate that you are not going to have to be sitting in those hard chairs all that long.

With that, let me yield—as we do around this place—on the basis of seniority, to my distinguished colleague, the senior Senator from North Carolina, if he wishes to make an opening statement.

But let me say one thing before I do. All of my colleagues that are about to introduce Dr. Bennett have shown a significant interest in, and some expertise about the problem we are all attempting to tackle, and the responsibility that Dr. Bennett is seeking to undertake, from my colleagues in New York to my colleagues in North Carolina.

But I would like to pay particular mention this morning, and publicly acknowledge the recent article by the senior Senator from New York, who I hope Dr. Bennett will have a chance to sit with, if he is confirmed at some point, who wrote, as usual, a very erudite piece, and also an article that forces us to reach beyond the pedestrian thinking we tend to engage in when we deal with drugs. It is in the Sunday Times, and I compliment you on that, and I am particularly happy that you and the rest of my colleagues are here.

Now I assume, unless I have breached protocol, that it is appropriate to go to Senator Helms, unless—where do you live, Dr. Bennett?

Dr. BENNETT. Chevy Chase, MD.

The CHAIRMAN. Chevy Chase, MD. Where is Sarbanes?

Dr. BENNETT. But I did not think you wanted two more, so I cut it off at four.

The CHAIRMAN. So, Senator Helms.

#### STATEMENT OF HON. JESSE HELMS, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator HELMS. Mr. Chairman, thank you very much, and good morning to the members of this distinguished committee.

Of course, I am grateful for the privilege of coming here this morning to present Dr. William J. Bennett, whom the President, as we all know, has selected to serve as Director of the Office of National Drug Control Policy.

And incidentally, I am a cosponsor of a resolution in the Senate urging President Bush to make Dr. Bennett a fully participating member of the Cabinet. I think the problem is just that serious, and I think the President ought to do that.

However, he was elected President and I was not, thank the Lord.

Now, all of us know Bill Bennett, and you have extensive biographical material before you, so I will not consume the committee's time repeating what you and the rest of us already know about the distinguished career of this fine young man.

Mr. Chairman, if the Office of National Drug Control Policy is to be meaningful, it must have at its head a person who is tough enough to get the job done, and wise enough to understand that it is essential that all Americans focus on the depth of the drug problem in America, and on how to bring it under control.

Now the drug problem, like any other malignancy, is too often viewed today as something that happens to the other fellow, or to the other fellow's children.

So Bill Bennett, being both tough and wise, could be expected to enlist the support of millions of Americans who, up till now, have been content to sit out the resolution of this problem.

A mutual friend of a lot of us, a North Carolinian, Vermont Royster, who is now retired in Chapel Hill, NC, and editor emeritus of the Wall Street Journal, once remarked upon Dr. Bennett's unique ability.

Vermont said that Dr. Bennett, "knows what makes an educated person." Indeed he does, and I venture the prediction that the vast majority of Americans will be educated by Bill Bennett in terms of the peril of the drug problem, and the absolute necessity that all of us take up arms in the battle.

Bill Bennett is a North Carolinian by choice. He may be living temporarily in Maryland, but we now have him and we are going to keep him. He is a native of Brooklyn which is why the two New York Senators are here, but we proudly claim Bill Bennett in North Carolina as an able and respected citizen of our State.

And I hope that this committee and the Senate will move expeditiously to make formal the latest responsibility conferred upon Dr. Bennett by a President of the United States.

In my judgment, this may very well be one of the most significant decisions made by President Bush, and in any event, Bill Bennett deserves our fullest support and assistance as he embarks upon duties that are crucial to all Americans now, and in the years to come.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. Senator Moynihan.

**STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, A U.S.  
SENATOR FROM THE STATE OF NEW YORK**

Senator MOYNIHAN. Mr. Chairman, we cannot claim that Dr. Bennett was a son of Brooklyn by choice, but we would like to think that were that made possible for him he would have so chosen.

He has, in any event, added distinction to that borough and our State, and along with my distinguished colleague and friend, Senator D'Amato, I am here to recommend him to the committee, and take the liberty, if I might, sir, to refer to your very generous comments.

We are in what is probably the fourth definable epidemic cycle of drug abuse in this country since the mid-19th century. They have come and they have gone, and they have been devastating.

They have never yet responded to anything that might be called treatment, although, indeed, treatment has been an aspect of the ensuing epidemics. Morphine was developed, and then heroin was tried as a cure for morphine addiction. Then cocaine began to be used as a cure for heroin addiction, and the cycle of epidemics has continued.

Each has broken, as epidemics do, and yet none has ever, to our knowledge, been as severe as the present one which involves the new and unprecedented mutant—if you might call it that—of crack.

In the legislation—the bipartisan legislation that was drawn up Senator to Senator, through intensive work in the last 2 months of the 100th Congress, we divided the subject, conceptually, into supply and demand.

And on the demand side we said we would provide as a national policy treatment on request.

Mr. Chairman, the most important thing to know is that when we wrote that into law, we knew that we did not then, and do not now, have a treatment, and that it would be elementally and essentially the first task, or, among the first tasks of the person in this new position to seek one.

Dr. Bennett is eminently qualified for that. He is an educator. He is a person at ease in the world of research and inquiry, and openness, and I only hope that he will feel free to share his thoughts with you, sir, as you guide this program, this epic program, through to its eventual success, or failure. For so much depends on that.

We are very happy to commend him, and I appreciate your indulging me in these remarks.

The CHAIRMAN. Senator D'Amato.

**STATEMENT OF HON. ALFONSE M. D'AMATO, A U.S. SENATOR  
FROM THE STATE OF NEW YORK**

Senator D'AMATO. Mr. Chairman, I am privileged to have this opportunity to join with my colleagues in presenting Bill Bennett to this committee. Obviously, Secretary Bennett is no stranger.

I think, Mr. Chairman, it must be said that President Bush deserves to be commended for this very wise choice for a man to head this Nation's antidrug crusade.

Bill Bennett is a man of vision. He is a man of action. He has the vision to understand the dimensions and the scope of the effort needed to successfully undertake this war. And it is a war.

It is a war that has been waged against our youngsters, against our elderly, in our communities, and it is a war that is savaging us.

Mr. Chairman, it was almost to the day a year ago, that a young police officer, Ed Byrne, was savagely murdered, as he sat in a patrol car on the streets of Queens, about 2 a.m. on February 26, 1988. The brutality of that murder culminated in a public outcry for meaningful action, and I believe it had a lot to do with galvanizing, in a very bipartisan way, the Congress, and the Executive of this Nation, to come forward with the legislation that Senator Moynihan makes reference to, and that you, Mr. Chairman, and the members of this committee, played such an important role in fashioning and shaping.

To underscore the dimensions of what is taking place in our communities, it is sad, but it is true, that this kind of savagery continues. Last evening, at about 10 o'clock, a special agent of the DEA, by the name of Everett Hatcher, 46 years old, making an undercover buy in Staten Island, the father of, I believe two children, was brutally shot to death in much the same manner that Ed Byrne lost his life.

Mr. Chairman, we have a glimmer of hope. Recent reports—as a matter of fact reported in most of today's newspapers—indicate that we find some changing attitudes in our high schools. For the first time, drug abuse and drug use is going down. The attitudes of youngsters are beginning to change. Perceiving, as they say, the use of drugs is dangerous.

It is going to take the dedicated, tireless efforts of Bill Bennett to continue to move forward. The war against drugs is not hopeless and it is not unwinnable, but it is going to take tireless efforts.

It is going to take vigilance, it is going to take resources, and, above all, it is going to take a national commitment, and a national will to succeed.

Bill Bennett provides these essential ingredients of leadership to carry this forward, and I fervently hope that Dr. Bennett will succeed, Mr. Chairman, because the latest wave of drug problems threatens to overshadow all of those that have gone on before.

The recent rise in the use of crack cocaine is having devastating consequences, and unfortunately—we do not like to hear these facts but—the medical experts have indicated that once hooked on crack, an addict is most likely lost for life. The relapse rate for those treated for crack addiction runs close to 100 percent.

And that means that a child lost to crack is most likely lost forever.

The job Bill Bennett is about to undertake is critical to the future of our Nation and its families. He is intellectually prepared for this fight. We know that. He has the heart for the fight that comes from growing up on the streets of Brooklyn, and, finally, he has a personal stake in the outcome as the father of a 5-year-old son, with another child expected in June.

He and his wife, Elayne, share the concerns that all young parents must feel today when confronted with the harsh realities of raising a family in these perilous times.

Given his energy and his determination, Mr. Chairman, I am confident that the future of our Nation's families will be more secure against the pervasive and destructive impact of drugs.

The CHAIRMAN. I thank you, Senator, and no one has been more involved in this effort than you since you arrived in the Senate, and I compliment you for that.

Now I turn, last, but surely not least, to the distinguished former Governor, and Senator from the State of North Carolina, Senator Sanford.

**STATEMENT OF HON. TERRY SANFORD, A U.S. SENATOR FROM  
THE STATE OF NORTH CAROLINA**

Senator SANFORD. Mr. Chairman, thank you. Bill Bennett is an extremely able individual. I have known him since he was fresh from Boston, a young assistant to professor Charles Frankel who was a philosopher at Columbia, a superb scholar, and the founding force and the first director of the National Humanities Center.

Mr. Bennett came in advance, as the first staff member, to put together the parts, to open the new building, to get ready for the visiting fellows, to start a new enterprise from scratch, and that is an indication of his organizational abilities that are needed today.

The National Humanities Center provides leadership for the necessary attention the Nation must provide the broad range of knowledge and scholarship that is known as the humanities.

This national center provides a place and a program for scholars, for scholars in the humanities, especially, to come for sabbatical and independent study.

My image of Bill Bennett, the young and vigorous scholar, dealing with distinguished and accomplished historians, archaeologists, philosophers, sociologists, and other scholars, and though himself a rising philosopher, Renaissance scholar, humanist, seeing the need to build collegiality. So there he was in his—my image of him—in his sweatsuit, challenging visiting academics to jog in the early hours among the fog-draped pine trees of the research triangle.

Any man that would do that can take on any challenge, and I believe he is up to the challenge of eradicating the drug blight that has fallen upon the land. I am pleased to join in introducing him and urge his early confirmation.

The CHAIRMAN. I thank you, Senator. I want to point out, the reason I did not make mention to one of your former occupations at Duke is that the junior Senator from New York, and I, are both Syracuse graduates. We do not, during basketball season, mention that word, and so I apologize. I want you to understand why I did not mention it.

I thank my colleagues very, very much for coming, and I appreciate all that they have done.

Senator SPECTER. Mr. Chairman, will there be questions of the Senators?

The CHAIRMAN. There will be. We will call them back.

Senator SPECTER. I would just like to know if all the sponsoring Senators will vote for the nominee.

Senator MOYNIHAN. It depends on what kinds of questions you ask.

The CHAIRMAN. Before I begin with my opening statement, and then move on to Senator Thurmond, let me make two comments.

First of all, I would like to welcome a man who has done as much as any one in the Congress in attempting to deal with the drug problem—Congressman Charlie Rangel. Congressman, welcome. I am delighted to have you here, and you are welcome to witness from the perch as long as you are willing to stay.

**STATEMENT OF HON. CHARLES B. RANGEL, A U.S.  
REPRESENTATIVE FROM THE STATE OF NEW YORK**

Mr. RANGEL. Mr. Chairman, let me thank you for your leadership. No group of people have ever done more in this struggle than the members of this committee, and, certainly, I was proud to see my Senators from the State of New York introduce one of our former constituents from Brooklyn, who is about to assume this tremendous responsibility.

I am here to encourage support for Secretary Bennett, and to welcome him in this new role, hopefully, that he will be assuming. I want to congratulate the House and the Senate for creating this role, and the President for selecting someone that has the honesty and the willingness to call the shots as they see them, without fear of how difficult it is going to be for the Congress and the American people to respond.

Why I am so pleased is that this is a recognition, in mandating that he comes up with a policy and a strategy, is that he will soon see, in reviewing the records, that we have been absent this policy and this strategy, and he will be working on this in the months ahead, and I do hope that he would share how the Congress can be helpful in that task.

I leave this morning to go to Quito, Ecuador, to join in with our friends in the Andean countries from those legislative bodies. In Peru, we know that 90 percent of the coca leaves that are grown there, that permeates the world with cocaine and crack is grown there, and still is grown there, and notwithstanding their efforts, there is no decrease in the growth.

And yet, I am certain that Peru will be certified by this administration as they were in the last Administration. The same is true of Mexico, Bolivia, and Colombia. And what bothers me is that we have never heard one word about these type of things from the Secretary of State.

We will have massive moneys available for rehabilitation, and yet, we have not heard anything from the Secretary of Health and Human Services.

The Attorney General was opposed to giving one nickel to local and State law enforcement officials, and so it hurt me when I read—and I hope misread—that our new czar will not be a part of the Cabinet. That is where the action is, and when you fight a war it has to be in all areas, and whether you are the Secretary of Education, of Health, or the Attorney General, it seems to me that you should be involved, as well as in domestic and foreign policies.

In any event, I know that the job just will not be on your shoulders. That the extent of your effectiveness, Secretary Bennett, will

be the extent in which the President has faith in you, and is willing to commit the power of that office.

And I tell you that we, in the House, find no room for partisanship, and we are anxious to work with you, and I want to thank this Chair, and this committee, for giving me the opportunity and this extraordinary courtesy, in welcoming Mr. Bennett to the Senate.

#### OPENING STATEMENT OF CHAIRMAN BIDEN

The CHAIRMAN. Well, thank you, Congressman. You are a member of the House Judiciary Committee, and have worked very hard in this area, and please come back from Ecuador.

Now, if you can suffer through my statement, and our statements here this morning. Dr. Bennett, I think you are already observing that this is an office in which most of us—those who speak today on your behalf, and people you will hear from today—and I must acknowledge the Chair, in particular, have worked very, very, hard over many years to get established, and we take the office extremely seriously.

Today, as we begin these hearings on your nomination to be the first director of the National Drug Control Policy, sometimes referred to in the press, and by others, as a drug czar, I think it is appropriate that we review a few things.

In the last 6 years, Senator Thurmond and I, and other members of this committee, have literally been responsible for writing thousands of pages of hard-hitting new laws.

When Senator Kennedy was Chair, and Senator Thurmond was Chair, and now me in the chair, over that period of time, there have been requests by law enforcement officers relating to the drug issue, and I do not think that any of them have failed to be passed, with the possible exception of the exclusionary rule, which I find trouble finding the relevance to the drug issue.

But at any rate, we have passed, we have changed the forfeiture laws, and we have toughened everything. There is not much more out there, that we could think of to do, nor that has been asked for by any administration. That effort has put some very important tools for fighting crime and drugs in the hands of the Justice Department and other law enforcement agencies.

But even as we have passed these reforms and changes to the drug law, the Nation's drug problem, notwithstanding the information, I would argue that we received this morning about use by high-school students, which, as you know, does not include dropouts. And dropout rates—as you know better than anyone—approach 40 to 50 percent in some areas, and as high as 65 and 75 percent in other areas.

Notwithstanding that, notwithstanding all the laws we have passed, this drug problem has steadily crept into the American consciousness, and into every single neighborhood and every single economic strata in this country, to the growing dismay of the American people, I might add. And one of my concerns is that they are going to reach in my view, a point that they did—that is, the American people—in the late 1970's, where they began to lose con-

fidence in the Government's ability to control what has become our dominant domestic concern.

They are beginning to believe that we lack the power, the will, and, most importantly, they wonder whether we have the know-how to in fact solve the problem.

They see the results all around them. It is in their streets. As you and I have spoken before, some neighborhoods have been captured—if I can use that phrase—and taken over and used as drug emporiums.

It is in their schools. It is in their work places, and, most graphically, it is even in their homes. I suspect there is not a reporter, there is not a witness, there is not an observer here today, who does not know somebody in their family, some friend of theirs, some distant relative, some acquaintance, who has not had a husband, wife, son or daughter, that has either tried and/or found themselves in difficulty with the law, or difficulty with their health because of drugs in our society.

And that is why I believe this may be our last best chance to take hold of this epidemic wave, if they are in fact cyclical, if they do in fact come generationally, that we are going to have for a while.

Ten years ago, as a member of the Judiciary Committee, the Foreign Relations Committee and the Intelligence Committee, giving me sort of overlapping jurisdiction and perspectives on this problem, I undertook an investigation of the United States response to the massive heroin network operating through Sicily from Southwest Asia.

In the course of that investigation, time and again, I came across startling examples of turf wars among Federal agencies with anti-drug responsibility. A problem that I have continued to observe, and all my colleagues have also. And, I might add, is the reason for this law.

That is the reason why we approached the idea of having a national coordinator. Intelligence agencies blatantly refusing to cooperate with law enforcement agencies, suggesting that they were afraid of revealing their sources and methods. Therefore, they would not let them know about drug activities they were fully aware of.

The State Department and DEA failing to share intelligence information while known drug smugglers were receiving visas into the United States.

It even got to the point, several years ago, in one case, of an agency using its computer to lift money surreptitiously from another agency's account, attempting to deal with this issue.

Fortunately, in looking for a way to get rid of these interagency feuds, we did have, or at least I believe we had a model within the Federal Government.

In the late 1940's, Congress came to the conclusion that one of the reasons for the disaster at Pearl Harbor was that our intelligence agencies did not talk to one another.

Out of that disaster came the Central Intelligence Agency, and the coordinating function that evolved in the late 1970's into the Office of the Director of Central Intelligence.

That office has not proved to be a perfect solution. Every President has attempted to strengthen it, but all but the most hide-bound intelligence bureaucrats agree, that it has improved the control and quality of intelligence activities.

And that is why, in seeking to gain greater coordination of Federal antidrug activities, almost 10 years ago, I turned to that office as a model. What we wanted to do with the drug-control problem was to put one person in charge, and require that person to develop a single Governmentwide strategy for combating drugs.

And that is why I first proposed this office more than 8 years ago, and that is why you are sitting where you are today, Dr. Bennett, because of interagency feuding, interagency inconsistency, and the lack of a single policy and one person in charge.

In my view, this committee's role today is twofold, Doctor. First, to determine if you are the person for the job, and, second, to assure ourselves that we agree—you, and the committee—on what that job is.

From reading the reports of the transition team, and reading the reports of fellow Cabinet officers, I am positive that some of them do not know what the job means.

In pursuit of that agreement, if I may, in the remainder of my relatively brief time in this opening statement, I would like to spend some time working through one Senator's understanding of how this statute works, at least from my pen, how it was intended to work.

Using the charts over there—if you will bear with me for a minute—I am not real big on charts, but I think it may be, in this case, useful to be very elemental.

I would like to focus on what I believe to be the heart of the statute.

The first is that you are required to develop a detailed national strategy, and the second is the requirement that you use the budget process to bring agencies into line with that agreed-upon strategy.

Now let's use a specific example for the sake of how I believe this statute is to work, and that is, let's take one small, and the most manageable aspect of a drug strategy would be a decision as to what our goal should be on the treatment of addicts.

Let's assume that it is concluded by you, after review, that we should move the availability of treatment programs up so that there is no longer, then, a week wait or a month wait, or whatever number you would pick. But you would pick a target.

So, first, if and when you are confirmed, you sit down to make your own independent assessment of the drug problem.

And as I said, let's assume, as part of that review, you decide that it is a good idea to get addicts off the streets and into treatment programs; but also, you find that because treatment beds are scarce, it takes an average of 3 months to get them into a treatment program.

The second thing you do, as part of this review, is to go out and seek the advice of various agency heads, in this case the Secretary of the Department of Health and Human Services, Secretary Sullivan. You would consult with outside experts and meet with the appropriate leadership in the Congress.

But your first resource must be the agencies of the executive branch which are responsible for making the strategy work.

So, in this case, you would meet with Secretary Sullivan along with the National Institute of Drug Abuse, and alcohol and drug abuse, and mental health administrations.

And let's assume that a result of this discussion is that everyone agrees that increasing the number of treatment beds ought to be a major goal of our national strategy.

And the third thing you would do—as this statute outlines—based on this review you would develop a strategy with specific goals. In this case you might say that within 2 years, the average wait for treatment throughout the country should only be 1 week. A specific target.

At this point 1 of 2 things will happen: either the Secretary of the agencies involved will agree, or they'll disagree.

At this point—and this is a critical point for your colleagues in the Cabinet, in my view, to understand, and for everyone to understand about this legislation. If there is disagreement at this point, then you take the matter, then and there, to the President of the United States of America, who decides what the goal should be.

But if you and the agency heads agree to the goal of cutting the waiting period, for example—then if you agree, the goal is included in a comprehensive strategy that you will present to the President.

The fourth thing is the President sits down with you and the Cabinet colleagues to review the strategy and resolve the differences among you.

The final plan the President approves becomes the official policy of the U.S. Government, and therefore, a policy of each and every Cabinet department and member. They will have had to sign off on the strategy that you have put together. Literally sign off. At this point the budget process begins, and that is where we find out whether the strategy is rhetoric or reality. Whether the President means it, for, as with every Federal Government, policy is money.

In step 5, Secretary Sullivan may submit to you a budget that is designed to carry out his part of the agreed strategy.

Now he will have agreed to the strategy of, say, within 2 years only a 2-week wait. And you have  $x$  number of addicts to put into that position.

Secretary Sullivan will have to determine how much it is going to cost in his budget to carry out his part of the strategy.

And let's say he concludes it will cost \$100 million to cut the average waiting period for treatment to 1 week. This is the goal to which the President has signed on, and you and every other member of the Government has signed on, and to which the entire Cabinet is committed.

So the sixth step is that each step of the way, you carefully review the budget request of each of your colleagues to determine whether your counterparts in the Cabinet have put their money where their mouth was. They just signed on to a strategy. Now it is your responsibility to go, at every step of the way, to determine whether or not they are including enough money in their budget to do the part they signed on to do.

And here is the part of the legislation that most people miss. You must officially certify that they have asked for enough money

to meet the goals agreed to. But in this case, you and your experts may conclude that it will actually cost \$200 million instead of \$100 million, as Secretary Sullivan might say, to meet the treatment goal.

Now you have to go and negotiate with Sullivan. In effect you say to him, look, you agreed to this goal, my experts say you need twice as much money as you say you need. I am going to have to decertify—which is another provision in the law—I am going to have to decertify your request for only \$100 million because it is too low, and I have to send my own budget to the President with a request for \$200 million.

And the decertification will be available to Biden and Kennedy, and all the other Chairs of the requisite committees that have jurisdiction.

The seventh point is, now the decision rests, once again, with the President. He will call you in, and the Secretary, and the Director of OMB, and he will either decide it is \$100 or \$200 million.

The next point, Congress gets involved, the eighth point. That is the final forum. Congress reviews the President's budget and takes a look at your certifications. We will get a whole budget from you. We will get a strategy from you and budget numbers attached to that strategy.

And then we will sit down also—because I assure you this Chairman will request it from each of the agencies—whether you certified or decertified their request.

Unlike other OMB requests we usually get when the FBI comes up here, anyone else, like the Foreign Relations Committee, the Secretary sits there and says, well, I stand by my budget, and we say, well, did you want more? And he says, well, we are all together on this. And we say we understand you asked OMB for more and they cut it. And he will say, no, OMB is the final judge. Not in this case. This is the rare bird.

You will have to have certified, or decertified along the line. There will be two separate budgets that will go, OMB's budget, and your budget on drugs, and we get a document with all the certifications or decertifications.

And the reason why this is so important is that we will then make our judgments independently, whether it is too much or too little or the right amount, you are asking for, and we will for the first time, be able to hold somebody responsible.

There will be no place to hide, Secretary Sullivan, if you are listening. There will be no place to hide, Secretary Baker, if you are listening. There will be no place to hide, Attorney General Thornburgh, if you are listening, because now we will know what everybody said at every step of the way.

And then, when the program works or does not work, we will know who to hold accountable. We will know who to suggest failed. We will know who to suggest was right or wrong.

The whole process is intended to force people responsible to make tough, precise decisions, to accomplish specific goals.

And in conclusion, Mr. Secretary, this examination of the process under the statute, brief as it is by me—and I will be spending time today and tomorrow on this with you—make it very clear why you need to be a full-fledged member of the Cabinet.

One time or another, you are going to have to go to the mat with every one of your Cabinet colleagues, and you need to meet them on equal terms in the decisive forum, the Cabinet room.

You have Cabinet rank. We do not have the authority to tell the President where you sit. You have Cabinet rank. You get paid as much. You have the same benefits. You have the same status under the Federal law. You have Cabinet rank.

The President can decide whether he has you sit at the table. I truly believe—notwithstanding his initial and I believe incorrect decision not to include you—that this is still a reviewable process.

I hope to see you in the room where you belong, but in the end, your success, and the success of this new initiative to gain control of illegal drugs will depend, almost entirely, on your ability to make this step-by-step process work.

Let me sum up by saying we will discuss many things during these hearings. For example, your tenure at the Department of Education is relevant. The drug enforcement programs you advocated are of interest to us, as your management style is, and the manner in which you carry the issues before the public.

But I will focus my questions on four areas. First, whether we agree on what the statute requires you to do in terms of developing a strategy.

Second, whether you agree on the power we have given you to implement that strategy through the budget process.

Third, your willingness to challenge other Cabinet officers to do what need be done, if there is disagreement, to adhere to the strategy.

And finally, what kind of people you would choose to fill the all-important deputy and associate positions. For example, in our private discussions, we have been forthcoming, I believe, about inexperience in law enforcement on your part.

I might note, for the record, no one could come to this job—no one—with enough experience in all the areas that are required under your responsibility, to fill every one of those experience requirements. Not possible.

So I do not hold that as a liability. But I do expect to hear from you in the areas where you do not bring expertise—how you will fill that vacuum within the significant positions immediately under you.

I believe President Bush is committed to gaining control of drugs, and we all want to help him, but you are the man to whom we will turn for guidance and leadership if you are confirmed.

And we will measure this administration's success on drugs according to its ability to draft a coherent plan, and to meet the goals of that plan. And Dr. Bennett, let me say on the record, for everyone to hear, what I said to you in private.

As long as we agree on your authority, as long as we agree upon your demonstrable willingness to try to make it work, to exercise that authority, I personally—and I believe others will do the same—will run all the political interference that you need, for no man, or woman, taking on this job can succeed in the first couple years.

This is a Herculean task, if you measure success on being able to get everything done, make no mistakes, waste no money, and change, dramatically, the face of the drug problem in America.

That is not a measure by which I will measure you, and I will personally, as a Democrat, be willing to continually point out that we are going to fail. We are going to try things, I hope, that we have never tried before. We are bound to fail. You are bound to fail in some of your recommendations.

And when that occurs, you will not have this Chair sitting up pointing out failure. You will have this Chair standing up and pointing out, we all fail, let's try a new path if that does not work.

But if in fact the President does not give you the authority, you are not put in a position where you have the ability to do all that this legislation allows you to do. Then the President, to the extent that it matters—and you, to the extent that it matters if you are confirmed—will have a critic sitting up here.

I do not expect results at the beginning, but I do expect from one Senator's standpoint, a commitment to try, a commitment to raise this issue above the splintered jurisdictional, petty bureaucratic fighting that has gone on, and begin to attempt to take hold of a problem that is going to take time.

I personally look forward to working with you, to breathe life into this statute, and to help it, hopefully, make some fundamental change and significant improvement. I am an optimist, as you are. I think we can begin to do, you can begin to do some great things.

It will be hard, but as long as you try, you will have, I believe you will find, significant help from Democrats and Republicans in the House as well as the Senate.

I look forward to beginning that process, and I guess the quicker I stop the earlier it can begin.

[Prepared statement follows:]

## Opening Statement

Hearings on the Confirmation of William Bennett  
as Director of National Drug Control Policy

U.S. Senator Joseph R. Biden, Jr.  
Chairman, Senate Judiciary Committee  
Washington, D.C.

Wednesday, March 1, 1989

Today, the Senate Judiciary Committee opens its hearings on the nomination of Dr. William Bennett to be the first Director of National Drug Control Policy.

In the last six years, the Ranking member and I and other members of the Committee have written thousands of pages of hard-hitting new law that has put important new tools for fighting crime and drugs in the hands of the Justice Department and other law-enforcement agencies.

But even as we have passed these reforms, the nation's drug problem has steadily worsened, to the growing dismay of the American people. They are losing confidence in government's ability to control what has become our dominant domestic concern. They are beginning to believe that we lack the power, the will and the know-how to solve the problem. They know, because they see the results all around them -- in their streets, in their schools, in their workplaces, even in their own homes -- that the drug crisis has worsened over the past eight years. That's why I believe this may be our last, best chance to take control of our drug problem.

Ten years ago, as a member of the Judiciary, Foreign Relations and Intelligence Committees, I undertook an investigation of the U.S. response to the massive heroin network operating through Sicily from Southwest Asia. In the course of that investigation, time and again, I came across startling examples of turf battles among federal agencies with anti-drug responsibilities, a problem I have continued to follow:

- o intelligence agencies refusing to cooperate with law-enforcement agencies;
- o the State Department and DEA failing to share intelligence information, while known drug smugglers were receiving visas to enter the United States;

- o it even got to the point, in one case, of an agency using its computers to lift money surreptitiously from another agency's account.,

Fortunately, in looking for a way to get rid of these interagency feuds, we did have a model within the federal government. In the late 1940s, Congress came to the conclusion that one of the reasons for the disaster at Pearl Harbor was that our intelligence agencies didn't talk to each other. Out of that disaster came the Central Intelligence Agency and the coordinating function that evolved into the Office of the Director of Central Intelligence. That office has not proved to be a perfect solution -- every president has attempted to strengthen it -- but all but the most hidebound intelligence bureaucrats agree that it has improved the control and quality of our intelligence activities.

That's why in seeking to gain greater coordination of federal anti-drug activities, I turned to that office as a model -- what we wanted to do with drug control was to put one person in charge and require that person to develop a single, government-wide strategy for combating drugs. That's why I first proposed this office more than eight years ago, and that's why you are sitting here today, Dr. Bennett.

The committee's role today is twofold -- first, to determine if you are the right man for the job, and, second, to assure ourselves that we agree on what that job is. In pursuit of that agreement, if I may, I would like to spend some time working through one Senator's understanding of how this statute works. Using these charts before me, I want to focus on what I believe to be the heart of the statute -- the requirement that you develop a detailed national strategy, and the requirement that you use the budget process to bring agencies into line with that strategy. Let's use a specific example of how that should work -- what our goal should be for the treatment of drug addicts. As I see it, there are eight steps to be taken:

- o First, you sit down as soon as you are confirmed to make your own independent assessment of the drug problem.

Let's assume that, as part of your review, you find that it's a good idea to get addicts off the streets and into treatment programs.

But you also find that because treatment beds are scarce, it takes an average of three months to get into a treatment program.

- o Second, as part of this review, you seek the advice of various agency heads -- in this case, Secretary Sullivan at the Department of Health and Human Services.

You consult with outside experts and you meet with appropriate leadership in the Congress. But your first resource must be the agencies of the Executive Branch which are responsible for making the strategy work. In this case, you meet with Secretary Sullivan, along with the National Institute of Drug Abuse, and the Alcohol, Drug Abuse and Mental Health Administration. Let us assume that the result of the discussion is that everyone agrees that increasing the number of treatment beds ought to be a major goal of the national strategy.

- o Third, based on this review, you develop a strategy with specific goals, in this case, that within two years the average wait for treatment throughout the country should be one week.

At this point, one of two things can happen -- either the Secretary and the agencies will agree, or they will disagree.

If they disagree, then you take the matter then and there to the President who decides what the treatment goal is to be.

But if you agree, then that goal -- cutting the waiting period for treatment -- is included as a goal in the comprehensive strategy that you present to the President.

- o Fourth, the President sits down with you and your Cabinet colleagues to review the strategy and to resolve any differences among you. The final plan the President approves becomes the official policy of the United States government -- and therefore the policy of each and every Cabinet department.

At that point, the budget process begins, and this is where we find out whether your strategy is rhetoric or reality -- whether the President really means it -- for, as with everything in the federal government, policy is money.

- o In step five, Secretary Sullivan submits to you a budget to carry out his part of the agreed strategy.

In this case, the Secretary has determined that it will cost one hundred million dollars to cut the average waiting period for treatment to one week. This is the goal which the President has approved and to which the entire Cabinet is committed.

- o Sixth, each step of the way you carefully review budget requests to determine whether your counterparts in the Cabinet have put their money where their mouth was. You must certify that they have asked for enough money to meet the goals they agreed to.

But in this case, you and your experts conclude that it will actually cost \$200 million to meet the treatment goal. Now you negotiate with Secretary Sullivan. In effect, you say to him, "Look, you agreed to this goal. My experts say we need twice the money you've asked for. I'm going to have to decertify your request because it's too low. I have to send my own budget to the President with a request for the full \$200 million, and the decertification will be available to Chairman Biden, Chairman Kennedy and others with jurisdiction on the Hill."

- o Seventh, now the decision rests once again with the President.

He'll call you in with the Secretary and the Director of OMB -- and he'll either side with you or with them. Assume in this case that he sides with them and requests only \$100 million for cutting the waiting time for treatment.

- o Eighth, Congress is the final forum.

Congress reviews the President's budget and takes a look at your certifications. I can assure you that this Committee will ask you for them. At this point, Congress has to make a choice -- we have to decide that the Secretary is right at \$100 million, that you are right at \$200 million -- or that you are both too stingy and \$300 million is a more realistic figure.

The whole process is intended to force the people responsible to make tough, precise decisions to accomplish specific goals -- and in two years we will know who was right. In this case, all we have to do is re-measure the average waiting time for treatment.

This examination of the process under this statute makes it very clear why you need to be a full-fledged member of the Cabinet -- at one time or another, you will have to go to the mat with every one of your Cabinet colleagues, and you need to meet them on equal terms in the decisive forum of the Cabinet Room. You have Cabinet rank, and notwithstanding the President's initial and I believe incorrect decision not to include you in his cabinet, I hope to see you in the Cabinet Room where you belong. But in the end, your success -- and the success of this new initiative

to gain control of illegal drugs -- will depend almost entirely on your ability to make this step-by-step process work.

Let me sum up.

We will discuss many things during these hearings. For example, your tenure at the Department of Education is relevant -- the drug-education programs you advocated are of interest to us, as is your management style and the manner in which you carry issues before the public. But I will focus my question on four areas:

- o First, whether we agree on what the statute requires you to do in developing a strategy.
- o Second, whether you agree on the powers we have given you to implement that strategy through the budget process.
- o Third, your willingness to challenge other Cabinet officers to do what needs to be done -- to sign on to the strategy and to adhere to it.
- o And finally, what kind of people you will choose to fill the all-important deputy and associate positions. For example, given your inexperience in law enforcement, I assume that you will choose a recognized leader in law enforcement to fill that deputy position.

I think we're sending a very simple message to the President. I believe he is committed to gaining control over drugs, and I want to work with him toward that goal. But you are the man to whom we will turn for guidance and leadership on drugs, and we will measure this Administration's success on drugs according to its ability to draft a coherent plan and to meet the goals of that plan.

Dr. Bennett, let me say on the record for everyone to hear -- as long as you make a good-faith effort to comply with this statute, you will have my personal and political support. The task before you will take time, and there's much we don't know. We still don't know what works in drug education or drug treatment, and spending billions on law enforcement has not solved the problem. I am open-minded to any new suggestion, and I'm sure you are, too. We mustn't be afraid to try new ideas and risk failure, because there will be failures. But there will be successes, too, and I am optimistic that over time we can progress.

I look forward to your testimony, and if you are confirmed, I look forward to working with you to breathe life into this statute and use it to fundamentally change and significantly improve the way this nation deals with drugs.

## **DEVELOPING A NATIONAL DRUG STRATEGY WITHIN 180 DAYS**

### **STRATEGY**

- STEP 1. Director makes independent analysis of problem**
- STEP 2. Seeks views of agency heads, Congress, outside experts**
- STEP 3. Submits detailed, specific strategy to President**
- STEP 4. President approves strategy**

### **BUDGET**

- STEP 5. Agencies submit budgets to Director/OMB**
- STEP 6. Director certifies requests, drafts consolidated budget**
- STEP 7. President resolves any director/OMB differences**
- STEP 8. Congress reviews compliance through budget certifications**

# NATIONAL DRUG DIRECTOR STATUTE

CONGRESS



Certifications

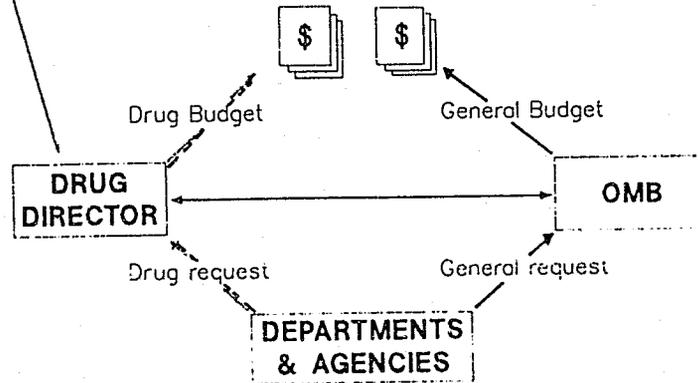
PRESIDENT



President resolves differences

--- Drug budget process

— General budget process



The CHAIRMAN. Let me yield, now, to my colleague from South Carolina, the distinguished ranking member, Senator Thurmond.

**STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM  
THE STATE OF SOUTH CAROLINA**

Senator THURMOND. Thank you very much, Mr. Chairman.

Mr. Chairman, I want to commend you for your interest in this important subject. You have done a great deal of work on this matter, and, for some time, you have advocated that a director, or czar, or whatever title you wish to call him by, head up this work, and I believe that is what has been achieved now.

Mr. Chairman, this morning, we begin the confirmation hearing on President Bush's nomination of Dr. William J. Bennett to be Director of the Office of the National Drug Control Policy.

Dr. Bennett, I would like to welcome you and your family here today, and extend my congratulations on your nomination. You can be proud of the trust and confidence placed in you by the President.

I want to say, in the beginning, that I am for you for two reasons. The first is I think you have filled other positions well and are well-qualified to fill this position. The second is, you married a beautiful and lovely South Carolina girl who has been an inspiration to you for a number of years. She is Mary Elayne Glover, from Orangeburg, SC, before you married her.

As my colleagues are aware, I originally had concerns regarding the creation of a Cabinet-level position charged with the sole responsibility for coordinating all Federal efforts in combatting the growing illicit drug problem.

However, after careful consideration, many of my concerns were addressed, and Congress later, as a part of the Antidrug Abuse Act of 1988, established the Office of National Drug Control Policy.

This legislation, I feel, will be of tremendous assistance in our fight against the illegal drug trade, and abuse in this country.

Dr. Bennett is an individual with a strong commitment, as well as the will and dedication required to develop an effective and well-coordinated national drug-control strategy.

He has the leadership ability, the insight and common sense that are essential in strengthening and fostering the cooperation needed among all agencies involved in drug enforcement. That, Mr. Chairman, is not going to be an easy task.

I am confident, however, that Dr. Bennett understands the importance of succeeding in this effort, and he will undertake his duties and responsibilities in a diligent and cooperative manner.

Through this effort he will ensure that the war on drugs is the priority domestic issue, that President Bush and this Congress have deemed it to be.

The drug problem in this country is real, and one that endangers the vitality of our Nation. A recent U.S. Chamber of Commerce report stated that—and I quote:

The annual cost to the business community due to drug abuse is \$60 billion in decreased productivity, increased absenteeism, medical claims, work-place accidents, and employee theft.

Studies have shown that employees with drugs in their systems are one-third less productive, and yet are four times more likely to injure themselves, or another person in a work-place accident.

End quote.

The report also gives some startling statistics supporting concerns of the business community. Sixty-five percent of those entering the full-time work force for the first time have used drugs illegally.

Twenty-three million Americans use marijuana on a regular basis. Six million use cocaine on a regular basis, that is to say, at least four times a month. Furthermore, three-quarters of those calling the cocaine hotline said they sometimes took cocaine on the job, while one-quarter said they used cocaine on the job daily.

More than \$110 billion is grossed annually from the illegal sale of drugs in the United States. This is more than double the total that American farmers take in from all crops, and more than double the combined profits of all Fortune 500 companies.

Illegal drugs are more potent, cheaper, more available, and in some circles, more accepted than ever before in American society. The threat is greater because the drugs are more lethal. Marijuana, for example, today, contains five times more of the psychoactive ingredient than in 1970.

Mr. Chairman, we have a crisis of major proportions on our hands. The magnitude of the drug problem we face is so serious, that it will impact on every American in some manner. Dr. Bennett must succeed in his mission.

We should remember, however, that to be successful, it is imperative that Dr. Bennett have the complete cooperation of all agencies involved in the war on drugs.

This is a matter that I intend to follow with close interest, and Dr. Bennett, if you have problems, I wish you would please let me know.

In the interest of our youth and our country, I sincerely hope that Dr. Bennett is the most successful member of President Bush's Cabinet.

Mr. Chairman, Dr. Bennett is an individual with a wide breadth of experience, having served as a former Secretary of Education, a professor of philosophy, educator and administrator. I feel that his knowledge, integrity, judgment and experience, have prepared him well for this position.

I am impressed with his willingness to assume such a challenging and demanding role in the Nation's fight against illicit drugs, and for that, Dr. Bennett, you should be commended.

I am certain that you will serve capably and honorably as Director of our National Drug Control Policy, and I stand ready to work with you in any way that I can.

Again, Dr. Bennett, we are pleased to have you here today, and I look forward to hearing your testimony.

I have another commitment and will have to leave after a while, but I shall review your full testimony, and you may account on my cooperation and assistance in every way possible. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. Senator Kennedy.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR  
FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman.

First of all, I want to congratulate Mr. Bennett in being nominated by the President, and I also want to underline what the Chair has opened the hearing with, the statements that he mentioned about the importance of the development of the drug czar.

I think Senator Biden deserves great credit for his perseverance and pursuit of it, for the approach that he took in the early days when it was not popular, and which has been embraced now by not only the Congress, the Senate, but the President as well.

It seems to me that there are four major aspects of the drug problem.

First of all, you have interdiction. Second, you have the support for law enforcement. Third, you have education, and fourth, rehabilitation. Those appear to me to be the essential aspects of this program.

And over the course of the hearing this morning, I will, to the extent possible, find out what your priorities are in terms of the allocations of resources.

Resources do not always measure the amount of success, necessarily, but they are a pretty good indication of the priorities of the administration, and if we look back in the most recent times, even when you were the Secretary of Education, where the Congress had appropriated some \$200 million for drug-free schools and the previous administration recommended a cut in that program.

We see now, under President Bush, that they have recommended some increase in education, but it is only 3 percent. We are talking about less than \$300 million.

And we see also the rather dramatic information that has been made available in this morning's newspaper about the survey of student drug abuse finds lowest levels in decades as a result of education.

It would appear, not only from this study, but from other studies as well, that the investment in terms of education has important payoffs, and I am going to be interested in hearing your views about that.

Second, we have the issue of treatment. I have some difference with my good colleague and friend from New York on the issues of treatment.

The NIDA study, done on some 27,000 addicts, demonstrates, I think quite convincingly, that over some period of time—this was measured in a 6-month period—that there are important indications that employment does increase, drug use daily does decrease, and that the amount of criminal involvement does decrease. 27,000 individuals' treatment.

We see in the administration's budget about a 1.2-percent increase. We are going to go from treating 15 percent of the addicts—those that are already hooked—up to 16 percent, in terms of the increase in the Bush administration.

Support for local law enforcement. Some very, very interesting work that has been done. We have seen it in my own State of Massachusetts, in Lynn, MA, Los Angeles, New York. The DARE Pro-

gram, and other programs where you intensify the support in terms of local law enforcement.

That it has had some important impact in not only freeing the community from the burden of drug usage, drug dealers, reduced criminality, and, interestingly, in our particular program in Lynn, MA, an increase of 83 percent of those that want some form of rehabilitation.

These are interesting programs that hopefully you will have an opportunity to examine.

Just finally, in the debate last year, we started off with, really, the work of Senators DeConcini and D'Amato, who had, really, the initial legislation. We have dealt with this issue for some time, but, really, I think deserve credit in focusing attention. I think there was some divisions in terms of the Congress about the amount that was going to go for interdiction, and the amounts that were going to be used in these other areas, and certain other provisions.

But nonetheless, after very extensive examination by both the House and the Senate, there was a general agreement that we were going to allocate about 50 percent in interdiction, and about 50 percent in education and treatment, and rehabilitation.

That was effectively the decision of House and Senate, some differences by Members, but that was really the final result. A rather dramatic change from the 75-25 in terms of interdiction in law enforcement, to about 50-50. And that is where we came out last year, and yet, with the law enforcement interdiction—and this is law enforcement basically in the support of the agencies, not the support for local law enforcement in States, which was zero—but the support for the agencies of Government.

In the previous administration's budget, we came out, last year, 46 percent law enforcement interdiction, 54 percent in terms of treatment and prevention.

This year, the administration has 70 percent for law enforcement interdiction, and 40 percent in terms of treatment and prevention.

President Bush's budget is 69 percent law enforcement interdiction and 30 percent in terms of prevention and treatment.

And given what I think the President has said, that the battle is going to be won in the school rooms of this country, and what the Attorney General just said last Monday in terms of the importance of education programs, I am very hopeful that during the course of these hearings this morning, that you will be able to give some indication about the allocations of resources, and what we might be able to expect.

I agree with the chairman that we are going to have to try, and we are going to fail. That we have to be in this whole effort for the course. It has taken a generation to get where we are. It may very well take a generation to get out of this.

But if we look at the first indications, which are very marginal, encouragement or increases of the 1, 2, 3 percent, in the areas which I think have demonstrated—to the extent that we have been able to demonstrate some important progress in this area—I am going to be very interested in where you come out in terms of those areas, and where you think we ought to be prioritizing, and where we ought to be putting the effort and the energy in this Administration.

Thank you very much.

[Prepared statement follows:]

STATEMENT OF SENATOR EDWARD M. KENNEDY  
CONFIRMATION HEARING OF WILLIAM J. BENNETT  
TO BE DIRECTOR OF NATIONAL DRUG POLICY  
SENATE JUDICIARY COMMITTEE  
MARCH 1, 1989

I join in welcoming Dr. Bennett to the Committee. I congratulate you on your nomination to this position. And I commend Senator Biden on his efforts over many years to establish this important post within our government.

Dr. Bennett's credentials are impressive. We did not always agree on the issues in the past Administration, but he has been an effective advocate for the Administration's policies. His speeches and testimony over the past several years indicate that he has spent a great deal of time examining many of the issues he will face in his new position.

The nation is at a critical turning point in the war on drugs. In light of the severe budget constraints we face, the greatest challenge may well be to spread our limited resources in the most effective possible way.

A winning strategy against drug abuse involves three approaches: law enforcement, prevention, and treatment. Each is vital, and none can be downgraded or ignored.

If I have any concern about Dr. Bennett's qualifications, it is his past commitment to hardline approaches that place too little emphasis on prevention and treatment.

There is no army large enough to keep drugs from crossing our borders. We don't have the resources to apprehend or imprison every pusher and supplier. In my view, excessive concentration on supply-side tactics can leave the federal battle on drugs in the same failing condition as excessive emphasis on supply-side economics has left the federal battle on the deficit.

The evidence is clear that prevention and treatment programs work. A new study reported just today shows continued decline in drug use by high school seniors as a result of greater knowledge of the hazards of drugs. We have expanded the federal education effort significantly, but we are far short of the investment in prevention and treatment that we need to make acceptable progress in this battle.

Last year, Congress clearly indicated its intent to balance our extensive national investment in interdiction and law enforcement with an equal emphasis on education and treatment. The President's budget does not yet reflect this priority, and I hope that we can work together with Dr. Bennett to attain it.

Even on the enforcement side, wiser policies are needed, especially at the state and local level -- where the real war is fought every day on our streets and in our communities. We must learn to support our state and local police -- and do it without abandoning fundamental constitutional guarantees or turning any local jurisdiction into a police state.

State and local law enforcement funding is an item which the past administration consistently and unsuccessfully sought to cut or eliminate. We need to put an end to this dispute, and see to it that needed funds are there.

In sum, I hope that Dr. Bennett will be a Drug Director committed to law enforcement, I commend him on his nomination, and I look forward to working with him in the years ahead. The war on drugs is on war that America cannot afford to lose.

The CHAIRMAN. Thank you very much. Senator Hatch.

STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM  
THE STATE OF UTAH

Senator HATCH. Thank you very much, Mr. Chairman. Welcome to the committee, Dr. Bennett. We appreciate the service that you have given in the past, and I personally look forward to your service as Director of National Drug Control Policy. You will be a tremendous leader in this area once we get you confirmed.

Drug abuse enslaves and kills—not only the abuser, the person who is suffering, but also the family and loved ones.

Drug violence is the scourge of our communities today. We see that evidenced in this city, in the staggering number of murders in just the first 2 months. And it is not just drug dealer versus drug dealer; many innocent bystanders are being killed too. Our treatment facilities are overcrowded. Our jails are overcrowded. This hurts the administration of justice.

I was chatting with some eminent judges this past week—in fact Senator Kennedy and I were—and they have indicated that in some areas of the country as many as 80 percent of the cases that come before the Federal courts in some areas are drug-related cases. In Washington, DC, I have been led to believe it is as high as 90 percent. Something has to be done because that, it seems to me, hurts justice for everybody across this country.

So you have a big job. I was pleased to have participated in the drafting of the Antidrug Abuse Act of 1988, and to have served as cochairman on the Senate side with Senator Kennedy for title II, the treatment and prevention programs, which I think he has discussed quite well here in his analysis.

When we were discussing this act last fall, we faced many of the problems that the Director of the Office of National Drug Control Policy is going to have to face, and we have mandated that substantial resources be devoted to prevention and treatment programs as well as to law enforcement and interdiction.

In my own State of Utah, we are seeing a drop among our children in the use of illicit drugs, and also in their use of alcohol and tobacco products, and this has been brought about through effective programs in our schools and in our communities. These schools have been teaching certain values in this area, an idea for which you were the leading spokesman when you were Secretary of Education.

We have demonstrated in Utah that reducing demand is indeed an effective way to fight the war against drug abuse.

You have been nominated to coordinate and oversee our response to the drug threat. I am not sure whether I should extend my congratulations or condolences, because it is a very, very tough job. I do pledge my cooperation and assistance to you, Bill.

I have mentioned that you served with great distinction as Secretary of Education, and as Chairman of the National Endowment for Humanities. I certainly extend to you our best wishes for your success in this area. I personally believe you are supremely qualified for this very weighty and important task ahead.

You have exceptional qualifications for leading an examination of the roots of the drug problems, and focusing attention on them, and I know you have the ear of the President. I know that personally, and I think your capacity, and that fact, having the ear of the President, will enable you to fulfill your coordination role and attack the drug threat on both the supply and the demand side.

Now I want to mention my concern about a neurotic element in our drug control program. Congress has created the Director of National Drug Control Policy, in part, to coordinate and oversee implementation by National Drug Control program agencies of the national drug control strategy.

The Director has to report to the President, and Congress, in less than a year, regarding the need for consolidation of executive agencies and functions. Having addressed the issue of coordination in the executive branch, we ought to take a look at coordination in the Congress.

According to a September 27, 1988, Congressional Research Service report, 53 committees and subcommittees in the House, and half again that many in the Senate, appeared to exercise jurisdiction over national drug abuse policy. Among the Director's statutory responsibilities will be to appear before duly constituted committees and subcommittees of the Congress. I acknowledge our important oversight role, but I do not see how you can do this job and appear before 53 committees just in the House alone, and be called to come up here, day in, day out, and to testify so that we can perhaps be seen on television.

I am calling upon Members of Congress to let you do your job.

And I would suggest that you get as strong a group of people as you can around you, so that they can help you and assist you if there is the burden of appearing consistently, and regularly, before Congress.

Now we all know that there have to be some hearings because we have to follow up, and we want to know what is going on, but I hope we will use discretion in the amount of time we require from you up here. I hope we use some restraint so that you can get your job done.

It might be worth our effort, Mr. Chairman, to address coordination of Congress' handling of drug-abuse policy, because there is no way that Bill Bennett can do the job, if we do not do ours properly, and if we make these demands.

The same argument applies to Cabinet meetings. If he has to attend all Cabinet meetings because he is a member of the Cabinet, then it seems to me that that takes him away from more important duties. On the other hand, I have to agree with you, Mr. Chairman, I would prefer it that way. I would prefer him to have the right to attend any and all Cabinet meetings. In chatting with the President, he has indicated that you will have that right with regard to drug problems, and any problem relating to your job, so I hope that is true. And if that is true, that may alleviate a lot of the concerns that we have up here.

Well, I want to welcome you here today, Secretary Bennett, and I hope that we can proceed expeditiously with your confirmation because I do not know of a better person for this job. I do not know of a more articulate person, I do not know of a more dedicated person,

and I personally will give you all the cooperation I can give. I know other members of this committee, in this matter, are bipartisan in nature, and we will support you and help you with everything we have. Thank you for accepting this opportunity.

The CHAIRMAN. Thank you. Senator Heflin.

STATEMENT OF HON. HOWELL HEFLIN, A U.S. SENATOR FROM  
THE STATE OF ALABAMA

Senator HEFLIN. Mr. Chairman, I am pleased to participate in these hearings today for a number of reasons. First, it is a testament to you, Mr. Chairman, for the fortitude and the perseverance that you, and other members of this committee, particularly Senator DeConcini, who believed in the concept of a drug czar and fought for its enactment.

While we did not get a drug czar at the Cabinet level, I believe we have gotten a Chief of the Joint Chiefs of Staff, and an equivalent analogy probably can be made, and I think that this is important.

I also have a feeling about this hearing personally, because I, myself, have supported and cosponsored the legislation that brought into creation this position that is being brought to this committee for confirmation today.

I have many other reasons, without going into them, but we should be pleased with this particular hearing. I believe if we are going to truly declare a war on drugs, that we must have a commanding general, or a field marshal, who is not afraid to wage war on the front lines.

We must have a strategy both on the international and the domestic fronts. We must make a commitment that drugs will no longer rule our society, corrupt our youth, and threaten our existence.

As George Marshall once said, it is not enough to fight. It is the spirit which we bring to the fight that decides the issue. It is the morale that wins the victory.

Right now in this country, we are losing the fight. The task before us is monumental. Our approach must be twofold. We must address the demand for drugs in this country and we must reduce the supply.

Today, drug traffickers peddle their wares not only in the large urban areas of our country, but also on the streets and corners of even our smallest communities.

Drugs enter our country seemingly at will, and pass down our streets and avenues, and leave a path of utter destruction and disbelief in their wake.

The battlefield is not limited to the streets. There are traffickers who have entered our homes and schools, and as a society, we bear the responsibility of educating our children about the dangers of drug abuse.

Currently, there are programs and educational efforts which teach our children to stay away from drugs. Our nominee, Mr. Bennett, has made significant strides in this effort.

However, these programs have achieved only varying degrees of success. We must find a way to determine which programs work

and why, and then we must take our acquired knowledge and cause it to work nationwide in a coordinated effort to reduce the demand for illegal drugs.

We must recognize that the drug business is big business, and easy money is coming at America's expense. Over 95 percent of the illegal drugs in this country are imported over our Nation's borders. As an example of the greed of the drug dealers we are fighting, let me quickly review the recent economic history of cocaine.

Just a decade ago, cocaine was the drug of the rich and the famous. It sold for \$100 a gram. Partially in an effort to broaden their markets, the drug dealers invented the form of cocaine known as crack.

Today, in our neighborhoods, crack sells from between \$5 and \$15 a dose. So pervasive is crack's use, that it is being called the Big Mac of the street drugs. The drug business is big business and serious business.

We are fighting against an enemy that knows no bounds. This enemy has no conscience. This enemy has huge resources in terms of money and manpower. This enemy is cunning and, unfortunately, it appears that this enemy is winning.

Knowing the scope of our problem and the strength of our enemy, it is vital that we approach the drug problem in a comprehensive and coordinated fashion.

You, Mr. Bennett, have been chosen by our President to be the Director of the Office of National Drug Control Policy.

As Director, you will be serving as a principal advisor to the President, and all Cabinet departments and agencies on drug-related matters. You will be responsible for developing a unified strategy, establishing policy objectives, and priorities, and coordinating and overseeing the implementation of these objectives. You have been chosen to be our leader.

Mr. Bennett, you have been described as a maverick, someone who is willing to stand and fight against odds. Undoubtedly during your tenure you will have to fight the odds and probably even Congress on occasion.

I know your reputation. I know your qualifications. Your resume and record are outstanding. I admire anyone who is willing to accept this challenge, and make no mistake, it is a challenge.

This will, indeed, be a terrific, difficult task. If attempted alone it will be a blueprint for failure. If there has been a need to look beyond partisan politics, to look beyond the separate branches of Government, and to look beyond divergent Federal and State interests, now is the time.

I would like to close my opening statement with a quote from Gen. Omar Bradley, who made a distinction between wars and battles.

But I think that these words express the task before us.

Battles are won by the infantry. The armor, the artillery, the air teams. By soldiers living in the rain and huddling in the snow. But wars are won by the great strength of a Nation, the soldier and the civilian working together.

We must come together under your leadership, Mr. Bennett. The United States must demonstrate a united front, a single-minded purpose and an unfaltering dedication to the war on drugs.

You will be our leader. Lead us well, lead us united, lead us to victory.

Senator KENNEDY [presiding]. The Senator from Wyoming.

**STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM  
THE STATE OF WYOMING**

Senator SIMPSON. Thank you, Mr. Chairman. I was in the infantry. I liked that. That was good. I remember that. However, I never had a shot fired at my head. I remember that, too. But I do remember being in the infantry as well.

Well, how are you holding up there?

Dr. BENNETT. I still want it. But keep it up and I might change my mind. [Laughter.]

Senator SIMPSON. Mr. Chairman, I want to thank you for scheduling this and getting on with it. As is your way, you have set a standard of timeliness and fairness here which will assist us in moving forward so we can give our advice and consent to the President.

It is a pleasure to have Dr. Bennett here. I have come to know him. I enjoy him very much. He is a spirited and delightful gentleman, and the kind of person that we need in Government, and especially in this place, in this particular office. I do not think the President could have made a better choice.

And I will not review those outstanding credentials. You have experience in the highest levels of Government, so essential in this situation. We are going to be looking toward you for guidance and leadership, and you are there to give it because you have been tested in that area before, so I will look forward to receiving your testimony.

It is so important, I think, that those of us in Congress, in the courts, in the administration, just stop talking the talk and start to walk the walk. We babble on by the year and the month on this stuff and never get anything done.

And finally, the chairman and others, on both sides of the aisle, got together and put together this piece of legislation. I think it is a good one. Your job is to see it work, and I think you can do it. I am very confident that you can do it.

And drug abuse is—you know, what do you say? Sure, it is the No. 1 problem, but it is everywhere in the United States. It is not just New York and LA. In fact, I see people move to Wyoming. They say I am coming to Wyoming because there is no drug problem. Bosh. Wherever there is money there is drugs. It comes down through Seattle and Spokane, and Billings, and comes up from Denver. What a dream world. They move to a little town in the West, and say I am in a drug-free environment. It is just not so.

And then you have to deal with the reality that the student council president might be doing two joints a day and functioning very well. It is a tough issue. Tough.

So, you are it. I hope we have the budget there for you. We will look toward that, prevention, supply, demand, the whole thing. We, in Congress, have to do our part to assure the funding.

It is never enough in here to say, again, that if we just give you money you will solve the problem. That has always been said and always failed.

That is why we have a debt-limit extension which we will vote on in May, of 2.8 billion bucks. Just because of that attitude, and we have got to pay for it. So you are going to provide the leadership, you are going to provide the coordination, you are going to tell us what changes need to be made, and you are going to tell us how to deal with the bureaucracy.

You are going to tell us how to do it, and this mandate of yours—there is no doubt—most assuredly is going to result in turf battles. I have seen those.

Senator Kennedy and I serve on Immigration and Refugee Policy. I have seen the conflict arise between DEA and INS, and Customs to see who gets in and who does this, who gets to capture this ship, and the rest of it.

They are all doing a remarkably unique, dedicated job, but they do scrap, and you are going to have to untangle that. At least we expect you to, to resolve those conflicts so that the fight can be against drugs and not against, you know, the bureaucracys internal warrings.

I am not worried about you, whether you are in the Cabinet room or not. I do not care where you are. I know your voice will be heard. You are not exactly Walter Wallflower.

And so you will be heard, and it will not matter where you sit. You will have the ear of this President, and that is so critical.

And at the same time—and Senator Hatch touched on it—it is so important for us in the House, and the Senate, to exercise some restraint and self-discipline over our proclivity to duplicate efforts of oversight.

Fifty-six committees of the House mess with this thing. Everybody likes to mess with it because you get seven camera hearings out of it. That is why they like to mess with it.

And I think we have got to put that aside and get at it, and I trust that we, in Congress, will use this discretion and not run you ragged, back and forth up here on the Hill, just to have a good show, and say that we all believe in fighting drugs.

So come up here when we need to talk seriously, and I hope you will just reject the hearings, where there is just, you know, one more photo opportunity.

We do not need to stifle your progress with countless requests for testimony in hearings, ad infinitum, and that is what you are going to have to sort through.

So I thank you, Mr. Chairman, for the opportunity for a few remarks. I respectfully suggest that as we close these hearings we immediately move this to the floor and report it to the Senate, and the sooner we can get Dr. Bennett on the job, the better it will be for us and for the country.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you. I would agree. I would like to interject at this point—as Dr. Bennett will also acknowledge—we were prepared to have this hearing as early as the end of January, but it was wise—I fully concurred with the administration's desire to wait until now to have the hearing.

So I just want to make it absolutely clear: this committee was prepared, in the end of January, to begin and end these hearings, but I think for good reasons—I agree with the administration's position—they preferred this date.

And so there has been no intention to delay. Senator DeConcini.

**STATEMENT OF HON. DENNIS DeCONCINI, A U.S. SENATOR FROM  
THE STATE OF ARIZONA**

Senator DeCONCINI. Mr. Chairman, thank you very much.

Mr. Bennett, we welcome you here. I am sure you appreciate the very positive feelings toward you here, and I want to compliment the chairman on his leadership in constructing this legislation many, many years ago. It took many floor fights, and if it were not for Joe Biden, we would not be here today.

I also want to thank Senator Kennedy for his remarks, and only say that the strong efforts on drug rehabilitation, and some of the education programs that were in the omnibus drug bill last year, literally would not be there if Senator Kennedy had not only forcefully convinced us all to put them in, but did so in such a manner that it was overwhelming that the emphasis had to be put there.

Drug abuse is an issue which truly is bipartisan. The omnibus drug bill seemed to underscore that last year. Being one of the members of the task force that worked on the bill, I experienced a real feeling that the time has come to lay aside the partisan politics that once in a while, as Senator Simpson will admit, do surface around here. Particularly in this area, I do not think there is any time for partisan politics.

I do not need to tell you, Secretary Bennett, that the task before you is immense. The drug smugglers and drug dealers in Arizona have increased substantially both their influence and numbers. Arizona shares this problem with other States along the border, and even some of the States who do not have borders.

I want to mention that just recently, a survey was in the Post that was conducted by the University of Michigan, which indicated a slowing, perhaps, of drug use among high school students.

And I believe Senator Kennedy, or maybe it was Senator Biden, who pointed out that the survey did not include dropouts. It is hard to see how you could have much of a credible survey without attempting to contact dropouts.

In Arizona, a survey was conducted by a very outstanding organization on December 23, 1988. It did not include dropouts either. But it came to a conclusion that is very different from the one that was just reviewed here by the University of Michigan; 7 percent of Arizona seniors said that they used cocaine regularly, whereas the Michigan survey shows that 3.4 percent of the students said that they had used cocaine on a regular basis. And 18 percent of the Arizona seniors said that they have used cocaine on occasion, whereas the Michigan survey showed a 7.9 percent usage.

These surveys trouble me, and when it comes to the questioning time, I would like to know, without asking you to do any research or burden you and your staff any more, just what your observations are of these surveys, and whether or not you think there is any validity in them, and whether or not they are really worth

spending the time and effort to find out information such as this, rather than the time and effort going after the problem.

The problem is indeed complex. It involves all government; State, Federal, local, as you so well know, and as we have discussed. All the Federal agencies have intertwined jurisdictions, and seek funds, and recognition, and justification.

The rehabilitation and education side of the problem has now been put on an even plain with enforcement, and certainly deserves to be there. The initial days as a national coordinator, or the drug czar, as it is commonly called, are going to be busy ones.

I wholeheartedly agree with Senator Simpson's accurate depiction of how many times you will be called up to the Hill, and how many special caucuses that Senator Biden and I serve on, one which has only five members I think, and we think it is pretty important. And Members of the House have different caucuses, even within their own States, dealing with drugs, or their geographic areas.

I hope that we can help provide your office with the information that we may need to do our jobs, but not to burden you personally, each and every time that we want to ask a question on the national problem and international problem relating to drugs.

The type of cooperation that you get from Congress is important, and I think it is paramount that we extend ourselves to give you every assistance.

When you are back for questioning, Mr. Secretary—and perhaps this was in your opening statement but I did not see it, I just reviewed it briefly before coming in here—I hope you can lay out at least what you interpret as the significance of the policy and strategy that you are charged with putting together.

I know the statute well. I know you have some strong areas of influence over the budgets. I am not sure you have the right to veto those budgets, but you certainly have the right to question them.

In my opinion, the policy and strategy report program you are to put together is the strongest impact that you can have, assuming the President will sign off and support it, on making major changes without statutory necessity in the area of drug enforcement and interdiction, and in the area of education and rehabilitation.

I hope that you will view the opportunity you have in regards to the report along those lines. I look forward to asking you some questions on that in the future.

Good luck, Mr. Secretary. You have got a big chore before you. I know, having spoken with you, that you take it very seriously, and your reputation stands well, that you can carry this out. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Specter.

**STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM  
THE STATE OF PENNSYLVANIA**

Senator SPECTER. Thank you, Mr. Chairman.

Mr. Bennett, I join my colleagues in welcoming you here. I believe that these hearings are very important; and although it may

seem that a great deal of time is consumed in these opening statements, I believe that they are important because they help to define the parameters as to what the committee members believe the problem to be, giving you our own experiences. Virtually everybody in this committee, in the Senate and in the House has been involved in the drug issue and have supported this very important legislation. As we move beyond the opening statements to the question-and-answer session, we will be getting your views and an interplay as to how we believe this very important new job ought to be structured and how it ought to be carried out.

Certainly, drugs are a national and international problem. Nothing more need to be added on that subject. I personally am pleased to see a man of breadth, not necessarily from the law enforcement field, but someone who can articulate positions, attract and mobilize public support for the kind of resources necessary here.

It is a vast field. It involves problems in the State Department, from an extradition treaty in Colombia, to cocaine growing fields in Peru and Bolivia. It has overtones in the Department of Education, where you have extensive experience, and perhaps that is the key in the long run to the drug problem. It has overtones in the Department of Defense where you may have to mobilize the military power of the United States. As the Congress has already suggested, we would back that in terms of interdiction, a very important phase.

I would like to focus for a moment or two on the criminal justice system which I believe to be critical and a major bottleneck in this country. I noted in the media your recent speech saying that drugs were a national problem, and I believe that the Federal Government is going to have to get into some areas which it would be preferable that the Federal Government did not have to get into—matters which are really within the purview of the State governments when it comes to the operation of prison systems and when it comes to operation of State judicial systems, if there really is going to be an effective attack on drugs in this country.

The statistics, I think, are appalling when you know that there were more than 15,000 inmates released from 16 States in advance of their sentences because there was insufficient jail space. At the present time, there are nine States and the District of Columbia under a court order for the operation of the prison systems.

Now, it is beyond my comprehension why the Federal courts are operating State prison systems, but they do so as a matter of last resort, because the inmates file suits that they are being denied their constitutional rights. And courts come to the conclusion of cruel and unusual punishments, and the courts then operate the prison systems. It seems to me that it might make a lot more sense for Congress to get into that field and establish some standards, or perhaps some obligations or some mandated programs, than to have these individual judges around the country running the prison systems.

The biggest cities in my State, Philadelphia and Pittsburgh, are under court orders. The District of Columbia is on a court order. Perhaps the only thing that keeps the judges from holding the mayors in contempt is that they would have to add somebody else

to the jail population, which would exacerbate the problem. But it just goes on and on.

I noted in the press over the weekend a case in Arkansas where a man was convicted of murder on a shooting in a parking lot, first degree, and was released because there was not sufficient space to put him in jail. I have heard of a lot of cases. I had not heard of one quite that bad.

When I was conducting hearings for the District of Columbia Subcommittee on Appropriations and got into the details of the problem, the chief judge of the Superior Court of this jurisdiction said that sentences are not imposed which ought to be imposed because there is insufficient room in jail.

The judicial systems in the State courts are equally in shambles. We recently put a new system into effect on drug enforcement in Philadelphia with extra personnel, and we moved into the Federal courts, Dr. Bennett, because in the Federal courts we have the opportunity for use of the Armed Career Criminal Act, where we have a drug dealer with three prior convictions found with a fire-arm gets a mandatory system of 15 years to life. The Federal courts have the authority for pre-trial detention so that they are picked up and put in jail awaiting trial. They also have the speedy trial acts. They must be tried within 90 days. And we have gotten extra funds on a pilot project worked through in Philadelphia to see if we can deal more effectively with street crime.

However, the sad fact of life is that the Federal courts cannot handle all the problems. And we have a system in Philadelphia where there is not docketing, there is not a processing which deals with the problem. We are going to have to give very serious consideration to the definition of Federalism, which we already have, in a sense, when individual Federal judges run entire State court prison systems.

Secretary Kemp of HUD, I and others visited the Richard Allen project on Friday of last week. That is a project in the center of Philadelphia which has an enormous number of problems, but I mention it because it is illustrative of the drug issue and the kind of an issue which, among others, I think you are going to have to become involved in. The people in the project are fearful of living there because the project is overrun with drugs. They cannot get evictions of individuals who use drugs because the court system does not process those matters.

Secretary Kemp and I decided that we would try to take the initiative and see if we could not get the courts to set up a unit to evict drug users. We then had the residents complaining that when they filed information with the police and the drug dealers were picked up, they were right back on the street the next day intimidating and coercing the people who had provided the information leading to their arrests.

Now, it is not possible to keep everybody off the street under preventive detention, so some of those people have to return. But the cases are listed 6, 8, 10, 12 times. They are on bail for very protracted periods of time. And the problem simply gets worse.

I am up to 9 minutes, and I will conclude now. I have gone into some greater detail on that particular line. But I would suggest to you, Mr. Bennett, that we have the blueprint for what to do. We

know that where we have career criminals in this country, if we separate them from society, we can cut violent crime by as much as 50 to 70 percent. But it takes 200,000 jail cells, and legislation has been introduced to provide those 200,000 jail cells. It will cost \$10 billion, which is not an excessive expenditure over a 5-year period. And where we have first offenders and some drug users, we have an opportunity for realistic rehabilitation, and we ought to try that. Some of it has been tried in the District of Columbia with promising results, to give people a chance for rehabilitation. But if that does not work and they continue on a life of crime and become career criminals, then you simply have to throw away the key.

Well, that is one aspect of the problem, but I would suggest to you and to my colleagues in the Congress that if we are really to deal seriously with this drug problem, that we are going to have to go a considerable distance and in great detail to provide the resources and the determination to solve the problem. And I, for one, am prepared to work with you. We have spent more than an hour together already, and I am looking forward to assisting you in tackling this tremendously important problem.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.  
Senator Metzenbaum.

#### STATEMENT OF HON. HOWARD M. METZENBAUM, A U.S. SENATOR FROM THE STATE OF OHIO

Senator METZENBAUM. Mr. Bennett, nice to see you again.

Drug addiction and drug dealing create enormous problems for the country, sapping the health and productivity of our citizens, while fueling crime and violence. Scores of neighborhoods have been turned into armed camps, ruled by drug lords wielding semi-automatic weapons and selling their poison openly on street corners.

The drug problem is enormously complicated. A number of my colleagues have already addressed themselves to various aspects of it. That does not mean we cannot attack it; it does not mean we cannot lick it. But winning the drug war will take more than stern lectures on the importance of morality and values. That has its place. But all the tough talk in the world will not substitute for tough decisions about national priorities.

As I said to you when you and I visited, that is one of the concerns that I have about your nomination. Sometimes I get the impression that you think that words speak louder than actions, and that a lively debate can somehow substitute for action on an issue. You responded to me when we met that you were aware of that and recognize that it is a different kind of responsibility that you are accepting. And I accept that.

The drug czar's record will not be measured by his ability to stimulate discussion. Frankly, we do not need a debate about drug policy. What we need is action: to stop the flow of drugs in this country, to stop our children and our citizens from turning to drugs, and to stop the crime and violence surrounding drugs.

I am concerned about the gap between rhetoric and action; because the last administration talked very tough about drugs, but

when it came to acting tough and supporting programs, the Congress had to drag them along kicking and screaming. You yourself were involved in one of those battles. In 1986, after hearing much testimony about the real problem of drugs used in our Nation's schools, Congress and the President agreed that the Secretary of Education should spend \$200 to \$250 million combating the drug problem in our schools. A few months later, however, you came up to Capitol Hill and said you only wanted to spend about half the amount that Congress and the President had agreed was appropriate.

Dr. Bennett, I hope we are not going to see more of that. If we are going to curb drug use and protect our children, if this is our No. 1 domestic priority—and I believe that it is—then we cannot turn around and underfund programs designed to address that problem.

The gap between rhetoric and reality on drug policy was also painfully apparent in this country's continued dealings with General Noriega. That was a terrible mistake. It hurt our credibility on drug policy both here and abroad. While one part of our Government flexed its muscles on drug eradication, other parts of our Government had a wink-and-nod agreement with a foreign government that was making money by supporting drug dealers who were then dumping their poison into this country.

As you well know, within the last week or so, Mr. Richard Gregory, U.S. attorney down in Miami, quit his position because he said publicly that he could not go forward with enforcement of our drug laws and at the same time be held back by others in our Government, particularly the State Department. That to me is shameful. It is not understandable by the American people why the State Department would be holding back the proper enforcement of our drug laws in this country.

Frankly, I think it is one of the challenges that you must face head on as you take on your responsibilities, and that is to determine whether or not we are going to enforce our laws strongly or whether we are going to be concerned about some reaction in some other nation in this part of the hemisphere, or perhaps in some other part of the world as well.

I would hope that we could get a commitment from you that you will oppose doing business with foreign governments or foreign agents that are involved with drug dealers. I would hope that you would be in a position to know if some part of our Government is considering such a move, and that you would do your utmost to stop such plans.

Finally, Mr. Chairman, I see ominous signs that the gap between rhetoric and reality on drug policy is still with us. During the Presidential campaign, President Bush made a number of high-profile statements about the need to take tough action against drug dealers and the violence that they wreak on our communities. And the President spoke with compassion and forcefulness about the need to protect communities from drug-related violence. But in his first chance to get tough on drug lords and help drug-related crime, he balked.

Mr. Chairman, law enforcement officials across the country will tell you that semiautomatic assault weapons are the weapon of

choice among drug gangs. And law enforcement officials have told me and have told this committee that we would reduce drug-related violence and save lives by banning the sale of weapons like the Uzi and the AK-47 and similar semiautomatic assault weapons.

But the President seems more willing to listen to the National Rifle Association on this issue rather than law enforcement groups. I am frank to say to you we need the President's help to keep our police from being out-gunned on the streets of America by drug kingpins armed with weapons far more powerful than those issued to law enforcement officers.

I hope we can change the President's mind on this. This Senator wants to work with the President. I am ready to work with him on a bill just as I am ready to work with the NRA. We want to pass a bill that will save the lives of police officers, that will help avert tragedies like the Stockton schoolyard massacre, and that will get these weapons out of the hands of drug gangs.

I hope you will be willing to help. I think that most people across the country, including former President Reagan, realize that weapons like the Uzi and the AK-47 serve no legitimate sporting purpose. And I know that there are plenty of neighborhoods in this country where citizens live in fear of drug kingpins armed with these weapons. I hope we can do something about it.

Dr. Bennett, if confirmed, you have got a tough job ahead of you. Everyone realizes that. And I think everyone also realizes that we do not need a drug czar to make more headlines; we need a drug czar to achieve the objectives. And I think and I know from my conversation with you that you are aware of that. I am hopeful that you will follow through as we earlier discussed.

We need someone who will often speak softly, but always carry a big stick, in order to make sure that the Federal Government carries out its drug control policies responsibly and effectively. The American people and the Congress are willing to provide you with that big stick.

I am frank to say to you that I was disappointed that the President did not see fit to include you in the Cabinet meetings. I believe that you should be there. I hope that the President changes his mind on that decision.

It is up to you to wield your power forcefully and effectively, and I am prepared to try in every way possible to help you. You have got a very big undertaking.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Grassley.

**STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR  
FROM THE STATE OF IOWA**

Senator GRASSLEY. Mr. Chairman, I thank you very much for holding this hearing on the nomination of Dr. Bennett to be the first Director of the Office of National Drug Control Policy.

I think the turnout that you have at this hearing, as well as the public attention that this position is getting, signifies the importance of this new job. I know we all hope that Dr. Bennett is very successful in his new role.

Dr. Bennett, I would like to first add my welcome not only to you but also to your family. It is my understanding that you and your wife are expecting another child in about a month, so I will take this opportunity to congratulate you in advance. As a seven-time grandfather myself, I can appreciate how special each new life is.

As I see it, the war on drugs is about the preservation of life and the quality of life. Today's hearing, in a real sense, is really about the children of today and about the children of 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 schoolyard threatens their ability to grow and learn—indeed, even to survive?

The evil residue of drug abuse and drug-related crime has been well documented by: increased violence, low worker productivity; decreased motivation of our young people to achieve educational excellence; unsafe public transportation, both on the ground and in the air; impaired military preparedness; and, of course, 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, and I quote,

When you appeal to force, there is one thing you must never do—lose.

Our children cannot afford for us to lose this war.

And so we must engage, every one of us, all of our available weapons: education, interdiction, prosecution, rehabilitation and treatment.

Now, to have a chance at success, I believe that 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, it has not, nor can it, sufficiently reduce the availability, use, and demand for drugs now rampant in America.

We must also return to traditional and long-standing notions of individual responsibility for the consequences of one's actions. Certainly, we need compassion for those former drug abusers who seek rehabilitation. But we are hopefully past the era when illegal drug use is called a "harmless, victimless" crime.

Thus, we need an equal measure of compassion for the victims of drug abusers. 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.

Many of us know Bill Bennett from his days at the National Endowment for the Humanities and the Federal Department of Education, and many of us have known him before that.

We know that a hallmark of his success has been his recognition that this country was founded upon the basic values of freedom and autonomy, tempered by individual responsibility.

Bill Bennett once said that he did not want to be a "gray bureaucrat." Knowing his background, and the nature of this new assignment, I do not think he is in any danger of that.

Mr. Chairman, I look forward to the testimony and to working with you and Mr. Bennett in this most important task that lies ahead. I also will have some questions when the time comes.

The CHAIRMAN. Thank you very much, Senator.

I thank the Senator from Illinois for his patience. The Senator from Illinois.

Senator SIMON. I thank you, Mr. Chairman.

Incidentally, our colleague, Senator Kohl, from Wisconsin was here and asked that his statement be entered in the record at this point. He had to be at another meeting.

[The prepared statement of Senator Kohl follows:]

DRAFT OPENING STATEMENT  
SENATOR HERB KOHL  
BENNETT CONFIRMATION HEARINGS  
MARCH 1, 1989

THANK YOU, MR. CHAIRMAN.

PERHAPS THE MOST SERIOUS PROBLEM AFFECTING OUR SOCIETY --  
AND CERTAINLY THE MOST SERIOUS THREAT TO OUR YOUNGER GENERATION  
-- IS THE DRUG EPIDEMIC THAT IS SWEEPING OUR NATION. THE  
NUMBERS ARE CHILLING:

-- MORE THAN HALF OF OUR TEENAGERS WILL USE MARIJUANA  
BEFORE THEY GRADUATE FROM HIGH SCHOOL.

-- ONE OUT OF FIVE WILL USE COCAINE BEFORE THEY FINISH  
COLLEGE.

-- THERE ARE NEARLY A HALF-MILLION HEROIN ADDICTS IN THIS  
COUNTRY AND THE OVERWHELMING MAJORITY OF THESE ADDICTS  
SUPPORT THEIR HABIT THROUGH CRIME.

THOUGH THE DRUG EPIDEMIC IS NOT AS ACUTE IN WISCONSIN AS  
IT IS IN OTHER AREAS, IT NEVERTHELESS EXISTS THROUGHOUT OUR  
STATE.

PERHAPS A GREATER INDICTMENT OF OUR FAILED DRUG CONTROL PROGRAM IS THE CONTINUING INCREASE IN THE AMOUNT OF ILLEGAL NARCOTICS ENTERING OUR COUNTRY. COCAINE PRODUCTION HAS INCREASED BY ALMOST ONE-THIRD OVER THE PAST SEVERAL YEARS. MARIJUANA PRODUCTION HAS INCREASED BY MORE THAN ONE QUARTER DURING THIS SAME PERIOD. IN LIGHT OF THESE FIGURES, ONE THING SEEMS CLEAR: ILLEGAL DRUGS ARE CHEAP AND READILY ACCESSIBLE TO OUR NATION'S YOUTH.

THE COST OF THIS PROBLEM IS ENORMOUS. THE PRICE WE PAY FOR FAILURE TO SOLVE IT IS IN LIVES AND FAMILIES WHICH ARE RUINED OR DESTROYED.

MOST OF US RECOGNIZE THAT THERE IS NO QUICK-FIX SOLUTION TO THE DRUG SCOURGE. WE WILL HAVE TO FIGHT IT AT HOME AND ABROAD, IN THE SCHOOLS AND ON THE STREETS, WITH OUR HEAD AND WITH OUR PURSE. BUT BY CONFIRMING A DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY, WE WILL TAKE A SIGNIFICANT STEP TOWARD DOING SOMETHING ABOUT THE DRUG PROBLEM. WE WILL HAVE A LEADER, A PLAN AND A SYSTEM OF ACCOUNTABILITY FOR OUR DRUG ENFORCEMENT EFFORTS. HOPEFULLY, WE WILL MOVE TOWARD ENDING AT LEAST SOME OF THE INTERNECINE "TURF WARS" THAT HAVE PLAGUED US IN OUR STRUGGLE AGAINST NARCOTICS TO DATE.

IT WILL NOT BE EASY FOR THE "DRUG CZAR" TO BRING ORDER TO THE FEDERAL EFFORT TO COMBAT ILLEGAL DRUGS. NOR WILL IT BE EASY TO DEVISE AN EFFECTIVE NATIONAL DRUG POLICY IN LIGHT OF VERY REAL BUDGET CONSTRAINTS.

BUT IF WE ARE SERIOUS ABOUT BREAKING THIS NATION'S DRUG HABIT, WE MUST LOOK AT THE PROBLEM FROM ALL FRONTS. WE MUST STRENGTHEN OUR COMMITMENT TO EDUCATION AND PREVENTION. WE MUST FIND MORE EFFECTIVE MEANS OF ERADICATION AND INTERDICTION. WE MUST ENSURE THAT OUR STATE AND LOCAL LAW ENFORCEMENT AGENCIES HAVE THE RESOURCES TO ARREST DRUG DEALERS, THE PROSECUTORS TO CONVICT THEM, AND THE LAWS TO PUT THEM AWAY FOR A LONG, LONG TIME. FINALLY, WE MUST DISARM THE DRUG DEALERS WHO USE WEAPONS TO INTIMIDATE AND KILL AS THEY COLONIZE NEW DRUG TERRITORY IN OUR TOWNS AND CITIES.

HAD I BEEN HERE LAST YEAR, I WOULD HAVE JOINED MANY OF MY COLLEAGUES ON THIS COMMITTEE IN WORKING FOR A "DRUG CZAR" WITH MORE INSTITUTIONAL POWER. LIKE MANY OF THEM, I AM ALSO CONCERNED THAT PRESIDENT BUSH'S DECISION TO EXCLUDE THE DIRECTOR FROM HIS CABINET MAY UNDERCUT MR. BENNETT'S ABILITIES TO OVERSEE DRUG ENFORCEMENT. BUT SHOULD MR. BENNETT BE

CONFIRMED, AS I EXPECT HE WILL, I WILL GIVE HIM MY FULL SUPPORT  
IN ATTACKING THE DRUG EPIDEMIC. WE CAN ONLY WIN THIS WAR IF WE  
ACT TOGETHER.

**STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE  
STATE OF ILLINOIS**

Senator SIMON. I am one, as you know from our conversations, who is somewhat troubled. I am not sure where I am going to go yet. I do not know whether I am going to vote yes or no. If we were to elect a national gadfly in this area, you would get my vote very quickly. And that is part of your responsibility.

The more troublesome question that I face is: Can you be an effective administrator? And can you coordinate in ways that sometimes have to be low-key ways to get a job, a substantial job, done?

When you were nominated, when I was told that you were going to be nominated by the White House for heading the Endowment for the Humanities, I was quite enthusiastic. I was less enthusiastic at the end of your term.

When you were nominated for Secretary of Education, I voted for you but felt uneasy about it. A former Republican member of this body who chaired the Education Subcommittee said if he had known how you were going to conduct yourself afterward, he would not have voted for you.

In the area of working on drugs, as Secretary of Education you made suggestions what the Justice Department should do, the State Department, the Defense Department. But in your own department, where you had the chance to do something, you asked for a cut of one-half in the drug education program.

Late last night, I was reading hearings held by Congressman Glenn English in the House of what happened in your department in the area of drug enforcement. Congressman English at one point says,

If the superintendent at Cordell, Oklahoma, High School writes the U.S. Department of Education and says, "I would like a list of programs that you think are particularly good in dealing with the drug problem," you have no such list?

Mr. Richard Hayes from your office is testifying:

Well, we hope the superintendent just calls down to Norman, Oklahoma, and checks with the Southwest Regional Center. One of their responsibilities is to keep such a list.

The regional centers became the answers for almost every question that came up.

Then Congressman McCandless says,

There are 10 regions. Those are already scheduled as part of the Secretary's distribution. How many additional people have you added to these regional offices for the purpose of handling the drug problems or the drug laws which we have been talking about?

Mr. HAYES. These are the Department of Education's 10 regional offices we are talking about, sir?

Congressman McCANDLESS. Yes.

Mr. HAYES. We have added no staff to these offices relating to drug abuse purposes.

Congressman Grant asks,

How many curriculum frameworks have been written for use in school systems?

Mr. HAYES. I could not answer that, Mr. Grant.

Mr. GRANT. Has the Department of Education written one?

Mr. HAYES. No.

Mr. GRANT. In your book, "Schools Without Drugs," it states that the Department of Education is going to implement a comprehensive drug prevention curriculum

from kindergarten through grade 12, teaching that drug use is wrong and harmful, supporting and strengthening resistance to drugs.

Mr. HAYES. Right.

Mr. GRANT. You have not written a curriculum framework yet? This is 2 years after the program is in existence; you have got hundreds of millions of dollars.

Mr. HAYES. Well, the Department of Education is prohibited from promulgating a particular curriculum.

Mr. GRANT. Have you recommended to any State system that they write a framework?

Mr. HAYES. We recommend to the State education agencies that they could exert leadership.

Mr. GRANT. How many have done it?

Mr. HAYES. I hope quite a few. I do not know the particular number.

Well, I could go on. Congressman Grant at one point says,

I do not find very much confidence in what you are telling us. It does not give me a lot of peace that the U.S. Department of Education is doing very much at all, except sort of stirring a pot.

Congresswoman Slaughter finally toward the end of the hearing said,

Were you doing any program evaluation or just distributing funds?

I have concerns. If I vote yes for your nomination, I hope you do the kind of job that will make that decision right. If I vote no—and I think I would be maybe the only one to vote no—I hope you do the kind of a job that will make my vote wrong.

I want from your office not a blizzard of press releases. I want a really solid job done on what is a massive problem in our society today.

Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Humphrey, thank you for your patience. Please proceed.

Senator HUMPHREY. Thank you, Mr. Chairman.

It strikes me that 2 hours of opening statements is just about as stupefying as the use of drugs. So I will place my prepared statement in the record.

[The prepared statement of Senator Humphrey follows.]

STATEMENT OF SENATOR GORDON J. HUMPHREY  
SENATE JUDICIARY COMMITTEE

HEARINGS ON THE NOMINATION OF WILLIAM J. BENNETT  
FOR DIRECTOR OF NATIONAL DRUG CONTROL POLICY

MARCH 1, 1989

THIS IS THE FIRST OF MANY NOMINATIONS WHICH THE JUDICIARY COMMITTEE WILL BE CONSIDERING DURING THE 101ST CONGRESS. FROM MY POINT OF VIEW, WE COULDN'T BE STARTING OFF ON A MORE AUSPICIOUS NOTE. BILL BENNETT HAS ALL THE QUALITIES WHICH WE SHOULD LOOK FOR IN THOSE CHARGED WITH CRITICAL RESPONSIBILITIES FOR THE WELFARE OF OUR NATION. HE IS A MAN OF SOUND VALUES, SUPERIOR ABILITIES, AND POWERFUL CONVICTION.

NEEDLESS TO SAY, HE WILL NEED ALL THOSE QUALITIES -- AND MORE -- IN HANDLING THE EXTRAORDINARY TASKS HE WILL FACE AS DIRECTOR OF NATIONAL DRUG CONTROL POLICY. INDEED, SOME HAVE SAID THAT IT WILL BE IMPOSSIBLE TO SUCCEED IN THIS NOVEL POSITION. THEY SAY THAT THE DRUG PROBLEM IS TOO PERVERSIVE AND VIRULENT TO BE CONTAINED, AND THAT THE COMPETING FEDERAL BUREAUCRACIES WILL RESIST SUBMISSION TO AN EFFECTIVE, UNIFIED ANTI-DRUG STRATEGY.

GIVEN THESE GLOOMY PROPHECIES, IT IS ALL THE MORE IMPORTANT TO HAVE A MAN OF ENERGY AND CONVICTION TO LEAD THE NATION'S CAMPAIGN AGAINST THE DRUG SCOURGE. IT IS ESPECIALLY IMPORTANT TO HAVE A MAN WHO WILL STAND UP AGAINST FALSE CONVENTIONAL WISDOM, AND PRESCRIBE THE STRONG MEDICINE THAT IS NEEDED TO CURE THIS INSIDIOUS DISEASE. AND IF THERE IS ANY MAN WHO FITS THOSE JOB DESCRIPTIONS, IT IS BILL BENNETT.

IN DISCUSSING ANOTHER MAJOR BLIGHT OF OUR TIMES, THE AIDS DISEASE, BILL BENNETT SAID: "WE CANNOT SHY AWAY FROM ASSOCIATING MORAL VALUES WITH BEHAVIOR."

THIS TRUTH APPLIES WITH SPECIAL FORCE TO OUR EFFORTS TO DEAL WITH THE DRUG PROBLEM. IF OUR YOUNG PEOPLE ARE LEFT TO DRIFT WITHOUT ANY MORAL ANCHOR, THEY WILL BECOME EASY PREY FOR THE SEDUCTIONS OF THE DRUG PREDATORS. THERE CAN BE NO LASTING SUCCESS IN OUR ANTI-DRUG POLICY WITHOUT A REVIVAL OF BASIC MORAL RESPONSIBILITY ACROSS ALL SEGMENTS OF SOCIETY. BILL BENNETT RECOGNIZES THIS TRUTH, AS HE DEMONSTRATED SO FORCEFULLY DURING HIS TENURE AS SECRETARY OF EDUCATION. I AM CONFIDENT THAT IT WILL SERVE AS A STRONG FOUNDATION FOR THE POLICIES HE WILL DEVELOP FOR DEALING WITH THE DRUG PROBLEM.

BUT COMMITMENT TO SOUND PRINCIPLES WILL NOT BE ENOUGH TO COPE WITH THE PROBLEM. TOUGH AND EFFECTIVE PRACTICAL MEASURES MUST BE DEvised TO CREATE A HOSTILE AND THREATENING

ENVIRONMENT FOR THE DRUG PUSHERS WHO HAVE VIRTUALLY TAKEN OVER NEIGHBORHOODS IN MANY OF OUR CITIES. OUR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT BODIES MUST BE GIVEN THE RESOURCES AND THE FLEXIBILITY THEY REQUIRE TO GAIN THE UPPER HAND IN DEALING WITH THE WELL-ARMED AND ARROGANT DRUG SYNDICATES. AND ESPECIALLY FORCEFUL MEASURES ARE NEEDED TO EXPEL AND PROSECUTE THOSE WHO ARE USING OUR SCHOOLS AS A MARKET FOR SELLING DRUGS TO OUR CHILDREN.

THESE CHALLENGES HAVE FRUSTRATED THE DETERMINED EFFORT OF ALL LEVELS OF GOVERNMENT OVER THE PAST DECADE. ONE REASON FOR OUR FAILURE IS THAT GOVERNMENT ALONE CANNOT SOLVE A PROBLEM THAT CANNOT BE ISOLATED FROM THE MORAL COMMITMENT OF THE SOCIETY. ANOTHER REASON MAY BE THAT GOVERNMENT HAS BEEN PART OF THE PROBLEM. IT WAS NOT SO LONG AGO THAT THE DRUG CULTURE WAS REGARDED AS A "CREATIVE" AND EVEN "IDEALISTIC" ASPECT OF THE SO-CALLED "AGE OF AQUARIUS." THESE FORCES WERE PART OF A POLITICAL CULTURE THAT HAD GREAT INFLUENCE WITH POWERFUL ELEMENTS OF GOVERNMENT. EXPERIENCE HAS NOW TAUGHT US THE FOLLY OF OUR PAST PERMISSIVENESS.

I HOPE THAT BILL BENNETT'S FUTURE EFFORTS WILL BENEFIT FROM THE BIPARTISAN COMMITMENT THAT NOW EXISTS TO DEAL FIRMLY WITH THE DRUG CRISIS. I AM ALSO HOPEFUL THAT THE MANY CONGRESSIONAL COMMITTEES WHICH HAVE AN INTEREST IN THE DRUG ISSUE WILL REFRAIN FROM MAKING THE DRUG CONTROL DIRECTOR SPEND MORE TIME ON THE HILL THAN HE DOES COORDINATING THE WAR ON DRUGS. WE CAN MAKE A GOOD START TOWARD THAT END BY PROMPTLY CONFIRMING DR. BENNETT AND LET HIM GET STARTED ON HIS DIFFICULT TASK.

Senator HUMPHREY. I want to welcome Secretary Bennett. I want to congratulate you, Mr. Secretary, on an outstanding, solid record of accomplishment at the Department of Education, which is increasingly reflected in the rising performance of our student body nationwide.

I think one of the important uses of high office and visible office is the use of such office as a bully pulpit. I think you used your office at the Department of Education very well in that respect, calling for greater quantity and quality and substance in the Nation's curricula and for discipline and respect in the classrooms. Your efforts, your personal efforts in that respect, some might refer to those kinds of activities as the activities of a gadfly—a point of view which I do not share.

But, nonetheless, it has had an important and revolutionary effect in our Nation's classrooms, and I think that skill, among others, is going to be very useful to you in this even more difficult effort to deal with the drugs in our society.

You are particularly good at puncturing the hot air balloons of conventional wisdom, and I think there are a lot of such hot air balloons connected with this problem of drugs, and there has been a lot of hypocrisy, I think, in the Congress and in the Executive over the years in this so-called war on drugs.

So I look forward to what I expect will be a very successful tenure in that office and a very successful effort in truly waging a war on drugs.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

I have a statement here by Senator Leahy and I wish to place it in the record at this point.

[Prepared statement follows:]

OPENING STATEMENT OF SENATOR PATRICK LEAHY  
NOMINATION OF DR. WILLIAM J. BENNETT  
TO BE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY  
SENATE JUDICIARY COMMITTEE  
MARCH 1, 1989

DR. BENNETT, I JOIN MY COLLEAGUES IN WELCOMING YOU TO THE JUDICIARY COMMITTEE THIS MORNING.

PRESIDENT BUSH HAS SELECTED YOU TO TACKLE AN EXCEEDINGLY DIFFICULT JOB. WE ALL KNOW THAT ILLEGAL DRUGS HAVE PENETRATED EVERY LEVEL OF OUR SOCIETY. THEY INFECT OUR HOMES, OUR SCHOOLS, OUR WORKPLACES.

DRUGS ARE NO LONGER SOMEBODY ELSE'S PROBLEM. IT DOES NOT MATTER IF YOU LIVE IN THE CITY, OR THE SUBURBS, OR IN A RURAL STATE LIKE VERMONT. NO AMERICAN AND NO AMERICAN FAMILY IS FREE FROM THE BALEFUL EFFECTS OF THIS SCOURGE.

A HEADLINE IN A NATIONAL NEWSPAPER LAST WEEK ASKED, "DOES 'DRUG CZAR' FACE A MISSION IMPOSSIBLE?" THAT QUESTION SPEAKS VOLUMES ABOUT PUBLIC PERCEPTIONS OF THE DRUG PROBLEM, AND ABOUT THE CHALLENGES YOU WILL FACE IF CONFIRMED.

IF THE MISSION OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY IS TO SINGLE-HANDEDLY TURN THE TIDE IN THE WAR ON ILLEGAL DRUGS, WITHOUT THE COOPERATION, HARD WORK AND EVEN SACRIFICE OF ANYONE ELSE, THEN OF COURSE YOU DO FACE MISSION IMPOSSIBLE. THAT VIEW OF YOUR MISSION WOULD BE CONSISTENT WITH A LONG AND UNHAPPY WASHINGTON TRADITION. WE HAVE HEARD MANY STIRRING SPEECHES AGAINST DRUG ABUSE, BUT WE HAVE NOT SEEN ENOUGH FEDERAL ACTION TARGETED TO MAKE A SIGNIFICANT CONTRIBUTION TO THE ANTI-DRUG EFFORT.

THE FEDERAL GOVERNMENT HAS AN IMPORTANT ROLE TO PLAY IN COMBATTING THE DRUG PROBLEM. THAT ROLE EXTENDS FROM LAW ENFORCEMENT TO TREATMENT AND EDUCATION. THAT ROLE INCLUDES DEPLOYING FEDERAL RESOURCES TO CUT BACK ON ILLEGAL DRUG SUPPLIES AND TO DAMPEN THE DEMAND FOR ILLEGAL DRUGS.

BUT THE MOST IMPORTANT ASPECT OF THE FEDERAL ROLE IS LEADERSHIP. THE FEDERAL GOVERNMENT MUST DEVISE A PRUDENT AND BALANCED ANTI-DRUG STRATEGY, AND THEN DEMONSTRATE THAT IT CAN STICK TO THAT STRATEGY FOR THE LONG HAUL. TURF BATTLES AND BUREAUCRATIC BICKERING MUST BE PUT ASIDE. THE STAKES ARE TOO GREAT FOR "BUSINESS AS USUAL" IN THE FEDERAL BUREAUCRACIES, OR HERE ON CAPITOL HILL.

THE WAR ON DRUGS WILL NOT BE FOUGHT IN WASHINGTON. IT WILL BE FOUGHT IN EVERY AMERICAN CITY AND TOWN, WHERE THE PAIN AND THE WASTE OF THE DRUG SCOURGE ARE MOST KEENLY FELT. AND THE WAR ON DRUGS WILL NOT BE WON BY A PRESIDENT, NOR BY SENATORS, NOR EVEN BY A "DRUG CZAR." IT WILL BE WON BY ORDINARY AMERICANS, WHO MOBILIZE THROUGH THEIR FAMILIES, CHURCHES, SCHOOLS AND LOCAL LAW ENFORCEMENT TO FIGHT THIS SCOURGE.

THE POSITION TO WHICH YOU HAVE BEEN NOMINATED HAS ENORMOUS POTENTIAL: NOT TO WIN THE WAR ON DRUGS, BUT TO HELP MOBILIZE THE AMERICAN PEOPLE, AND GOVERNMENT AT EVERY LEVEL, TO FIGHT THAT WAR MORE EFFECTIVELY.

THAT IS WHY I DO NOT VIEW YOUR ASSIGNMENT AS MISSION IMPOSSIBLE. IF YOUR JOB IS TO GET THE FEDERAL GOVERNMENT TO PLAY ITS ANTI-DRUG ROLE MORE EFFICIENTLY AND MORE EFFECTIVELY -- TO DELIVER THE TOOLS AND THE LEADERSHIP THAT THE AMERICAN PEOPLE NEED TO COMBAT THE DRUG PROBLEM -- THEN I THINK YOUR JOB WHILE VERY DIFFICULT, IS NOT IMPOSSIBLE.

SUCCESS IN THIS MISSION WILL CALL UPON A VARIETY OF SKILLS AND STRENGTHS. IT WILL TAKE THE ABILITY TO TAKE CHARGE, BUT ALSO THE HUMILITY TO TAKE ADVICE. IT WILL REQUIRE TOUGH TALK, BUT ALSO CAREFUL LISTENING. IT WILL BE A "BULLY PULPIT," BUT ALSO A BUREAUCRATIC COCKPIT. IN SHORT, THIS IS AN ASSIGNMENT WHICH WILL REQUIRE YOU TO BUILD ON THE STRENGTHS YOU HAVE DEMONSTRATED IN NEARLY A DECADE OF PUBLIC SERVICE, BUT ALSO TO OVERCOME SOME OF THE DEFICIENCIES THAT MANY HAVE IDENTIFIED IN THAT SERVICE.

DR. BENNETT, THIS IS NOT MISSION IMPOSSIBLE. BUT IT IS A MISSION THAT WILL TEST THE LEADERSHIP QUALITIES OF ALL OF US, IN THE EXECUTIVE BRANCH AND HERE IN THE CONGRESS. I KNOW YOU WILL FIND THE MEMBERS OF THIS COMMITTEE EAGER TO COOPERATE WITH AND SUPPORT YOU AS YOU UNDERTAKE THAT MISSION IF YOU ARE CONFIRMED.

The CHAIRMAN. Well, Dr. Bennett, what I propose we do, if you are willing, is I will not swear you in now, but suggest that you make your opening statement and then this afternoon when we come back, unless you would rather wait and make it at 2 o'clock—you were kind enough to submit the opening statement to all of us—and then swear you in this afternoon before the questions begin.

Dr. BENNETT. Why don't I get my statement in, too, and then we can talk this afternoon? Shall I just give it to you now?

The CHAIRMAN. Yes. Please, go right ahead.

#### STATEMENT OF WILLIAM J. BENNETT, TO BE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Dr. BENNETT. Good morning—good afternoon.

The CHAIRMAN. Barely.

Dr. BENNETT. OK. I would certainly like to thank Senators Moy-nihan, Helms, D'Amato, and Sanford for their kind words of introduction. I would like especially to thank you, Chairman Biden, for convening what I expect will be a productive conversation during these hearings. I think it has already begun.

I would like to thank Senator Thurmond as well for his continuing interest in my career and our family and, of course, this issue.

I don't need to tell the members of this committee how serious America's drug crisis is. You and I both know how serious it is. And more to the point, the American people know how serious it is. They are looking to Washington for national leadership in the war against drugs and we must provide that leadership.

If you see fit to confirm me to this post, I will work hard to fulfill those significant leadership responsibilities that Congress has vested through law in the new Office of National Drug Control Policy.

The legislation empowering that office is explicit about its mandate. It will be the Director's job to lead a consolidated national campaign against illegal drugs, resolving those difficulties that may arise when so many different agencies and departments of the Federal Government must be involved in a unified effort.

To that end, my staff and I will prepare an honest and comprehensive national drug control strategy for the President's signature, a strategy that will outline what needs to be done and how best to do it.

I have been struck, Mr. Chairman, these last few weeks as I have met with people inside Government and out by the pessimism, even fatalism, that many have about our mission in the war on drugs. Some have told me that they wouldn't wish this job on their worst enemy; others have made clear that they think the war is already lost.

I think we must disagree. There are things that can be done. A realistic and responsible national strategy, if implemented, will make things better. Its overall goal is one we all share—a steady reduction in the flow of drugs through our streets and our communities and our children, and a corresponding reduction in the deadly hold they now have over so many of our friends and families and neighbors.

Our tactics must be refined and intensified, but the need for a full-blown attack on both sides of the drug equation, demand and supply, will not disappear overnight. It has taken us more than a generation to come to the pass we find ourselves in now. It will take more than 180 days, the due date for my strategy, to turn the tide around.

Chairman Biden has often, and correctly, warned us against promising too much too soon. I share his concern; I agree with it. But at the same time, I remain convinced that concerted, intelligent effort and strategy, if implemented, can bring change for the better, and bring some change for the better fairly soon.

It must be done. The Nation expects it, and those who have been fighting in the trenches with valor for many years—law enforcement officers, people in treatment centers, teachers in classrooms, leaders in communities all across the country—they are hopeful, too, that real progress can be made.

I will be grateful for the opportunity to play a role in this effort. I am already grateful to the President for the confidence he expressed in me with his nomination and for the assurance that he has given me that he and I will stand shoulder to shoulder from the start.

And, again, I thank the committee and you, Mr. Chairman, for your time and courtesy.

The CHAIRMAN. Thank you very much.

We will recess the hearing until 2 o'clock.

[Whereupon, at 12:10 p.m., a luncheon recess was taken.]

#### AFTERNOON SESSION

The CHAIRMAN. Mr. Secretary, before we begin, I would like to ask you to stand and be sworn.

Do you swear that the testimony you are about to give will be the whole truth and nothing but the truth, so help you God?

Dr. BENNETT. I do.

The CHAIRMAN. Thank you again for your patience this morning. I mean this sincerely when I say I think it is very important that the notion, as I think you observed, was communicated on a bipartisan level, how important we think the job you hopefully will be undertaking is, in the eyes of the members of this committee.

When we drafted this statute, we clearly gave you, if you are confirmed, the authority you need to set Federal drug policy and to establish budget priorities. There seems to be confusion within the executive branch—and in other places—about the authority you will have as the drug director. One transition official said that "Congress gave the director so much power that he could be a cowboy"—that was a quote—"and run riot over other agencies." That is also a quote. Other officials have commented that your position is only advisory, with little real authority.

Now, Mr. Secretary, section 1003(b)—it is not important that you have it in front of you—gives you the authority "to establish policies, priorities, and objectives" for antidrug programs and activities.

Now, I would like you to give me some sense of what authority you think this language would give you to develop a comprehensive antidrug strategy.

**TESTIMONY OF HON. WILLIAM J. BENNETT, NOMINEE TO BE  
DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY**

Dr. BENNETT. Sure, Mr. Chairman. Let me start in general and then be specific.

You used a memorable phrase this morning. You said "no place to hide." You started by talking about some of my colleagues who have no place to hide, but I take it I was included on that list. And that is fine. I did not volunteer for this job—which I did to the President—in order to hide. That was not my intention.

The CHAIRMAN. I was not implying you intend to hide.

Dr. BENNETT. I know, but that is the beginning of my comment about what I propose to do. Nor would it be interesting enough to pull me out of the private sector, which was very interesting and rewarding for my wife and me for at least a couple of months, in order just to advise. And we certainly do not need in the war against drugs cowboys. What we need is a comprehensive, thought-through strategy.

Now, a lot has been said about turf; a lot has been said about people doing their own thing, knocking heads and so on. I want to say up front that I think almost everybody in the Government who has been taking on this problem from their point of view, their agency has been doing what they think is the right thing. I do not see a lot in terms of our individuals and law enforcement—the Customs and Coast Guard and Justice Department, HHS, Education—I do not see much evidence of bad faith. I see a lot of good faith. I see a lot of people trying hard.

But what is missing is a comprehensive strategy, looking at the whole thing. And as you know, Mr. Chairman, I have made this point before. I made this point before I was a candidate for this job. I made this point over the last 2 or 3 years that we were very much in need of such a strategy.

To be more specific, I do not know that I could do better than to refer to the chart that you had this morning. I think that lays it out pretty clearly in showing that I am to develop an assessment and evaluation of the problem, consult with the Congress, consult with the relevant agencies, consult with the experts; and then, too, to have this very independent evaluative responsibility vis-a-vis budget makes it clear that this is a serious matter of direction and coordination.

Someone remarked to me before, sort of along the lines of the comments you were quoting: If anybody thinks that you are just there for advice, you will surely get their attention once they realize you certify their budgets. In Washington, that talks. That makes a difference. So I think that is wise.

I would mention one thing, if I could, Mr. Chairman. I want to be sure you and I have the same understanding of things, and I know that is why you had that chart out there this morning. Please tell me if this is correct, because it was not clear to me this morning,

as this came out—do you have your chart handy or a summary of it?

The CHAIRMAN. Yes.

Dr. BENNETT. On budget, agencies submit budgets to Director of Office of National Drug Control Policy and OMB. As I understand it, it is even further broken down than that. That is subparts of agencies are to submit their budgets. It is not HHS; it is not Lou Sullivan, to use your example this morning, who submits his budget to me. It is NIDA, it is ADAMHA, it is all the pieces, and they submit to me and to Lou Sullivan simultaneously. That is my understanding.

The CHAIRMAN. That is correct. The point I was making this morning was: In the interest of time, that ultimately Lou Sullivan submits his budget to OMB, in effect; and that OMB and Lou Sullivan will reach an accord.

Lou Sullivan will have a total budget that goes to OMB, and through OMB to the President and/or to the Congress, depending if the President signs off. That was the point I was making.

But you are correct. I am delighted to hear that you fully understand that you have an interim shot, as a matter of fact.

Dr. BENNETT. Right. It does not make life easier. It makes life more interesting.

The CHAIRMAN. That is right. With great possibilities, though.

Dr. BENNETT. But not only is there a degree of independence in terms of OMB vis-a-vis a department's budget, but a degree of independence in relation to a Cabinet Secretary vis-a-vis his own subdepartments.

The CHAIRMAN. That is correct.

Dr. BENNETT. Independence of determination; independence of evaluation.

The CHAIRMAN. There are probably tens of sub-Cabinet level officers who are sitting now going like this, deciding what they are going to do. That is the whole purpose of the legislation.

By the way, I want to emphasize, I agree with you. I do not think there is bad faith on the part of anybody thus far.

Dr. BENNETT. Right.

The CHAIRMAN. I think there is bad judgment that has been exercised in these turf wars, but I do not chalk it off to bad faith.

Let me proceed a little further and give you a specific example. A man for whom I have a great deal of respect is the Attorney General of the United States of America, Dick Thornburgh, former Governor of Pennsylvania. In everything he has done that I know of, he has done and dealt with honorably and in a decent way, and he is a very bright man.

Well, the Attorney General recently hinted that you will not play, from his perspective, a major role on the enforcement side when he said, "My sense is that Bill Bennett and his mission will focus on reduction of demand. We in law enforcement have a job to do, no matter who is up top, and we are going to do it."

Now, I may be reading too much or too little into that statement. But this is particularly ironic since the drug director's position was first proposed by me—and my colleagues were very kind to me today about this notion. It got refined; it got better over 8 years. And there were a lot of people who helped on this. But the initial

reason for my getting into this and the rest of my colleagues and others outside of the Congress getting into this thing, was the failure of coordination on the law enforcement side.

So I want you to tell me a little bit about when you accepted the post, did the President say anything to you that would indicate that you should only focus on demand, leaving law enforcement off to those who are engaged in law enforcement?

Dr. BENNETT. No, he did not. As a matter of fact, on the other hand, to point out the other side of this on the very example you cite of Attorney General Thornburgh, my colleague, the President and Attorney General are having lunch on Friday to discuss a trip the Attorney General is taking to South America. At the request of the President, I will be at that lunch. So it is clear to the President that this is part of what I am supposed to do, and it is clear to Dick Thornburgh, too. Whatever comments were made and whatever implications were drawn from them, I think these all preceded a conversation I had with the Attorney General in which he understands this. And at a recent meeting of the Domestic Policy Council, he pointed out, when asked by a number of people about new directions in law enforcement, I have been told that the Attorney General said he had a number of ideas, but, of course, wanted to wait until I was confirmed, if confirmed, to see my perspective. So I think he is entirely clear on this point.

The CHAIRMAN. That is good to hear. So you do feel that you have full authority and jurisdiction to establish policies both on the supply and the demand side?

Dr. BENNETT. Yes, sir.

The CHAIRMAN. That is an important feature to those of us who have been involved in this for a long time.

Dr. Bennett, while you were at the Department of Education you frequently spoke out on issues that had nothing directly to do with your responsibilities as the Secretary of Education, not that it is not your right as an American to do that or as a Secretary to do that.

For example, you called for, as I understand it, mandatory AIDS testing for hospital patients, and you vehemently defended some of the defendants in the Iran-Contra cases, all of which is your right. I am not disputing that. But I believe that the drug issue is one that will become somewhat mired down in ideological disputes if when you are attempting to do this incredibly difficult job—that we all acknowledge you volunteered to undertake, and the President had confidence enough in you to ask you to undertake it—your plate is going to be full enough.

Do you anticipate continuing to speak out on extremely controversial issues that are outside the mission of the drug director while you are drug director?

Dr. BENNETT. I will not forswear ever doing so, but I think there is plenty to keep me busy on this beat. I do not go into this job with any sense that this is going to be something we can handle in 6 months, a year, 18 months, 24 months and that there will be lots of time left over to issue advisory opinions about other things. This will be a full-time position, and I plan to focus on it.

As I told my wife a few weeks ago, that part of my heart and soul which does not belong to my family, I will give to this job. That is it. That is my life for the next few years.

The CHAIRMAN. Let us shift gears a bit here.

I realize that you have not had the opportunity to focus in any great detail on what the pieces of the drug strategy will be, nor do I expect you to have done that. But can you share with us some portions of your philosophy about the reason we have a drug problem. Let me be more specific.

One of the issues that is going to come up and that is going to be almost impossible to legislate, is the notion of the glamorization of drugs in the entertainment industry. By that I mean on television programs, movies, plays, where drugs are still glamorized or cast in a humorous vein.

I just recently saw a play, as recently as Sunday, in my home town, a play called "Nunsense." There is a scene in there where the audience reacted hilariously to an old nun who finds a drug that is left over. She does not know what it is, and she takes it. And she is, all of a sudden, this extremely happy flying nun. The audience thought it was just hilarious, and she portrayed it incredibly well. But it also portrayed, I think, the notion that this is still a kind of funny. You know, that drugs are still a kind of humorous thing.

I made a comment to one of my staff people who I think thought I was exaggerating the part this may or may not play. I said: If someone came up to you at lunch, a friend of yours, and said, you know what, I was at a party the other evening and I never tried cocaine before but I tried it and it was good, bad or indifferent. I said: I suspect you, like most Americans, would turn to your friend and say, Charlie, you got to stop doing it. You are going to get yourself in trouble, you will lose your job, or whatever. But you are not going to stop eating lunch with Charlie.

But if Charlie came up and sat down and said, you know, this weekend I tried something new. I robbed a bank. And, boy, it was fun. You would probably stop eating lunch with Charlie.

The point I am trying to make is that I am not at all certain, but I would like to know what your view is, if you have one, on what part of the drug problem the glamorization of drugs plays, especially with our youth.

Dr. BENNETT. I do not know for sure. I guess I could say with some confidence that it plays some part. I understand you are going to have some hearings this year on this very question of why, how did we get into this, why does the individual do this. I think that is a very good idea. It will be interesting to see what comes out of those discussions.

There is no doubt that part of this issue is what we might call cultural—the kinds of signals that culture sends, the kind of signals that society sends. As we look at the strategy which you have, if I am confirmed, empowered me to recommend, 180 days. One of the things that is interesting about that strategy is that it is a national strategy; it is not just a Federal strategy. I take it it is to address this issue on all fronts. One of those fronts will have to be the world of entertainment, television, the movies; sports will be

another, and many, many other arenas where this will have to be addressed.

Without being stuffed shirts, I think it is time to draw the line in the sand on drugs. I know the play that you refer to. My wife and I were invited to see it. And although we do not like public displays of this kind, you know, drawing attention to yourself, we walked out during that scene—quietly, but we walked out. It did not seem to me right for the Secretary of Education to be sitting there enjoying that scene or to be presumed to be enjoying that scene.

There is a kind of awkwardness in doing that. You know, you feel a little bit like you are going to be misinterpreted. People will think you are trying to act holier-than-thou. But this issue, I think, at this point in time requires that kind of thing.

One of the things that will probably be significant—and I do not mean to suggest dispositive, but significant—is the kind of cultural signals we send Joe or Mary at that cocktail party you were referring to. I suppose one of the things we are going to have to do if we want to get this thing under control is to be a little less understanding and a little less tolerant of that first conversation that you described: “I took some cocaine last week.”

The kind of action an individual might want to take on the basis of that will be that individual’s judgment, but one of the things that we have to do is bring home to everyone what the consequences are of casual—what is called casual—use of cocaine; how the person who uses cocaine in the so-called casual or recreational way is reaping the whirlwind of violence, murder, and other things; and how, as the First Lady has said appropriately, that person is an accessory to some of the worst things going on in our society.

There is not much funny about that.

The CHAIRMAN. Why did you want this job?

Dr. BENNETT. Because I thought there was a chance with this job of doing something positive about this problem. That is I guess the first and largest reason.

I do not know. I am not much good at self-analysis. I have a young child; I have another one coming. As Secretary of Education, we were making all sorts of proposals for the reform and improvement of schools, and, as you are doing so, you occasionally ran into somebody who said: Maybe my school is getting better, but I do not want my child to go to school because I do not want her out on the street because of the pushers. What is the point of all the education reform? What is the point of better teachers, better curriculums, all these things, if some percentage of this population, kids, are either going to be taking drugs or be threatened by drugpushers—or now, I suppose, the unhappiest numbers of all, some significant percentage of babies are going to be born addicted to cocaine?

Doctors, researchers do not know yet for sure what that is going to mean, but we know it is not going to be good.

The CHAIRMAN. In terms of performance of this job as you understand the requirements, what do you see as your greatest weakness?

Dr. BENNETT. My greatest weakness?

The CHAIRMAN. I am not asking you to look into your character. I do not mean that. What is your greatest weakness in terms of

being prepared to take on this job? And how are you going to move to deal with that?

Dr. BENNETT. This is not about character? This is about résumé?

The CHAIRMAN. No, no. Look, I have been through that. I assume you quote everyone accurately.

Dr. BENNETT. Yes.

The CHAIRMAN. Because I am very tough on that these days. [Laughter.]

Dr. BENNETT. I will be very sure to quote you accurately.

The CHAIRMAN. That is right. No; I respectfully request or suggest for your own interest to quote everyone accurately.

Dr. BENNETT. Yes, sir.

The CHAIRMAN. My problem is I quoted them accurately, but on one occasion forgot to mention their name.

But all kidding aside, let me put it a slightly different way. It seems to me that there is a requirement that whoever has this job has a solid sense of what the law enforcement needs are and what the prospects are for educational programs to work—that is, educating our children not to consume drugs in the first place—and some expertise in the area of treatment, so that when recommending whether or not we spend dollars toward the attempt to rehabilitation we have some notion of whether there is a prospect of it working; and maybe, at least from my perspective, the prospect that that person would be acquainted with or potentially have some expertise in the area of medical research on the cutting edge of the possibilities that may exist out there for maybe follow-ons for cocaine, as there were in heroin for methadone; or maybe even something much bolder.

Let us assume that there was a sufficient body of medical research that suggested that it was theoretically possible to develop a vaccine that would permanently vaccinate a child against the prospects of feeling the impact or the effects of heroin or cocaine or a particular drug. That may be a bizarre notion. But it would seem to me that there is going to have to be a lot more emphasis on the medical research side, at least from this Senator's perspective.

Dr. BENNETT. Right. I understand.

The CHAIRMAN. Just to name a few of the areas.

Now, I lack expertise in half the areas I mentioned, maybe all of them. But where do you see the place where you are going to need the most help to be able to put together what you believe would be the best game plan for dealing with this issue?

Dr. BENNETT. Fair enough. I guess I could answer that best by thinking over the last 2 weeks where I have gone to look, to read. That tells you something about where you think your deficits are.

I think my learning has improved considerably, even in that period of time. But I suppose starting with the last one, the whole are of the pharmacological aspects the psycho-pharmacological aspects, how these things work, how drugs work, how they stimulate the pleasure center or the nervous system, this is an area I need to know more about. I certainly will not become an expert. I do not have the time to go to graduate school or medical school to do that. But I will certainly want to be learning a lot and listening to a lot of people who are expert.

I made a point of trying to talk to some of the people in the field who know about this already: Robert Dupont and Peter Benziger and Dr. Lee Dogoloff, and I am seeing Dr. Jaffee and other people who can explain this aspect of things to me.

The second part of it, I feel pretty comfortable in the education side, I guess for obvious reasons. There are things there I do not know, but I feel pretty confident with. I actually feel pretty confident in the law enforcement side because I did go to law school, studied a fair amount of criminal law, follow it pretty well. I have done some work with the police over the years. In the last couple of weeks, I have met with a lot of cops, police officers, and chiefs. That is one area we will certainly want represented in the hierarchy of the office, someone with field law enforcement experience.

An area I guess that I need some greater sophistication in, and where I also need some help on the staff, will be a certain aspect of, if you will, foreign affairs or foreign policy or the supply side of the equation. I need to know more about how certain things work or, indeed, how certain things fit together: the concerns of the State Department, concerns of what we know from the intelligence community, the interests and concerns of the Defense Department and the like.

That is, when you start looking at the countries in Latin America which are intimately, deeply connected with this problem, I want to know more than I know now about the dynamics. What is going on there? What do we know? How do we find out? What are the levers of change in those countries? What are the levers of change outside those countries? So that is an area where I need to improve my learning as well.

The CHAIRMAN. One last question, my time being up, and I will come back in the second round. Is it your intention to bring into one of the two major posts that you have for appointment purposes someone who has law enforcement experience and experience and knowledge of the bureaucratic difficulties that exist among law enforcement agencies?

Dr. BENNETT. Yes. The really honest answer to you—I have been wrestling with this, Mr. Chairman. I think you will appreciate instantly why—is that you can map out about three or four or five profiles of the kind of people you would like to have: the kind of person you just described, somebody with the kind of experience in these foreign countries that I described, somebody with the pharmacological and medical background, some real good budget and bureaucratic in-fighters and people who will read those charts for certification and know exactly what it is you are looking at.

And the problem is there are only three deputies: two deputies, one for supply, one for demand, and an associate. I am now thinking more in terms of five major people to cover those five areas. If we could find three people who have all of those somehow combined, that is fine. But certainly we need a significant person in a position of leadership with that kind of law enforcement bureaucratic experience in the bureaucracy but law enforcement background, yes, sir.

The CHAIRMAN. I will come back to it.

I yield to my colleague from Massachusetts, Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman.

Just in the opening comments, I raised some of the areas of what I consider to be the principal areas. I do not know whether Mr. Bennett wants to make any response. Otherwise, I will be glad to get into it.

Secretary Bennett, you have written a number of memoranda on the whole drug issue when you were the Secretary of Education, and I do not know whether they have been made a part of the record, Mr. Chairman. I would like to have those included as a part of the record.

The CHAIRMAN. Without objection.

[Not available at presstime.]

[The information follows:]



UNITED STATES DEPARTMENT OF EDUCATION  
THE SECRETARY

JUL 3 1963

**Memorandum for the Vice President**

You asked during our meeting for my thoughts on what further steps the Administration might consider taking in the fight against illegal drug use. I enclose: 1) a copy of the general memorandum on this issue Don Regan asked me to prepare a few weeks ago; 2) a copy of a memorandum from my chief of staff to Cabinet Affairs which provides one example of a possible way to get out front on this issue; and 3) a list of proposals the Administration could consider, some of which are already before the Congress.

William J. Bennett

Enclosures

*P.S. Thanks for the time I enjoyed  
our session. As usual my best to Mrs. B.!*



UNITED STATES DEPARTMENT OF EDUCATION  
THE SECRETARY

June 18, 1986

Memorandum to Donald T. Regan  
Chief of Staff

This memorandum responds to your request for an elaboration of my view of the situation facing the Administration with respect to the drug problem.

**A. The Problem.**

1. There is no doubt that the Administration has made major efforts in the battle against drugs, efforts we can point to with pride. But even though it is hard to get firm data on the exact magnitude of the problem, the fact remains: drug use is at an unacceptably high level in the United States.

- o According to DEA, 10 to 25 percent of the U.S. population now regularly uses drugs.
- o 61 percent of our high school seniors have tried an illicit drug; 41 percent have used drugs other than marijuana.
- o In some areas the use of cocaine, particularly in the form known as crack, has been increasing so fast that it is outpacing all prevention and rehabilitation efforts.

2. Public alarm about the drug problem is growing. For example, in an editorial last week entitled "The Plague Among Us," Newsweek announced plans "to cover [the drug problem] as a crisis, reporting it as aggressively and returning to it as regularly as we did the struggle for civil rights, the war in Vietnam and the fall of the Nixon presidency."

3. The complexity of the issue and the complications of federalism notwithstanding, the American people will expect the Federal Government to lead the fight against this national threat. We should expect that our Administration's efforts will be subject to close examination -- and, whatever the merits, to criticism. I expect that we will increasingly hear that:

- o American foreign policy, particularly in Central America, has failed to make effective action against drug production and trafficking abroad a sufficiently high priority.

Page 2 - Donald T. Regan

- o The Federal Government has not vigorously used the considerable legal authority it does possess to fight drugs, and it has failed to provide sufficient assistance and resources for effective enforcement at the Federal, State, and local levels.
- o Federal support of effective drug prevention measures has been inadequate.

These charges are in some ways and to some degree unjust. To the extent that this is so, we must do a better job of explaining what we are doing. We must be prepared to give a clear and coherent answer to the simple question: "What is the Administration's plan for winning the war against drugs?" It is, therefore, time for a fresh assessment of whether the Administration can or should be doing more.

**B. Department of Education Efforts.**

1. Our children are alarmed by the drug problem confronting them, and they are seeking more forceful action by adults:
  - o Teenagers view drugs as the single biggest problem they face today. Their concern has increased steadily in recent years:
    - 40 percent call it the most serious problem they face.
    - By comparison, 2 percent identify nuclear war and 3 percent identify financing college as the biggest problem teenagers face.
  - o 80 percent of teens believe that law enforcement against the sale and use of drugs is not tough enough.
2. In September, we will publish a second "What Works" report. This report, Schools Without Drugs, will tell parents, students, teachers, and administrators how they can get drugs out of our schools; and it will include some instructive success stories.
3. We will follow this publication with a sustained and coherent set of activities to assist parents and others in making their children's schools drug-free.

Page 3 - Donald T. Regan

**C. Administration Efforts.**

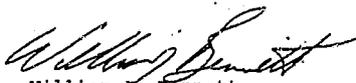
1. The Administration should reassess its current efforts and consider whether additional steps are needed.

2. We should review existing policies and current legislative and budgetary proposals to develop a more comprehensive and aggressive strategy to attack drugs.

- o We could consider once again a wide variety of measures that would improve our ability to curtail the production of illegal drugs and to interdict drug shipments.
- o We could review our enforcement of existing Federal laws -- such as laws making it a Federal crime to sell to minors -- and the resources we are devoting to such enforcement.
- o We could review the push for pending legislative proposals, such as those to curb money laundering and to allow the forfeiture of assets gained through illegal drug sales; and we could consider new proposals.

3. Above all, the Administration should send a clear, consistent, message on behalf of our society: drug use will not be tolerated. We should make clear that drugs pose a serious threat to our well-being, and that we can and will meet this threat.

4. The President could signal the start of a major new Administration effort. He could announce that he has instructed all Departments to report to him what they are doing to fight drugs, and to prepare new proposals -- administrative, legislative, and budgetary -- for extending their efforts. In particular, he could ask that senior members of the Administration personally commit themselves to the battle against drugs as a top priority within their areas of responsibility, following the outstanding example of Mrs. Reagan.



William J. Bennett

cc: Alfred H. Kingon



UNITED STATES DEPARTMENT OF EDUCATION  
WASHINGTON, D.C. 20202

June 26, 1986

OFFICE OF THE SECRETARY

MEMORANDUM

TO : Rick Davis  
Associate Director,  
Cabinet Affairs

FROM : William Kristol *WK*  
Chief of Staff/Counselor  
to the Secretary

SUBJECT: Initiative Against Drugs in the Schools

The Administration has been looking for ways to seize the initiative in dealing with the illegal drug problem. As you know, we will be publishing Schools Without Drugs in September. But we think we have come upon another way for the Administration to get out front on this issue right now, with a proposal that will make a difference and cost no new money.

- (1) As you know, there is large and growing public, media and congressional concern over illegal drugs. A great deal of this attention has been focused on the need to reduce the demand for drugs through more effective education. Just yesterday, for example, Reverend Jesse Jackson, Congressman Charles Rangel, and Congressman Benjamin Gilman held a press conference using the overdose death of Len Bias to attack the Administration for inadequate support for drug abuse education programs.
- (2) There are a number of legislative proposals now moving through the Congress that would effectively break up our Chapter 2 block grant to the States for elementary and secondary education. Since its inception in 1981, the Chapter 2 block grant has been the target of numerous congressional efforts to reinstate separate categorical programs. Those efforts are gaining momentum -- a bill to do this has already passed the House unanimously and a companion proposal is pending in the Senate. If we move now, we can turn this potential setback to our advantage by declaring war on drugs in the schools and using Chapter 2 as the vehicle.

Page 2 - Rick Davis

- (3) We suggest that the Administration introduce substitute legislation for one of the bills moving through the Congress. Our legislative proposal would entail a \$50 million setaside from the \$500 million Chapter 2 block grant program to get drugs out of schools. It would have the following characteristics:
- o While most of the relevant drug-education proposals now before the Congress stress merely courses and curricular materials, ours would stress prevention. This would include not only education, but also assistance for developing and enforcing tough disciplinary policies in the schools.
  - o The bulk of the money would go to local school districts, with a lesser amount to States for State-level projects, as in the current Chapter 2 block grant. There would also be a portion administered by the Department for national prevention demonstration programs and research.

We would appreciate Cabinet Affairs' judgment on this proposal.

POSSIBLE ADMINISTRATION ACTIONS TO COMBAT ILLEGAL DRUGS

1. The Supply

- o Ensure that stopping the production and trafficking in drugs by other countries is a high foreign policy priority.
- o Call an emergency meeting of the representatives of the relevant nations and seek a commitment to tough new measures; make clear that if voluntary cooperation is not forthcoming, sanctions may well follow.
- o Provide more aid to allies working to combat drugs, including technical and personnel support from both civilian and military sources.

2. Enforcement

- o Amend the Controlled Substance Act and the Controlled Substance Import and Export Act to provide mandatory penalties for certain drug offenses.
- o Create mandatory life sentences for selling controlled substances to a minor or for involving a minor in the sale, production, distribution, or transport of such substances.
- o Seek legislation requiring minimum mandatory bail for certain drug offenses and improving legal means to attack money laundering associated with drug trafficking.
- o Create an expanded nationwide intelligence gathering system for illegal drug activities with hotline numbers in each community.

3. Prevention and Education

- o Target federal funds on increasing school security and prevention measures against drugs (we are talking to the White House about increasing Department of Education funding in this area).
- o The Federal Comprehensive Crime Control Act of 1984 provides for the inclusion of "Victim Impact Statements" in the presentencing of criminals convicted of drug trafficking. Encourage more community groups to use this provision.

- o Administration leaders could follow the lead of Mrs. Reagan and directly address students on the issue of drugs, visiting schools to address assemblies and individual classes. This would do much to support student opinion against drug use and strengthen peer pressure against drugs.
- o Call upon citizens to turn in pushers and to stop tolerating drug use.
- o Call upon private sector groups to:
  - initiate and sponsor a public service campaign against drug use, particularly by children.
  - adopt a school and help it implement effective drug prevention efforts.
  - make drug use a top agenda item for all professional organizations: distribute information; implement policies to combat drugs use; and work with law enforcement.



## UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

March 21, 1988

CONFIDENTIAL

MEMORANDUM FOR TOM C. GRISCOM  
 Assistant to the President  
 for Communications and Planning

SUBJECT: Drug Policy

As a follow-up to my earlier memorandum to Ed Meese you asked for my thoughts on what we should do to make a better case for our efforts against illegal drugs.

I do not believe we can defend our position merely by more aggressively placing our record before the public. This just won't sell. We have done a lot, and much of the credit for what we have done belongs to Ed Meese. Nonetheless, our case is hard to make for two reasons: 1) we are not solving the drug problem -- in particular, the consumption of cocaine and crack has greatly increased on our watch; and 2) we are not doing all we can to reduce the drug trade.

I know that some will say all that can be done has been done regarding the use of the military and our intelligence resources. But I do not agree. I understand the military's reluctance to enter this area; they have been burned and want to avoid an unclear and open-ended responsibility that could get them burned again. Nevertheless we must do more and I believe we can do more on the supply side using military resources. Getting tougher on supply is a necessary part of getting tougher on demand.

TWO IMMEDIATE STEPS

1. We must create a clear, coherent plan for reducing the drug trade that we can effectively present in public. Without such a plan we are in a losing position every time our critics raise the issue. The public is convinced of the President's and Mrs. Reagan's deep concern about the drug problem, but that does not mean they are convinced the rest of the Administration has done all it should have done. When pressed, our spokesmen generally claim we are working to reduce both supply and demand without

demonstrating that we have realistic plans for substantially reducing either. And it is not enough to say simply that we have spent more money on this problem than any other Administration.

2. It is time to get off the defensive and take the initiative away from our opponents. This Wednesday, March 23rd, Senators DeConcini and D'Amato will introduce a new omnibus anti-drug bill with a variety of provisions, most of which I think we should support. Why not announce Administration support for the broad principles embodied in the bill when it is introduced? We can work to improve the legislation as it moves through Congress, but we should get out front on this issue and completely remove the charge that we are complacent about the sufficiency of our present efforts against drugs.

Creating a defensible account of our policy and aggressively supporting a major Congressional legislative proposal to strengthen anti-drug efforts are two immediate things I think we should pursue.

I would be happy to discuss these proposals at greater length if you wish, and I am enclosing a summary of the DeConcini-D'Amato bill.



William J. Bennett

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FRANCIS J. SULLIVAN STAFF DIRECTOR  
 JOHN ELLIOTT SULLIVAN STAFF DIRECTOR

## United States Senate

COMMITTEE ON APPROPRIATIONS  
 WASHINGTON, DC 20510-6025

March 17, 1988

Dear Colleague:

On Wednesday, March 23, 1988 we will introduce the "Omnibus Anti-Drug Abuse Act of 1988" -- a comprehensive bill that will attack the national drug abuse and drug trafficking problem on multiple fronts. We hope that you will join us in resurrecting the momentum of the successful, bipartisan Anti-Drug Abuse Act of 1986 (P.L. 99-570) and cosponsor this important follow-on legislation.

The bill that we will introduce next Wednesday contains a number of new, innovative and balanced approaches to addressing both the demand and supply sides of the narcotics problem. A detailed summary of the bill is attached for your reference, but here are a few of the highlights of what this important legislation does:

- Resurrects and streamlines the State and Local narcotics control grant program by providing \$1.5 billion over 3 years, including \$250 million next year, to help State and local law enforcement agencies attack the drug problem where it is most acute -- at the local level;
- Provides \$600 million over three years for a new international economic incentive grant program to encourage drug source countries, particularly in Latin America, to eradicate 40 percent of their illicit drug crops over a three year period;
- Launches a major frontal assault on the demand side of the drug threat, by providing an additional \$485 million over the President's budget next year for alcohol and drug abuse bloc grants, including, for the first time, authority to spend up to 40 percent of these grants for construction of new and renovation of existing alcohol and drug treatment facilities;
- Increases the President's drug education effort by \$50 million in fiscal 1989 and tightens controls so that the most effective and innovative programs are funded and closely monitored.
- Increases funding authorization for additional drug enforcement personnel, drug interdiction assets, and operations money for the Coast Guard, the D.E.A., the Customs Service, Border Patrol, and other law enforcement bureaus; and

(2)

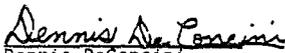
- ° Authorizes, for the first time, \$400 million over three years for direct assistance to State and local governments for construction of new jails and prisons and aid to eliminate jail overcrowding (80-20 matching program/Federal-State)

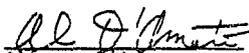
It is our hope that the House and Senate leadership will move promptly to take up this omnibus drug bill at the earliest opportunity this Spring so that the Budget Committees, the Appropriator Committees, and the appropriate authorizing committees can incorporate the provisions of this bill into their legislative plans for fiscal year 1989 and beyond. We believe that our bill hits every important aspect of the anti-drug effort and carefully allocates resources between the supply and demand sides of the drug problems.

On March 23rd, at 2:00 P.M. in Room SD-192, Dirksen Senate Office Building, we will be holding a press conference following the introduction of the bill. You are, of course, cordially invited to attend and participate in that event. If you or your staff have any questions about the bill or our strategy for moving this legislation through the Congress this year, please call on us or the following members of our staffs: Bobby Mills of Senator DeConcini's Appropriations staff, 4-6280; Tim Carlsgaard of Senator DeConcini's staff, 4-4521; or Morgan Hardiman of Senator D'Amato's staff, 4-6542.

We look forward to your cosponsorship and participation in the Wednesday press conference.

With best wishes.

  
Dennis DeConcini  
United States Senator

  
Alfonse D'Amato  
United States Senator

Summary Analysis of the Omnibus Anti-Drug Abuse Act of 1988

## Title I-- Drug Enforcement and Personnel Enhancement

## Subtitle A. Asset Forfeiture Fund Amendments Act of 1988.

- makes certain changes to the Treasury and Justice Department Asset Seizure funds to allow those funds to be more easily provided to state and local agencies which contributed to the seizure
- allows some of those funds from the Justice account to be used for prison construction.
- removes caps from those funds and takes the use of those funds off-budget.

## Subtitle B. State and Local Narcotics Control Assistance.

- authorizes the Bureau of Justice Assistance (which expires this year) and requires that the BJA Administrator be appointed by the President with the advice and consent of the Senate
- requires each state to submit a "master" plan or strategy which encompasses demand reduction, education, and law enforcement programs and delineates 30 different purposes for which these funds can be used
- establishes an expedited grant system for metropolitan areas with a population over 500,000.
- provides accountability by implementing reporting and feedback requirements (providing funds to carry out the same), while identifying those programs which are successful, with the intent of encouraging similar programs.
- sets up a three-year approach by which a program funded in the first year would receive the same funding for the following two years, and authorizes \$250 million the first year, \$500 million the second year, and \$750 million in the third year.
- authorizes \$100 million in fiscal 89, \$150 million in fiscal 90, and \$200 million in fiscal 91, for criminal justice facility construction for state and local governments.

## Subtitle C. Chemical Diversion and Trafficking Act of 1988.

- identical to S1861, a bill to suppress the diversion and trafficking of precursor chemical and other chemicals used in the illicit manufacture of controlled substances.

## Subtitle D. Comprehensive Federal Law Enforcement Officer Improvements Act of 1988.

- makes certain provisions for law enforcement officers, including increased death benefits for all federal, state, and local officers.
  - establishes a National Advisory Commission on Law Enforcement to report to the President within six months.
- Subtitle E. Deportation of Convicted Foreign Drug Inmates.
- provides for the deportation of "violent criminal aliens" who have been convicted of an aggravated violent felony, while providing safeguards.

**Subtitle F. Customs Enforcement Amendments Act of 1988**

-- provides for the inspection of vessels by Customs officers under certain conditions on the high seas.

-- clarifies current law regarding transfer of seized assets to contributing state and local law enforcement agencies and foreign governments.

-- authorizes the Secretary of State to revoke the passport of any individual convicted of a felony narcotics violation.

**Subtitle H. Authorization of Additional Appropriations for Drug Enforcement Personnel, Fiscal Year 1989**

-- Coast Guard. \$45 million and 800 FTE's above the

President's request.

-- Border Patrol. \$20 million and 500 FTE's above

President's request.

-- INS. \$3 million and 50 criminal investigator FTE's above

President's request.

-- ATF. \$8 million and 140 FTE's over President's request, including 10 FTE's to establish a Bureau of Alcohol, Tobacco, and Firearms Drug Educations officers program, and certain reimbursements for state and local personnel.

-- DEA. \$60 million and 224 FTE's above the President's request, including five FTE's for program similar to above.

-- FBI. \$38 million and 400 FTE's above the President's request, including five FTE's for program similar to above.

-- Marshals Service. \$73.8 million above the President's request to be used as follows:

1) \$11.5 and 230 FTE's for asset seizure and forfeiture activities

2) \$30.7 and 20 FTE's for jail cell renovations including Cooperative Agreement Program projects.

3) \$10 million and 188 FTE's for criminal justice support activities.

4) \$6.2 million and 104 FTE's for protection of the federal judiciary and federal courts due to increased drug-related trials.

5) \$4.6 million and 60 FTE's for Witness Security Program.

6) \$10.8 and 139 FTE's for fugitive programs.

**Subtitle I.**

-- authorizes \$150 million for new federal prison construction

**Subtitle J.**

-- authorizes rewards for information on narcotics fugitives

-- prohibits dangerous weapons in federal courthouses

-- establishes Marshals Service offices in foreign countries for fugitive apprehension programs

-- authorizes payments to state and local jurisdictions for the housing and care of persons in Marshals Service custody.

**Title II. International Narcotics Control and Assistance to Foreign Countries**

**Subtitle A. International Drug Eradication Improvement Program**

- establishes an International Special Operations Drug Eradication Squadron within State for use in source countries.
- authorizes an additional \$12 million for the procurement of aircraft, equipment, O&M, and salaries and expenses for the Squadron
- requires the Secretary of State to establish strict criteria and guidelines for employing the squadron.

**Subtitle B. International Narcotics Matters Improvement and Special Assistance Programs.**

- establishes a three-year grant program under AID for source countries which meet specific eradication goals (15 percent verifiable in the first year, 40 percent by the third year to be determined by DEA)
- authorizes \$200 million for the program for each of the three years
- directs the Comptroller General to monitor the program, and provides for a panel of Administration and Congressional representatives to assess the program after three years.

**Subtitle C. Amendments to Foreign Assistance Act of 1961, as Amended.**

- implements certain changes to the reporting requirements of the Act concerning the cooperation of source and transshipment countries in narcotics control.

**Subtitle D. International Narcotics Matters Authorization of Appropriations.**

- authorizes \$138 million in the first year and \$150 million for the second year for INM
- \$500,000 to be used for coca eradication research
- \$900,000 to provide protective equipment for aircraft used in narcotic eradication and interdiction efforts in source or transshipment countries upon notification of Congress
- \$2 million to be used for training in foreign countries relating to narcotics control
- allows funds withheld from non-cooperating countries to be used for narcotics control in cooperating countries.
- provides certain assistance for Bolivia; limits amount of funds which can be made available to Mexico; provides other foreign assistance programs involving education and reporting.

**Subtitle E. Latin American Anti-Drug Strike Force**

- creates within State an Ambassador at Large and Coordinator for Western Hemisphere Anti-Drug Efforts
- directs the Joint Chiefs of Staff to develop a plan for a Latin American strike force to eradicate and interdict narcotics in the Western Hemisphere (outside the U.S. and its territories)

-- would involve Latin American personnel using U.S.-provided resources

**Title III. Drug Interdiction Asset Improvement and Enhancement.**

**Subtitle A. Coast Guard.**

-- provides \$186 million for marine and air interdiction assets and for O&M.

**Subtitle B. Customs.**

-- provides \$110 million for Air Interdiction assets and \$15 million for salaries and expenses.

**Subtitle C. Department of Defense.**

-- provides \$75 million for four aerostats, \$15 million for surveillance flights and related purposes, and \$10 million for assets in establishing the Latin American Strike Force.

**Subtitle D. DEA.**

-- provides \$84 million for the establishment of an International Drug Interdiction helicopter force similar to OPBAT; \$4 million will go to EPIC for enhancing tactical intelligence.

**Subtitle E. INS/Border Patrol**

-- \$10 million for Border Patrol equipment.

**Subtitle F. Establishment of Interagency Southwest Border Drug Interdiction Mobile Corridor Task Force.**

-- provides \$15 million for 100 Border Patrol, 25 Customs, and 25 DEA agents assigned to two mobile corridor operations forces, with line authority given to joint commanders.

**Subtitle G. U.S.-Bahamas Drug Interdiction Task Force.**

-- authorizes \$13 million for joint efforts.

**Subtitle H. Special Drug Interdiction Support.**

-- authorizes grant programs for procurement of assets to Puerto Rico (\$7 million), Jamaica (\$7 million), Dominican Republic (\$5 million), Hawaii (\$7 million).

**Title IV. Demand Reduction.**

**Subtitle A. Treatment and Rehabilitation.**

-- authorizes \$20 million for grants to emphasize community based residential treatment services such as halfway houses and therapeutic communities, including the purchase of land and construction of facilities.

**Subtitle B. Alcohol and Drug Abuse Treatment and Rehabilitation Act of 1988.**

-- authorizes \$558 million in first year, and \$583 million in the second year, and \$608 million in the third year for Alcohol, Drug Abuse and Mental Health Bloc Grant program

-- authorizes \$600 million in the first year, \$625 million in the second year, \$650 million in the third year for Substance Abuse Emergency Drug Treatment Programs.

**Subtitle C. Drug-Free Schools and Communities Act Amendments of 1988.**

-- authorizes \$300 million in the first year, \$350 million in the second year, and \$350 million in the third year with specific reporting and accountability requirements.

**Title V. National Drug Enforcement Agency Reorganization and Coordination.**

**Subtitle A. National Border Coordination and Reorganization Act of 1988.**

-- establishes Office of Enforcement and Border Affairs within the Department of the Treasury, and places Coast Guard and Customs within that office.

**Subtitle B. Department of Defense Drug Interdiction Reorganization.**

-- establishes within ISA a Deputy Assistant Secretary for International Drug Interdiction and Enforcement with the overall duty of DoD drug interdiction and enforcement activities.

**Subtitle C.**

-- establishes Senate Select Committee on Narcotics

**Title VI. Research and Development for Law Enforcement Agencies**

**Subtitle A. Establishment and Development Programs to Assist Federal Law Enforcement Agencies.**

-- directs the establishment of a Research and Technology Group under the National Drug Policy Board and creates an advisory board to report to the Group

-- designates 10 existing facilities under the Departments of Defense, Justice, and Energy and other agencies as "National Technology Development Centers" to develop technologies for federal law enforcement applications.

**Subtitle B. Cargo Container Drug Detection Research and Development.**

-- authorizes \$5 million for developing technology.

**Title VII. Drug Enforcement Training Improvement.**

**Subtitle A. The Federal Law Enforcement Training Center Improvement Act of 1988.**

-- expands and improves the Federal Law Enforcement Training Center, and provides an additional \$10 million for fiscal 89, a total of \$45 million in fiscal 90, and a total of \$50 million in fiscal 91.

**Subtitle B. Department of Justice Training Facilities Improvement Act of 1988.**

-- provides an additional \$10 million for existing Justice facilities, and \$10 million for new facilities.

**Subtitle C.**

-- provides a total of \$11 million to establish a foreign language training program for special agents of federal civilian drug enforcement agencies within the Departments of Defense and State.

**Subtitle D. Special Training Centers.**

-- provides \$10 million for the establishment of a National Training Center in El Reno, Oklahoma, to train Federal, state, and local prison officials in drug rehabilitation programs targeted to criminals convicted of drug-related crimes.

**Subtitle VIII. Drug Testing in the Private Workplace.**

-- requires that laboratories performing drug testing for the private workplace meet certain minimum standards, and that no action be taken against an employee or applicant based on a test from a laboratory not meeting those minimum standards.

**Title IX. Congressional Policy Regarding Additional Funding For Fiscal Year 1989 For Anti-Drug Abuse Programs.**

-- provides for the continuity of funding for the programs authorized in the Act.



## UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

March 28, 1988

OS-9

MEMORANDUM FOR JOHN C. TUCK  
 Executive Assistant to the Chief of Staff  
 and Deputy Assistant to the President

SUBJECT: Drug Policy

Thank you for sending a copy of Tom Griscom's Drug Initiative Plan. I continue to believe that we can seize the initiative on this issue if we acknowledge the serious nature of the drug problem today, despite the expansion of our efforts since 1981, and if we present a credible plan to face the current problem. But if we merely defend our record and give more publicity to carrying out existing policies, the problem will worsen and political damage will increase. The Administration has two great strengths in regard to the drug issue: 1) we have a real record of achievement as a foundation for further initiatives; and 2) we can quickly put our critics on the defensive by proposing the tough measures we need, measures that most of the critics will find it difficult to embrace.

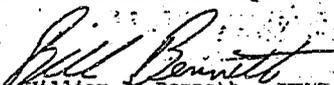
I enclose my March 21st memorandum to Tom Griscom with suggestions for two immediate steps we could take on the drug issue -- one of which concerns the DeConcini-D'Amato bill. I believe the new draft initiative you sent contains some good ideas and should be developed in more detail. I remain convinced that the problem we face is a policy problem, more than a public relations problem, and a new initiative should be explicit in its policy objectives. For the sake of clarity, I recommend presenting a new policy in terms of four areas -- production, shipment, sale, and use -- with coordinated and aggressive proposals in each area. Such a plan should be the heart of any new initiative.

In more specific terms, the education proposal on the last page of the draft initiative should be modified. We already have a program urging schools and communities to put in place comprehensive drug prevention programs. It is called "Schools Without Drugs: The Challenge", it is supported by a major public service campaign, and it has been enlisting schools nationwide since its start last fall. Washington, D.C. is about to enlist all its schools in the program, which requires parent involvement and closer cooperation between schools and

local law enforcement. We could call more attention to "The Challenge" program, and consider a presidential mention of the emergency federal grant program I announced last December for schools with an immediate need for resources to combat drugs. I am enclosing information of both of these programs.

My staff also is renewing with Justice an earlier proposal for creating a joint hotline to fight drugs in schools. The plan would allow educators, parents, or other members of a community to call for help. Education and Justice, in cooperation with the chiefs of police and others would then seek to provide assistance where it is needed. We can help with both prevention and enforcement efforts, using the considerable legal and programmatic resources already in place. I see no reason why we cannot hash out the necessary arrangements for this proposal quickly, if it is approved.

I hope these suggestions are helpful and that you will let me know if you would like further information on these topics.

  
William J. Bennett

Enclosures



UNITED STATES DEPARTMENT OF EDUCATION  
THE SECRETARY

June 18, 1986

Memorandum to Donald T. Regan  
Chief of Staff

This memorandum responds to your request for an elaboration of my view of the situation facing the Administration with respect to the drug problem.

A. The Problem.

1. There is no doubt that the Administration has made major efforts in the battle against drugs, efforts we can point to with pride. But even though it is hard to get firm data on the exact magnitude of the problem, the fact remains: drug use is at an unacceptably high level in the United States.

- o According to DEA, 10 to 25 percent of the U.S. population now regularly uses drugs.
- o 61 percent of our high school seniors have tried an illicit drug; 41 percent have used drugs other than marijuana.
- o In some areas the use of cocaine, particularly in the form known as crack, has been increasing so fast that it is outpacing all prevention and rehabilitation efforts.

2. Public alarm about the drug problem is growing. For example, in an editorial last week entitled "The Plague Among Us," Newsweek announced plans "to cover [the drug problem] as a crisis, reporting it as aggressively and returning to it as regularly as we did the struggle for civil rights, the war in Vietnam and the fall of the Nixon presidency."

3. The complexity of the issue and the complications of federalism notwithstanding, the American people will expect the Federal Government to lead the fight against this national threat. We should expect that our Administration's efforts will be subject to close examination -- and, whatever the merits, to criticism. I expect that we will increasingly hear that:

- o American foreign policy, particularly in Central America, has failed to make effective action against drug production and trafficking abroad a sufficiently high priority.

Page 2 - Donald T. Regan

- o The Federal Government has not vigorously used the considerable legal authority it does possess to fight drugs, and it has failed to provide sufficient assistance and resources for effective enforcement at the Federal, State, and local levels.
- o Federal support of effective drug prevention measures has been inadequate.

These charges are in some ways and to some degree unjust. To the extent that this is so, we must do a better job of explaining what we are doing. We must be prepared to give a clear and coherent answer to the simple question: "What is the Administration's plan for winning the war against drugs?" It is, therefore, time for a fresh assessment of whether the Administration can or should be doing more.

**B. Department of Education Efforts.**

1. Our children are alarmed by the drug problem confronting them, and they are seeking more forceful action by adults:

- o Teenagers view drugs as the single biggest problem they face today. Their concern has increased steadily in recent years:
  - 40 percent call it the most serious problem they face.
  - By comparison, 2 percent identify nuclear war and 3 percent identify financing college as the biggest problem teenagers face.
- o 80 percent of teens believe that law enforcement against the sale and use of drugs is not tough enough.

2. In September, we will publish a second "What Works" report. This report, Schools Without Drugs, will tell parents, students, teachers, and administrators how they can get drugs out of our schools; and it will include some instructive success stories.

3. We will follow this publication with a sustained and coherent set of activities to assist parents and others in making their children's schools drug-free.

Page 3 - Donald T. Regan

**C. Administration Efforts.**

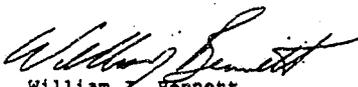
1. The Administration should reassess its current efforts and consider whether additional steps are needed.

2. We should review existing policies and current legislative and budgetary proposals to develop a more comprehensive and aggressive strategy to attack drugs.

- o We could consider once again a wide variety of measures that would improve our ability to curtail the production of illegal drugs and to interdict drug shipments.
- o We could review our enforcement of existing Federal laws -- such as laws making it a Federal crime to sell to minors -- and the resources we are devoting to such enforcement.
- o We could review the push for pending legislative proposals, such as those to curb money laundering and to allow the forfeiture of assets gained through illegal drug sales; and we could consider new proposals.

3. Above all, the Administration should send a clear, consistent, message on behalf of our society: drug use will not be tolerated. We should make clear that drugs pose a serious threat to our well-being, and that we can and will meet this threat.

4. The President could signal the start of a major new Administration effort. He could announce that he has instructed all Departments to report to him what they are doing to fight drugs, and to prepare new proposals -- administrative, legislative, and budgetary -- for extending their efforts. In particular, he could ask that senior members of the Administration personally commit themselves to the battle against drugs as a top priority within their areas of responsibility, following the outstanding example of Mrs. Reagan.

  
William J. Bennett

cc: Alfred H. Kingon



## UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

March 14, 1988

MEMORANDUM FOR EDWIN MEESE III

SUBJECT: Drug Policy

This Administration has done a great deal to fight the drug problem. The President and Mrs. Reagan have personally led a major change in national attitude toward illegal drug use. You have worked tirelessly to coordinate our efforts against illegal drugs, and the National Drug Policy Board has done much of what such a Board can do.

MANAGEMENT STRATEGY

But the nature of policy-making by a Board tends to limit what can be done. Instead of taking a comprehensive look at the problem and deciding what needs to be done, a Board tends to adapt its activity to the desires and capacities of the participating agencies, and tends to take as given current institutional boundaries and preferences. (I realize there have been some exceptions to this.) The tendency is to end up with an agglomeration of decisions by different agencies, rather than an overarching plan leading to directives derived from such a plan to each of the agencies.

Because of this, our actions against the drug problem have not directly followed from a comprehensive assessment of the threat. We have addressed areas of the problem within the limits of commitments that can be negotiated among participating agencies facing competing demands on their resources. These limits sometimes restrict effective planning and operational management. In some areas resources are lacking, and in others we do not respond quickly to tactical challenges. Where resources and tactical freedom are granted, it is for particular operations of limited scope and duration. What we need is a comprehensive plan for substantially reducing the drug trade and better means of overall direction.

As you know, the drug trade reacts to pressure against it like a half-filled balloon. When pressed in one area, it expands in an area of less pressure. Sudden, harsh actions in one area

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may break up the drug traffic in a particular area, and this can be useful. But anti-drug efforts must seek to apply overwhelming and sustained pressure across all fronts, and must be ready to adapt to changes in tactics by the traffickers. The effectiveness of almost every action taken against a part of the problem (production, shipment, sale, and use) depends upon effective pressure simultaneously and continuously being applied, and maintained, on the other parts. I'm afraid our current structure isn't suited as well as it might be to the mounting of such comprehensive, sustained, and effective pressure.

#### SUGGESTIONS

What follows are some specific suggestions for strengthening our fight against drugs. These are suggestions of policies to consider; some would have to be modified or perhaps rejected upon examination. But they give a sense of the lines along which I think we need to proceed. I acknowledge that we are doing some of these things already, but not as fully or as aggressively as we might.

#### PRODUCTION AND SHIPPING

1. Greater intelligence resources should be devoted to gathering information on drug trafficking, particularly in Latin America, and to analyzing that information to identify critical points in the trafficking structure that can be used to disrupt drug production and shipments. Establishing effective interagency liaisons will be critical if information is to be useful for the diverse needs of the agencies working against the drug trade.
2. Formulate expanded plans for overt and covert operations to support efforts by foreign political, law enforcement, and military forces against drug traffickers. Plans should include aid to friendly foreign forces in screening and training personnel and for protecting their officials.
3. Although the military is the most capable agency for the interdiction of drug shipments, it acts only as a supporting party in our interdiction effort. It has cooperated by supplying resources when requested (chiefly to the Coast Guard, Customs, and INS), and those resources have usually been assigned for limited periods of time. It is time to give the military the mission of leading the interdiction effort and have them integrate the resources

of other participating agencies in an overall mission plan. (This would include the creation of coordinated command, control, communications and intelligence capability between the military and other interdiction forces). We know that interdiction by itself will not stop the flow of illegal drugs, but it is a necessary part of a comprehensive attack on the problem. We should therefore deploy greater military resources against the production and shipment of drugs and make this mission an important part of the mission of U.S. troops, where appropriate.

4. Implement the Customs Service recommendations for expanding the search of cargoes and mail entering the U.S., and restricting air traffic to specific, constantly monitored air lanes.
5. Build more prisons and provide additional prosecutorial resources to insure that those involved in the drug trade are punished to the full extent of the law. Insure that foreign nationals caught in the U.S. in connection with drug trafficking are tried and not merely deported, and thus permitted to resume their drug dealing. Putting individuals with trafficking skills and knowledge in prison can help disrupt the drug trade.

#### FIGHTING THE PUSHERS AT HOME

6. Expand forfeiture laws, raise fines to cover enforcement, court costs, and jail costs. Complete the drafting of model state and local legislation in these areas and mount a White House led campaign to have all states and localities enact such legislation.
7. Apply full White House pressure for legislation increasing sanctions for major drug dealers, including the death penalty where appropriate, and mandatory life sentence without possibility of parole for adults who involve minors in drug trafficking.
8. The easy access to firearms has put increasing fire-power in the hands of drug traffickers. We should consider supporting legislation to better manage the production, importation, and sale of automatic weapons and other firearms, as sought by the major law enforcement organizations.
9. Insure that the necessary prison space is available at the federal level to punish drug offenders as an important example for other jurisdictions, and accompany this by an

Administration effort to encourage state and local authorities to do the same. As a part of this campaign we should seek to establish the practice at all levels of requiring drug testing for extended periods for anyone given probation or parole on a drug offense.

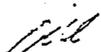
#### REDUCING DEMAND

10. Rapidly expand federal, state, and local sanctions against users. Use fines and forfeiture to require all users, to the degree possible, to pay for the law enforcement and court costs to arrest and prosecute them. Set extended probationary periods and include regular drug tests as a condition of staying out of jail or avoiding further fines.
11. Make the establishment and maintenance of effective prevention programs by educational institutions a condition of receiving any federal funds. These programs should include measures such as: an annual assessment of the scope and character of drug use by students and staff; sound policies that would require firing staff and expelling or moving to a reform school those students caught selling drugs or using them repeatedly, and suspending those caught using drugs; and drug education prevention efforts.

#### IMPROVING THE EFFECTIVENESS OF DRUG TREATMENT

12. Introduce accountability in the funding of treatment programs; fund only programs that work, and establish minimum levels of performance for continued funding. Require drug testing of all those in treatment and introduce stiff sanctions for those who return to drug use after being sent to treatment in connection with criminal activity.

I look forward to discussing these suggestions with you and others as we all continue to work together on this issue of vital importance to our country and our children.

  
William C. Bennett

cc: Senator Howard H. Baker, Jr.

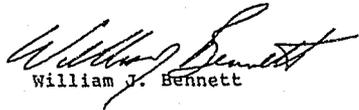


UNITED STATES DEPARTMENT OF EDUCATION  
THE SECRETARY

July 11, 1986

Memorandum to Alfred H. Kingon  
Assistant to the President and  
Cabinet Secretary

Here is the memorandum proposing a \$100 million program to get drugs out of schools that we discussed yesterday. I also enclose a copy of my memorandum to Don Regan of a few weeks ago that lays out my general thinking on this issue.

  
William J. Bennett

Attachments



UNITED STATES DEPARTMENT OF EDUCATION  
THE SECRETARY

July 11, 1986

Memorandum to Alfred H. Kingon  
Assistant to the President and  
Cabinet Secretary

1. The Administration's war on drugs should include an effort to get drugs out of our nation's schools. We have already begun such an effort -- by calling attention to the problem, by pointing out successful drug prevention efforts, and by recommending effective strategies; this effort will culminate in the publication in September of our handbook, Schools Without Drugs.

2. We think it is important to commit some federal funds to this effort -- as evidence of our seriousness, because funds would be useful in the effort, and because other drug legislation proposals on the Hill are receiving serious attention. We think many of those proposals fail to address the problem in the proper way. We therefore recommend an Administration initiative that would assist schools in implementing effective drug prevention programs. This effort could justify its own new money; but if we wish to avoid increasing outlays and budget authority, we could target part of the existing \$500 million Chapter 2 block grant to the states for elementary and secondary education.

3. Since its inception in 1981, the Chapter 2 block grant has been the target of numerous congressional attempts to reinstate separate categorical programs. Such efforts are gaining momentum. Legislation has passed the House and is pending in the Senate to set aside money from the Chapter 2 program for particular purposes. In the Senate, legislation has been introduced to earmark all Chapter 2 funds for four specific purposes. The chances of passage of some legislation breaking up Chapter 2 seem good. If we act now, we can turn these developments to our advantage by using Chapter 2 as a vehicle for our war on drugs in the schools. The Administration could propose legislation to set aside \$100 million for drug prevention from the \$500 million Chapter 2 block grant.

4. Our program for drug-free schools would have the following features:

a. While most of the relevant drug education proposals now before the Congress stress merely courses and curricular materials, ours would stress prevention. This would include not only education, but also assistance for developing and enforcing tough disciplinary policies in the schools.

b. The bulk of the money would go to local school districts, with a lesser amount to states for state-level projects, as in the current Chapter 2 block grant. There would also be a portion administered by the Department for national prevention demonstration programs and research.

5. The legislation would provide for:

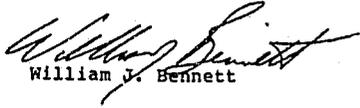
a. State set-asides for drug prevention activities at the state level. These would include teacher training, technical assistance to local school districts, and development of statewide programs with law enforcement agencies. These would be limited to no more than 20 percent of the total grant.

b. State discretionary grants to local school districts, which would account for most of the funds. These would require each district to submit to the state agency a plan to achieve "Drug-Free Schools." The plans would address the following issues--the extent of the drug problem, an enforcement plan to eliminate the use of drugs on school premises, the development of drug prevention curriculum, staff training, and community and parental involvement. These grants could be for one to three years, and would require annual progress reports and final assessments of program effectiveness.

c. Federal discretionary grants for activities such as: development and dissemination of program models and materials on alcohol and drug prevention in the schools; workshops and seminars to encourage greater cooperation between schools and community agencies, including law enforcement, the courts, and social services; research into the effects of drug use in the schools, and into the effectiveness of possible solutions to the problem.

This proposal could easily be modified as to details or level of funding.

We would be glad to provide more information about this proposal, or to discuss alternate ones. As you know, Congress returns Monday, and we expect that there will be movement in committee within a week or two on the other legislation breaking up the Chapter 2 block grant. If the Administration wants to hijack this moving train and turn a potential political defeat into a victory, time is of the essence.

  
William J. Bennett



## UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

February 22, 1988

MEMORANDUM FOR: Howard H. Baker, Jr.  
Chief of Staff to the President

SUBJECT: The War on Drugs

This Administration deserves great credit for its efforts in the war on drugs: we have forged a serious national consensus against drug use; we have worked very hard to reduce the drug trade -- many dedicated men lay their lives on the line every day in this effort; we have greatly increased the resources devoted to the drug problem; and we have increased drug seizures, arrests, and prison sentences for those convicted of drug trafficking offenses.

Nonetheless, we are confronted with the fact, and the growing public perception, that we are not winning the war on drugs. To respond, we must do what needs to be done, and we must make a more forceful public case explaining our actions.

The war on drugs has four fronts:

**Production:** We are facing bumper crops of many illegal drugs. Powerful, billion-dollar drug-producing cartels threaten the stability of several Central American governments and threaten to undermine the willingness of the American people to support our struggle against Soviet advances in this region.

**Shipment:** Drug smugglers have been hampered by our interdiction efforts, but there seems to be general agreement that we are interdicting only about 10 percent of all drugs sent to the U.S. The fact is, the volume of drugs entering this country has increased, and the drugs sold on our streets today are generally higher in quality and lower in cost.

**Drug Dealers:** Despite record numbers of arrests, drug dealing among poor urban youths and organizations of foreign nationals is growing in many metropolitan areas. Particularly in the case of crack, we seem to be facing a rapidly growing market with increasing violence associated with it. On the West Coast, some youth gangs have become ruthless multi-state drug enterprises with millions of dollars in sales.

**Drug Use:** The incidence of first-time drug use seems to be declining among young people generally, but this is not true in many inner-city areas, and the overall consumption of illegal drugs does not seem to be declining significantly.

We need to review the measures we have been pursuing and take a fresh look at our plans for attacking all segments of the drug problem.

For example, we have generally accepted the view that it is impossible to reduce the supply of illegal drugs significantly unless there is substantial reduction in the demand for those drugs. This is reasonable, but the current situation suggests that it is very difficult to reduce the demand significantly for something that is attractive to many, is plentiful, and provides enormous financial rewards for those who produce and distribute it.

The Drug Policy Board has worked to establish policies and coordinate efforts against drugs. But a clear, integrated plan to meet this threat has not been presented to the American people. The structure of the Board also leaves no single person responsible for overall drug policy, independent of the sometimes conflicting priorities and pressures of the particular agencies that make up the Board. Policy compromises are always necessary, but the structure of the Board tends to focus on what all the relevant agencies can agree on rather than on what must be done to get where we want to go. Thus, a coherent and palpable Administration strategy for winning the war on drugs is not evident.

I believe the President should request a thorough and expeditious review of our anti-drug effort. He should do this soon, before Congressional and media interest in a variety of aspects of the drug issue intensifies further. (The report from the White House Conference, mandated by Congress, is not likely to do the job of formulating a defensible Administration plan and the Conference report will not be completed until late spring.) We need a clear and succinct report that answers the question: What must we do to reduce the drug problem substantially?

What we need does not require great fanfare; all it requires is that a single individual be charged to prepare a report to the President on this question, say within 45 days. That individual should be given access to all relevant information, and told to make this his top priority during this time. He would be charged with telling us how we are doing in all areas of the war on drugs, and what we need to do, immediately and over the next few years. This review could be done confidentially, or the President could publicly and formally order the report. I would be glad to take on or to assist in this task.

  
William J. Bennett

Senator KENNEDY. You are familiar with the memoranda that you wrote, the substance?

Dr. BENNETT. Yes, sir.

Senator KENNEDY. I think that they give, at least as of last year, a pretty good indication of at least your own views on those programs that were included. I suppose you can find in there about what you want to find in there, but I do not know whether you feel that those continue to reflect your attitude on the drug problem.

Dr. BENNETT. I have not looked at some of these since I wrote them. Some of them are more than 2 years old. I think generally, yes, in that the call for a more comprehensive view, and a review of every aspect of our policy—I would certainly stand by that.

Senator KENNEDY. Well, I think it is fair—and hopefully the membership will go through them, because I do not want to distort or misrepresent the positions—but I think perhaps you will want to clarify some of those comments. But I think in just a very short period of time, the members of the committee can get a pretty good insight into the detail and the thought that you have given to a lot of these issues.

And I think, quite frankly, these memoranda do reflect a good deal of thought on the questions. I do not know whether there are some of these areas that you might want to elaborate on.

One of the areas that I mentioned earlier was interdiction. In one of the memoranda, you mention, "We should therefore deploy greater military resources against production and shipment of drugs, and make this mission an important part of the mission of U.S. troops, where appropriate."

I do not know how you see, sort of the role between the military forces—you talk about, in there as well, about supporting efforts in countries that are attempting to train personnel, and deal with these issues in the countries. You also refer to the role for the military.

And you talk about covert action, overt actions. Have you thought about how you would work that out, between what would be military, and how you would use the DEA, for example, and other agencies of Government?

We have, as you know, a procedure for notification in terms of the use of military forces, and covert activities, that has been understood and respected. We do not have that with regards to DEA, for example.

I do not know whether your own thinking has gotten to the point about the use of military force, the use of American troops, how extensive it should be. Clearly, there is a role. I think as a member of the Armed Services Committee, we saw a real evolution about what that role should be, in the last Congress, where we had Secretary Carlucci and the Chairman of the Joint Chief of Staffs comment about what that appropriate role would be.

And I do not know whether you have had a chance to go through that. But I would welcome any comments that you would like to make now, about how you see the role of the military in terms of the war on drugs.

Dr. BENNETT. I guess I do not see it much differently, Senator, than I did at the time of these memos, but I certainly am reserving the right and the opportunity to review this.

Bear in mind that I am certainly happy for the committee to have all these memoranda. You requested them and we sent them to you. I do not think we sent them to the committee.

Senator KENNEDY. Yes, and I appreciate that.

Dr. BENNETT. You bet. This was, if you will, friendly kibitzing on my part, as the Secretary of Education, to my administration about this issue, because of my interest in the issue.

I would have to say my knowledge on which I based these thoughts or recommendations was the knowledge of an interested layman, not an expert, except perhaps on a couple of aspects, and based on the kind of information and the degree of information to which I had access.

The reason I am going through this at some length is, if I am confirmed as director, I will obviously have access to much more information.

Let me give an example. At a discussion as referred to in these memos that you have looked at, I said, "What about the military? Can't we use the military more effectively in some ways?" thinking, at that time, principally about military intelligence.

And I was given an incomplete answer on grounds that I am the Secretary of Education, and why should I need to know this. All right. Fair enough. You know, go back to school, Bill, and we will worry about this. That is fine. But I still wanted to ask the question, and I pushed the question.

If I am confirmed in this job, I get an answer to that question. That is part of the authority that this legislation creates. With that information I will be able to make better judgments and better decisions.

So, when you are asking me do I stand by this, the answer is, I do not know yet until I find out the answers to a whole bunch of questions I want to ask.

Senator KENNEDY. Well, we will certainly accept that the reason, for example, on the military, under "Suggestions," where it says, "It's time to give the military the mission of leading the interdiction effort, have them integrate the resources of other participating agencies in an overall mission plan." I think that that might suggest that they would be the lead agency on it.

Maybe you have that view. As I said, I think there was a good deal of evolution by Secretary Carlucci, and I would hope that as a part of the record, the relevant parts of the Carlucci testimony could be made a part of the record, and the Chairman of the Joint Chiefs, so that those who will be reading through the record can make some judgment.

The CHAIRMAN. Without objection.

[Not available at press time.]

Senator KENNEDY. But that would clearly give the military the overall lead role in terms of the interdiction. So that is, as I understand it, "to deploy greater military resources against production and shipment of drugs, make this mission an important part of the mission of U.S. troops, where appropriate."

And I gather you stand by that. You also have in the following: "Fighting the pushers at home. The easy access to firearms, of putting increasing firepower in the hands of drug traffickers. We should consider supporting legislation to better manage the produc-

tion, importation, sale of automatic weapons, and other firearms, as sought by the major law enforcement organizations."

Is that still your position?

Dr. BENNETT. That is certainly a position I think we have to consider. Again, I want to see all the arguments, all the issues, but there is no way we can avoid the question. Yes, sir.

Senator KENNEDY. Well, I do not quite understand. Does that mean it is still your position, or it is not your position? Which is it?

Dr. BENNETT. That we—where are you looking? At the memo?

Senator KENNEDY. Well, at the "easy access to firearms is putting increasing firepower in the hands of drug traffickers. Should consider supporting legislation to manage the production, importation, sale of automatic weapons and other firearms."

Dr. BENNETT. Yes. We should consider it. That means we should consider it.

Senator KENNEDY. Well, can you tell us whether you favor it, or do not favor it?

Dr. BENNETT. Well, it all depends what it is. Senator, again, I am not going to dodge these issues. This is an issue we will address. This will be something that will no doubt be a part of our recommendations in 6 months, and I think we need to consider the reasonable right to bear arms with what Chief Daryl Gates has called a responsible use of firearms.

And we ought to be able to find a way to satisfy the interests and the desires and the sound principles appealed to by those who have guns and use guns in a peaceful way, and the carnage that is going on in our cities.

Senator KENNEDY. Well, what logical or rational way is there for a citizen to have an AK-47?

Dr. BENNETT. That is a good question.

Senator KENNEDY. I am waiting for an answer.

Dr. BENNETT. Well, I will give you one in 6 months.

Senator KENNEDY. Well, that, I might point out, is just one of the things we are trying to find out, Mr. Chairman. I mean, I have had the chance to read your opening statement which, with all respect, is quite general. You go into some specificity in all of these areas last year, and I am just trying to find out whether you are sticking with those, or not, and you make a very important, and I think compelling case on the issue of automatic weapons.

And we are just trying to find out now, in the course of these hearings, whether we are going to know what you really think, or whether we are not. That is the question, and I would not think it takes a lot of time, having mentioned that in your own memorandum, that you would make a choice and decision.

I think all of us understand the President has said no; Mrs. Bush has said yes. We want to know where Secretary Bennett stands.

Dr. BENNETT. You asked me where I stand vis-a-vis this recommendation. And I stand by it. We should consider supporting legislation to better manage, et cetera.

Senator KENNEDY. But you have no opinion, now, whether it is wise to prohibit the importation, production, and presence, and distribution and sale of automatic weapons? After what has happened in this country over the past 4 or 5 months, you cannot tell us, now—who is going to be this person that is going to be dealing

with all these Cabinet members, and fighting on all these priorities—and when you mention it yourself on this thing, you cannot give us an answer whether it is yes or no. Is that—

Dr. BENNETT. What I am going to do, Senator, is conduct my study and then give you my recommendations. I am not going to give you my recommendations and then conduct my study. And if you want to know whether we will consider this topic, the answer is yes, we will consider the topic.

Will we have recommendations? I am sure we will. Will they be dictated by political expediency? They will not. As Chairman Biden and I have discussed before, we will give a straight and independent assessment of these things.

These are complicated matters, to talk about the kind of legislation which would meet the criteria I have suggested, and that we will address.

Senator KENNEDY. In your statement, you mention support for educational programs at the primary and secondary level that are developing drug-free schools. Is that a part of your current position?

Dr. BENNETT. Yes, sir.

Senator KENNEDY. In the memorandum on February 22, 1988, to Howard Baker, you mentioned that the war on drugs has four fronts. It is production, shipments, drug dealers, and drug use.

Is there anything, given your study now, and preparation—are there other areas that you would include?

Dr. BENNETT. I am sorry. Would you—

Senator KENNEDY. We did ask, and you were good to supply the memoranda, so I thought, given the fact that you did supply them and we did request them—I am not trying to either draw this out of context, but on the memoranda—

Dr. BENNETT. No, it is a fair question. I did not realize how many memoranda I wrote on this topic.

Senator KENNEDY. Well, there are about a half a dozen that I have here.

Dr. BENNETT. Yes.

Senator KENNEDY. This is the one to Howard Baker, "War on Drugs," February 22, 1988.

Dr. BENNETT. Right. OK. Got it.

Senator KENNEDY. And you say the war on drugs has four fronts. You talk about production, the bumper crops of many illegal drugs. You talk about the shipment.

Dr. BENNETT. Got it.

Senator KENNEDY. You talk about drug dealers and drug use.

Dr. BENNETT. Right.

Senator KENNEDY. And—

Dr. BENNETT. Oh, sure. Many more fronts than that. Yes, sir.

Senator KENNEDY. Is there any expansion that—

Dr. BENNETT. Well, yes, we could expand I think in several directions. We would certainly want to talk about the whole aspect of treatment, and education. We would certainly, in addition to production, want to talk about interdiction as well as shipment and law enforcement.

There are lots of ways to draw this out. I have been thinking of sort of nine arenas. There are courtrooms; there are classrooms;

there are communities; there are the seas; there are the borders; there are the source countries. There is Washington. There is the public opinion in the country. And there is the whole area of treatment and hospitalization.

You could break it up further, and come up with 15 or 20, but I think those are the main arenas for this struggle.

Senator KENNEDY. Well, I think it is helpful. I am sorry to press it, because in a letter on March 28, you mention those four areas again and talk about that such a plan on those four areas should be the heart of any new initiative.

Dr. BENNETT. Yes.

Senator KENNEDY. And I hear you, now, in terms of these other areas as well.

Dr. BENNETT. Again, if I could, Senator, this is—I mean, I will stand by these because I think basically they are pretty sensible, pretty thoughtful. They are 2 years old, I know now more than I did then, but even now, compared to what I am going to know in 6 months—because I think there is a great deal of difference—I am going to be able to find out things in the next 6 months that I was not able to find out before.

I am going to have access to everyone, and all the information that I will need to make these recommendations.

Senator KENNEDY. Could I go back. Mr. Secretary, you were mentioning earlier this morning in terms of the general balance between the allocation of resources. As I mentioned, that does not always describe what can be most effective perhaps, but it is a pretty good indication of priorities.

And you have formed any opinion as to general percentages between supply and demand side?

Dr. BENNETT. I can tell you this much. I hope much of what I have to say here will be taken in the right way, as tentative thoughts. I mean, the first task here that the committee has given me is to study. Review, review, review was the first items on the chairman's chart, and that is what I plan to do.

So things I say, my point of view at this point, my orientation is just that, and likely to change, or possibly could change after study and review.

I think, first, that we need to work on both supply and demand. Do I have percentage distribution? I do not.

I think that has to follow the determination of strategy. Strategy should be based on what works, what is effective, and obviously, some consideration for cost, cost efficiency. But the two are, in many ways—although it is an easy way to think of it, supply and demand, it is also confusing because there are some aspects of this effort which are both supply and demand, and some which are not neatly categorizable at all.

I think we need better information about what is effective, about what is proved to be effective, about what works, and I have been studying this. I notice the RAND study and the Wharton study which suggested—not all that firmly—but suggested that at this point, dollar for dollar, given what has been done in the past, the dollar spent on the demand side, if spent in a certain way, can often be more effective than the dollar spent on the supply side, if spent in a certain way.

But those qualifications are important. If you start spending money in a different way on supply and demand, you may come to a different conclusion.

An example. I think most Americans think that if we could have good treatment programs it is worth spending a lot of money on good treatment programs. I think that is fine. I think that makes sense.

The question is, do we have good treatment programs, where are they, what makes them good, and how can we maximize having more of the good ones?

Senator KENNEDY. Well, have you formed, based upon any of the information that you have reviewed or studies—I mean, have you informed any initial impressions about whether education programs that have been able to demonstrate a—with all respect to my good friend, Senator DeConcini, I agree that it is useful to try and do work, and monitor the dropouts because of the association—but as I understand, the Michigan study relates to using similar criteria to the study that was used back in 1985 and 1986, when there was little perception in terms of the danger.

And what I think that study does demonstrate is where there is more knowledge about the danger, there is greater willingness to say no, and for effective education to have some impact.

And I was just wondering, now, whether you have had a chance to form any impressions, either in terms of the education programs or the treatment programs, or the local law enforcement programs which have been effective.

And to be frank about it, the interdiction type of programs which are—

Dr. BENNETT. Yes. I guess what I have at this point, Senator, is some impressions, some things perhaps a little deeper than impressions. I take some encouragement from the survey reported this morning, given its limitations. This survey has been conducted for a long period of time and we do see trends, and those trends are encouraging.

The fact that dropouts are not included, the fact that people after high school are not included—all that side—the tendency is encouraging. They see less drug use among high-school seniors, not more, and that, heaven knows, is a good thing.

I believe that certain kinds of education works, but as the people at the University of Michigan—Dr. Johnston and others who studied this will tell you—we are not sure although we have got drug education programs in the vast majority of American schools, we cannot be confident that we have got the right kind of drug education programs in all those schools.

But in general, I think this is one way to go. We can make a difference with a generation by having good education programs. The whole area of treatment is very complicated.

As Senator Moynihan said this morning, with crack, which is a particularly horrendous drug in terms of its consequences, we do not have a pharmacological treatment, a block, or anything else at this point, to any degree, that I think people feel can be relied on.

We have what are called talking therapies, and some of these can be effective, but the evidence suggests, to date, not so much against crack.

You mentioned a couple of other areas. Interdiction. It is a hard question. I salute, as I am sure you do, the efforts of those who have brought about the results that we can see documented—a greater amount of drugs interdicted, seized, each year over the last 8 years, and we can take our hats off to those who have done that job.

The problem is, as you know, that every time we look, although the amount we have seized has increased, so has the amount which has come in, apart and beyond, over, under, those seizures.

So that is the bad news side of that. There is some thinking, now, increasingly in some quarters, that although interdiction has an advantage over trying to catch the drugs once they hit the streets, that perhaps more effort should be made earlier on. Shipment, source, processing, and so on.

Senator KENNEDY. I see my time is up, Mr. Chairman. If you could just elaborate also on the importance of local law enforcement. We have seen limited—I believe it is about \$100 million that were put in for local law enforcement. That was effectively not requested by the previous administration. It still was in there. President Bush has asked for \$100 million.

Quite frankly, you could probably use that in this city, or Boston, or other communities. So it is very limited. But if you could just wind up about the importance of, again, resources and support for the local law enforcement programs. Whether this is a part of your priority as well.

Dr. BENNETT. Sure. I have been talking to a lot of police officers and officials in the last couple weeks, and clearly you can make the case in many places that more resources, better use of resources could be a great advantage.

It is not just the use of police resources. It is the use for communities' resources, or, in some cases, adding to that community's resources.

You cited the now pretty well-known example of Lynn, MA, which I think is quite impressive, and there are other examples of that sort. In the paper, a couple weeks ago, they cited the luck and success that they are having in Prince Georges County, close by.

One of the reasons for their success is, it is not just that there is a new, special narcotics unit, but tied to that special narcotics unit is a special prosecutorial unit.

And the next unit, a judicial unit, right on down the line. We see some efforts in the war against drugs where you dramatically increase the use of people at one point in the system, but if you do not supplement throughout the system you can create these bottle-necks. So I think that point has to be borne in mind.

But yes, I am pleased to say that we are recommending, and I would imagine we would continue to recommend strong and continued, and additional support for local law enforcement.

They are some of the people in the trenches, working the hardest.

Senator KENNEDY. My time is up, Mr. Chairman. Thank you.

The CHAIRMAN. Senator Grassley is recognized.

Senator GRASSLEY. Thank you very much, Mr. Chairman.

Mr. Bennett, during testimony before the House Select Committee on Narcotics in 1986, you stated that schools are not a bad place to start to really wage the war on drugs.

During that same hearing, you stated in your formal remarks, as well as in response to questions from the committee, that while education programs can be helpful, you believe that there is no substitute—academic, curricular, or otherwise—for, quote, “clear and firm enforcement of the laws and rules against drugs.”

In the context of that hearing, you spoke of a need to provide “a firm, clear, and consistent policy on the part of adults in the child’s community” in order to provide a framework within which to attack the drug problem in our schools.

Can you explain how you intend to translate that philosophy into a national strategy against drug use by all Americans?

Dr. BENNETT. Yes, sir. One of the meetings I have had in the last 3 weeks was with my successor, Secretary Cavazos, at the Department of Education, and Dick Hayes, who is the coordinator at the Department, and I imagine the staff person who will be working with us throughout in our efforts.

The question is to find out what works here as elsewhere, and I think we have a pretty good idea of what works in the schools.

I would stick to what I said in that hearing, Senator, or the hearing to which you refer. I view education not just as a concatenation of courses, a curriculum, but also as the policy set by the school and followed by the school, and the example of the adults in the school.

Viewing drug education in that way, we can take a larger view of what it should be. It should be early course instruction about the dangers of drugs, and, second, it should be a good example on the part of the adults in the school.

And third, it should be a clear and unambiguous school policy. The reason I think it is worth pausing on these three and emphasizing them is that in this dreadful business, in this war, this is, frankly, one of the few fronts on which we can show some progress.

This is one battlefield where we have, it seems—according to a lot of the evidence—made some headway, and that is good. Because I think we need some hope in this struggle and this is one place where we can look.

So, the answer is not to sit on our haunches on this, but to double our efforts, improve our efforts in the schools, since this looks to be one lever where we might be able to move this thing. But that means doing it right, not just doing it, not just throwing money in there, but doing it right.

As Senator DeConcini knows, when we talked about drug legislation 2 years ago—I had several conversations with him on the phone about it—it was very important to us that accountability be put into these drug education programs.

That is, when the schools got the money they also had to do their own evaluations and put into play certain procedures to make sure that drug use was going down.

Senator GRASSLEY. During our visit in my office, I mentioned my feeling about the necessity of winning the war against drugs where we ought to be able to win for sure, and I suggested that a good place to start was the prisons of our country, theoretically, the

most-controlled facilities in the country. If we cannot control drugs there, then where can we control drugs?

So, I would like to have your thoughts about how we could go about controlling drugs in our prisons, and its place in an overall national drug control strategy.

Dr. BENNETT. Well, I think you are right. One would certainly despair if one concluded that sending people to prison simply meant changing their environment, but not changing their habits.

I cannot suggest to you, Senator, that I have a great sophistication in this area. This is one of the areas where I am going to have to do some more homework and study. I was impressed by what Senator Specter had to say this morning about this whole area of prisons.

We have seen some evidence that taking prisoners, those convicted of drug crimes, out of their immediate environment, and moving them to other areas, other parts of the country, if possible—we are talking about Federal prisons, or may be able to do it even for non-Federal prisons—can have some positive effect because it breaks the chain of connections.

It breaks that ring or link of intimacy that they have with a particular community of drug dealers. I think that is one way to look at it.

A second way of course—and I think this is a big area in the whole drug effort—is testing, fairly regular testing of people, not only arrested and indicted, but in prison, to find out about the usage and incidence of drugs in our prisons.

Following a determination on the results of tests, we may want to take further efforts at isolation or separation of prisoners.

Senator GRASSLEY. What about controlling more thoroughly access and egress to prison facilities?

Dr. BENNETT. Sure. Who is coming in and who is going out? Absolutely. You bet.

Senator GRASSLEY. Dr. Bennett, during the 1960's, the Federal Government began a war on poverty, and I think by all considerations, poverty won that war.

Since then, the war on drugs has been fought more like a guerrilla conflict, with skirmishes here and there, but no long-term strategy.

The Government interdicts the supply of drugs at the border and in drug-source countries; the Government has handed out clean needles for users; the Government has imposed harsh sanctions against dealers; and the Government has even enacted the death penalty for drug-related killings.

During the same 1960's and into the 1970's, it may be an understatement to say that we became a permissive society, with a mentality of "do your own thing," as long as you do not hurt anyone else.

Aren't we here today because of that permissiveness and the abdication by individuals of responsibility for the consequences of their own actions?

Dr. BENNETT. I suppose so, Senator. Now I am being invited to do what I was urged not to do, which is to philosophize. Probably. It probably had something to do with the dominance of the do-your-own-thing philosophy. It probably has something to do with the cul-

ture, with what we see on TV, with Hollywood. It has something to do with affluence, certainly.

People have money to spend on a casual cocaine habit, and then people who have the money to spend on a casual cocaine habit are imitated by people who don't have money to spend on a casual cocaine habit and who will take up cocaine for purposes of providing some stimulation, some pleasure in their life because they feel otherwise they are facing desperation. It is a complicated matter.

I think we all need to find out more about how this came to be, but I am planning in the course of this job to be less a philosopher and more the director or the administrator of this. Obviously, it will mean some thoughtfulness about causes, because that will have something to do with the remedies once we figure out the causes. But I imagine I am going to subcontract a lot of the philosophy out to other people.

Senator GRASSLEY. How do you answer those who say that, similar to the failure of prohibition, we might as well admit that "we have lost the war on drugs" or that "we can never win the war on drugs." You have heard it all, I am sure.

Dr. BENNETT. Yes, sir.

Senator GRASSLEY. And therefore, we might as well legalize drug use, or at least tax it and get some benefit for all of society out of it?

Dr. BENNETT. Right. Well, Chairman Biden said this morning that he was an optimist and he assumed I was an optimist too. I am an optimist in this sense. I am an operational optimist. Maybe somewhere in the depths of my philosophical soul I am a pessimist, a theoretical pessimist, with Isaiah; I believe it is all ashes. All our institutions, our laws, in the long sweep of eternity they may not matter much, but when you get up in the morning what is the long sweep of eternity? You get up in the morning and you have got to go work, and you go to work to do things and to make things better. So I am an operational optimist. You have to start each day looking in that mirror, saying what can we do today to make this thing better.

Now I think there is great ground and cause for concern, alarm, worry. I think this problem is very serious. I think in some parts of this country this problem is ferocious. I think it is clearly the Nation's No. 1 priority, domestic priority. So do the American people, so does the President. Those are important things on our side.

But it is way too soon to say there is nothing we can do. It is way too early to say it is over, we lost, because we haven't really waged it yet. We haven't really done it yet.

Chairman Biden said this morning, very considerably, there are some things we are going to try and they aren't going to work. There is going to be a lot of trial and error, that is for sure. But let us do it with a view toward a comprehensive strategy and approach, not piecemeal.

Again, I don't derogate the efforts of those who have been working on this problem before, my colleagues in the previous administration and many, many others. But, in fairness, I think maybe the whole country underestimated the significance of this one. Maybe we just didn't realize how large and how tough this one would be.

But fatalism and pessimism will get us nowhere, and legalization will only get us to more people taking drugs.

I think the legalization argument really has to be stopped pretty hard in its tracks when you come face to face with something like crack. You either legalize crack, and you thereby dramatically increase the number of people who are going to take it, and you don't have a therapy for it; or you don't legalize crack, which means you are back to where you were before with crack.

So, I guess that is an answer to your question.

Senator GRASSLEY. But at least you are convinced in your own mind that legalization will lead to the consumption of more drugs?

Dr. BENNETT. Sure. It has just about every time it has been tried.

Senator GRASSLEY. Legislation is not going to cut down on drug use?

Dr. BENNETT. Sorry?

Senator GRASSLEY. It is not going to cut down on drug use?

Dr. BENNETT. No. Say what you want about prohibition, and I don't think I would want to say too much for it, frankly, but there were some things to be said for it. Ring Lardner said about prohibition it was better than no liquor at all. I got to try humor once in a while, I find. The thing about this, and I know the chairman agrees with me, this is a relentless and humorless business, and that is something I have got to face too the next 3 or 4 years.

In education, you know, you could always tell a nice school story, you know. A story about a kid learning something. There is always something funny and endearing. You read this stuff and it is relentless. Anyway, that is a personal aside.

But on prohibition, it is true that the evidence suggests there were fewer deaths from alcoholism, there was less cirrhosis of the liver. There were some medical pluses for prohibition.

Please do not interpret me as arguing for a reinstatement of the Volstead Act, I am not. It is not what I am about. Chairman Biden made clear in the Congressional Record we are not about alcohol in this business, except to the degree that we talk about prevention and education programs.

Senator GRASSLEY. I want to refer now to a May 1988 gathering in which you spoke on the subject of drug-free schools. You said:

In order to prevent drug use from expanding, a user must be treated firmly, so that he cannot involve non-users and so that his own drug use ceases. In the simplest terms effective drug prevention rests on the teaching the lesson that drug use is wrong and that it poses dangerous risks both to those who take the drug and to society. We know that the most powerful predictor of young people's behavior is their sense of right and wrong, their aspirations, their sense of who they are, and their moral compass,

To quote you.

Dr. Bennett, I know that you are very concerned with restoring "basic values" in the education curricula of our local school districts. In fact, I believe that you prefer the term "formation of character," and I know that you have addressed the apparent abandonment of such curricula by the education establishment over the recent decades.

You have also spoken about the need to restore the fundamental responsibilities of raising our young. To parents, who have the responsibility to make sure that children have self-discipline, respect, integrity, honor, and that they know the difference between right

and wrong; to teachers, who must teach the children the subjects that parents do not have the time or expertise to teach; and then to the police, who are responsible for being authority figures within the community that children can look up to and have respect for the law and lawfulness.

Recognizing that I am in basic agreement with you on the reinstating of these values in our families, our schools, and our local communities, I would like to know how this kind of education reaches the over 40,000 members of gangs in America's urban streets?

Is there any way to appeal to higher values of these citizens who have apparently opted out of the American mainstream?

Dr. BENNETT. I don't know, Senator. I am not sure that for the gang members that we read about, the Bloods and the Crips, that it would be real persuasive to say have better aspirations or to urge them to sign up for courses in moral education. Something more direct is probably called for.

There are some lost causes in this business, and there are some people for whom it is pretty late. The point I would make I guess is something that I think all Americans believe, which is that ultimately this is a matter of—this is a matter of values, ultimately.

I can give you my 6 months' solution right now; that is, the solution to this right now. It is not a 6 months' solution. It is a solution that will work any time. Reconstitute the family. Reconstitute the neighborhood. Reconstitute the community. Instill good character. There you go, you have got it. The problem is that is a long, long task and what do we do in the meantime? And what we do in the meantime is all these other things we are talking about.

Let us remember in our portrait of these cities with the guns and the violence and the crack and people getting shot and innocent people referred to mushrooms, getting mowed down on the way, that in the middle of every one of these communities you will find some people, some young people, some young poor people who are standing up and saying no, who are not taking this path, and I will bet you that when you look at them and look at their lives what you will find are the things you are talking about: the presence of adults, adult authority, instruction in the right things, probably involvement with moral instruction, church, whatever. These things do matter.

But there is no point preaching to the choir, it has been said. There is probably not much point preaching to the Bloods and the Crips either.

Senator GRASSLEY. Probably that is a very tough question. I guess as far as I am concerned, no element of society should be left out of this national strategy; even though they may be the toughest for you to deal with, I think that it ought to be on your mind.

Dr. BENNETT. It is on my mind but I am not going to put them on a committee.

Senator GRASSLEY. I understand.

Now, as you know, over the years, the United States has had drug "interdiction" strategies, drug "investigation" strategies, and drug "intelligence" strategies; however, most involved with the drug problem in our country agree that we have had no true "national drug strategy."

One key mandate of the new drug legislation that created the Office of National Drug Control Policy is the annual formulation and implementation of a national drug control strategy.

I would like to have you describe what sources you are consulting, or what sources you may consult, in accordance with the directive of the statute, to assist your office in formulating the national drug control strategy and what process will you use to assess the strategy before it is formally presented to the President?

Dr. BENNETT. I will, like that chart that we saw earlier today, I will begin, or I have already begun to talk to the people who are generally regarded as the ablest, smartest people in the field, in the various parts of this field.

Take law enforcement. To date, I certainly haven't spoken to everyone but I have spoken to Daryl Gates in Los Angeles, I have spoken to Lee Brown in Houston, I have spoken to Chief Mac Vines in Dallas, the chief in New Orleans, and other police officers. I have spoken, in the medical and treatment side, to Dupont, Dogoloff, Benziger. I will speak to Jaffe. I have spoken to Brent Scowcroft, and I have spoken to Bill Webster, and I have spoken to Bill Sessions and Jack Lawn. These are people who know a lot about it, too.

I will go inside of Government, outside of Government. I have spoken to every member of this committee and sought your judgment and recommendations. And on the basis of those conversations will start to think our way through our strategy.

Once we have some tentative ideas, I think we want to go immediately to the affected department and agency, as Chairman Biden's chart suggests, and get their view on this; sort it out; discuss it; if need be, argue it out; and come with recommendations; and then when appropriate, as appropriate come see the President because he is the one who sends the strategy to the Congress.

Senator GRASSLEY. Thank you, Dr. Bennett.

Mr. Chairman, I am done.

The CHAIRMAN. Thank you very much, Senator.

Senator DeConcini.

Senator DECONCINI. Thank you, Mr. Chairman.

The CHAIRMAN. Excuse me. Before you begin, and this should not go against your time, I want to explain the absence of Senator Thurmond. He is tied up in a meeting at this moment with members of the Armed Services Committee on a matter that I know not of which they speak, but that is why he is not here.

Senator KENNEDY. They haven't told all of us about the meeting.

The CHAIRMAN. That is right. But that is where he is, I am told, with his Republican colleagues. Am I mistaken on that?

Mr. SHORT. He will be here very shortly. Yes, sir.

The CHAIRMAN. He will be here very shortly.

I am sorry. The Senator from Arizona.

Senator DECONCINI. Thank you, Mr. Chairman.

Mr. Secretary, to follow along on the questioning that Senator Grassley was talking about with you, the national drug control strategy, do you interpret that as giving you the authority to recommend to the President executing executive orders and changing priorities, and even redistributing assets in various departments within the Government?

Dr. BENNETT. Yes. Yes, sir, I do. I understand it to mean that I can do that if I think it appropriate; yes, sir.

Senator DECONCINI. If appropriate. And along that line, in your process of putting this together and what you are doing now, are you considering such drastic steps in your strategy?

I don't want to pin you down on any specifics, but are you considering designating one lead agency, as the legislation says you can do later in the bill, as to certain designated programs that might be considered a priority, whether it be education or treatment or in the area of enforcement or in the area of international concern that you might focus on?

Is that how you are looking at this strategy, to be that encompassing and that far-reaching?

Dr. BENNETT. I think so. Again, I don't think there is much point in having a director of this office and the strategy if there is not direction, and direction means a certain energy and a certain degree of explicitness.

I can't give you a blueprint of where and how, but I can tell you that there is a general disposition in my mind—again, of course, if confirmed—that will likely shake things up pretty good. It may take that.

Senator DECONCINI. I thank you for that. That is encouraging because you mentioned having talked to Chief of Police Gates in Los Angeles, and he has testified on a couple of occasions and said that we really have never had a war on drugs on the national level. I may have discussed this with you.

He said,

When you think of what this Nation does when it goes to war, particularly those wars that it has declared but even some that it hasn't declared, it literally mobilizes the whole Nation.

Dr. BENNETT. Right.

Senator DECONCINI. The President has the ability to take extraordinary action, either directed by the Congress or permitted under the Constitution, on executive orders and reorganizing the Government; mobilizing the military, the civilian population, and educating them; and then having a goal and an enemy to conquer and control. I am encouraged by that.

Under the legislation, you may designate any specified area in the United States has a high-intensity drug trafficking area. Do you feel any restrictions or prohibitions on how many of those you can do, or how vast they can be, or how long they could continue as a designated intensity drug trafficking area?

Dr. BENNETT. No, I don't, Senator. I guess, and these are just very early thoughts, we shouldn't have too many so that we are spreading our resources too thin. That is a general principle. Second, we should try different things in different places it seems to me. And third, we have to be prepared to designate some of these areas on the basis of emergency or near-emergency situation.

Senator DECONCINI. Under that same provision, you may direct the temporary reassignment of Federal personnel to such areas subject to the approval of the Secretary of the department or head of the agency which employs such personnel. I am sorry we left

those qualifying words in, and I can't remember why but I expect I can find out.

Dr. BENNETT. It is a funny reversal. I think that means if I have crossed them six or seven times in budget they can at least refuse to send a GS-12 to Dayton.

Senator DECONCINI. Yes. Now, if you interpret that like I do, and giving a hypothetical, if you direct temporary assignment of one law enforcement agency members to join a task force on the Southwest border or on the Northeast border because it is a high density trafficking area, and that law enforcement agency refuses, what recourse do you feel you have at that juncture?

Dr. BENNETT. You mean to the head of that department or agency?

Senator DECONCINI. Yes. Or to accomplish what you might want to accomplish when you are turned down by that agency.

Dr. BENNETT. First point, I will come back to you and push you a little bit on why that qualification is in there. We could find out about that.

But, it seems to me we can make the case that—if we could make the case strongly for this, then this is one of the cases—I wouldn't want to do it too often on a small matter certainly, but this is one of those cases where we go to the President.

Senator DECONCINI. Well, that is, of course, the answer I was looking for. The other question I want to pursue with you is, do you think in your policy and strategy, or national drug control strategy that you have put together earlier, before this might happen—

Dr. BENNETT. Right.

Senator DECONCINI [continuing]. That that can include executive orders and the President giving you such authority—

Dr. BENNETT. Yes, I see. I see.

Senator DECONCINI [continuing]. That might contradict this particular restriction that is placed on you.

Dr. BENNETT. It is entirely possible, although I wouldn't want—I notice a number of the questions are about the whole general area of turf and so on. I wouldn't—although it is clear that the Director here is supposed to in many circumstances call the shots, move people around, move money around, and so on, with this exception, I wouldn't want to begin this job or have you think I was beginning this job with the assumption that everybody is going to be uncooperative.

Senator DECONCINI. No, I understand that.

Dr. BENNETT. Because I, so far so good. You know, my calls do get returned pretty quickly. I have actually had some calls returned that I didn't make, which is encouraging too. I mean, people have a sense that there is going to be somebody in this job pretty soon.

But I think, given what the President has said to me, that in addition to the legislation and consistent with the legislation where we need something from the President by way of Executive order or memorandum that he will give it to us.

Senator DECONCINI. That is my understanding, too. And I don't mean to—or let me allay anyone's—

Dr. BENNETT. Right. Right.

Senator DECONCINI [continuing]. Concern here that I am trying to box you in that you are going to start telling the Attorney General or the Secretary of Education tomorrow or when your strategy is out that, well, if you don't do it my way I am going to go talk to the No. 1.

But I am concerned that the record show that it was the intent of Congress, or at least I think the intent of this committee, and certainly this Senator, and your intent that that authority lies there before you. The bill provides that, "The President shall designate a lead agency." Lead agency means to me the authority to take the lead and do what has to be done. And it says that if the lead agency objects to the conduct of the activity described that you instill and get approved of that policy, the lead agency and the agency planning to conduct such activity shall notify the Director in writing regarding such objections, which is fine.

And I still gather from that—and I just wanted to know what your early interpretation is—it still means that they will do what they are told to do under that strategy, policy, and that designation by the President. Is that your understanding?

Dr. BENNETT. Yes, sir.

Senator DECONCINI. Now, Mr. Secretary, to go to some other questions, and I thank you for that background because it makes this Senator feel very satisfied that you have the same understanding as at least some of us here. The term "drug czar" has been overused in the sense of having ultimate authority regarding the capability and the mandate to draw up the strategy. The President has the power to designate an agency as a priority. However, you do have the authority to suggest them as such and to approve those budgets, and so you truly have authority here to be the leader in the war on drugs.

There is no question in your mind, is there, as to that authority?

Dr. BENNETT. Right, there is none.

Senator DECONCINI. Now I have been continually concerned—to go to another subject matter—about agency coordination, particularly—let us just take Federal drug enforcement effort. Customs, Coast Guard, Border Patrol, Department of Defense, the Drug Enforcement Agency—they are all involved in this war on drugs and many of them have done some outstanding things, and in many areas you can show where they have coordinated on a certain task force or certain geographic areas. But, as I am sure you will agree, there are still many differences among these agencies.

As a result, when two or more agencies are involved in a seizure incident, each agency counts the seizure in its own statistics. We all understand why. They have to come here and justify their budgets and what have you. This leads to inaccurate statistics regarding the drug seizures, in my judgment.

Are you aware of this, and are you planning to address that in your strategy and your policy that you are going to implement of attempting to eliminate or reduce this double reporting?

Dr. BENNETT. Yes, sir. You don't want double counting, you want single counting. But you don't want to approach this in a way that will dampen the enthusiasm of the various departments or agencies for this effort.

Some degree of competition among them, provided we are not all running up the ladder at the same time after the same target, is desirable. And I have to say, as I know you have found, Senator, there is a great deal of interest out there in Customs, Coast Guard, DEA, FBI, in getting after this problem.

When we say the American people identify this as the No. 1 priority, the people in those departments are at one with the American people. Indeed, they are the American people.

Senator DECONCINI. I agree. And I am not interested in dampening that enthusiasm, but it is——

Dr. BENNETT. Yes, sir. Serious problem.

Senator DECONCINI [continuing]. Somewhat of a, almost a fraud when you think about, if Customs and Coast Guard happen to come down on the same case and they both report it, and there is a period of time of lapse between those reporting, each one, it looks like we have knocked off twice as much as we have, and it really isn't necessary. I think the credit can be spread at the time when one of them makes that.

Sometimes you see that, where the actual press release is put out by Customs and they give great credit to DEA, or by DEA and they give great credit to the Coast Guard.

Have you had a chance to review, Mr. Secretary, the Department of Defense report on how it plans to carry out its role in detecting and monitoring suspect aircraft and vessels destined for the United States?

Dr. BENNETT. I have not, Senator.

Senator DECONCINI. Well, I am sure you intend to do that. I have had an opportunity to talk to the General in charge, and I am very concerned about where they are going. And I know you have got plenty of things to do, but it really worries me that the Department of Defense may be moving in a way that you would like to at least have some say in there before a lot of——

Dr. BENNETT. Yes, sir.

Senator DECONCINI [continuing]. Resources are expended. And I am sure keeping you here until 5 o'clock this afternoon and not getting you confirmed so you can exercise this is not helping matters much. But I would really recommend that you get after that subject matter as soon as you possibly can.

Dr. BENNETT. If I could just comment?

Senator DECONCINI. Yes, sir.

Dr. BENNETT. Because this ties into your earlier point. One of the things that we are asking the President, and the President has indicated his willingness to me, is, I don't think it has to be Executive order, but under a memorandum from the President that all departments and agencies be informed or reminded, subject to my confirmation, of course, that any such reports, documents, actions, visits, initiatives must be looked at by us.

Senator DECONCINI. That is very encouraging. I didn't know that. That has already been done, you say?

Dr. BENNETT. I have already asked the President for it. I can't really ask him for the authority until I am confirmed.

Senator DECONCINI. But he is, you are sure——

Dr. BENNETT. So, if we could wrap it up at 4:45, maybe I can get up—I am just kidding.

Senator DECONCINI. You are assured that you will get that, I take it?

Dr. BENNETT. I think so.

Senator DECONCINI. In November 1988, the Department of Justice issued a legal opinion saying that the U.S. Customs Service had no independent statutory authority to investigate title 21 U.S.C. section 881 cases. The opinion states that Customs could only intervene in those cases after being cross designated by the DEA. Further, the opinion concludes that the proceeds from assets seized as a result of 881 cases would have to go to the Department of Justice forfeiture fund.

Now, since the release of that opinion officials from both the Treasury and Justice have met to develop a memorandum of agreement on the implementation of the opinion. While it appears that the matter of cross designation has been resolved, its affect on State and local sharing and the Customs forfeiture fund could cause a real problem early on in the implementation of your strategy.

And I am concerned that the memorandum will not adversely affect the status quo, which seems to me to be working very well.

Do you intend to review this? And if so, I just would ask that you keep the committee or some of us up here informed as to any changes or implementation of that because I am very concerned about the local law enforcement being cut out of it.

Dr. BENNETT. Yes, sir. Yes, sir. Certainly will.

Senator DECONCINI. Now the Anti-Drug Abuse Act last year authorized \$2.7 billion for treatment, education, and enforcement. As you know, less than a billion dollars was actually appropriated. Some that was left over and not spent, and we could come up with that money early on.

Have you considered ways to fund the remaining activities which did not receive appropriations over and above what President Bush has put in, some billion dollars? But that really is included in this amount of money, as I read the budget.

Are you considering some recommendations on funding? And I am not talking about reading your lips on taxes or what have you, but any other ideas or thoughts on the funding?

Dr. BENNETT. Only in a very preliminary way, Senator, but I guess we will have an opportunity to talk about this in about a month, if I am confirmed, when we talk about appropriations.

Senator DECONCINI. Have you been involved in the formation of the President's budget with respect to drug programs?

Dr. BENNETT. Only in a very general way. I indicated my interest to the President and to OMB Director Darman, and the President wanted me to speak with Darman. I just spoke with him briefly. I said, Look, I am not confirmed. I don't have much, if any, authority here but I am very interested in this, and if there is anything significant that is going to happen I want to know.

I also indicated that I thought that an increase would be the right thing to do, not only in terms of the right signal, but substantively sensible. And he said he agreed. He said it is a tough year, but we will find what we can. The rest of the conversation I said, and you know I will be back in 6 months. And he said, yes, I know,

I know you will be back in 6 months, and we are interested to talk about it too.

Senator DECONCINI. Is it safe to say then, Mr. Secretary, maybe—not meaning to put words in your mouth, but after you are confirmed you intend to take a far more aggressive approach in the funding of that drug bill and other programs that you feel need to be funded?

Dr. BENNETT. Yes, sir. I do not see that we could recommend a strategy sensibly without also having specific and explicit budget recommendations.

Senator DECONCINI. In 1987 the Drug Policy Board named the U.S. Border Patrol as the lead law enforcement agency for ports of entry along the Southwest border. This border is comprised of a 2,000-mile stretch of barren desert for the most part with no natural barriers along the Mexican border. Difficulty in patrolling the area is gigantic. I know from having been there first hand on many, many occasions.

Despite the enormous logistic problems, last year the Border Patrol seized record amounts of narcotics, including 60 percent of the marijuana and 40 percent of the cocaine confiscated on our borders.

Now, I am greatly disturbed by the administration's fiscal year 1990 budget, which cuts approximately 250 Border Patrol positions on the border. I strongly believe that we should be adding positions to such an agency. Maybe it is a little early to ask, but do you agree with that, and would you support strengthening these Federal agencies when they seem to really be doing the job as far as numbers and seizures are concerned. These are not reported by any other agency that I know of, Customs or anyone else on the border.

Dr. BENNETT. I will take a good hard look at it. I have a very, very high opinion of the Border Patrol. I have had it for some time. I was—in fact, I used to refer to the Border Patrol education programs as a model of sound education.

Senator DECONCINI. They have got some good ones.

Dr. BENNETT. Yes, sir.

Senator DECONCINI. You know, with the use of dogs. I am very impressed myself. I am very concerned about the Border Patrol, at least in the sector in southern Arizona. Last time I was there, I discovered that they literally had two pair of night vision goggles for close to 70—I am not sure of the number—positions. And they have confiscated a couple of night vision scopes across the border used by drug smugglers.

It just concerns me. The equipment is in bad shape. And there has just got to be a lot done. Extremely successful, cost-effective utilization of Federal funds for State and local law enforcement programs is in the funding of the State and local drug enforcement task forces. This is funded under the discretionary grant program. And Federal agencies such as the DEA and Customs teams work with local law enforcement.

I believe that left over funds to your office from this Federal forfeiture is estimated at about \$80 million for this fiscal year and over \$120 million for 1990. I believe that the task force is an area where a relatively small amount of money goes a long way and makes a big difference.

Have you had a chance to focus on any of these task forces, Mr. Secretary? And what is your feeling about them?

Dr. BENNETT. I really have not at this point, Senator. Sorry. But I will.

Senator DECONCINI. OK.

Dr. BENNETT. But I think this whole area—this whole area of the forfeiture is a very encouraging one. And one hears about this not just in terms of adding moneys available to us, but one hears about this wherever one goes. But giving law enforcement this incentive—what really is an incentive—it hurts the drug dealers and provides a great incentive for law enforcement, and brings in a lot of valuable goods.

Senator DECONCINI. Mr. Secretary, I have got a lot of other questions, but contrary to what I usually do, I am not going to give them to you to answer so you can get to work and do your job.

Dr. BENNETT. Thank you, sir.

Senator DECONCINI. And your staff. I will talk to you now or then, or if some of your people in education, training the teachers, the DARE Program—

Dr. BENNETT. That is a good program.

Senator DECONCINI [continuing]. Some of the programs that I have an interest in, the domestic producers of drugs and youth gangs and what have you. But I thank you for your time today. And I am sure will be anxious to get to work.

And, Mr. Chairman, thank you. And maybe the good Secretary needs a break like I do.

The CHAIRMAN. I was just going to suggest that. Would you like to take a 5-minute break?

Dr. BENNETT. No. I am fine. Can I reserve the right after I drink this water?

The CHAIRMAN. At any time. Just nod and we will break.

Dr. BENNETT. After a tough question I can. Thank you.

Thank you, Senator.

The CHAIRMAN. Senator Humphrey.

Senator HUMPHREY. Secretary Bennett, while you were at the Department of Education, you issued a handbook, "Schools Without Drugs," which served as the cornerstone of the Education Department's efforts to prevent drug abuse by school children. So you are not exactly new to this field upon which you are about to charge.

What conclusions have you drawn on the basis of your experience at the Department of Education in drug programs?

Dr. BENNETT. Well, thank you for bringing up the book. We are very proud of the book. And I think it has been distributed, about 2½ million copies now. I think people in the field of education and drug education specifically area regard it as one of the very good books. It is very widely used.

My conclusions are essentially the conclusions of that book, that education for young people about this has to be conceived not only as a curriculum of courses but also as policy, essentially this, if I could boil it down, Senator. When you say to young people, do not use drugs, two questions come into their minds. The first one is why or why not? And the second one, almost as important, is are they serious? Do they mean it?

And we have to have satisfactory answers to both questions. That is we have to say to young people why drugs are them. We have to find every sound, persuasive, cogent and powerful way to say this that we can, through public service announcements, through courses, through movies, through whatever.

Second, we have to be very clear to young people that we mean what we say. And in "Schools Without Drugs" we profile a number of schools that have successful programs because they backed up their message with action and policy.

Senator HUMPHREY. Discipline, for example?

Dr. BENNETT. That is part of it. In the Anne Arundel schools their policy is if you use drugs, you are suspended for a few days, you enter a counseling program, your parents enter too. If you use again, you are expelled. If you sell drugs, you are expelled.

Now, the interesting thing—because I remember one hearing we had where someone said, well, is this the answer, just expel a lot of people? The interesting thing is they do not end up expelling very many people. What students discover is that when one student is expelled, that the school is serious. And that tends to have a very profound effect.

Kids, young people, are also doing a pretty good job themselves of educating each other about this. Stories spread pretty fast. The Len Bias story had a gripping effect on this country. And now, unfortunately, there are lots of examples close to home. This—some of the most powerful and important word travels through the grapevine, through the neighborhood, about somebody's experience with drugs.

As we see deadlier and more addictive drugs coming in, into common usage in some places, like crack, the only good news—or one of the only pieces of good news is that the bad news about these drugs will spread, we hope, faster.

Senator HUMPHREY. The recently released study by the University of Michigan certainly gives us additional optimism for the belief that greater educational matters and greater intervention—higher educational standards and greater intervention on the part of schools and parents works.

I have rather little faith that we can ever effectively seal off our borders. I think we need to emphasize a great deal more education and treatment. And I would urge that you not shy away from your strong foundation and philosophy in your approach to the job, because I think this is far more than just a clinical challenge. I think it is a challenge to reorder values. And that is fundamentally a philosophical approach I think.

Dr. BENNETT. Well, there have been a couple of comments to the effect that I ought to disassemble my bully pulpit and—you know, put it away and get on my green eye shades and run numbers for a couple of years. I—if as Director of National Drug Control Policy all I do is talk to the American people, I will not have done my job. However, if I do not talk to the American people in a clear, direct way, in a way that I hope will further understanding and resolve, I also will not have done my job.

Senator HUMPHREY. That is true. And I understand what you are saying. But again, I would urge you not to be—

Dr. BENNETT. I will not be.

Senator HUMPHREY [continuing]. Too clinical about all of this.

Dr. BENNETT. No. I mean they are the ones in the end that will do it. I mean, it is—if there is an opportunity afforded by this plague, Senator, it is this: A combination of anger and concern and fear and worry provides the opportunity for a kind of volunteer effort on the part of Americans in the inner cities and at the cocktail parties in the suburbs, both ends here of the socioeconomic spectrum, to do something about it. And when the American people decide they have really had enough, then they will act.

They turn then and say what do we do? And that is what we ought to be—you and I and the rest of us ought to be ready to say here are some things that are effective, here are some things that work.

Senator HUMPHREY. Very good.

Well, I think you demonstrated during your tenure at the Department of Education the value of exhortation, with the expenditure of rather little money, as your critics so readily point out. Nonetheless, your exhortations excited the interests, aroused the interest, of people all across the country, educators, parents, parent groups, nationwide. And that exhortation is beginning to be translated into real solid practical results, greater excellence in our schools.

And I think you need the same kind of exhortation—I do not think we have had nearly enough—for a restoration of more decent values in this country, more responsibility, by children, by parents for their children, by community leaders, and by those who enjoy the privilege of visibility in our society, athletes, politicians, and those in the entertainment industry.

So I think there is a lot more that we can be doing in the way of exhortation. I cannot think of anyone who has a better track record in that regard in terms of practical results than you. And so I am delighted and I encourage you.

Dr. BENNETT. Thank you, Senator. Thank you.

The CHAIRMAN. Thank you very much, Senator.

Senator METZENBAUM from Ohio.

Senator METZENBAUM. Smith.

The CHAIRMAN. No, I am sorry. I had forgotten you had arrived in the meantime, Howard. I beg your pardon.

Senator METZENBAUM. No problem, no problem.

The CHAIRMAN. Senator Metzenbaum.

Senator Simon and I are anxious to hear what you have to ask. Right, Senator Simon?

Senator METZENBAUM. Dr. Bennett, are you getting tired?

Dr. BENNETT. I am OK.

Senator METZENBAUM. Mr. Chairman, I think it is cruel and inhumane punishment for a man who just got off a—kicked the cigarette habit to put him up here on the stand for this many hours. That is not fair. We should be getting him some nibbles or something to work on.

The CHAIRMAN. He is a man of great willpower and ability. And maybe this is the demonstration of it today.

Senator METZENBAUM. Dr. Bennett, as Secretary of Education you took pride in shaking and criticizing the so-called education establishment, and I have already told you that I respect the fact

that you were outspoken. But there was some criticism of you for not working effectively with teachers' groups and education associations.

One of your early supporters as Education Secretary, Al Shanker, president of the American Federation of Teachers, suggested that you had alienated everyone in your constituency. And the president of the University of Miami, Edward Foote, said of your tenure that there is so much acrimony floating around we do not get to the merits of debating education.

Dr. Bennett, like it or not, your new job may well require as much delicate politicking as it does outspoken candor, maybe even massaging a few egos somewhere around the line. Do you think you are going to be able to handle that kind of relationship, that kind of a working job?

Dr. BENNETT. Sure. Yes, sir.

I actually get along with people pretty well. The—there are—there is always greater interest on the part of the press or some of the press more than others on controversy and disagreement. But actually most of my hours and most of my days were harmonious. I will admit that I had deep and serious disagreements with people such as Mr. Shanker and Mrs. Futrell, President Foote, and others. But I had an awful lot of agreement and support from, not maybe the heads of the education organizations but from the people who do the job, a lot of teachers and a lot of principals, and a lot of people there on the ground.

Everything that we said at the Department of Education in terms of what we thought ought to change, was based on something that somebody in the field told us about. As you know, Senator, I spent a lot of time in your State, several exemplary schools there in Dayton, Edison and Chambers Elementary, in Cleveland, others we talked about the other day. And there just happens to be a real disagreement between the official educational ideology of the interest group leaders in Washington and a lot of the people in the field on the ground. And I tend to agree with people in the field on the ground.

Senator METZENBAUM. I do not have to tell you that the job you are taking on is of great interest to the minorities and community-based groups in this country. How many people have you hired so far and how many are minorities?

Dr. BENNETT. I do not know how many I have hired. I would have to ask Mr. Carnes. And I do not know how many are minorities.

Senator METZENBAUM. Have you hired any minorities?

Dr. BENNETT. I do not know.

Senator METZENBAUM. Could you ask your staff please.

Dr. BENNETT. Sure.

Senator METZENBAUM. Would you please.

Dr. BENNETT. Right now? Do you know?

Mr. CARNES. We have hired five people—and a dozen of those—we have one of those that I know of who is a minority.

Senator METZENBAUM. When I am talking about minorities, I am not talking about secretarial jobs. I am talking about policy positions or leadership positions.

Dr. BENNETT. We will—I will get you that, Senator.

For the record, not something anybody ever wanted to pay much attention to, but you could take a look at my record at the Department of Education. And although I do not count by race, never have and never will, you will find that minorities are in positions of responsibility, Assistant Secretary level. And the highest positions of responsibility in the Department, we had a higher proportion of minorities and women in those positions than almost any other Cabinet Department.

Senator METZENBAUM. And did I understand from the gentleman who is behind you that there is only one minority person hired so far?

Mr. CARNES. Well, to be quite frank with you, Senator, I have not run that count. I have not looked at it that way. But right now off the top of my head I know one person who is a staff member who is not in the clerical or administrative position who is a minority member. It happens to be a male.

Senator METZENBAUM. Hispanic or black?

Mr. CARNES. Black.

Senator METZENBAUM. Any blacks at all?

Mr. CARNES. We have—the answer to that is yes.

The CHAIRMAN. Sir, could you for the record just identify yourself so we—that voice is not coming from somewhere in the great beyond on the record.

Mr. CARNES. Mr. Chairman, my name is Bruce Carnes.

Senator METZENBAUM. Would you provide us promptly with how many people hired so far, how many blacks, how many Hispanics, in the kind of positions that blacks have been—

Dr. BENNETT. I will ask someone to. I will not do that, but I will ask someone to.

Senator METZENBAUM. You say you do not want to do it?

Dr. BENNETT. I will not do it. I will ask someone to do it.

Senator METZENBAUM. I might say, Dr. Bennett, that while the overall number of minority employees is good at Education, I am told by the Black Managers Council at the Department of Education that the number of minority supervisors at the Department actually declined substantially during your tenure.

Dr. BENNETT. We will get you a full report on that, Senator. And I would like the full report to be shared by the members of the committee so we can put this issue to rest.

Is that all right with you?

Senator METZENBAUM. Sure.

Dr. BENNETT. Great.

Senator METZENBAUM. Let me ask you futurewise, is it your intent to make a special effort to bring minority members into leadership roles in your new position?

Dr. BENNETT. We will make a special effort to fill positions, the responsible positions, with the best people we can find, taking into account that for a number of these positions the best people we can find will mean looking for people who will be able to speak with authority and sympathy and understanding to various aspects of the American community, which we recognize to be diverse.

Senator METZENBAUM. Does that mean yes?

Dr. BENNETT. It means what it says I think.

Senator METZENBAUM. That is not enough.

Dr. BENNETT. I do not—

Senator METZENBAUM. That is not enough. I think that—

Dr. BENNETT. Well, OK.

Senator METZENBAUM [continuing]. This is a problem which is so critical in America's cities, and for us to not be realistic enough to recognize what destruction it is doing to the total black community in America and in some areas the total Hispanic community, and to just—without knowing that there are going to be persons who have an identification with the community involved closely with you, frankly I think it would be starting off on the wrong foot.

And although you say you do not want to look at that issue, the fact is you have to, you have to. Because if you are going to be realistic, you cannot deny the fact that in the city of Washington, look what is happening. And it is all drug related; 91 deaths in less than 90 days or something—I forget the figures—54 days, 60 days, whatever the facts are.

So it is not something that we can really say, well, I do not like to look at the person's color or their minority status. It is something that I think we have to ask you to do.

Dr. BENNETT. I will note your request, Senator.

Again, I have been in Government a long time, 7 years now here. I have been the head of two agencies—one agency, one department. And I will stand by my record on this issue.

Senator METZENBAUM. Dr. Bennett, I have to tell you, I came to this hearing totally prepared to vote for you. But I must tell you that when you equivocate on this question of minority involvement in the operation of your department, frankly it has to make me—and I would guess others as well—have some concerns. And I am not quite clear why it is that I cannot get an affirmative answer from you as to your willingness to involve minorities in policy—

Dr. BENNETT. Of course I am willing to involve minorities. If you are asking me, however, whether I will hire someone because they are a minority, the answer is no.

Senator METZENBAUM. No, I did not ask you that.

Dr. BENNETT. Because that is an insult to that person.

Senator METZENBAUM. I did not ask you that.

Dr. BENNETT. Have I involved minorities in substantial—in positions of substantial responsibility in my two previous jobs in Government, absolutely, about as good as anybody.

Senator METZENBAUM. Well, I told you that the black—what you call the black—

Dr. BENNETT. Again, I want to submit the full record to you. I mean, some people were unhappy with some things we did. I do not deny it. But we have some numbers and statistics which I think, Senator, will make the case.

Senator METZENBAUM. Well, if you—

Dr. BENNETT. And if you are asking me to predict will there be minorities on my staff, of course there will. Will they be in positions of responsibility, of course they will.

Senator METZENBAUM. Dr. Bennett, every year 390,000 people die from smoking cigarettes. Surgeon General Koop says that nicotine is as addictive as heroine and cocaine. Since cigarettes are, like illegal drugs, lethal, addictive substances, do you see deterring their use, especially among children, as part of your responsibility?

Dr. BENNETT. Well, to some extent. I reviewed this, Senator, thoroughly in terms of the Congressional Record and other things just to find out what my jurisdiction is, and noted in the Congressional Record that Chairman Biden identifies drugs as controlled substances. That would not on the face of it suggest involvement—direct involvement with alcohol and tobacco as part of my jurisdiction.

However, there is language of the chairman in the Congressional Record, and I think common sense would dictate, that when we are talking about just what you mentioned, education programs, prevention programs, that we would want to talk to young people about the connections and the links between cigarette smoking, alcohol, and controlled substances.

As a fact—as a matter of fact, if you can discourage a lot of young people from smoking you will probably have discouraged a lot of young people from taking illegal drugs.

So in the prevention education side, sure. But I do not view my task as principally as addressing alcohol and tobacco, rather marijuana, cocaine, PCP, heroine.

Senator METZENBAUM. I would agree that your principal—

Dr. BENNETT. Right.

Senator METZENBAUM [continuing]. Thrust has to be in those areas.

Dr. BENNETT. Yes, sir.

Senator METZENBAUM. But I would hope that you would also address the other aspect as well. And I think you have indicated you will.

Do you think that the government should accept or attempt to provide some financial underwriting for treatment programs for those who cannot afford to pay for the treatment programs themselves?

Dr. BENNETT. Yes, in general. Obviously this is a matter—I was just reading an article in the New York Times about a battle between State and local officials as to who provides the money for treatment. But I certainly think the Federal Government has a role to play here.

One of the questions the Federal Government needs to ask that I think perhaps it can answer better than the others is what is appropriate treatment? What works? What is effective? But, yes, I certainly think—I view this office, the office of national drug control policy, as having within its purview, clearly within its purview, the whole question of treatment and budget for treatment.

Senator METZENBAUM. Dr. Bennett, as I mentioned in my opening statement, one of our top Federal prosecutors, Richard Gregory, was sent to Miami to go after the drug lords down in south Florida. Time and again he found that the trail to the top of distribution business lead him into foreign countries where government officials sometimes were involved with the overseas drug kingpins.

Mr. Gregory has stated on more than one occasion he was prevented from going forward with prosecutions by the State Department which feared that his cases would adversely interfere with foreign policy objectives. Columbia and the Bahamas were two of the countries involved in cases noted by Mr. Gregory.

Mr. Gregory is no longer a prosecutor. He quit because he was convinced that our Government is not serious about winning the war on drugs. Here is a dedicated prosecutor who was willing to go out on a limb to get drug dealers and he was shot down by his own people. Why do you think this happened, and what do you think you can do about it?

Dr. BENNETT. I do not know why it happened. I was disturbed to read it, Senator, and you reminded us of it this morning. I do not know, but all I can say is I hope there will not be the opportunity or this occasion would arise again. And I take this job very seriously and I take the job to mean a not only coordinated, but a deadly serious effort to address this question.

I hope no one will leave—people will leave, no doubt. But I hope no one will leave in frustration with a sense, reliable sense, that this Government is not serious. That will not be. We will be serious.

Senator METZENBAUM. Could you give this committee a full report, confidential if need be, on any matter which was closed because of State Department objections?

Dr. BENNETT. Any matter—I am sorry?

Senator METZENBAUM. Any matter that was closed by reason of State Department objections? I would guess that if you make some inquiry into this, you will find that the prosecutors were told to slow down or knock it off in a number of instances by the State Department. We do not know the facts except that which we read or hear about in the public press.

And I am asking whether you would find out what the facts are and advise us. And if it need be confidential, we would respect that.

Dr. BENNETT. I will try to find out, yes, sir. Sure.

Senator METZENBAUM. Thank you.

I think Senator Kennedy got into this a bit, but as you know, I have a piece of legislation dealing with semi and automatic assault weapons like the AK-47 and the Uzi. There are enormously popular with drug dealers.

Last month we heard testimony from law enforcement officials who were literally pleading with us to outlaw these weapons. In fact, I am told that one of the people who testified, Chief Gates, was quoted by you earlier. He was the one strongly pushing for the enactment of such laws.

Our police officers and innocent bystanders are being gunned down in the streets. And they told us it would save lives by banning assault weapons like the AK-47. One reason is most drug dealers and drug addicts, they are not marksmen, they are hitting police officers, they are hitting others as well. But assault weapons, rapid fire, semiautomatic, do not require marksmanship.

My question is whether or not you would be prepared to join former President Reagan, me, and some others, in an effort to ban assault weapons such as the—semiautomatic assault weapons such as the AK-47 and Uzi, street sweepers and some others.

Dr. BENNETT. Well, not at this point, Senator. But, as I said to Senator Kennedy, as he pointed to in the memorandum, I think that it is an issue that we have to address and it is one I plan to address. I will tell you that I, I will admit a personal reservation

about the ownership, private ownership of AK-47's. I am not a gun owner. I know a lot of gun owners, and I think the members of a group like the NRA are responsible people, responsible citizens, with a genuine concern for a genuine right.

I also think the police chiefs and police officers of this country have a legitimate concern, and one of the things that I would like to look at is a way to balance these.

The President knows that I have my reservations here and that I have concerns, and that this will be part of what we will look at, and the President has put no restrictions on me in my pursuit of that question. You will hear from me about this in my recommendations.

Senator METZENBAUM. I appreciate that.

Dr. BENNETT. Yes, sir.

Senator METZENBAUM. You didn't mean what you said during the campaign when you said that key advisers and supporters of Michael Dukakis "have disdain for the simple and basic patriotism of most Americans"? You wouldn't say that about Joe Biden and Howard Metzenbaum and some others, would you?

Dr. BENNETT. No.

The CHAIRMAN. Jesse Helms? Let us broaden the group here a little bit.

Dr. BENNETT. No. No, no, no, I wouldn't. But do you want to get into this? We already got into trouble on one we weren't anticipating. Do you want to get into trouble on another one?

Senator METZENBAUM. I don't mind.

Dr. BENNETT. I know you don't mind. [Laughter.]

You got nothing to lose.

No. This is the old pledge issue, and as I said to Senator Leahy when he was asking me about it, I was up in Boston. I have spent a lot of time in Boston. I spent a lot of time there as a student. And when I was up there I overheard some people talking who were Dukakis advisers—not you, not Senator Biden—saying that it was ridiculous for people to be getting upset about this pledge issue because "a few 'yahoos' thought that every kid in America should say the pledge," and that is when I realized why the campaign would fail.

Because if you had advisers who thought people who thought their children should say the pledge were "yahoos," you were finished. You didn't understand America. But it wasn't anybody here.

Senator LEAHY. What was that last comment? I didn't hear it.

Dr. BENNETT. It was what you asked me about it.

Senator LEAHY. I understand.

Dr. BENNETT. Yes.

Senator LEAHY. You were walking by the hall and heard that.

Senator METZENBAUM. During the campaign you specifically criticized Pat Robertson, during the Republican campaign, when he said that "Christians feel more strongly than others about love of country," then you turned around and made the same kind of statement.

The CHAIRMAN. Keep going, Howard. Finish your question.

Senator METZENBAUM. My question to you is, do you think you can strain yourself a little bit? We want to make this into a bipartisan effort, to eliminate drugs. You are like a wild cannon at

times, and I just want to say to you that I am a strong Democrat and you are a strong Republican, but I am as committed to the elimination of drugs in this country as I am sure you are, and I think it would be so inappropriate for you as the new so-called drug czar—you have another title, I know—to use any language that would be divisive.

And I would just hope that you would accept it in the manner in which it is being given, and that is a friendly one, to hold your lip on some of these very divisive issues so we can all work together and help you achieve the objective.

Dr. BENNETT. That is fair enough, Senator.

May I make two comments, Mr. Chairman?

The CHAIRMAN. Please.

Dr. BENNETT. I think there is a difference. I don't want to do a seminar here, but I do think there is a difference between Republicans and Democrats exchanging barbs, you know, over the fence and saying, I don't know about the—you know, when a liberal Democrat may say I don't know about these conservative right-wingers when they say this and a Republican says I don't know why these liberal Democrats say that. I think that is, in fact, different in kind from saying Christians here, Jews there.

I think the first is within the permissible bounds of American political discourse. I think the second is not. I think the second is deadly dangerous. Conservatives and liberals to lob things at each other, fine. Who notices? But if Christians stand up and say we are patriotic and Jews aren't, or vice versa, then we are really into something very serious. We have to, I think, foreswear that immediately.

You asked in a very nice way, Senator, and I will respond. As I told Chairman Biden, I don't plan to make politics a part of this beat at all. I will speak out on this issue but it will not be in a political way.

If you think I am doing it in a political way, this job, I want to know about it. I have asked the chairman to let me know. And, in return, I have asked him if I believe that people are getting on me for political reasons in a way that interferes with my doing of the job, I am going to complain to him, and he said he would be happy to hear that complaint.

There is no reason or excuse to either—to do this job or to be criticized in the doing of this job for any kind of political motivation. It is too serious.

Senator METZENBAUM. Thank you, Mr. Chairman. Thank you, Dr. Bennett.

The CHAIRMAN. Thank you very much.

Senator Leahy is next, but I understand he is his usual, and I mean this sincerely, gracious self and has indicated that Senator Simon has been waiting a long time and would be able to go next. Thank you, Senator Leahy.

Senator Simon.

Senator SIMON. I thank you, Mr. Chairman, and I thank Senator Leahy. I only had to promise to vote for five of his bills in order to go next here.

Senator LEAHY. But they are good bills, Paul, so it is all right.

Senator SIMON. If I may follow on Senator Metzenbaum's question here, Mr. Bennett, on the minority employment. I think whatever the agency of Government is we ought to be having affirmative action, but it is particularly important in your new position because of the sizable numbers of minorities who are, unfortunately, abused by drug and who abuse drugs.

Let me just read a few, a couple of things here my staff has put together, and you may correct this or indicate what you would be doing in your new position.

Between July 1983 and June 1984, of 80 job openings at the National Endowment for the Humanities, all but the technical and clerical positions were filled by white applicants.

When the Equal Employment Opportunity Commission asked 110 Federal agencies for an affirmative action program, four agencies declined; one was the National Endowment for the Humanities which you headed.

When I asked you about that when you were up for confirmation for Secretary of Education, you said as Secretary of Education you would be out "fighting for the cause." And when you became Secretary of Education, you still did not comply with the EEOC mandate for submission of an affirmative action plan.

The Wall Street Journal, on December 3, 1986, said that "none of Bennett's inner circle advisers is black."

Now, I am obviously extrapolating a few things. I guess, No. 1, will you be complying with the EEOC request in your new office?

Dr. BENNETT. Ah, I think we actually did comply. It was a mix. I think complied in part, didn't comply in part. It depends on what they ask me to do. If they ask me to submit quotas, I will not. As I have said before, that is a matter of principle, and I think as a matter of law I don't have to.

On the four points, Senator, I don't remember on the NEH. It is possible. But I know, I should say as a matter of principle I believe in affirmative action. The original understanding of affirmative action cast a wide net. Look for qualified people wherever they may be and particularly look in areas where they may not be getting the work, where people may not feel they are welcome. Reach out to people in such groups, neighborhoods, communities.

Black Ph.D.'s in the humanities, as you know, are not in enormous oversupply in this country, and those are the kinds of professional jobs at the NEH. You are right about the, our actions at the—in terms of the request at the Endowment, and you are right in terms of the EEOC guidelines at Education. Again, I will happily send to you our hiring record at the Department.

I had—Senator, you know me and you know what I think. I have problems with this. Reasonable people can disagree, it seems to me. I have problems with the quotas, or goals as they call them, that I was asked to submit. But I ask to be looked at in the totality of the record and the totality of the record is very good of what we did at Education.

Despite the Wall Street Journal—the inner circle, I don't agree with their view of the inner circle. Take a look at the positions of authority and responsibility there and you will see a great diversity indeed.

There are all sorts of people who went through the form of sending in the EEOC compliance and then didn't do a blessed thing about actually hiring people. I have principled difficulty with the EEOC form, but we did a lot in terms of hiring.

We also emphasized while I was at the Department of Education the education of the poor and disadvantaged. I think as you know I went to a disproportionate number of schools for black and Hispanic children in poor areas, in the ghettos and the barrios, and anybody who says I am not committed to this cause I think would have to face an awful lot of contrary evidence.

Senator SIMON. But, the EEOC, assuming they—

Dr. BENNETT. Yes. The EEOC I have problems with, yes, sir.

Senator SIMON. OK. And assuming they live within the law, which I assume they will, and do not ask for things that are contrary to any court decisions, you still have difficulties complying with their requests?

Dr. BENNETT. Have to see it, Senator. I will do my best to comply with the EEOC and, if there is a way in law and in good conscience to do it, I will do it.

Senator SIMON. It has been mentioned to you before—before I do that, Senator Kennedy, he had to leave and he requested that I—he gave me two memos, June 26 and July 11, 1986, 2 weeks apart. And in fairness to you, a lot of memos go out of your office that you haven't seen and go out of my office that I haven't seen. But they seem to be taking contradictory stands on block grants to States in terms of drug education. What is your feeling on that issue?

Dr. BENNETT. Don't remember. I'm sorry. Can I consult with staff momentarily?

Senator SIMON. You may consult with staff.

Dr. BENNETT. What is the contradiction?

Senator SIMON. Frankly, I am not going to use a lot of my time, going to this lengthy—

Dr. BENNETT. No, I don't want to get you in a corner. Can we answer this for the record?

Senator SIMON. Sure.

Dr. BENNETT. OK.

[Not available at presstime.]

Senator SIMON. The question has been directed to you about a shift which clearly was there in the bill we passed. That we move more strongly in the less dramatic but just absolutely vital areas of treatment and drug education.

Do you agree with that new emphasis? And do you intend to follow that new emphasis?

Dr. BENNETT. Yes, I certainly agree with the emphasis. I am not sure that I would want people to conclude from that that I am not interested in the other aspects either.

Senator SIMON. No. No, we all are.

Dr. BENNETT. But I think two things particularly in those areas, the identification of what works and the treatment area. I do think Senator Moynihan's idea that he—excuse me—wrote about in the New York Times, about some pharmacological research here to find this methadone clone for crack would be interesting. It won't

settle our problems, but it would be, I think, a very important piece of research. But, again, a good assessment of what works in the treatment area.

And education, slightly different emphasis but more emphasis. We do have some encouragement with this report, with this story, the student survey. We have got to build on that. Something is getting through to, if not all, a lot of our students, a lot of our kids in school. Let us find out exactly what it is that is getting through.

Can I comment just very briefly? I don't want to take a lot of your time. But, in this chart in the New York Times it shows use and shows use fairly flat but now going down in the last two years. It shows availability in the last four or five years going up pretty steadily. The sharpest change from 1986 to 1988 is in those who said there was a great risk of harm in regular use. It is that line that is taking a fast turn up.

Somewhere between 1986 and 1988 we got the message across to young people that there was a great risk of harm. If we can keep that curve going, we can keep this use thing going down. Something is getting across. Let us identify which part of the message had the greatest impact.

Senator SIMON. I called a Member of the House who, frankly, has worked much more on this drug area than I have, who has provided leadership, and I asked the question, I said, If you were a Member of the U.S. Senate would you vote to confirm Bill Bennett? And there was a pause on the other end of the phone. Then he said, "That's a tough question." He said, "I probably would vote with great reluctance to confirm him."

And he talked about what was happening in your office in the Department of Education in terms of drug education, which he felt was not very impressive, and I have to say, after my conversation, that I got a hold of this, of the hearings in the House and, while you are not the witness, I would have to believe you would also, just reading that, come to the conclusion that there were pretty massive deficiencies.

Dr. BENNETT. There may have been some problems, but I will say that I think of all the initiatives in Government this was one of the best and most helpful.

Senator SIMON. The impression I have here reading the record is money gets thrown out without much care as to what was happening with it.

Dr. BENNETT. Well, Congress said spend the money and Congress said spend the money fast, get it out fast. I think we set a world's record in terms of getting the money out. I know we set some kind of record.

We would have preferred, Senator, as we said a number of times to have some more accountability for that money, some more evaluations, some more assessment, and we did finally get it in the last version of the authorization. But there was pretty strong pressure on us to get the money out, that it was awfully late already. And I think, frankly, the state of the art had to catch up a little bit with the money. I think that is happening now, though.

I am still very pleased with the book, the publication. The fact that so many people took the money to put good programs into place. There was no doubt a lot of waste. But we have made some

real progress here and I want to build on it. I want to look at the half of the glass that is full.

Senator SIMON. Finally, as I look at the Bill Bennett record, and there is no question about your ability and your ability to focus attention on a problem, but there is an overeagerness to please an administration.

You are going to be in a situation where, frankly, you are not going to be able to please everyone if you are going to do the job that needs to be done. You are not going to please Paul Simon or Pat Leahy or Joe Biden or Arlen Specter and some people within the administration.

What kind of assurances do we have that you are coming up here and be candid in saying this is what needs to be done to move this Nation ahead on this drug problem?

Dr. BENNETT. I don't mean this sarcastically. I don't think many people have argued that lack of candor is my problem. When I have gotten in trouble it has been for candor.

These memoranda which Senator Kennedy has I guess I can put forward as bona fide. These are memoranda from me to my administration, colleagues in my administration, in which I respectfully take difference with my colleagues on the whole conduct of the drug initiative.

I have been outspoken about this in the past and will be candid and direct about it in the future. There isn't much point in taking this job if you are not going to be. I mean why take this job if you are just going to be a bureaucrat.

I read one magazine that said the consensus is that Bennett will be a figurehead. I will not be figurehead. I will win or I will lose, but I will not be a figurehead. Why would you take this job to be a figurehead? You know, the pay is not so good, as we know. The hours are horrible. The subject is depressing—depressing as hell. Unless you thought you were going to make some positive difference, I don't see any reason in the world to do it.

Senator SIMON. That is the strongest—that is the best part of your testimony so far today, if I may say so, and I appreciate it.

Dr. BENNETT. Thank you, Senator.

Senator SIMON. Thank you. Thank you, Mr. Chairman. Thank you, Senator Leahy.

The CHAIRMAN. The Senator from Pennsylvania.

Senator SPECTER. Thank you, Mr. Chairman.

Mr. Bennett, I regret not having been present during a good bit of today's proceedings, but I know you understand that there are many other committee hearings. I have just come from the one for Congressman Derwinski, up for Secretary of Veterans Affairs, and there have been votes and proceedings on the Tower issue. So I express those regrets. It may be that I will cover some ground that has already been gone into, so to that extent I regret my absence for the entire proceeding.

I would like to begin with the subject of our handling the problem of extradition with foreign countries and begin with the problem in Colombia, where there is virtual anarchy present with some 12 Supreme Court Justices having been murdered, the Attorney General was assassinated, the drug cartels seized the Supreme Court building, and there was a battle, a military encounter before

the building was recaptured, and the Colombians have declined to negotiate an extradition treaty with the United States.

I wonder to what extent you have had an occasion to get into the kinds of problems we have on that line?

Dr. BENNETT. I haven't had any, Senator, as you might expect. And I don't want to dodge the question. All I would tell you is that I expect I will have a fair amount once confirmed.

Everything that goes on in this area, as we mentioned when you were at the other hearing, will be—will have to cross my desk. We were saying earlier that we expect the President to issue a memorandum to all agencies and departments of Governments that from A to Z, soup to nuts, if it is about drugs we have to know about it and be involved.

The question you ask is a very difficult one, very frustrating one, this whole question of extradition. It has to do, obviously, with a lot more than the legal issues; it has to do with perception of the United States, other countries' perception of us and our responsibilities for the drug situation. It is part of the whole, part of the whole mess.

Senator SPECTER. Well, with respect to the problem on international extradition, I would call your attention, as I believe I did during your visit with me privately, to a provision of the Drug Act, an amendment which I had proposed, calling on the executive branch—and that would turn out to be you, if confirmed—to explore the possibility of an international court to try drug dealers.

The thrust of that proposal is to try to make it easier for countries like Colombia to turn over a drug suspect to an international body, as opposed to turning a drug suspect over to the United States where there is so much concern about Colombian nationalism and reprisals, with Uncle Sam being the big buy to the north.

Mr. BENNETT. Right.

Senator SPECTER. There was an incident involving a drug dealer by the name of Mata in Honduras, where the Honduran authorities turned over Mata to the United States without any formal extradition processes, and the result was a near—well, I guess there was a riot in front of the U.S. Embassy and a great deal of problems there. That puts into focus the issue of nationalism on the part of the Hondurans, and even with their close relationship with the United States on so many lines it made it extraordinarily difficult.

So I think it is worthwhile to add in at this point that there is a provision in the 1986 legislation dealing with terrorism where my amendment was proposed to have an international court to try terrorists, which had largely the same thrust. One illustration of that was the Abu Abbas case, where he was in the Egyptian airliner forced down after the hijacking of the *Achille Lauro*, and the Egyptian authorities took the position that if the United States were to obtain Abu Abbas under those circumstances it would be a severe fracture of United States-Egyptian relationships because the Egyptians would respond that their nationalistic pride was being damaged.

What response, if you care to make one at this time, would you have to the use of an international court to try to deal with drug dealers?

Dr. BENNETT. You are way ahead of me on this, Senator. My learning curve is very low at this point on that. But I think the one point that I appreciate, given what I know about this, is that we have to try to remove the United States from the center of the stage here in a lot of ways, that is we want to try to remove the United States as the largest consumer of illegal drugs. We also want to get the United States out of sort of the anomalous position that some sometimes view us in, the largest consumer and the toughest enforcer, the largest consumer of and the toughest enforcer against. We have to have some standing with us, sharing with us, and acting on a common conviction and principle about the wrongness of this and legality of this.

So I think it is very much worth exploring.

Senator SPECTER. Well, I would hope you would do so. And I understand that it is a very complicated question. I stand ready to assist you on it. I believe there is enormous potential in limited international court jurisdiction on these matters of common concern. There is some indication that the Soviets might be willing to join with us on an international court directed at terrorism, perhaps also at drug dealers.

There is a very distinguished professor of law from Purdue who has written on the subject who has collaborated allegedly with General Secretary Gorbachev's professor and Gorbachev has indicated some interest in this kind of a subject.

So I raise it now with the hope that you will pursue the provision of the recently passed drug law which calls upon the drug czar or the executive branch to explore the possibility of an international court.

Dr. BENNETT. Certainly.

Senator SPECTER. Moving on to another subject on the issue of crop eradication, there is a major problem in South America, at least as to Bolivia and as to Peru and Columbia as well. Have you had any opportunity to familiarize yourself with that problem?

Dr. BENNETT. A little bit, yes, sir.

Senator SPECTER. What preliminary thoughts, if any, do you have on it? To what extent do you think we get involved in that issue?

Dr. BENNETT. Again, I would not want—just a disclaimer, I would not want these thoughts to be interpreted by anyone in the media here or anyone else to be set in stone.

The temptation for eradication of course is this is direct, go to the source, as some people have said. Go to the plants, go to the coca plant. If you do not have the coca plant, you do not have the rest of the process. It is appealing in that way. And I understand the appeal of that.

The problem is there are a lot of problems with it. There are a lot of coca plants. There is an awful lot of land to cover. Second, the way you go to the source can create other problems, environmental problems, problems of who has requested it, who is doing it, at whose invitation, what about the other unintended effects or eradication?

A third or fourth consideration has to do with alternatives. Some have argued for crop substitution instead of crop eradication. If you—and I think this is a very interesting point, in some ways a powerful point. If you have the well-being of thousands, perhaps

hundreds of thousands of peasants, campecinos, dramatically improved because of the coca crop production, and you simply eliminate that crop, you have punished an awful lot of people, very poor people, enraged an awful lot of people about what you have done, and have dramatically lowered their standard of living.

National emergency, national crisis might argue in some situations that might be justified. The question is is there a better way? And I think the argument of those who suggest crop substitution is that there is a better way.

Those are the kind of arguments. I do not want to suggest I am coming down one way or the other. Because the state of the art here is pretty—is not too far advanced. We really do not know a whole lot. I do not think all the options have been explored. But I think those are some of the issues.

Senator SPECTER. Well, I think we have made some progress in Bolivia and in Peru. The Peruvians took the position, or at least some did, that we ought to pay them \$800 million a year, which is the value of their crops——

Dr. BENNETT. Right.

Senator SPECTER [continuing]. The response that I for one made to that was that we would not consider that in any way. They have such problems economically, but notwithstanding the terrible drug problems there, eating into their own society, that some say that the economic value is so high that they are prepared to go forward with it.

You have already identified one of the problems with respect to environmental impact that we have to be concerned with as we talk to them about possible ways of eradication. But I only mention that in passing as another very big issue which is going to confront you as the drug czar.

Dr. BENNETT. I am impressed with the efforts of governments in South America that conduct these eradication efforts, often against the odds, and some success that they have had in these efforts. At the same time one reads about the expansion of coca production into Brazil and other places.

Again, the volume, just the sheer volume, geographical size of this problem is daunting.

Senator SPECTER. One other aspect of our activities in South America turns on our use of drug enforcement agents in some of the attack groups on the laboratories which is done because there is a prohibition in our law about using military. We have the curious situation that DEA agents, who are not nearly as physically able to carry out those procedures are being used where our special service personnel are not used.

It is a complicated issue to the extent that the local governments do not want to use our military, but do not mind using our civilian personnel, but the civilian personnel are so much less adept in handling that kind of problem than the military.

I proposed an amendment in the prior drug bill, and I might say to you, that legislation was crafted very much like the old saying about sausage, a few things you never want to see made as legislation and sausage, well that drug bill might be said to be in the category of the most extreme of the sausage making of the way we put it all together.

And I think it was better that we did it than we did not do it. But we did not have the kind of hearings we customarily have, and we sat around in rooms off the floor, and a committee would consider these amendments and try to deal with them as we rushed that legislation through in the last days of October last Congress. We got it done, and I think we did a pretty good job on it considering the problems.

However, the idea of trying to authorize our special forces personnel to undertake those raids was rejected at that time. I do not quarrel with that in the temporal and the haste of our final activity. But I would appreciate it if you would take a look at that issue. Because I talked to the chairman of the Armed Services Committee, Senator Nunn, at that time, and he thought that it would be appropriate to have hearings on it. And if we are going to be there, there is a good bit to be said for having the right personnel there as opposed to the wrong personnel.

Dr. BENNETT. We will certainly take a look at it. I would imagine pretty soon too. It is an important issue.

Senator SPECTER. On the subject of the military, Dr. Bennett, let me discuss with you your views on the use of our military. Has that subject already been covered in some depth here today?

Dr. BENNETT. A little bit.

Senator SPECTER. What is the essence of your thinking on it?

Dr. BENNETT. Well, as I said earlier, I think that it—really back to your earlier question. We simply need to—I say simply, it is not simple. We need to figure out what we are doing, what our strategy is, who is doing what, and to do it in a coordinated way.

As a member of the Drug Enforcement Policy Board, albeit Secretary of Education, I wondered out loud whether the military should not have more of a lead responsibility in this effort. This was widely interpreted as saying, you know, get the Marines on the beachheads. It is not what I was talking about.

I was suggesting that given all the efforts made by others in which the military had been involved, equipment had been borrowed, advice had been sought, training had been offered, why was the military not actually simply in command, in control? And that is I guess still a fair question. I do not pre-judge the question to say that they should be, although I would point out over the last year or so the military has taken a more aggressive posture in this regard.

The one thing that I think that we could certainly take greater advantage of, and I would like to take greater advantage of, is the use of defense intelligence, which is considerable. What other uses the U.S. military I think depends very much on facts and circumstances and the overall strategy. It is certainly one we will be looking at in depth.

Senator SPECTER. Well, the Congress has legislated on the subject. We have had votes in the Senate supporting the use of the military, and then there has been a backward reverberation concern from the Department of Defense that that is not their mission and they are not really trained for it. I can appreciate certainly an unwillingness to take on that kind of a job.

But my own sense is that there is a lot that the military can do and can do appropriately. It is going to take a lot of press to get

the Department of Defense to undertake a kind of a job which is not their principal function. It diverts them away from other activities and will require training. But we have tremendous resources available there, and foreign enemies—drugs kill a lot more Americans than foreign enemies have or foreign enemies have a risk factor. And my own sense is that we really ought to take a very close look at it.

Mr. Bennett, I am up to 16 minutes, and I have 20 minutes, and there are a fair number of other subjects that I want to ask you about. I want to get into the criminal justice system, into the prisons, into the testing, and the Armed Career Criminal Act. And I think Senator Biden will have sessions tomorrow—a session. It has been a long day for you.

And the subject that I want to talk to you about in the few remaining minutes that I have on this 20-minute segment is on the approach to exercising authority over so many ranking—exercising authority is probably—I withdraw that. Let me rephrase the question.

How do you visualize the coordination of the activities of the drug czar on just three subjects that I have briefly touched upon today, matters involving treaties and relationships with foreign countries that grow crops, Colombia, Peru, Bolivia, the issue of the Department of Defense and the use of their resources on drug interdiction, and then the issue of the criminal justice system and the strike forces and the task forces on street gangs, and the court structure which is under the Department of Justice? How do you see yourself functioning as the drug czar, being able to pull all of this together or even to make a significant move in that direction?

Dr. BENNETT. Well, there are so many pieces to this puzzle, I cannot promise that in 6 months we will have a good fix on every single piece. We will try to have a good fix on what we regard as the most important ones.

I think on the first two that you mentioned, Senator, we need a structure for doing this. And the structure that I have asked the President for and that he has agreed to provide—and I asked General Skowcroft as well—is the NSC [National Security Council]. We will use the NSC as a vehicle for executive branch interagency discussions on drug related national security matters. That means General Skowcroft will sit at one end of the table, I will sit at the other, the relevant departments and agencies given the issue will be there and will discuss it. And once we come to some conclusion, that will be that.

I think it is a very handy and convenient and appropriate way to do it. And I like the idea of doing it under those auspices.

With the other one you mentioned, task forces, prisons, so on, we will probably do as much of this as we can. I have talked to Attorney General Thornburgh. We will probably do as much of this as we can 1-on-1 conversations that the two of us have, probably after staff level conversations, and then we will certainly want to involve other people in Government agencies or departments, Members of Congress, and the like.

I do not want to set a whole bunch of structures ahead of time simply for the sake of having a whole array of structures. I would like to see if we can move through a lot of these things in a pretty

informal and direct way. There will be then some cases where there will be disagreements.

You started your question by saying exercise authority. You withdrew the phrase. But the point is still there. When the President said to me that I had access to him and that we would have a lot of 1-on-1 conversations, and yesterday at the Cabinet meeting he said I will probably have more 1-on-1 conversations with Bennett than with many of the rest of the Cabinet, I said to him that we are going to 1 on 1's for sure, but we are going to need some 1 on 2's. And that is very important.

There will be times where there will be disagreements in good faith. Reasonable people of good will can disagree, where he will have to call the shot.

Senator SPECTER. So the 1 on 2's would be where the President calls in the Secretary of State and the Secretary of Defense and tells them to do what Secretary Bennett—or Czar Bennett said.

Dr. BENNETT. That is going to be one-on-three. I am going to be there too.

Senator LEAHY. Well, if the Senator would yield, I have been yielding to a number of people on the committee, and at some point I would like to use my time.

Senator SPECTER. Well, if you are suggesting that my time has expired, I do yield.

The CHAIRMAN. Your time has expired, Senator. May I say something before the Senator begins his questioning. Because everyone has been very accommodating, particularly our witness.

As you know, Dr. Bennett, my intention is to move this nomination along as rapidly as possible. But I have also learned from my years of experience on this committee, both in the capacity as a member and as a chairperson, that it does not make a lot of sense to change the schedule.

I had made a commitment to my colleagues and to everyone else that we would not go much beyond 5 o'clock.

What I have been out attempting to assess is how many of my colleagues have additional questions, would like a second round—or a portion of a second round. Obviously the Senator from Vermont here and the Senator from South Carolina and the Senator from Delaware have questions. That brings us at least close to another hour, which would bring us to about a quarter of 6.

Now, as you can see, I think you would agree, Dr. Bennett, that the questions are genuine and legitimate and not particularly hostile, and so that the desire to bring you back would be one to do nothing other than to accommodate areas of concern of the Senators who remain.

What I would like to suggest to the ranking member, with his permission, is the following. That we will have next the Senator from Vermont, and the Senator from South Carolina and then recess until tomorrow. And tomorrow at let us say 9:30, if that is agreeable with the Senator from South Carolina—if you would rather, 10 would be fine. I have no particular preference. I would begin with my second round of questions.

And any Senator who wanted to ask any more questions would be put on notice tonight that they should be here at that time and we would go until we finish with you. And I would fully anticipate

that would be before lunch. And then you would be excused, Dr. Bennett, absent something neither of us anticipate. We have a relatively short, although important, witness list, and we can hear our witnesses, question our witnesses, and hope to close down the hearing tomorrow.

So what we will do, without objection, is have two more rounds tonight, Senator Leahy and Senator Thurmond. So staff should instruct their Senators that we will conclude tonight. Tomorrow, Dr. Bennett, and we will give you plenty of notice, we will start on an agreed time between the ranking member and I about 9:30 or 10. It is not a big deal. And if you have a preference, we will accommodate your preference. And I feel confident we can finish before lunch tomorrow and you would be excused.

Is that agreeable with the ranking member?

Senator THURMOND. Yes.

The CHAIRMAN. And does that sound agreeable to you, Senator Leahy.

Senator LEAHY. Yes.

The CHAIRMAN. All right. Now, again, let me sincerely thank Senator Leahy.

I am going to make one editorial note here—

Senator LEAHY. If you are going to be much longer, I have got a bunch of people waiting for me.

The CHAIRMAN. No; I just want to make one comment. It was going to be nice about you.

There are a lot of people around here who are always willing to put themselves and their interests ahead of others. You are the most accommodating Senator with whom I have ever worked, and you have demonstrated it again today, and I appreciate it. I mean that sincerely.

I will cease now. And you take as long or as little time as you think you need this evening.

Senator LEAHY. Thank you, Mr. Chairman. That is kind and overly generous.

I must—Dr. Bennett, in listening to your testimony—I have been here now or have been briefed on most of what you have said—we have talked a lot in the past about drugs, and it becomes a big issues in campaigns, people are against drugs. I am not sure if there is anybody in this country that is going to stand up and say they are for drugs. So after we get past the rhetoric, I like to know what we accomplish.

The past 8 years we have done a lot on drugs. We have had in affluent neighborhoods, in affluent grocery stores, we have paper bags stamped "just say no." And I am sure that the greatest success of that has been, of course, selling the paper bags and the printing companies and the bag makers. I am not sure that of the millions of people who have been involved with drugs in this country, there have been more than six people or eight people or even one person who has been influenced by "just say no" stamped on a bag.

Now, in the Wall Street Journal today it says that you are considering—it suggests you are considering an idea of holding parents of drugs users criminally responsible for their children's actions. Is this—is that accurate?

Dr. BENNETT. No; I cannot tell you that I have an active interest in that. It was suggested to me by someone who believes very strongly in it. It is something we should think about, to see if there is any precedent for it. There is a kind of example of it in a lot of school policies in which if a son or daughter errs on the drug side, takes drugs, the parents have to enter a counseling program or be brought in for instruction. That does not seem to me to be offensive.

Senator LEAHY. But I am thinking—you have got a 17-year-old kid in State A, on drugs, shoots somebody, his parents are back in State B. Do we send them to jail?

Dr. BENNETT. No. It does not seem to me to make sense.

Senator LEAHY. The—it says: "He is interested"—referring to you—"in research and literature showing that the vast majority of regular users of illegal narcotics can get off drugs without special treatment according to aide John Walters."

Do you feel the vast majority of regular users of illegal narcotics can get off drugs without any special treatment?

Dr. BENNETT. Senator, I want to cut in. I do not want you to waste your time on this article. It is normally a good newspaper and a good journalist. We called him at 8:30 this morning and said I believe hardly any of this.

Now, he refers to a book in there and a theory—

Senator LEAHY. It would save an awful lot of money if we do not have to have a special treatment for it.

Dr. BENNETT. Yes. But that—that is—we need money for some kinds of treatment. I would say the book that is referred to in there as supposedly being my Bible is a book I have never read or invoked or carried around. The only thing I would say about that, some credit is due for some treatment programs that are free, Narc Anon, Narcotics Anonymous, is like AA, sometimes very effective.

Senator LEAHY. Well, let us not get seduced too much by the idea that somehow free programs and volunteerism will solve this. I have seen too many stories of the people who finally get to a point where we may be able to reach them and to get off narcotics, and they go to sign up for a program and are told come back in 8 months or 9 months and we will help you with your narcotic problem, but of course the assumption being that they will not do anything illegal or use drugs in the meantime.

Dr. BENNETT. Sure. I am not seduced by that.

Senator LEAHY. It is practical of course that they will.

Dr. BENNETT. Sure.

Senator LEAHY. How do we measure success a year from now? How do we say, Dr. Bennett, you have been a resounding success in this job, or Dr. Bennett, you have been a resounding failure one year from now?

Dr. BENNETT. Good questions, very good question. I am glad it came up.

Several people—I have asked this question of the, quote, experts I have spoken to and I have gotten very different answers. Let me not go through them all. Let me suggest to you what might be reliable, such things as the price and purity of drugs on the street that will tell us something about the flow, how much is coming in and the purity. If the supply keeps going up and the price keeps going

down and the purity keeps going up, we know we are having some serious supply problems.

Senator LEAHY. Which has been the trend for the past ten years?

Dr. BENNETT. Yes. Although I have to take a little bit of issue with the notion that all of history is bad. There have been some terrific efforts made by our men and women. They have seized a lot of drugs. They have done a lot. And more drugs have come in. I am not—I do not want to put the fault on them for that. They have done the best they can. It has just been an overwhelming surge of drugs into this country fed by this demand.

That is one thing to look. I think we will look at emergency room admissions for drug overdose. I think you look at deaths induced by drugs. I think you look at what testing gives you. As you test those who are arrested, what is the incidence of drugs in the urine? I saw a statistic the other day that of those arrested for crimes in Washington, DC, something like 90 percent test positive for an illegal drug. If those numbers start to come down a little bit, we will have some benchmark of success.

I would caution though, Senator. I am not sure that I want to be held to 1 year or 2 years or 3 years. It will take longer than that. In the strategy that we put forward, we will try to be honest and suggest what the benchmarks ought to be and what the period of time ought to be where we ought to see some progress.

Senator LEAHY. And I realize it would be unrealistic to set an automatic, here it is, is it a success or not. What I am trying to suggest, Dr. Bennett, is that I would hope that you would be forthright enough to come and tell us things that you feel are not working, even though they may well be popular—

Dr. BENNETT. I will.

Senator LEAHY [continuing]. And things which are working even though they might be unpopular.

You talked for example of the 1 on 1 with the President. Let us say in this 1 on 1 discussion it comes up, the fact that the drug gangs right here within blocks of the White House as well as other parts of the country are using armament now that we used to see—would expect to see perhaps on the frontlines of international conflicts and combat, AK-47's, major assault rifles, and so on.

The President says that he does not want to take any steps that might ban automatic weapons for hunters. I do know how you hunt in Texas. In Vermont it is considered not necessarily sporting to go after rabbits with AK-47's or deer or something besides that tends to rearrange the meat in such a way that it does not make very good cooking.

Would you be able to say something to the President, we have got a problem with AK-47's, maybe you ought to rethink your opposition to any restraints on them.

Dr. BENNETT. If that is my conclusion, I will. As I said earlier—you were not here—I have my own personal reservations about this. And I would say again that I am going to address this issue. The President knows I am going to address this issue.

And I would like—I might add, I would like the NRA to address this issue, because I think most of the members of the NRA are good, law-abiding, Constitution respecting citizens who do not like what is going on in this country, and I would like to see the NRA

come forward with a recommendation or proposal that is serious and substantial and that would satisfy the American people that they are serious about getting rid of this terrible problem brought about by the combination of semiautomatic firearms and drugs.

Senator LEAHY. And I tend to agree with you on some point. I think that many of the—if not the leadership, at least the membership of the NRA are going to find reaching a common ground with most of law enforcement officials in this. I have kind of had—feeding all of those various camps. I spent 8½ years as the chief law enforcement officer of my county. I am a gunowner, shooter, in fact I helped get my way through college as a—getting—as a member of rifle teams. But I have never felt too much of an urge to go hunting with an AK-47.

Dr. BENNETT. Right.

Senator LEAHY. On to another subject, although—and I do have a great deal of concern about the police officers who step out of a car armed with a sidearm and have to wonder what might be unleashed from the other car.

I am chairman of the Foreign Operations Subcommittee over in Appropriations. And looking over the requests that have been made to my committee, the administration asked for \$115 million for the international antidrug war for fiscal 1990. These same drug lords we are going after literally tens of billions of dollars stashed not only in banks in this country but around the world, tens of billions.

If our international, our major international antidrug program consists of \$115 million, is that really realistic at all?

Dr. BENNETT. I think we have to look at it. My guess is we probably need more money in that program. I talked to Secretary Baker about this already. And I think as we look to all the things we have talked about this afternoon, eradication, substitution, crops, all sorts of treaties and agreements, that we have got to strengthen not only the financial commitment in that area, I think that is almost for sure, but also strengthen the position of drugs and drugs as a problem in our foreign policy.

Senator LEAHY. Well, let me follow on that a little bit. Because if you go in to a town meeting in Vermont—it would be the same in Delaware or in South Carolina or any other State—I am sure you hear the same thing. People would say, you know, what do we do about these countries sending drugs here, aside from the question of what the demand is here or anything else, people get pretty concerned if you are sending hit squads from there, we get really outraged. We have seen the international horror, justifiable I believe, about the hit squad that the Ayatollah Khomeini wanted to send out against an author of a book. But we have people who are sending out in effect thousands and thousands of hit squads against the youth and others of our Nation.

Now, all of us come back from those things and say, by God, that is right, we have got to do something about that. And we do have a law. We have law which the State Department can decertify problem nations if they fail to cooperate effectively in fighting the drug trade and money laundering. The State Department gets a little bit timid about that depending upon which nation it is.

Are you willing to overcome that? Suppose you find that the State Department says, well, we have got other foreign policy reasons not to decertify this country, but you know that they are not cooperating effectively? Are you going to raise hell about that?

Dr. BENNETT. I will if necessary. I asked the President and—I think as to certification, the President's letter or Secretary Baker's letter comes today or has come today, tomorrow, some time—

The CHAIRMAN. It came today. They have indicated which nations already they wish to—it just happened—

Dr. BENNETT. Am I mentioned in the cover letter, do you know? Because we talked about—

Senator LEAHY. We are not going to certify you, Dr. Bennett.

Dr. BENNETT. That is good.

No, no—

Senator LEAHY. It is just the countries we are worried about.

The CHAIRMAN. Yes, the answer is yes, you are mentioned, that is correct.

Dr. BENNETT. OK. We agreed, the President and I, that I would be central to these discussions in the future. I was not involved at all this year for obvious reasons. But in the future you bet, I want to be directly involved in that.

I think one of the reasons for having a Director of National Drug Control Policy is he is supposed to be around and present at conversations such as the conversations that lead to these decisions.

Senator LEAHY. Let me tell you right now—and I am sure you are aware of it—that is going to be one of the most difficult things you are going to have to do politically within the administration, whether it is this administration or a democratic administration or anything else. Because there are going to be a lot of people that are going to argue that, well, we know that they have got a problem and everything else, but we have other reasons for not decertifying.

Dr. BENNETT. I know. But I was very encouraged by my conversation with Secretary Baker about this.

Senator LEAHY. Do you have countries that you see now as presenting potential problems?

Dr. BENNETT. I see countries now that are presenting real problems. You mean in terms of drugs?

Senator LEAHY. Yes.

Dr. BENNETT. The obvious ones, sure.

Senator LEAHY. Which are?

Dr. BENNETT. Well, we can start on the other side of the world with Afghanistan and Libya. Let us go to Latin America: Columbia, Peru, Bolivia, Mexico. These are problem areas.

Please note I am not suggesting a conclusion on that, but these are problem areas.

Senator LEAHY. What about Mexico?

Dr. BENNETT. I mentioned Mexico. I understand as well there are lots of factors, lots of considerations. What I am there for, it seems to me, Senator, is to be sure that the issue of drugs has a central place in our deliberations and dealings with these countries, and when we get to the question of certification, that we take a good, hard, and conscientious look about the record in terms of drugs?

Senator LEAHY. There has been some discussion here already today about what is referenced in the February 27th U.S. News

and World Report, where it says you have not given up on the plan to use U.S. Special Operations Forces along with troops of the nations in Latin America and so on to go after drug—to take drug efforts to eradicate production areas in countries in central or Latin America.

Do you—

Dr. BENNETT. I do not know where that came from either.

Senator LEAHY. And that is why I want to ask the question. What is your view? Do you want to use U.S. troops to fight drug gangs in Latin America?

Dr. BENNETT. I do not know yet.

Senator LEAHY. Have you discussed it all with the military, our military?

Dr. BENNETT. I have not discussed it with anybody. I have not thought about it with anybody. I think the person who wrote that must have been drinking with the guy who wrote the thing in the—the other article. I do not know where he got it.

Senator LEAHY. Do you believe we should form a Multilateral Military Force? I mean—or is that what you want to look at? How do you feel about that idea?

Dr. BENNETT. I do not feel about it until I have looked at it, until I have studied it. That is one of the options to look at. I do not want to foreclose anything. I obviously do not want to—if I had a plan, a specific plan, I probably would not want to talk about it in public. But I do not have a specific plan. But we will have specific plans.

Senator LEAHY. When I look at the fiscal year 1990 budget, I understand that the administration is planning to use about 41 percent of its drug budget for eradication programs. Do you really feel that the eradication programs we have used so far have been a success?

Dr. BENNETT. I was saying to Senator Specter it has been a success in that every time we have eradication there is—that is cocaine that is no more. And that is a good thing. But when you look at the total mass, total supply of cocaine to date, it has not had a consequential effect.

Senator LEAHY. I do not think it has any effect. And that is the question I asked. Might the money be better spent? I mean it does not seem to slow down the amount. If anything, we have so much more coming in here, the price goes down, the availability goes up. Why waste these resources on the eradication program if it is not doing anything? Is this—

Dr. BENNETT. Maybe that is right. But maybe there are other ways to do this and look at it too. I would not want to rule it out. I agree with your point. I mean there is no arguing with the facts that although we have eradicated more, although our guys have interdicted more and do every year, there is still more coming in and still more being grown.

But this is part of the frustration about this. As you know, Senator, we have talked about this. I have talked to ten or twelve experts in the field already, not counting the thoughtful people on this committee, all of whom I have talked to. Nobody really knows for sure what to do.

I mean everybody has a piece of it and everybody I have talked to has a little favorite thing. And sometimes they are contradictory. I was on a roll. You know, I had several conversations and three people in a row said, you know, it is demand, it is really demand, and here where it is not demand, then the next two people who came in, who were two people that were just recommended by the people I was talking to as being really smart in it said you have got to go after supply, that is where it is.

Now, I am not suggesting this is a tower of Babel and there is nothing to be done. But there is clearly no silver bullet, no magic bullet here. And there is not a clear and comprehensive agreement about what to do. And this was the conclusion of the GAO report in 1987. It said in a sentence—I have it here—it says—no, I do not have it—yes. "There is considerable uncertainty about what works." OK.

Senator LEAHY. Please understand, Dr. Bennett, I am not suggesting there is a silver bullet.

Dr. BENNETT. Right.

Senator LEAHY. I raise these questions on the foreign operations end because—

Dr. BENNETT. I understand.

Senator LEAHY [continuing]. At some point I would like to have you come and testify before the Foreign Operations Subcommittee on that specific issue at a point when you have had a chance to look closer at it. In fact, in such an instance we would give you—

Dr. BENNETT. Sure.

Senator LEAHY [continuing]. The areas we are particularly interested in.

Let me ask one last area. And I could easily go on to hundreds of others questions, but like you, I do not suggest that there is one single answer. My background before the Senate was law enforcement, but I am also a parent and a citizen and I have the same concerns every parent does or every citizen does.

You have also had a background in education. Do you see, No. 1, an education component as a major part of this drug war? And do you see that education component as one that has to go just beyond the white, affluent, politically aware suburbs to go straight across all, all strata of our society?

Dr. BENNETT. Yes, sir; education is an important component. It has got to go all the way across. And indeed, it is important that it go across all segments of society. It is imperative that this education effort be taken up in our inner cities with our poor part of our town in the ghettos and barrios where the ravages of drugs are the most intense.

And that means, I think, an expanded view of education. It is not just classroom, it is not just school room. It is also educating communities, some self-education indeed on the part of communities about what they can do together to get this thing under control.

One of the things we have to identify—I look forward to working with my old friend, Jack Kemp on this, is to go into the cities and find those pressure points, those levers, for turning those cities around before they are destroyed, before they are destroyed by drugs.

Again, we may have an opportunity. There is a degree of anger and fear and concern in our cities, in the heart of our cities which may provide us that opportunity to turn that around. People are going to have to retake the streets, retake their neighborhoods and reclaim their children. And that is something we can help with, ought to help with, provide some resources for. But in the end, it has to be an act of self-regeneration.

Senator LEAHY. Thank you, Mr. Chairman. I thank you again for your kind words earlier.

The CHAIRMAN. Thank you, Senator.

For the record, before I yield to my colleague from South Carolina, in the certification letter from the Secretary of State to both the Chair of the Foreign Relations Committee and to the Speaker of the House there is the following paragraph:

As you know, the Anti-Drug Abuse Act of 1988 established the Office of National Drug Control Policy. Bill Bennett has been selected by the President to become the first Director of this office and has been instructed to pursue aggressively his new duties to revitalize our national antidrug effort. One of his first priorities after confirmation will be to develop a revised national drug control strategy. As that strategy is being formulated, we would like to establish a dialog on drugs with the Congress. The cooperative relationship with full exchange of ideas between the executive and legislative branches is the best way to forge an integrated and cohesive national strategy that will ultimately prove effective in curbing the availability and use of drugs in America.

And again, for the record, decertify Syria, Afghanistan, Iran, Panama, Burma, and Laos and others—Mexico is one of those that was certified. There are others. I will not read the whole list.

But in light of the fact it was brought up at this point, I thought it appropriate to point out that there is at least a contemplation of your participation in that process.

Dr. BENNETT. Can I make two minutes worth of comments, Mr. Chairman, Senator Thurmond? May I?

I think I said Libya. I meant Syria in response to Senator Leahy's questions. I am getting, I guess, a little tired.

Two other things, Mr. Chairman. Several people have talked about the problem of the various committees with some jurisdiction over drugs, some 55 committees and subcommittees in the House and some 25 in the Senate. And simply I will not get this job done if I am always having to report on what I am doing.

And I appreciate your interest in this. It has been expressed by several people, and you and I talked about it when we met, and I know it is a concern of yours. I want to be responsive and I want to appear before Senator Leahy if he wants me and others. But we have to have—I have to have some time to get this job done so when I come I can report something.

The CHAIRMAN. I have the pleasure and opportunity of chairing the two committees in the Senate that have the broadest jurisdiction over this matter, and one is the International Drug Caucus and the other is this committee. And I assure you we do not want to see you until you have a plan. I mean that sincerely.

Dr. BENNETT. Thank you, thank you.

The CHAIRMAN. I am not at all interested in seeing you until you have your plan.

Dr. BENNETT. Now I am down to 80. Can you help me with some of the—

The CHAIRMAN. And I will try my best.

The gentleman from South Carolina.

Dr. BENNETT. Can I make my other point?

The CHAIRMAN. I am sorry, I did not realize—

Dr. BENNETT. That is all right.

The CHAIRMAN. Yes.

Dr. BENNETT. There was this line of questioning from Senator Metzenbaum and Senator Simon on this whole issue of employment of blacks and so on, and I would just like to clear this thing out of the way because I do not want to see this thing bog down on this issue.

Again, I invite everybody to look at my record at NIH and at the Department of Education, and once we are fully staffed, to come over and see our record and see our staff at the Office of National Drug Control Policy.

This is—there are some things I am not going to live with, and one of them is the notion that I am insensitive on this area. I went to Mississippi in 1967, 1968, got shot at, got beat up on this issue. As Secretary of Education, I was invited to Atlanta every year by Mrs. King to speak about these issues. My work at Education focused on education of the poor and disadvantaged. We went to—about half the schools I visited were schools with substantial black populations.

And I am just not going to live with the suggestion, cannot tolerate the suggestion that I am not sensitive to this. I think it is a misdirection to focus when we are talking about the drug issue on what percentages of my staff will be of what color. Again, people are welcome to come see once we have that staff.

I think—I hope people will agree with me that this drug issue represents a threat to all Americans. In some of our cities, to be candid, it represents a ferocious threat to the black citizens of America. When it is truly committed to civil rights of black people, yes, be attentive to who is hiring and who is getting jobs, but let us be even more attentive to getting the crack dealer off the street.

It is destroying some of our communities and a substantial proportion of the young black men in America, this traffic.

The CHAIRMAN. I would suggest that your comment may serve you better in the presence of the two Senators who asked the question.

Dr. BENNETT. I know. I will say it again tomorrow. Sorry.

The CHAIRMAN. And I must tell you, I assume that part of the reason for the question is, although it is clear where you were in 1967, there will be a sigh of relief knowing and believing hence that you are an unreconstructed civil rights activist.

Dr. BENNETT. I am.

The CHAIRMAN. Lots of people we have known in politics were at the right place at one time and then at the wrong place another time on these issues.

Dr. BENNETT. Right.

The CHAIRMAN. I was going to kid and say switch parties, but I realize that is not an appropriate thing to say. They have gone from the party that was in trouble to the party in the van guard I assume you have characterized it, Senator.

I yield to my colleague who knows where he is all the time.

Senator THURMOND. Various opinions expressed by various people.

The CHAIRMAN. I yield to my colleague from South Carolina.

Senator THURMOND. Dr. Bennett, you have probably covered a lot of these matters, and anything I ask you if you have covered it, just say so. You can just make your answers as short as you can and we will move right on. If I am not through in about 15 minutes, I think I can just let you answer the rest of them for the record.

Dr. Bennett, I believe that a principal function of the Office of National Drug Control Policy will be to provide an environment which will produce a cohesive attack on the drug abuse problem in this country. Specifically I believe that it is incumbent on the Office of National Drug Control Policy to identify and eliminate unproductive fragmentation in the drug effort.

How do you view your role and do you believe that as Director of the National Drug Control Policy you have the power to effect necessary changes?

Dr. BENNETT. Well, I view it—my role as a defragmenter, as someone whose job it is to reconstitute the parts into a whole and to give that whole coherence. I believe I have the authority clearly from the legislation as drafted and crafted, and I have had this authority stated to me verbally and to my colleagues in the Cabinet by the President on a number of occasions. I am confident we have got it.

Senator THURMOND. Dr. Bennett, one issue that needs to be addressed will be the degree of cooperation between local, State, and Federal law enforcement agencies. There have been concerns expressed that the level of cooperation is not what it should be.

Would you tell the committee your feelings on this matter and what you might do to improve the situation?

Dr. BENNETT. I think we have to sit in a room with the various people who represent the various departments and agencies and remind everyone we are all working together. I think most feel that. There is a general sense that there are turf battles, and in some cases there are turf battles. We have to resolve those turf battles as best we can.

I do not we will ever ultimately finally resolve them all. It is the nature of government, as Madison pointed out, for their to be tension and competition between and among various branches of government and agencies and departments.

But we cannot be having turf squabbles that interfere with the overall effort. Thus I guess one of the main—well, as Chairman Biden said, the main reason for this legislation, to settle these quarrels, to get the thing going in a single direction.

Senator THURMOND. Dr. Bennett, what is your position on transferring FBI agents who conduct drug investigations into the Drug Enforcement Administration?

Dr. BENNETT. Well, again, I think this should be part of the overall review. There are a lot of suggestions around about this right now. And I think—I would not want to give an answer that I would not be confident in. It is something we want to talk about.

FBI and DEA work very closely in a lot of places. I have on the ground talking to people in various cities, and I have raised this

question, said have you heard about turf problems. And people have said, yes, there are turf problems, and sometimes there is an occasional turf problem with the FBI and the DEA. But in a lot of cases they work very well, very cooperatively together and some of this transferring and moving back and forth might be appropriate. It depends on what the overall strategy is.

Senator THURMOND. Dr. Bennett, I have been a longtime proponent of joint Federal, State, and local organized crime and narcotics projects, known as the regional information sharing systems. I believe they perform a valuable service to the Federal, State, and local law enforcement agencies that utilize them.

The regional organized crime information center with which I am most familiar does an outstanding job in assisting law enforcement agencies at all levels. I feel it would be beneficial to you as the new Director of Drug Control Policy to meet with the representatives of these projects so that you could determine exactly what they do and how they might best assist your office. I am just wondering if you would be receptive to such a meeting in the near future?

Dr. BENNETT. I will certainly do my best to do so, yes, Senator.

Senator THURMOND. Dr. Bennett, the legislation which established the Office of Director of National Drug Control Policy states that in developing a national strategy the Director shall consult with the Congress. How do you plan to fulfill this responsibility? And is there anything that this Committee can do to assist in this matter?

Dr. BENNETT. Well, I take this committee to be one of the lead if not the lead committees on this issue. And we have already begun a good conversation. I do not think there is much problem in terms of the consultation. There may be indeed a problem with too much consultation with the enumeration of the committees I have mentioned.

But on every single issue, Senator, that we address in terms of the strategy we want the input of Members of Congress who are knowledgeable and interested, on every single issue.

Senator THURMOND. Dr. Bennett, one of the underlying reasons why the Office of National Drug Control Policy was established was due to the need to foster interagency cooperation at the Federal level. What in your opinion can be done to establish better interagency cooperation, something that everyone will agree is essential in the fight against illegal drugs?

Dr. BENNETT. Well, I think one way to do it perhaps—it may prove to be propitious—is the establishment of this office. It suggests that we need cooperation, that we need to be working as a whole rather than as splintered parts.

And I must say so far—again, I do not want to give the wrong impression—we should not assume the worst. We should be ready for the worst if it happens. But so far I have had nothing but cooperation from my fellow colleagues in the Cabinet and the departments.

Senator THURMOND. Dr. Bennett, the Office of National Drug Control Policy should ensure that there will be a greater degree of narcotics intelligence information sharing between law enforcement agencies. Do you feel that this will in fact be the case, and

what plans if any will you implement to ensure proper sharing of drug-related intelligence?

Dr. BENNETT. I do not have a strategy for it yet, but I agree with the end very much. I think this kind of sharing is essential. And it is really remarkable, Senator, when you see it working well on the ground, as we have seen some examples of in some of the cities I have visited. The people in Dallas say there is great cooperation. We heard the same thing in New Orleans and some other places.

Senator THURMOND. Dr. Bennett, a substantial amount of the illegal drugs sold in the United States is produced abroad. What general approach do you believe should be undertaken to stop this tremendous flow of foreign produced narcotics into this country?

Dr. BENNETT. We have to look at all aspects of that. We have to look at the source, we have to look at shipment, we have to look at interdiction. We have to look at some of the steps in between, the processing and so on.

I do not think anyone has a fully satisfactory answer to that yet. I hope we will have one in 6 months, or at least an answer that is promising. We want to look at all aspects and listen to all the people with experience with the various efforts, interdiction, source et cetera.

Senator THURMOND. Dr. Bennett, do you feel that the position of drug coordinator will be a means by which our country may be able to further coordinate enforcement efforts with other countries, such as Columbia and Mexico, and if so how?

Dr. BENNETT. It could be, yes, indeed. Certainly there are agreements and understandings already that exist between and among various countries on this issue. Again, I would hope that our office would give coherence and greater comprehensiveness to those efforts.

Senator THURMOND. Dr. Bennett, as the Director of the Office of National Drug Control Policy you will be required to submit by January 15, 1990, a report to the President and to Congress regarding the necessity to group, coordinate and consolidate agencies and functions of the Federal Government involved in supply and demand reduction. Would you tell the committee if that is sufficient time to prepare such a report and what criteria you will use to make the crucial decisions that may abolish some agencies or functions?

Dr. BENNETT. I guess it is enough time, Senator. If 6 months or 180 days is enough time for a national strategy, I guess 10 months is enough time for a plan for consolidation. It is a squeeze both ways, but I think the problem requires some urgency.

Senator THURMOND. Dr. Bennett, as part of the development and submission of the national drug strategy, the Director upon consultation with the Attorney General, heads of National Drug Control Program agencies and the Governors of States may designate any specified area of the United States as a high intensity drug trafficking area. Have you had an opportunity to meet with any of these individuals on this matter, and how will you go about making such designations in order to provide Federal assistance to the areas so designated?

Dr. BENNETT. It is a very important part of the act, as I see it, and we will take it very seriously. My first thoughts—and that is

all I have at this point, Senator—are to think about places that need help because of an emergency or near emergency situation. But second, to try what looked to be promising strategies, different strategies in different cities for different regions or different parts of the country.

That is if there are two or three promising ideas out there about how to deal with this problem, let us try each version, A, B, and C in a different area, and let us evaluate the results. I think that would be one very useful way to employ this legislative possibility.

Senator THURMOND. Dr. Bennett, I do not feel this way myself, but there are some who are concerned about your lack of law enforcement experience, especially as it pertains to the position for which you have been nominated. What can you say to this committee that will alleviate those concerns as well as demonstrate to the law enforcement community your willingness to work with them?

Dr. BENNETT. I have a little policeman right here with me, Senator. My five year old heard from his mother that there might be some tough questions today, and he came in and he said take the policeman, he will help you if there are any bad guys. There are no bad guys here today, some tough questions, but no bad guys.

I do have some law enforcement experience. I went to law school, studied a lot of criminal law, did some work with the Boston Police Department, a course I taught for veteran patrolmen of the Boston Police Department, I rode around a lot in patrol cars in the city of Boston. And I have had a long interest in the whole area of the criminal law.

The last two weeks have been pretty intensive in terms of my instruction. I have spent a lot of time with the police, and I hope my learning curve will increase.

Senator THURMOND. Dr. Bennett, on March 2, 1988, in comments prepared for the White House Conference for a Drug Free America, you stated, and I will quote this:

While we are winning some battles, we are in real danger of losing the war on drugs. While public sentiment has changed profoundly, the drug trade and the drug problem are as serious as they have ever been. What is now needed is a transformation of Government policy to match and build on the public sentiment. This means that we in Government must move beyond the sound, but piecemeal and incremental steps that we have so far taken. We cannot win simply by doing more of the same. We must consider a qualitative change in how we conduct our war against drugs.

What "qualitative change" were you referring to?

Dr. BENNETT. A comprehensive approach. Again, I wouldn't disparage the efforts of any department or agency, the brave men and women who have done fine things there. The problem is this whole effort needs coordination. It has tended to be splintered and fragmented. We need to all be going in the same direction.

Senator THURMOND. Dr. Bennett, as part of the drug bill, Congress passed several provisions aimed at holding those who use drugs accountable for their actions. For example, legislation was enacted which could deny certain Federal benefits, such as loans and licenses, to individuals convicted of possession.

In the past, the general approach to the drug problem has focused on punishing the pusher, but not the user. Do you believe

user accountability can be an effective weapon in the war on drugs?

Dr. BENNETT. Yes, sir; I was given a statistic the other day. I haven't confirmed it, but I was given it by an expert in the field, who told me that although we hear much about the problem of the inner cities, and so on, the crack epidemic, this expert said that 65, 70 percent of the cocaine consumed in the United States is consumed by the so-called casual user, who is perhaps not as likely to live in the inner city, maybe more in the suburbs, uptown, but is contributing to the poisoning of America and the murderous environment in many of our cities because of that habit. That user needs to get a clear message.

Senator THURMOND. Dr. Bennett, drugs have invaded almost every aspect of our lives. It troubles me to see how drug abuse has invaded our schools and victimized the children of this Nation.

Congress has increased criminal penalties for those persons who involve children with drugs. As Director of the Office of National Drug Control Policy, how do you believe we can best address the problem of fighting drug abuse among our nation's children?

Dr. BENNETT. Well, I think for most of us, Senator, the heart of this problem is children. I think we are concerned about anybody who uses drugs, but it is the protection of our children that probably is at the center of this nation's worry.

Education programs, prevention programs, in part, but also much tougher law enforcement and some work on the supply side—there are some kinds of temptations children should not be subject to. No matter how strong their moral courage, we ought to prevent certain kinds of situations from coming before them.

Senator THURMOND. Dr. Bennett, what efforts do you feel that the private sector can initiate to assist in the fight against illicit drugs both for the supply as well as the demand side?

Dr. BENNETT. The President and I have been talking to several people, one gentleman, in particular, who we think will chair the private sector side of this for us, for the President and for me, who has agreed to a very substantial commitment of fundraising, advertising, involvement in the workplace, and the coordination of a lot of activities among America's corporate and business leaders.

Senator THURMOND. Dr. Bennett, I believe this is my last question. I am greatly concerned about the amount of alcohol abuse in this country. We constantly hear about the battle against drug abuse as it pertains to illegal drugs such as cocaine and heroin, but it seems we fail to fully recognize the significance of alcohol abuse prevalent in this country.

I realize that the Director's jurisdiction does not extend to alcohol abuse programs and that nothing in the Act should be considered to reduce the priority of alcohol abuse programs in the Federal Government.

It was the intent of the Act, however, that alcohol and drug programs should be carefully coordinated, particularly with respect to drug and alcohol abuse education, prevention, and treatment programs.

You therefore will now have an opportunity to provide leadership in increasing the awareness of alcohol abuse as a drug prob-

lem. I would urge you to look at this matter further and assist in raising the visibility of the alcohol problem in America.

I would welcome any comments you have on this subject.

Dr. BENNETT. Well, again, I think, Senator, in regard to the prevention and education programs with young people, we want to teach them early on important lessons about their well-being, and this will involve talking about things other than and in addition to controlled substances.

Senator THURMOND. Thank you very much. We appreciate your presence here. Again, I commend the President on appointing you. I think you are well qualified. It will be my pleasure to support your confirmation, and any time I can be of assistance, please call upon me.

Dr. BENNETT. Thank you, Senator.

The CHAIRMAN. Thank you, Senator.

Doctor, before we close, let me make one closing remark. The emphasis today has been upon your responsibilities and obligations, if you are confirmed, and the anticipation on the part of the Congress and, more specifically, the legislation, that you will coordinate the entirety of the effort at the Federal level, and coordinate with local enforcement as well in treatment and prevention.

But I hope no one leaves today thinking from the tone of our questions or from the responses that you have made that any of us in here think or expect you to be the font of all knowledge or that we think that there are not extremely qualified women and men in the Federal Government at this moment, and have been in the Government for some time, who know a great deal about and are very effective in their efforts to deal with the portion of the problem that they have responsibility for.

I count the DEA in that category, the FBI, the Coast Guard, all those organizations we mentioned today who have internecine warfare on occasion. Your job, as I said—and I know you know from our conversations and based on what you said today—is not necessarily reinvent the wheel, hopefully spark some new ideas, but to take control of the best ideas and put them into a strategy that, in fact, everyone can agree to adhere to, if not agree to being the best strategy. Compromise is required in everything.

So I just want the people on public radio or C-SPAN or anyone else who may watch this hearing to not leave with the notion as we recess today that there are not some incredibly competent people in our Government who have been doing a fine job all along through Democrat as well as Republican, and Republican as well as Democratic administrations.

I know you know that, but I thought as I listened to the end of this questioning that there may be a different impression that we are unintentionally generating.

With that, Doctor, I compliment you on your physical constitution, and also on the way you conducted yourself today. I will start tomorrow's—we will start at 9:30 tomorrow. I will start with a second round of questioning, and we will probably have anywhere from 2 to 5, would be my guess, Senators who may take from 5 to 20 minutes.

I fully expect and anticipate that we will finish with your testimony and questioning by lunch time, and it is my intention, barring something totally unforeseen, to finish tomorrow.

Now, there will be a joint session of the Congress that will begin tomorrow at 10 o'clock on another completely different matter, and I want the record to show that I mean no disrespect for the participants at or the invitee and/or those who participate in that joint session by deciding to continue this hearing through that process. It is the nature of the way this place functions that we have to do many things at one time in order to get many things done.

So, again, I thank my colleagues for their cooperation, and you for your cooperation.

We stand recessed until 9:30 tomorrow morning.

[Whereupon, at 5:35 p.m., the committee was adjourned, to reconvene at 9:30 a.m., Thursday, March 2, 1989.]

# CONFIRMATION OF WILLIAM J. BENNETT TO BE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

THURSDAY, MARCH 2, 1989

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

The committee met, pursuant to notice, at 9:34 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Heflin, Kohl, and Specter.

## OPENING STATEMENT OF CHAIRMAN BIDEN

The CHAIRMAN. The hearing will come to order.

Welcome back, Dr. Bennett. As I indicated yesterday, we will probably be able to finish by lunch. We will kind of see how things go this morning, because we have a little more flexibility.

There are still two Senators who wish to question who have not had an opportunity for a first round. They are both here bright and early and ready to go.

As you know, Dr. Bennett, for the record, you are still sworn. I yield to my colleague from Alabama, Senator Heflin.

## OPENING STATEMENT OF SENATOR HEFLIN

Senator HEFLIN. Thank you, Mr. Chairman.

I would like to recite something that has come to our attention. We understand that in my State, a very eminently qualified person is interested in becoming an agent for the Drug Enforcement Administration. He has informed us that he has been told there is inadequate money available to perform a background check. My staff has contacted the DEA, and they have verified that fact.

I think that we certainly cannot engage in battle if we do not have DEA agents. Obviously, there is a need for a substantial number of them.

Now, I do not know whether this is an issue regarding allocation of funds or of some internal budgeting. On the other hand, have we just passed a bill but have not made funds available through appropriations which are necessary to get the soldiers in the field.

I think one of the first things you should do is review the budget request and the internal allocation of moneys that are given to agencies and departments that are involved in the drug war, and see if we cannot get agents that can get into the field.

It would appear to me that we need to substantially increase the number of DEA agents and other agents fighting drugs in related agencies and departments. In your short acquaintanceship with this, do you know whether there are plans to increase the number of DEA agents available to assist with local and State efforts, as well as other efforts?

**TESTIMONY OF WILLIAM J. BENNETT, TO BE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY**

Dr. BENNETT. I think in the President's proposed budget, certainly there is an increase in overall funding for the drug effort. Included in that, I believe, is an increase, a small increase for DEA.

I certainly agree with your principle, Senator. If you are going to have a war, you have got to have an army. And DEA has distinguished itself as a very important and potent part of our effort. The tragic loss announced yesterday of the DEA agent in New York who was killed I think symbolizes how centrally involved they are.

Obviously, part of what I do in this 6-month review of strategy is to review strategy with a view toward budget recommendations, and we will make the recommendations that we think are required. It does not necessarily mean that we recommend more in every category across the board in every single thing, unless that seems to make sense as a strategy.

Senator DeConcini was saying yesterday that there is a lot of overlap, there seems to be a lot of duplication, a lot of competition, sometimes three or four different departments or agencies going after the same people. We obviously want to use our resources most efficiently.

I would begin with an inclination, a strong inclination, to provide the support necessary to wage the war. Yes, sir.

Senator HEFLIN. The Anti-Drug Abuse Act of 1988 made a substantial increase of penalties for drug use, and Federal drug-related crime consumes a substantial portion of our current Federal court resources. If we, in other words, make more substantial cases and put them into court, I would think that some thought ought to be given to the courts because they, in effect, have to handle them. As this costs more and more money, of course, there is a need in law enforcement and investigating, but, nevertheless, there is an impact on courts. I would suggest that thoughts be given relative to backlogs in courts and delayed decisions, and of course, to appeals.

From a viewpoint of law enforcement, assurance with disposition of cases is a very important issue, and I hope that you will give some consideration to that as you go along.

You indicated yesterday, I am told, that one individual whom you must work closely with is the Secretary of Defense. You also indicated the reluctance to take a position regarding the use of military in fighting the drug war. If you conclude that the military is an effective tool in the war on drugs, and the Secretary of Defense has a differing view, how do you resolve that conflict?

Dr. BENNETT. The President has to resolve that conflict. In a Cabinet meeting the day before yesterday, the President indicated to all the people in the room—the Cabinet and Directors of the FBI,

Central Intelligence, head of the National Security Council, and others—again, indicated his interest in this issue; that this was a priority issue, and said that he expected he and I would be spending a lot of time together on issue.

In our conversations—that is, the conversations I have had with the President—I have told them there will be some tough calls to make, that there will, from time to time, be differences. I will try not to abuse the privilege of meeting with him in the Oval Office, but there will be times when that will be necessary. Such an example as you cite is one of those times. It just has to be settled.

Senator HEFLIN. The Posse Comitatus Act is a critical piece of legislation for providing proper control over the military's role in police-type activities. This act, which was first passed in 1878 as a reaction to the Army's activities in the South during Reconstruction, generally prohibits the military from making civilian police-type arrests, searches, and seizures.

Given the seriousness of the drug problem, what are your views on expanding this act to provide the armed services with greater authority to take action to detain and arrest drug smugglers?

Dr. BENNETT. Well, I think if we come to the conclusion that that is what we need the military for, then I think I would not be reluctant to argue for it.

I think it is important, Senator, to point out that when people read or hear talk about use of the military, I think what crosses most people's minds is that means men, women, personnel in the field with guns storming the beach or making arrests or burning crops or whatever. That is obviously one way to think about it, but there are a lot of other things the military can do. There are a lot of things the military has already done that have been helpful here and there in the effort: provide intelligence, provide equipment, radar equipment, provide helicopters. These are some of the obvious examples.

But I would not want to rule out exceptions to the general provisions of Posse Comitatus or anything else a priori, because, again, I think this has to await the overall study. In this campaign against drugs, no allies are to be refused. The military is a very important part of our strength. I think a case can be made pretty convincingly that drugs pose about as serious a threat to our Nation's well-being as any right now in an immediate sense as anything we can consider.

Senator HEFLIN. Of course, some of the concern that various people have expressed in opposition to the military having arrest powers and conducting searches and seizures is that it would infringe on constitutional rights, specifically the fourth amendment. Of course, this raises an issue as to whether or not they can be educated as to the constitutional rights of an individual, to give such things as Miranda warnings, and other aspects of constitutional law as it would apply to searches and seizures.

If this is undertaken, and if they were to have those powers, it would mean that the military would certainly have to have an educational program, as does the DEA, as does the FBI, as does all law enforcement today, to professionalize the armed services personnel to apply various constitutional protections. It would be a large

task, but I assume not an insurmountable task. This is something I think would need to be looked into if it goes in that direction.

Dr. BENNETT. Yes, sir. I might comment—someone just slipped me a piece of paper on your first question—334 new positions have been authorized in the budget for DEA in fiscal year 1990. That is an increase of about 10 percent. We have about 3,000 active agents in DEA, about 5,000 personnel overall.

The reason I come back to that is, if the need is for personnel on the ground making arrests or doing other police-like, DEA-like activities, we can go the route you describe. We can try to see where in our various departments and agencies where we have a lot of personnel, military and otherwise, if people would like to be deputized by the DEA or the FBI, following some course of training or instruction in the law and other things.

I think there are a lot of possibilities.

Senator HEFLIN. In formulating an international policy of supply reduction, what would be your priorities in the following areas of reduction: arrest and prosecution of drug kingpins; crop control; disruption of supply lines; interdiction efforts targeted at U.S. borders; or agreements with certain countries that produce drugs coming into this country for them to make an all-out effort to stop it?

Do you have any priorities pertaining to those issues?

Dr. BENNETT. Not yet, Senator. I would have to answer right now all of the above. What I want to do, again, following the chart that Chairman Biden put out yesterday, is take a look at these areas. You have just described other areas. Let us hear the best argument, either from a department or agency or expert, about why we should increase our efforts in crop eradication or arrest and prosecution.

What that would involve, how long it would take, what it would cost, let us hear the arguments against that, and let us just go right down the line until we can find out what seems to make the most sense.

My guess is, if I had to guess ahead of time, the kind of strategy you will see us recommend will be a strategy which will work on many fronts. There is not one front in this war. We are all over the map and need to be all over the map.

Someone I was talking to said the pipeline here runs from the growing of the coca plant to the testing of the urine for content of drug. And that is a long run. The other figure that has been used is the half-filled balloon, that if you press down on one part, it just bulges in another place.

We know that when we increase air interdiction and seize more drugs through air interdiction, the response on the part of those we are trying to catch is to send more drugs over land. You cannot just go at it one or two ways. You have to go on all fronts.

Senator HEFLIN. The Anti-Drug Abuse Act of 1988 assigns the Secretary of State the responsibility for coordinating all U.S. assistance to support international efforts to combat the illicit drug trade. How do you perceive the Director's role in formulating and implementing international drug control policy?

Dr. BENNETT. Well, there will be no substitute for consistent—or I guess I should say constant and steady dialogue with the Secre-

tary of State. I have begun that already with Secretary Baker. We have talked some already about the work of INM. The papers today are filled with reports about this issue. Again, I assume here, as I assume with other agencies' and departments' cooperation. We had a very productive first meeting, Secretary Baker and I.

What goes on at State generally goes on specifically at INM, has to be a function of the overall drug strategy. It will be part of the overall drug strategy, and I think a very important part. And if I had to guess, I guess a strengthened part; that is, a greater commitment there financially and in terms of making this a priority in foreign affairs and foreign relations.

Senator HEFLIN. We have been told and have heard that there has been great success, for example, in Turkey regarding pressure that the State Department, the President of the United States and others have applied there to stop the flow of heroin out of Turkey into the United States. I gather that it has been a pretty good success story. Is that your understanding?

Dr. BENNETT. That is my understanding.

Senator HEFLIN. We have in international affairs approached the war on terrorism with sort of an all-out effort. There are certain countries we identify where there are terrorist activities against the United States or directed toward it. And we have used a variety of measures. I suppose you would even say the bombing of Libya was an effort to stop terrorism.

Is the drug war on the same level as the war against terrorism? I am not advocating anything, but I think that they are comparable. But, maybe drugs are a far more dangerous threat to the United States than terrorism has been. Are there some thoughts, procedures, things that we have done relative to terrorism, including embargoes, that could be done against the few countries we know are the major suppliers of drugs to the United States?

I ask you, on a comparative basis, should we really be giving the war against terrorism any greater priority than the war against drugs?

Dr. BENNETT. No, in terms of priority, I am not sure we have a greater priority, Senator, than the war against drugs. To what degree is terrorism a useful parallel and the strategies and tactics used against terrorism useful as a parallel or precedent, I think that is a difficult question. I do not think we can just ape or simply imitate the terrorism model, and I know you are not suggesting we should.

Senator HEFLIN. I am not suggesting that.

Dr. BENNETT. Right.

Senator HEFLIN. I just think maybe we can gain some insight on what we have done.

Dr. BENNETT. Yes, sir. I do not think there is any doubt about it. You can make the case that in many areas drugs constitute a greater, more clear and present danger.

There is, of course, the connection between drugs and terrorism in some places. There is the phrase "narco-terrorism," and that corresponds to something going on in the real world.

I am encouraged by the President's willingness, immediate willingness to grant my request that we consider the national security aspects of the drug problem under the rubric of the National Secu-

rity Council, not only because I think that is a good body and a sound body for deliberation about this, but also because of what you just said. The National Security Council—staff, General Scowcroft, others—have a lot of experience in these areas, areas such as terrorism. To the degree that this is the right model or there are parallels, I think that will be the right place to have these discussions.

More generally, in terms of strategy, I do not think we should take anything off the table. Obviously, we should not advertise up front what we are considering or planning to do in certain areas. But these are options that have to be considered. When you look at the countries, the long list of countries about which we have concern in regard to drugs, as you know, you get very different situations.

You have countries where the government is not friendly to us. There is not much interest in our part in keeping or supporting a particular government or trying to help a particular government because of its hostility to us and to its own people. There are other places where we have governments that are trying to do a decent, responsible job by their people but are holding on by their fingernails because of the almost overwhelming power of the drug barons, drug lords in those countries.

That is a matter for close, surgical, analytical scrutiny, not a blanket policy that would extend from one country to the next. But I do not reject the kind of thinking that we have had in regard to terrorism being applied to the narcotics problem. There is good reason in some places to follow that.

Senator HEFLIN. Thank you.

The CHAIRMAN. I might add, before I yield, that this issue is going to be one a lot of people are going to be looking at: When does a country yield the right to claim sovereignty over dealing with the problem?

Dr. BENNETT. Yes.

The CHAIRMAN. And also the dilemma we are going to face. We are the net exporter of the chemicals that are used for the processing of cocaine. We export the chemicals. We are a net exporter. And 25 percent of all the marijuana consumed in the United States is grown in California.

Dr. BENNETT. Yes, sir.

The CHAIRMAN. And they say that the largest cash crop, probably one of the largest agricultural economies in the world is California's. I wonder where it would be in the spectrum of countries. It may be if it were an independent country, it would probably have the seventh, eighth, ninth largest agricultural production in the world, and its largest cash crop is marijuana. So this thing can get complicated.

I yield to my patient, patient colleague, and assure him that there was a time I sat in that seat. It does not take long to get here. [Laughter.]

Senator KOHL. Thank you, Mr. Chairman. Good morning, Mr. Bennett.

Mr. Bennett, although I was not here last year, I was a strong supporter of the creation of the drug czar. I believe it will help coordinate Federal drug enforcement efforts and eliminate some of

the turf wars that have plagued previous attempts to deal with the drug problems. This committee deserves, in my judgment, great praise for its work in last year's drug bill.

Nevertheless, I am concerned that in the past we have had too much rhetoric, too much grandstanding and too much politicking; in short, not enough commitment to finding real solutions to the problems that we are facing. And, in fact, on occasions in the past, you have been accused of taking this sort of an approach.

For example, in 1986, you prepared a booklet called *Schools Without Drugs*. It was to be considered a blueprint for parents, community leaders, and school officials for eliminating drug use in schools. However, according to the normally restrained *Christian Science Monitor*, "Parts of the booklet read more like a manual for countering guerrilla warfare in the blackboard jungle."

How do you respond to this characterization?

Dr. BENNETT. Well, when you put anything out there in public, as you know, Senator—whether it be a booklet or a position paper—some people are going to shoot at it. I would have to say that of the various publications we put out, this was one of the least controversial.

Now, maybe the least controversial of a highly controversial tenure is not persuasive. But, generally, the reviews of "*Schools Without Drugs*" were very, very good, very favorable.

What some people in the education field objected to was our talking about some situations in the schools where we effectively described a blackboard jungle, because they were worried people would take that as the description of the typical school. We do not think that is the typical school, but it is a fact that there are some schools in America that are drug-ridden, and it is important that very serious measures be taken in those schools.

For the most part, I think *Schools Without Drugs* was very well received. It is a serious and I think sober assessment, and I think it has been used to advantage, if we are to believe our mail from principals and superintendents, by people all over the country.

So I would defend that book, and, again, I think that in this whole effort, one area where we have had some success I think is the reports the newspapers showed yesterday referring to that high school senior survey. One of the few areas where we have had some success, one of the few fronts in this war where we have gained some ground, is in education.

People may want to criticize our efforts there, but I think we were a good ally in that effort.

Senator KOHL. Well, in that book, in *Schools Without Drugs*, you advocated the use of trained dogs, urine tests, and unannounced searches of students and lockers in order to eliminate drugs from our schools. Do you still consider this a proper way of going about eliminating drugs from our schools?

Dr. BENNETT. If you have got a serious problem, yes. I mean, as Winston Churchill said once, "I don't like the fire brigade, but I prefer it to the fire." It is not pleasant to have firemen coming into your house and knocking down walls with axes and hoses and getting your furniture soaking wet, but it is better than the ravages of the fire.

Again, this is not the typical school that needs this kind of efforts, and I do not, as a matter of fact, believe that we should line up every student in every school and give them a drug test. I do not think we should do that. I do not think the situation calls for that. But when the superintendent of schools in Fairfax County, based on what he sees, decides he is going to put in some magnetometers and do some inspection of students coming in, I am not going to second-guess him.

As a matter of fact, I called him up and said, "If that was your judgment, I am behind you," because I think that is a responsible person.

We have to gain ground where we can, and there are some institutions in this society where I think we can gain hold, gain some leverage, gain some ground. The school has to be one of them. That is why I think strong efforts made in the school community can pay off.

There are tragedies. I have seen and heard a number of stories of schools where it was the judgment of the principal and the superintendent to put undercover agents into the school—not a decision to be made lightly. One does not like that kind of thing, generally, but they felt that the drug problem was so serious they had to do it.

Again, I am not going to want to second-guess people when they make that kind of decision, provided they go through the proper kind of consultation.

This war is not for delicate sensibilities. This is tough stuff. And our friend up in New Jersey, Joe Clark, at the East Side High School in Paterson, the district attorney thought the school ought to be closed down. He said it was a cauldron of violence and terror. He thought the school was corrupting the community. The school was the major distribution point for drugs.

Now, I did some TV spots following legislation in which I said let us slam the door on drugs, let us get drugs out of our schools, and some educators went crazy. They said, "This is not fair. These things suggest that you believe school is the center of the problem."

I do not believe school is the center of the problem, but in many communities, school is one place where there is a problem. The drug hotlines tell us that, for most students or for many students, a significant percentage—it may not be half, but I will bet it is 30 or 40 percent—school is the place where they buy drugs. Well, that means you have to address this.

I am sorry to go on, but it is a very important point you raised. There is a kind of argument that we all have to resist. And I have heard it made by people in the schools; I have heard it made by college presidents; I have heard it made by community leaders. And whenever it is made, one has to react to it. The argument goes like this:

Do not look at me, at the schools, do not look at the colleges. This is a society-wide problem, and we are just picking up, you know, inheriting what is a society-wide problem. As if a society-wide problem did not mean that the response had to be on the part of every aspect and element in society.

You do not solve a society-wide problem by something which does not make use of all of the institutions in society: schools, communities, churches, police, everybody.

Sorry to run on.

Senator KOHL. How do you imagine this kind of a policy would be carried out, using dogs and urine tests and random searches? Would you just carefully stand up and encourage superintendents nationally—who in their judgment they feel it is appropriate—to use it?

I am trying to figure out how you would conceive that this kind of a policy could be carried out in a way that would satisfy you that it was not being abused.

Dr. BENNETT. Again, I would not, I imagine, be that close operationally to issue a call for this county or for every county to do it. I think most of the educators in this country are very aware of the nature of this problem. Their communities are behind them on this problem, and I think different people will make different calls, depending on the circumstances. The call the gentleman made in Fairfax, the call that I read about being made in some schools in New York; a similar call, even more intensive in terms of its searches, was made on the basis of their perception of the facts.

That judgment I think we can leave well in the hands of the community. I know very few principals and superintendents out there who would want to go to this kind of extreme measure unless they thought it was warranted.

Senator KOHL. Last year, the Washington Post said that while you were at the Department of Education that you were "much better at identifying obvious problems than at proposing or working toward solutions." Any reaction to that statement?

Dr. BENNETT. Yes. Yes; I think that is wrong. I think we were good at identifying problems, but I think we were good at identifying solutions, too. What bothered the Post and others sometimes is that we said often that the solution was not to be found in Washington, DC, and that is a matter on which we had some differences.

I generally thought, actually thought the Post was pretty fair in its coverage of us and its reporting of us, its assessment of us. But, no. As a matter of fact, we did not raise a problem unless we had an idea for a solution to it. It is just the fact that a lot of people did not agree with our recommended solutions.

Senator KOHL. Mr. Bennett, what steps can all of us in society take to ensure that we work towards real solutions in the war against drugs? This is not a one-man job, obviously. I think the degree to which you are able to enlist the support and the cooperation not just of people here in Washington, but all across the country, will in large measure determine the success of your mission. And I should imagine you have been thinking about ways in which you can and will encourage support and cooperation out there in this country.

What are some of the things that go through your mind?

Dr. BENNETT. A lot of things go through my mind. You do not have to tell the American people that there is a serious problem; they know that. I think what a lot of people have asked me already is: What can I do? And I am trying to think of ways to answer that satisfactorily?

I think what Chairman Biden was talking about yesterday was very important. I think there is an attitude about drugs that we can try to engender throughout the society which will lead us to act in certain ways. I do not know if you were here, Senator, when Chairman Biden talked about seeing one of your old friends at a party, and you say how are you doing, and the old friend says, well, I tried some cocaine. And you say, well, you know, you really should not do that.

While if the old friend said I just robbed a bank, you would probably say more than he really should not do that. You probably would not have lunch with that person any more.

Clearly, Chairman Biden say, maybe with the first person you should not have lunch, at least should not have lunch with that person either. That may be part of it, cultural attitudes.

I can tell you that we did something in this society about cigarette smoking. As a former cigarette smoker—yes, I know, I know. I do not want to take undue credit here, too many pats. It has not been that long, but I am trying. Heaven knows, I am watched. If I err, everyone will know it.

As someone who up until 10 days ago, 9 days ago, 112 hours and 16 minutes, whatever it is—[laughter].

It struck me somewhere along the line that you could not light up a cigarette around most 7- or 8-year-olds in this country without them coming down your throat and saying: You are a nasty person; that is a nasty habit; you should stop doing that; put that away, yuk, ugh, yukky, and anything else that they had been programmed to say or taught to say, indoctrinated to say about this, instructed to say, whatever. I am not here referring to the style of instruction.

The point is it worked. It changed an attitude about this, and there has been a change in the habit because of this. We need to find the analog, the more serious analog, the more impatient and intolerant attitude or way to engender this attitude for these illegal drugs as well.

Again, I cannot swear to the statistic. It was given to me by an expert in the field, Dr. Lee Dogoloff, but I will repeat it. That is about the quickest way I know whether to confirm it: You repeat it publicly. If you are wrong, you will find out in the next day in the newspapers. It is that some 65 or 70 percent of the cocaine used in this country is used by the so-called casual user; the person who is saying, well, it really does not bother anybody, it is really victimless, I just do a line once or twice a week or once or twice a month.

That person has to realize that he is an accessory to all that we see going on in this society, and the response to that person, quite apart from user responsibility—you know, arrest him, lock him up and put his picture in the paper, fine him—has to be, I think, a more general and pronounced attitude of intolerance on the part of all of us.

Senator KOHL. I agree with you. I would venture the observation that your success will be determined significantly by the extent to which you are able to get that point across and make it stick—create that attitude throughout this country. I think it is absolutely essential in terms of getting the job done.

Dr. BENNETT. I think it is, too. I think that is why in addition to talking to DEA and talking to the Secretary of State, we probably have to talk to the TV writers, the producers in Hollywood, the commissioners of the sports leagues.

I am bothered by this. I watch a lot of football. I watched all the playoffs. I am bothered by an announcer saying: Here is so-and-so coming on the field after his third return, this is his third return from drug treatment.

How many shots do you get? How many chances do you get and still appear as a role model to American children? I think these are all conversations we need to have.

Senator KOHL. OK. I would like to talk a little bit about drug sentencing, the sentencing of pushers. It is clear to me that a major key to winning this war is to fight it in the streets, to go after the people who are selling drugs to our kids. And I wonder how well we are doing on that level.

As I see it, we have not really provided a certainty of punishment. Sentences vary in length, but whenever the sentence is served, we have parole, we have bail, and we have a jail shortage which turns people back quickly on to the streets. In some ways, this reminds me a little bit of the sentences on prostitution. We arrest people, and they are back on the streets in a matter of hours.

My question is this: Would you support longer sentences at the State level? And would you support a prohibition on parole for people convicted of dealing to kids on a State level, as we have at the Federal level?

Dr. BENNETT. In the latter, my inclination would be yes. That is, a prohibition on that for people selling to kids. I might want a couple of exceptions to that, and I will say why in a second.

The general point you make is very good. It has been pointed out here—and I see Senator Specter is here. I am glad he is because I know this is an area of special interest to him as well. A lot of attention has to be paid to the judicial system, courts sentencing side of this. We have got a lot in the arsenal right now in terms of the legal authority and power to imprison people, to lock them up, to execute the kingpins and so on.

But this has to be credible. To be credible, it means it has to work. It means there have to be spaces. There have to be prison spaces. There have to be the prosecutors. There have to be the judges.

One of the increasingly important aspects of this problem, as I see it, as you listen to people, is people, decent citizens in America, are seeing too much injustice. They are seeing too much of drug dealers in the street. They are seeing too many people running down the street shooting each other. And they need to see something else. They need to see some of these dealers, indeed, all of these dealers, locked up, locked up for a long time, and—I am now repeating what citizens have said to me—"not back out on the street again in a few days."

That means we have to look and ask the hard questions about the machinery of justice, not just about the laws, but do we have the resources. Do we have the prosecutors? Do we have the judges?

Do we have the space? And what kind of alternatives might we think about?

If you just look at the process and say, you know, we need more police—this goes back to Senator Heflin's question—and you add more police, but you do not add more people in the rest of the system, you will end up with more—you might end up in a situation where you have more arrests, but as soon as they are arrested, they are back out, they are back out, and they are back out.

That will, in the end, decrease the very important thing we need in this effort—your last question—for public opinion. If the public decides we are not serious because they see with their own eyes that drug dealer back out on the street 3 days after he has been arrested, then we are really in danger of losing the war because we are in danger of losing the respect, the credibility, the hope of people. They need to see justice being done. Justice not only has to be done, it has to be seen to be done.

So, yes, I am in favor of the things you recommend. This means, I think in some cases, more resources; certainly in other cases, it is more imagination, some ideas about how to do this.

I have not investigated the idea, but I was struck by this. Two judges have written me letters recommending that we institute something called drug court, which is, I take it, in place in some jurisdictions in America already, which is 24-hour court where judges preside, and it is nothing but drug cases, in order to try to stop the delay. Now, that is part of the answer. But if there is not any place to put the people, then we have to respond to that, too.

Another thing that struck me is I think most judges are very aware of the deep feeling of the American people about this. That recent story in Washington Post caught my eye, the story that pointed out the difference in sentences given by juries and by judges on the drug issue. Juries tended to be a lot tougher than judges did.

Senator KOHL. One other question before my time runs out.

The crime watch programs which are prevalent in many parts of the country—I know where I come from it has had some measurable improvement in terms of lessening crime in the streets. Are you an advocate of crime watch programs? What do you think of the black Muslim efforts that we have been seeing here in Washington?

Dr. BENNETT. It is interesting. I do like the general principles behind the crime watch. I was intrigued by the Muslim effort. I do not know finally, ultimately, what I think because I have not gotten enough feedback yet. In every city I have been in in the last couple of weeks, I have asked the police what they think about this.

I talked to a community group in Dallas, and they told me about a volunteer group there. I think it was Afro-American Men Against Drugs, and they are walking around in the communities. The group is led by a former Dallas Cowboy who still looks like a Dallas Cowboy. He is a pretty big and strong-looking fellow. I think he would intimidate your average drug dealer on sight.

Anyway, we need volunteer efforts of this sort, clearly. I want to find out what is most effective, what works. The chief in New Orleans, Mr. Woodfork, told me that one of the things he wanted to do

was to start by reclaiming small sections of the city. That was the word he used, "reclaiming," taking them back, taking back neighborhoods that had been taken over. How do you take it back? The general thinking seems to be you do need to have some fairly intense police presence there for a while. With the police presence, the citizens start coming out of their homes and using the streets in the way they did before, and not giving them up to the drug dealers.

The chief said that one of his main goals was to get drugs—the first stage—out of the public sight, out of public view, drive them indoors. He said, "I understand that when you have driven them indoors, you have not gotten rid of them. But you have addressed part of this problem, which is the general fear and anger and worry and anxiety that the citizenry has."

It is a really very subtle point of political philosophy the chief is making. Drugs are illegal whether they are private or public, but to some extent, in a free society, you do have, as Justice Holmes—he said something like this—the right to go to hell in a hand basket if that is what you want. You can eat yourself to death; you can drink yourself to death; you can do all sorts of things. But you do not have a right to make life hell for other people.

He says he wants to drive the drugs indoors; then he will focus on getting them indoors. But right now, he wants to return the public spaces to the citizens of New Orleans. He made a nice point, too. He said that this is a city with a moderate, temperate climate. It is a sit-on-the-porch, sit-on-the-stoop kind of city. He said, "The drug dealers have forced our people, our citizens, indoors. Indoors, they are brooding, they are angry, and they are feeling that their city has been taken from them. We are going to work to get their city back."

That I thought was very impressive thinking about this whole question. One of the things they did—and I know people can make fun of this—was to put up a sign. The sign said "Drug-Free Zone." Now, everybody knows that simply putting up a sign will not do it. You cannot do it simply by declaring it. But he said there was a big debate about whether you put up the signs first or whether you get out on the streets first. And once you have secured the perimeter, then put up the sign. There is a lot of thinking that by putting up the signs, you may encourage people out in the street, who begin by coming out of their houses and gathering under the sign. Some kind of symbol for it.

I am getting philosophical again. I will try to resist. But these are serious questions because I think one of the two or three fundamental questions about the drug problem that I have asked people on the ground, everywhere I have gone, is this: Is this community that is hardest hit dead? Has it been killed by the drug problem, or are there still life signs? Is there still something in there that we can turn to our advantage? And everywhere I have gone, people said, "No, they are not dead. We are in danger. It is in danger of dying, but there are still some things that can be done to restore life to this community."

Finding out what those levers are, whether it be crime watch, putting up of signs, or some combination, this is, I think, a very important part of the task.

You know, I am sure in the literature that is fairly well known that you can decrease crime in areas often by improving the area, by getting rid of graffiti, by fixing broken windows, this kind of thing; that what people see publicly, what they see with their eyes has a lot to do with how they behave.

Senator KOHL. Thank you, Mr. Bennett.

Thank you, Mr. Chairman.

Dr. BENNETT. Thank you, Senator Kohl.

The CHAIRMAN. Thank you.

You have said a couple times in the last two days, Doctor, that there you go philosophizing again and you should not. If I can be very blunt about it, the only concern I have heard expressed about your prospects of running this agency is your philosophy. So I think you should philosophize a little bit.

For example, I had no intention of speaking to this because I have a number of questions I will eventually get to before we finish. But I thought a very good question put to you by my colleague was about the schools. I will speak for myself, and then I would like you to philosophize with me a little bit.

I have three reasons why I have been so concerned and consumed with this subject since I have come to the U.S. Senate. The first is that there is overwhelming evidence that as long as drugs are illegal, they produce violent crime. For people, unless they happen to be the son or daughter of a wealthy banker or have access to a large account, they are expensive habits, and they cause people to go out and burglarize, rob, and brutalize other people in order to get the money to pay for their habit. So that is one overwhelming concern.

A second concern is the incredible damage it does to the lives of the individuals who get caught in this awful web of drug use and drug abuse and how everyone gets brought in, from the individual, to their family, their friends, anyone who loves them, anyone who cares about them.

There is a third concern, and I may be in the minority in sharing this concern. I am increasingly fearful, as the extent of the problem and the brutality associated with this problem of drug abuse grows, that Americans fearing for their families will be susceptible to those who will suggest an answer lies in trampling the Constitution, the Bill of Rights—that awful word which is the essence of our Bill of Rights, “civil liberties.”

One of the things that worries me, the only thing that sends up even a little red flag when I consider my voting view—and I have every intention of voting for you—is when you talk about serious problems facing our society as it relates to drugs, I have never once heard you mention—not that I am suggesting you have not, but I have never heard you once mention the civil liberties side, the constitutional side of the issue.

So when we go back to the schools and the recommendations that you have made, your analogy to the damage done by the fire being worse than the damage done by the water and the axes and the dirty boots of the fire persons tramping through the house, that is very compelling except that it is not what we are as a country. There are a number of places where the fire, figuratively speaking, is worse than the effort to put out the fire. But our Constitution

has said that in order to give someone the right to put out the fire—to keep this analogy going—you are running the risk of people going in and axing and watering down and ruining the furniture of people's homes where there is no fire.

Now, the question I have for you is: In your recommendations as Secretary of Education relative to taking, wresting control of our schools back from drug abusers, users, and the drug scene, what are the constitutional considerations? I am not asking you to balance them. What are the things that you thought about as it related to whether or not there are constitutional protections that might be, or at least have to be considered with regard to any plan of action that you would recommend?

Dr. BENNETT. Well, they are everywhere. They touch on all aspects of this problem. I should say you are right. I have not spoken about it during the course of this hearing, but I spoke about it a fair amount, actually, as Secretary of Education and resisted some who were arguing for things like universal testing of students; you know, all students should be tested, all workers should be tested.

The CHAIRMAN. Why?

Dr. BENNETT. Because I am sensitive to the Constitution. I am sensitive to the fourth amendment. I understand, as Justice Jackson said, that the Constitution is not a suicide pact, but I do not see any reason to suspend or qualify constitutional protections unless there is a very compelling reason to do so. And I do not see that we have a very compelling reason to test every school kid in America. I do not see that when we see that we can have successful results in the schools with things which are not nearly so intrusive.

I will be glad to take your question further on this, but could I—

The CHAIRMAN. Well, I would like to stay on that.

There was an interesting article by Irving Crystal, a very, very bright fellow. I do not want to misrepresent it. I do not have it in front of me, so I apologize to Mr. Crystal if I, in fact, have misrepresented it in any way.

My impression from the article as I read it was that it is about time to go back and reassess whether or not the fourth amendment really makes any sense. It is about time for us to go back and reassess whether or not some of the amendments relating to the criminal sanctions—the fourth amendment, the fifth amendment, the right to counsel—I do not know if he mentioned that one or not. It may be time to go back and reconsider whether or not in light of the threat posed out there, whether we really need those amendments, or whether we should maybe amend them.

Can you think of any circumstance under which you would contemplate amending or eliminating the fourth amendment?

Dr. BENNETT. Never eliminating it. I mean, I suppose, you know, I would have to go back to my law school cases; that Lincoln did suspend habeas corpus, right, and I do not think we think that that was a terrible thing for him to do. At least, I do not think most people think it was a terrible thing to do.

I cannot imagine circumstances in the near future, even given this problem, which would require us to do that. I have to tell you, in talking to the police—and they are very sensitive about this kind of thing—I have not in any of my discussions about the drug

problem heard any of them say: Well, the problem is the right to counsel, or the problem is the Miranda warning.

The CHAIRMAN. Neither have I. I have no worry about the police. It is you I am concerned about.

Dr. BENNETT. All right.

The CHAIRMAN. I do not mean to appear flippant. I am serious. What is the underlying concern, to the extent that it may exist, about you leading this agency is twofold. One, I hear because of my responsibilities in the Senate, it relates to whether or not you have sufficient background in the policing of the problem. The second is whether or not you are a ideolog who will reach the conclusion that the ends justify the means as it relates to constitutional protections.

Now, I am not speaking for Senator Kohl or anyone else, but to the extent they are concerns—because no one that I have come across suggests anything other than what I have said publicly. I think you are as honorable as they come. I think you are bright as can be. And I think your personality and your willingness to take chances are, quite frankly, what the doctor ordered for this new job.

So if you have written anything or spoken at any length on any of the constitutional implications to some of the suggestions that you have made, whether or not they are about drugs, but about practices which are more intrusive than we are accustomed to as a Nation, it would be a useful thing to submit for the record, if you would be willing to do that.

Dr. BENNETT. Sure. Can I say a couple things?

The CHAIRMAN. Sure, I would like you to.

Dr. BENNETT. I am not rattling an answer right off because it is a little bit like, you know, to defend myself on civil liberties, I did not know I had done anything wrong. I mean, I know we have said some things at the Department of Education which angered some and that many would disagree with, but I do not—I cannot think of anything that suggests in my history or background insensitivity toward civil liberties.

The CHAIRMAN. Well, for example, some people think metal detectors and dogs in schools are, in fact, exactly that. I am not suggesting they are.

Dr. BENNETT. I see.

The CHAIRMAN. You say you cannot think of anything that would make it click up on the scale for folks that maybe you might be. Look, I do not want to overstate this.

Dr. BENNETT. Yes, I see.

The CHAIRMAN. I do not want to overstate this at all. I do not feel any groundswell anywhere. I do not see any great—to the extent that there is anything, is my point, back there, and that is why for me it is useful to hear you philosophizing.

Dr. BENNETT. OK. I think Crystal's article, I did not take his argument to be that we should suspend the fourth amendment or any other amendment. But I think what he was saying was we might want—the community might decide, in order for public safety to be protected, there ought to be a general search and seizure or the police ought to be able to stop anyone. That is a pretty extreme measure.

Might we come to that? I doubt it. It is possible that the community might decide in some parts of a community that is absolutely overwhelmed by this problem that the public safety dictated it. But that would be an issue, I am sure, which would go to court, and then the argument would have to be made.

I am trying to remember that second-year course in evidence and that second-year course in constitutional law. These are difficult areas. There are balancing provisions and so on.

The more general point I would make, though, I was thinking of another column, a column by Abe Rosenthal in the New York Times, who I think has written very intelligently about this. He said those whose first instinct is to grab civil liberties, to think of the civil liberties side of this, had better realize that unless they add their voice and their efforts to the voices and efforts of others who are trying legally to get after this problem, in the end we may see a trampling of civil liberties.

The CHAIRMAN. That is why I am here.

Dr. BENNETT. That is right. You want philosophy? I will give you some philosophy. There is a social contract, and whether you go with Hobbs or whether you go with Locke does not matter. In the social contract, we say to people: We want you to observe certain things. It is a free society. It is not a whole hell of a lot we are asking you to do. But here is the Constitution; here are the amendments to the Constitution. Stick with these. These we want you to observe, and these we want governments to observe.

The CHAIRMAN. Now, let me stop you there. I disagree with that. Let me philosophize with you a little bit.

I believe the Constitution did not in any way, nor did the Government in any way, give me any rights. It is the vehicle and document by which I as an individual, and my forbears, concluded that I would yield to the Government certain rights. And the contract was that continuing to reside with me are certain inalienable rights that are not all enumerated within the Constitution.

Dr. BENNETT. Right.

The CHAIRMAN. It is a fundamental, philosophic difference. The reason why I am here and Bork was there. Fundamental differing view. And it relates to how one approaches this. If one attempts to gain control of this problem, like I believe is your intention—that is, within the confines and restrictions of a document that says a citizen withholds a considerable amount of power against the Government, nobody would question if this were a dictatorship. We could do a lot better. Nobody questions. All we would have to do is have complete elimination of search and seizure, be able to stop anyone, any time at all, and, if arrested, conclude that the best way to deal with the problem is literally execute them, which happens in some places. Now, that would probably impact significantly on the problem.

I am not being facetious. I am being serious.

Dr. BENNETT. I understand.

The CHAIRMAN. The reason why I mention this—and let me get more specific. There is a police officer in the northeast corridor who has more police busts than anyone else on I-95, he does a phenomenal job, by the way. A school of thought says we are moving to the point where one will be able to merely look at a person, to

train people to tell by merely looking at a person, whether or not they are in the possession of or under the influence of drugs.

Now, that gets a little bit hairy. It may be right. Do we want to encourage that notion so that we have police officers that say: Well, I do not need a search warrant and I do not need probable cause. My probable cause is in my training, my eyes. My eyes indicated to me by looking at that person they would be into drugs. Therefore, I forced them to take a test.

I do not want the public to think this is some wacky kind of philosophic exercise I am merely enjoying with a former philosophy professor. It is not that at all.

Dr. BENNETT. Sure.

The CHAIRMAN. We are really moving in these kinds of directions, and I would like to know your generalized view of how you take into consideration the basic constitutional rights that people have.

Dr. BENNETT. They are the base; they are the cement; they are the anchor; they are what sometimes causes us difficulty in waging wars against people who do not observe these. But these are the ends for which we do all this. You cannot destroy the fabric and the foundations of the country in an effort to save the country.

The CHAIRMAN. Well, that is what worried me a little about your analogy about the fire. There is a famous line in the play "A Man For All Seasons," where Roper turns to Thomas More, and he says, "Arrest him. Arrest him. He means you harm."

Dr. BENNETT. Right.

The CHAIRMAN. And More looks at him and says, "Why? He's broken no law." And Roper says, "Now you'd give the devil benefit of law." And More looks at him and says, "Yes, I'd give the devil benefit of law, for this country is planted thick with laws. From coast to coast, man's laws not God's. And if you'd cut them down, what will you do then, Roper, when the devil turns around on you?"

Yes, I would give the devil benefit of law for my own safety's sake. That is the reason why these laws, the Constitution, is here, it seems to me. That is why I was a little concerned about your analogy.

Anyway, let me be more specific and less philosophic.

Dr. BENNETT. I think both analogies are reasonable. But there is no question about doing this right.

Could I add one other thing?

The CHAIRMAN. Sure, please.

Dr. BENNETT. Your example of the police officer obviously is something we need to think about. But there is another side to it. Again, I come back to what Rosenthal is arguing. We may see not abuses from the official side of society; we may see it from the other side.

I will be explicit. If people in a community think that law and order does not work, that playing by the rules does not work, then we might see something just as fearsome, which is that very odd expression, "taking law into one's own hands." Whatever it is you are taking into your hands, it is not the law. But a few of the police officers I have spoken to have said: We have got to get a hold of this thing because some people are getting very impatient.

The CHAIRMAN. Absolutely.

Dr. BENNETT. And that was my point about social contract. People will behave in certain ways, but they expect certain kinds of conditions to be fulfilled by us; you know, by Senators and drug czars and police. And if we cannot keep the peace, and if we cannot get the drug dealers off the street, a lot of people are going to say: We are just going to have to do it ourselves because the social contract has been violated. You guys—me and you—have not stuck to your end of the bargain. We will do it ourselves, our way.

The CHAIRMAN. I think that is a valid point. Just as you could speak more accurately for Crystal, I will attempt to speak for Rosenthal. His point was that that is why every time I think when guys like me wrote laws that said there will be flat-time sentencing and there will be forfeiture laws, there will be significant changes in the strictness of the law, and we are attacked by civil liberties groups for suggesting it. But, clearly, they were within the constitutional limitations that were available to us, in my view. I do not think he was saying that the Constitution should, in fact, be put aside to get at the problem.

Dr. BENNETT. Right.

The CHAIRMAN. Let me move on to a couple specific areas. We spoke about crack yesterday. Again, from our public and private discussions, as you know, I do not expect you to have a firm view on the prioritization here. But I want to make sure that we are agreed to the extent of the problem, absent a judgment about what the answer should be.

You heard a lot about violent crime in certain cities, particularly Los Angeles where there are 70,000 gang members. In other cities, there are problems, too. What concerns me most, though, is not the localized gang activities, as violent as it is. That concerns me, but that is not my major concern. But the evidence that these gangs, driven by the enormous profits they make from drug trafficking, are branching out and forming inner-city syndicates.

As was pointed out by our most erudite member of the Senate, in my view, Senator Moynihan, there have been times in the past when we have had cycles like this. Organized crime, the so-called Mafia, never was as powerful as it became once Prohibition got put into place, and then you really saw the genuine organization of organized crime families. I am being redundant in that phrase.

Now, in the DEA and its recent report on nationwide distribution of crack that has been recently published, it points out that the Bloods and the Cripps from Los Angeles have developed crack markets through the entire West, from Phoenix to Seattle; that 40 percent of the Jamaican gangs with 10,000 members in America control crack markets in the Midwest and the East, from Kansas City to New York, Washington to Philadelphia; and that Dominican groups—and I am not referring to the Friars—Dominican groups have a presence in several New England cities; and that Haitian groups distribute crack among migrant workers in rural America from Florida to Sussex County, DE.

When gang activity remains localized, it is a local problem. But when it becomes a nationwide drug-dealing syndicate, it is a serious nationwide problem.

My question is this: Do you believe that the extent of the problem is as wide as I have just very generally characterized? And are you concerned that we may be seeing the embryonic development of the 21st century's new version of serious organized-crime organizations, not unlike what grew out of the Volstead Act with the Mafia? Not that the Mafia and gangs did not exist before. But it seems to me that they have the potential for taking on a totally new function that is even more dangerous and heinous than existed in the past.

I wonder whether you could tell me whether you agree that the problem is as serious as I believe it is; and if it is, whether or not you would be willing to take a serious look at it.

Dr. BENNETT. Yes. On both, Senator, I would have to go entirely on what I have read and what people are knowledgeable about this have told me. Saying so, I would have to include affirmatively on both questions. Yes, I think your assessment of it is right, and yes, we have to address it. This is something I talked about with Chief Gates from Los Angeles. He knows well about these gangs. We have heard about it in other conversations as well.

Sure, it is still very early—it may still be very early in the crack epidemic. I corrected myself because one hopes it is very late in the crack epidemic. One hopes we can put a stop to it. But the kind of organizations that we are seeing develop around this drug are fearsome, indeed.

The CHAIRMAN. There are two reasons why I mentioned it, and the second I would like to point out now. To the chagrin of some of my friends in my party, I have never been a fan of quotas and believe that affirmative action is distinguishable and necessary, but it does not require quotas. But one of the places where both of us may have to rethink that notion is in this area. Let me suggest why. Not quotas, but the need to really go out and recruit minorities.

One of the problems, as you will find, as I have over the years working so closely with DEA and the FBI, is that we do not have enough ethnic agents. We are seeing spring up in this country significant new patterns of distribution, organizations of distribution. Whether or not we are prepared to call them organized-crime families now or not, but multibillion-dollar distribution rings that have clear, unequivocal, ethnic origins to them: Jamaican gangs, Hispanic gangs, motorcycle gangs that are made up of just one group of people, et cetera.

Section 1053 of the Drug Director's statute requires that the Drug Director report by November of this year on the desirability of reorganizing Federal agencies to enhance the prosecution of drug cases. That, by the way, grew out of the constant fight between DEA and FBI in the past. Would one be subsumed in the other? Who would control what? Who was the lead agency, et cetera? But it has gone beyond that now.

In putting together that report, would you consider my request of focusing on the emerging groups of ethnically identifiable gangs or organizations, and what may need to be done in order to recruit individuals for what is the essence of drug work, which is surveillance and infiltration?

Dr. BENNETT. Sure, sure. It makes perfect sense to. It makes perfect sense.

Could I comment on that?

The CHAIRMAN. Sure, please. Comment on anything you would like to.

Dr. BENNETT. I do not want to be misunderstood from yesterday. I am already in the business of recruiting people for positions, and I am recruiting minorities.

The CHAIRMAN. I have assumed you are. That is why I did not follow up on the questioning.

Dr. BENNETT. The kind of thing that you talk about obviously is critical. You have got to have certain kinds of people doing certain kinds of operations who are not going to stand out like a sore thumb, and who are going to be not only identifiable by physical characteristics in ways that can be helpful, but are going to have identifications because of sympathy and experience that are going to be critical, too.

The CHAIRMAN. Now, one more question on the crack problem, and I will move on.

We have focused on the crack problem being the bane of urbanized areas and ghettos. We often think of it totally in the context as an urban problem. But that is not true, in my view. As I said, crack distribution by certain Haitian groups is a rural problem, particularly in my State. I do not want to be too parochial here, but I picked my State because I think it will exemplify the nature of the problem.

In 1987, the Drug Enforcement Administration seized 12 pounds of crack that had been transferred from Florida to rural Virginia and processed into recreational strips of crack, and then shipped to Sussex County, DE, in southern Delaware where migrant workers work on the farms at certain times of the year.

Now, by the way, that amounts to about 50,000 hits of crack. If we are right, that one hit and you are nailed. Unlike any other drugs, you are addicted. Then we are talking about a major potential here.

Now, there have been similar instances following in other places along the Delmarva Peninsula. Would you be willing, again, as you focus in putting together your proposal, to be able to assure me you will look also at—I am not asking what judgment you will arrive at, but give considerable attention to the fact that crack and other drugs is a rural problem also.

Dr. BENNETT. Yes, sir. I certainly will. I might refer you and the committee—maybe you have seen it—to an excellent article in the Atlanta Constitution. It was a big survey they did of rural counties in the South. I suppose if somebody were to guess where is the least crack problem in the country, a lot of people might guess the rural South, thinking, you know, it is not New York, it is not Chicago, it is religious and so on. A terrible problem with crack, and as is pointed out, putting your last two questions together, the blacker the community, the worse the problem. Every sheriff of every predominantly black community reported that the pushers seemed to push their way into that community and make the strongest effort they could to establish the crack market there.

On people whose resources are the most limited, education is the most limited, possibilities the most limited, this is where the worst damage is inflicted. This is the real disaster. You bet. Absolutely.

The CHAIRMAN. Steroids, if I can move on to that in just a moment. I have been, according to my colleagues' chagrin, sort of a one-man crusade on this issue. I do not mean I am the only one concerned about it, but some suggest I have spent too much time on it.

According to a recent survey, somewhere between a quarter of a million and a half a million high school students have used steroids. As you know, steroids are not now considered a controlled substance, and they do not fall directly within your jurisdiction. But we know that there are serious health consequences, and there is growing evidence that they can be addictive.

I added an amendment last year to last year's drug bill that made selling steroids without a prescription a felony. On Thursday, I introduced a bill to prohibit the use of the mails to distribute steroids. These kids, from these muscle-building magazines, can literally clip out a coupon and mail to Mexico and have the steroids mailed to them.

Now, do you think we should consider adding steroids to the category of controlled substances, or do you think that is something that we should continue to control by other means?

Dr. BENNETT. I do not know. I do not have an opinion on it. The one thing I do think about it is that this, like some of the other issues we talked about yesterday, can probably best be addressed, most effectively addressed, or at least one of the areas where it can be effectively addressed, is at the education level in the schools.

I think that when you start to introduce students to ideas about themselves and the kind of activity that is worthy of themselves, taking care of their bodies, taking care of their minds, not having a personality that is chemically derived or chemically bought and derived, bought with money and chemically derived, you know, the benefits of exercise and the problems with things like steroids, that may be in the long run the most effective thing we can do.

I do not know. I would have to think further about that.

One of the things that I would like to discuss with you further, Mr. Chairman—not necessarily today—and ask your help and other members of the committee, your staff, is something I mentioned yesterday. I think reviewing yesterday's testimony, I do not want to take anything back, but I noticed we were saying: Yes, we will get into that and we will get into that, and, yes, we will get into that, too, and, yes, we will do it all within 180 days.

Again, you have been very generous on this point about how difficult this is going to be. There is going to be trial and error. There are going to be mistakes. I may want to come back to you and tell you, too, that in the first 180 days we want to focus on a couple of aspects of this.

The CHAIRMAN. Well, you are going to have to do that.

Dr. BENNETT. Right.

The CHAIRMAN. You are going to have to do that.

Dr. BENNETT. We are not going to do it all.

The CHAIRMAN. I am just trying to get a sense of where you are.

Dr. BENNETT. Right.

The CHAIRMAN. And all I am suggesting to you is I have some fairly clear views, doing this for so many years, as to where the priorities should be, it is not my job.

Dr. BENNETT. Yes.

The CHAIRMAN. The legislation says it is your job. We will respond to that legislative proposal that you put forward. I guess this is one of my opportunities, since I promised I was not going to be dragging you up here between now and the time that you had that plan ready, to sort of just highlight some areas that I hope will stick in the back of your mind.

Dr. BENNETT. Fine.

The CHAIRMAN. And you will consider whether or not they warrant being considered in the first 6 months of the report.

Let me get back to rural American for a minute. Yesterday, you said that if we were able to reconstruct the American family and restore a sense of community to our neighborhoods, we would make serious headway in solving the drug problem. I happen to share that view. But I must tell you, on occasion, I wonder whether my judgment is correct.

According to law enforcement officials, methamphetamine production and use is a major problem in rural America in places where you would think that there is still a strong sense of family values and community, and not just in black communities in the South.

Dr. BENNETT. Right.

The CHAIRMAN. And I would ask you to—to use your phrase, not mine—educate yourself more about these problems. Because one of the advantages I do think you bring to the job is—I think it is an asset—your philosophic background. I mean that sincerely. Because this problem has to be taken to a different plane than we have discussed it, if we are going to make any real headway, in this Senator's view.

So, in that context, I hope as you get up and running—not within your report—you would invite in people, as I invite in, who are the experts in this area and see whether or not you believe there is a correlation. My fear is that not only is there demonstrable evidence that it is prevalent where the family unit has been broken down. My fear is now there is growing evidence that it is breaking down where there is no breakdown.

Dr. BENNETT. Yes, that is right.

The CHAIRMAN. I would suggest that area for your staff to put a little tickler on at some point, after your 6 months of hell are up, to consider. I am going to give you a copy of a couple minor things here—not minor but very short questions not to be answered now, but just for your consideration.

Dr. BENNETT. OK.

The CHAIRMAN. I am going to keep going until my colleagues who have questions come back. I have a few more.

By the way, would you like to take a brief recess?

Dr. BENNETT. No, I am fine. I am hoping to just wait them out. [Laughter.]

Could I raise a point?

The CHAIRMAN. Sure, please.

Dr. BENNETT. Again, I mentioned this yesterday. It is something that I would like to work with you on. There are obvious reasons that I think we would want to be on the same wavelength on this issue, but also a kind of national reason for doing so.

Could we work together soon on this whole question of benchmarks?

The CHAIRMAN. Yes, I would be anxious to do that.

Dr. BENNETT. What does it mean that we are getting better, and have three or four or five or six, and try, if we could, to look—if not now, in 6 months when we produce the report—for some targets. Because it is a very hard thing to know exactly how to measure. I imagine we are going to end up with six or seven things that we are looking at.

The CHAIRMAN. Even had I not been for you before, the mere fact that you just made the statement you made indicates to me you are one of the few people who understands what we are trying to do here. You cannot determine whether you are succeeding or failing unless you have a standard against which to measure. We all know in our history there have been times when there has been hysteria about problems that have not been as severe as they are, and there has been hysteria about problems that have been more severe than the hysteria.

We need to get some clear measures so we have some clear goals. I do not want to insinuate myself into the process, but to the extent that you want me personally or my staff to participate in the process of setting those benchmarks—whether it means my coming down and sitting down with you as you listen to the experts, or my suggesting people that we could talk to—I will do it any way you would like to do it. I am here. I mean this more sincerely than anything I have said in this body. I am here to do everything I can to make your job work. I have had too much of an investment—too many missed soccer games, too many missed school plays, too many missed things that are important to me invested in this job to do anything other than do everything it takes to make it succeed.

Dr. BENNETT. Right.

The CHAIRMAN. I will try to cut through some of this quickly. One other area, there is a Dr. David Musto at Yale University.

Dr. BENNETT. Yes, sure.

The CHAIRMAN. Having hung around Boston, I hope that will not make it impossible for you to be willing to speak with him because he is at Yale. He believes that the drug epidemic of the present is as a consequence of cyclical trends in American society. Again, I am going to do his theory injustice in the interest of time, but he suggests that there were previous cocaine epidemics that were as significant as the cocaine epidemic that we are having right now.

He points out that in the early 1900's there were emporiums, that it was equally as—I will not say "equally"—that it was significant; the problem was viewed as an epidemic. He believes that drug use and the public and Government response to it is also cyclical; that once public attention turns away from a drug problem, for a period of time there is an eventual resurgence of interest in and the beginning of a new drug cycle.

First of all, I would suggest, if it possible—you have too much to do, I know, but as you begin to set these benchmarks—and I have a sense of how you operate—you may find it useful to have your staff summarize concisely some of his writings, or possibly just do what I do in these situations: Pick up the phone and call him. I cannot speak for him, but I am sure that he would be more than happy to give his point of view.

I just raise that as a possibility and whether you think that kind of inquiry is worthwhile.

Dr. BENNETT. Yes, I do. And I know Musto's work. Having spent a lot of time in the academy, I may be a little brassier with these guys than you are. You know, I used to work on a faculty. I actually sometimes call them and say, "Could you put your thoughts in two or three pages?" They do not like it.

The CHAIRMAN. I am sure they do not.

Dr. BENNETT. They do not like it.

The CHAIRMAN. Who was it that said, "I would have written you a shorter letter, but I did not have time"?

Dr. BENNETT. That is right. And I do not mean to do this on purpose, but I have spoken to a professor at Harvard—and Yale. I talked to Yale, too—Mark Moore, or at least he has written to us about this topic.

I think most of the scholars in this area will say there is a cyclical quality to this, and, yes, this too will pass. But there is not much comfort. Because as one person wrote me, he said, yes, this too will pass. The question is whether it will pass with 1 million casualties or 5 million, and that will depend a lot on what we do. Yes, it will pass after the Bill of Rights has been trampled. Or it will pass after vigilantism is taken over. Or it will pass after 5 million people are dead. That is not good enough.

The long view of history is not all we need here.

The CHAIRMAN. Well, I thank you. We are talking about Yale, and in walks Yale. Senator Specter is a graduate of Yale Law School—which I understand the undergraduate schools disavows, but I do not know that for sure.

Senator Specter, take the time you need.

Senator SPECTER. Thank you very much, Mr. Chairman.

Dr. Bennett, I would like to pick up on a central question as to your willingness as drug czar to use the authority of the Federal Government in a more expansive way than you articulated on the problems of education. Because I think that is going to be a critical aspect of the war on drugs, picking up on some of the items which I had identified yesterday on the failures of the State system.

I want to come back to the Federal role and come back to some of the questions that I had broached with you yesterday on crop growing from the media today, but I want to focus at first on your attitudes and your willingness to use Federal resources in some very substantial quantity on a couple of key aspects. One is the subject of rehabilitation; second, the subject of jail space; then, subordinate to that, the actual criminal justice systems in the State courts.

We have not found the solid statistical evidence as to what rehabilitation systems work.

Dr. BENNETT. Right.

Senator SPECTER. If you have drug users in State prisons, you would traditionally not think of that as a Federal responsibility. But, if we are to do anything along that line, it is plain that there is going to have to be a much heavier Federal involvement.

As I outlined yesterday the concern if rehabilitation fails on the first offenders, second offenders, youthful offenders, then the issue is to take the career criminals and put them in jail really for life sentences, which we have authority to do under both State and Federal laws. In the present way the criminal justice systems are run in the States, they simply do not do it. Nine States are now under court orders to have their entire jail systems run. The District of Columbia is under a court order. The States where their prison systems are not under a court order, still large segments are under court orders.

For example, in Pennsylvania, both Philadelphia and Pittsburgh have court orders as to what you can do on the detention centers.

Now, it seems to me that if there is to be an effective national response on drugs, that we are going to have to go beyond the traditional concepts of Federalism. If we take drugs to be a Federal problem because they come into the country over international borders, and we have Federal drug laws, are you willing to take a very significantly different view of Federal/State relationships than you did as Secretary of Education?

Dr. BENNETT. Yes. It is a different issue. If I could just pause over it for a minute, because I took a fairly emphatic and public position about the role of the Federal Government in education. It is my belief that the Federal Government can be helpful; it is ancillary; the real action is State and local in education.

On the issue of drugs, the Federal Government is emphatically a major player. It is just a different issue, having to do with the fact that the drug problem represents those issues of concern which it is the business of the Federal Government to address, life, liberty and the pursuit of happiness.

Senator SPECTER. Well, fine. I am glad to hear you say that because I think that is really a fundamental necessity to look beyond the traditional division of Federal authority in this line because drugs are a national problem. They come in internationally and are a national problem.

Let us pick up some of the specifics, then. You have a prison system in this country which is totally unable to take care of the people who ought to be in jail. Beyond the fact that so many State systems are under Federal court orders, you have the statistics showing that in 1988 some 15,000 inmates in State prisons were released because of overcrowding. That may be an earlier statistic. It may be from 1987. But that is from the National Institute of Corrections.

You have really extraordinary cases like the one I cited to you yesterday in Arkansas where a person is sentenced after a first-degree murder conviction for 25 years for a killing on the lot of a convenience store with a gun, 25 years, and he walks out because there is no room to put him in jail.

Now, are you prepared to lead the fight or to join in the fight that some of the rest of us are undertaking to try to provide a Fed-

eral answer and some Federal funding for this inadequacy of jail space?

Dr. BENNETT. Yes, I am. I think, as well, I would be very interested to know your thinking, particularly, and others' about alternatives to this. Not just expansion, but a number of ideas that are out there about the use of alternative sites and facilities. I guess you are going to get to it, but the whole question of treatment and rehabilitation as offering not only a different mode but a different site for such activity.

Senator SPECTER. Well, I do get to that. There are many drug treatment sites, and, of course, there is tremendous emphasis on expansion of them.

Dr. BENNETT. Right.

Senator SPECTER. With the States picking up those activities.

Dr. BENNETT. Right.

Senator SPECTER. Funding going to those areas.

Dr. BENNETT. May I ask something?

Senator SPECTER. Sure.

Dr. BENNETT. Let me just put a thought out. I would be very interested if you wanted to comment.

The thought that several people have suggested to me that in some situations, treatment as a condition of parole can be quite effective. The reason it can be effective is that whatever the track records of treatment in treatment centers, it tends to be better than the track record of rehabilitation in prison. So that you make it compulsory by making it a condition of parole. You restrict the person's liberty, indeed. But there is a rehabilitative effort.

Senator SPECTER. Well, I think that is very sound. That comes into the probation question where a judge will put somebody in a treatment center, perhaps not in confinement, perhaps in a residential treatment center where the person might be able to go home at night as a condition of probation without actually being confined.

The great difficulty is that these treatment centers are in very short supply, and they are enormously expensive. I believe that what has to be done is that there has to be a determination made as to the number of spots needed, the costs per place, and a very frank, head-on confrontation of what it costs to have an effective rehabilitation program.

Dr. BENNETT. That is right.

Senator SPECTER. My thought, Dr. Bennett, is that the figure is going to be astronomical. It is going to be just astronomical. The question is: Given the attitudes you have expressed before—and I am glad to hear what you said today about the education line, that you are willing to make that assessment. You have got 6 months to do that and then to really pound the table at OMB and in the Oval Office, if necessary, to get those kinds of funds.

Dr. BENNETT. Well, you know the President is very interested in Federal prison construction and is recommending increased funding for that and I think it is a very important priority for him.

The thing that I want to find out, Senator, because I do not know enough about it but I have heard about it, is that there are a lot of people out there who believe that there are effective rehabilitation and treatment programs which we can actually do at a cost less

than imprisonment. And if that is true, we want to find out where they are and how they work because that would be very interesting.

Senator SPECTER. I do not suggest that any of this, by the way, is the soft way out for people who have been convicted and I know you do not either. You do want to restrict people's liberty; you want to make it clear that this is punishment; but, during the course of punishment, if we can get somebody off of this dreaded habit, by all means.

Dr. BENNETT. Well, I believe you have to make a distinction between those who are subject to realistic rehabilitation and those who are not subject to realistic rehabilitation and we have defined that.

Senator SPECTER. Yes.

Dr. BENNETT. That is defined as the career criminal, customarily at three or more violent offenses.

Senator SPECTER. Right.

Dr. BENNETT. And short of that, the rehabilitation is possible. I do not know that it is less expensive. It costs about \$15,000 to \$18,000 a year to keep someone in jail.

Senator SPECTER. Right.

Dr. BENNETT. I am not sure that it is less expensive for rehabilitation. One problem is the difficulty in determining what rehabilitation has been successful. But I think it is possible for you to determine the number of drug addicts who are subject to rehabilitation and come up with the figure, and then make a decision whether or not we are prepared to really tackle the problem.

Senator SPECTER. Yes.

Dr. BENNETT. And if we are, then it is going to cost  $x$  dollars and if we are not, then I think we ought to say so.

Senator SPECTER. Yes. OK. Then the followup to that is that where someone is a career criminal, there has to be sufficient space to incarcerate that career criminal on a basis of a life sentence.

When you comment about President Bush's willingness to expand the Federal prison system, I agree with you; that is accurate. And we have a reasonably good Federal prison system. We have a Director of Prisons, Michael Quinlan, who is a very able administrator, and I have had a number of sessions with him recently in trying to construct a crime bill in collaboration with the administration for this year.

But that is not the situation in the State courts. The State courts are vastly overcrowded. Perhaps one of the things you might do would be to visit the detention center in Philadelphia or Western State Penitentiary in Pittsburgh. I have been at both places within the past few months.

Or you can go to Lorton here close to Washington, DC. You do not have to go very far away. But it seems to me anomalous and wrong that individual judges ought to be administering State court systems where the Federal Government really takes over on the theory of a constitutional violation for cruel and unusual punishment, as opposed to having the executive branch or the Congress come in and establish those standards.

If it is a Federal problem, why are individual judges doing it? They really are not equipped to handle prison systems. It would be

much more sensible to have Director Quinlan, who knows the business, there and to structure a Federal response where you have drugs at the centerpiece.

Dr. Bennett, I have had legislation pending for some time which would call for Federal prisons to house State convicts in a context where people are convicted in State courts under habitual offender laws. A vast majority of the States have laws which say that someone is subject to a life sentence where they have committed—or in some States four—major offenses.

Those offenses invariably travel in interstate commerce and also, are invariably involved in drugs. That is the characteristic pattern of the career criminals.

Would you be willing to consider—and I am not asking you for a final judgment because obviously you have to look at the legislation—but would you be willing to consider supporting that kind of a bill where the Federal Government would take over on jailing those kinds of career criminals?

Dr. BENNETT. I should take a look at it, Senator.

Senator SPECTER. OK. Because I think that would be an incentive to States to use those habitual offender statutes. Today they are not used because there is no place to put the prisoners. And as I had said to you yesterday, in D.C. hearings in 1986, the chief judge of the District of Columbia Superior Court said that they do not jail people because there is insufficient space.

Dr. BENNETT. Right.

Senator SPECTER. One comment about the Federal system, Dr. Bennett. I would urge you to take a look at the use of the Armed Career Criminal Act, which was legislation enacted in 1984, which provides for a mandatory sentence of 15 years to life for career criminals who are found in possession of a firearm. That bill was amended in 1986 to cover drug offenses.

It has been utilized by the Bureau of Alcohol, Tobacco and Firearms in a very effective way and a number of us have been pushing hard and gotten increased funding through the appropriations process. I would urge you to take a look at that as an effective law enforcement tool to take the career criminals off the streets.

The Chairman has said I may take whatever time I want. He also says he knows that is dangerous. I am not going to take too much more time, notwithstanding that open-ended invitation.

This morning's press, coincidentally, picked up on a subject which you and I were discussing yesterday, and that is the crop growth in South American countries. It discloses that notwithstanding all of our efforts in Bolivia, the situation has gotten materially worse there. That really is a discouraging revelation considering the very intensive efforts we have made to try to have substitutes for crops and the fact that we have put so much into Bolivia by way of enforcement with DEA, Drug Enforcement Agency, and special services there. So, it is another item on the agenda which is going to be enormously crowded for you.

The same State Department report says that the State Department is certifying a number of countries, including Colombia, as cooperating with U.S. efforts and that is a shock to me because Colombia has refused to negotiate an extradition treaty, in effect

saying that the drug cartels have taken over the country and Colombia has an enormous number of chemical laboratories on drugs.

I would urge you, Dr. Bennett, to take a very close look at these State Department certifications because we have worked with them in the Appropriations Subcommittee on Foreign Operations and it is a widespread sense among the Senators on that subcommittee that the State Department is certifying countries to get additional funding where they have not done enough. To put Colombia on the approved list is just really astounding, given the facts as to what has occurred there.

Dr. BENNETT. Well, I will certainly be involved in these discussions and, no doubt, followup discussions if confirmed. As the Secretary of State indicated in his transmittal letter yesterday, I will be very directly involved in this process from here on out.

Senator SPECTER. Well, I think—

Dr. BENNETT. I understand these are very hard cases. I think they are hard cases. I agree with you about—you know, we may all appropriately rue the terrible situation there in Colombia. They have made some efforts. The government has made some efforts. It is a problem with the extradition treaty. They had an extradition treaty; you know what happened. You know what happened to the champions of the extradition treaty.

This is very tough stuff. You get most members of the Supreme Court blown away, machinegun fire. The person who stands up—I think it was the Minister of Justice or Attorney General—was it?

Senator SPECTER. Both. The Minister of Justice and the Attorney General were both assassinated.

Dr. BENNETT. Right.

Senator SPECTER. Twelve Supreme Court Justices were killed when the drug cartels took over the Supreme Court building. In the face of that, how can you say Colombia is cooperating?

Dr. BENNETT. Well, sure, but all I am saying is, we want to balance, to some appropriate degree, the efforts of some like, I am sure you will agree, in Colombia to try to keep civil order and to try to resist the dominance of the drug lords. And what form that encouragement takes, I do not know the answer to the question, Senator. I have misgivings about a number of these decisions, too. But it seems to me we want to encourage, as best we can, where there is hope that the good guys can win.

Senator SPECTER. Well, I agree with you, Dr. Bennett, about encouraging. But I, for one, think we have to put a much more standard than try.

Dr. BENNETT. OK.

Senator SPECTER. I think we have to expect some results from them. I think we have to expect Colombia to have a government which functions and I think we have to expect Colombia to have an ability to work out their problems so that they have an extradition treaty, and so that they can try drug dealers without having their whole judicial system terrified.

Colombia is really in a state of anarchy and how we can certify that they are entitled to foreign aid is just a puzzle to me. I think that we have to expect results. If we are going to continue to accept efforts, even best efforts, it just is insufficient.

Well, Dr. Bennett, you have a lot of people who are really anxious to see you take the job. Senator Biden championed the drug czar concept in legislation in 1982. I had my career criminal bill in that package. It was vetoed by the President at the start of 1983.

A number of us went down to the White House and fought to try to get the President to change his mind on that. It has been a long, tortuous route to get a "drug czar" and there is going to be a lot of support for you. You are going to have difficult times, as we were talking about yesterday, with the other departments, but I know there are many in the Senate and House who will help you on oversight where we have the ability to bring in the other major department heads and to give you assistance on the relationships you will have with the Departments of State and Defense and Justice and so forth.

As I said to you yesterday, Secretary Kemp was in Philadelphia and we were at the Richard Allen project and we were getting involved in the nitty-gritty about how we get an eviction court to oust drug addicts so that a Federal housing project can attract people who want decent accommodations.

It is a sad state of affairs that the Secretary of HUD or Federal officials have to do that, but I would suggest to you that the "drug czar" is going to have to get involved in very mundane matters like eviction of drug addicts and set the leadership and have a very, very strong Federal presence.

I am going to support you whether or not you accept my invitation to come to Philadelphia to visit our local facilities.

Dr. BENNETT. Thank you.

Senator SPECTER. Senator Heinz and I were talking to Mayor Goode and I was asked to use this occasion to invite you to come to Philadelphia and to other parts of Pennsylvania. It is a short Metroliner ride—

The CHAIRMAN. And you pass Wilmington on the way. [Laughter.]

Senator SPECTER. Just be sure you pass Wilmington on the way. [Laughter.]

Senator SPECTER. Senator Biden is the third Senator from Pennsylvania.

The CHAIRMAN. Not this year. I am running. [Laughter.]

Senator SPECTER. If he steps back to being the third Senator from Pennsylvania, it is a retreat from a position that he usually aspires to being one of the first or second Senators from Pennsylvania.

But I do not know about "not this year." I was talking to some of my supporters and asking them for certain kinds of assistance which I shall not now specify and was told that Senator Biden got there first, outside of the territorial waters of some other State.

The CHAIRMAN. The State of Delaware. [Laughter.]

Senator SPECTER. I do hope that you will be able to come and see some of the problems first-hand, and to visit the detention centers and to see the prisons and to really get a feel for the tremendous direction that is going to have to come out of Washington, DC, on this national problem.

Dr. BENNETT. Thank you, sir.

Senator SPECTER. Thank you very much, Dr. Bennett. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

I want to follow up with one question and then we will let you go, Doctor, and by the way, before we do that, I ask unanimous consent that several questions by both Senators Hatch and Simpson be submitted to you—and put in the record—to be answered by you as quickly as possible. It would be in your interests that that be done.

Now, one last question.

Yesterday and today, in a slightly different context, the word "armed" has come up. Senator Specter has been a leader in the area of dealing with career criminals. There are a number of very daunting statistics indicating that notwithstanding violent crime in America, a relatively small portion of individuals commit that violent crime except now that is expanding, as I understand the statistics, as the drug problem gets more violent, as well as broader.

I do not want to push you on whether or not you will interpret, reinterpret what you said about semiautomatic weapons in the past and your testimony yesterday, as I understand. Here in Washington, DC, it has been carnage, as was pointed out yesterday. I just ask you one question.

Do you think there is a correlation between the easy access to weapons—handguns, semiautomatic weapons, Uzi's, whatever—and the violence associated with drug deaths?

Dr. BENNETT. I do not think there is any doubt about it. I would add as well, per our earlier discussion, we still have to take the people's right to bear arms seriously. That, too, is a constitutional protection.

As I said yesterday, I don't want to equivocate on this; I want to look at it. The point I am trying to make is this: This is a real problem; we have to address it. The fact that it has been spoken about by the President does not mean that it is off the table, and that is his view as well as mine that this is something we need to address and look at with due respect and due regard for the various points of view.

You cannot listen to the police chiefs of this country—and, you know, you are right; I am basically a pretty conservative guy. I talk to these police chiefs. These are pretty conservative people, too, and they will tell you that this is part—not all, indeed, but part of the problem. There isn't any doubt about it.

The CHAIRMAN. Which brings me to the point of being able to conclude by making two points. One is that, to go back to our very brief and not particularly in-depth philosophic discussion about the prospect or reasonableness of even considering making choices that relate to civil liberties, just as you acknowledge that there can be some circumstances where that makes sense, there may also be some circumstances where this notion of the constitutional right to bear arms also finds itself in the same circumstance as search and seizure, which I am reluctant to forego the present protections.

The second point is that you have been asked a lot of questions; understandably, have not been in a position to give a lot of answers that would indicate where you believe we should go with any specificity.

And although that is often used as a means by which a prospective nominee skirts or obfuscates the issues, in this case I believe

you would be hard-pressed to take a position other than what you have taken.

You said one thing at the close of the comments to Senator Specter—at some point during his comments, you mentioned about hard choices. Please understand—it is my parting shot at this moment in these hearings to you—that the whole reason for having you in the Cabinet is that someone has to make hard choices. We cannot provide equal attention to every aspect of this problem.

My father, who is sitting in the audience, said to me as I was growing up, if all things are equally as important to you, then nothing is really important to you. Well, hard choices you are going to have to make. I may not like some of the choices that you make, or you may decide that more emphasis should be put on methamphetamines than cocaine or cocaine than heroin or marijuana than interdiction, but that is the whole reason we have to have you. Somebody has got to make hard choices.

Then it comes back to us to decide whether to sign on with you on the budget side or change the choices in terms of the budget. But we are looking for hard choices, and I am, quite frankly, in the best sense of the word, looking for you to be a hard man, to be strong, because it is going to be a difficult job.

So, I can tell you now that I am very inclined to support you. There are two important witnesses we are about to hear who will testify. I don't know what their formal position will be, but I am anxious to hear what they have to say, but I expect that you are likely to be confirmed.

Depending on when I can get you to the floor for a vote—in light of what is happening on the floor now, I can't make that judgment, but this committee will move expeditiously at the close of these hearings.

I expect what will happen is we will just go by the usual rules and procedures of the Senate. When it is closed, the 3-day rule will pertain, which means that majority and minority reports will have—it is 3 days, isn't it? Correct me, staff, if I am wrong.

I am told there is no rule, but I just made one. I expect that we will vote one way or another by our executive meeting next week, unless there is reason to believe you would be able to get to the floor if there is a vote earlier, but we will keep you informed of that one way or another.

Dr. BENNETT. Thank you.

The CHAIRMAN. Doctor, thank you very much. I appreciate your time.

Dr. BENNETT. Thank you for your courtesy and for the opportunity to talk about this.

The CHAIRMAN. Thank you.

While Dr. Bennett is leaving the witness stand, our next two witnesses are Mr. De Lara, national president of the League of United Latin American Citizens, and Dr. Cynthia L. Warger, director of professional development, Association for Supervision and Curriculum Development.

Would they both come forward? Is Dr. Warger here? There she is. How are you? You didn't look like Cynthia to me.

Thank you for appearing. I am anxious to hear your testimony. Dr. Warger, if you will begin first, and then, Mr. De Lara, if you will proceed with your statement, and then we will begin with questions, if that is OK.

**STATEMENT OF CYNTHIA L. WARGER, ASSOCIATION FOR  
SUPERVISION AND CURRICULUM DEVELOPMENT**

Dr. WARGER. My name is Dr. Cynthia Warger and I am delivering these remarks for Gordon Cawelti, who has been called out of the country on business. Dr. Cawelti serves as executive director of the Association for Supervision and Curriculum Development, an Alexandria-based professional association of some 118,000 educators in this country whose primary interests are curriculum and instruction matters in the schools.

I appreciate the opportunity——

The CHAIRMAN. Doctor, excuse me. Are you associated with any other national organization or is that——

Dr. WARGER. That is where I am employed.

The CHAIRMAN. Yes, but is your organization associated with any other organization?

Dr. WARGER. No.

The CHAIRMAN. Thank you.

Dr. WARGER. I appreciate the opportunity to appear before this committee and respectfully urge that you not act favorably on the President's recommendation to appoint William Bennett as the National Director for Drug Control Policy.

We believe that Mr. Bennett's administrative style as Secretary of Education can best be described as combative and arrogant. He seemed to thrive on enhancing his own personal visibility rather than on affording effective leadership in seeking solutions to the Nation's education problems.

It is difficult to recognize one single important accomplishment during his tenure as Secretary of Education other than to alienate the very people he was expected to lead toward improvement.

His attention-seeking rhetoric asserting how bad schools are came at the expense of any proposal for solid solutions. I know of no other Cabinet officer who chose to so condemn the very enterprise he was expected to lead.

There is virtually universal agreement that the Nation's drug problem is an enormous one, and that policies and resources must be targeted immediately to afford solutions. The person appointed to this position must be capable of eliciting the collaboration of many agencies, including health, law enforcement, immigration, and education.

To enlist collaboration requires the ability to articulate clearly a sense of direction on such matters as policy changes and how funds should be spent, and this involves seeking understanding and consensus among divergent views and enlisting the cooperation of others. Strong leaders must have followers. These are not characteristics ever demonstrated by Mr. Bennett.

Mr. Bennett has no experience in law enforcement or health. He has no experience whatsoever administering schools in public education. He has never taught in public schools other than under the

glare of television lights during what most charitably can be described as media events.

I assure you that his arrogance toward educators across this country has compelled most to dismiss him as a self-serving ideologue with little other than rhetoric to contribute to school improvement.

We contacted curriculum leaders in the Nation's 25 largest cities, and with only one exception they are highly disappointed in President Bush's decision to recommend William Bennett, and they feel strongly that he will continue to use his bully pulpit strategy to fight the drug war rather than afford effective leadership.

They asked us to convey their concern with Mr. Bennett's inexperience and lack of sensitivity to the needs of at-risk youth, many of whom are likely to be involved with drugs. We urge that you consider how strong their negative feelings are about the prospects of getting any significant assistance out of the adversarial relationship Mr. Bennett invariably establishes. They urge that Mr. Bennett not be appointed to assume this critical responsibility.

Mr. Bennett's lack of experience and judgment are numerous and worrisome. In addition to his seriously proposing to the Justice Department that our military should do to drug traffickers what our forces in the Persian Gulf did to Iran's navy, he also pushed through a highly publicized public service television announcement that led the public to believe that most schools are hotbeds of drug use.

Keep in mind that a study reported last December on drug use among more than 200,000 students in grades 6 through 12 showed that, in fact, less than 2 percent of the students report using drugs in school, as compared to at home, in cars, or in other community settings.

His error in judgment here is critical because in this instance Mr. Bennett fully ignored the warnings of advisers not to use this particular announcement because it was misleading to the American public.

Our Nation's schools stand ready to do their part. They have an important responsibility in combating drug abuse both in terms of educating students on the consequences of drug use and in assuring that drug traffic and use does not occur on school premises. The right leader for educators can improve current efforts and suggest new directions to thwart student drug use.

We urge you not to approve the nomination of Mr. Bennett, as he is a poor choice to mount a national collaborative series of actions that will bring results. We urge you, instead, to seek a more effective leader for the position.

Thank you.

[The prepared statement of Dr. Cawelti follows:]



Association for Supervision and Curriculum Development

125 North West Street Alexandria, Virginia 22314-2798 (703) 549-9110

STATEMENT OF

DR. GORDON CAWELTI, EXECUTIVE DIRECTOR

THE ASSOCIATION FOR SUPERVISION AND CURRICULUM DEVELOPMENT

WILLIAM BENNETT, CONFIRMATION HEARING, MARCH 2, 1989

The Association for Supervision and Curriculum Development is the largest professional leadership association in education with more than 118,000 members world-wide. International headquarters are in Alexandria, Va.

Thirty-seven percent are principals and the other two-thirds are superintendents, district-level administrators, teachers, professors and school board members.

Founded in 1943, ASCD is an international education association, apolitical in nature, committed to quality in education for all students.

ASCD initiates leadership in all areas of supervision and instruction, integrating specific values within the culture and curriculum of the learning environment.

ASCD has 59 affiliates located in every state, Europe, Canada and the Caribbean, offering educators regional collaboration on current education issues.

ASCD initiates programs that reflect specific goals and establish new avenues of collegiality. Current projects include consortiums on school restructuring and early childhood development; fifteen networks; and policy analyses of current issues, such as Teaching About Religion in the Curriculum.

The ASCD Annual Conference is one of the largest, most diverse in education, attracting 12,000 educators. To be held this year in Orlando, Florida, March 11-14, it will offer 520 seminars and workshops.

Since 1974 ASCD has attracted 30,000 educators to its National Curriculum Study Institute and National Training Center. ASCD distributes more than one million printed publications a year including the award-winning journal, EDUCATIONAL LEADERSHIP.

TESTIMONY OF DR. GORDON CAWELTI OPPOSING THE APPOINTMENT OF  
WILLIAM BENNETT AS DIRECTOR OF DRUG CONTROL

My name is Gordon Cawelti and I serve as Executive Director of the Association for Supervision and Curriculum Development, an Alexandria-based professional association of some 118,000 educators whose primary interests are curriculum and instruction matters in the nation's schools.

I appreciate the opportunity to appear before this committee and respectfully wish to urge that you not act favorably on the President's recommendation to appoint William Bennett as director of the government's anti-drug efforts.

We believe that his administrative style as Secretary of Education can best be described as combative and arrogant. He seemed to thrive on enhancing his own personal visibility rather than affording effective leadership in seeking solutions to the nation's education problems. It is difficult to recognize one single important accomplishment during his tenure as Secretary of Education other than to alienate the very people he was expected to lead toward improvement. His attention-seeking rhetoric asserting how bad schools are came at the expense of any proposal for solid solutions. I know of no other cabinet officer who chose to so condemn the enterprise he was expected to lead.

There is virtually universal agreement that the nation's drug problem is an enormous one, and that policies and resources must be targeted immediately to afford solutions. The person appointed to this position must be capable of eliciting the collaboration of many agencies, including health, law enforcement, immigration, education, and other social institutions. To

enlist collaboration requires the ability to clearly articulate a sense of direction, including policy changes and funds to be spent. This involves seeking understanding and consensus among divergent views and enlisting the cooperation of others. These are not characteristics ever demonstrated by Mr. Bennett. Strong leaders must have followers.

Mr. Bennett has no experience in law enforcement or health, and he has no experience whatsoever administering schools in public education; indeed, he has never taught in public schools other than under the glare of television lights during what can most charitably be described as media events. I wish to assure you that his arrogance toward educators across the land has compelled most to dismiss him as a self-serving ideologue with little other than rhetoric to contribute to school improvement.

Because the drug problem is very heavily an urban phenomenon, we contacted several curriculum leaders in the nation's 25 largest cities. With one exception, they were highly disappointed in President Bush's decision to recommend William Bennett and feel strongly that he will continue to use his "bully pulpit" strategy to fight the drug war rather than afford effective leadership. They asked us to convey their belief that Mr. Bennett's inexperience contributes to his lack of sensitivity to the needs of at-risk youth, many of whom are apt to be involved in drugs. We urge that you consider how strongly negative they felt about the prospects of getting any significant assistance out of the adversary relationship Mr. Bennett invariably establishes. They urge that Mr. Bennett not be appointed to assume this critical responsibility.

Mr. Bennett's lack of experience and judgment are numerous and worrisome. He seriously proposed to the Justice Department that our military should

do to drug traffickers "what our forces in the Persian Gulf did to Iran's Navy." Despite the objections of many, he pushed through a highly publicized public service television announcement that led the public to believe that most schools were hotbeds of drug use. A study reported last December on drug use among more than 200,000 students in grades 6-12 showed that, in fact, less than 2% of the students report using drugs in school (compared to at home, in cars, etc.). This error in his judgment is critical because in this instance, advice was sought and received on the public service announcements. Mr. Bennett then fully ignored the advice not to use the particular announcement because it was misleading to the American public.

Our nation's schools have an important responsibility in combatting drug abuse both in terms of educating students on the consequences of drug use and in assuring that drug traffic and use does not occur on school premises. The right leader for educators can improve current efforts toward thwarting student drug use and suggest new directions.

Another compelling reason not to appoint Mr. Bennett is the fact that he himself is fully addicted to nicotine, which does not augur well for a leader in this critical area.

The schools stand ready to do their part, but we respectfully suggest that Mr. Bennett is a poor choice to mount a national, collaborative series of actions that will bring results.

We urge you not to approve this nomination and seek a more effective leader for the position.

Thank you.

For more information, contact: Paula Delo  
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The CHAIRMAN. Thank you, Doctor, for your testimony. [Applause.]

As we say in this body, I would appreciate it if you would refrain from indicating your approval or disapproval of what the witnesses have to say. I understand your enthusiasm, but please. Otherwise, you will be asked to leave the room.

Welcome, Mr. President, and I see you have an old friend of mine, Arnold Torres, with you. Arnold, welcome back to the witness stand, and it is good to see you.

Please proceed.

**STATEMENT OF JOSE GARCIA De LARA, NATIONAL PRESIDENT,  
LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ACCOMPANIED BY ARNOLDO S. TORRES, NATIONAL POLITICAL ADVISER**

Mr. DE LARA. Thank you, Senator, for allowing us to be here. My name is Jose Garcia De Lara. I am national president for the League of United Latin American Citizens. We are the oldest and largest Hispanic civil rights organization in America.

I come here to you, to this panel today to articulate—you have our testimony and I just want to speak on the spirit of that testimony. Drugs in America are destroying the fabric of our citizenry.

We have talked about crack; we talk about heroin and cocaine and marijuana and all those sorts of things. But, today, we have more drugs in this country than we have ever had in the history of America, and there is a monster product that has just arrived, and that is marijuana cigarettes that are being laced with heroin and they are being distributed among our school children in elementary schools. They will be hooked immediately.

Drugs breed crime, violence, robberies, burglaries. Every American is touched by it. We have to pay higher taxes for police protection; we have to build more jails. We all are affected by it. It is a very important issue.

We have spent enormous amounts of money on interdiction, but we still can't stop the drugs from coming in. And, actually, they are also being fabricated in this country. We will not stop drugs unless America stops the hunger for drugs, and the only way to do that is treatment, intervention, and public awareness. We need to address these as vigorously as we do interdiction.

We are very, very concerned with the appointment of Dr. Bennett. I thoroughly disagree with his statement a few minutes ago that drugs were a Federal problem and education was not. Education is the heart and soul of America, and it is going to determine our survival in the future.

In Texas—and I say Texas because I am from San Antonio—in Texas, 8 out of 10 inmates are high school dropouts. So education is also a Federal issue, but we Hispanics feel that we have been ignored by Dr. Bennett when he was Secretary of Education.

He was a great visionary, an idealog, but he never implemented programs that uplifted the quality of life in our educational institutions. He identified poor schools, poor administrations, but he never did anything to correct those problems.

He failed to implement any meaningful program to reduce the Hispanic dropout rate or, for that matter, the dropout rate of all

ethnic groups in America. He failed to address parity in our high education system in affirmative action as far as hiring of faculty, equitable distribution of tax dollars, recruitment and retainment by boards of regents of Hispanics in colleges and universities in this country.

He tried to dissolve transitional bilingual education. He tried to do away with the family English literacy proficiency programs.

The drug czar has to possess qualities of a great visionary, of an idealog, but he also must be a great implementor, and we are concerned. We are not convinced that Dr. Bennett will be just that. We want to be convinced. We want to believe that he will be sensitive to Hispanics in this country.

We want to be convinced that he will address inhalant abuse, and I have not heard anyone speak on inhalants. Inhalant abuse is the poor man's cocaine. It is prevalent among Hispanics and among American Indians, and we want to see him address those issues as vigorously as he does crack and other forms of drugs.

We want to be convinced that he is going to coalesce with educators in order to teach our children the hazards of drug abuse. We want to be convinced that he is going to coalesce with our families in our barrios, our families in our neighborhoods, in our grass roots, so that we can form meaningful partnerships with his department and the people that have been touched by drugs in our families. We need to be convinced that he is going to do that.

We are asking you to hold the nomination, to hold it from going to confirmation to the full Senate until we are convinced that he is the right man for the job. We want you to ask him more questions. We want to see oversight hearings. So that is why we are here today to express our concerns. We are not against the nomination, but we are very, very concerned with this appointee.

I would like to end by offering Arnold Torres, who is the league's political adviser, to see if he has a few comments for this panel.

Mr. TORRES. Very briefly, Mr. Chairman, I appreciate the fact that you allow me to address you and I am not officially on the list.

I think the bottom line of our concern is that education is at the core of our future as a community. The interesting thing is that some people in this room probably will say, oh, my God, Hispanics; once again, a special interest group.

No, we are not a special interest because we are not a special interest when we are creating a problem. You identified Hispanics and Jamaicans and others as major difficulties of gangs. We are not a special interest when we are in that category. But we are unfortunately put into that category when we are also raising a concern.

Education is very key to us; it affects our community drastically. Secretary Bennett did a terrible job, in our opinion. He did not take any of our recommendations. He did not really deal with us as a community to solve and address cooperatively on a partnership level collectively the problems of education, which, if they affect us as a community, they are going to affect American society over a very short period of time.

And we are afraid that he is going to continue that pattern in his position as the drug czar. See, we don't believe that any minori-

ty group has a monopoly on drug concerns, but definitely the problem of drugs in this country is nothing new to our community.

It is new to many other people in American society, but unfortunately it is not new to us. It is something that we have had to deal with for such a long time, and it is a little insulting that all of a sudden it is the big issue. And yet we are still not involved and we still have no idea as to how he is going to involve us in that issue.

The interesting comment that he made in his testimony was that drugs is a societal problem and everyone in society has to play a role in dealing with it, but he did not do that in education, Senator.

Education is the same type of issue and he did not do that in education. Why is he now all of a sudden seeing the light and going to do it in drugs? We are very unconvinced, as the national president indicates.

A couple of points. You indicated concern about affirmative action and it would be good for him to actually go out and hire more minorities to be agents. Let me indicate to you, Senator, my knowledge of you. I appreciate that statement because I think you really mean it.

The unfortunate reality is that, see, we weren't good enough to be in the DEA and the FBI to deal with drugs before, but now we are now because now it is a Hispanic and black problem because it is gangs, you see, and we are going to draw the tough duty.

Reports already—oversight hearings on the FBI and DEA—Hispanic agents in both entities have indicated that they always draw the toughest duty. See, we are good enough to be on that front line, Senator, but we are always a special interest.

See, today, the whole discussion did not revolve around the realities that our people deal with, the numerous friends that I grew up with that died because of drugs. See, smoking a joint was not a game that we played; it wasn't a little experiment.

Once you got on that road, that was it in the neighborhoods we grew up in. See, it wasn't a nice little pastime. It is a lot more serious for our community, and we are a little offended by some of the discussion and the tone because it is so arms length from the reality that we have to deal with.

And you have made two comments which we agree with. Benchmarks—you said that in order to understand where we are going or, better yet, in order to understand if progress has been made, we have to have some system of measurements.

Let me add to that statement the following. Before you really know where you are going, you have to understand where we are at, and I don't think Secretary Bennett understands where we are really at as a country dealing with this problem.

And I am afraid to say—and absolutely no offense to you, Mr. Chairman—that I don't know if the Senate really understands the scope of this problem because, again, the Senate appears to deal with it at arms length through reports.

Last point: hard choices. You made a very strong statement in your closing comments about hard choices. Yes, hard choices will have to be made. Unfortunately, the minority communities will have to suffer the consequences of whatever those hard choices are much more than American society in general.

That is reality, Senator. That is the reality that I bring you from California dealing with the Cripps and the Bloods, dealing with the Mexican mafia, Nuestra Familia, in the rural areas that you talked about, the bandito motorcycle gangs in Texas. Those are the realities that we are concerned with.

And, you know, if we could really convince you all that Mr. Bennett was not the right person for the job, we would have opposed, but we know that the cards are already stacked. We know he is going through.

What we ask of this committee is very simple. Please be much more cautious about giving a carte blanche, please. Let us exercise a lot more caution about what that vision and what that plan is going to be of how he is going to address these issues, again, collectively, not exclusively, but collectively.

And I noticed the people that were around him today, Senator. There wasn't one brown face, there wasn't one black face, and yet we are always the problem, or the problem is primarily concentrated in our communities historically.

So, you know, we appreciate the opportunity. We hope that we have provoked some thought in you. Unfortunately, your colleagues were not able to join you. I am sure they are on the floor in the other debate.

But to us in the Hispanic community, this issue is vitally important. It is as important, if not more so, than other debates this committee will deal with this year.

Thank you very much.

[The prepared statement of Mr. De Lara follows:]

201

Testimony

Before

U.S. Senate Committee on the Judiciary

Regarding

Confirmation Hearing of Mr. William Bennett

March 2, 1989

Good morning, members of the U.S. Senate Judiciary Committee, I am Jose Garcia De Lara, National President of the League of United Latin American Citizens (LULAC) this country's oldest and largest Hispanic civil rights and service organization. LULAC was founded in 1929 and will celebrate its 60th anniversary this year in July in Washington, D.C. at our National Convention. We have over 100,000 members in 34 states. With me today is Arnoldo S. Torres, LULAC National Political Advisor.

These confirmation hearings of Mr. William Bennett to serve as the so-called "Drug Czar" in the new administration are vitally important to this country and its future. We have heard a great deal of campaign rhetoric from both political parties about the threat of drug use to our nation's well-being. We have heard and read and we have been given a horrible awakening of the violence that drugs bring to our neighborhoods. We have been told that drugs are a scourge to this great country and that we must mount a war against drugs.

To many Americans, the devastation that drugs create personally, in local communities and throughout society, is not a new development. To many in the Hispanic and Black community, this dark and horrifying reality has been with us for a long time. A time in which government and the media have ignored the scourge drugs that have meant to our communities. A time in which drugs have ruined young and old lives, families, businesses and entire communities. But because this drug use was isolated primarily in our communities and its long lasting damage was well-contained within the confines of our communities, American society chose to ignore this simmering pot of poison.

I have not been over-dramatic in my brief introduction. Rather I have presented a perception of the drug problem in our communities and in this country that many Hispanics share. LULAC applauds the efforts of Congress and the Executive Branch to improve the ability of this country to fight the growing drug epidemic in the U.S. by establishing the so-called "Drug Czar" position in this new administration. LULAC certainly recognizes the importance of having a determined, aggressive, committed and experienced person to serve in this position. However, LULAC would emphasize that these are not the only qualities required to do an effective job. We believe the person chosen for this position must have the sensitivity to understand the importance of working with persons in communities that have been severely impacted by illegal drug use and enlisting those persons as partners in this war against drugs. Furthermore, the "Drug Czar" must recognize the importance of drug programs such as education, prevention, outreach, and drug treatment. He must also develop a sensitivity and understanding of the drug problems unique to various communities.

In this regard, LULAC is extremely concerned with the nomination of Mr. Bennett, because, in our opinion, he fails to possess these important qualities. This concern is based on what we consider to be his record of grave insensitivity toward Hispanic educational concerns and needs during his tenure as the Secretary of Education in the Reagan Administration. It was our experience that not only did he ignore our views and representations of educational problems, but also, he proposed policies which clearly undermined the educational status of Hispanics, and efforts to deal with the drop-out problem, civil rights monitoring, and under-

representation of Hispanics in higher education, as well as in primary and secondary education.

LULAC does not contend that Mr. Bennett caused these problems, but rather, he did little to ameliorate them or work with our community to improve the situation. Mr. Bennett traveled to schools with high concentrations of Hispanics, conducted highly visible tours of these schools, identified and spoke of the educational problems facing Hispanics, but refused to address the issues from the perspective of our community's experience. It appeared to us that Mr. Bennett wanted Hispanic students and the circumstances surrounding our educational problems to fit his interpretations and visions of our reality. He has established a pattern of failing to deal realistically or pragmatically with our community and its situation.

LULAC strongly believes that we cannot afford this same attitude and behavior in dealing with the drug problem facing this country and specifically our community. The educational problems facing Hispanics are no longer problems just for Hispanics, they now affect all of society and our ability to deal with the growing challenges of the present and future. The problems of drugs once known primarily to the Hispanic community are now a threat to all of society. Mr. Bennett DOES NOT APPEAR READY or willing to deal with this situation in a POSITIVE AND CONSTRUCTIVE manner. His past does not REFLECT an ability to do so.

LULAC asks this committee to allow us to draft several questions to be asked of Mr. Bennett concerning the manner in which he would address the issues that we have raised today. We request that the Committee and LULAC then review his responses and meet with him jointly to further discuss these matters. We request that this be done prior to his recommendation to the full Senate. In addition, we request that this committee conduct oversight hearings on Mr. Bennett's ability to successfully address the issues that we have identified.

The CHAIRMAN. You are welcome.

Doctor, I think you indicated on the record that of the 24 leaders that you called, all were against Dr. Bennett?

Dr. WARGER. All but 1 of the 25.

The CHAIRMAN. All but one. Twenty-five, you called—

Dr. WARGER. Yes, 24.

The CHAIRMAN. One was noncommittal and the others were—

Dr. WARGER. One was a personal friend of Dr. Bennett's. The other 24 who did not want to be named all gave us quotes regarding their serious dissatisfaction and hope that he would not be appointed.

The CHAIRMAN. Doctor, can you tell me what you think the Drug Director's responsibility is? I get a sense when you talk about implementation, your great concern was Dr. Bennett either pointed out problems or exaggerated problems or said there were problems where there were no problems.

But even where there were problems, he did not come along with programmatic initiatives to deal with the problems. Is that correct?

Dr. WARGER. Yes.

The CHAIRMAN. Is it your impression that as the Drug Director he is to, in fact, implement programs to deal with the drug problem?

Dr. WARGER. I think that the point that we were making has to do with his leadership ability. Regardless of who is in that position, they are going to have to exert strong leadership. They are going to have to coalesce numerous groups of people coming with diverse viewpoints.

He is going to have to mobilize people to actually implement the actual strategies or the programs that his office puts forth.

The CHAIRMAN. With all due respect, and I say the same kind of thing, we are all talking Washington speak when we say those things—implement, coordinate. We are all going to get together and—let us be specific.

Let us assume Dr. Bennett concludes that in the plan, and it gets accepted, that we are going to spend "x" number of dollars for implementation of a program to target neighborhoods that are out of control, cities that need particular help.

Is it your impression that once that is done, he is going to be the one to do that, or that will be done by the appropriate agency, the FBI?

Dr. WARGER. In terms of developing his programs, he will have to enlist the information and input from numbers of groups in order to make whatever programs—

The CHAIRMAN. What kind of groups are you talking about?

Dr. WARGER. I think he needs to look at community groups. He needs to look at school groups. He needs to look at law enforcement. He has to look at health agencies, the entire spectrum in terms of all of the many players who are involved in solving this particular problem.

The CHAIRMAN. Let me be more specific. He will be benefited by looking at that, but do you understand the main role he has? The FBI, the Department of Education, the CIA, the Treasury Department—in the programs that they have developed, they are supposed to be the ones that have looked at all those groups.

He is then supposed to, among them, say of these things that are out there, this should be the first, second, third, or fourth priority. I don't want to leave anybody with the impression that this is a fellow whose function primarily is to go out there and do what he should have done, in my view, as the Secretary of Education, or should do in other secretarial jobs, and say bring in all the groups affected by education and let us come up with a consensus. That is not his job.

His job is, if I can overstate it, interdepartmental more than it is anything else. That is the reason the job is here.

So, no one envisions the Drug Director under the legislation to be someone who says, now, let us gather up all the groups in America who have input on this and let us decide—academic, neighborhood, citizens groups, individual scholars—and decide how we should, in fact, do all of these things.

The main thing he is supposed to do, to put it bluntly, is crack heads and say, Mr. Secretary of State, you are not helping. You said you were going to do this part of the job; it is not being done.

It may be a distinction without a difference, but I think it is a distinction with a difference. It is one of the reasons why someone like me, who you must be aware was extremely critical, and vocally critical, of Dr. Bennett as Secretary of Education, can countenance the prospect that he could do this job.

It is a little bit like saying I could very well vote for someone to be the Chairman of the Joint Chiefs of Staff and not vote for that person to be the Secretary of Defense. They are different job requirements, and that is the only point I am making.

I am not suggesting that your points aren't valid and there is not a good reason to be against him.

I don't even allow my staff to use any Washington words when they write a letter. If it would appear in anyone else's letter, don't use the word. And so coordinative bodies and consultation and seeking consensus—that is all out there, for Americans, an answer for saying we are not going to do anything.

And I know that is not what you mean, but I just want to make sure that we all have some sense of what this job is. It is not to go out there and hold public forums and meetings to determine what we should do about the drug problem.

Dr. WARGER. That is not what was suggested. What was suggested was that his leadership, his ability to make judgments and to make good decisions with specific outcomes was not demonstrated in his last position.

And we may disagree in terms of whether or not the skills that he possessed can be transferable to a position of this importance. We would disagree that he has the leadership skills which you have just described to actually produce outcomes in this new position.

The CHAIRMAN. To put it in language I understand, you think he has bad judgment?

Dr. WARGER. Among other characteristics.

The CHAIRMAN. And you think people don't like him. Therefore, he can't get their cooperation?

Dr. WARGER. We know that that is true in terms of a number of educators across the country.

The CHAIRMAN. OK. I think they are both valid concerns and reasonable conclusions for you to reach from your perspective. Now, you mention in your statement that he exaggerated the public service announcement relating to the problems of drug use in the schools. Is that right?

Dr. WARGER. Yes.

The CHAIRMAN. And you cite a study that only 2 percent of all U.S. high school students reported using drugs in schools.

Dr. WARGER. That is correct.

The CHAIRMAN. Let us assume that that statistic is accurate. It is interesting, by the way. Parenthetically, I have a son who is a freshman in college here in town, and that report came out and he happened to be up in my office and my staff was there.

I said, what do you think of this? I said, is this going down? Among your friends, is it going down? He said, dad, who answers those questions honestly? He said, you know you are going to walk out and hand them to a teacher; you know you are going to walk out there and hand them to somebody who is in authority. And even though they tell you, don't put your name on it, you know, you are not so sure your name is not going to be on it, so who is going to answer it?

I think they are difficult polls to be accurate, but let us leave that aside for a moment. Let us assume that it is absolutely accurate.

If there is, quote, "only 2 percent" drug use during school hours by students in classrooms, do you think that warrants a public service announcement?

Dr. WARGER. The example was used as an example of his judgment in terms of—

The CHAIRMAN. I know that; I understand.

Dr. WARGER. OK.

The CHAIRMAN. You say he exaggerated it and he blew it out of proportion. I am asking you a different question to get a sense of where your value system lies as to the gradation of concern.

Do you believe personally that the statistic, if accurate, that two percent use of drugs during school hours in school facilities—do you think that would justify a public service announcement? Saying that 2 out of every 100 of our children, once they walk inside the school building, proceed to use drugs?

Dr. WARGER. Public service announcements, from my understanding, are used in a helpful way in order to clarify a situation and to offer in some way some outcome, some action that people can take in order to remediate a problem or to solve the problem.

This particular example was used to show that perhaps this particular means to address a problem not only did not—we don't know if it did anything to solve the problem, but it certainly went a long way to create an adversarial relationship with public schools and to put into the American people minds the false assumption that the schools were hotbeds of drug use.

So we can look at that particular tactic and we can ask, was that an appropriate strategy to use?

The CHAIRMAN. Just for the sake of discussion, let us say I agree with you that what he did was wrong. I am asking you now not what was done. You believe that 2 percent of the children in

schools at this moment are using drugs in the school building, right? Do you believe that?

Dr. WARGER. That is what the research shows and that is what the study—

The CHAIRMAN. But do you believe it?

Dr. WARGER. Do I believe it?

The CHAIRMAN. Yes.

Dr. WARGER. As far as the research goes, yes.

The CHAIRMAN. OK. Now, do you believe that there is any value in pointing that out to the American people, as a public service announcement, and saying, parents, you must take control?

Dr. WARGER. We have to look at the costs. We have to look at how the particular public service announcement would address this particular issue, if there were other better strategies which would address that problem.

It is really difficult for me to say, just as you are asking me to do on the table, yes, that would be a good idea or, no, that is not a good idea.

The CHAIRMAN. What did he call for in his announcement?

Dr. WARGER. What did he—

The CHAIRMAN. What did his public service announcement say?

Dr. WARGER. The one that was in question was the one in which he went into a school and opened up three lockers, in which there were substances and I think a bottle of tequila, and there was the impression that this was—

The CHAIRMAN. And how did the public service announcement end? I mean, did he just open up and say, here, there are drugs and a bottle of tequila; thank you for listening?

Dr. WARGER. No. He had a script and I don't remember exactly what his words were. I don't have the script in front of me.

The CHAIRMAN. Tell me, what was the point? What did he say? I am not asking for exact words. I am, according to your organization, I think you will find, and other education organizations, one of those, quote, "hundred percent Senators," one of those people who has been an absolute strong supporter of essentially every major educational initiative that the national education organizations have put forward.

So I am one of the, from your perspective, as you rate them, good guys. But I am asking you a question. Isn't it important that sometimes we are coldly honest with the American people so that we do scare parents and say, take control; that we do tell them that there is a problem—no legislation, no program, no anything?

Dr. WARGER. I think it is important that we are honest with the American public. I am not sure that I would associate the need to scare people in order to motivate them to action.

The CHAIRMAN. If the facts are frightening—I don't mean exaggerate—if the facts are true, isn't it important that they know it?

Dr. WARGER. I think it is important that the American public has information so that they can act.

The CHAIRMAN. And do you believe that we can have action that is positive that has nothing to do with legislation or money?

Dr. WARGER. Of course. We have positive action all the time without money or legislation. It helps in certain situations.

The CHAIRMAN. Would it not help in the drug area?

Dr. WARGER. I think it would help.

The CHAIRMAN. OK, good. Thank you.

For the record, tell us what the main rationale for the existence of your organization is. It says curricula. Are you an organization that makes recommendations to public schools as to how to change and improve curricula?

Dr. WARGER. Our organization is comprised primarily of public school administrators and other educational leaders. We have principals, superintendents, central office administrators, teachers, university professors, consultants, and we are not a lobbying organization.

We are a group which primarily provides our membership with the information that they need in order to make decisions.

The CHAIRMAN. Relating to curricula?

Dr. WARGER. Relating to curriculum, instruction, and supervision.

The CHAIRMAN. What is the highest priority at the moment that your organization thinks exists within the school system as it relates to the areas of your interest?

Dr. WARGER. In our long-range plan, we have identified five areas which we are focusing on over these 5 years. One of those areas which has particular interest to this particular discussion is youth at-risk. We have chosen that, in addition—

The CHAIRMAN. The what? I am sorry.

Dr. WARGER. The at-risk child, what we can do instructionally through curriculum and through supervision for dealing with the issues in the schools of the at-risk child.

The CHAIRMAN. Much of a correlation is there between the talent and ability of the administrator of the school, the principal, and how well the school functions, how well students do?

Dr. WARGER. There has been research, what is called the effective schools research, which has shown that the principal is the key person in terms of affecting change and affecting leadership in the building.

The CHAIRMAN. Good. You and I are in agreement. My wife has been a full-time public school teacher. She teaches in a school system that teaches at-risk children. Her ninth grade class—one of them averages 19 years old, her ninth grade class.

She teaches in a school system in an area where I grew up, but an area that is considered one of the more difficult, tougher schools. She chose to teach there because of the principal.

She, like most teachers, believe that the bigger problem than even the problem people say exists with teachers, are administrators.

I am going to get thousands and thousands of pieces of mail, but I just want the record to show that I think the record proves that. I would really like a chance to spend time with you asking your views on a lot of things that relate to education directly.

Let me shift for a minute, and ask your colleagues to your right, either or both, what is it that is distinguishable about the community that you represent, or the portion that you represent.

You are a significant and respectable and responsible organization, as the doctor's organization is, but you have been very, very

visible. You have been very involved over the years and are very well respected.

You mentioned a sensitivity and understanding of drug problems unique to various communities, and that he will lack that sensitivity. You are concerned he will lack the sensitivity.

What special sensitivity is required that you believe is lacking as it relates to your community?

Mr. DE LARA. Not only an understanding, but a wanting to understand our culture. Why are Hispanics and American Indians—why do they use spray paint as opposed to crack? That sort of issue. Why aren't inhalants not being addressed? It is a terrible problem in our communities.

He needs to understand this and he cannot understand it unless he goes down to the barrios not only to speak to people that have been touched, but to address programs that are in existence at this point that deal with families.

We have a program, for example, called LULAC y Las Familias, LULAC and the Families, where we try to teach the family how to deal—or how to identify a drug problem in the family and how to deal with it.

Well, there is not enough money. There is only a trace of money in those programs, and we need to have an aggressive czar that understands this and will tell whoever—if he is an orchestrator, then he is going to tell whoever, put "x" number of bucks into those programs in America.

The CHAIRMAN. A clear answer; I understand it.

Let me ask you both now, is the problem in your community growing? Is it leveling off? If there were that survey of students in and out of school, would it show, in your view, a diminishment of the use of various controlled substances?

Mr. DE LARA. It is growing, Senator.

The CHAIRMAN. It is growing.

Mr. DE LARA. It is growing by leaps and bounds. There is an article here—to give you an example, there is an article here from the Washington Post, I believe—no; Los Angeles Times from this past Wednesday, saying that high school seniors—the drug use of high school seniors drops to the lowest level since 1975.

But it doesn't state that—it doesn't look at the dropout syndrome. It doesn't show that dropouts are out there using drugs and going to jail. So it is a fake report. I mean, we need to be totally honest about drugs and work together to combat this monster.

The CHAIRMAN. Do you believe that if there were more focus on the danger of drugs, education, in your communities that there would be an impact, or are you saying something broader that there is—

Mr. DE LARA. No question—I am sorry.

The CHAIRMAN. I was wondering whether you were saying something broader in that there is a need to change education generally so that people stay in school in order to impact on the drugs. Do you understand the—

Mr. DE LARA. Yes, yes, definitely, definitely. I feel that the kids that stay in school have a better chance not to deal with the drugs. But the issue is that it is vitally important to teach these kids the hazard of drug use.

And there was an article in the San Antonio newspapers yesterday that stated that there was a drop in drug use in the high schools in San Antonio, but it was because of awareness, and that is vitally, vitally important. We are not paying attention to public awareness, or treatment or intervention.

The CHAIRMAN. Well, let me say to you—

Mr. TORRES. Let me just briefly add, Senator, that one of the unique things of the Hispanic community is that not only do you have drug use, but you have the sale of drugs in the community. You have the rock houses, you have the development of the drugs and the chemicals in the neighborhood. So they are kind of like a one-stop drug operation. Everything is within those neighborhoods, oftentimes.

The CHAIRMAN. Do you think—I am not being contentious; I am asking a question, but I am not sure of the answer. But do you think that is different than in the black community or in the poor white communities?

Mr. TORRES. No. I think primarily with poor communities, and historically within the black and Hispanic communities, that is where you have found the greatest concentration of drugs.

That is why you find a lot of young black youth and Hispanic youth going into it because it is a money-making proposition. You don't have to really work very hard. I don't need to go over the articles that have come out repeatedly talking about that.

So if you are going to deal with drug problems in this country and you are looking at two large communities that not only develop it, but also are part of it and are devastated by it, then you must have a very comprehensive approach to the problem.

It isn't simply an issue of enforcement. It isn't simply an issue of more police because there are many in the Hispanic community who would agree with Dr. Bennett's assessment of the fire in the house.

They don't have any problems with civil liberties, Senator, because it is devastating the community. They have got no problems doing the nightstalker to some drug pusher one of these days and basically taking law into their own hands if they don't feel that the system is really responding.

So, you know, there has to be a real serious understanding of the scope of feelings, of frustration, exasperation, not only within the community within itself, because we agree, yes, some days people have to be scared enough just to do it. There can't be a program to fund it. You have just got to take the bull by the horns and just do it.

But what we are saying is that there is a role for that. That has got to be part of the equation as we approach the issue. I mean, we are concerned that Dr. Bennett is going to encourage the Department of Justice and INS to build more barriers along the border to stop drugs from coming over when they will just simply go around the barrier.

So it looks great for Mr. Bennett. He can go down and have a nice, good shot with the cameras, okay. I mean, that looks great, just like Alan Nelson, the Commissioner of the INS, can look real great about doing it.

But have we really dealt with the problem? No. We have messed around with the symptom and we have gotten some good political mileage.

The CHAIRMAN. Well, I hope none of the three of you believe that—and I know two of you know me well—that I believe that there isn't a place for treatment and education. I mean, you might recall I am the fellow that wrote this bill and that is the reason I did it, and I don't think we have had enough emphasis on either of those areas.

My point that I was raising with the doctor was whether or not there is ever a useful initiative that can be taken that is designed to point out the problem and the extent of the problem and to ask and demand that citizens start to do something themselves, in addition to all the other things that we should be doing.

And you have clarified it, Doctor. It sounded to me when you first made your statement that you didn't think there was a place for that. You have subsequently, in response to my questions, answered that question for me.

Let me ask any of you if you would like to make a closing comment before I move on.

Mr. DE LARA. Yes, Senator. I would like to ask you if you all—the Senators of this committee will question Dr. Bennett further on the discussions that we had.

The CHAIRMAN. The answer is no, and I will tell you why, for the same reason we did not demand of Dr. Bennett answers to any of the questions that were asked about whether or not he knew about methamphetamines, whether or not he was conscious of whether or not he thought it was more or less important than cocaine or heroin, where he would put interdiction relative to arrest or treatment, what treatment programs worked and didn't work, et cetera.

But I can assure you that Dr. Bennett, if, in fact, he is confirmed, will be questioned extensively, as, by the way, people who are in control of these agencies and in control of these programs in a disparate way, were asked about all of those issues that I mentioned in terms of what they thought should be done about it.

We are finally, I hope, reaching the point where there is a clear understanding that this is a very complicated problem. It has different impacts on different communities, and it has ultimately the same impact on all communities.

But if you are asking me will I hold up the hearing and bring Dr. Bennett back again so that we can go through additional questions, the answer is no, I do not have an intention of doing that.

I know most chairs would look at you and say they would consider it, but your seat-mate can tell you, I am very direct. No, I have no intention of doing that.

Mr. DE LARA. Senator, would you convey our concerns?

The CHAIRMAN. Oh, I guarantee you your concerns will be conveyed. I will convey in question form, in written form, the questions that you have raised here, asking the questions that you have raised here. I will do that.

And I guarantee you that you will be invited back, all of you, as he comes up with a plan. That doesn't make it the plan. He has still got to come back up here just like everyone else does to be able to get the money for any plan he has.

And I guarantee you, you will have an opportunity to make your impact, and in the meantime I share your view. Your concern will be communicated not only as your concern, but as my concern and the concerns of others that are here on this committee.

Well, I want to thank you all for taking the time and being so patient to listen through all of the testimony. There are no other witnesses, and barring some matter that has not been brought to the attention of the Chair, the hearings on Dr. Bennett are closed.

[Whereupon, at 12:29 p.m., the Committee was adjourned.]



OFFICE OF NATIONAL DRUG CONTROL POLICY  
EXECUTIVE OFFICE OF THE PRESIDENT

Washington, D.C. 20500

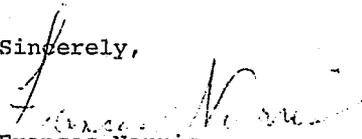
March 6, 1939

Honorable Joseph R. Biden, Jr.  
Chairman  
Senate Committee on the Judiciary  
Washington, D.C. 20510-6275

Dear Mr. Chairman:

Enclosed are Secretary Bennett's responses to the questions posed by Senators Hatch and Simpson at the March 1 and 2 confirmation hearings. If I can be of further assistance, please feel free to contact me at 673-2636.

Sincerely,

  
Frances Norris  
Director  
Congressional Relations

cc: Senator Strom Thurmond

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN  
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## United States Senate

COMMITTEE ON THE JUDICIARY  
 WASHINGTON, DC 20510-8275

March 2, 1989

Dr. William J. Bennett  
 Madison Center  
 901 15th Street, N.W.  
 Suite 510  
 Washington, D.C. 20005

Dear Dr. Bennett:

As I mentioned at this morning's hearing, I am enclosing questions submitted by Senators Hatch and Simpson for your written response. I would appreciate a response as quickly as possible so that the committee can move forward in an expeditious manner.

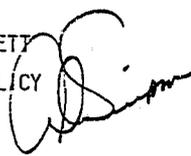
I appreciate your attention to this matter, and look forward to speaking with you again in the near future.

Sincerely,

*Joe Biden*  
 Joseph R. Biden, Jr.  
 Chairman

Enclosures

QUESTIONS FOR WILLIAM BENNETT  
BY SENATOR ALAN K. SIMPSON  
HEARINGS ON THE NOMINATION OF WILLIAM BENNETT  
TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY  
SENATE JUDICIARY COMMITTEE  
MARCH 1, 1989



1. DR. BENNETT, YOU TESTIFIED BEFORE THE HOUSE SELECT COMMITTEE ON NARCOTICS IN 1986 ABOUT YOUR "ZERO TOLERANCE PLAN." YOU PRAISED BILL RUDOLPH PRINCIPAL OF NORTH SIDE HIGH SCHOOL IN ATLANTA AND JOE CLARK, PRINCIPAL OF EAST SIDE HIGH SCHOOL IN PATTERSON, NEW JERSEY, FOR THEIR HARD LINE STANCE ON DRUGS. THROUGH A NO NONSENSE APPROACH AND STIFFER PENALTIES, INCLUDING EXPULSION FOR DRUG RELATED OFFENSES, THESE PRINCIPALS DRASTICALLY REDUCED DRUG USE IN THEIR SCHOOLS. SOME PEOPLE CRITICIZE YOUR SUPPORT FOR THIS APPROACH SAYING THAT WHILE DRUGS AND DRUG OFFENDERS WERE REMOVED FROM THE SCHOOLS. THEY MERELY MOVED TO THE STREETS AND THE PROBLEM REMAINED UNSOLVED. IF YOU ARE CONFIRMED AS DIRECTOR OF NATIONAL DRUG CONTROL POLICY, YOU WILL HAVE THE RESPONSIBILITY TO TAKE CARE OF THIS PROBLEM IN SCHOOLS, ON THE STREETS, IN THE HOME OR WHEREVER. I WOULD APPRECIATE YOUR CURRENT THINKING ON THE CONCEPT OF ZERO TOLERANCE AND WHETHER THIS REMAINS AS A USEFUL APPROACH IN OUR FIGHT AGAINST DRUGS.

2. YOU WILL SET THE PRECEDENT FOR THIS NEW POSITION. IN THE FUTURE PEOPLE WILL LOOK BACK AT YOUR METHODOLOGY AND YOUR COMMITMENT TO THE WAR ON DRUGS FOR IDEAS ABOUT FUTURE ACTION. TO WHAT EXTENT WILL YOU LOOK TO NON-GOVERNMENTAL LEADERS SUCH AS RELIGIOUS LEADERS, EDUCATORS AND PARENTS FOR SUPPORT AND HELP IN YOUR POSITION?

3. SOME HAVE CHARACTERIZED YOUR TERM AS SECRETARY OF EDUCATION AS A QUEST TO GET "MORE BANG FOR THE BUCK" IN EDUCATION PROGRAMS. PARTICULARLY THOSE ASSOCIATED WITH DRUG CONTROL IN SCHOOLS. AS HEAD OF DRUG POLICY FOR THE UNITED STATES. DO YOU BELIEVE YOU WILL BE ABLE TO CONTINUE THIS TRADITION WITHOUT COMPROMISING THE EFFECTIVENESS OF THE NATIONAL DRUG CONTROL PROGRAM?

4. MEMBERS OF CONGRESS AND OTHERS HAVE SAID THAT THE UNITED STATES MILITARY HAS TO TAKE A LEAD IN THE WAR ON DRUGS. WE HAVE SEEN IN THE NEWS RECENTLY THAT THE NATIONAL GUARD MAY BE USED TO ASSIST THE DISTRICT OF COLUMBIA IN ITS FIGHT AGAINST DRUGS. CURRENTLY, THE DEPARTMENT OF DEFENSE LENDS SUPPORT TO CIVILIAN LAW ENFORCEMENT AGENCIES IN STOPPING THE DRUG TRADE. I WOULD APPRECIATE YOUR THOUGHTS ON THE APPROPRIATE ROLE OF THE UNITED STATES MILITARY IN THE WAR ON DRUGS BOTH -- DOMESTICALLY AND INTERNATIONALLY.

5. THERE HAS BEEN A LOT OF PRESS AND DISCUSSION IN THIS COUNTRY REGARDING THE FLOW OF DRUGS FROM OTHER NATIONS INTO THE UNITED STATES. MY QUESTION, HOWEVER, GOES TO THE UNITED STATES DRUG PROBLEM EXISTING STRICTLY WITHIN OUR OWN BORDERS. IT SEEMS TO ME THAT A LOT OF OUR DRUGS ARE GENERATED RIGHT HERE IN THE UNITED STATES. WOULD YOU PLEASE DISCUSS FOR ME WHAT EFFORTS YOU MIGHT PROPOSE TO ADDRESS THIS SERIOUS PROBLEM OF SUPPLY WITHIN THE UNITED STATES?

6. ALONG A SIMILAR LINE, MOST OF THE NEWS REPORTS WE HEAR REGARDING DRUGS COME FROM LARGE AMERICAN CITIES SUCH AS NEW YORK, MIAMI, LOS ANGELES, OR RIGHT HERE IN WASHINGTON DC. HOWEVER, I CAN TELL YOU THAT THERE IS A SERIOUS DRUG PROBLEM IN THE RURAL AREAS OF THIS COUNTRY AS WELL. PLACES LIKE WYOMING PROVIDE VERY SPARSE POPULATION AND VAST GEOGRAPHIC EXPANSES WHICH ARE CONDUCIVE TO DRUG TRAFFICKING WITHOUT DETECTION. OFTEN, HOWEVER, LOCAL LAW ENFORCEMENT IS "HAM STRUNG" BECAUSE OF THE INTENSE ALLOCATION OF FEDERAL DRUG POLICY AND MONEY TO THE LARGE BORDER CITIES. I WOULD BE INTERESTED IN HEARING YOUR COMMENTS REGARDING WHAT EFFORTS YOU MIGHT MAKE IN THE RURAL PARTS OF OUR COUNTRY WHICH ARE SUFFERING FROM DRUG TRAFFICKING AND USE.

7. IT IS MY UNDERSTANDING THAT AS MUCH AS FORTY PERCENT OF THE UNITED STATES DRUG PROBLEM OCCURS FROM THE ILLEGAL DIVERKION OF LEGALLY MANUFACTURED PRESCRIPTION DRUGS OR THE ILLEGAL DISTRIBUTION OF CHEMICALS WHICH, WHEN COMBINED, ARE USED TO MANUFACTURE ILLEGAL DRUGS SUCH AS PCP. MAY I ASSUME THAT A GOOD DEAL OF YOUR EFFORT TO DEVELOP A NATIONAL DRUG STRATEGY WILL FOCUS ON THESE PROBLEMS WHICH, WHILE PERHAPS NOT GETTING AS MUCH PRESS ATTENTION, ARE CERTAINLY A LARGE PERCENTAGE OF THE ACTUAL DRUG PROBLEM IN THIS COUNTRY?

8. I NOTE FROM A REVIEW OF YOUR BACKGROUND MATERIAL THAT YOU WERE AN EARLY AND STRONG SUPPORTER OF CIVIL RIGHTS IN COLLEGE AND LATER. IT IS NOT NEWS THAT DRUG CONTROL DOES MINGLE AT TIMES WITH CIVIL RIGHTS ISSUES. THESE ISSUES INCLUDE DRUG TESTING OF FEDERAL EMPLOYEES AND

PRIVATE SECTOR EMPLOYEES, SEARCHES BY SCHOOL OFFICIALS THAT WOULD BE ILLEGAL IF DONE BY POLICE, AND THE LIKE. MAY WE COUNT ON YOUR CONTINUED SENSITIVITY TO CIVIL RIGHTS ISSUES WHILE AT THE SAME TIME AGGRESSIVELY ACTING TO IMPEDE THE FLOW AND USE OF ILLEGAL DRUGS?

9. THERE IS ANOTHER TRAGIC DRUG ABUSE PROBLEM IN THIS COUNTRY WHICH HAS BEEN WITH US FOR MANY MORE YEARS THAN "CRACK" COCAINE, OR PCP AND YET IT SEEMS TO BE RECEIVING LESS ATTENTION OF LATE. I AM SPEAKING OF ALCOHOL ABUSE. EACH YEAR THERE ARE TENS OF THOUSANDS OF DEATHS DIRECTLY RELATED TO ALCOHOL POISONING AND ABUSE. BY COMPARISON THE NUMBER OF DEATHS CAUSED BY COCAINE, HEROIN OR OTHER DRUGS IS COMPARATIVELY MUCH SMALLER. MILLIONS OF AMERICAN TEENAGERS SHOW SIGNS OF SEVERE ALCOHOL RELATED PROBLEMS. HERE THE EMPHASIS MUST BE PLACED ON THE WORD "ABUSE" SINCE ALCOHOL IS NOT AN ILLEGAL DRUG INVOLVING CRIMINALS IN THE SALE AND DISTRIBUTION. WHAT DO YOU PERCEIVE YOUR ROLE TO BE AS DIRECTOR OF NATIONAL DRUG POLICY WITH REGARD TO THE ABUSE OF ALCOHOL?

10. PERHAPS THE TOUGHEST PART OF YOUR JOB WILL BE CONTROLLING THE VARIOUS ESTABLISHED BUREAUCRACIES WITHIN THE FEDERAL GOVERNMENT WHO INTERVENE IN DRUG CONTROL PROGRAMS. ONE RECENT EXAMPLE OF THIS CONFLICT INVOLVED THE INDICTMENT HANDED DOWN IN MIAMI BY THE DEPARTMENT OF JUSTICE AGAINST PANAMA STRONGMAN MANUEL NORIEGA. THERE HAVE BEEN NEWS REPORTS THAT THE DEPARTMENT OF STATE WAS CONCERNED ABOUT THE ACTIONS OF THE U.S. ATTORNEY S OFFICE IN THAT CASE AND IN SIMILAR

INVESTIGATIONS BECAUSE THE PROSECUTION OF SUCH HIGH LEVEL FOREIGN OFFICIALS AFFECTS INTERESTS OF THE UNITED STATES WITHIN THE JURISDICTION OF THE DEPARTMENT OF STATE. I TRUST THAT PART OF YOUR NATIONAL DRUG CONTROL STRATEGY WILL INCLUDE SPECIFIC GOALS WHICH CAN BE APPROVED BY THE PRESIDENT AND REQUIRED TO BE CARRIED OUT BY ALL FEDERAL AGENCIES. BY FOCUSING ON SPECIFIC POLICY GOALS, IT MIGHT BE POSSIBLE TO REDUCE INTER-AGENCY CONFLICTS IN THE FUTURE WITH THE RESULT OF IMPROVED CONTROL OVER THE SUPPLY OF AND DEMAND FOR ILLEGAL DRUGS. I WOULD APPRECIATE ANY COMMENTS YOU MIGHT HAVE ON INTER-AGENCY CONFLICTS AND YOUR DUTIES AS DIRECTOR TO RESOLVE THOSE CONFLICTS.

Senator Hatch  
(p. 1)

Dr. Bennett, each year in this country, approximately 400,000 tobacco users die prematurely because of their addiction. In addition, another 1.5 million Americans such as yourself, are able to break their habit. This means that the tobacco industry must recruit approximately 2 million new smokers each year just to stay even.

Unfortunately, they continued to be successful in recruiting new users and the new users they are recruiting are our children. As I understand it, approximately 90 percent of the smokers in this country start before the age of 20 and approximately 60 percent start before the age of 15. That means that if current trends continue, more than 1 million children under the age of 15 will become addicted to cigarettes this year and literally hundreds of thousands of them will eventually die prematurely because of their addiction.

The situation with smokeless tobacco is even worse. Studies have shown that 88 percent of smokeless tobacco users started before the age of 15 and 55 percent started before the age of 13. In one study, 21 percent of Arkansas kindergarten children have tried smokeless tobacco products.

page 2

Senator Hatch  
(p. 2)

I have been told by the experts in drug treatment that tobacco is a "gateway drug," meaning that if a child starts to use tobacco, the child is more likely to use other drugs and alcohol. And conversely, if we are successful in stopping a child from using tobacco, it is more likely that that child will not start using other substances.

Given the aggressive efforts of the tobacco pushers to addict our children, what additional steps would you recommend to help end this national epidemic? And what efforts do you envision your office undertaking?

## QUESTION FROM SENATOR SIMPSON

1. First, let me tell you where I first heard the term, "zero tolerance." When I was Secretary of Education, I visited the Citadel in South Carolina. I was told that there was no tolerance on campus for any drugs -- "zero tolerance, sir." That's the kind of policy that makes things better.

You sometimes hear people using the term "zero tolerance" in connection with other aspects of our society. Yes, I think this is a most useful approach in our fight against drugs because what we are really all talking about is changing attitudes and making people realize that drug use is unacceptable. Schools that have used the "zero tolerance" approach have been able to keep their schools drug-free and I believe that the same concept could be used in other areas.

## QUESTION FROM SENATOR SIMPSON

2. I will include all those who are genuinely interested in helping us find ways to rid this nation of illegal narcotics. Since the President asked me to lead the war on drugs, I have been amazed by the dedication of so many organizations and individuals who are daily working to keep drugs from reaching our borders, educate Americans about the evils of drugs and rehabilitate those who have become addicted. Part of my responsibility is to bring these people and their ideas together, not only to learn, but to build upon what they have already accomplished. I hope that some of the successful programs and projects can be replicated across the country to help communities struggling to cope with their drug problems.

We all have an interest in helping in this enormous problem and as I develop a national plan I will seek the advice and assistance of all Americans.

## QUESTION FROM SENATOR SIMPSON

3. I think all of us who are entrusted with taxpayers' hard earned money have an obligation to get as much from that money as is possible. I am quite proud of our record at the Department of Education. Some of our projects, such as the "What Works" series of publications, were designed to help parents and teachers improve their understanding of successful educational techniques. In fact, our book, "What Works: Schools Without Drugs," was one of the most popular publications ever. We were able to reach a large number of people for very little money.

But remember, education is a totally different matter from the drug issue. Education is primarily a state and local matter (and rightly so) and most of the funding comes from the states. The problem of drug abuse is a federal responsibility and our role must be a strong one.

Let me say for the record that I am proud of this Administration's record in providing the necessary funds for drug programs. Given the current serious budgetary constraints, the President has made these programs a priority.

We want to find out what works in enforcement, treatment, rehabilitation and every other aspect. This will be part of our 180-day strategy. Then budget priorities will be consistent with the strategy.

## QUESTION FROM SENATOR SIMPSON

4. We have to work with those countries where supply is the greatest. There's no question about that. But our soldiers are not necessarily the ones to go to the source. The countries themselves must act, and we have to help them any way we can. That help might come from our military, consistent with the principle of Posse Comitatus, but American troops cannot be the sole or even key instrument in this fight.

Our military can be very useful in allocating resources, such as helicopters, planes, or even automatic weapons to other agencies for their use. They can help coordinate communication and provide technical assistance. The military has also been very helpful in using its radar stations both in the U.S. and in the Caribbean to help interdict drug smugglers. The military will have a role in our overall strategy and I am looking forward to working with them.

## QUESTION FROM SENATOR SIMPSON

5. Senator, when most people think of cutting off the supply they think of Columbia, Peru, Bolivia, and other countries outside the United States. But the fact is that we have a supply problem within our own borders. While we're expending substantial effort, money and time trying to cut off supplies abroad, we're finding that in some cases domestic supplies are responding to the demand. For example, up to 25% of the marijuana supply is grown domestically.

In short, we're trying to control abroad that which we cannot control within our own borders. We have got to do a better job here in the United States. It may take more men in the field. Right now, I don't know, but this is one of the things I'll be looking at in my 180-day strategy.

## QUESTION FROM SENATOR SIMPSON

6. Senator, I wish I could tell you that you're wrong. I wish I could tell you that there are areas in our country that are untouched by the drug menace. But the fact is that it is all across the nation--rural areas included. Certainly we have to recognize the areas that have the highest drug infestation--generally people who are the poorest, the least educated, and who are black or Hispanic. But, if we concentrate only on these areas or think only these segments of society are abusing drugs, we're way off the mark. Those in rural areas are also struggling hard to rid their communities of drugs and they need help as well. I want to hear about the special problems besetting rural areas and this will be part of my job in the next six months as I put my strategy together.

## QUESTION FROM SENATOR SIMPSON

7. It is unfortunate but people are becoming more and more creative in the development and manufacture of new drugs and the misuse of legal prescription drugs. In fact, many people feel that the use of drugs, such as methamphetamine, will be the drug crisis of the 1990's. Not much is known about these kinds of drugs right now. The problem must, however, be addressed before it gets out of control.

As I said during my confirmation hearing, in six months I will present to Congress a national strategy for dealing with the drug problem. While I realize this is a formidable task, I plan to address the problems you have raised regarding illegally sold prescription drugs and those produced in drug factories, such as PCP.

## QUESTION FROM SENATOR SIMPSON

8. As I have begun to review the enormity of the drug issue, I see why so many people have advocated extreme measures in dealing with the problem. However, it is my responsibility to not only forcefully deal with this problem, but to do it in a way which would not trample on the Constitution. If we were to solve the drug problem by interfering or abridging people's constitutional rights, then it would really be a hollow victory.

However, people who hold sensitive jobs have an obligation to be drug free. Airline pilots, railroad engineers and other occupations where the welfare of many is at stake need to understand that they may be asked to be drug tested. We must continue to be sensitive to all civil rights issues in these delicate areas, but that must also be balanced when the welfare of many innocent people is at risk. You have my assurance that I will be mindful of these concerns and do my best to balance the interests of all.

## QUESTION FROM SENATOR SIMPSON

9. The authority of the National Drug Control Policy Director relates to reducing the supply and demand for drugs. Therefore, my jurisdiction does not extend to alcohol abuse programs, except to the extent that alcohol and drug programs should be fully coordinated.

## QUESTION FROM SENATOR SIMPSON

10. Yes, you are right. The first thing I will tackle is development of an overall drug strategy that includes all aspects of the drug problem. That is to be presented in six months to the Congress..

The next part will be the actual implementation and that is where the interagency coordination will begin. Frankly, I don't anticipate any problems in working with my colleagues. The President has made it clear that the problem of drug use in the United States is a serious one and its resolution is a top priority. He has told the members of the Cabinet that he intends to spend time consulting with me, probably more than many other members of the Cabinet. He has sent the signal that all federal agencies are to cooperate with me and my staff. The important thing is that this message will be sent to all reaches of the federal government. Then, when the DEA agent sees that it is to his benefit to work with the Customs agent and Coast Guard and that they are scoring victories, that's when things are going to start changing.

Are there going to be times when the President may have to intervene to make sure I'm getting the necessary cooperation? Probably. And the President has made it clear that he will be there to support me when that time comes. But, as yet, I haven't had any trouble getting my phone calls returned.

## QUESTION FROM SENATOR HATCH

Yes, Senator, there is a high positive correlation between cigarette smoking and illicit drug use among teenagers, and both are habits we want to discourage for our youth. I do believe there are very real differences between cigarette smoking and drug use (not the least of which is the fact that cigarette smoking is not against the law.) However, we must take strong steps to keep our children away from drugs and preventing them from smoking may be just one of those steps. I would like to point out, Senator, that public attitudes toward smoking have changed and I think you will find that children these days are often more critical of adults who smoke than are other adults. In any case, the 1988 drug law does not directly charge me with any responsibilities regarding tobacco or the smoking of cigarettes.



P.O. Box 17729 • Washington, D.C. 20041-0729

TESTIMONY

to the

SENATE JUDICIARY COMMITTEE

on the NOMINATION of

WILLIAM J. BENNETT

to the position of

NATIONAL DRUG DIRECTOR

Submitted by the

NATIONAL DEMOCRATIC POLICY COMMITTEE

March 1, 1989

Contact:  
Ronald Kokinda  
NDPC  
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Thank you Mr. Chairman, for the opportunity to testify on the nomination of Mr. William J. Bennett to fill the newly created position of National Drug Director.

There has, as yet, never been a war conducted against drugs or drug trafficking by the United States. The NDPC has consistently advocated policies and principles for the conduct of such a war, but these recommended steps have yet to be embraced on the official political policy formulating level of our national government. A successful war on drugs will not be possible until there is at least a thoroughgoing debate and action on these policy steps.

The NDPC welcomes all serious intentions to combat drugs, and Mr. Bennett seems to have such a desire. However, desire alone will not produce results. The NDPC therefore would like to issue a series of cautions, to Mr. Bennett, to the administration, and to Congress and this committee, as to what will be required for success.

First, after a strong statement against drugs by President Bush, there were a series of statements indicating that the scale of the effort was conditional on the available resources as dictated by austerity. If all that the nation is to be offered is a macho version of the ridiculous "Just say no to drugs" campaign, it is better to be honest rather than demoralizing people by leading them to think something serious is being done when it is not.

Second, there must be a definitive break, in the area of economics, from the ideological commitment that was rampant during the Reagan administration, and which was manifest more recently by Vice President Dan Quayle's endorsement of the work of Hernando de Soto and the "informal economy," to equate the black market economy, i.e. the drug economy, with the production of real wealth.

Third, there must be a ruthless attack on drug money laundering which is being conducted by banks and financial institutions. Sen. Bentsen recently admitted that one of the reasons that Congress was not more aggressively clamping down on LBOs for example, was the fear that such action could precipitate a general financial crisis. It seems that there is a similar fear if the \$500 billion or more of drug laundered funds were to be denied to the major money center banks. This is an intolerable situation, where people and institutions engaged in this vile activity are able, in effect, to blackmail and subvert the national interests.

A major cleanout of the Department of Justice is required. The toleration of a William Weld, who was

politically tied to drug money laundering interests, who protected the Bank of Boston in its drug money laundering, and who effectively halted drug money laundering prosecutions, was a national scandal and a case in point of the type of individuals that must be removed from the Justice Department. This is not something that Mr. Bennett will have direct responsibility for, but it is certainly something this committee could help him with.

Fourth, and this caution is directed especially to Mr. Bennett, efforts to cut off drugs at the source of supply must be pursued with the utmost respect for the national sovereignty of our Ibero-American neighbors. Yes, the cutoff of drugs must be conducted as a real military operation. Yet usually, proposals for supranational police and military bodies which would impinge sovereignty are offered to the nations of Ibero-America, while the most basic equipment allowing their own forces to conduct the war are denied them.

There is a 15 point program for conducting the war on drugs at the source which Mr. Lyndon LaRouche first presented to a conference on drug fighting in Mexico City in 1985 which is appended to this statement. I urge Mr. Bennett to study these proposals carefully, especially from the standpoint of the issue of respect for national sovereignty, and take them to heart. Those who tread on the national sovereignty of our Ibero-American neighbors under the banner of fighting drugs, whether consciously or not, are themselves sabotaging the war on drugs.

#### THE DRUG ECONOMY

Let us expand on the second point mentioned above.

On Sept. 27, 1987, President Reagan declared in a speech before the U.N., "Development is not itself a right." "We're all familiar with the phenomenon of the 'underground economy,'" Reagan said. "The scholar, Hernando de Soto, and his colleagues have examined the situation of one country, Peru, and described an economy of the poor that bypasses crushing taxation and stifling regulation. This 'informal economy,' as the researchers call it, is the principal supplier of many goods and services.... The free market is the other path to development, and the one true path."

This statement is an explicit endorsement of the legalization of the black economy.

Elliott Abrams and the Project Democracy group have declared the major enemy in the hemisphere to be the existence of strong nation states and the militaries that

defend them. State Department Special Report No. 159, issued in March, 1988 and entitled "Democracy in Latin America and the Caribbean: The promise and the challenge," calls for "new values (and) organizational diversity" to replace the institutions which have formed the backbone of the Ibero-American republics--the labor movement, the Catholic Church, and the military."

Narco-terrorism is not pinpointed as the major enemy, but "the pervasiveness of hierarchical structures with deep historic and cultural roots has created ingrained authoritarian habits" which threaten democracy. Key offenders are "religious and military institutions--the 'cross and the sword'--of the Spanish Conquest, key pillars of traditional order ever since."

A chief instrument of this policy has been the Center of International Private Enterprise (CIPE), and its star project, Hernando de Soto's Institute for Liberty and Democracy (ILD) in Lima, Peru.

In November 1986, the ILD published *The Other Path*, billed as a "manual" on how the "informal economy" can be tapped as a new source of wealth to pay the debt and return to growth. De Soto proposes the legalization of the black economy as the answer to the region's ills. The narcotics trade is by far the largest component of the black economy.

Advertisements hailed the book for devising "a Latin American strategy destined to limit the powers of our states." *The Other Path* argued that the existence of the nation state itself oppresses freedom, and that "we must imbibe the norms of extra-legality" to defeat it.

Peruvian novelist Mario Vargas Llosa wrote the introduction and provided the inspiration for the book, according to ILD members. Vargas Llosa captures the essence of the libertarian worldview of Project Democracy. A follower of fascist philosopher Nietzsche, Vargas Llosa wrote in his book, *The Perpetual Orgy*: "Our incurable materialism, our predilection for the pleasures of the body over those of the soul, our respect for the senses and instincts, our preference for the earthly life over anything else ... are what religion and Western morals have barbarically combatted throughout history."

CIPE, an arm of the National Endowment for Democracy, and the Rockefeller family's Americas Society backed up de Soto's work, financing a huge publicity campaign throughout the continent.

On May 1, 1987, in a speech before the Association of

American Chambers of Commerce, Elliott Abrams declared The Other Path to be the official policy of the Reagan administration. Praising de Soto, Vargas Llosa, and the ILD, Abrams stated that the answer to the economic crisis is "legalizing the so-called parallel markets.... Free markets may exist only in the informal economy, which does not enjoy protection of the law."

This policy is directly counter and must be overturned to conduct a serious war on drugs.

Finally Mr. Chairman, I now append Mr. LaRouche's program for a hemispheric war on drugs.

- THE 15 POINT PROGRAM -

On March 13, 1985, U.S. presidential candidate Lyndon LaRouche addressed a Mexico City conference on the illegal drug traffic. The following part of his speech was entitled, "My war-plan."

1. What we are fighting, is not only the effects of the use of these drugs on their victims. The international drug traffic has become an evil and powerful government in its own right. It represents today a financial, political, and military power greater than that of entire nations within the Americas. It is a government which is making war against civilized nations, a government upon which we must declare war, a war which we must fight with the weapons of war, and a war which we must win in the same spirit the United States fought for the unconditional defeat of Nazism between 1941 and 1945.

2. Law-enforcement methods must support the military side of the War on Drugs. The mandate given to law-enforcement forces deployed in support of this war, must be the principle that collaboration with the drug traffic or with the financier or political forces of the international drug traffickers, is treason in time of war.

a) Any person caught in trafficking of drugs, is to be classed as either a traitor in time of war, or as \*he foreign spy of an enemy power.

b) Any person purchasing unlawful substances, or advocating the legalization of traffic in such substances, or advocating leniency in anti-drug military or law-enforcement policy toward the production or trafficking in drugs, is guilty of the crime of giving aid and comfort to the enemy in time of war.

3. A treaty of alliance for conduct of war, should be established between the United States and the governments

of Ibero-American states which join the War on Drugs alliance to which the President of Mexico has subscribed. Other states should be encouraged to join that military alliance.

4. Under the auspices of this treaty, provisions for actions of a joint military command should be elaborated. These provisions should define principles of common action, to the effect that necessary forms of joint military and law-enforcement action do not subvert the national sovereignty of any of the allied nations on whose territory military operations are conducted. These provisions should include the following:

a) The establishment of bilateral military task-forces, pairwise, among the allied nations;

b) The establishment of a Common Command, assigned to provide specified classes of assistance, as such may be requested by designated agencies of either of any of the member states, or of the bilateral command of any two states;

c) Under the Common Command, there should be established a central anti-drug intelligence agency, operating in the mode of the intelligence and planning function of a military general staff, and providing the functions of a combat war-room;

d) Rules governing the activities of foreign nationals assigned to provide technical advice and services on the sovereign territory of members of the alliance.

5. In general, insofar as each member nation has the means to do so, military and related actions of warfare against targets of the War on Drugs, should be conducted by assigned forces of the nation on whose territory the action occurs. It were preferred, where practicable, to provide the member nation essential supplementary equipment and support personnel, rather than have foreign technical-assistance personnel engaged in combat-functions. Insofar as possible:

a) Combat military-type functions of foreign personnel supplied should be restricted to operation of detection systems, and to operation of certain types of aircraft and anti-aircraft systems provided to supplement the capabilities of national forces; and

b) Reasonable extension of intelligence technical advice and services supplied as allied personnel to appropriate elements of field operations.

6. Technologies appropriate to detection and confirmation of growing, processing, and transport of drugs, including satellite-based and aircraft-based systems of detection, should be supplied with assistance of the United States. As soon as the growing of a relevant crop is confirmed for any area, military airborne assault should be deployed immediately for the destruction of that crop, and military ground-forces with close air-support deployed to inspect the same area and to conduct such supplementary operations as may be required. The object is to eliminate every field of marijuana, opium, and cocaine, in the Americas, excepting those fields properly licensed by governments.

7. With aid of the same technologies, processing-centers must be detected and confirmed, and each destroyed promptly in the same manner as fields growing relevant crops.

8. Borders among the allied nations, and borders with other nations, must be virtually hermetically sealed against drug traffic across borders. All unlogged aircraft flying across borders or across the Caribbean waters, which fail to land according to instructions, are to be shot down by military action. A thorough search of all sea, truck, rail, and other transport, including inbound container traffic, is to be effected at all borders and other points of customs-inspection. Massive concentration with aid of military forces must be made in border-crossing areas, and along relevant arteries of internal highway and water-borne transport.

9. A system of total regulation of financial institutions, to the effect of detecting deposits, outbound transfers, and inbound transfer of funds, which might be reasonably suspected of being funds secured from drug trafficking, must be established and maintained.

10. All real-estate, business enterprises, financial institutions, and personal funds, shown to be employed in the growing, processing, transport, or sale of unlawful drugs, should be taken into military custody immediately, and confiscated in the manner of military actions in time of war. All business and ownership records of entities used by the drug traffickers, and all persons associated with operations and ownership of such entities, should be classed either as suspects or material witnesses.

11. The primary objective of the War on Drugs, is military in nature: to destroy the enemy quasi-state, the international drug trafficking interest, by destroying or confiscating that quasi-state's economic and financial

resources, by disbanding business and political associations associated with the drug trafficking interest, by confiscating the wealth accumulated through complicity with the drug traffickers' operations, and by detaining, as "prisoners of war" or as traitors or spies, all persons aiding the drug trafficking interest.

12. Special attention should be concentrated on those banks, insurance enterprises, and other business institutions which are in fact elements of an international financial cartel coordinating the flow of hundreds of billions annually of revenues from the international drug traffic. Such entities should be classed as outlaws according to the "crimes against humanity" doctrine elaborated at the postwar Nuremberg Tribunal, and all business relations with such entities should be prohibited according to the terms of prohibition against trading with the enemy in time of war.

13. The conduct of the War on Drugs within the Americas has two general phases. The first object is to eradicate all unlicensed growing of marijuana, opium, and cocaine within the Americas, and to destroy at the same time all principal conduits within the Hemisphere for import and distribution of drugs from major drug-producing regions of other parts of the world. These other areas are, in present order of rank:

- a) The Southeast Asia Golden Triangle, still the major and growing source of opium and its derivatives;
- b) The Golden Crescent, which is a much-smaller producer than the Golden Triangle, but which has growing importance as a channel for conducting Golden Triangle opium into the Mediterranean drug-conduits;
- c) The recently rapid revival of opium production in India and Sri Lanka, a revival of the old British East India Company opium production;
- d) The increase of production of drugs in parts of Africa.

Once all significant production of drugs in the Americas is exterminated, the War on Drugs enters a second phase, in which the war concentrates on combatting the conducting of drugs from sources outside the Hemisphere.

14. One of the worst problems we continue to face in combatting drug trafficking, especially since political developments of the 1977-81 period, is the increasing corruption of governmental agencies and personnel, as well as influential political factions, by politically powerful

financial interests associated with either the drug trafficking as such, or powerful financial and business interests associated with conducting the revenues of the drug trafficking. For this and related reasons, ordinary law-enforcement methods of combatting the drug traffic fail. In addition to corruption of governmental agencies, the drug traffickers are protected by the growth of powerful groups which advocate either legalization of the drug traffic, or which campaign more or less efficiently to prevent effective forms of enforcement of laws against the usage and trafficking in drugs. Investigation has shown that the associations engaged in such advocacy are political arms of the financial interests associated with the conducting of revenues from the drug traffic, and that they are therefore to be treated in the manner Nazi-sympathizer operations were treated in the United States during World War II.

15. The War on Drugs should include agreed provisions for allotment of confiscated billions of dollars of assets of the drug trafficking interests to beneficial purposes of economic development, in basic economic infrastructure, agriculture, and goods-producing industry. These measures should apply the right of sovereign states to taking title of the foreign as well as domestic holdings of their nationals, respecting the lawful obligations of those nationals to the state. The fact that ill-gotten gains are transferred to accounts in foreign banks, or real-estate holdings in foreign nations, does not place those holdings beyond reach of recovery by the state of that national.

On the issue of the international drug traffic, all honorable governments of Central and South America share a common purpose and avowed common interest with the government of the United States. By fighting this necessary war, as allies, we may reasonably hope to improve greatly the cooperation among the allies, in many important matters beyond the immediate issue of this war itself. Whenever allies join, as comrades-in-arms, to fight a great evil, this often proves itself the best way to promote a sense of common interest and common purpose in other matters. Many difficulties among the states of this Hemisphere, which have resisted cooperative efforts at solution, should begin to become solvable, as we experience the comradeship of the War on Drugs.

**J-CHP**

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TESTIMONY

**STATEMENT OF MR. THOMAS WHITE**  
 EXECUTIVE DIRECTOR OF  
 QUEENS VILLAGE COMMITTEE FOR  
 MENTAL HEALTH FOR  
 J-CAP, INC.

MARCH 1, 1989

**SENATE JUDICIARY COMMITTEE**  
 HEARINGS ON THE  
 CONFIRMATION OF MR. WILLIAM BENNETT  
 WASHINGTON, D.C.

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE JUDICIARY COMMITTEE, YOU ARE TO BE COMMENDED FOR WORKING SO LONG AND HARD TO CREATE THE POSITION OF DIRECTOR IN THE NATIONAL DRUG CONTROL POLICY OFFICE.

I APPRECIATE THIS OPPORTUNITY TO TESTIFY ON THE URGENT CHALLENGES FACING US ON THE URBAN FRONT-LINES IN THE WAR ON DRUGS.

**J-CAP**

THOMAS WHITE, JR.  
EXECUTIVE DIRECTOR  
QUEENS VILLAGE COMMITTEE FOR  
MENTAL HEALTH FOR J-CAP, INC.

"JUST SAY GO" FOR WHITE HOUSE DRUG POLICY

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BASED UPON A PILOT CRIMINAL JUSTICE PROGRAM STARTED IN 122 CITIES IN 1987 EVIDENCE FROM THE DRUG TESTING PROGRAM INDICATES THAT 80% OF MEN ARRESTED FOR SERIOUS CRIMES USE ILLICIT DRUGS; NOTABLY COCAINE. THE PERCENTAGE OF THOSE TESTING POSITIVE FOR ANY DRUG, INCLUDING MARIJUANA, RANGED FROM 53% IN PHOENIX, ARIZONA TO 79% IN NEW YORK. THOSE ARRESTED IN NEW YORK PRESENTED THE HIGHEST POSITIVE RATE FOR COCAINE AT 63%. THESE FIGURES REPRESENT AN ALMOST 200% INCREASE IN COCAINE USE IN NEW YORK OVER THE LAST THREE YEARS. IN THE DISTRICT OF COLUMBIA, THREE TIMES AS MANY ARRESTED MEN REPORTED COCAINE USE AS COMPARED WITH THREE YEARS AGO. THIS REPRESENTS A COCAINE USAGE RATE FROM TWO TO NINE TIMES GREATER THAN THAT SEEN IN THE GENERAL POPULATION. AMONG NON-CRIMINALS IN THEIR MID-TWENTIES AS MANY AS 40% HAVE TRIED COCAINE. EVEN MORE DISTURBING, 42% OF ALL HIGH SCHOOL SENIORS NATIONWIDE USED SOME ILLICIT DRUG IN THE LAST YEAR, WITH 66% USING ALCOHOL WITHIN THE PAST 30 DAYS.

THESE FACTS ARE NOT NEW OR SHOCKING TO THE RESIDENTS OF SOUTHERN QUEENS. WE HAVE BEEN UNDER A COCAINE/CRACK SEIGE FOR OVER THREE YEARS AND OUR COMMUNITY HAS RECENTLY BEEN TRANSFORMED INTO AN ARMED POLICE ENCAMPMENT. SUBMACHINE GUNS, 9MM PISTOLS AND SAWED-OFF SHOTGUNS ARE COMMONPLACE IN THE HANDS OF OUR YOUTH. OUR COMMUNITY NOW RESEMBLES BEIRUT, LEBANON MORE THAN IT DOES AN URBAN BOROUGH COMPRISED OF SERVICE WORKERS AND BLUE COLLAR FAMILIES. IN THE LARGER PICTURE, THE GOVERNMENTS OF AT LEAST THREE SOUTH AMERICAN, AND FOUR SOUTHEAST ASIAN

**J-CAP**

TERRORIST GROUPS ARE FINANCING INSURGENT MOVEMENTS THROUGH THE SALES OF NARCOTICS TO PURCHASE SOPHISTICATED WEAPONS, WHICH ARE THEN USED TO FURTHER PROTECT THEIR DRUG SHIPMENTS AND DISTRIBUTION CHANNELS. IN JAMAICA, QUEENS A GUN HAS BECOME A NECESSITY FOR SURVIVAL. IN THE DRUG WARS, THEY TAKE NO PRISONERS AND THERE IS NOTHING SACRED ABOUT FAMILY OR LAW ENFORCEMENT.

TO A 15 YEAR OLD SCHOOL DROPOUT LIVING ON GUY R. BREWER BLVD. IN A SINGLE PARENT FAMILY, "JUST SAY NO" HAS NOT BEEN EFFECTIVE. THE IDLE PEER GROUP, CORNER GANGS, THE LOCAL SMOKE SHOP SITUATED ON A DECAYING BLOCK WITH CHEAP HIGHS FOR THE ASKING -- HAVE ALL BECOME FACTORS THAT FEED UPON ONE ANOTHER AT THE EXPENSE OF OUR COMMUNITY. MEANWHILE, GENERAL NORIEGA AND OTHER HIGH LEVEL OFFICIALS ARE ENJOYING A FOREIGN POLICY WHICH PLACE DRUG - ISSUES AT LOW LEVELS AND ANTI-COMMUNIST WARS AT A PREMIUM.

OVER THREE YEARS AGO, THE UNITED STATES PROCLAIMED IT'S WAR ON DRUGS WITH GREAT PANFARE, WHILE AT THE SAME TIME CUTTING FUNDS FROM THE 1986 OMNIBUS ANTI-DRUG ABUSE ACT. THE SCOPE OF THIS LEGISLATION WAS BROAD AND WELL INTENDED, BUT NO ONE IN THE WHITE HOUSE PUT THE MONEY WHERE THE TREATMENT WAS. OUR GRAND ILLUSION CANNOT BE OVERLOOKED, ESPECIALLY BY RESIDENTS OF SOUTHERN QUEENS. THERE ARE MANY THINGS THAT COULD BE DONE TO ALLEVIATE THE CRACK BURDEN WE ALL SHARE AS QUEENS RESIDENTS. SOLID DRUG TREATMENT, INTERVENTION AND SCHOOL-BASED EDUCATIONAL PROGRAMS COULD BE EXPANDED IN A COST-EFFECTIVE MANNER. ECONOMIC INCENTIVE PROGRAMS COULD DEVELOPED FOR PRODUCTIVE ACTIVITIES LIKE HOME ATTENDANT PROGRAMS FOR THE ELDERLY STAFFED BY THOSE WHO ARE UNDEREMPLOYED OR AT HIGH-RISK FOR SUBSTANCE ABUSE. IN OUR OWN COMMUNITY, INSTITUTIONS LIKE YORK COLLEGE OFFER A VARIETY OF SKILL TRAINING PROGRAMS TO PROVIDE ENTRY LEVEL WORK OPPORTUNITIES TO THOSE WHO COULD OTHERWISE BE IDLE.

**J-CAP**

WITHOUT THE APPROPRIATE FEDERAL FEDERAL AND STATE-FOCUS TO ADDRESS OUR CURRENT DRUG PROBLEMS, WE WILL NOT BE ABLE TO RESTORE OUR COMMUNITY TO FULLEST FUNCTIONING. WE MUST BE ABLE TO RECYLGE OUR HUMAN RESOURCES AND RETURN A POSITIVE FORCE INTO THE SOUTHEASTERN QUEENS COMMUNITY. IT'S TIME FOR A NEW PARTNERSHIP WITH AN AIM TOWARD LONG TERM SOLUTIONS AND ACTIVE PARTICIPATION IN A PROCESS OF SELF-CORRECTION. BECAUSE WE CHOSE NOT TO SEE WHAT WAS GOING WRONG, SINCE WE DID NOT ACT SOONER, WE'VE HAD TO ENDURE THREATS TO THE WELFARE OF OUR CHILDREN, INTIMIDATION, CRIME AND SENSELESS MURDERS. THE MESSAGE FROM QUEENS RESIDENTS SHOULD REACH TO THE OVAL OFFICE IN WASHINGTON, THAT WE ALL FACE THE SAME CONDITIONS OF OVERWHELMING CRACK AVAILABILITY AND LIMITED TREATMENT FACILITIES. WE ARE STILL A LONG WAY FROM PERMANENT SOLUTIONS, AND OUR DRUG PROBLEM IS NOT GETTING ANY BETTER...IS IT POSSIBLE WE CAN DO ANY WORSE THAN LETTING OUR ANGER AND FEAR BE KNOWN.

# CONFIRMATION OF REGGIE B. WALTON, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY

TUESDAY, JUNE 6, 1989

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

The committee met, pursuant to notice, at 10:38 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

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

The CHAIRMAN. The hearing will come to order.

Welcome, Judge.

Judge WALTON. Thank you.

## OPENING STATEMENT OF CHAIRMAN BIDEN

The CHAIRMAN. It is a pleasure to have you before us this morning.

Let me outline very briefly for you, my colleagues, and for the witnesses how we hope to proceed this morning. I have an opening statement. My colleagues, Senators DeConcini and Specter, who are very involved in issues relating to the scourge of drugs in this country, may both have opening statements. I do not know whether they do or not, but if they do, they are welcome to make them. Then, Judge, we will ask if you have an opening statement, and then we will move to questions.

After that, we are going to move to a panel of very distinguished State and local witnesses, a total of five in all. I would ask those witnesses when they appear if they can limit their opening statements to 5 minutes to give us an opportunity to ask you as many questions and to get as much exchange of views and discourse as possible.

Then we will, with the grace of God, the good will of the neighbors, and the creek not rising, adjourn the hearing and get on with the deliberation on your nomination, Judge.

Judge, last fall, when the Congress and the President enacted the Anti-Drug Abuse Act of 1986, I stated that I felt that the establishment of a national Drug Director's office could—and I emphasized could—fundamentally change the way we deal with drugs in our country. The key word in that statute that we wrote is "national"—national Drug Director, national drug strategy.

The drug crisis is one of the few problems that is truly national and international in scope but primarily local in impact. The chief of police in Wilmington, DE, a teacher in New York City public schools, the district attorney in Miami have no control over what occurs in the jungles of Colombia or in the banks of the Cayman Islands, but they are responsible for what happens in their cities, their schools, and their communities. And it is there that the drug scourge is played out every day.

More than 90 percent of all the crimes occur within the jurisdiction of State and local agencies. Overwhelmingly, they are drug-related crimes. State and local governments are responsible for running virtually all the drug prevention and treatment programs in this country, precious few as they are. And when the citizens of a city or a town begin to lose confidence in the ability of their Government to protect their families and their neighborhoods, they turn first to the local police chief, the local prosecutor, the mayor, the pastor, and whomever the leader of the civic association is in their community.

To ensure that the views and expertise of such State and local officials are reflected in the national drug strategy which is being prepared, we created a separate and distinct office to deal with their concerns: the Bureau of State and Local Affairs, headed by an Associate Director. The legislative history of the Drug Director statute makes clear what my colleagues and I had in mind when we drafted such a position, and I quote: "The Associate Director should provide high level attention within the office to the needs and views of State and local drug control officials, particularly in preparing the State and local components of the national drug control strategy."

Judge Walton, the office to which you have been nominated is entirely new, and your actions will set precedents that will guide your successors for years to come.

As the author of this legislation, I want you to know what I envisioned the job to be. First, your job is to forge a national partnership to fight drugs, incorporating the efforts of all levels of Government in coordinating long-term national strategies—something we have promised for a long time. We have made promises for a long time in all crime-related fields. We have told the local folks, "We are with you, we are a partner." And then we said, somewhere along the appropriating process, "We will see you later." Somewhere down the line we said, "You are on your own." Along the way we have given standards, and we have not provided our end of the bargain—in my view.

In drafting past anti-drug plans, the Federal Government has worked in a vacuum, ignoring the fact that State and local officials have the expertise and experience to know what programs work, how much they will cost, and how long it will take to put them in place. Your job will be to fill that vacuum by obtaining the direct input of State and local officials and taking it seriously, because it is meant to be taken seriously.

Second, your job is to ensure that the Federal Government is a reliable partner. State and local officials are, understandably, skeptical about Washington's commitment to the drug problem. Usually, when I go and speak to State and local drug enforcement agen-

cies, I start off with that old, tired, worn joke which seems appropriate. I say, "I am from the Federal Government, and I am here to help you." It never fails to bring a laugh or "Oh, my God."

The fact of the matter is they have heard that for a long time. Year after year, just before elections, Congress and the President talk tough about new plans to beef up anti-drug programs, only to balk when it comes time to pay the bill. For example, in 1986, we passed a \$1.7 billion anti-drug bill which included \$250 million for joint Federal-State drug enforcement programs. Less than 100 days after the President signed this bill and went on television heralding it as a great step forward, he proposed eliminating the program. Less than 100 days later.

In that same bill, we called for a 3-year, \$700 million drug education effort, the first major Federal drug-education program in history. Although the President praised the bill when he signed it, months later he proposed a budget that would have cut the program in half. Just last year, Congress and the President enacted a sweeping \$2.8 billion anti-drug bill. But when it came time to pay for the bill, we only put up a third of the money.

Last week, I again proposed to pay for last year's drug bill by increasing excise taxes on cigarettes and alcohol. The President and the Congress, I might add, opposed the plan. Maybe that is not the way to pay for it, but we have got to pay for it in some way.

If the Federal Government is serious about a national partnership against drugs, we have to make some tough choices. The first choice will be how to pay for the programs that we have already passed, that we have all praised, that we have all—Republican, Democrat, Congress and the President—said are worthwhile and necessary, and we have all refused to pay for.

Judge Walton, you must help determine what those costs are and help ensure that we keep a commitment made to State and local officials and to the American public.

Third, and finally, your job is to challenge the States and the private sector as well. The responsibility for fighting drugs is a shared responsibility; and although the Federal Government must certainly do more, so, too, must the States and those in the private sector. Federal spending on anti-drug programs, notwithstanding what we have not funded, has increased more than 400 percent since 1981. Although many States have made similar efforts, others have not committed the resources necessary to wage an all-out campaign against drugs and to do their part.

In the most general terms, Judge, that is what I envision your job to be. The position to which you have been nominated is one of the most important jobs, in my view, in the Federal Government. Much of the responsibility for making the Drug Director statute work will fall on your shoulders as the lead Federal official responsible for working with State and local experts, who will be called upon to help implement a national strategy, and who, I might add, is a conduit to and seeking input from the private sector.

Drugs are the most serious problem confronting this Nation. I am sure that is a view you and I share together. They are threatening our security abroad. They are undermining our most basic institutions at home, our schools, our neighborhoods, and our families. And if you are confirmed, Judge, you will have a critical role

to play in dealing with this crisis. And if, in fact, you are confirmed, I and the rest of the committee look forward to working with you as—what also sounds like a trite expression—one of your partners.

We are in this thing. We plan on making that statute work. I have thus far been convinced that Director Bennett wants to make it work. And you will play a major part in whether or not it does work, because State and local officials are the ultimate key to whether or not we can make it work.

We welcome you.

[The prepared statement of Senator Biden follows:]

SENATOR JOSEPH R. BIDEN, JR.  
 NOMINATION OF REGGIE B. WALTON  
 ASSOCIATE DIRECTOR,  
 NATIONAL DRUG CONTROL POLICY  
 JUNE 6, 1989

Last fall, when Congress and the President enacted the Anti-Drug Abuse Act of 1988, I stated that the establishment of the National Drug Director's office could "fundamentally change the way we deal with drugs in our country."

The key word in that statute is -- national.

The drug crisis is one of the few problems that is truly national and international in scope, but primarily local in impact.

The chief of police in Wilmington, Delaware, a teacher in a New York City public school, the district attorney of Miami have no control over what occurs in the jungles of Colombia or in the banks in the Cayman Islands.

But they are responsible for what happens in their cities, their schools and their communities. And it is there that the drug scourge is played out every day:

- o More than 90 percent of all crime occurs within the jurisdiction of state and local agencies; the overwhelming majority is drug related.
- o State and local governments are responsible for running virtually all of the drug prevention and treatment programs in this country.
- o And when the citizens of a city or town begin to lose confidence in the ability of the government to protect their families and their neighborhoods, they turn first to the local police chief, the local prosecutor, and the mayor to do something about it.

To ensure that the views and expertise of such state and local officials are reflected in the National Strategy, we created a separate office to deal with their concerns -- a Bureau of State and Local Affairs, headed by an Associate Director. The legislative history of the Drug Director statute makes clear what my colleagues and I had in mind:

"The [Associate Director] should provide high-level attention within the Office to the needs and views of state and local drug control officials, particularly in

-- MORE --

Senator Joseph R. Biden, Jr. (D-Del.), opening statement  
June 6, 1989  
Page two

preparing the state and local component of the National Drug Control Strategy"

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First, your job is to forge a national partnership to fight drugs, incorporating the efforts of all levels of government in a coordinated, long-term national strategy.

In drafting past anti-drug plans, the federal government has worked in a vacuum, ignoring the fact that state and local officials have the expertise and experience to know what programs work, how much they cost and how long it will take to put them in place.

Your job will be to fill that vacuum by obtaining the direct input of state and local officials.

Second, your job is to ensure that the federal government is a reliable partner.

State and local officials are -- understandably -- skeptical about Washington's commitment to the drug problem.

Year after year, just before the elections, Congress and the President talk tough about "new" plans to beef-up anti-drug programs, only to balk when it comes time to pay the bill. For example:

- o In 1986, we passed a 1.7 billion dollar anti-drug bill, which included \$250 million for joint federal/state drug enforcement programs. Less than 100 days after the President signed this bill, he proposed to completely eliminate the program.
- o In that same bill, we called for a three-year, 700 million dollar drug education effort -- the first major federal drug education program. Although the President praised

-- MORE --

Senator Joseph R. Biden, Jr. (D-Del.)  
June 6, 1989  
Page three

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The responsibility for fighting drugs is a shared responsibility -- and although the federal government must certainly do more, so too must the states and those in the private sector.

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In the most general terms, that is what I envision your job to be.

The position to which you have been nominated is one of the most important jobs in the federal government.

Much of the responsibility for making the Drug Director statute work will fall on your shoulders, as the lead federal official responsible for working with state and local experts who will be called upon to help implement the national strategy.

-- MORE --

Senator Joseph R. Biden, Jr. (D-Del.)  
June 6, 1989  
Page four

Drugs are the most serious problem confronting this nation.

They are threatening our security abroad;

And undermining our most basic institutions at home: our schools, our neighborhoods and our families.

If you are confirmed, you will have a critical role to play in dealing with this crisis, and I look forward to discussing these issues with you today.

-o-

The CHAIRMAN. I now yield to my distinguished colleague, the ranking member, Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman.

Judge Walton, we are glad to have you here. I congratulate you on your appointment by the President. I feel you will do a good job.

Mr. Chairman, I have no other statement at this time.

The CHAIRMAN. Thank you very much.

Senator DeConcini.

#### OPENING STATEMENT OF SENATOR DeCONCINI

Senator DeCONCINI. Thank you, Mr. Chairman.

Judge Walton, my compliments for your nomination and that of Dr. Bennett in selecting you. Your background is outstanding. You have a strong record in the criminal justice system, both on the defense side, prosecution side, and you are what I consider a tough judge. And that is a compliment, Judge.

You bring to this office, I think, the understanding of the severity of this problem, the whole drug problem. My interest in the position that you hold here started back when Senator D'Amato introduced our anti-drug bill. We achieved 75 cosponsors, and one of the main pillars of that bill was the establishment of this office.

The chairman of this committee and many others, in the task force that drew up the bipartisan effort that became the Omnibus Drug Bill, were able to insist—and sometimes it took insistence from the chairman, myself and others—that this be a specific office set aside to have a direct association with State and local governments and their programs. These individuals need to be listened to. To alienate the State and local would be a disaster. I know so because I came from a State and local program, from both the State of Arizona and Pima County where Tucson is located.

We cannot win the war, as the chairman so astutely pointed out, without the local involvement. And as you formulate the direction of the Office of State and Local Affairs, I believe it is critical that you take two important steps.

No. 1, that you travel the country and meet personally with police officers, school teachers, treatment counselors, and others who are closely involved in the anti-drug program. Find out what kind of assistance the Federal Government could provide and what their complaints are with current Federal efforts.

No. 2, sit down with the Federal agencies that are providing assistance to State and local agencies for drug programs. Find out if any of the programs these agencies are supporting are duplicating or overlapping another agency. In certain States they are not drawing down the money that has been awarded which will help in determining what kinds of needs are going to be met or not met.

So, Judge Walton, you take on an awesome position. The chairman of this committee has concluded, as I have concluded, that if we are going to talk tough, we have got to be tough. And it means taking some decision actions; it means funding the drug bill. This chairman of this committee had the courage to go on the floor last week and, with my support—and not too many others, I must say—to try to demonstrate the need to fund this bill. We have not resolved that problem at all. We still have not funded it. But I hope

that in 1990 we will have the funds to fully fund this bill, and particularly the State and Local Affairs office that you will run.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. And thank you for the kind comments, Senator.

Senator Specter from Pennsylvania.

Senator SPECTER. Thank you, Mr. Chairman.

The CHAIRMAN. And, I might add, it seems that every nominee we have had in the last 6 months is from Pennsylvania. But that is probably just coincidental, I guess.

Senator SPECTER. Well, I would say that those who are doing the nominating know where the available talent is, Senator Biden. [Laughter.]

But since you are frequently advertised as the third Senator from Pennsylvania, I know you—

The CHAIRMAN. I am not offended. [Laughter.]

Senator SPECTER. You concur in that designation once we have taken the people who are available for appointment from the State of Delaware.

#### OPENING STATEMENT OF SENATOR SPECTER

Judge Walton, I am delighted to see you here today, and I join my colleagues in welcoming you here and would like to say a word or two about what I conceive to be the importance of your job and the kind of toughness that I think you are going to have to continue to bring to your position, really as a ramrod. I would like to say at the outset that I am pleased to see a Pennsylvanian—in your biographical resume, you are listed both as from Donora and from North Charleroi. Perhaps we ought to have a clarification of that factual variance.

Judge WALTON. I was born in North Charleroi, which is a few miles from Donora, and grew up in Donora.

Senator SPECTER. That is a very distinguished area of Pennsylvania. Then you have worked as a public defense in Philadelphia, so you have an excellent background.

The five Senators who are attending this hearing—and that is a goodly number for a hearing—are present for many reasons, but one of them is our determination to see something done about the drug problem in this country. Last week, on supplemental appropriation bills, there were four measures introduced—one by Senator DeConcini, one by Senator Biden, one by Senator D'Amato, and one by myself—to try to get additional funding for the drug bill. And none were successful really because, on a supplemental appropriation, there was anxiousness to get the matter through without bringing other matters up. An understandable conclusion but one with which I sharply disagreed, as did many of our colleagues, although not enough to pass, because of the urgency which a number of us see on the drug problem. No problem is more urgent than the drug problem.

You are going to be in charge of the Bureau of State and Local Affairs right behind Dr. Bennett and right behind a deputy in charge of supply and a deputy in charge of demand. It may turn out that your Department of State and Local Affairs will be the

most important department. Because when you move to the core, you are going to have the responsibility for coordinating a lot of activities. It is going to be a tough job.

When Dr. Bennett was Secretary of Education in 1987, I questioned him closely before the Education Subcommittee of Appropriations about the push that his Department was making on seeing to it that States, like my State, Pennsylvania, made application for funds made available under the 1986 bill. We put up \$1.8 billion in 1986, approximately \$775 million for States, and the States were not going after that money. The question that I raised with Dr. Bennett in his capacity as Secretary of Education was why wasn't he doing something about seeing to it that the States got the money. When he commented that there had been no application, my response was that that was not sufficient, because it is up to the Federal Government, the Secretary of Education, to make sure that the congressional mandate is carried out on educational funds. I think that is illustrative of the kind of intensity which you are going to have to bring to the job.

Yesterday, Senator Heinz and I visited a prison in Pennsylvania at Camp Hill, an institution with about 2,500 inmates, about 40 percent over capacity, and a testimonial to the fact that the critical bottleneck on the criminal justice system today is the absence of prison space. There are thousands being released every year from jail, hardened criminals who have not served their time, because of insufficient space, going out and committing more crimes. There are thousands of people not sentenced each year, as judges have testified in this very room, because of insufficient prison space. That has to be addressed, and it has to be addressed forcefully.

The rehabilitation facilities are totally inadequate. There are good job training programs in Camp Hill which cannot take care of enough men, and there are rehabilitation and therapy programs for drug addicts that are insufficient to take care of the numbers. Eighty-five percent of the people in Camp Hill today are there on drug-related issues.

There is a lot more that could be said, and we have a great many witnesses, but I wanted to focus with you on the prison aspect because my sense from having been a prosecuting attorney and having worked on this committee for many years is that that is the critical point where we have to get relief urgently. It is going to take a lot of ramrodding by a lot of us to get the job done, speaking out and speaking out forcefully. And your record shows that you can do just that, and I urge you to swing with both feet and both hands to get this job done.

Thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Grassley from Iowa.

#### OPENING STATEMENT OF SENATOR GRASSLEY

Senator GRASSLEY. Thank you, Mr. Chairman. I particularly want to thank you for having this hearing at this time because it is so important to get the new office of national drug control policy staffed up completely, and this is a very important position in that office.

Also, congratulations to you, Judge. Obviously, your appointment is an expression of the confidence that the President and Secretary Bennett have in you, and you are to be congratulated for that.

I know that Dr. Bennett and the office that you are going to be a part of are now very aware that there are no areas in America that are untouched by the menace of drugs, and, of course, that includes America's heartland. Certainly, we must recognize the areas that have the highest drug infestation. Generally, those areas are our central cities and populated by those who are least educated and by those with meager economic means.

However, if we concentrate only on those areas, or if we think only these segments of society are abusing drugs, then we are off the mark. As Dr. Bennett knows full well, our rural areas are struggling hard to rid their communities of drugs, and they need our help as well.

I would like to refer to some statistics from the Iowa Division of Narcotics Enforcement. In just the past few months, 194 kilos of marijuana were seized in Missouri; 500 kilos of cocaine were seized in Missouri; 36 kilos of cocaine were seized in Minnesota; 18 kilos of cocaine were seized in Nebraska; and 96 kilos of cocaine were seized in Iowa, my State.

In addition, seizures by the Iowa Department of Public Safety for cocaine have more than tripled in 1988, more than in any previous year, and future projections indicate that it will continue. And the purity of cocaine appears to be on the rise, while the price appears to be coming down. Also, LSD seizures have increased tremendously during 1987 and 1988 over previous years, and it is predicted to continue to rise through 1989.

Many State and local law enforcement officials, to say nothing about many of my constituents, have let me know about the drug problem in Iowa. And the problems in Iowa are not just confined to the major metropolitan areas of my State. It is very definitely a statewide concern. In fact, some authorities believe that Iowa has become a haven for drug dealers who want to get away from the hostile environment of the war zones of American urban centers.

In fact, I understand from Iowa's law enforcement authorities that States on Iowa's enforcement-intensive borders have warned the Iowa Department of Public Safety/Division of Narcotics Investigation, that major drug traffickers are moving to the relative seclusion of the Midwest countryside.

I say all of this knowing that Judge Walton does not have first-hand knowledge of the drug problem in Iowa, nor do I expect him to. But hopefully, from this hearing on, he will be aware of it and learn more about it, as he comes "up to speed" in his new position.

Thank you, Mr. Chairman, and I ask that a longer statement be put in the record.

The CHAIRMAN. Thank you very much. Without objection your entire statement will be placed in the record as if read.

[The prepared statement of Senator Grassley follows:]

STATEMENT OF SENATOR CHARLES E. GRASSLEY

ON THE NOMINATION OF  
JUDGE REGGIE B. WALTON  
TO BE ASSOCIATE DIRECTOR FOR  
NATIONAL DRUG CONTROL POLICY  
(BUREAU OF STATE AND LOCAL AFFAIRS)

SENATE JUDICIARY COMMITTEE  
JUNE 6, 1989

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MR. CHAIRMAN, I WANT TO THANK YOU FOR HOLDING THIS  
NOMINATION HEARING TODAY. IT IS IMPORTANT THAT THE NEW OFFICE  
OF NATIONAL DRUG CONTROL POLICY BE FULLY STAFFED AS SOON AS  
POSSIBLE.

JUDGE WALTON, I WANT TO CONGRATULATE YOU FOR BEING  
NOMINATED TO BE THE FIRST ASSOCIATE DIRECTOR FOR NATIONAL DRUG  
CONTROL POLICY, WITH RESPONSIBILITY FOR STATE AND LOCAL  
AFFAIRS. YOUR NOMINATION IS CERTAINLY EVIDENCE OF THE  
CONFIDENCE THAT THE PRESIDENT AND DR. BENNETT HAVE IN YOU.

YOU ARE TO BE COMMENDED FOR TAKING ON THIS MOST IMPORTANT  
TASK.

I WANT TO FIRST REAFFIRM MY COMMITMENT TO A STRONG ROLE FOR THE FEDERAL GOVERNMENT IN COMBATING DRUG ABUSE. I BELIEVE THAT CONGRESS' ENACTMENT OF THE OMNIBUS ANTI-SUBSTANCE ABUSE ACT OF 1988 -- AND ITS CREATION OF AN OFFICE OF NATIONAL DRUG CONTROL POLICY -- IS EVIDENCE OF THAT ROLE AND COMMITMENT.

THE BROAD-BASED EFFORT TO FORMULATE A WORKABLE NATIONAL DRUG CONTROL AND PREVENTION STRATEGY BY THE OFFICE OF NATIONAL DRUG CONTROL POLICY IS REALLY THE FIRST OF ITS KIND EVER ATTEMPTED BY THE FEDERAL GOVERNMENT.

I DO NOT AGREE WITH THOSE WHO SAY THAT, SIMILAR TO THE FAILURE OF PROHIBITION DURING THE 1920's, THAT WE MIGHT AS WELL ADMIT THAT "WE HAVE LOST THE WAR ON DRUGS" OR THAT "WE CAN NEVER WIN THE WAR ON DRUGS"; LIKE DR. BENNETT, I BELIEVE THAT WE REALLY HAVE NOT YET BEGUN TO FIGHT A WAR AGAINST DRUGS.

I ALSO DO NOT AGREE THAT WE SHOULD LEGALIZE DRUG USE IN THIS COUNTRY AND BENEFIT FROM THOSE WHO DO USE DRUGS, BY TAXING THEIR PURCHASE OR USE OF DRUGS.

THE EVIL RESIDUE OF DRUG ABUSE AND DRUG-RELATED CRIME HAS BEEN WELL-DOCUMENTED. IN ADDITION TO TANGIBLE COSTS, OUR SOCIETY BEARS AN INCALCULABLE BURDEN IN TERMS OF RUINED LIVES, BROKEN HOMES, AND DIVIDED COMMUNITIES.

WITH THE KNOWLEDGE THAT NO AREA OF THE COUNTRY IS IMMUNE FROM THE MENACE OF DRUGS, WE MUST ENGAGE ALL OF OUR AVAILABLE WEAPONS: EDUCATION, INTERDICTION, PROSECUTION, REHABILITATION, AND TREATMENT -- AS WE CONSIDER HOW TO ALLOCATE SCARCE FEDERAL RESOURCES WITH WHICH TO FIGHT THE WAR AGAINST DRUGS, WHILE BEING MINDFUL OF THE CONDITION OF THE FEDERAL BUDGET.

GIVEN THESE FACTS, I KNOW THAT DR. BENNETT AND THE OFFICE OF NATIONAL DRUG CONTROL POLICY ARE NOW VERY AWARE THAT THERE ARE NO AREAS IN AMERICA THAT ARE UNTOUCHED BY THE MENACE OF DRUGS, AND THAT INCLUDES AMERICA'S HEARTLAND.

CERTAINLY, WE MUST RECOGNIZE THE AREAS THAT HAVE THE HIGHEST DRUG INFESTATION -- GENERALLY THOSE AREAS POPULATED BY MINORITIES, BY THOSE WHO ARE LEAST EDUCATED, AND BY THOSE WITH MEAGER ECONOMIC MEANS.

HOWEVER, IF WE CONCENTRATE ONLY ON THOSE AREAS -- OR IF WE THINK ONLY THESE SEGMENTS OF SOCIETY ARE ABUSING DRUGS -- WE ARE OFF THE MARK. AS DR. BENNETT KNOWS FULL WELL, OUR RURAL AREAS ARE STRUGGLING HARD TO RID THEIR COMMUNITIES OF DRUGS AND THEY NEED OUR HELP AS WELL.

ACCORDING TO THE IOWA DIVISION OF NARCOTICS ENFORCEMENT,  
IN JUST THE PAST FEW MONTHS ALONE:

B\*\* 194 KILOS OF MARIJUANA WERE SEIZED IN MISSOURI;

\*\* 500 KILOS OF COCAINE WERE SEIZED IN MISSOURI;

\*\* 36 KILOS OF COCAINE WERE SEIZED IN MINNESOTA;

\*\* 18 KILOS OF COCAINE WERE SEIZED IN NEBRASKA; AND

\*\* 96 KILOS OF COCAINE WERE SEIZED IN IOWA

\*\* IN ADDITION, SEIZURES BY THE IOWA DEPARTMENT OF PUBLIC SAFETY FOR COCAINE HAVE MORE THAN TRIPLED IN 1988, MORE THAN IN ANY PREVIOUS YEAR, AND FUTURE PROJECTIONS INDICATE THAT IT WILL CONTINUE.

\*\* AND, THE PURITY OF COCAINE APPEARS TO BE ON THE RISE, WHILE ITS PRICE APPEARS TO BE COMING DOWN.

\*\* ALSO, LSD SEIZURES HAVE INCREASED TREMENDOUSLY DURING 1987 AND 1988, OVER PREVIOUS YEARS, AND IT IS PREDICTED TO CONTINUE TO RISE THROUGH 1989.

MANY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS -- TO SAY NOTHING ABOUT MANY OF MY CONSTITUENTS -- HAVE LET ME KNOW ABOUT THE DRUG PROBLEM IN IOWA.

AND, THE PROBLEMS IN IOWA ARE NOT JUST CONFINED TO THE MAJOR METROPOLITAN AREAS OF MY STATE; IT IS VERY DEFINATELY A STATE-WIDE CONCERN. IN FACT, SOME AUTHORITIES BELIEVE THAT IOWA HAS BECOME A HAVEN FOR DRUG DEALERS WHO WANT TO "GET AWAY" FROM THE HOSTILE ENVIRONMENT OF THE WAR ZONES IN AMERICA'S URBAN CENTERS.

IN FACT, I UNDERSTAND -- FROM IOWA LAW ENFORCEMENT AUTHORITIES -- THAT STATES ON IOWA'S ENFORCEMENT-INTENSIVE BORDERS HAVE WARNED THE IOWA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF NARCOTICS INVESTIGATIONS, THAT MAJOR DRUG TRAFFICKERS ARE MOVING TO THE RELATIVE SECLUSION OF THE MIDWEST COUNTRY-SIDE.

I SAY ALL OF THIS KNOWING THAT JUDGE WALTON DOES NOT HAVE FIRST-HAND KNOWLEDGE OF THE PROBLEMS THAT ARE FACING MY STATE AND MY REGION OF THE COUNTRY; I DO NOT EXPECT HIM TO HAVE SUCH KNOWLEDGE.

HOWEVER, I DO EXPECT THAT THIS HEARING WILL SERVE AS A STARTING POINT FOR A DISCUSSION ON THE DRUG SITUATION IN THE STATES AND LOCALITIES IN GENERAL -- AND THE MIDWEST IN PARTICULAR -- AND I LOOK FORWARD TO THAT DISCUSSION.

THANK YOU.

The CHAIRMAN. Now, Judge, if you have a statement, we would love to hear it, and we can then get to questions.

**TESTIMONY OF HON. REGGIE B. WALTON, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY**

Judge WALTON. Thank you, Senator Biden. I did submit a brief written statement. I would ask that that be made a part of the record. I would like to briefly supplement it.

The CHAIRMAN. Without objection, it will be.

Judge WALTON. A lot of people have asked me why: why would I give up a position which basically provided lifetime security; why would I give up a position which requires that I take almost a \$9,000 salary cut; why would I give up a position in that my retirement would have vested in 2 years, so I am losing that; and why would I give up a position in which I lose my parking space, which is free now, and I will have to start paying for it—especially at a time when my wife is in medical school, and I think we paid somewhere around \$27,000 for her to attend Georgetown University Medical School, and she is now going to be quitting her job next year because she cannot work that any more, and so we are going to lose that.

My answer is that I have seen what has happened to so many young people as a result of drugs. Sitting on the bench, I used to agonize to see the young men and women come before me, who I knew that if they were not involved in drugs have the ability to do something constructive with their lives. I am frequently out in the community, and I have seen many individuals who live in these communities who are basically being held captives in their own homes because of the fear of going into the streets of the Nation's Capital because of this drug plague.

It is primarily because of those concerns and my love for this country and my knowledge that this country, being the greatest country in the world, must do something to confront this problem, because I do feel, as I know you do, that this is the most important issue confronting America today. So it is because of those reasons that I decided to make the sacrifices that I have made. And if I am confirmed, I look forward to taking on what will undoubtedly be one of the most difficult challenges that I have ever encountered in my lifetime.

The CHAIRMAN. Judge, thank you very much.

My first question is: How far along in medical school is your wife?

Judge WALTON. She just finished her first year, so she has a long way to go.

The CHAIRMAN. Well, there are 6 years to salvation, but it is a heck of a 6 years.

Judge, I know a little bit about your background, and from what I understand of your forays into the community, I know how you try to express to young women and men in the community, who are having problems how you dealt with circumstances that are not dissimilar to theirs.

But I would like to dwell a little bit—I have about a dozen questions which I am not going to get to this morning, so I am going to

submit those to you in writing. They do not require a response that is extensive, but they do require a response that is concise and direct.

Let me speak to two areas and preface my question by saying that the criticism that has come thus far to the President—and, strangely enough, to me because I have been supporting Bill Bennett so strongly—has been that the people who have been brought into the fray thus far are people who are committed but not very knowledgeable—people who are bright but with little experience in the specific area for which they are being appointed.

That criticism was leveled and continues to be leveled at the Director from some quarters, and it has been raised about you—that the bulk of your experience has been with the Federal Government, and that here you are being asked to coordinate State and local requirements and needs and input, and you have had no State and local experience, or very little, if you have had any. Some have suggested that it would have been more appropriate to find a State or local official who has had extensive background and expertise in the drug problem.

Now, can you tell me why you think your background and qualifications suit you for the job to which you have been appointed, notwithstanding your lack of extensive State and local experience?

Judge WALTON. Well, first of all, I did work as a public defender in Philadelphia, so that was a State level position. My tenure in the U.S. Attorney's Office, albeit that being a Federal agency, was in the local branch of the office. As I am sure you are aware, the United States Attorney for the District of Columbia has the responsibility of not only prosecuting Federal offenses, but also has the obligation of prosecuting local District of Columbia code offenses. So I have had an equivalent of contact with what would be characterized as State level or local level prosecutions.

In my position as a judge, as you know, it was on the Superior Court of the District of Columbia; and while the appointment process is the process that results in a Federal judge being appointed, my activity has been at the local level. So I have, I believe, extensive experience dealing with local and State matters, or at least the equivalent of local and State matters.

I also have spent a lot of my time out in the community talking to people about their concerns, and I am confident that the concerns that people express in the District of Columbia, albeit it is a Federal city, are the same concerns that people at the State and local level throughout the States feel in reference to the drug problem. So, while, in a sense, I am a Federal product, I nonetheless believe that I do have extensive experience which is the equivalent of State and local experience.

The CHAIRMAN. Will you make a significant effort to expand your base of knowledge as to how Federal and State programs work? If I can make an analogy that maybe is not totally appropriate—I served for a long time on the Intelligence Committee, and I found that it took me literally the first year or so to get totally familiar with the jargon of the intelligence community and how it operated, or did not operate, in order to become conversant enough to be able to know to ask the right questions the remaining 8 years I was on that committee. I do not think it is totally dissimilar in

terms of State and local programs—knowing how the forms have to be filled out, the relationship between the municipal government and the county government and the State government, and who is entitled to what and so on.

Will you make an effort both to go out in the States and communities to become more familiar and also to learn the technical side of the relationship?

Judge WALTON. Yes, sir, I will. One of the things I desire to do is to bring on board people who I could work with who have extensive knowledge of the problems at the State and local level. I am not naive enough to feel that I have the background to know all of that, and, therefore, I want to bring people into the office who have that knowledge, who can help me. I do think, as Senator DeConcini indicated, that it is important that I travel throughout the country so that I can see firsthand what the problems are and have people tell me on their home turf what they feel the problems are. I think that is very important.

I guess the one positive thing about my wife being in medical school at this time is that she is so busy that hopefully she will not miss me too much when I am out on the road.

The CHAIRMAN. Speaking of that, I have, not unlike the President and the Congress, put the cart before the horse. We passed a law and did not fund it. I started to take your testimony before I have sworn you in. How about if you now stand and be sworn?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Judge WALTON. Yes, I do.

The CHAIRMAN. That is not to imply what you have said thus far has not been. [Laughter.]

Now, you hope to bring on people with specific State and local experience, which brings me to my next question. Looking at the budget submitted by the Director, there are relatively few spaces that are allocated to your office. If I am not mistaken—I do not want to bother to look through my notes here—my staff prepared this wonderful book. But I think it is five. I may be mistaken. Is it four or five?

Judge WALTON. No. We received additional funding. At least, I received an indication that there would be additional slots. Thirteen, as I was told, and the potential of another position.

The CHAIRMAN. Dr. Bennett sent up a submission a week ago for the 1990 budget that suggests the associate director of State and local affairs will have a total staffing of five persons. But if you have new information—supplemental information—that it is going to be 13, that is of greater interest to me. Maybe we could clarify that for the record. But the submission by Dr. Bennett thus far is the only official submission we have. It is five.

Judge WALTON. Well, I was told that I could start reviewing résumés and that I had 13 and possibly 14 positions to fill and that potentially there were going to be some additional slots that would be allocated to the State and local division.

The CHAIRMAN. I think that discrepancy is something that we should settle, and maybe for the record we can do that prior to the confirmation vote. It could be that Dr. Bennett is referring to you

having input on employees that are in the core staff. I do not know, but he specifically suggests five here and has a figure. OK. That was my second question.

The third question I have relates to the fact that you have been in the field, you have been a sitting judge. I need not tell you about the extent of the drug problem. You have been a municipal judge in a large city. I mean, it is not just a municipal court job, it is broader than that, but in a municipality, a trial court. Correct?

Judge WALTON. Yes.

The CHAIRMAN. So I do not have to educate you or tell you about the impact of drugs upon the criminal justice system.

Now, in your experience, do you think it is possible to make the necessary effort to deal with the drug problem without spending more money? Do you think we can do it without spending more money?

Judge WALTON. I think that additional resources will have to be allocated to deal with the problem. The extent of those resources I really am not in a position to say, but I do think that obviously in the District of Columbia—and that is my home base—we clearly need more jail space. And it takes money in order to do that. We clearly need additional police resources, and obviously that takes money. We need additional court personnel in order to prosecute those additional cases that come into the system, and obviously that takes money.

I do believe that we need to enhance our treatment capability, and obviously that takes money. And obviously I think that we need to take some measures that deal with improving the quality of education that our young people are receiving about drugs and other preventive measures to hopefully cut down on the number of young people who involve themselves in drug activity, and to some degree that will take money.

However, I do think that there is a lot of money that is out there that is not being used as well as it could be. So while I do think that there will be a need for some degree of greater resources, I do think that we need to spend the money that we have already allocated more appropriately to deal with this problem.

The CHAIRMAN. As you know, sitting as a D.C. judge, the Director and the President came along and said we needed an emergency allocation. What was the number? A \$70 or \$80 million emergency allocation, which was, I believe the phrase is “cobbled together” from other sources for the District of Columbia to know it had an extra \$70 or \$80 million to deal with the drug problem. And I am sure you are painfully aware that the District of Columbia is not unique in its drug problem.

I receive letters as Chair of this committee, and I guess because I am so associated with this issue, from communities I do not represent. Let me put it this way: Hopefully, I represent them, but they do not determine whether or not I sit in the Senate, from Philadelphia to Phoenix, from San Francisco to Dallas, from Memphis to Atlanta, from Boston to Milwaukee, saying: “Wait a minute, why Washington? Let me tell you about our problem.” And letters from your colleagues on benches in those communities.

I really hope that, if you are confirmed, you will bring to this at least the sensitivity and understanding—that I think you have—of

those folks sitting on the firing line. The thing that commends you most to me, beyond your obvious background and your honor and your integrity and your intelligence, is that although you have not been an official in a State or locality trying to deal with the problem in terms of specific allocation of dollars, you have been the next nearest thing. You were a judge sitting there with a young woman or man in front of you and deciding: "All right, what do I do? Do I send him to Lorton," or wherever you send them, and "Is there space to send them? Do I send them to a rehabilitation program, which does not exist or where there is an 8-month waiting list? Do I commend them to the care of their parents and hope they get private help? What do I do with these people?"

So you obviously know that you do not have enough of everything from bailiffs to prosecutors—to public defenders, I might add—and so you have a sense of it. And I hope you will bring to bear—I hope you will not suffer the affliction many of us do on this bench as well as the bench you will be sitting on, figuratively speaking, of once we get to Washington, once our paycheck is being disbursed by the Federal Government, that somehow we lose sight of what is happening back there, wherever "back there" is.

I have many more questions, but let me conclude with this one. One thing you did not mention, I think, was treatment.

Judge WALTON. I did mention treatment.

The CHAIRMAN. You did. Let us talk about treatment for a minute. We have about 20 million drug addicts in America, and they range all the way from people who have habits that they think are "recreational"—and there is no such thing as a recreational drug use. But they range all the way from that to those who are about to literally kill themselves on heroin. And the statistics indicate to us, and common sense tells us, that these are the people committing most of the crimes.

Now, obviously, there are others committing crimes. There was a startling statistic that came to our attention 5 or 6 years ago in an area that Senator Specter worked a great deal on, the so-called Career Criminal Act that he was responsible for. In California, where an astoundingly small percentage—and please do not hold me to this, but I think it was well under 15 percent—of the criminal population committed 85 percent of all the crimes. I think it was like 7 percent committed 80 percent of the crimes. But it was astounding, whatever it was. It was 1 to 4 or 1 to 5.

Now, I think it is important that we communicate to the public the need for treatment facilities. When people are voluntarily bringing themselves off of the street, going into a center, knocking on a door and saying, "Help me,"—separate and apart and distinct from humanitarian concerns of trying to help someone in need, from just a law enforcement perspective—if you have that person off the street, if you have that person in a treatment facility, at least for the time they are in there, they are less likely to commit a crime and be on drugs than someone in prison.

I went to the largest prison in the State of Delaware, and they have a new program there where they literally segregate those seeking help for drugs. It is called the Key Program. Literally, in one of the segregated wings—I mean physically segregated—there is no contact with the rest of the prison. And I said: Why is this?

Why is it so isolated? Is it because they are being punished? The director said, "Heck, no. It is because of the drug use in prison."

They estimate that 60 to 80 percent of the people in the prison, this very day in my State, in prison, behind bars, with from 2 months to life to serve, are drug users at this moment.

Now, if we take people off the street and have even a shot at rehabilitating them, it seems to me fewer crimes are likely to be committed. So I do not view it as simply humanitarian when we talk about treatment, and some of the treatment programs have relatively good return on investment.

Now, having said all that, I would like you to comment. You do not have to agree with me in order to get my vote. I am not looking for that. I mean that sincerely. But honestly tell me what your view is about whether or not we should have as a priority reducing the waiting times, which range from a year to 3 months in a city as small as mine, Wilmington, DE, in order to get into a program. In my whole State, there are only eight beds, eight, e-i-g-h-t, eight beds for drug treatment, and outpatient facilities require 3½ months to get into any program at all. In Philadelphia, it is 9, 10 months. I do not know what it is in the District of Columbia. How important a piece of the puzzle is that piece?

Judge WALTON. I obviously believe it is very important. Sitting as a judge, I used to be frequently frustrated in that I had individuals who I felt were ready to seek to deal with their addiction, and I really had no place to put them.

Having said that, however, I do have some mixed emotions about the effectiveness of treatment because I know from a group called Second Genesis, which is one of the better drug treatment programs in this area, that they reported to us that their success rate for D.C. residents was only about 18 percent. And I know from—

The CHAIRMAN. Is that for a particular drug or all drugs?

Judge WALTON. All drugs. And I know from another program called Stout Street, which is out in Denver, CO, and we send a lot of our defendants out there for treatment, that they indicate that their success rate is about 1 percent.

The CHAIRMAN. May I interrupt you there? Is there a distinction between those who are sent to a treatment facility as an alternative to incarceration or in conjunction with incarceration and those who, not having been arrested, not having been convicted of a crime, seek voluntarily access to treatment?

Judge WALTON. I think that may, in fact, be true because those experts I have spoken to recently have indicated to me that they believe that the self-help programs are probably the most productive programs. Obviously, if you are talking about self-help, you are talking about someone who has to be motivated to try and deal with their addiction. Many of the people who we send to those treatment programs, while they may seem to be committed, they may only see this as an easy way out of a prison sentence.

However, I do think that we need to make an assessment as to what effective treatment is because I do not think that the experts really agree on what effective treatment is. So I think that we really need to take a hard look at what is the most effective means of treating drug addiction. Obviously, the type of treatment will vary based upon the drug that you are talking about. We really do

not at this point have an effective modality for treating crack or for treating PCP, and we, I think, have to try to come up with some way to treat those two drugs because those are two of the drugs that are having the most devastating impact on the society.

I believe that treatment is important because I do think that we have to look at addiction as an illness and that we have to try and treat that illness because there clearly is a direct correlation between criminal activity and drug use. I served on a panel on career criminals under the auspices of the National Academy of Sciences, and the one correlation that we could easily make was that correlation between drug usage and high incidence of criminal activity.

So I agree with you that not only for humanitarian reasons but for crime control reasons, it is important that we seek to try and treat individuals who are, in fact, ill because of their addiction.

The CHAIRMAN. Thank you.

I yield to my colleague from South Carolina.

Senator THURMOND. Thank you, Mr. Chairman.

Judge Walton, as Associate Director for National Drug Control Policy, your major responsibility will be to provide high level attention to the needs and views of State and local drug control officials. Would you tell the committee how you intend to accomplish this task?

Judge WALTON. Well, first of all, Senator Thurmond, I intend to go out into the various communities so that I can, firsthand, learn exactly what the problems are. I intend to attend national conventions when State and local officials will be present so that I can find out from them exactly what their concerns are and what they think the Federal Government can best do to help them, how they think the Federal Government has failed in the past in providing the assistance that they need. And I intend, as I indicated earlier, to bring into my staff individuals who are knowledgeable of the problems at the State and local level so that hopefully we can do a better job as the Federal Government in assisting State and local governments to deal with the drug problem.

Senator THURMOND. Judge Walton, you have served as a judge in the Superior Court of the District of Columbia since 1981. I am certain that during this time you have seen an increase in drug-related matters. What, in your opinion, must be done to fight the illicit drug problem facing our country?

Judge WALTON. Well, I think that our principal efforts have to be in prevention; because while I think that treatment is important, unfortunately I think that a lot of people that once they become addicted, cannot for various reasons rid themselves of that addiction. So I think we have to take steps to ensure that people do not use drugs. I think that is our greatest ally.

I also believe very strongly that we have to have strong law enforcement. Unfortunately, from having contact with a lot of young people, the criminal justice system just does not act as a deterrent against criminal activity because there is no certainty of punishment. So I think that we have to beef up law enforcement; I think that we have to do all that we can do to prevent our young people from using drugs; and that once they become addicted, that we have to try and help them so that they can overcome that addiction.

Senator THURMOND. You speak about uncertainty of punishment. Is that because the judges have failed to send people to prison for the lack of room space, or what is the cause?

Judge WALTON. Well, I think that a large number of people are not arrested for their activity, and obviously that is a problem. There was a recent survey done in New York that said that out of 100 robberies committed, maybe 10 people would be arrested; and out of those 10, maybe five would be convicted, and maybe one of those would go to jail. Well, obviously, if those statistics are correct, then there are some who would say that crime pays because the potential of being detected and ultimately punished is not that significant. And I know that there are a lot of young people who have the perception that, if they get caught, the punishment that they will receive is just not certain.

I think that to a degree it does relate to our problems in the prison system because, for example, in the District of Columbia the city council enacted the Good Time Credit Act for no other reason than to try and deal with the overcrowding problem. So we have individuals who are being sentenced by a judge to a certain sentence, but merely because they are there and merely exist but do not really do anything exemplary, they receive time, significant time off of their sentence. So they come back into the community before they are ready to come back. And I think that is a significant problem. And we obviously have to do something about the number of jail spaces that we have available so that people, when they do crime, will be able to appreciate the fact that there is punishment for the commission of that crime.

Senator THURMOND. Judge Walton, one extremely important issue that you will be required to address is the degree of cooperation between local, State and Federal law enforcement agencies. There have been concerns expressed that the level of cooperation is not what it should be.

What are your feelings on this matter, and what do you feel might be done to improve this situation?

Judge WALTON. Well, I think that is true. I personally have the utmost respect for State and local law enforcement officials. I have had the opportunity to meet with a lot of State and local officials in reference to the drug and crime problem, and I know that they are concerned, committed professionals. And I know that, to a degree, they have the feeling that they have not received the support from the Federal Government that they would like. So I think it is important that we appreciate that they are the experts and that they have a lot of answers to the problems, and we just have to listen. And I think maybe we have not listened as closely as we should. So I intend to listen, and I intend to decipher what they say to me and to make, hopefully, the appropriate recommendations to the Director regarding what we can do to improve our relationship with local and State law enforcement officials.

Senator THURMOND. Judge Walton, I have been a long-time proponent of a joint multi-State and local organized crime and narcotics projects known as the Regional Information Sharing Systems. I believe they perform a valuable service to the Federal, State, and local law enforcement agencies that utilize them. The Regional Organized Crime Information Center, with which I am most familiar,

does an outstanding job in assisting law enforcement agencies at all levels. I feel that it would be beneficial to you to meet with the representatives of these projects so that you could determine exactly what they do and how they might best assist your office. If you have no objection, I will have my staff coordinate a meeting with you and the directors of these organizations.

Judge WALTON. If confirmed, I would be happy to do so because I agree with you totally in reference to the importance of regional sharing of information. For example, in the District of Columbia, we are right next to two States—Virginia and Maryland—and many times, as law enforcement officials in the District of Columbia, they do not know what is taking place in Maryland and what is taking place in Virginia. So I think that regional coordination of law enforcement efforts are extremely important.

Senator THURMOND. Judge Walton, maybe you would rather do this for the record, but could you very briefly outline the points that you think would greatly improve this drug situation, such as stricter law enforcement, severe punishment, more jail space, or whatever is necessary? Would you think about that and outline for the record these steps that you feel are essential to improving this situation with drugs?

Judge WALTON. Well, yes.

Senator THURMOND. You do not have to do it now. I would like you to think on it and supply it for the record.

Judge WALTON. I will.

Senator THURMOND. Make it very brief. Not a lot of talk. Just outline very briefly the different points.

[The information of Judge Walton follows:]

## QUESTION FROM SENATOR THURMOND

Senator Thurmond, during my confirmation hearing, you asked that I outline for you my goals and responsibilities as Associate Director for State and Local Affairs. You asked me how I intend to confront the drug abuse problem in the United States in my new position.

I believe that the Associate Director has three basic responsibilities. First, he must ensure that state and local officials have input into the development of the national strategy. Second, he must make sure that the federal government is a reliable partner -- for example, when it comes to funding drug programs. Third, he must encourage and challenge the private sector to do more to fight drugs, so that federal, state, and local governments can do everything possible to fight drugs in this country.

I intend to play an integral role in drafting the National Strategy. My task will be to bring the expertise and knowledge of state and local officials to bear on the strategy so that their views will be heard. These state and local officials have the real hands-on expertise on this issue and it would be foolish to neglect their input.

I believe we must be realistic about setting goals for resolving the drug problem. But, I also think we should be ambitious in these goals. The serious drug problem in our country today did not occur overnight; neither will it be solved overnight. The thing I hope most is that people will feel that the problem is getting better, that their communities are safer each day, and that children are less susceptible to the dangers of drug use.

Senator THURMOND. Now, Senator Grassley would like you to answer a few questions for the record, and I will have those passed on to you, if you will answer those for the record.

[The response to the questions of Senator Grassley follow:]

## QUESTIONS FROM SENATOR GRASSLEY

WILL YOU TELL ME WHAT YOUR PLANS ARE FOR SEEKING AND THEN IMPLEMENTING SUCH A DIALOGUE, ESPECIALLY HOW YOU VIEW THE ROLE OF YOUR OFFICE INTERACTING WITH ESTABLISHED, RELEVANT STATE AND LOCAL AGENCIES?

I intend not only to listen to relevant state and local agency officials, but also to seek them out and solicit their input as I begin my work at the Drug Policy Office. I am very fortunate to be working in an area where there are already established entities through which to work and where officials with great knowledge are already in place. Once I have identified the appropriate officials, I intend to maintain a continuous dialogue with them.

This will definitely require a fair amount of travel on my part but I feel it will be necessary for me to see firsthand the kinds of activities that are going on throughout the country. I will attend seminars, conferences, and meetings and will also host a number of meetings here in Washington as well. As you probably know, the Office of National Drug Control Policy has already sent out approximately 250 letters to state and local officials asking for their input into the national strategy. I understand that we have already received a good response to this invitation and I look forward to reading the comments of those who took the time to respond.

HOW WILL YOU PREVENT THE PERCEPTION THAT THE OFFICE OF NATIONAL DRUG CONTROL POLICY IS SEEKING TO IMPOSE AN "INSIDE THE BELTWAY" SOLUTION TO EVERY PROBLEM IN OUR EFFORTS AGAINST DRUG USE?

While the federal government does have an important role in this war against drugs, some of the most important work -- if not the most important -- is being done at the local levels. Therefore, I feel strongly that I must go directly to the state and local officials to find out what is being done and what is working. I intend to spend a lot of time on the road visiting the states and talking to individuals who are dedicated to ending this menace. Washington can provide financial assistance and other kinds of support and direction. In the final analysis, much of the real work will be done by those in the local community. I intend to make it well known that the Office of National Drug Control Policy intends to work with and support state and local governments, and not seek to force our will on them.

ARE YOU READY TO TAKE ON ESTABLISHED FEDERAL BUREAUCRACIES AND TAKE WHATEVER HEAT IS NECESSARY TO MAKE SUCH RECOMMENDATIONS TO THE CONGRESS IF YOU HONESTLY BELIEVE THAT SOME REORGANIZATION AND CONSOLIDATION IS NEEDED TO FURTHER THE EFFORTS AGAINST DRUG USE IN THE UNITED STATES?

As I believe I indicated in my confirmation hearing on Tuesday morning, I have made some fairly serious changes in my life to join the new drug office and my commitment to the President, to the Congress, and to the American people is strong. I will not take the challenge of this new position unless I am willing to make the hard decisions to go along with it. If there are changes that must be made in terms of consolidation or reorganization of government agencies, you may be sure that I will make those recommendations.

IF YOUR OFFICE DETERMINES THAT SOME FUNCTIONS IN OUR EFFORTS TO ELIMINATE THE DRUG TRADE IN THE UNITED STATES ARE BEST LEFT TO THE STATES AND LOCALITIES, WILL YOU EXPLAIN YOUR PLANS TO CARRY OUT THIS CHANGE IN THE LAW IN ORDER TO PLACE OUR RESOURCES IN THE BEST PLACE POSSIBLE, THAT IS, ON THE FRONT LINES OF THE WAR AGAINST DRUGS?

Yes, it is quite possible that we may find duplication of effort, overlap of programs or responsibilities, or even functions that are outdated or perhaps no longer needed. During our in-depth analysis of state and local activities, I hope to explore the value of federal drug programs, whether they are providing the assistance that was intended and how well they are working. We may also find reporting and coordinating arrangements that are unworkable. My recommendations will, of course, depend on our findings. However, you may be sure that I will not be shy in making recommendations to the Director about programs and activities that affect state and local agencies' abilities to rid our communities of drugs.

PLEASE GIVE ME YOUR PLANS -- IN CONSULTATION WITH STATE AND LOCAL OFFICIALS -- TO ESTABLISH STANDARDS FOR THE DENIAL OF BENEFITS AND CERTAIN PRIVILEGES REGULATED BY STATES FOR THOSE WHO TEST POSITIVE FOR DRUGS.

As yet, I have no plans for establishing standards for denying benefits for those who test positive for drugs. As you know, I will be participating in the formulation of the National Strategy which the President will submit to Congress in early September. I understand this issue is one of those being studied right now and it is possible that the strategy may include this issue.

WILL YOU TELL ME OF YOUR PLANS TO ESTABLISH POLICIES AND PROGRAMS WITH THE STATES IN ORDER TO GET THE UPPER HAND ON THE DRUG SITUATION IN PRISONS, INCLUDING THE INTERDICTION OF DRUG SUPPLIES INTO PRISON FACILITIES AND FOR DRUG TESTING OF BOTH INMATES AND PAROLEES AS A CONDITION OF PAROLE?

During my confirmation hearing, I talked about the need to have sure punishment for offenders. I mentioned that criminals often are not convinced that their chances of going to jail outweigh the possibility that they will go free. I feel strongly that when appropriate drug offenders should spend time in jail. During the hearing, I also talked about the distressing fact that prisoners have come to me to say that there is no way to "stay clean" in jail when drugs are as easy to come by as they are outside a jail. Prison officials and guards who allow or condone this deserve sure and harsh punishment as well. The same is true for visitors who provide drugs to prisoners during visits.

Because this is an area that has concerned me for some time, it is something that I will certainly address if I assume the position of Associate Director for State and Local Affairs. I want to work with the state to find a way of keeping our prisons drug-free so that inmates can begin the rehabilitation process during their incarceration -- not have to wait until they get back on the streets where the opportunities to get drugs are even greater.

Senator THURMOND. Thank you very much, Mr. Chairman. Thank you, Judge.

Judge WALTON. Thank you.

Senator THURMOND. I think you will do a good job, and I wish you well in your work.

Judge WALTON. Thank you. I appreciate that, Senator.

The CHAIRMAN. Judge, you are aware that at the Federal level we have changed the sentencing laws so that there is not the discretion that judges have in State courts—most State courts. Are you aware of the Federal sentencing guidelines?

Judge WALTON. Yes.

The CHAIRMAN. And I hope when you are confirmed—and I believe you will be—you will help send a note—maybe it would be somewhat gratuitous—to whoever writes the President's speeches and tell him that what he is asking for he already has. He keeps talking about certain sentences and certain times and flat times and certainty upon conviction. That exists. This man here, Senator Thurmond, and Senator Kennedy, and with a little help from me somewhere along the line—and I mean that literally because they started the effort years before I got involved in it—changed the whole Federal sentencing procedure. So when you speak to the State and local communities—really, since we all know the bulk of the crimes, the responsibility for dealing with crime is at a State and local level, it is understandable why people think that there is not certainty within the system.

At the Federal level there is. Unfortunately, it does not cover that many of the criminal offenses that exist in this country. But it leads me to my last question.

When Senator Thurmond and I were the co-authors of the 1984 act that was probably the single most significant revision, of the criminal code, we were both warned that by making a proposal that essentially takes away the notion of probation from a Federal court judge, we were going to create another problem. Our proposal took away discretion under all but very limited circumstances from the Federal court judge—if you are convicted of robbery, you go to jail for a set time, bang, whether you are black or whether you are white, whatever, you go to jail. It turned out that our critics at least in that respect were correct; that is, we were going to create a significantly greater demand upon the prison system.

That leads me to my last point. You seem to believe—and I do not disagree with you—that certainty is an essential element. How much impact it will have, none of us know, but it is an essential element, maybe at least for first-time offenders. Do you agree that if we insert certainty across the board—that is, in all the State and local jurisdictions as we have in the Federal—that the demand for prison space is going to increase even beyond what it is now?

Judge WALTON. Well, I think it probably will. Studies regarding sentencing guidelines suggest that the demand for prison space will go up. Now, there are also suggestions that at some point it would tend to go down because with a greater certainty of incarceration or punishment, people would tend to decrease their criminal activity knowing that if they are going to engage in criminal activity there is, in fact, punishment ahead for them.

So I think that the space may, in fact, have to be enhanced, but at the same time, going out into the community and talking to people who are being forced to live in the environment that they are being forced to because of the criminal activity of others, while it is unfortunate that we have to have prisons, I am convinced that we do. And if it means having to lock up more people to make those good, honest, hard-working, law-abiding people live in peace and tranquility in their neighborhoods, then I think that we have an obligation to do that.

There was one other point I forgot to make in reference to your comments regarding the drug problem in our prisons. That is obviously a very distressing problem for me because when I send someone to jail, I do not expect that they are going to have access to drugs. And I know down at Lorton and at the D.C. jail, based upon things that have been said to me by individuals who were inmates, that that is a significant problem. In fact, I had one young man who was before me—and I was about to release him on probation with strict conditions, and one of those was drug testing—and he told me, "Well, Your Honor, before you let me go, can I be drug tested?" And I said, "Why?" He said, "Because I know of your reputation, and if I come back here with a dirty urine, I know you are going to put me right back in jail. And I want to let you know that if you send me down for testing right now, I am dirty because I have been using drugs in jail. I will try when I get out not to do that, but I am dirty now and I have to be honest about it."

And that is frustrating, that drugs are able to proliferate in our jail system. I think the one thing that we have got to do, we have got to send a message to those who are prepared to take drugs to prison that if you do that you are going to pay, and you are going to pay dearly. I think that those jail guards who are prepared to take drugs into prison should be prepared to receive some of the harshest punishment that we can give, significant jail time. I think that is justified because I think the one place that we do not want to have drugs is in our prison system.

The CHAIRMAN. I could not agree with you more.

Well, I am impressed that you understand the immensity and complexity of the problem. There are certain almost self-contradictory elements that we talk about as solutions. You and I both say that once someone is ultimately hooked on a drug it is an illness. We know people who are ill are not dissuaded by certainty of sentences. Yet we offer the certainty of a sentence that somehow we are going to impact upon their use. For heroin addicts, if they have not been caught yet, you can raise the sentence to the death penalty, and that is not going to keep them from being under a bridge abutment and shooting up with a dirty needle. They risk AIDS. They risk a death sentence in other ways. But I do not disagree with you about the certainty. At least certainty for a certain period of time gets people off the street and allows my mother and your children, et cetera, to walk the street with a slighter degree of certainty that they will not be the victim of an attack. But we have got a long way to go.

This committee sincerely and genuinely wants to participate in this, and the questions I am going to submit for the record relate—and I will not put you in the embarrassing position—"embarrass-

ing" may be the wrong word—in the difficult position of having to speak more specifically to the funding issue. But I hope that your reputation for being tough is one that you are willing to take to a job that does not have life tenure and may cause some problems. I mean it sincerely. There are responsibilities that we all have. When you take on this job, I understand you cannot set the policy, but you sure can make some noise. And I am convinced from your experience on the bench you have had to see parts of the problem that most do not get to see.

I hope we are going to be honest enough about the programs we already have. For example, we are talking about the President's new crime bill—the President and the Congress herald it, Democrats and Republicans alike—and he wants 500, I think it is, new FBI agents. Well, heck, the last crime bill we passed authorizes 500 or more FBI agents and DEA agents. And the Director of OMB in the last one says there are other priorities, including the economic security of the United States, that do not permit us to fully fund that bill. And the Congress, right in with the President, not just the Congress, Democrats leading, as well as Republicans following, saying, Mr. President, you are right, we are not going to fund it.

So here we are, and the public out there hears that the President calls for 500 new FBI agents, and we all go, "Whoa, he is getting tough." And then nobody hears the second part: We already gave you 500, Mr. President. Pay for them. I hope somebody is going to say the emperor has no clothes.

Some of us up here are saying it, and we may find ourselves eventually undressed, politically and otherwise. But somehow we have got to make our action match our rhetoric. And if we do not, the only question I will ask you when you come up before this committee after being confirmed is, "If we have a program that we passed and we all say is a good one, why aren't you hollering to fund it and help—whether or not the Congress disagrees with you or the President disagrees with you, why aren't you hollering to fund it?" And if you are not asking to fund it, "Why don't you have the nerve to come up and say, 'Biden, or committee, we would like you to do away with the program? We did not really mean what we said when we thought it was a good idea to give State and local officials another \$250 million. We were only joking.'"

You have got to have it one of two ways. You have a reputation for being straight, for being tough. I hope you take it to the next job. I will submit the rest of my questions in writing.

[The response to the questions of the Chairman follow:]



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

June 7, 1989

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

Dear Mr. Chairman:

Thank you for your expeditious handling of Judge Walton's confirmation. Attached are the responses to the questions submitted to Judge Walton subsequent to his hearing. I am hopeful you will find the responses satisfactory.

Again, I want to thank you and your staff for their efforts in this matter. 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

BIDEN QUESTION ON APPEARING BEFORE CONGRESS

SENATE POLICY REQUIRES EVERY EXECUTIVE BRANCH NOMINEE TO AGREE TO APPEAR AND TESTIFY BEFORE THE DULY CONSTITUTED COMMITTEES AND PANELS OF THE SENATE. IF CONFIRMED, DO YOU AGREE TO APPEAR AND TESTIFY BEFORE SUCH BODIES?

If confirmed, I agree that I will appear and testify before Congress as required.

## BIDEN QUESTIONS ON PREVENTION

AS A LIAISON TO STATE AND LOCAL OFFICIALS WHO WOULD BE INVOLVED IN SUCH A PROGRAM, DO YOU SUPPORT THIS TYPE OF A BROAD-BASED COMMUNITY RESPONSE?

Absolutely, there is no way we can wipe out this drug menace without the cooperation of all segments of our society -- beginning with those closest to home. The most basic of units -- the community, the neighborhood, and the family -- must be starting points from which to expand. While these tasks are great, the strongest units are already in place and success stories already abound. Now, we need to find a way to replicate these success stories in communities throughout the Nation.

HOW WOULD YOU MOTIVATE OR ENCOURAGE COMMUNITY LEADERS TO TAKE UP SUCH AN EFFORT TO FIGHT BACK AGAINST DRUG PUSHERS AND ABUSERS?

First, let me say, that I don't believe there is only one way to motivate a community to help in fighting the war on drugs. However, I believe our families, churches, schools, and civic organizations are instrumental. To be sure, government and business play important roles. But to get the individual involved, you have to go directly to the source. Our church and community leaders know what is at stake in this struggle. They see the tragedy of drugs each day. If confirmed, I intend to reach out to these groups and to let them know that we will assist in any way possible. I want them to know that we do care about their problems.

WHAT DO YOU BELIEVE COMMUNITIES MUST DO TO REGAIN THEIR STREETS, THEIR SCHOOLS AND THEIR CONFIDENCE IN OUR MOST BASIC INSTITUTIONS?

There are any number of things individuals can do. One of the most important is to work with local law enforcement officials. In Washington, D.C., I know that many neighborhoods have established patrols of local citizens who routinely monitor activities in their streets. Drug activity is reported to the police. This has worked. Drug dealers tend to leave their neighborhoods alone. The system, despite its near overload, does work. We have to continue having faith in our judicial system and that faith begins with citizens cooperating with their police.

## BIDEN QUESTION ON USING ROLE MODELS

IN ADDITION TO SPORTS FIGURES, WHAT OTHER ROLE MODELS WOULD YOU LIKE TO SEE GET INVOLVED IN ANTI-DRUG EFFORTS?

There are many people who can serve and do serve as role models for our youth. Many of them are much closer to our children than the sports figures they see on T.V. or read about in the newspapers. They are parents, teachers, clergy, policemen, and volunteers. Some of the most important people in young children's lives are those who volunteer to help. I found this to be true as a big brother to a young, fatherless boy. These children desperately want to be loved and nurtured, as all children do.

My first role model was my father who instilled in me discipline and a knowledge of right and wrong. He taught me the importance of setting goals and of getting an education. Too often the young people I see before me in the Superior Court never had this very basic opportunity I just described. Part of our success in attacking the drug problem will be a reshaping and reaffirmation of basic values. This has to start in the home because, while our sports figures are important role models for our youth, their is no substitute for the guidance, love, and nurturing that parents give.

THE NATIONAL STRATEGY IS SUPPOSED TO INCLUDE SPECIFIC GOALS FOR EACH COMPONENT OF OUR ANTI-DRUG PROGRAM. WHAT KIND OF PRIVATE SECTOR GOALS WOULD YOU LIKE TO SEE INCLUDED IN THE FINAL STRATEGY?

As I've said before, I believe industry has a large role to play in our overall national strategy. In the area of prevention, I would like to see business implement greater employee awareness programs. Areas such as drug education programs are important components to any successful prevention program. In terms of enforcement, employers need strict anti-drug use measures to be in effect. The punishment for offenders must be clear and it must be consistent. Drug afflicted employees should also be required to have drug treatment and counseling.

I think industry can also become more involved in community anti-drug efforts. Many already have and I think that is very helpful and encouraging. Adopting schools, participating in advertising campaigns, and other civic projects will bring a much needed boost to our national efforts.

## SENATOR BIDEN ON BOOT CAMPS

DIRECTOR BENNETT HAS SUGGESTED HE MAY PROPOSE THAT STATES ADOPT A PROGRAM UNDER WHICH FIRST TIME DRUG OFFENDERS WOULD BE SENT TO "BOOT CAMPS" INSTEAD OF BEING SENT TO PRISON OR PLACED ON PROBATION?

HAS HE DISCUSSED THIS IDEA WITH YOU? WHAT DO YOU THINK OF IT? DO YOU THINK SUCH A PROGRAM SHOULD APPLY ONLY TO PERSONS ARRESTED FOR SERIOUS TRAFFICKING OFFENSES, OR TO DRUG USERS ARRESTED FOR DRUG POSSESSION?

No, I have not spoken with Director Bennett on this matter. However, as you know, several states have adopted boot camps as an alternative form of incarceration for young and generally first time offenders. Some of the programs are voluntary. While it is too early to tell the overall effects of these programs, initial reports are encouraging. Many of the offenders are given a strong dose of discipline and some vocational skills. I believe that any such program should include a job component so that the individual can give something back to society during the period of detention. I also believe these programs bear close scrutiny and should be considered as an alternative to incarceration in a prison.

IF IT APPLIES TO USERS, WOULDN'T THIS CONSTITUTE A MAJOR INCREASE IN THE PUNISHMENT NORMALLY IMPOSED FOR SIMPLE POSSESSION OFFENSES SINCE SUCH CASES ARE RARELY PROSECUTED TODAY?

It may, but drug users must come to understand that their habits are fueling the violence inherent in the drug war. More importantly, these camps may actually give the offender the chance he needs to take charge of his life. Boot camps can be helpful in instilling responsibility, ensuring accountability and providing vocational and/or educational training that will allow for re-entry into the community with the increased chance of lower recidivism rates of drug users. If nothing else, these so called "boot camps" would send a message to society that drug users will pay a price for their habit.

DOES THE CRIMINAL JUSTICE SYSTEM HAVE THE CAPACITY TO HANDLE THE PROSECUTION OF MILLIONS OF DRUG USERS?

I don't believe it does. However, if we send the right message to those selling and using drugs, we may never have to prosecute "millions of drug users." The criminal justice system does not have the capacity to prosecute "all" drug users. This, of course, does not negate our responsibilities to seek better means for alternatives to incarceration, denial of certain benefits to drug users and to encourage effective education and prevention efforts to deter current levels of drug abuse.

## QUESTION FROM SENATOR BIDEN ON DEMAND vs. SUPPLY

WOULD YOU SUPPORT ADDITIONAL RESOURCES FOR COMMUNITY DRUG PREVENTION PROGRAMS -- EVEN AT THE EXPENSE OF LAW ENFORCEMENT PROGRAMS?

I strongly support greater emphasis being placed on preventive efforts. However, I do not support reducing our law enforcement programs, nor do I believe that such a reduction would be necessary in order to bolster prevention efforts. However, I will closely look at this situation to see if a reduction in the law enforcement resources would be warranted in order to increase efforts.

WHAT DO YOU BELIEVE IS A FAIR DISTRIBUTION OF OUR RESOURCES BETWEEN DEMAND REDUCTION AND SUPPLY REDUCTION PROGRAMS?

I know that this was an issue of much debate during consideration of the Anti-Drug Abuse Act of 1988. As you know, Director Bennett and his staff have been meeting with individuals and groups representing all aspects of the anti-drug effort. What we learn from these meetings will help shape this strategy. We are committed to finding what works best in this effort in both the demand and supply reduction areas. When the strategy is revealed, we will have our priorities. It may mean that demand reduction receives more attention in the first year than supply reduction, or the opposite may be true. What is important to understand, however, is that these priorities will change as our national needs dictate. By statute we have to prepare a strategy each year to reflect these changes. Therefore, while it is important to have a mix of demand and supply reduction efforts, we should not let a debate over "fairness" of this distribution distract us from our main effort of winning the war on drugs.

## BIDEN QUESTION ON CORPORATE EFFORTS

AS YOU LOOK FOR WAYS TO INCREASE PRIVATE SECTOR INITIATIVES, DO YOU ANTICIPATE WORKING WITH COMPANIES TO ENCOURAGE THEM TO EXPAND THE DRUG ABUSE SERVICES THAT THEY PROVIDE TO THEIR EMPLOYEES?

This is certainly an issue I will raise with industry. I think private industry has done a lot. They know what is at stake in productivity losses and they know the dangers of having drug impaired employees. Any effort that industry makes, to provide treatment to drug dependent employees and to educate them about the dangers of drug use, will be a welcome contribution to the drug war.

PRIVATE COMPANIES CAN ALSO HELP DECREASE DRUG ABUSE IN THE NEIGHBORHOODS IN WHICH THEY OPERATE, BY HELPING TO FINANCE COMMUNITY DRUG EDUCATION PROGRAMS AND AFTER-SCHOOL JOB PROGRAMS FOR DRUG-FREE STUDENTS. WHAT INCENTIVES CAN WE PROVIDE TO EXPAND PRIVATE SECTOR INVOLVEMENT IN SUCH COMMUNITY PROGRAMS?

I believe that industry is a largely untapped resource in the war on drugs. They potentially have a large role to play in so many areas of this effort. I intend to meet with businessmen and to work with them in developing plans and ideas to help in drug reduction programs.

Obviously, this office is in the unique position of being able to assist in coordinating the efforts of private industry. The types of incentives we can provide is making sure they know what is at stake in this struggle. We can help them through providing reliable information about what works in the drug prevention field. We can act as a clearing house for those seeking information about drug treatment programs and what other companies are doing for their workforces. We can also give national recognition to those companies who are making significant contributions toward our efforts to reduce the use of illegal drugs.

## BIDEN QUESTION ON WHAT THE JOB ENTAILS

As I outlined in my statement, I believe that the Associate Drug Director has three basic responsibilities:

- 1 First, to ensure that state and local officials have input into the development of the national strategy; second, to make sure that the federal government is a reliable partner -- particularly when it comes to funding drug programs; and, third, to challenge the states to do more to fight drugs, so that federal, state and local governments can do everything possible to fight drugs in this country.

BASED UPON YOUR DISCUSSIONS WITH DR. BENNETT, WHAT SPECIFIC ROLE WILL YOU HAVE IN DRAFTING THE NATIONAL STRATEGY? FOR EXAMPLE, DO YOU ENVISION YOURSELF ACTUALLY DRAFTING THE STATE AND LOCAL, SECTIONS OF THE STRATEGY?

Based upon my discussions with Dr. Bennett, I can tell you that I will play an integral role in drafting the National Strategy. My task will be to bring the expertise and knowledge of state and local officials to bear on the strategy so that their views are represented. Dr. Bennett and I believe that these state and local officials have the real hands-on expertise on this issue and it would be foolish to neglect their input. Regarding the second part of your question, I can tell you that I do envision that the Bureau of State and Local Affairs will be involved in actually drafting some sections of the strategy dealing with state and local affairs.

THE STATUTE REQUIRES THAT THE STRATEGY INCLUDE SPECIFIC GOALS AND BUDGET PRIORITIES. ON THE STATE AND LOCAL SIDE, WHAT TYPES OF GOALS DO YOU THINK WE SHOULD SET?

I think we should be realistic about the goals we set in solving the drug problem. But, at the same time, I think we should be ambitious in these goals. I think the best goal we can set for ourselves on the state and local levels is the goal of having people in local communities express their sense that the problem is getting better; that their community is a little safer each day; and that their children are less susceptible to the dangers of drug use. We need to get this drug problem moving in the right direction -- getting better.

## BIDEN QUESTION ON STAFFING THE ASSOCIATE DIRECTOR'S OFFICE

Last week, Dr. Bennett sent Congress a budget request for the Drug Director's Office. It requests 64 full-time positions -- 50 of those positions will report directly to Dr. Bennett of someone in his office; the remaining 14 spots are split between the two deputies and your office.

DO YOU THINK THE FIVE POSITIONS THAT YOU HAVE BEEN ASSIGNED IS SUFFICIENT TO CARRY OUT ALL OF YOUR RESPONSIBILITIES?

Senator, as you know, the Office of National Drug Control Policy is a new office. When Director Bennett was confirmed he had to fill an entirely new office. He filled those positions first to get the office up and running, knowing that after his deputies were confirmed, he would revisit the number of personnel and obtain more staff for the deputies. He has just decided to go forward with over thirty new positions some of which will be allocated to my office and the offices of the forthcoming deputies. Also detailees can be used as the statute allows. So in answer to your question, my staff will total about thirteen or fourteen, a number that appears sufficient at this time. If we find that additional staff are needed, we will request them.

IN FILLING THOSE POSTS IN YOUR OFFICE, WHAT KIND OF EXPERIENCE AND BACKGROUND WILL YOU BE LOOKING FOR?

I will be looking for a diversity of expertise in my staff, and in particular a broad knowledge of the current situation among state and local anti-drug efforts. Moreover, I will be looking for people who will be willing to listen. I think we have a lot to learn from the state and locals.

THE STATUTE GIVES THE DIRECTOR THE AUTHORITY TO ACCEPT DETAILEES FROM STATE AND LOCAL GOVERNMENTS TO WORK IN THE OFFICE. WILL YOU CONSIDER TAKING ON SUCH DETAILEES AS A WAY TO INCREASE THE STATE AND LOCAL INPUT INTO THE STRATEGY?

Yes, this is an idea we have already talked about and are considering to bolster our expertise and our manpower in the office.

## BIDEN QUESTION ON FORFEITURE; EQUITABLE SHARING

In 1984, I co-authored a provision now in the Controlled Substances Act that permits the federal government to share the property forfeited from drug dealers with state and local law enforcement agencies. This has resulted in \$140 million dollars being shared with state and local agencies.

However, a provision that was added to last year's drug bill has sparked a debate over whether it is appropriate for the federal government to share drug money directly with state and local law enforcement agencies. That provision says that federal forfeiture laws cannot be used to funnel money to state law enforcement agencies where that would not be possible under state law. Some states apparently have less comprehensive forfeiture laws, or have laws that require that forfeited drug money be used for other purposes other than law enforcement.

I plan to seek to change that provision because I feel that it undermines cooperation between state and federal law enforcement.

DO YOU THINK THAT THE FEDERAL GOVERNMENT SHOULD CONTINUE TO SHARE FORFEITED DRUG PROCEEDS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES?

I think it is eminently sensible and fair for the federal government to share these proceeds with state and local law enforcement agencies when those agencies have provided assistance with an investigation. We have received various requests from members of congress and others to examine the provision in the '88 bill which you have discussed. I want to assure you that I will take a closer look at this issue.

AS PART OF YOUR WORK WITH THE STATES, WILL YOU BE ENCOURAGING STATES TO ENACT FORFEITURE STATUTES AS A WAY OF SEIZING MORE TRAFFICKERS ASSETS?

As I have said, I believe that the federal asset forfeiture program has shown a good deal of success, and if it is part of my job to share information with state and locals on successful programs, I think I will take a serious look at making such a recommendation.

## BIDEN QUESTION ON ALCOHOL ABUSE TREATMENT

Judge Walton, you have often spoken about the link between drug abuse by young people and the disadvantaged family environments from which those young people come. Frequently the absence of the father from the family, the lack of a role model and of proper guidance and discipline is directly related to alcohol and drug abuse.

The drug director's jurisdiction does not extend to alcohol abuse programs, but it was the intent of Congress that "alcohol and drug programs should be fully coordinated." The relationship I just mentioned between drug abuse by young people and alcohol abuse at home is one example of the need for that coordination.

## DO YOU THINK THAT TREATMENT FOR ALCOHOL ABUSE SHOULD BE LINKED WITH DRUG ABUSE PROBLEMS?

To the extent that alcohol abuse provides a gateway to drug abuse, I think we should take a very careful look at how these programs fit together. Many times young people experiment with alcohol before moving on to illegal drugs and I think we should look carefully at how that happens.

## DO YOU HAVE IDEAS AS TO HOW WE MIGHT BETTER COORDINATE STATE AND LOCAL DRUG AND ALCOHOL DRUG ABUSE PROGRAMS?

With respect to treatment generally, it seems to me that we need better coordination between treatment programs. Treatment experts are very dedicated people and will try to solve any challenge put before them, but I think we need different treatment programs within a given jurisdiction to be talking to each other a bit more than they have been. If we could get these experts talking to each other, we may be able to tailor different programs to different needs so that, for example, one program would come to be known for its expertise at dealing with alcohol and cocaine abuse while another, across town, would be better at taking heroin abuse referrals. In addition, many drug abusers also abuse alcohol and the treatment of such individuals must be a coordinated effort.

SHOULD JUVENILE COURTS EXERCISE SOME JURISDICTION OVER SUBSTANCE-  
ABUSING PARENTS AND REQUIRE TREATMENT FOR DRUG OR ALCOHOL ABUSE  
WHERE SUCH ABUSE APPEARS TO BE RELATED TO THE CHILD'S CRIMINAL  
CONDUCT?

As a general rule, I can tell you that juveniles who come from homes where this kind of substance abuse occurs are starting life at an enormous disadvantage. I am not certain at this time whether it would be the juvenile court which would be the best institution for getting these parents into treatment, but I hope we can find some way to influence such an outcome.

Questions submitted to Judge Walton from Sen. Baucus

1. Drug interdiction in rural areas involves different resources than efforts in more urban areas. For instance, the Bureau of Land Management, the Forest Service, the Bureau of Indian Affairs and other agencies play an important role in the rural war on drugs. What will you do to improve and coordinate these efforts?

There is no doubt that we have a serious drug problem in rural areas. I take very seriously the word "National" in our office title. I plan to start immediately working with those individuals in other agencies of the Federal government to determine the kinds of assistance needed in rural areas. Some of this coordination has already been done in our efforts to construct a national strategy. In addition, I plan to ask officials in rural areas what they feel is needed. While I agree with you that the war on drugs in rural areas may employ different methods than those employed in our urban areas, the effects of the drug problem are equally devastating.

2. Do you see the growth in methamphetetamine production as a major problem? What do you plan to do about it?

The growth of methamphetetamine or crank use in the United States is alarming and if not put in check soon could become the next major drug epidemic to hit our country. Obviously, in dealing with this problem, we need to strongly enforce the laws pertaining to the manufacture and distribution of Methamphetetamine. In addition, the Chemical Diversion and Trafficking Act of 1988 is just about to take effect and this should be a major aid to law enforcement efforts at the federal level. Since the public is generally unaware of the dangers of crank use, we need to more rigorously instruct our children about the dangers of Methamphetetamine and we need to be as determined about stamping it out as we are with other drugs, such as crack.

3. Some people have said there aren't enough resources currently in place to meet the needs of rural drug interdiction. Do you see a need for more federal agents in rural areas experiencing an increase in drug-related crime?

As you know, I will be working closely with Director Bennett in developing a national strategy to coordinate all federal drug initiatives. The President will present the strategy to Congress in early September. If confirmed, I expect to begin my new position with a deep sense of urgency. As I have said before, I intend to meet with other officials at the Federal level and those involved with the war on drugs at the state and local level. Before I could honestly answer about the needs and

problems of our nation's rural areas, I will have to talk to those on the front lines. Once their advice and counsel is given, I expect to make a full report to Director Bennett. I know you have spoken with Dr. Bennett about the need for certain kinds of federal agents and I would welcome any suggestions you may have about which Montana officials I should talk to regarding the drug problem.

The CHAIRMAN. I wish you a great deal of luck, particularly when it comes time for your wife to take the medical boards, because then you will really need the luck.

Judge WALTON. Thank you.

The CHAIRMAN. I know your wife went through your going through law—I do not know particularly your case, but some of us had wives who have had to go through us going through law school and other places and suffer the indignation of our moodiness and total silence for months at a time. I know you are in for years of that. So good luck.

Judge WALTON. She is here today with me.

The CHAIRMAN. Where is she? Please introduce her.

Ms. WALTON. Hi.

The CHAIRMAN. Doctor, please stand up—soon to be doctor. Welcome to the committee and thank you for—and I am not being facetious when I say this. Thank you for, I assume, agreeing with your husband that this is an important enough job to take. I wish you all the luck in the world.

Ms. WALTON. Thank you very much.

Senator THURMOND. Are you sure that is his wife and not his daughter? [Laughter.]

Judge WALTON. She is a little younger but not that young.

The CHAIRMAN. I am not touching either of those. [Laughter.]

You are dismissed as a witness, and good luck. Thank you very much, Judge.

Judge WALTON. Thank you.

[The prepared statement of Judge Walton follows:]

Statement of Associate Director-Designate  
The Honorable Reggie B. Walton  
Senate Judiciary Committee Confirmation Hearings  
Tuesday, June 6, 1989  
Washington, D.C.

I thank President Bush for nominating me to be the Associate Director of the Office of National Drug Control Policy and hope that the process will be successfully completed by this body. I again thank President Reagan for having selected me to serve as an Associate Judge of the Superior Court of the District of Columbia, and while I look forward to the challenging task of confronting the drug problem, I am saddened by the prospect of leaving the bench.

My decision to leave the bench, if confirmed by the Senate, is prompted by my deep concern about a problem which is having a significant impact on the quality of life of many Americans. As a former defense attorney, as a former prosecutor and now as a judge, I have seen the drug problem grow to the point where it has reached epidemic proportions. I have seen the number of cases escalate to the level that our court calendars are dominated by drug or drug-related cases. I have also seen the level of violence associated with the illegal drug trade grow in the nation's capitol to the point that in 1988 we gained the inevitable reputation of being the murder capitol of the nation.

The drug epidemic which we are now experiencing started in the mid to late nineteen sixties with the liberalized attitudes about illicit drug use. The belief that the use of marijuana and

cocaine was not harmful perpetuated the misguided attitude that the use of such drugs was only the business of the user. We now know that the use of marijuana is the gateway drug to the use of more dangerous drugs by many addicts and that cocaine in the form of crack is destroying many of our fellow citizens and many of our neighborhoods.

Some suggest that the problem has become so great that nothing can be done to curb it. I am not a proponent of that position and that is one of the reasons I agreed to serving in the position for which I am being considered for confirmation. Some of the solutions to the problem might be controversial, some will inevitably require additional funding and none of them will solve the problem overnight. It took us twenty years or more to get to the point where we are today and it may take that long to climb out of this pit of despair. However, the ascent must begin and it is imperative that it begin now. I welcome the challenge of working with state and local governments and the private sector, and hope that this body will deem it appropriate to give me the opportunity to serve as a leader in the nation's effort to solve the drug epidemic.

The CHAIRMAN. Our next panel of witnesses will be made up of State and local witnesses: Donald L. Cahill, chairman, Legislative Affairs Committee, National Fraternal Order of Police, and a friend and person who has always given great input here and been helpful. Mr. Cahill has served with the Prince William, VA, Police Department for 18 years, including 10 years in the drug unit. Welcome, Mr. Cahill.

Mr. CAHILL. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is Charles Gruber, first vice president of the International Association of Chiefs of Police; again, extremely helpful to us over the years and personally helpful to me. I thank you very much. He is currently the chief of police in Shreveport, LA. Welcome, Chief.

Mr. GRUBER. Thank you, Senator. Good to see you again.

The CHAIRMAN. And Mr. Lynn C. Slaby, president-elect of the National District Attorneys Association. Mr. Slaby has been the district attorney of Akron, OH, since 1980. Welcome.

Mr. SLABY. Thank you, Mr. Chairman.

The CHAIRMAN. And Ms. Lois Olson, vice president, National Association of State Alcohol and Drug Abuse Directors, who deserves a medal of honor. If my mother were here, she would say, "No purgatory for you, dear. Straight to heaven." Ms. Olson also serves as the director of the Division of Alcohol and Drug Abuse Services for the State of Missouri. We welcome you and look forward to your testimony.

And our next witness is Mr. Karst Besteman. He is the executive director of Alcohol and Drug Problems Association for North America. You will go quicker to heaven. He has served in a variety of drug-related Federal jobs, including deputy director of the National Institute of Drug Abuse, and we welcome you also.

Thank you all for being here. You would be of great assistance to the committee if you would limit your verbal statements to 5 minutes, and your entire statements, no matter how long they are, will be placed in the record as if read.

We will start and finish in the order in which the witnesses were called.

Mr. Cahill.

**STATEMENT OF PANEL CONSISTING OF DONALD L. CAHILL, CHAIRMAN, LEGISLATIVE AFFAIRS COMMITTEE, NATIONAL FRATERNAL ORDER OF POLICE; CHARLES A. GRUBER, FIRST VICE PRESIDENT, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE; LYNN C. SLABY, PRESIDENT-ELECT, NATIONAL DISTRICT ATTORNEYS ASSOCIATION; LOIS OLSON, VICE PRESIDENT, NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS; AND KARST J. BESTEMAN, EXECUTIVE DIRECTOR, ALCOHOL AND DRUG PROBLEMS ASSOCIATION**

Mr. CAHILL. Thank you, Mr. Chairman, good morning. Good morning, members of the committee.

It is, indeed, an honor to have the opportunity to appear before you today and speak in strong support of the nomination of Judge Walton by President Bush for the position of Associate Drug Director in the Office of National Drug Control Policy.

As the chairman has stated, my name is Donald L. Cahill. I am the chairman of the Legislative Affairs Committee for the National Fraternal Order of Police. Our national president, Mr. Dewey Stokes, is unable to be here today, but he has instructed me to offer his regrets because of a prior family commitment. He certainly does wish to convey those thoughts.

The Fraternal Order of Police, being the largest member organization of police professionals in the world with over 198,000 members in the United States, has 1,719 lodges in 45 States and is comprised of local, State, and Federal law enforcement officers.

Over the past 10 years, all levels of American Government have wrestled with various policy options in an attempt to control illicit narcotics. We have collectively spent billions of dollars on a variety of interdiction and treatment programs that are poorly coordinated and managed. In response to this administrative drift, Congress and the executive branch created this special entity designed to coordinate and direct to the local governments and the national Government-sponsored War on Drugs the Office of National Drug Control Policy, to which the Fraternal Order of Police hopes Judge Walton will become associate director.

In his work on the bench in the District of Columbia, Judge Walton has had a unique opportunity to view firsthand how the war on drugs is going. The Fraternal Order of Police believes that this perspective, coupled with Judge Walton's demonstrated commitment to address the root causes of the Nation's insatiable appetite for illegal narcotics yields an individual who could make a positive contribution to his country in this official position.

The law enforcement community in general, and the Fraternal Order of Police in particular, has long recognized that a major flaw in the war on drugs has been the lack of a coordinated and managed Government-wide battle plan. Numerous Federal agencies wage jurisdictional combat over operations and seizures—sometimes even refusing to communicate with each other—resulting in widespread confusion among the State and local law enforcement counterparts as to who is in charge. Director Bennett has the enthusiastic backing of the law enforcement community in serving as the "point man" to guarantee that our interdiction efforts are aimed at stopping illicit drugs and not at each other. In this regard, the Fraternal Order of Police feels strongly that an experienced person such as Judge Walton will provide real assistance to Director Bennett in carrying out his official mandate as the coordinator of Government resources in this policy area.

Judge Walton has earned a reputation locally as a jurist who hands out tough sentences to those convicted of crimes, particularly those drug-related or violent in nature, in his court. The Fraternal Order of Police believes that this conventional wisdom fails to show the rationale behind these stiff sentences. Unlike many political or policy issues that occupy the attention of our media and public for a time and then seem to disappear, the long-term devastation of the drug problem afflicting this country is just now beginning to sink into our collective consciousness. What we are becoming aware of is that in many urban communities a virtual subculture has evolved with young men and women caught in a never-ending spiral of poverty and drug dependence. Where once tradi-

tional family units and an upbringing rooted in the development of self-worth characterized a given community, whole segments of our society are adrift with no moral compass to guide them back to responsible adulthood.

Judge Walton, in recognizing the uncomfortable trend, understands that in order to effectively combat this problem, the policy response must be one that is realistic while being compassionate. Curbing drug abuse will require equal parts of tough law enforcement techniques and a re-emphasis of those values which teach us to respect ourselves as well as each other. The police can make arrests and judges can impose sentences, but the answer to our national drug problem is about education as much as it is about filling jails and treatment centers. That is the message behind Judge Walton's sentencing policy, and that is the reason the Fraternal Order of Police endorses him for this position.

Mr. Chairman, the nomination of Judge Walton for this position affords those of us fighting the war on drugs to have someone with "hands-on" experience in a policy-setting and coordinating role. The law enforcement community applauds the selection of Judge Walton by President Bush and Director Bennett and salutes Judge Walton for his commitment to our cause. The Fraternal Order of Police urges the Senate to move expeditiously in this nomination.

Thank you, Mr. Chairman, for this opportunity. I would be pleased to answer any questions you or any members of the committee might have.

[The prepared statement of Mr. Cahill follows:]

TESTIMONY OF  
DONALD L. CAHILL  
FOR  
NATIONAL FRATERNAL ORDER OF POLICE  
BEFORE  
SENATE JUDICIARY COMMITTEE  
JUNE 6, 1989

Good morning Mr. Chairman and members of this distinguished committee. It is indeed an honor to have the opportunity to appear before you today and to speak in strong support for the nomination of Judge Reggie B. Walton by President Bush for the position of Associate Drug Director in the Office of National Drug Control Policy.

My name is Donald L. Cahill and I am the chairman of the legislative affairs committee for the National Fraternal Order of Police. Our national president, Mr. Dewey Stokes, is unable to be here today, but has instructed me to offer the following testimony on behalf of the National FOP.

The Fraternal Order of Police is the largest member organization of police professionals in the world with over 198,000 members in the United States. The FOP has 1,719 lodges in 45 states and is comprised of local, state, and federal law enforcement officers.

Stated more simply, though perhaps less eloquently, the FOP represents "the cop on the beat." The men and women I am testifying on behalf of are daily on the front lines of society's war against the scourge of drug abuse and its attendant violence. For far too long, the law enforcement professionals who risk

their lives on the streets of America have watched helplessly as our society is consumed by a flood of illegal narcotics and our judicial system overwhelmed by a tidal wave of perpetrators and victims.

Over the past ten years, all levels of American government have wrestled with various policy options in an attempt to control illicit narcotics. We have collectively spent billions of dollars on a variety of interdiction and treatment programs that are poorly coordinated and managed. In response to this administrative drift, Congress and the Executive Branch created a special entity designed to afford some coordination and direction to the government-sponsored War on Drugs -- the Office of National Drug Control Policy to which the FOP hopes Judge Reggie B. Walton will become an associate director.

Judge Walton is clearly more than qualified for this particular position. A native Pennsylvanian who attended West Virginia State College and the American University School of Law, Judge Walton worked in the U.S. Attorney's office for five years in the District of Columbia, serving in his last two years as executive assistant. Appointed to the D.C. Superior Court in 1981, Judge Walton is currently the deputy presiding judge in the Superior Court's Criminal Division.

-3-

In his work on the bench in the District, Judge Walton has had a unique opportunity to view firsthand how the War on Drugs is going. The FOP believes that this perspective coupled with Judge Walton's demonstrated commitment to address the root causes of a nation's insatiable appetite for illegal narcotics yields an individual who could make a positive contribution to his country in this official position.

The law enforcement community in general, and the FOP in particular, has long recognized that a major flaw in the War on Drugs has been the lack of a coordinated and managed government-wide battle plan. Numerous federal agencies wage jurisdictional combat over operations and seizures -- sometimes even refusing to communicate with each other -- resulting in widespread confusion among their state and local law enforcement counterparts as to who is in charge. Director Bennett has the enthusiastic backing of the law enforcement community in serving as the "point man" to guarantee that our interdiction efforts are aimed at stopping illegal drugs and not at each other. In this regard, the FOP feels strongly that an experienced pragmatist such as Judge Walton will provide real assistance to Director Bennett in carrying out his official mandate as the coordinator of government resources in this policy area.

Judge Walton has earned a reputation locally as a jurist who hands out "tough sentences" to those convicted of crimes, particularly those drug-related or violent in nature, in his court. The FOP believes that this conventional wisdom fails to take into account the rationale behind these stiff sentences. Unlike many political or policy issues that occupy the attention of our media and public for a time and then seem to disappear, the long-term devastation of the drug problem afflicting this country is just now beginning to sink into our collective consciousness. What we are becoming aware of is that in many urban communities a virtual sub-culture has evolved with young men and women caught in a never-ending spiral of poverty and drug dependence. Where once traditional family units and an upbringing rooted in the development of self-worth characterized a given community, whole segments of our society are adrift with no moral compass to guide them back to responsible adulthood.

Judge Walton, in recognizing this unfortunate trend, understands that in order to effectively combat this problem, the policy response must be one that is realistic while being compassionate. Curbing drug abuse will require equal parts of tough law enforcement techniques and a re-emphasis of those values which teach us to respect ourselves as well as each other. The police can make arrests and judges can impose sentences, but the answer to our national drug problem is about education as much as

it is about filling jails or treatment centers. That is the message behind Judge Walton's sentencing policy and that is the reason the FOP is endorsing him for this position.

Mr. Chairman, the nomination of Judge Walton for this position affords those of us fighting the War on Drugs to have someone with "hands-on" experience in a policy-setting and coordinating role. The law enforcement community applauds the selection of Judge Walton by President Bush and Director Bennett and salutes Judge Walton for his commitment to our cause. The FOP urges the Senate to move this nomination in an expeditious manner.

Thank you, Mr. Chairman, for this opportunity to testify. I would be pleased to answer any question either you or the members of the committee might have.

Senator THURMOND [presiding]. Thank you very much. We are very pleased to have you here, Mr. Cahill, to speak for the Fraternal Order of Police.

Do any of the rest of you have opening statements, or do you just want to express yourself?

Mr. GRUBER. I have an opening statement, Mr. Chairman.

Senator THURMOND. You may proceed. Do you have a long statement?

Mr. GRUBER. No, sir.

Senator THURMOND. We will put all of them in the record. If you can, just briefly tell us what you think ought to be done, and the rest of you follow the same procedure.

**STATEMENT OF CHARLES A. GRUBER, FIRST VICE PRESIDENT,  
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE**

Mr. GRUBER. On behalf of the International Association of Chiefs of Police, we want to support the nomination of Judge Walton. The reasons are articulated clearly in the information that we presented and will be on file.

I would like to make two comments to the things that we heard today, if we want to be really brief. Comments have been made whether Secretary Bennett's appointment and President Bush's appointment of Judge Walton are people who are committed to a cause but not necessarily knowledgeable about State and local affairs. I can speak from the experience that I have had in the last 20 years in law enforcement, and especially the last 14 years as a police administrator, that I have seen people come and go, from Judge Webster and now into Judge Sessions, Jack Lawn in DEA, and Stanley Morrison, the U.S. Marshals Service, and Stanley Higgins in the Alcohol, Tobacco and Firearms, all of who have no local and State law enforcement experience, but have adequately learned and have listened to the information that we have given them, and I believe have done an excellent job for the Federal law enforcement community in presenting the issues and helping local and State law enforcement to do their efforts.

So I think that Judge Walton, if he is sensitive, if he listens, if he becomes involved, then I believe that he will be able to learn the issues. We are ready, we are prepared to help him. Our organization, the International Association of Chiefs of Police, will provide him forums throughout the United States and across the world, if we have to, of law enforcement executives ready and willing to help him learn.

I would also like to compliment you, Senator Thurmond, for bringing out the RISS issue of which the International Association of Chiefs of Police is strongly supportive. The Regional Information Sharing System is an invaluable and important system for us, and one of those areas which has been cut.

I would also like to commend to you the ROCIC, which is the Regional Organized Crime Information-Sharing Centers as well, which we believe the Organized Crime Information Centers are equally valuable in the drug enforcement areas.

I would like to make one further comment, and that is that in the events that have happened here in Washington recently, we

the people out in the trenches that have been fighting this war now for—we do not know how many years, ever since I have been in law enforcement, it seems—have gotten very little help from the Federal Government, and we have done so much in trying to attack a problem. We do not believe that just throwing money and resources is the answer to the problem. We do believe that there are critical ways in which we can spend our resources most effectively to accomplish what we want to accomplish. Throwing more people in prison because of drugs is not the answer.

We would hope that the Federal Government would begin listening to what we are saying, listening to the creativity of the executives that have been in law enforcement in the fields, and the initiatives that they have undertaken, learn from what we are saying, and perhaps then we can get at least a handle on it and hold the line while we find what those programs are. And we believe there are some programs such as a program the Chief Reuben Ortega has started in Phoenix, AZ. We believe that those programs will help.

[The prepared statement of Mr. Gruber follows:]

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

TESTIMONY

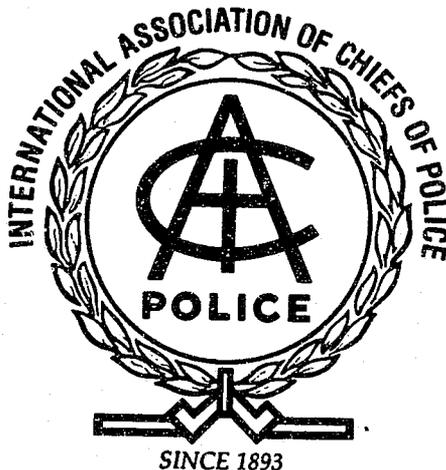
before the

SENATE JUDICIARY COMMITTEE

concerning

THE NOMINATION OF JUDGE REGGIE WALTON  
to be  
ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY  
BUREAU OF STATE AND LOCAL AFFAIRS

June 6, 1989





## Shreveport Police Department

P. O. DRAWER P.

Shreveport, Louisiana 71161



CHARLES A. GRUBER  
CHIEF OF POLICE

Charles A. Gruber was appointed by Mayor John Hussey and the members of the Shreveport City Council as Chief of Police for the City of Shreveport on December 15, 1986.

Prior to his appointment, Chief Gruber served for over ten years as the Chief of Police for the City of Quincy, Illinois. He has over twenty years law enforcement experience.

Chief Gruber is a graduate of the National F.B.I. Academy and the National Executive Institute. He has a Masters Degree in Police Administration from Sangamon State University in Springfield, Illinois, and received his BA Degree from Elmhurst College, Elmhurst, Illinois majoring in Psychology. He has appeared on the Phil Donahue Show twice upholding positions effecting law enforcement. He has also served as the President of the Illinois Association of Chiefs of Police. He has been appointed to serve on the National Policy Board by Judge Sessions, Director of the FBI and is a member of the National Law Enforcement Board for Police Explorers.

Chief Gruber is currently a Vice President of the International Association of Chiefs of Police which is the most recognized professional law enforcement body in the world, encompassing 14,000 police chief executives in 64 countries, and will become President for this prestigious organization in October, 1989.

Chief Gruber has been the recipient of numerous awards during his law enforcement career. Several of these are: Boss of the Year, Jaycee of the Year, Distinguished Service Award, Award of Excellence, Meritorious Service Award, and the U. S. Marshal's Service Law Enforcement Officer of the Year 1989.

*"To Serve and Protect"*



The International Association of Chiefs of Police is a professional organization comprised of over 14,500 top law enforcement executives from the United States and 68 nations. IACP members lead and manage several hundred thousand law enforcement officers and civilian employees in international, federal, state and local governments. Members in the United States direct the nation's largest city police departments including New York City, Los Angeles, Chicago, Detroit, Houston and others, as well as suburban and rural departments throughout the country.

Since 1893, the IACP has facilitated the exchange of important information among police administrators and promoted the highest possible standards of performance and conduct within the police profession. This work is carried out by functionally oriented committees consisting of police practitioners with a high degree of expertise that provide contemporary information on trends, issues and experiences in policing for development of cooperative strategies, new and innovative programs and positions for adoption through resolution by the association.

Throughout its existence, the IACP has been devoted to the cause of crime prevention and the fair and impartial enforcement of laws with respect for constitutional and fundamental human rights.

## EXECUTIVE SUMMARY

GOOD MORNING CHAIRMAN, MEMBERS OF THE COMMITTEE, LADIES AND GENTLEMEN. I AM CHARLES A. GRUBER, CHIEF OF POLICE IN SHREVEPORT, LOUISIANA AND FIRST VICE PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE.

OUR PRESIDENT, CHIEF CHARLES D. REYNOLDS OF DOVER, NEW HAMPSHIRE, REGRETS THAT HE IS UNABLE TO ATTEND TODAY, BUT ON HIS BEHALF, AND ON BEHALF OF OUR ENTIRE MEMBERSHIP, I THANK YOU FOR ALLOWING US THE OPPORTUNITY TO ADDRESS THE COMMITTEE ON A VERY IMPORTANT TOPIC: THE NOMINATION OF JUDGE REGGIE BARNETT WALTON AS ASSOCIATE DIRECTOR FOR STATE AND LOCAL AFFAIRS WITHIN THE OFFICE OF NATIONAL DRUG CONTROL POLICY.

WE ARE PLEASED TO SUPPORT JUDGE WALTON'S NOMINATION. WE BELIEVE THAT HE HAS A BACKGROUND OF PROFESSIONAL EXPERIENCE AND PERSONAL COMMITMENT THAT MORE THAN QUALIFIES HIM FOR THIS POSITION.

THE JUDGE HAS ALREADY DEVELOPED THE MULTI-PRONGED APPROACH WHICH IS NEEDED TO IMPACT ON THE PROBLEM OF DRUGS IN OUR SOCIETY. HE IS A TOUGH SENTENCER-ACKNOWLEDGING THAT WHEN OUR LAWS ARE BROKEN, THE PERPETRATORS MUST PAY THE PRICE. HE HAS ALSO SOUGHT OPPORTUNITIES TO STEER YOUNG PEOPLE AWAY FROM DRUGS BY SPEAKING ON THE ISSUE AT PUBLIC SCHOOLS AND COMMUNITY CENTERS, OFTEN DRAWING ON HIS OWN EXPERIENCES AS A YOUTH INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM - THEREBY ACKNOWLEDGING THE SOCIETAL REALITIES THAT INCREASE THE VULNERABILITY OF SOME YOUTHS TO PARTICIPATION IN THE CRIMINAL WORLD AND DRUG TRADE. HE HAS ALSO BEEN INVOLVED IN NOVA (NAT'L ORG. FOR VICTIM ASS'TANCE)-- THEREBY ACKNOWLEDGING THE SOCIETAL RESPONSIBILITY FOR SUPPORTING THOSE IN THE DISTRICT OF COLUMBIA WHO ARE VICTIMIZED BY THE CRIMINAL ELEMENT.

IN SHORT, JUDGE WALTON HAS DEMONSTRATED A SENSE OF COMMUNITY. AND IN THE FINAL ANALYSIS, IT IS THIS SENSE OF COMMUNITY WHICH MUST PREVAIL: WE MUST ALL BECOME INVOLVED IN THE WAR ON DRUGS, IF INDEED OUR SOCIETY IS TO SURVIVE AND WIN THE WAR AGAINST THIS PLAGUE WHICH THREATENS THE VERY FABRIC OF OUR CULTURE.

IACP'S POSITION ON THE ROLE OF STATE AND LOCAL LAW ENFORCEMENT IN THE WAR ON DRUGS IS CLEAR: CURRENTLY, OUR BEST ESTIMATES PEG OUR INTERDICTION RATE AT 10%. THIS MEANS THAT WE FIGHT DRUGS HERE, IN THE COUNTRY, AFTER THEY ARE IN THE SYSTEM. AND THAT MEANS, OF COURSE, IT IS STATE AND LOCAL LAW ENFORCEMENT THAT BEARS THE BRUNT OF FIGHTING THIS WAR. THEREFORE, TO DEVELOP, IMPLEMENT, AND EVALUATE A NATIONAL DRUG STRATEGY, A SUBSTANTIVE AND ONGOING DIALOGUE MUST BE DEVELOPED WITH THE STATE AND LOCAL LAW ENFORCEMENT COMMUNITY.

WE REALIZE THAT THE SOLUTION TO THE DRUG PROBLEM WILL NOT BE A LAW ENFORCEMENT SOLUTION. DEMAND REDUCTION WILL BE THE **ULTIMATE**, THOUGH LONG TERM KEY TO SOLVING THE PROBLEM. LAW ENFORCEMENT'S TASK IS TO "HOLD THE LINE" AND AVOID CEDING TOO MUCH TERRITORY TO THE DRUG TRAFFICKERS WHILE WE STRIVE TO TEACH OUR CHILDREN THAT DRUGS ANSWER NO QUESTIONS, ONLY CREATE NEW AND MORE DIFFICULT PROBLEMS.

SHOULD JUDGE WALTON BE CONFIRMED, PART OF HIS TASKS WILL INVOLVE COORDINATING PRIVATE SECTOR INITIATIVES TO DETER DRUG ABUSE. IN SEEKING IDEAS CONCERNING METHODS OF INVOLVING THE PRIVATE SECTOR, WE SUGGEST THAT ONE OF OUR MEMBERS, CHIEF REUBEN ORTEGA OF PHOENIX, ARIZONA, BE CONSULTED. HE HAS LONG BEEN IN THE VANGUARD OF INITIATIVES SUCH AS THIS AND HAS JUST LAUNCHED A PILOT PROJECT IN PHOENIX WHICH IS BEGINNING TO YIELD STATISTICAL DATA.

IN SUMMARY, SHOULD JUDGE WALTON BE CONFIRMED, WE WOULD CHALLENGE HIM TO QUICKLY ESTABLISH CLOSE, PERSONAL TIES TO THE STATE AND LOCAL LAW ENFORCEMENT COMMUNITY AND USE OUR EXPERTISE. WE HAVE IT. WE ARE IN THE TRENCHES - AND WE HAVE BEEN THERE FOR SOME TIME. WE STAND READY TO HELP.

CHAIRMAN BIDEN, COMMITTEE MEMBERS, THANK YOU VERY MUCH FOR THIS OPPORTUNITY, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

GOOD MORNING, CHAIRMAN BIDEN, MEMBERS OF THE COMMITTEE, LADIES AND GENTLEMEN. I AM CHARLES A. GRUBER, CHIEF OF POLICE IN SHREVEPORT, LOUISIANA. I AM HERE TODAY IN MY CAPACITY AS FIRST VICE PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, THE OLDEST AND LARGEST ASSOCIATION OF LAW ENFORCEMENT EXECUTIVES IN THE WORLD.

OUR PRESIDENT, CHIEF CHARLES REYNOLDS OF DOVER, NEW HAMPSHIRE, SENDS THE COMMITTEE HIS PERSONAL REGRETS THAT PREVIOUS COMMITMENTS PRECLUDE HIS PRESENCE HERE TODAY. ON BEHALF OF CHIEF REYNOLDS AND OUR ENTIRE MEMBERSHIP, I THANK YOU FOR ALLOWING US THE OPPORTUNITY TO ADDRESS THE SENATE JUDICIARY COMMITTEE ON A TOPIC THAT IS VERY IMPORTANT TO STATE AND LOCAL LAW ENFORCEMENT - THE NOMINATION OF DISTRICT OF COLUMBIA SUPERIOR COURT JUDGE REGGIE BARNETT WALTON AS ASSOCIATE DIRECTOR FOR STATE AND LOCAL AFFAIRS WITHIN THE OFFICE OF NATIONAL DRUG CONTROL POLICY.

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE IS PLEASED TO SUPPORT JUDGE WALTON'S NOMINATION. AS WE UNDERSTAND IT, SHOULD HE BE CONFIRMED, JUDGE WALTON

WILL HAVE SPECIAL RESPONSIBILITIES FOR COORDINATING STATE AND LOCAL ANTIDRUG ABUSE PROGRAMS AS WELL AS PRIVATE SECTOR INITIATIVES TO DETER DRUG ABUSE. THESE TASKS ARE PARAMOUNT AND ESSENTIAL TO THE ESTABLISHMENT OF A NATIONAL DRUG CONTROL STRATEGY.

WE BELIEVE THAT JUDGE WALTON HAS A BACKGROUND OF PROFESSIONAL EXPERIENCE AND PERSONAL COMMITMENT THAT WILL STAND HIM IN GOOD STEAD IN THIS POSITION. I'LL NOT BELABOR THIS POINT WITH YOU, AS THIS COMMITTEE IS PROBABLY MORE FAMILIAR WITH HIS BACKGROUND THAN I. HOWEVER, I WILL EMPHASIZE THE ELEMENTS IN HIS BACKGROUND WE FIND MOST SIGNIFICANT.

AS A JUDGE HERE IN WASHINGTON, AND AS A FORMER FEDERAL PROSECUTOR, JUDGE WALTON HAS SEEN FIRST HAND THE RAVAGES OF THE DRUG TRADE ON OUR SOCIETY; HE HAS SEEN THE COMPLEX PROBLEMS THAT OUR CRIMINAL JUSTICE SYSTEM IS ASKED TO SOLVE; AND HE HAS SEEN THE INABILITY OF THAT SYSTEM TO COPE WITH THE PROBLEM AS IT IS CURRENTLY MANIFESTED.

BUT THE JUDGE HAS ALREADY SYNTHESIZED THE MULTI-PRONGED APPROACH WHICH MUST BE IMPLEMENTED TO IMPACT - IN ANYWAY - ON THE PROBLEM: HE IS A TOUGH SENTENCER - ACKNOWLEDGING THAT WHEN OUR LAWS ARE BROKEN, THE PERPETRATORS MUST PAY THE PRICE. BUT THE JUDGE HAS ALSO SOUGHT OPPORTUNITIES TO STEER YOUNG PEOPLE AWAY FROM DRUGS. HE SPEAKS ON THE DRUG PROBLEM AT PUBLIC SCHOOLS AND COMMUNITY CENTERS, OFTEN DRAWING ON HIS OWN EXPERIENCES AS A YOUTH INVOLVED IN THE CRIMINAL JUSTICE SYSTEM - THEREBY ACKNOWLEDGING THE SOCIETAL REALITIES THAT INCREASE THE VULNERABILITY OF SOME YOUTHS TO PARTICIPATION IN THE CRIMINAL WORLD AND DRUG TRADE. HE ALSO HAS BEEN INVOLVED IN NOVA (NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE) AND THEIR PROJECT RESPONSE - THEREBY ACKNOWLEDGING THE SOCIETAL RESPONSIBILITY FOR SUPPORTING THOSE IN THE DISTRICT OF COLUMBIA WHO ARE VICTIMIZED BY THE CRIMINAL ELEMENT.

IN SHORT, JUDGE WALTON HAS DEMONSTRATED A SENSE OF COMMUNITY. AND IN THE FINAL ANALYSIS, IT IS THIS SENSE OF COMMUNITY WHICH MUST PREVAIL: WE MUST ALL BECOME INVOLVED IN THE WAR ON DRUGS, IF INDEED OUR SOCIETY IS TO SURVIVE AND WIN THE WAR AGAINST THIS PLAGUE WHICH THREATENS THE VERY FABRIC OF OUR CULTURE.

SO BEYOND JUDGE WALTON'S ACADEMIC BACKGROUND, BEYOND JUDGE WALTON'S EXPERIENCE AS A FEDERAL PROSECUTOR, BEYOND JUDGE WALTON'S EXPERIENCE AS A CIVIL AND CRIMINAL JUDGE, BEYOND JUDGE WALTON'S PERSONAL COMMITMENT TO THIS ISSUE, AS THOROUGHLY EVIDENCED BY THE PERSONAL AND PROFESSIONAL SACRIFICES HE WILL MAKE TO ACCEPT THIS POSITION - BEYOND ALL THIS, WE HAVE HIS COMMUNITY ORIENTATION AND HIS ABILITY TO PULL TOGETHER AND RESPOND TO A DIVERSE COMMUNITY STRUGGLING TO COPE WITH AN OVERWHELMING PROBLEM. WE FEEL THIS QUALITY STANDS OUT IN HIS BACKGROUND AS A UNIQUENESS HE BRINGS TO THE POSITION OF ASSOCIATE DIRECTOR FOR STATE AND LOCAL AFFAIRS.

BELIEVE ME WHEN I SAY THAT IT IS THIS QUALITY WHICH UNIQUELY QUALIFIES HIM TO COORDINATE THE STATE AND LOCAL EFFORT WITH FEDERAL EFFORT.

LET ME BE VERY CLEAR ABOUT MY ASSOCIATION'S EXPERIENCE IN FIGHTING THIS "WAR ON DRUGS" - GIVEN THE LIMITED FEDERAL JURISDICTION AND GIVEN THE LIMITED FEDERAL MANPOWER, WE ARE LITERALLY POWERLESS TO KEEP DRUGS FROM CROSSING OUR BORDERS.

I BELIEVE THAT CURRENTLY THE BEST ESTIMATES PEG OUR INTERDICTION RATE AT 10% . THIS MEANS THAT WE FIGHT DRUGS HERE, IN THE COUNTRY, AFTER THEY ARE IN THE SYSTEM. AND THAT MEANS, OF COURSE, IT IS STATE AND LOCAL LAW ENFORCEMENT THAT BEARS THE BRUNT OF FIGHTING THIS WAR. TO US, THIS IS SIMPLY AN OBVIOUS FACT.

THEREFORE, TO DEVELOP, IMPLEMENT, AND EVALUATE A NATIONAL DRUG STRATEGY, IT SHOULD BE CLEAR THAT A SUBSTANTIVE AND ONGOING DIALOGUE MUST BE DEVELOPED WITH THE STATE AND LOCAL LAW ENFORCEMENT COMMUNITY. SHOULD HE BE CONFIRMED, JUDGE WALTON MUST IMMEDIATELY BEGIN THIS DIALOGUE - FIND OUT WHAT IT IS WE ARE NOW DOING - TOGETHER WITH THE FEDERAL AGENCIES, BECAUSE MANY OF OUR GREATEST SUCCESSES COME FROM COMBINED EFFORTS.

WHILE REALIZING HOW IMPORTANT THE LIAISON WITH STATE AND LOCAL LAW ENFORCEMENT WILL BE, WE ALSO REALIZE THAT THE SOLUTION TO THE DRUG PROBLEM IS NOT SOLELY A LAW ENFORCEMENT SOLUTION. DEMAND REDUCTION WILL BE THE **ULTIMATE**, THOUGH LONG TERM KEY TO SOLVING THE PROBLEM. INDEED, LAST YEAR'S OMNIBUS ANTI-DRUG ABUSE ACT, WHICH CREATED THE OFFICE OF NATIONAL DRUG CONTROL POLICY, QUITE CORRECTLY

DICTATED THAT SUPPLY REDUCTION AND DEMAND REDUCTION WOULD BE GIVEN EQUAL WEIGHT IN THE NEW OFFICE. IT IS IMPORTANT TO EMPHASIZE THAT THE LAW ENFORCEMENT FUNCTION MUST BE MAINTAINED TO "HOLD THE LINE" AND AVOID CEDING TOO MUCH TERRITORY TO THE DRUG TRAFFICKERS WHILE WE STRIVE TO TEACH OUR CHILDREN THAT DRUGS ANSWER NO QUESTIONS, ONLY CREATE NEW AND MORE DIFFICULT PROBLEMS.

ALSO IN THE SPIRIT OF COMMUNITY I MENTIONED PREVIOUSLY, WE HAVE RECOMMENDATIONS TO MAKE TO JUDGE WALTON, SHOULD HE BE CONFIRMED, CONCERNING PRIVATE SECTOR INITIATIVES TO DETER DRUG ABUSE. THE IACP NARCOTICS AND DANGEROUS DRUGS COMMITTEE, WHICH RECENTLY MET IN ALBUQUERQUE, NEW MEXICO AND INVITED A REPRESENTATIVE FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY, SPENT TIME AT ITS MEETING DISCUSSING THE PRIVATE SECTOR AND HOW BEST TO INVOLVE THEM. SEVERAL COMMITTEE MEMBERS RAISED THE INTEREST LEVELS IN THE PRIVATE SECTOR BY SHOWING THEM INFORMATION CONCERNING THE FINANCIAL IMPACT OF DRUG ABUSE IN THE WORK PLACE, AND BY HELPING THEM ESTABLISH DRUG TESTING PROGRAMS. THE PRIVATE SECTOR HAS ALSO HELPED FUND DIVERSIONARY PROGRAMS THAT MANDATE TREATMENT, RATHER THAN JAIL TIME, FOR DRUG ABUSERS. IN SEEKING IDEAS CONCERNING METHODS OF INVOLVING THE PRIVATE SECTOR, WE SUGGEST THAT CHIEF RUBEN ORTEGA OF PHOENIX, ARIZONA BE

CONSULTED. HE HAS LONG BEEN IN THE VANGUARD OF INITIATIVES SUCH AS THIS AND HAS JUST LAUNCHED A PILOT PROJECT IN PHOENIX WHICH IS BEGINNING TO YIELD STATISTICAL DATA.

IN SUMMARY, WHILE SUPPORTING JUDGE WALTON'S NOMINATION FOR THIS POSITION, AND WHILE WHOLEHEARTEDLY RECOMMENDING HIM TO THIS COMMITTEE FOR CONFIRMATION, WE ARE AWARE OF THE GREAT AMOUNT OF WORK THAT WOULD FALL TO HIM SHOULD HE BE SUCCESSFUL IN THESE HEARINGS. WE WOULD CHALLENGE HIM TO QUICKLY ESTABLISH THESE CLOSE PERSONAL TIES TO THE STATE AND LOCAL LAW ENFORCEMENT COMMUNITY AND USE OUR EXPERTISE. WE HAVE IT. WE ARE IN THE TRENCHES - AND WE HAVE BEEN THERE FOR QUITE SOME TIME. WE STAND READY TO HELP.

CHAIRMAN BIDEN, COMMITTEE MEMBERS, THANK YOU VERY MUCH FOR THIS OPPORTUNITY. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

Senator THURMOND. Does your statement contain what you recommend?

Mr. GRUBER. Yes, sir; but we can have a more detailed statement when the committee is ready for it.

Senator THURMOND. We would be interested in what the International Association of Police Chiefs recommends, specific recommendations. And if your statement does not contain it, could you file a supplementary statement if it does not contain it?

Mr. GRUBER. We have some specific recommendations that deal with Judge Walton's confirmation and what we expect Judge Walton to do at the State and local—

Senator THURMOND. I am not speaking about Judge Walton's confirmation. As I understand it, you approve him. Now, I want to know what your association specifically recommends on this drug problem?

Mr. GRUBER. We would love to give it to you, Senator.

Senator THURMOND. Fine. That would be very helpful.

The CHAIRMAN [presiding]. Submit it.

Mr. GRUBER. We will give it to you.

[Not available at press time.]

The CHAIRMAN. Mr. Slaby.

#### STATEMENT OF LYNN C. SLABY, PRESIDENT-ELECT, NATIONAL DISTRICT ATTORNEYS ASSOCIATION

Mr. SLABY. Mr. Chairman, Senator Thurmond, I thank you for the opportunity to allow myself, as a representative of the National District Attorneys Association, to express our views as to the nomination of Judge Walton to this very important position of Director of the Office of Bureau of State and Local Affairs.

The position of Judge Walton that has been nominated for obviously is probably, in our opinion, most crucial to the State and local officials for several reasons.

First, the person occupying that position will be responsible for assuring that the national drug control strategy to be developed by the Office of National Drug Control Policy properly integrates Federal, State, and local drug control programs.

Second, the person assuming the position of Associate Director will enter that job with the mandate to immediately begin the mobilization of State and local governments and law enforcement agencies for an effective assault on the scourge of drug abuse and related criminal activity that permeate our communities.

Third, the person occupying that position of Associate Director will be the State and local officials' primary point of contact for the discussion and resolution of important drug control problems in which there is mutual Federal, State, and local concerns.

Some have questioned whether Judge Walton, given his lack of law enforcement experience at the State and local level, can be effective in the position for which he has been nominated. We from the National District Attorneys Association believe that he can be if he fully utilizes the resources and counsel that will be made available to him by those at the State and local governmental levels.

To assist Judge Walton with his most immediate mandate, the assurance that the national drug control strategy properly integrates Federal, State, and local drug enforcement programs, we have already provided Dr. Bennett's office with copies of a recently developed comprehensive State and local drug control strategy. This comprehensive plan, entitled "Toward a Drug-Free America: A Nationwide Blueprint for State and Local Drug Strategies," was developed by the National District Attorneys Association and the National Association of Attorneys General in cooperation with other national law enforcement organizations, including the International Association of Chiefs of Police and the National Sheriffs Association.

While the blueprint addresses State and local enforcement traditional roles, it recognizes that law enforcement alone cannot win the war on drugs. Solving the drug epidemic will require a sustained, coordinated effort involving many different professional disciplines. Achieving a drug-free America will require the combined efforts of members of the judiciary, educators, health care professionals, and treatment specialists, parents, civic organizations and community support groups, tenant associations, social and fraternal organizations, professional athletes, media, religious institutions, and the business community. We must forge a true partnership dedicated to attacking the drug epidemic. The elected prosecutors of America will assist in any way we can the Office of National Drug Control Policy and the Associate Director's efforts to mobilize the individuals and entities needed to get the job done.

We have furnished the committee with copies of the blueprint program for the State and local action, and we request that it be considered as an addendum to my testimony and made a pertinent part of the record of these hearings.

The CHAIRMAN. It will be, and I will not ask that the entire blueprint be printed, but I will ask you to provide a total of enough copies for each of the members, because I am sure they would like to have it.

Mr. GRUBER. We certainly will do that.

The CHAIRMAN. Thank you.

Mr. GRUBER. Further assistance has been offered to the Office of National Drug Control Policy in the form of a major revision of the Uniform Controlled Substance Act. We believe that this revision will be adopted this summer by the National Conference of Commissioners on Uniform State Laws. This major work is a product of the National District Attorneys Association's affiliate, the American Prosecutors Research Institute, the National Association of Attorneys General, and representatives of the Department of Justice.

We have urged that the Office of National Drug Control Policy support the adoption of our revised UCSA by the Commissioners on Uniform Laws and, ultimately, by the several States. This revision, as well as other model drug control legislation, is being prepared as part of a Bureau of Justice assistance grant and has been offered to assist the Office of National Drug Control Policy in meeting its mandates relative to the National Commission on Measured Responses.

We also offer to the Associate Director the assistance of our Institute's Center for Local Prosecution of Drug Offenses. This Center

can provide impressive technical resources and network capabilities. Also, our publications are offered to the Associate Director for the delivery of his message to America's local prosecutors.

We support the confirmation of Judge Walton as Associate Director of the Office of National Drug Control Policy and pledge our full support to his efforts as he embarks on this most difficult task.

Thank you very much for the opportunity to address the committee.

The CHAIRMAN. Thank you, Mr. Slaby.

[The statement of Mr. Slaby follows:]



**NATIONAL DISTRICT ATTORNEYS ASSOCIATION**  
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**Testimony**

**of**

**Lynn C. Slaby**  
**President-Elect**

**National District Attorneys Association**

**Prosecuting Attorney**  
**Summit County, (Akron) Ohio**

**Before**

**United States Senate**  
**Committee on the Judiciary**

**Hearing on**

**The Nonimation of Judge Reggie B. Walton**

**As**

**Associate Director**  
**Office of National Drug Control Policy**

**June 6, 1989**

Mr. Chairman and members of the Committee, I thank you for making it possible for the local prosecutors of America, through the National District Attorneys Association, to make known their views on the nomination of JUDGE REGGIE B. WALTON as Associate Director for National Drug Control Policy and, in such capacity, director of that office's Bureau of State and Local Affairs.

The position for which JUDGE WALTON has been nominated is the one most crucial to state and local officials for several reasons:

First, the person occupying that position will be responsible for assuring that the National Drug Control Strategy to be developed by the Office of National Drug Control Policy properly integrates federal, state, and local drug control programs. This is especially important to any successful joint federal/state/local initiative given the fact that state and local agencies handle over 90% of the drug law violations that occur in this country.

Second, the person assuming the position of Associate Director will enter that job with a mandate to immediately begin the mobilization of state and local governments and law enforcement agencies for an effective assault on the scourge of drug abuse and related criminal activity that permeates our communities. He must also mobilize civic organizations and private corporations; school officials and politicians; ministers and their congregations; and he must mobilize frightened private citizens and channel and focus their fear and frustration toward the realization of productive and sensible initiatives. That is a formidable task for even one of JUDGE WALTON'S impressive talents.

Thirdly, the person occupying the position of Associate Director will be state and local officials' primary point of contact for the discussion and resolution of important drug control problems in which there is mutual federal, state, and local concern. To be effective, that person must possess a great sensitivity to and knowledge of the problems and needs of state and local prosecutors and law enforcement officials.

If JUDGE WALTON is confirmed by the Senate as Associate Director and head of the Bureau of State and Local Affairs he will bring to that position an

impressive background as an attorney with the Philadelphia public defender's office and a federal prosecutor and criminal court judge in the District of Columbia. However, some have questioned whether JUDGE WALTON, given his lack of law enforcement experience at the state and local level, can be effective in the position for which he has been nominated. WE BELIEVE THAT HE CAN -- IF HE FULLY UTILIZES THE RESOURCES AND COUNSEL THAT WILL BE MADE AVAILABLE TO HIM BY THOSE AT THE STATE AND LOCAL LEVELS OF GOVERNMENT.

To assist JUDGE WALTON with his most immediate mandate, that is, the assurance that the National Drug Control Strategy properly integrates federal, state, and local drug control programs, we have already provided Dr. Bennett's office with copies of our recently developed state and local drug control strategy. This comprehensive plan - entitled TOWARD A DRUG-FREE AMERICA: A NATIONWIDE BLUEPRINT FOR STATE AND LOCAL DRUG CONTROL STRATEGIES - was developed by the National District Attorneys Association and the National Association of Attorneys General in cooperation with other national law enforcement organizations, including the International Association of Chiefs of Police and the National Sheriffs Association. While the "Blueprint" addresses state and local law enforcement's traditional role, it recognizes that law enforcement alone cannot win the war on drugs. Solving the drug epidemic will require a sustained, coordinated effort involving many different professional disciplines. Achieving a drug-free America will require the combined efforts of members of the judiciary, educators, health care professionals and treatment specialists, parents, civic organizations and community support groups, tenant associations, social and fraternal organizations, professional athletes, media, religious institutions and the business community. We must forge a true partnership dedicated to attacking the drug epidemic. The elected prosecutors of America will assist in every way we can the Office of National Drug Control Policy and the Associate Director's efforts to mobilize the individuals and entities needed to get the job done.

We have furnished the Committee with copies of the Blueprint for state and local action and we request that it be considered as an addendum to my testimony and made a permanent part of the record of these hearings.

Further assistance has been offered to the Office of National Drug Control Policy in the form of a major revision of the Uniform Controlled Substances Act (UCSA). We believe that this revision will be adopted this summer by the National Conference of Commissioners on Uniform State Laws. This major work is the product of NDAA's affiliate, the American Prosecutors Research Institute (APRI), the National Association of Attorneys General, and representatives of the Department of Justice. We have urged that the Office of National Drug Control Policy support the adoption of our revised UCSA by the Commissioners on Uniform Laws and, ultimately, by the several states. This revision as well as other model drug control legislation is being prepared as part of a Bureau of Justice Assistance grant and has been offered to assist the Office of National Drug Control Policy in meeting its mandate relative to the National Commission on Measured Responses.

We also offer to the Associate Director the assistance of our Institute's Center for Local Prosecution of Drug Offenses. This Center can provide impressive technical resources and networking capabilities. Also, our publications are offered to the Associate Director for the delivery of his message to America's local prosecutors.

We support the confirmation of JUDGE WALTON as Association Director of the Office of National Drug Control Policy and pledge our full support of his efforts as he embarks upon a most difficult task.

The CHAIRMAN. Ms. Olson.

**STATEMENT OF LOIS OLSON, VICE PRESIDENT, NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS**

Ms. OLSON. Thank you, and good morning, Mr. Chairman. I appreciate the opportunity—

The CHAIRMAN. You have to speak right into that thing. The acoustics aren't very good in this room.

Ms. OLSON. OK. I appreciate the opportunity to appear before you today. My name is Lois Olson. I am director of the Division of Alcohol and Drug Abuse for the State of Missouri, and I am here in the capacity as first vice president for the National Association of State Alcohol and Drug Abuse Directors, or NASADAD.

NASADAD is a not-for-profit organization that is made up exclusively of State directors that are appointed by their Governors who administer the publicly funded treatment and prevention programs.

The CHAIRMAN. Could I ask you what your background is? Do you have a professional background in treatment?

Ms. OLSON. Yes, I do.

The CHAIRMAN. I am just curious.

Ms. OLSON. I have a master's degree in social work. I have had specific training as an alcoholism counselor. I have worked in the field and have been an administrator in the field for 6½ years now.

The CHAIRMAN. Thank you.

Ms. OLSON. You are welcome. I would like to make one comment in that regard. I did start out in this profession from the standpoint of treatment, and at the time that I started in that some 15 years ago, I believed that treatment was about all that there was at that time.

Over the years, I have learned and understand that there is much more that we need to do in the way of prevention; that there are many things that we can do to prevent the problems with alcohol and other drug abuse.

Let me be really brief in my testimony. You are already very much aware of the scope and the size of the problem, that there are millions and millions of people who are in need of treatment out there; that there are many, many young folks that we need to reach to try to prevent their entering into addictions; that we have a \$176 billion cost to society because of the problems that we are experiencing.

And our programs that the States are responsible for carry the largest share of the publicly funded programs. If you look at the level of funding, 45 percent of the funding is State funding in the publicly funded program. Our testimony has a pie chart that will demonstrate that for you. So we feel at the State level that we are contributing, certainly, our fair share in response to the problem.

What we are doing and what the Federal Government is doing is not enough. The problem continues to grow; it is of epidemic proportions. We have more and more people who are becoming addicted.

What I would like to share with you are some of the recommendations for strategies that we have made to Dr. Bennett and that

we would hope that Judge Walton, in his capacity, if confirmed, would take seriously in implementing the responsibilities of his position.

First of all, we would like to see the balance reached—and the Senate has certainly spoken in terms of the need for a balance between demand reduction and supply reduction. Major Doug Hughes, who is the drug czar in Florida, made the statement that law enforcement can, at best, maintain or contain the problem; that treatment and prevention are the change agents.

And I think that that is really true and that we have got to focus on treatment and we have to focus on prevention. Even if we are only reaching 18 percent, if you have 18 percent people who are recovering and they are no longer creating expenses in health care and in corrections and in social services and in lost productivity and they are now contributing members to our society, that in itself almost makes up the cost that is currently being spent on treatment and prevention, which is, in fact, only about 1 percent of the total \$176 billion cost to society.

Our second recommendation is that there must be an adequate level of funding and there must be a strong partnership between the Federal Government and the State governments. We would like to recommend that a minimum of \$3 billion annually for treatment, and an additional \$1 billion annually for prevention services, be added on to the level of funding that is currently coming out of the Federal Government.

Our third recommendation is that it is critical that we understand and accept and internalize that alcohol is our No. 1 drug of abuse, and it must be considered as part of a strategy in addressing alcohol and other drug abuse in this country today. It cannot be ignored. If it is ignored, we fail in our battle and our war.

Let me just say in conclusion that if we are going to respond to this problem, we must, first of all, have a comprehensive approach. It must have breadth and it must have depth and it must be balanced.

Secondly, we must have an adequate level of funding and there must be a long-range kind of commitment. All of us in government tend to have a 12-month mentality because that is how we have to function, but we cannot win this war if we only think in 12-month increments. We have got to have long-term commitment.

And, finally, it must be a coordinated response and, hopefully, that can begin to happen at the Federal level with the new positions that have been created. And the State alcohol and drug abuse directors stand willing and eager to work and be full partners in cooperating and accomplishing these things.

Thank you very much.

The CHAIRMAN. Thank you, Ms. Olson.

[The statement of Ms. Olson follows:]



NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS  
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TESTIMONY OF

LOIS OLSON

DIRECTOR

DIVISION OF ALCOHOL AND DRUG ABUSE

STATE OF MISSOURI

and

VICE PRESIDENT

NATIONAL ASSOCIATION OF STATE ALCOHOL AND  
DRUG ABUSE DIRECTORS

before the

COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE

on

NOMINATION OF JUDGE REGGIE B. WALTON  
TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG  
CONTROL POLICY, BUREAU OF STATE AND LOCAL AFFAIRS

JUNE 6, 1989

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE. THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO ADDRESS THE NOMINATION OF THE HONORABLE REGGIE BARNETT WALTON, ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY. IN THIS CAPACITY, JUDGE WALTON WOULD SERVE AS HEAD OF THE BUREAU OF STATE AND LOCAL AFFAIRS WITHIN THE OFFICE OF NATIONAL DRUG CONTROL POLICY.

MY NAME IS LOIS OLSON. I AM DIRECTOR OF THE MISSOURI STATE DIVISION OF ALCOHOL AND DRUG ABUSE AND AM APPEARING BEFORE YOU AS THE IMMEDIATE VICE PRESIDENT OF THE NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS (NASADAD). NASADAD IS A NOT-FOR-PROFIT ORGANIZATION WHOSE MEMBERSHIP IS EXCLUSIVELY COMPRISED OF THE STATE AND TERRITORIAL OFFICIALS DESIGNATED BY THE GOVERNORS TO ADMINISTER THE PUBLICLY FUNDED ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT SYSTEM. THE NATIONAL ASSOCIATION'S BASIC PURPOSE IS TO FOSTER AND SUPPORT THE DEVELOPMENT OF EFFECTIVE ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT PROGRAMS THROUGHOUT EVERY STATE, THE DISTRICT OF COLUMBIA, PUERTO RICO AND THE U.S. TERRITORIES.

NASADAD APPRECIATES THE OPPORTUNITY TO PARTICIPATE IN THIS HEARING TO ADDRESS STATE AND LOCAL ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT CONCERNS AND TO OFFER OUR RECOMMENDATIONS REGARDING NEEDED STRATEGIES. ATTACHED TO OUR

TESTIMONY IS A COPY OF THE NATIONAL ASSOCIATION'S "RECOMMENDATIONS FOR THE NATIONAL DRUG CONTROL STRATEGY" DEVELOPED IN RESPONSE TO A REQUEST FROM DR. WILLIAM BENNETT, DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY. OUR TESTIMONY WILL HIGHLIGHT SOME OF THESE RECOMMENDATIONS.

SCOPE OF THE PROBLEM

ACROSS OUR NATION ALCOHOL AND OTHER DRUG ABUSE PROBLEMS CONTINUE TO GROW IN MAGNITUDE AND SEVERITY, PARTICULARLY AMONG OUR YOUTH. THESE PROBLEMS IMPACT ON EVERY SECTOR OF OUR SOCIETY, TRANSCENDING SOCIO-ECONOMIC LEVELS, RACE, AGE AND SEX. THE 1985 NATIONAL HOUSEHOLD SURVEY ON DRUG ABUSE ESTIMATED THAT ABOUT 23 MILLION AMERICANS CURRENTLY USE ILLICIT DRUGS. OVER 6.5 MILLION OF THESE INDIVIDUALS ARE SEVERELY DEPENDENT ON HEROIN, OTHER OPIATES, AMPHETAMINES AND COCAINE. ABOUT 1.2 MILLION INTRAVENOUS DRUG USERS ARE AT GREAT RISK TO HIV INFECTION OR TRANSMISSION THROUGH NEEDLE-SHARING, SEXUAL RELATIONS OR PERINATALLY. ADDITIONALLY, THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM ESTIMATES THAT THERE ARE 10.8 MILLION ALCOHOLICS IN THE UNITED STATES.

THE ESTIMATES OF THE ECONOMIC COSTS TO SOCIETY OF ALCOHOL AND OTHER DRUG ABUSE ARE ENORMOUS; OVER \$176 BILLION ANNUALLY AS OF FISCAL YEAR 1983. THESE STAGGERING COSTS DO NOT TAKE INTO ACCOUNT THE PERSONAL SUFFERING AND INDIVIDUAL TRAGEDIES THAT

ARISE FROM THESE PROBLEMS. YET, LESS THAN ONE PERCENT OF THAT AMOUNT IS DEVOTED TO PREVENTION AND TREATMENT SERVICES.

EXAMPLES OF THE INCREASING DEVASTATION CAUSED BY ALCOHOL AND OTHER DRUG ABUSE INCLUDE THE FOLLOWING:

- o DURING 1988 INTRAVENOUS DRUG ABUSE WAS ASSOCIATED WITH 33.3 PERCENT OF THE AIDS CASES REPORTED FOR THE YEAR, AND WITH AN EVEN HIGHER PROPORTION OF AIDS CASES AMONG WOMEN (APPROXIMATELY 80 PERCENT), MINORITIES AND CHILDREN;
- o EVERY YEAR MORE AND MORE BABIES ARE BORN ADDICTED TO COCAINE AND OTHER DRUGS;
- o CONTINUING A TREND FROM PREVIOUS YEARS, COCAINE TREATMENT ADMISSIONS TO PUBLICLY FUNDED PROGRAMS ROSE BY OVER 50 PERCENT FROM FISCAL YEAR (FY) 1987 TO FY 1988, FROM APPROXIMATELY 85,000 ADMISSIONS IN FY 1987 TO OVER 138,000 ADMISSIONS IN FY 1988;
- o ALCOHOL CONTINUES TO BE THE NUMBER ONE DRUG OF ABUSE, SINGLY OR IN COMBINATION WITH OTHER DRUGS. OF THE 1.7 MILLION ADMISSIONS TO PUBLICLY FUNDED TREATMENT PROGRAMS IN FY 1988, APPROXIMATELY 1.2 MILLION WERE ADMITTED FOR PRIMARY ALCOHOL ABUSE.

IN VIEW OF THE CONTINUING CRISIS FACING STATES AND LOCAL COMMUNITIES IN ATTEMPTING TO MEET THE PREVENTION AND TREATMENT

NEEDS OF THEIR CITIZENS, NASADAD IS HOPEFUL THAT THE CREATION OF A BUREAU OF STATE AND LOCAL AFFAIRS WITHIN THE OFFICE OF NATIONAL DRUG CONTROL POLICY SIGNIFIES A RENEWED FEDERAL INTEREST IN WORKING AS A FULL PARTNER WITH THE STATES AND LOCAL COMMUNITIES TO EXPAND ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT SERVICES.

NASADAD DEMAND REDUCTION STRATEGY RECOMMENDATIONS

1. THE LEVEL OF FEDERAL FINANCIAL RESOURCES DIRECTED TO DEMAND REDUCTION (I.E., PREVENTION AND TREATMENT) MUST AT LEAST EQUAL THOSE DEVOTED TO SUPPLY REDUCTION

SINCE THE EARLY 1980'S FEDERAL FISCAL RESOURCES DEVOTED TO THE DRUG PROBLEM HAVE BEEN PRIMARILY DIRECTED TOWARD SUPPLY REDUCTION. THAT APPROACH HAS NOT SUCCEEDED. EVEN WITH MORE AND LARGER DRUG BUSTS THE SUPPLY OF DRUGS TODAY IS GREATER THAN EVER. IT IS CLEAR THAT A MORE BALANCED APPROACH IS NECESSARY.

CONGRESS ARTICULATED ITS RECOGNITION OF THE DISPARITY IN FUNDING BETWEEN SUPPLY AND DEMAND REDUCTION ACTIVITIES AND SOUGHT TO RECTIFY THE SITUATION LAST FALL WITH THE PASSAGE OF THE 1988 ANTI-DRUG ABUSE LEGISLATION (P.L. 100-690). THIS LEGISLATION CALLED FOR A 60-40 RATIO IN NEW FUNDING AUTHORIZATIONS BETWEEN DEMAND REDUCTION AND SUPPLY REDUCTION ACTIVITIES AND PROVIDED A 50-50 SPLIT OF FY 1989 SUPPLEMENTAL FUNDING BETWEEN LAW

ENFORCEMENT AND INTERDICTION ACTIVITIES AND EDUCATION, PREVENTION AND TREATMENT. AND JUST A FEW WEEKS AGO, THE SENATE UNANIMOUSLY PASSED AN AMENDMENT TO THE BUDGET RESOLUTION REAFFIRMING THIS COMMITMENT TO FULLY FUND THE PROGRAMS AUTHORIZED BY THE 1988 DRUG ACT AND TO RESTATE THE PRINCIPLE THAT EFFORTS TO REDUCE THE SUPPLY OF DRUGS MUST BE BALANCED WITH AN EQUIVALENT EFFORT TO REDUCE THE DEMAND.

2. THE FEDERAL GOVERNMENT SHOULD ESTABLISH A STRONGER PARTNERSHIP RELATIONSHIP WITH STATE GOVERNMENTS AND TOGETHER THESE GOVERNMENTS SHOULD PLAN OVER THE NEXT TEN YEARS TO PROVIDE A MINIMUM OF \$3 BILLION ANNUALLY (A TOTAL OF \$30 BILLION OVER 10 YEARS) IN ADDITIONAL NEW MONIES TO SUPPORT ALCOHOL AND OTHER DRUG TREATMENT SERVICES AND \$1 BILLION ANNUALLY (A TOTAL OF \$10 BILLION OVER 10 YEARS) TO SUPPORT PREVENTION SERVICES

TWO MAJOR ONGOING PROBLEMS ARE FACED BY STATES AND COMMUNITIES AS THEY DEVELOP PREVENTION AND TREATMENT PROGRAMS. THE FIRST PROBLEM IS THE SCARCITY OF RESOURCES. CURRENTLY, LESS THAN ONE PERCENT OF THE COST OF THE PROBLEM IS DEVOTED TO PREVENTION AND TREATMENT SERVICES, AND LESS THAN ONE-TENTH OF ONE PERCENT OF THE COST OF THE PROBLEM IS DEVOTED TO PREVENTION PROGRAMS. THE SECOND PROBLEM IS THE SHORT-TERM AND UNCERTAIN NATURE OF FEDERAL FUNDING FOR PREVENTION AND TREATMENT SERVICES. THE ALCOHOL AND DRUG TREATMENT REHABILITATION GRANT PROGRAM OF TWO YEARS AGO WAS ORIGINALLY PROPOSED AS ONE-TIME MONEY. THE CURRENT \$75 MILLION

IN WAITING LIST REDUCTION FUNDING IS SIMILARLY PROPOSED AS ONE-TIME MONEY. SHORT-TERM "ONE-TIME" MONEY MAKES LITTLE SENSE. WHAT IS REQUIRED IS A MAJOR LONG-TERM COMMITMENT OF STABLE FUNDING SUPPORT. IN 1988 THE PRESIDENTIAL HIV COMMISSION ON THE HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIC STATED:

WHAT IS NEEDED IS A CLEAR FEDERAL, STATE AND LOCAL GOVERNMENT POLICY, IN OTHER WORDS A NATIONAL COMPREHENSIVE POLICY, UNEQUIVOCALLY COMMITTED TO PROVIDING "TREATMENT ON DEMAND" FOR INTRAVENOUS DRUG ABUSERS, WITH A COHERENT FUNDING STRUCTURE THAT PROVIDES FOR AN ONGOING, STABLE TEN YEAR COMMITMENT TO PROVIDING DRUG TREATMENT SERVICES AND TREATMENT RESEARCH. ...AN ADDITIONAL \$1.5 BILLION PER YEAR SHOULD BE PROVIDED OVER 10 YEARS.

3. THE NATIONAL DRUG CONTROL OFFICE AND ITS STRATEGY MUST ADDRESS BOTH ALCOHOL AND OTHER DRUG PROBLEMS AND SERVICES.

TODAY THERE ARE RELATIVELY FEW PURE DRUG ADDICTS OR PURE ALCOHOLICS. RATHER, MOST CLIENTS OR PATIENTS ARE DEPENDENT UPON, OR AT LEAST ABUSE, BOTH ALCOHOL AND A VARIETY OF OTHER DRUGS. ALSO, MOST EDUCATORS WOULD AGREE THAT PREVENTION PROGRAMS SHOULD INCLUDE ATTENTION TO BOTH ALCOHOL AND OTHER DRUGS. FINALLY, OVER THE PAST 10 YEARS MOST STATE GOVERNMENTS HAVE MOVED TO INTEGRATE ALCOHOL AND OTHER DRUG PREVENTION AND TREATMENT FUNCTIONS INTO ONE STATE AGENCY. IN FACT, AS OF TODAY 48 OF THE 50 STATES HAVE COMBINED THE RESPONSIBILITY FOR THE PROVISION OF ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT SERVICES INTO ONE AGENCY. LEGISLATURES IN THE REMAINING TWO STATES, NEW YORK AND OHIO, ARE NOW CONSIDERING SUCH INTEGRATION. ALSO, AT LAST YEAR'S NASADAD ANNUAL MEETING OUR MEMBERS VOTED UNANIMOUSLY TO USE THE

TERMINOLOGY "ALCOHOL AND OTHER DRUG" PROBLEMS AND SERVICES. OUR MEMBERS WHO RESPOND TO THE WISHES OF THEIR GOVERNORS AND STATE LEGISLATURES FEEL THE ALCOHOL AND OTHER DRUG SERVICES MUST BE MANAGED AND DEALT WITH TOGETHER.

CONCLUSION

THE ALCOHOL AND OTHER DRUG PROBLEM IN AMERICA IS MASSIVE, COSTLY, COMPLEX AND, IF NOT PROPERLY ADDRESSED, WILL DESTROY OUR YOUTH AND OUR NATION. WE COMMEND THE CONGRESS FOR CREATING THE OFFICE OF NATIONAL DRUG CONTROL POLICY AND FOR MANDATING THE CREATION OF A NATIONAL DRUG CONTROL STRATEGY.

IN ORDER FOR THE NATIONAL DRUG CONTROL STRATEGY TO BE MEANINGFUL AND TO HAVE THE OPPORTUNITY FOR ULTIMATE SUCCESS, IT IS ESSENTIAL THAT ONGOING INVOLVEMENT IN THE PLANNING AND IMPLEMENTATION PROCESS BE SOLICITED FROM STATE ALCOHOL AND DRUG ABUSE AGENCIES. ON THE DEMAND REDUCTION SIDE THESE STATE AGENCIES CURRENTLY PROVIDE TWO TO THREE TIMES THE LEVEL OF FISCAL RESOURCES FOR SERVICES THAN THAT PROVIDED BY THE FEDERAL GOVERNMENT.

STATE ALCOHOL AND DRUG AGENCIES ARE READY TO ENGAGE IN ONGOING DIALOGUE AND A MEANINGFUL PARTNERSHIP RELATIONSHIP WITH THE OFFICE OF NATIONAL DRUG CONTROL POLICY, PARTICULARLY WITH ITS BUREAU OF STATE AND LOCAL AFFAIRS.

IDEAS AND RECOMMENDATIONS  
FOR THE  
NATIONAL DRUG CONTROL STRATEGY

Submitted to:

WILLIAM J. BENNETT  
DIRECTOR  
OFFICE OF NATIONAL DRUG CONTROL POLICY

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# NASADAD

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## RECOMMENDATIONS FOR THE NATIONAL DRUG CONTROL STRATEGY FROM NASADAD

### I. INTRODUCTION

The content of this paper includes first, a discussion of some basic beliefs and assumptions that are held by the majority of the members of NASADAD. These assumptions result in several fundamental and long-term recommendations that are presented within section II. These three more global recommendations are then followed by the presentation within Section III of a detailed list of eight more specific recommendations for actions over the short term, i.e., during the next one to two years.

### II. BASIC ASSUMPTIONS AND LONG-TERM RECOMMENDATIONS

Since the early 1980's federal fiscal resources devoted to the drug problem have been primarily directed toward supply reduction. That approach has not succeeded. Even with more and larger drug busts the supply of drugs today is greater than ever. It is clear that a more balanced approach, as recommended by the last Congress is necessary. Long-Term Recommendation No 1: The level of federal fiscal resources directed to demand reduction (i.e., prevention and treatment) must at least equal those devoted to supply reduction. Treatment programs have already been demonstrated to be effective and many prevention approaches appear to be promising and similarly deserve expansion.

Two major ongoing problems are faced by States and communities as they develop prevention and treatment programs. The first problem is the scarcity of resources, the low level of funding now available for such services, i.e., less than one percent of the cost of the problem is devoted to prevention and treatment services, and less than one-tenth of one percent of the cost of the problem is devoted to prevention programs - see Attachment I. The second problem is the short-term and uncertain nature of federal funding for prevention and treatment services. The Alcohol and Drug Treatment Rehabilitation Grant of two years ago was originally proposed as one-time money. The current \$75 million in Waiting List Reduction funding is similarly proposed as one-time money. Short term "one-time" money makes little sense. What is required is a major long-term commitment of

stable funding support. In 1988 the Presidential Commission on the Human Immunodeficiency Virus Epidemic stated:

"What is needed is a clear federal, state and local government policy, in other words a national comprehensive policy, unequivocally committed to providing "treatment on demand" for intravenous drug abusers, with a coherent funding structure that provides for an ongoing, stable ten year commitment to providing drug treatment services and treatment research. ... \$1.5 billion per year should be provided over ten years"

In order to facilitate rational planning and the provision of required services following is our Long-Term Recommendation No 2: The Federal government should establish a stronger partnership relationship with State governments and together these governments should plan over the next 10 years to provide a minimum of \$3 billion annually (a total of \$30 billion over 10 years) in additional new monies to support alcohol and other drug treatment services and \$1 billion annually (a total of \$10 billion over 10 years) to support prevention services - such a stable long-term commitment of funding is necessary if we are serious and choose to be successful - see Attachment II for information on treatment needs and costs as they relate only to those persons who are dependent primarily upon intravenous drugs.

Today there are relatively few pure drug addicts or pure alcoholics. Rather most clients or patients are dependent upon, or at least abuse both alcohol and a variety of other drugs. Also, most educators would agree that prevention programs should include attention to both alcohol and other drugs. Finally, over the past 10 years most State governments have moved to integrate alcohol and other drug prevention and treatment functions into one State Agency. In fact, as of today 48 of the 50 States have combined the responsibility for the provision of alcohol and other drug abuse prevention and treatment services into one Agency. Legislatures in the remaining two States, New York and Ohio, are now considering such integration. Also, at our most recent NASADAD Annual Meeting our members voted unanimously to, in the future, use the terminology "alcohol and other drug" problems and services. Our members who respond to the wishes of Governors and State Legislatures feel that alcohol and other drug services must be managed and dealt with together. Following is our Long-Term Recommendation No 3: The National Drug Control Strategy and Director must address both alcohol and other drug problems and services.

### III. SPECIFIC SHORT-TERM RECOMMENDATIONS

The major immediate hurdle that we face with regard to demand reduction is insufficient funds. It is essential that significant additional monies be immediately committed to supporting prevention and treatment services. With regard to the FY 1990 Budget and Appropriations for Federal Alcohol and Other

Drug Problems our first goal is to provide for an increased capacity to address the need for alcohol and other drug prevention, treatment and law enforcement. In order to assure States' ability to effectively plan for and manage Federal funds, appropriations levels should: 1) reflect a long term commitment by the Federal government to provide a stable funding base for the development of comprehensive programs based on the specific and unique needs of each State; 2) ensure that monies to all States are increased and that no State suffers reductions or cuts in monies or existing services, specifically including continuation of services established for the reduction of waiting lists; and 3) reflect the intent of the Congress and the Administration by fully funding the recently passed Anti-Drug Abuse Bill (P.L.100-690).

More specifically, NASADAD recommends the following level of appropriations for FY 1990:

- ADMS Block Grant - \$1.6 billion (up from current level of \$805 million)
- NIAAA Non-AIDS Research - \$167.3 million (up from \$116.5 million)
- NIAAA AIDS Research - \$8.9 million (up from \$6.1 million)
- NIDA Non-AIDS Research - \$200.7 million (up from \$168.3 million)
- NIDA AIDS Research - \$151.4 million (up from \$120.5 million)
- NIAAA and NIDA Research Training - \$12.1 million (up from \$5 million)
- OSAP - \$154.3 million (up from \$69.8 million)
- Criminal Justice Grants to States - \$250 million (up from \$150 million).

Our second short and long-term goal relates to Federal and State Leadership Regarding Alcohol and Other Drug Abuse Services. More specifically, the goal is to clarify and strengthen the partnership role of the Director of the Office of National Drug Control Policy, the Administrator of the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) and the State Alcohol and Drug Agencies as national leaders on alcohol and other drug abuse prevention and treatment needs and services. The legislative mandates of the Drug Czar, ADAMHA and the State Agencies should be strengthened. Also, an official Alcohol and Other Drug Abuse Advisory Body for the Drug Czar, the Health and Human Services Secretary and/or the ADAMHA Administrator should be considered.

Our third short and long-term goal relates to Mandatory Health Insurance Coverage for Alcohol and Other Drug Treatment Services. More specifically, the goal is to ensure that all laws that provide and regulate private and public health insurance mandate adequate and reasonable coverage for the treatment of alcohol and other drug dependency problems. The Administration and the Congress should develop specific legislation that includes adequate and explicit coverage for treatment of alcohol and other drug problems, in freestanding and hospital-based, inpatient and outpatient, public and private programs. Health insurance carriers should no longer be allowed to discriminate against alcoholics and other drug dependent persons. Persons who are dependent upon alcohol and other drugs should not be denied the treatment that they desperately require. Such treatment will reduce other health care costs, increase productivity, reduce crime, support the maintenance of families and significantly reduce suffering of both affected individuals and their families.

Our fourth goal relates to Treatment on Demand. We must strive to provide appropriate, accessible comprehensive treatment services, and make them available to all persons suffering from alcoholism and other drug dependencies who present themselves for such services. This includes the recognition that in many States alcoholism is the primary or leading dependency for which persons are seeking treatment, creating tremendous pressures on the treatment systems. A comprehensive plan must be developed to ensure significant expansion of treatment availability in all States and communities.

Our fifth goal relates to AIDS Initiatives. We must strive to implement the recommendations of the Presidential HIV Commission and the National Academy of Science regarding comprehensive treatment availability for intravenous drug abusers as a primary strategy for the reduction of the spread of AIDS. This includes the expansion of programs' ability to purchase or provide medical services to those persons who are HIV positive or have ARC or AIDS. The Administration and the Congress must be convinced to ensure that the required resources are appropriated.

Our sixth short-term goal relates to Equalization and Indexing of Federal Excise Taxes on Alcoholic Beverages. More specifically, we feel that it is important to secure the equalization of Federal excise taxes on all alcoholic beverages per unit of alcohol and for the indexing of those taxes on an annual basis. Such action will ensure the availability of additional resources so that the Federal government can provide the prevention and treatment services required. Also, such increases in excise taxes may serve to prevent some of the problems associated with the use and abuse of beer and wine, particularly among youth.

Our seventh goal relates to the Alcohol and Other Drug Abuse Treatment Services Provided by the Veterans Administration. More specifically, the goal is to promote the expansion of alcohol and other drug abuse treatment services provided by the Veterans Administration (VA). As part of this goal the Administration and the Congress should:

- Investigate recent cuts in alcohol and drug services by local Veterans Hospitals - at a time of increasing alcohol and other drug problems nationwide such cuts by the VA are indefensible.
- Support increases in Federal line item appropriations for VA alcohol and other drug abuse treatment services.

Our eighth goal relates to Coverage Policies for Alcohol and Other Drug Abuse Treatment Under Medicare and Medicaid. More specifically, the goal is to expand the scope and level of coverage for alcohol and other drug abuse treatment services under the Medicare and Medicaid programs. Closer Administration and Congressional oversight on the status and impact of Medicaid and Medicare on alcohol and other drug abuse treatment coverage policies is necessary. Alcohol and other drug abuse treatment coverage policies must be strengthened including Medicaid coverage for residential treatment services.

#### IV. OVERALL CONCLUSIONS

The alcohol and other drug problem in America is massive, costly, complex and, if not properly addressed, will destroy our youth and nation. We commend the Congress for creating the Office of National Drug Control Policy and for mandating a National Drug Control Strategy. We commend the openness and requests for input by the Director of the Office of National Drug Control Strategy.

In order for the National Drug Control Strategy to be meaningful and to have the opportunity for ultimate success it is essential that ongoing involvement in the planning and implementation process be solicited from State Alcohol and Drug Abuse Agencies. On the demand reduction side these State Agencies currently provide two to three times the level of fiscal resources for services than that provided by the Federal Government. See Attachment III for a pie chart that demonstrates the proportion of support for demand reduction from different funding sources.

State Alcohol and Drug Agencies are ready to engage in an ongoing dialogue and meaningful partnership relationship with the Office of National Drug Control Policy. We look forward to hearing from you as to how best to initiate this relationship.

ATTACHMENT I

ECONOMIC COSTS TO SOCIETY  
OF ALCOHOL AND DRUG ABUSE  
AS COMPARED TO  
ALLOCATIONS FOR ALCOHOL AND DRUG  
PREVENTION AND TREATMENT PROGRAMS

ECONOMIC COSTS TO SOC'ETY	ALCOHOL COST	-	\$116,674,000,000
OF ALCOHOL AND DRUG ABUSE PROBLEMS	DRUG COST	-	<u>59,747,000,000</u>
(ESTIMATE FOR FISCAL YEAR 1983*)	TOTAL COST	-	\$176,421,000,000

THIS COST = \$483,600,000 PER DAY  
OR \$ 20,150,000 PER HOUR

ALLOCATIONS FOR ALCOHOL AND DRUG  
PREVENTION AND TREATMENT PROGRAMS  
(ESTIMATE FOR FISCAL YEAR 1984\*\*)

PROGRAM	-	\$1,346,613,511
ALLOCATIONS	-	INCLUDES APPROXIMATELY
		\$173,882,878
		FOR PREVENTION SERVICES
		AND \$1,038,121,242
		FOR TREATMENT SERVICES

CONCLUSION: LESS THAN ONE (1) PERCENT OF THE COST OF ALCOHOL AND DRUG PROBLEMS IS ALLOCATED TO PREVENT OR TREAT SUCH PROBLEMS. ALSO, LESS THAN ONE-TENTH (1/10) OF ONE (1) PERCENT OF THE COST OF THESE PROBLEMS IS ALLOCATED TO PREVENT SUCH PROBLEMS.

\*SOURCE: ~~ECONOMIC COSTS TO SOCIETY OF ALCOHOL AND DRUG AND MENTAL ILLNESS, 1980, JUNE 1984, RESEARCH TRIANGLE INSTITUTE FOR THE ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION.~~

\*\*SOURCE: ~~STATE RESOURCES AND SERVICES FOR ALCOHOL AND DRUG ABUSE PROBLEMS, FISCAL YEAR 1984, MAY 1985, NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS FOR THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM AND THE NATIONAL INSTITUTE ON DRUG ABUSE.~~

ATTACHMENT II

DRUG TREATMENT NEEDS AND COSTS  
TO PREVENT THE SPREAD OF HIV INFECTION AND AIDS

## DRUG TREATMENT NEEDS

NUMBER OF INTRAVENOUS DRUG ABUSERS AS  
 ESTIMATED BY THE NATIONAL INSTITUTE  
 ON DRUG ABUSE (NIDA): 1,200,000 PERSONS

NUMBER OF INTRAVENOUS DRUG ABUSERS  
 NOW IN DRUG TREATMENT SERVICES: 150,000 PERSONS

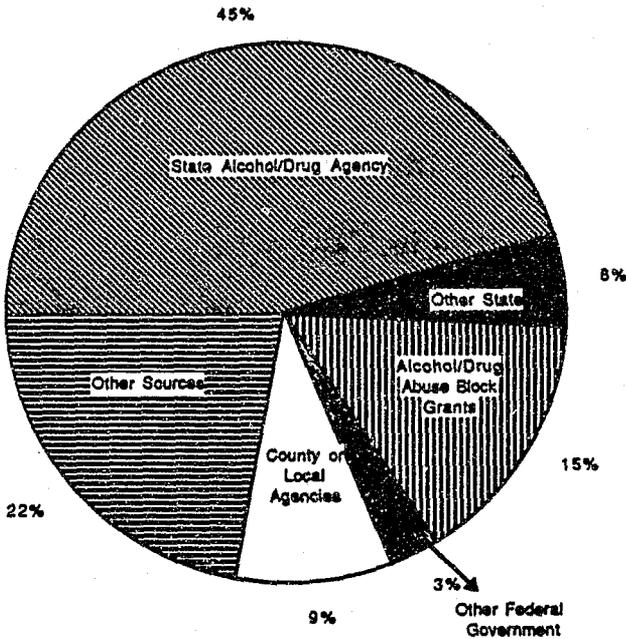
NUMBER OF INTRAVENOUS DRUG ABUSERS  
 WHO SHOULD RECEIVE TREATMENT  
 SERVICES: 1,050,000 PERSONS

ESTIMATED NUMBER OF INTRAVENOUS  
 DRUG ABUSERS WHO WOULD ENTER  
 TREATMENT IF IT WERE TO BE MADE  
 AVAILABLE: 350,000 PERSONS  
 (ABOUT ONE-THIRD)

## ADDITIONAL NECESSARY DRUG TREATMENT COSTS

350,000 PERSONS (NUMBER OF INTRAVENOUS  
 DRUG ABUSERS WHO WOULD ENTER  
 TREATMENT) X \$5,000 (ANNUAL TREATMENT  
 COST PER PERSON) = \$1,750,000,000 PER YEAR

**FIGURE 1**  
**EXPENDITURES FOR STATE SUPPORTED ALCOHOL**  
**AND DRUG ABUSE SERVICES BY FUNDING SOURCE**  
**FOR FISCAL YEAR 1987**



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 1987; data are included for "only those programs which received at least some funds administered by the State Alcohol/Drug Agency during the State's Fiscal Year 1987".

Total alcohol and drug expenditures for FY 1987 were \$1,809,749,013.

The CHAIRMAN. Mr. Besteman.

**STATEMENT OF KARST J. BESTEMAN, EXECUTIVE DIRECTOR, ALCOHOL AND DRUG PROBLEMS ASSOCIATION OF NORTH AMERICA**

Mr. BESTEMAN. Thank you, Mr. Chairman, for the opportunity to appear here. I feel, in appearing on behalf of my association, the Alcohol and Drug Problems Association of North America, that I have a great deal at stake being one of the people from the treatment and prevention area of the field that testified on behalf of the establishment of the Office of Drug Control Policy. We desperately want it to work.

I would like to speak first to the duties and scope of what I think the Associate Director should concern himself with. We know he is required to consult with State and local officials, but I believe also that he should reach out and consult with private citizens with experience in demand reduction, and I am thinking of particularly people experienced in the area of prevention.

There are private prevention resource centers scattered around the country that are not part of the formal governmental structure that are tremendous assets with both ideas and program design.

I also think the Associate Director should consult with organized groups with a vested interest in the successful execution of the national strategy. Some of us, just a few of us, are here at the table this morning. I don't think there is anything negative about having a vested interest in a successful national drug abuse strategy.

I think the Associate Director should be searching out successful programs outside the purview of Federal funding. I have been a Federal official. You are constantly under pressure of is your Federal program working. There is a tendency to look at what is immediately in your own backyard. I hope that Judge Walton is able to overcome that inclination and look away from just federally funded programs to some exemplary State and local programs that have sprung out of ideas unrelated to Federal legislation.

I believe it is extraordinarily important that the Associate Director insist that the national strategy is quantifiable and capable of defining its explicit goals that allow roles to the States, counties, and cities and the private citizens.

We have had 10 years of great slogans, but we have had no underpinning. To say that we want a drug-free America in the year 2000—you can't get an argument over that, but you can't get from here to there just by having that as a slogan. And I think it is time we have a very explicit, quantifiable strategy.

Already, it has been mentioned, and I believe the Associate Director should concern himself with the rapid flow of resources between the levels of government. That has been a problem since approximately 1969 in the drug field, and I know because I have been involved in it for those many years. There have always been complaints at the local level that the Federal funding trickles down too slowly.

The Associate Director should be the eyes and ears for Director Bennett to come in with local and regional knowledge. I think the Associate Director should be aware that there are some explicit

areas in which State and local authorities look to Federal leadership.

One of them is in research and research support. Activities and findings that come out of the National Institute of Justice or the National Institute on Drug Abuse or investigator-led research are vital and they need to be incorporated in the strategy and they need to be disseminated and put into use.

Policy development and implementation—the new office needs to reach out and make sure that that is a participatory activity and it doesn't become the sole province of a small group of Federal officials.

Technology development and technical assistance is extraordinarily important. We know some things that don't get implemented. Trying to change the daily behavior of a policeman on the beat or a clinician across the desk from a patient is difficult because we are all more comfortable doing what we have done before if it worked.

But it is very important that new technology get out, and one of the ways the Federal Government can offer help in that is in the training of personnel to make these changes. There are authorities in Public Law 100-690 which give the Office of Substance Abuse some specific training authority. I think that should be looked at very broadly across the Federal Government.

The developing and producing of information for the public and intelligence collection and data collection and analysis and sharing are two other roles that the Federal Government has unique capability to be helpful in.

And one final point, and this is not to the Associate Director. I hope that you, as chairman of this committee, and many of your colleagues who chair committees of jurisdiction remember that oversight is an extraordinarily important function in getting the administrative arm of the Federal Government to reach the goals that the legislation sets out.

And I would urge in all the areas that Public Law 100-690 and other authorities cover in addressing drug abuse that there be careful, constant oversight over the next several years so that we don't inadvertently lose focus and fall into inattention, as I think we have in the past.

Thank you.

[The statement of Mr. Besteman follows:]

**Testimony Before**

**the**

**Senate Judiciary Committee**

**by**

**Karst J. Besteman**

**Executive Director**

**Alcohol and Drug Problems Association**

**on**

**June 6, 1989**

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to appear before this committee on behalf of the Alcohol and Drug Problems Association (ADPA) and its members on the occasion of the confirmation hearing of Judge Reggie Barnett Walton to be the Associate Director, the Office of Narcotics Control Policy.

ADPA celebrates its 40th Anniversary this summer as a membership organization dedicated to the solution of substance abuse problems through the development of effective national legislation, policies, and programs. In keeping with that objective we testified last year in favor of the adoption and implementation of the provisions of P.L. 100-690 to establish the Office of National Drug Control Policy. We are pleased with the nomination of Judge Reggie Barnett Walton submitted for conformation as Association Director to head the Bureau of State and Local Affairs.

ADPA is the senior and most broadly based association representing the prevention, education, training, treatment, and research professionals and programs which address the problems of drug abuse. Within the association there are four councils. The State Council is made up of the single state drug and alcohol abuse authorities. The Agency Council is composed of public and private, nonprofit and for profit treatment and prevention service programs. The State Association Council represents state wide membership organizations of professionals and programs. Finally the Individual Council has as its membership a mix of

people working in the substance abuse field from executives to counselors.

There is little in P.L. 100-690 which explicitly describes the scope and duties of the Associate Director. As head of the Bureau of State and Local Affairs there are several aspects of the function of the Office of National Drug Control Policy which seem to naturally be the Associate Director's. These include:

- o consulting with state and local officials,
- o consulting with private citizens with experience in demand reduction,
- o consulting with organized groups with a vested interest in the successful execution of the National Strategy,
- o searching out successful programs outside the purview of federally funded projects to determine the utility in adopting them as part of the National Strategy,
- o insisting that the National Strategy is quantifiable and capable of defining explicit goals with roles available to States, Counties, and Cities,
- o working with the states to increase the speed with which federal funds flow from federal departments and agencies through state, county, and local governments to produce programs and services in the community,

- o describing the contributions and roles that the private sector can make when there is agreement with the goals of the National Strategy.

The Associate Director should be a source of local and regional knowledge to the Director. The professional public from the police chief to the school principal should see the Associate Director as the access point and internal advocate for decisions that permit maximum cooperation and collaboration among all elements of the community with the National Strategy.

There are about thirty organizations which work together in an Ad Hoc coalition on Alcohol and Drug Abuse Issues. ADPA participates in that coalition. The issues which are in need of attention within the National Strategy range from adequate education and training of personnel to identify, diagnose and treat substance abuse to the crucial priority of prevention and treatment outcome studies to permit the programs to develop or adopt the most effective techniques known.

The Associate Director will discover that often communicating important information to the persons most able to use it, does not occur. Also that publishing a federal pamphlet does not change human behavior, either among the drug abusing population or among professionals working in the field. The issue of technology and knowledge transfer has not been resolved. Obtaining the commitment to work together from governors and mayors is easy. Changing the daily practices of police officers,

prosecuting attorneys, courts, schools, communities, and treatment programs is much more difficult. The Associate Director must have as a priority the task of the dissemination and implementation of new techniques and proved effective practices.

The Associate Director will be a key person in the review of state and local drug control activities by the Office of National Drug Policy Control. The task of ensuring that the United States pursues a well coordinated and effective drug control strategy, at all levels of government, is a major challenge to the Office. A central characteristic of a well coordinated and effective drug control strategy is the presence of specific quantifiable goals with incremental mileposts. For the last several years the national strategy has been characterized by succinct slogans such as "Just Say No" or "A Drug Free America" but with no shared plan to make progress towards these goals embodied in the slogan.

The extent and nature of drug abuse in the United States has changed markedly in the last twenty years. The nature of the issues has not. In the late 1960's, the nation faced a heroin epidemic of major dimensions. A concerted nation effort of six years, extending through 1975 achieved substantial success. As a nation we rested in our efforts and became diffuse in our focus.

The Congress and the Administration with the enactment of P.L. 100-690 has refocused on the issue on drug abuse. Unfortunately, the response to the problem is again lagging because of our interval of inattention. As a nation, as we

prepare for this period of renewed effort it is important that priority be given to methods to incorporate our programs into the infrastructure of our communities to avoid a retreat from this latest initiative at the sight of modest progress.

The Associate Director of the Office of National Drug Control Policy must examine the full span of national leadership functions for which state and local authorities look to the federal government. These federal roles impact across, law enforcement, corrections, education, prevention, treatment and research activities.

State and local authorities look for federal leadership in:

- o Research and research support. Activities and findings of the National Institute on Justice and the National Institute on Drug Abuse and the investigator led research are vital to the incorporation of new and more effective strategies and programs throughout the country.
- o Policy development and implementation. Ideally this activity will become participatory and not the sole property of a small group of senior federal officials.
- o Technology development and technical assistance. Local service programs in prevention, treatment, education, awareness, law enforcement, and community action are eager to learn more effective ways of accomplishing their goals.

- o Training of personnel to implement programs. The law enforcement system has examples of training local investigative personnel. The Office of Substance Abuse Prevention has a statutory mandate to train personnel. It is imperative that these activities be adequately funded and utilized to improve the capacity of state and local jurisdiction to respond to the substance abuse problems.
  
- o Developing, producing and presenting information to the public and to segments of the population with special risks. Since 1971 when by Executive Order the National Clearinghouse for Drug Abuse Information was established, this function has been a valuable resource. With the increasing demand by citizens to be kept abreast with the latest trends and information in substance abuse and the requirement that professionals responding to these problems be fully informed, this function has become ever more crucial.
  
- o Data collection and analysis. The federal government has the benefit of ready access and a broad scope of relevant data about drug abuse. Analytic summaries of the presence of new compounds, trends, and demographics of abusers at the national and regional level alert state and local authorities to impending problems.

Finally, State and local authorities look to the Congress for leadership. We expect diligent and regular oversight by committees of jurisdiction. During the 1980's oversight of the federal role and function by the Congress has been less frequent than during the 1970's. We at ADPA would welcome a return to periodic review by Congressional committees of the implementation of the federal initiatives found in PL 100-690. We think that several positive and important initiatives have come from that legislation. We fear that without persistent attention and review some of these initiatives will not realize their full potential. The Alcohol and Drug Problems Association is eager and willing to work with Director Bennett and his staff to reduce and eliminate the problems caused by and associated with the abuse of drugs and alcohol. We look forward to a productive relationship with Judge Walton, if confirmed by the Senate.

The CHAIRMAN. Thank you very much.

Let me begin where we ended. One of the two or three most important reasons why I originally drafted the Drug Director legislation was that it was so difficult, absent it, to have oversight. Everyone would basically say, "That doesn't happen on my watch, that is on Charlie's watch," or, "We don't have control over all of that, only a piece of that," and so on.

So, hopefully, we will be able to get at a little more clearly who is responsible for what, and that is why the legislation, for example, requires—as a former Federal employee in this area would understand—a very detailed paper trail. Everyone has to sign off or not sign off, and say "I agree, disagree," at every stage of the budgeting process here.

If you want to know how an organization is controlled, you should be in charge of the budget. That is the key to knowing what happens in any organization, in my humble opinion.

Let me make one broad statement and then ask a few questions. You are all are in a slightly difficult position. You were asked if you wished to testify on behalf of the new deputy position here that is being put in place. And yet you are all here knowing that you would be asked possibly as to what you think should or shouldn't be done on matters unrelated to whether or not such a position exists.

It is my plan as Chair to invite you and your organizations back as we continue this process to get a much more detailed input on what we should and shouldn't be doing. We are setting up a series of hearings. For example, one of them will be just on what treatment works and what doesn't work, and we will have several days, probably, of hearings on bringing in people from all around the country on what is real and what is not real, what is purely vested interest and what is public interest—because we all know how that works.

My wife is a public school teacher who, for a period of time through the public school system, worked in a private psychiatric hospital providing for a function that is required under our State law for children to be able to continue to have access to public education while in that facility, and she helped design a program.

She has very strong views as to what really—she doesn't pretend to be an expert—works and doesn't work, and what is for billing purposes and what is for other purposes.

It is kind of hard when a psychiatrist sees a child maybe 15 minutes a week, and it is supposedly a program that is designed to help in drug abuse. So we want to go into some detail on that.

And I would like very much to have you all back to go into some real detail about this program, because this is a very thoughtful undertaking and attempts a more comprehensive approach than most efforts that have been made. It is, in a sense, if not the blueprint, a working print similar to which the new Drug Director is required to come up with in the next few months.

And from the police side, I always find it enlightening—and I don't say that because you always support me—but it is always enlightening because it is interesting that it surprises people.

Every police organization that has come before us on this issue—I think I can say that without contradiction, but to be absolutely—I

think every police agency—has said things like you did, Mr. Gruber, and, it surprises people. I think you are right though—things like putting people in prison is not going to solve the problem.

Everyone expects the social side of the agenda to come and say that and the law enforcement side to say something different. Yet, every law enforcement group, from the FBI straight through to your organizations and to smaller outfits—State and local folks when we hold hearings out in the countryside—say, “Yes, we need to deal with prisons, but don’t anybody think that is going to solve my problem here.” And we want to talk much more about that with all of you, not just the prison side, but what specific recommendations do you all have.

Having said all of that, that is by way of explanation why I am only going to ask a few questions. My temptation is to ask many questions and to jump the gun on what will be more extensive and broader hearings, the purpose of which are specifically designed to elicit your suggestions, as opposed to this hearing, the purpose of which is to elicit whether or not you support or do not support the President’s nominee.

Let me begin by asking you, Mr. Besteman, you indicate new technologies; you used that phrase several times. Can you give me an example of any new technology that is a useful one?

Mr. BESTEMAN. Well, I can give you an example of a new technology that has been hung up within a government morass for almost 10 years now, and it is called LAM, lalpa acetol methadol. It is a long-acting methadone. For whatever reason, the Food and Drug Administration has not approved this. It would change immediately the capacity of treatment within methadone treatment programs.

The CHAIRMAN. It would change caseloads astoundingly.

Mr. BESTEMAN. It would change caseloads because the number of contacts would change. Now, that technology has been used in human beings since 1969, has gone through millions of dollars of development, and sits just one step away from being in use, but there doesn’t seem to be any urgency to move it along. I think that is an example of moving something into the field.

We developed neltrexone during that same time, which is now commercially out there as trexon, I believe is its trade name, but there is a better pharmacology coming behind it, bupenorphan. It is going to need some special support from the Federal Government to make it through all the loops to come out as an antagonist. This is not a maintenance drug, but it has some really—

The CHAIRMAN. Explain for the record quickly what you mean by antagonist.

Mr. BESTEMAN. Well, it would stop the human being from feeling any impact from a drug when injected into their blood system. It simply blocks the effect, and this is an important de-conditioning. If somebody has been addicted and you put them on an antagonist, if they should happen to slip, they slip and nothing happens. You don’t get the reinforcement to relapse. It is an important part of maintaining abstinence.

The CHAIRMAN. Some suggest that it may be the single most important and potential breakthrough. I have spoken with some ex-

perts, and I realize it is what you might call, if you are optimistic, leading-edge research; if you are pessimistic, dreaming—depending on how one views it.

But there are those who suggest that it is not from a—well, it is not beyond the scope of possibility that in the out-years, if we invested enough time, energy, money, medical and scientific research, that you may find the ability to develop drugs similar to the one which you are speaking of that essentially would allow us to vaccinate people.

I realize that is way out, but it is no further out than some of the medical research we are seeking dealing with AIDS research and research in other areas. I am a novice in this part of the issue, and I am trying to educate myself. And I might parenthetically invite you to send me any information you may have that you think would be good for me to investigate—I invite you also, Ms. Olson—purely from a medical standpoint, the entire panoply of discussion that is going on, to the best of your knowledge.

But I think it is exciting. I think it is an exciting area and, quite frankly, may hold more promise than everything else we are doing. It may, it may not. Who knows? But it is something I think we should do more in.

Ms. Olson, would you add, if there is anything to add from your perspective, what promise you think research and technology has in this area? I don't mean the traditional treatment modalities. I mean, what are the things that you all talk about when you go on flights of fancy, if you will?

I am serious. You know, very few problems that are immense ever get solved without radically different thinking than has been what has been in place for the years in the past. I don't know why that is any different in this area. We seem almost so afraid to think in these proportions that we tend to think in every other area.

I mean, the trite expression you always hear in politics is we didn't know how we were going to get to the Moon, but we said we were going to get to the Moon.

We know certain things aren't working. We know that we are not able to eradicate drug production in other countries. We are not able to do it in our country. We can't do it in California in terms of marijuana.

We know that it is incredibly difficult to interdict all drugs. We are doing better and better in some areas, and we are changing—again, the modus operandi is shifting from one creative method to another. We know that it is almost impossible, if we gave you all the police in the world, to make sure you arrested everyone. We know prison space costs billions of dollars.

We have to do all these things. I am not suggesting we stop, but it seems to me that one of the most promising areas may be in the area that we are just touching on now. Is there any input you could give, Ms. Olson, in that area?

MS. OLSON. I can't add a lot to what Karst has already said, but I think there are a couple of things I would like to say. There is a good deal of research that is being done in the genetic area in terms of the biological base for the addiction diseases, and I think that there is a lot of promise that will come out of that and I think

that we will be able to do much more earlier kind of identification and, hopefully, through some of those avenues, be able to keep people from becoming chemically-dependent.

The CHAIRMAN. Is it pretty clear that there are addictive personalities, or is that—

Ms. OLSON. It is very clear that there is a very strong genetic and biological base for predisposition for addictions. It is four times more—the children of alcoholics are four times more likely to become chemically dependent themselves. We know that; we know there is a biological base.

They are getting very close to being able to—and I really am not good at the technical terms, and Karst may know these much better than I do in terms of the technical terms—but being able to detect in younger children the existence of some chemical or something that would indicate their propensity to become chemically dependent. And they are getting very, very close to being able to do that.

Right now, we can say you are a child of an alcoholic or an addict and we know just based on that your likelihood of becoming chemically dependent is very great. There may very soon be a blood test that we can do that can say you have this particular element that says you are likely to become chemically dependent.

But we must not lose track of the fact that we are dealing with people and with human beings. We don't treat drugs: we don't treat cocaine, we don't treat LSD, we don't treat alcohol. We treat people who are addicted to these substances.

As we learned very early in terms of alcoholism treatment, you may get a person off of alcohol or you may get a person off of a particular drug, but that by itself is not sufficient. It is necessary, but not sufficient. And so there is much, much more that we need to do in working with those particular people.

We need to be creative in our treatment approaches. We need to be creative in our prevention approaches. I think if you went to a program now that offered a 30-day program and asked for help, what you would need based on their assessment is a 30-day program, and we have to get out of that way of thinking.

We have to look at the characteristics of the clients and really determine, based on what is going on with that client, what their needs are and how we can best, then, as a system respond to those needs.

The CHAIRMAN. I don't have any doubt about that, but you understand what is going to happen with us here in the government—State, local, and Federal. And is that the greatest need that we have? In my opinion—and I am going to again presume to suggest that I speak for a majority of the American people on this, and I don't often do that—the greatest need we have is to restore a sense of self-confidence among Americans: that they can control their neighborhoods, that they can control their schools, that they can control their cities.

I believe that it has such a pernicious impact upon everything else that happens in this democracy—that feeling, that notion, as a consequence of the violence that has been spawned by drug abuse—that it is a decaying element that I think puts all our civil

liberties in jeopardy. And I think it puts, in fact, the essence of our democracy in jeopardy.

That sounds like pure hyperbole, but I believe it with every fiber in my being. Mark my words—and the district attorney will probably tell you—I bet he agrees and I have never met him—if this problem is as bad as it is today 10 years from now, the solutions that will be being offered will be solutions that literally call for fundamental alteration of the Bill of Rights—fundamental, fundamental.

In an area in the Tristate area where I live, they had a serious problem in the housing project area. Do you know what they did? They went in, they took everyone out of every house both in the housing project and the adjacent privately-owned area. They took everyone, put them in the middle of the street, have them spread-eagle, searched all of them, found a few people, and had the community heralded. Everybody was for it. No one objected—absolute mass arrests; totally, completely, unequivocally unconstitutional, dangerous in the extreme, but totally, completely understandable in terms of people's psyches. They are scared to death.

And that is why, Ms. Olson, I will suggest to you respectfully that alcohol is going to take a big back seat, even though alcohol is as big a problem, maybe bigger in terms of impact on the economy, in terms of loss of life, in terms of family problems, in terms of deformed babies that are born, all of those things.

The one fundamental difference is most alcoholics aren't running around with submachineguns. Most alcoholics don't have Uzis. Most alcoholics are not out there involved in the schoolyard selling their six pack; they just go to the store down the street. That is the only difference, but it is a big, big, big difference.

The reason I say all that is that although the talk about treating the total person is unequivocally true, the first and most urgent need that I think we face is literally being able to take back our neighborhoods and literally being able to take back our schools. Those two things—just literally take them back so there is some semblance of control.

I think you are going to find, when people start looking at treatment, if they say, "Look, we can get someone on a substitute like methadone that at least will keep my neighborhood safe for 5 minutes." Even though it is not going to change the psyche of that person, even though that person is going to continue to have a personality and a life that is in shambles, even though—they are going to say, "I will buy it; give it to me now." Let us do it now.

Enough of my lecturing. Let me suggest two things. I would like very much from the police organizations to get a sense of whether or not the women and men who are in your organizations feel like there is anything we can do about this problem. I mean that sincerely. I am not kidding when I ask that question.

What is the feeling out there, if you had to characterize it, among the people that belong to your organizations? Are they basically saying, "Man, this thing is just beyond control; I don't have any idea how we get a hold of it?" Or is there a feeling that if we do certain things, we really can begin to take control?

And you have always been honest with me, Don, and if you want to give the diplomatic answer that would warrant your position as an ambassador, don't answer.

Mr. CAHILL. Senator, I don't believe I have ever been known to—

The CHAIRMAN. You never have, but I wouldn't blame you if, this time out, you said, "Joe, I don't want to answer that one."

Mr. CAHILL. Senator, I will be honest with you, and I speak as a street cop representing street cops. We believe we can get the streets back. We believe we can get rid of a lot of the crime on the streets, but we are not going to be able to do it alone. We are not going to be able to do it without the help of the Federal Government, without the help of the Congress, without the help of the administration.

We want to get out there and do the job that the citizens are asking us to do, but you have seen the problem. You have experienced it in your Haitian communities. We have experienced it in our Haitian, our Hispanic, our black, and Jamaicans. It is a problem that we see every single day.

I have watched it come down with the Jamaicans 25 years ago, creep down the east coast. It took actually 25 years for the actual, major criminal element to get to Washington, DC, when it came into Canada. We knew it was coming, but we didn't prepare ourselves for it. I blame police administrators, I blame rank-and-file.

Let us speak out. Let us make the recommendations and then the administration and the Congress can evaluate it. Years ago, the police were not asked what was their opinion; how do we take care of this problem. Now, we are being asked and we are ready to give you some answers. So allow us that, and we will submit our recommendations to the committee.

The CHAIRMAN. I am going to ask you to come back up and testify to them. Dewey has been an old friend for a long time and I know he is not reluctant to speak out, too.

Mr. CAHILL. No, sir, not at all.

The CHAIRMAN. But I would like you all to come back.

Mr. CAHILL. We welcome that, sir.

The CHAIRMAN. Charlie, are your folks optimistic, pessimistic?

Mr. GRUBER. I think that the majority of us are fairly pessimistic that there is anything that can be done, quite candidly. We think that most of what is happening right now may be a band-aid on a broken arm, especially from the Federal Government's funding standpoint. You know, they throw up a lot of words, but they don't put any cash behind it.

And then it never does seem to filter down, and by the time it does get down it has got so many holds to it that, you know, you just can't hardly get anything done. But we really don't think throwing money at the problem, either, is the answer. So we have been coming up with solutions of our own.

Problem-oriented policing is an example of what we think is a good approach; Chief Reuben Ortega's lead out in Phoenix, AZ, where he has, with the help of the district attorney there, presented a program where people pay to get into drug treatment centers rather than going to jail. It is a creative kind of option. So we think, you know, that that is kind of a helpful thing.

But we also feel that the holistic approach to dealing with the drug problem as a social and a cultural change in the very nature of the way not only we police, but that we develop social interaction within the community itself—that what goes on, let us say, in my own community on the north side of our city, you know, has an impact on what goes on on the south side of our city, the neighborhood coordination.

Last September, we had 2 days of race riots that were primarily based on a drug deal that went bad, and it was in a drug area that street sales were evident. Yet, I can show the Senator a tape of drug dealers trying to jump on our undercover agents getting into the cars—where we have them videotaped trying to get into the cars to sell drugs to our undercover agents, fighting with each other to sell the drugs to our undercover agents.

So if you ask the cops, you know, is anything going to help, they are going to tell you it doesn't look good because it is very real when you can drive down the street and be a perfectly unwilling participant in a violent drug altercation that might be taking place.

The CHAIRMAN. It is amazing. I met with a group of black ministers in a small town in my State who were concerned—primarily black; there were several white ministers in this group. We met in a little church in the middle of the black community in this particular small town in my State.

They told me about the problem. I said I understood the problem; I thought I understood it. I am one of those guys that literally goes home every day to my State, commutes every day. You know, I do the little things, not for any reasons other than I am required to, as a practical matter, in my family, everything from, you know, going to the store to do the shopping, to hanging around at the school fair. I thought I knew my State.

I meet with this church group and they say, "Now, the place that is the worst is"—I don't want to bring any more bad publicity to certain places in my State—"it is the corner of, you know, Smith and Wilson. It is nine blocks from here; you ought to ride by." This was on a Monday, 4 o'clock in the afternoon, I think it was. It was broad daylight.

I go riding down the street, a U.S. Senator, half the people saying, "Hey, Senator," others on the corner trying to stop me to sell drugs, literally. I mean, I came out of a church—don't forget, I don't represent New York State or California. I have less than 1 million people in my whole State, about 650,000. I come out of the church—maybe it says something about me. I don't know. [Laughter.]

But, literally, going down the street, people were offering me drugs. So, believe me, I have some sense and understanding of what you are talking about, but not to the degree—my problem is I am so concerned and so involved in this problem and there is so much more that I want to learn about it that if I keep going, I will keep you all here well beyond the time you should have been kept here, which is already about a half an hour longer than you needed to be here.

Let me thank you all, and hope that you will be willing to come back again, if you will.

Mr. GRUBER. Senator, I would like to thank you, and I would like to say one more thing. Thank you for staying and listening to the State and local effort. I appreciate it, just on behalf of the International Chiefs, just the fact that you stay and listen.

The CHAIRMAN. Well, I think I have always stayed in the past, but let me be honest with you. As the chairman, I couldn't leave. [Laughter.]

I had no intention of leaving. You know, after I got out of the hospital, they said, "Boy, he is a changed man." I am trying like the devil to do something about my candor, but it is not working. [Laughter.]

But let me say also, the failure of my colleagues to be here does not represent their lack of interest. There is so much that is happening in other committees.

For example, I was supposed to be in the Foreign Relations Committee in what they call a markup. We are actually voting on whether or not we are going to continue to fund certain programs around the world, whether it is in Panama or in Poland—we don't have any particular program there, but in terms of what we are going to support the President's initiatives. Very important stuff.

I am the number two person on that committee and I should have been there, and had I not been chairman, I probably would have tried to sneak back and forth between committees.

That is why other of my colleagues are not here. They have similar responsibilities.

Don, you don't have to look so skeptical. [Laughter.]

That is why most of them are not here. [Laughter.]

But the end of candor. I am already enough in trouble.

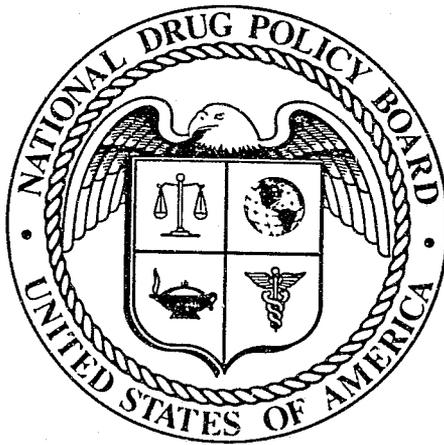
The hearing is adjourned.

[Whereupon, at 12:45 p.m., the committee was adjourned.]

A Report from the  
National Drug Policy Board

# Toward a Drug-Free America

The National Drug Strategy  
and Implementation Plans



1988

## *The National Drug Policy Board Seal*

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On March 26, 1987, the President signed Executive Order 12590 creating the National Drug Policy Board. The Policy Board centralizes oversight for all aspects of the Federal anti-drug effort, which extends from diplomatic initiatives to achieve increased international cooperation against the global narcotics threat to domestic law enforcement activities and the broad range of activities aimed at preventing illegal drug use, and treating and rehabilitating users.

The seal of the National Drug Policy Board was designed by the Board's first Chairman, Attorney General Edwin Meese III, to depict the breadth of the Policy Board's responsibilities and the scope of the nationwide effort against drugs.

In the center of the seal is a shield — a recognized symbol of authority. On the shield are scales, globe, lamp and caduceus representing the range of Federal agencies and missions engaged in the crusade for a drug-free nation.

The scales, a traditional symbol of justice, represent the nationwide law enforcement and criminal justice systems and agencies engaged against illegal drugs and attendant criminal activity.

The globe recognizes that drugs are of worldwide concern and that the fight against drugs is international. It also represents the nation's diplomatic and other initiatives to stop the flow of drugs from source and transshipment countries.

The lamp, a worldwide symbol of knowledge, reflects the central role that knowledge and education play in preventing illegal drug use, and represents the diverse educational activities of all levels of government throughout the country.

And the caduceus, an historic symbol of the medical profession, recognizes the medical and health dimension of the nation's drug problem and represents the nationwide medical, health and social service activities involved in treatment and in helping all Americans build drug-free, productive lives.

Supporting the shield is a stylized version of the eagle, which symbolizes the nation, its people and its government. This eagle expresses the determination of the people to achieve a drug-free nation, and the role of the Federal government in supporting the anti-drug efforts of individual Americans and their institutions.

Bounding the seal is a circle of rope, which demonstrates that every element of American society is involved in the crusade for a drug-free nation.

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# *Toward a Drug-Free America*

## The National Drug Strategy and Implementation Plans

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Contents	Page
Building a Drug-Free Future..... by National Drug Policy Board Chairman Edwin Meese III	i
Chapter 1 Toward a Drug-Free America.....	1
Chapter 2 The Fight Against Drugs.....	17
Chapter 3 Solving the Drug Problem.....	35
Chapter 4 Indicators of Progress.....	51
Sources of Assistance.....	57
Information Available.....	59

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# Building a Drug-Free Future

Edwin Meese III

Chairman of the National Drug Policy Board

Putting an end to illegal drug use has been a high priority since the earliest days of the Reagan Administration. In the past seven years, the President has steadily increased the pace of our progress toward his goal of a drug-free America. President Reagan's vision of a future without drug abuse is not some naive or utopian hope for the years ahead, but a challenge to government and citizen alike to overcome the drug problem that so severely threatens our nation.

The President's challenge brings into sharp focus the awful truth: illegal drugs and the tragic consequences of drug abuse have reached into every community. Drugs have touched every American family — either directly or through association with colleagues, friends, neighbors and relatives. And drugs threaten our society as surely as has any enemy in the past.

Drug use jeopardizes America's strength at home and abroad; it undermines the achievements of past generations, and threatens our future. Drug dependent Americans cannot be the defenders of freedom in a dangerous world, or the guardians of personal liberty at home; nor can they set the economic, academic and scientific pace for developed nations. Drug use places at risk the historic character of the American people, our liberties and our prosperity. And most chilling of all, it has already tarnished the legacy we leave to our children. If we do not solve the nation's drug problem, future Americans will not inherit a land of limitless opportunity or share the vision of a better world that are the foundations of our heritage as Americans.

Make no mistake about this: a society that fails to overcome the menace of drugs or remains powerless to protect its youth from illegal drugs is doomed to a short life.

Illegal drugs threaten our society as much

as any enemy ever has. Some have compared our crusade against drugs to a war. But this is not a contest between nations fought by military forces. Drugs are a more elusive and challenging enemy than another nation could ever be. There is no enemy army we can target. In combatting drugs, we must target the appetite of some Americans for illicit drugs, our own attitudes toward illegal drugs and those who use them, and the organizations within our nation and elsewhere that profit from the drug trade.

Under the Reagan Administration, the United States has achieved a number of successes against drugs. The 250 percent increase in anti-drug budgets since 1981 has paid off. We have prevented tremendous amounts of drugs from reaching our shores; we have attacked drug traffickers and put thousands behind bars; we have built clinics and hospitals to treat the victims of drug use; and we have enlisted schools, churches, and communities against the enemy.

But drugs remain a tremendous national problem. Our most potent weapon against drug abuse is the determination of individual Americans to rid their communities and their nation of drugs. The effort of each American, backed by strong leadership from the national government and comprehensive action by state, local and Federal governments is the only solution to the nation's drug problem.

And that is exactly the course that is set in the National Drug Strategy. Since the President first promulgated his strategy for ending drug abuse in 1982, that strategy has been refined and expanded periodically to accommodate the changing nature of the drug threat and America's growing intolerance toward drug abuse. This document is

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a comprehensive and current summary of the most recent iteration of the President's strategy and plans developed by the National Drug Policy Board to implement that strategy. It provides a snapshot of the strategy and the continuing Federal effort against drug trafficking and drug abuse.

This strategy reflects the determination of the nation; it builds on our past successes and maps our journey toward the Presi-

dent's vision of a drug-free future. Americans will see in these pages that their government shares their goal of protecting themselves, their families and their communities from drugs. More important, they will see that the Federal government is organized, prepared for and already engaged in a long term offensive against every element of the drug problem.

This is a prescription for success.

*Edwin Meese III*

## Chapter 1

# Toward a Drug-Free America

## The National Drug Strategy

### Strategy

Strategy is a broad statement of how the nation will exercise the instruments of power to protect its vital interests. Strategy gives direction and guidance to Federal agencies as they develop and implement their own strategies to achieve subordinate goals or objectives that contribute to attaining the nation's vital interest. The National Drug Strategy provides an overarching framework of guidance for government agencies in pursuit of the national interest.

### Vital National Interest Threatened by Drug Abuse.

The most fundamental value or interest of our nation is survival of the American people as a free and prosperous society. This bedrock interest motivates every action of our government — from maintaining sufficient military forces to deter attack on ourselves and our allies to sending food to foreign lands and educating our children. It is also the foundation of the nation's goal of freedom from drug abuse.

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*"In this crusade, let us not forget who we are. Drug Abuse is a repudiation of everything America is. The destructiveness and human wreckage mock our heritage."*

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— President Reagan

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Drug abuse threatens our society. The extent of that threat has grown to tremendous proportions. Consider these few examples of how seriously we are threatened by drug abuse:

- According to the most recent survey of American households by the National Institute for Drug Abuse, 37 percent of all Americans over 12 years old — more than 70 million people — have tried an illegal drug and 12 percent of the population are thought to have used an illegal drug in the past month.

- In 1987, about one-half of all high school seniors report having tried marijuana, 36 percent tried it in the past year, and 21 percent used it in the past month.
- Americans waste billions of dollars on illegal drugs each year.
- The Bureau of Alcohol, Tobacco and Firearms reports that Jamaican criminal drug organizations are suspected in more than 800 drug related murders nationwide during the past three years.
- Drug abuse and drug violence have reached our children; elementary school children have been found selling drugs, and some have been killed by drug organizations.
- Cocaine, heroin and other illegal drug use was the cause of death for more than 3,000 Americans in 1987 according to Drug Abuse Warning Network Statistics, which do not report all drug mortalities.
- More than one third of Federal prison inmates were convicted of drug related offenses.
- International drug cartels, dealing in billions of dollars worth of profit, have grown so strong that they threaten legitimate governments in some parts of our own hemisphere — and actually control parts of some countries.
- Some inner-city hospitals report huge increases in newborn infants testing positive for drugs. In fact, the New York City Commissioner for Human Services reported a 284 percent increase in new-

bonis testing positive for drugs during the past two years.

The nation's drug abuse problem has reached such proportions that the nation is at risk. Recognizing this, and responding to the urgent concerns of parents across the country, First Lady Nancy Reagan launched a campaign to make all Americans aware of the dangers of illegal drug use and to enlist their support to bring an end to illegal drug use. Mrs. Reagan has led a nationwide campaign that has helped create the national movement against drug abuse. Today, Americans recognize that drug dependency robs us of the creative genius and labor of so many Americans; it diverts scarce government resources from more productive activity; it threatens our health and that of our children; it undermines our society, our institutions and our families; it tarnishes American prestige worldwide; and it casts a pall over the future of our children. More importantly, they are prepared to act.

#### National Goal: Drug-Free Nation

**D**rugs present a clear threat to our fundamental values. Achieving a drug-free nation is clearly a vital national interest. *And that is exactly the course that the President has set.* But high level national interests must be translated into manageable goals that can be defined sufficiently to guide the development of a strategy. Toward that end, President Reagan has described six goals as the foundation of the national strategy to end drug abuse.

- **Drug-Free Workplaces:** Illegal drugs rob our economy of productive labor. Drug abuse can impair the judgement and skills of those on whom we depend for safety in the work place.
- **Drug-Free Schools:** Prevention of drug abuse among the nation's youth is the key to the future health of the nation.

- **Expanded Treatment:** About 23 million Americans have used an illegal drug and while not all require treatment in order to stop, making treatment available to those who need it is an essential step toward a drug-free nation. Those afflicted must be identified, treated and restored to the mainstream for their own benefit and the health of the nation.
- **Improved International Cooperation:** Drugs are a problem around the globe. International cooperation in prevention, treatment and attacking drug traffickers is essential to the welfare of all nations. All but a small portion of the illicit drugs consumed in the United States originate in other countries. The cooperation of those governments is essential to stop the flow of illegal drugs across United States borders.
- **Strengthened Drug Law Enforcement:** Federal, state and local drug enforcement authorities need additional resources to deal with drug trafficking organizations at all levels. Better tools are also needed including new legislation in such areas as minimum sentences for drug offenses, and increased coordination of local, state and Federal law enforcement agencies.
- **Increased Public Awareness and Prevention:** Law enforcement, interdiction of drugs, treatment and school programs are essential to success against drugs, but alone they are not enough. The full support of every American is also essential to solving our drug problem. The majority of Americans have already said no to illegal drugs in their lives. They must help others to make the same decision — that is the key to success in this national effort.

These six goals present Federal agencies with clear targets for their anti-drug efforts that translate into attainable objectives from

which they build plans to use the resources entrusted to them.

The drug strategy recognizes that the vital interest in a drug-free future does not exist in a vacuum. Other national interests and goals — such as national security — must be accommodated. Further, the strategy reflects a realistic understanding of the nature of the drug threat to the United States and is consistent with the traditional division of labor in our system of government.

### Strategy Focuses on Supply and Demand.

**T**he National Drug Strategy establishes two essential objectives, which respond to the President's six goals: reduce the supply of illegal drugs and eliminate the demand for illicit drugs in the United States. These objectives recognize that America's drug abuse problem and attendant criminal activity are sustained by both the supply of drugs and the appetite of some Americans for illegal drugs.

Solving our drug problem requires a reduction in the demand for the illegal drugs that sustain criminal drug enterprises. As long as Americans are willing to pay for illegal drugs, someone will undertake the considerable risk involved in meeting that demand. Our experience in drug law enforcement confirms the importance of eliminating the demand for drugs. America's law enforcement agencies have put thousands of drug traffickers into prison, seized their assets worth millions of dollars, and intercepted huge quantities of drugs bound for our borders and within the United States. But the drug problem remains, and criminal drug activity continues to spread.

Clearly, our vigorous efforts and the damage inflicted on the drug traffickers and producers have not offset the lure of the tre-

mendously profitable United States drug market. Increasing law enforcement and interdiction — even sealing the borders — will not solve the drug problem as long as the demand for illegal drugs continues to seduce Americans and others with promises of immense wealth.

While the resilience of the illegal drug trade demonstrates that demand reduction is critical to solving the drug problem, that is not the only reason this strategy focuses sharply on demand. The nation's drug problem exacts a huge price on our society. It is an anchor that threatens progress and jeopardizes fundamental American values. Reducing demand means fewer Americans using illegal drugs — and that means more healthy, productive, and creative Americans. With each victory — each child who rejects drugs, each adult who intervenes in the drug behavior of a co-worker, each drug user rehabilitated — America grows stronger and moves more confidently to meet the economic, industrial and international security challenges ahead. Equally important, success in reducing the demand for drugs weakens the drug traffickers and helps to free our streets of their violent trade.

Although demand reduction is the key to a drug-free future, there is still a pressing need to maintain law enforcement and other programs designed to reduce the supply of drugs. Effective law enforcement action, against those who profit from drugs and against those who use drugs, protects our society, weakens the drug traffickers, and facilitates demand reduction. Success in drug law enforcement impacts on the drug trade and increases the perception of risk associated with drug-involved behavior, which will deter some potential users and traffickers.

The President's goals and the National Drug Strategy focus on stopping the supply of drugs and eliminating the demand —

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## Cocaine

### How It Hurts

Daily or "binge" users characteristically undergo profound personality changes. They become "coked out." They are confused, anxious, and depressed. They are short-tempered and grow suspicious of friends, loved ones, and co-workers. Their thinking is impaired; they have difficulty concentrating and remembering things. Their work and other responsibilities fall into neglect. They lose interest in food and sex. Some become aggressive, some experience panic attacks. The more they use the drug, the more pronounced their symptoms become. Over time, cocaine begins to exact a toll on the user's body as well as his mind.

Those who sniff the drug regularly experience a running nose, sore throat, hoarseness and sores on the nasal membranes (sometimes to the point of perforating the septum.) Many experience shortness of breath, cold sweats, and uncontrollable tremors as their consumption increases. Long-term use may damage the liver.

Because cocaine kills the appetite, many habitual users suffer from malnutrition and lose significant amounts of weight. Poor diet results in nutritional deficiencies and a host of other problems, many of which are compounded by a lack of sleep and a deterioration of personal hygiene.

Intravenous users risk hepatitis, AIDS, and other infections from contaminated needles. Freebase smokers risk harm to the lungs.

Because adolescents are growing and therefore more vulnerable to drug effects, cocaine can be even more harmful to youngsters than to adults.

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Extracted from an article by Dr. Reed Bell, former Director of the Office of Substance Abuse Prevention in the Department of Education's *Challenge* newsletter, March 1987.

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complementary objectives in the pursuit of a drug-free future. The strategy is organized into nine specific implementation strategies. Five of those strategies address primarily the supply of drugs and four address primarily the demand for drugs. These nine strategies are realistic plans with attainable objectives. Further, they comprehend the complex nature of the drug problem in the United States.

#### **The Nature of the Drug Problem: Multi-dimensional.**

**T**he many dimensions of the drug problem are reflected in the breadth and diversity of the President's goals and the National Drug Strategy. Among some of the most significant aspects of the drug abuse threat are:

##### **Health Dimension.**

Illicit drug use is associated with significant health consequences. In addition to mortality rates and hospital emergency room data described above, there are other indications of how drug abuse impairs health:

- The tragic deaths of very talented young athletes in the dawn of promising careers testify to the severity of cocaine's health consequences. Cocaine's effect on the cardiovascular system can be fatal.

There are other pertinent indicators of how drug abuse may impact health:

- Recent evidence suggests that a marijuana cigarette may have several times the tar content of a tobacco cigarette.
- Hepatitis, a serious liver disorder, is a common complication of drug abuse, but chronic drug users may also suffer from recurrent pneumonia and tuberculosis.
- LSD and some other drugs are believed to cause chromosomal damage.

- Cocaine use by pregnant women presents severe risk of miscarriage due to increased blood pressure and contractions of the uterus. Cocaine also constricts arteries leading to the womb, which diminishes fetal blood supply and endangers the unborn baby.

The health aspects of the drug abuse problem have been brought into even sharper focus by the relationship between intravenous drug use and Acquired Immune Deficiency Syndrome (AIDS) in recent years. AIDS can be transmitted through shared drug paraphernalia. New York City, which has more AIDS cases than any other United States city, has estimated that intravenous drug use was responsible for 35 percent of known AIDS cases. Even more tragically, some inner city hospitals are reporting sizeable numbers of births with congenital AIDS.

Drug use exacerbates other medical problems and increases the cost of health care for the entire nation. Health insurance premiums rise, accident rates — on and off the job — increase, and the care load on public facilities, especially in economically deprived areas, is stressed. Drug use and the health care required to deal with the medical aspect of drug abuse harm the economy. In fact, one study suggests that the cost to treat an infant born to a crack cocaine addicted mother may be as high as \$125,000 per baby. Finally, drug abuse diverts scarce resources that could be employed in treating other high priority medical problems.

##### **Law Enforcement/Criminal Justice Dimension**

The law enforcement problem is itself very complicated. Drug abuse is clearly linked to crime and drug abusing criminals commit four-to-six times more crimes than non-drug abusing offenders. Further, law enforcement agencies must target a

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## Phencyclidine or PCP

### Physical and Psychological Damage

*PCP affects motor and autonomic nervous system functions as well as sensory perceptions and behavior. Physical effects include stroke, brain hemorrhage, hyperthermia with body temperatures as high as 108 degrees, increased heart rate, shortness of breath, sweating, increased salivation, increased secretions from the lungs, urinary retention, wheezing and severe bronchial spasms. Bizarre movement disorders, such as tremors, writhing, and jerky movements may occur, and grand mal convulsive seizures and prolonged seizures may follow high doses. Death can occur from respiratory depression, seizures, or cardiovascular collapse.*

*The psychological effects of PCP are unpredictable. Users report a range of effects including a sense of euphoria and well-being, excitement, exhilaration, sedation, drunkenness, and slow or speeding thoughts. Outwardly, users may be disoriented and confused and their speech may be slurred.*

*The most significant, observable change is in the personality of the user. Mood fluctuations, distortions in thinking, deterioration of attitudes, lack of personal responsibility and impairment in judgement regularly accompany PCP use.*

*Higher doses of PCP have produced violent psychosis with psychotic reactions that can last for weeks. These reactions include auditory and visual hallucinations, delusions, and paranoia. While these symptoms are most common at higher doses, they can occur at any level of use and may distort perceptions to the point that the user commits suicide or acts of violence against others. The question of permanent brain damage from PCP has not been settled.*

Extracted from an article by Dr. Norman Miller, Medical Director, Alcohol and Drug Program at Fair Oaks Hospital, Summit, NJ in the Department of Education's Challenge newsletter, March 1988.

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range of drug-related criminal activity — from smuggling a pocketful of marijuana across the border to the illegal removal of funds from the nation. Among the diverse activities that law enforcement agencies must target are:

- *Drug Smuggling into the United States.* Stopping smugglers is a tremendous task since America's borders are extensive and extremely busy. For example, 265 million people and 94 million land vehicles cross our land borders each year; more than 330,000 commercial and private vessels enter United States ports each year; 421,000 commercial aircraft land at United States airports with 30 million passengers; almost 7.5 million containers laden with all manner of cargo arrive from outside the United States each year. Detecting and interdicting drugs while still respecting Constitutional rights and traditional freedom of movement present obstacles.
- *Cannabis Growth In United States.* Approximately 25 percent of the marijuana consumed in the United States is illegally grown and harvested in this country.
- *Domestic Clandestine Laboratories and Manufacturing Plants.* Laboratories that produce illegal drugs from products smuggled into the nation and facilities manufacturing illegal drugs from legal or controlled chemicals must be identified and stopped.
- *Drug Distribution Systems, Facilities and Personnel.* The highly organized national and international criminal activities must be targeted. This is an imposing task. The Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA) have identified hundreds of major drug trafficking organizations — including more than 200

Colombian drug organizations in South Florida alone.

- *Precursor and Essential Chemicals.* Chemicals required to process drugs, such as ether for cocaine, must be controlled and monitored to protect against diversion to illicit drug production.
- *Legitimate Drug Diversion.* The production of legal drugs must be controlled to protect against theft or other diversion to the illicit market.
- *Corruption of Public Officials.* The huge profits of the drug organizations make corruption of public officials a very real problem that must be addressed by law enforcement agencies.
- *Drug Organization Leaders.* The leadership of drug organizations, often effectively insulated against the actual drug operation but growing rich off the profits, must be targeted and attacked. Frequently, sophisticated financial investigations are the only avenue to attack these criminals.
- *Money Laundering Financial Institutions and Businesses.* Institutions that participate in the laundering of drug profits and removal of fiscal resources from the United States must be targeted.
- *Illegal Drug Use.* The illicit use of drugs is a criminal violation and those who use illegal drugs must be held accountable for their behavior. Further, they must share responsibility for the entire range of criminal, and often brutal, activity required to supply those illicit substances. They are not victims of the crime, but participants in it.

Clearly, the diversity of the targets, the size and sophistication of the organizations involved and the huge profits available present tremendous law enforcement challenges.

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## Steroids

### "Instant Gratification... But at What Price?"

*Steroids may increase muscle mass; but the health consequences can include chronic illnesses, such as heart disease, liver trouble, urinary tract abnormalities, sexual dysfunction, and a shortened life.*

*Steroids have been known to promote violent, aggressive behavior. A study revealed that among athletes who took anabolic steroids, one-eighth experienced a psychotic episode researchers call "bodybuilder's psychosis." The participants in the study heard voices, believed they could jump out of third-story windows without harm, saw imaginary enemies, and exhibited other erratic behavior.*

Extracted from an article by John C. Lawn, Administrator of the Drug Enforcement Administration in the Department of Education's *Challenge* newsletter, November 1987.

Adding to the problem is the burden on the criminal justice system. Law enforcement officials are arresting and successfully prosecuting more and more drug offenders every year, and violators are receiving longer sentences. Additionally, the need to focus increasing attention on individual drug users expands the burden on the law enforcement and criminal justice systems and it presents a significant challenge in working toward a drug-free future. Alternatives to incarceration, including compulsory treatment options, other sanctions and other programs — coupled with additional resources throughout the systems — are required to support the national effort to eliminate drug abuse.

#### National Security Dimension.

Drugs impact United States national security. Our national security strategy requires friendly relations with other nations and seeks to foster democracy and free enterprise throughout the world as the surest way to underwrite peace and freedom. Unfortunately, in our own hemisphere, drug production and the growing strength of drug cartels undermine friendly relations and hinder the development of democracy.

Drug organizations in some Central American and South American nations threaten United States interests. The size and power of some drug cartels jeopardize legitimate governments in some countries. They control portions of some nations with tactics that are similar to those employed by political insurgents and terrorists. These cartels are so well armed — some even possessing sophisticated weapons — that they can challenge the military power of legitimate governments. In Colombia, for example, the terrorist tactics of the drug cartels were starkly displayed in the murder of the Attorney General, a dozen judges, and scores of police officers.

Some drug source countries are openly hostile to the United States, such as Iran. In those countries, drugs may provide yet another potent weapon to use against the United States and its interests.

Exacerbating the international dimension of the drug abuse problem is the economic situation in some drug producing nations. When drug organizations grow rich governments find it difficult to convince poor populations to support anti-drug efforts. The risks and moral arguments against drug trafficking are unconvincing in underdeveloped or economically ravaged nations. Popular faith in democracy, economic development and support for the legitimate government are undermined when governments appear powerless against drug organizations.

#### The Economic Dimension

Drug abuse is very costly to the economy of the United States as well. Research conducted for the National Institute of Drug Abuse in the early 1980s estimated that the annual cost of drug abuse was almost \$60 billion in 1983. Included in this figure were the costs of treatment and support of drug abusers and their families, an estimate of diminished worker productivity and unemployment costs due to drug abuse, and some social welfare program costs.

Compounding this burden is the cost of maintaining anti-drug programs. The Federal anti-drug budget for 1988 is almost \$4 billion; but that does not include the enormous cost to state and local governments for prevention and education programs, treatment, or law enforcement — which is estimated variously at between 8 and 18 percent of all local law enforcement costs. Additionally, private sector employers bear the significant costs associated with developing and implementing anti-drug abuse programs, insurance and related programs.

### Youth, Social, and Educational Dimensions

**D**rug abuse affects America's youth. For the most part, adults who use drugs, begin in their youth. It is America's youths who are most at risk to drugs. With the pressures of growing, the strength of peer pressures, and the challenge of attempting to become adults, comes vulnerability to drug use. For a host of complex reasons, children are at risk.

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*"In the United States we produce each year one million pounds of tranquilizers, five million tons of barbiturates, eight million amphetamines, and 34 million pounds of aspirin . . . Average 18-year-olds have seen about 200,000 TV commercials, over 66 percent of which tell them how to change the way they feel . . . Fifty years ago, the United States produced 30 to 40 over-the-counter remedies like cough syrup. Today we produce over 300,000 over-the-counter remedies. The not-so-subtle message to our youngsters is that it is not good to feel bad, it is not necessary to feel bad, it is simple to take something to make you feel better."*

On the challenge of educating children

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Drug use has tremendous health consequences for children. It impairs learning and some illegal drugs may cause severe mental difficulties, either by impairing brain activity — which can include seizures in some cases — and through the recurrence of hallucinations and other adverse effects. Additionally, the debilitating effects of drugs —

which range from loss of appetite to altered hormonal levels (as can be the case in abuse of steroids) bode especially ill in young, growing bodies.

The consequences of drug use are particularly damaging on children. Drug use is a criminal act and engaging in such activity undermines the development of values and attitudes necessary in responsible citizens. Further, drug use may encourage additional criminal activity and delinquency.

Drug abuse taxes economically deprived Americans by making solutions to poverty even more elusive. At the poverty level, the considerable risks imposed on drug dealers by law enforcement authorities may simply not be sufficient to overcome the lure. This is particularly the case with minors who are increasingly recruited as drug dealers and for whom the risks are tempered by our compassionate approach to juvenile offenders. In fact, one study found that in a major city, youths continued to deal drugs in spite of their knowledge that apprehension was a virtual certainty.

Poverty is not the only factor linked to involvement with illegal drugs. Children who have been physically or emotionally abused or neglected, have alcoholic or illegal drug abusing parents, are educationally or socially disadvantaged, become pregnant during their teens, or drop out of school are more likely to use illegal drugs. In each of these cases, the relationship between drugs and other social problems is quite clear.

Illegal drugs also impact children indirectly. The Commissioner of Human Services in New York City, reported an alarming increase in the number of child abuse incidents directly related to drug abuse — from 2,627 to 8,521 in two years. Drug abuse also was involved in 73 percent of the deaths of children from neglect or abuse in the New York during the last three years. To these figures must be added the untold and undetected numbers of children suffering at

the hands of alcoholic and substance abusing parents, guardians and siblings.

Drug abuse impacts on other social programs. In public housing, for example, drug abuse presents special challenges and undermines the very purposes of those programs. In schools, drug abuse remains a significant problem detracting from the educational process overall and inhibiting learning among those students who are drug-involved. Further, young Americans are tempted with increasing success by the large and quick profits of drug trafficking.

The problem of illicit drug use threatens diverse aspects of American society. The broad scope of the drug abuse threat is reflected in the breadth of the National Drug Strategy. It is also reflected in the organization of the effort against drug abuse in the United States.

#### **Organization and Responsibility for Anti-Drug Abuse Activities**

**E**liminating drug abuse is not the sole responsibility of any one organization within the government, of any one level of government, or of the government alone. Traditionally, health and law enforcement services, with a few exceptions owing to national scope, are provided by local and state government. But drug abuse is a national problem. National leadership is essential. In addition, there are some actions that can only be accomplished under Federal leadership, such as: interdicting the flow of drugs destined for the United States, operations against international drug cartels, facilitating nationwide information exchange among prevention programs, or funding research and development on addiction treatment nationwide.

The National Drug Strategy recognizes that the Federal government's role in the crusade against drugs is necessarily and appropri-

ately limited by both the historic division of labor within our system and the need for tailored solutions according to individual state and community needs. The Federal government provides leadership to the national effort against drugs in many ways: by using its considerable resources, national perspective and unique capabilities to enable and encourage local efforts; by promoting common action among diverse local, state and Federal agencies; by conducting a national epidemiological research effort into the causes and consequences of drug abuse; by joining local and national efforts into a single thrust toward the goals of the strategy; by underwriting the success of local programs through sharing information and technical expertise; and by coordinating and operating national level programs.

In partnership with state and local agencies, the strategy assigns the Federal government a very active leadership and operational role in supply reduction. Interdicting drugs, dealing with foreign governments and attacking international, national and regional criminal drug organizations can only be accomplished efficiently using unique Federal capabilities in conjunction with state and local activities. In demand reduction, the Federal government also has established a strong leadership role. It focuses on making Americans aware of the extent of the drug problem and mobilizing all Americans and their institutions to combat illegal drugs. Significant Federal technical and financial resources enable and support local education, prevention, and treatment programs.

The private sector shares responsibility for ending illegal drug use. The strategy promotes private sector activities across the board. In the media and entertainment industry, for example, the strategy focuses on using Federal influence and leadership to encourage entertainment programming that supports a drug-free nation. Further, all

employers share responsibility with their employees for drug-free workplaces — especially when the public safety is at stake as is the case in the transportation and medical industries.

Also reflected in the strategy is the responsibility of other nations, especially source and transit countries, for participation in global, regional and national efforts to attack illegal drug activities.

A central tenet of the American heritage is the ultimate responsibility of citizens for their nation, its security and its society. The National Drug Strategy recognizes that individual Americans are the keys to successful implementation of the strategy. Americans must accept their share of responsibility. In the President's six goals, they will find the foundation for individual action against the national drug problem. And in the anti-drug programs of their Federal, state and local governments, Americans will find assistance and support for their individual commitment against drugs and the actions they can take in their daily lives to say no to drugs for themselves, intervene in the drug behavior of others, and facilitate achievement of drug-free communities.

#### Focus on the User

The National Drug Strategy recognizes the importance of individual responsibility and a corollary, that those who use drugs are responsible and accountable for their actions. President Reagan infused the nation's drug strategy with an emphasis on user accountability when he announced: "Our goal is not to throw users in jail, but to free them from drugs. We will offer a helping hand; but we will also pressure the user at school and in the work place to straighten up, to get clean. We will refuse to let drug users blame their behavior on others; we will insist they take responsibility for their own actions."

The ultimate goal of the nation is to end the use of illegal drugs. The only way to do that is to persuade, or even force, those who use illegal to drugs to stop, and prevent others from starting. Focusing on the user and extending a range of incentives and sanctions designed to assist drug users in ending their drug-involved behavior is a central element of the strategy to end drug abuse in the United States.

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*"The casual user cannot morally escape responsibility for the actions of drug traffickers and dealers. I'm saying, that if you're a casual drug user, you're an accomplice to murder."*

Mrs. Reagan

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Focus on the user recognizes also that drug users must bear responsibility for consequences that extend far beyond themselves. Millions of citizens pay a high price for individuals who use illegal drugs. Illegal drug users finance crime; they are responsible for a large share of income generation crimes (property crimes, prostitution, mugging, etc.) in our cities and neighborhoods. They are responsible for significant losses in productivity and increases in health care costs; they pose a continuing threat to worker and public safety. Illegal drug users infect non-drug users with their habits and set a bad example for young people. They are among the principal transmitters of the AIDS virus. Illegal drug use is also known to be an insidious force for illiteracy, child abuse, poverty, and corruption.

Illegal drug use can be stopped. The focus on the user seeks to do just that. But it maintains that compassion must be administered with a firm hand, if it is not to "enable" the very behavior it seeks to avoid.

The nation can, and should, provide appropriate inducements for behaviors it values and sanctions for those that threaten it. Toward that end, the focus on the user approach seeks to establish firmly the individual's responsibility for drug use behavior. Those who use drugs must be held accountable for their behavior and the ramifications of that behavior.

User focus is a fundamental and common theme in the nine strategies within the National Drug Strategy. The strategies promote user responsibility and seek to assist in ending drug-involved behavior. They provide information to help drug users, their colleagues, family and friends to detect and end illegal drug use. A number of informational and educational programs assist in recognizing drug users and intervening against continued drug use, as well as providing treatment when necessary. When users prove themselves unable or unwilling to stop using illegal drugs, the strategies hold them accountable and seek to apply the necessary range of sanctions.

Among the activities that focus on the user are those that:

- Encourage national attitudes that tolerate no drug use.
- Provide sanctions against users of illegal drugs and encourage development of innovative sanctions, such as the loss of driver's license provisions adopted by some states.
- Assist grassroots efforts to identify drug users and aid them in becoming drug-free.
- Provide information and technical assistance in support of local treatment activities.

### United States Drug Effort Organized.

Just as there is no single solution to drug abuse, no single United States government agency has purveyed over all aspects of the drug abuse problem or over the National Drug Strategy. In fact, more than 30 Federal agencies have some role in the anti-drug program — from those that have specialized health care responsibilities, such as the Indian Health Service and the Veterans Administration, to those with broad responsibilities, such as the Department of Health and Human Services and the Department of Justice.

The strategy is issued by the National Drug Policy Board -- a cabinet-level decision-making group chaired by the Attorney General with the Secretary of Health and Human Services serving as Vice Chairman. The National Drug Strategy and its subordinate strategies and implementation plans are managed by the Policy Board.

The Vice President is actively engaged in leadership of the anti-drug effort. He is represented on the NDPB and directs the activities of the National Narcotics Border Interdiction System (NNBIS). NNBIS operates from the Vice President's office to improve coordination of the drug interdiction efforts of Federal, state, and local agencies. NNBIS also plays a significant role in coordinating and ensuring support from the Department of Defense, the National Intelligence Community, and a variety of other Federal agencies through its national presence and six regional centers.

The Policy Board structured the Federal effort against drugs to reflect the diversity of the drug problem and the strategies required to deal with it. Under the Board are two coordinating groups: The Drug Enforcement Coordinating Group, which focuses on supply; and the Drug Abuse Prevention and Health Coordinating Group, which is respon-

sible for demand reduction. Coordinating group members represent Federal agencies with pertinent drug responsibilities. The groups integrate the nine specific strategies, the plans of Federal agencies within each area, and enhance coordination among those agencies. This structure provides cohesive and coordinated oversight for the strategies themselves, the strategy and planning processes, resources allocation and facilitates inter-agency operations.

This approach was extended to the nine mission specific strategies that actually direct the elements of the Federal anti-drug campaign. Each strategy was drafted by a committee of Federal agencies and others with a role in the mission and chaired by a "lead agency" designated by the Policy Board. These committees also integrate agency plans and activities, and ensure that all agency efforts actually support National Drug Strategy goals and objectives.

The nine mission specific strategies define objectives based on the President's six goals. These are action oriented strategies with specific guidance for implementation by the agencies.

## Drug Enforcement Strategies

**T**he five drug enforcement strategies seek to reduce the supply of drugs in the United States, immobilize drug organizations, and apprehend those who violate United States drug laws. They include:

- *National Drug Intelligence Strategy*, which guides the development and use of the full range of United States intelligence capabilities in support of anti-drug activities at all levels of government.

- *International Narcotics Control Strategy*, which directs American efforts to stem the flow of drugs at their source and in transit countries, and guides diplomatic initiatives aimed at solving the world's drug problem and minimizing risks to national security from drug use.
- *National Interdiction Strategy*, which assembles three "substrategies", one for each medium of transportation — air, land and sea, into a coordinated effort to stop the flow of illegal drugs to the nation.
- *Investigations Strategy*, which attacks drug trafficking throughout the United States and internationally by focusing on national and international drug organizations; assisting in local, state and regional drug enforcement efforts; controlling the legitimate drug industry; and conducting financial investigations of suspected drug organizations.
- *National Prosecutions Strategy*, which sets priorities for applying Federal prosecutors' resources against drug traffickers.

## Drug Abuse Prevention and Health Strategies

**T**he four strategies in the demand reduction arena focus on individuals as the keys to reducing demand. These strategies address, and appeal to, users and non-users to eliminate illegal drug use. They are national in scope, viewing the Federal role as leading the effort, providing assistance and empowering local action, and serving as a catalyst for grassroots activities against illegal drug use. These strategies target individuals within discrete but broad populations based on the degree of drug in-

volvement and relative age of the population. The first two focus on non-users or those whose use is occasional. The last two on those most susceptible to use and those who are drug involved.

- *Prevention Education Strategy*, which supports and promotes the efforts of parents and communities against illegal drug use and supports their efforts to prevent youth from using illegal drugs.
- *Mainstream Adults Strategy*, which seeks to mobilize the majority of Americans who do not use illegal drugs to achieve drug-free workplaces and communities.
- *High-Risk Youth Strategy*, which focuses on the special problems of those youth

who are most at risk for drug abuse in an effort to enable them to live drug-free lives.

- *Treatment Strategy*, which aims to detect drug use and intervene to assist the user in becoming drug-free, to improve treatment for those drug users who require it, and to assist local treatment efforts.

These nine strategies comprise the National Drug Strategy. Each of the nine establishes objectives for the individual mission area, identifies courses of action, and provides guidance for Federal agencies in working toward a drug-free future for the United States. The nine specific strategies are summarized in the following chapters.

## Chapter 2

# The Fight Against Drugs

## National Drug Strategies to Stop the Flow of Drugs

**F**ive of the implementation strategies aim primarily at the supply of illegal drugs in the United States. While each addresses a discrete and necessary element of the Federal effort against drugs, they are closely related elements or missions within an integrated and comprehensive attack on the organizations and individuals that support drug abuse.

These five strategies are "threat driven". They respond directly to the "threat" presented by national and international crime groups involved in drug production, transportation, distribution and related activities. Each seeks to apply the *right mixture of friendly forces at the right time to inflict the greatest damage on the purveyors of illegal drugs*. Essentially, the strategies guide Federal efforts to attack drug enterprises based on knowledge of how drug organizations are structured and operate, and where they are either strong or weak.

Like all strategies that deal with a contemporary threat, these are flexible strategies. They require constant fine-tuning to reflect changes in the nature of the drug threat — including such factors as production trends; the ascent or decline of one or another criminal organization; changing attitudes of governments in source and trans-shipment countries; success or failure of past anti-drug operations; technical sophistication, tactics and operations of national and international drug organizations; and changes in domestic use.

### Characterizing The Drug Threat

**T**he drug threat to the United States has been evolving for decades. Major characteristics of the threat today include:

- *Types of Drugs:* Cocaine is increasingly popular in the United States and is now

the primary national drug threat. Marijuana remains the most widely abused illicit drug in the United States. Heroin is also a priority drug threat and other drugs — so-called designer drugs, synthetic analogs, hallucinogens, PCP, prescription drugs, and other substances — still present significant threats.

- *Drug Production Is Located Outside United States:* Except for about 25 percent of the marijuana consumed in the United States, some domestically produced dangerous drugs, and prescription drugs diverted to the illicit market, illegal drugs originate in other countries.
  - Cocaine is produced from the coca leaf cultivated both legally and illegally in South and Central America. Peru and Bolivia rank as the largest coca producers. Coca is processed into cocaine in clandestine laboratories located primarily in Colombia.
  - Marijuana is cultivated worldwide. Areas of most concern are Colombia, Mexico, other western hemisphere nations, and parts of the United States.
  - Heroin is processed from opium poppies cultivated principally in Southwest Asia, Southeast Asia, and Mexico. It is processed at several locations.
  - Laboratories produce dangerous drugs in the United States and other nations. Phencyclidine (PCP) production is concentrated in the Los Angeles area; LSD production is concentrated in San Francisco; and significant amounts of methamphetamine are produced in California, Oregon, Washington, and Texas. Some drugs, such as diazepam

(Valium), are not closely controlled in neighboring countries and smuggled across our borders.

- *Drug production increases:* Worldwide drug supplies continue to grow in spite of crop eradication efforts and record-setting seizures by law enforcement officials. Coca cultivation is increasing at an annual rate of 10 percent.
- *International drug cartels control drug trade:* More than ever before, criminal drug activity is controlled by highly organized international groups.
  - Colombian drug cartels control cocaine, from cultivation of coca leaf, to production, transportation, and at least the first level of distribution in the United States.

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*"... speak the truth — that drugs are evil, that they ruin and end young lives... that drug dealers are murderers and should be treated as such."*

Vice President Bush

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- There is less centralized control of marijuana traffic, but Colombian and Mexican organizations account for most of the imported marijuana in the United States. Recent evidence suggests that large interstate drug organizations are now cultivating and distributing domestic marijuana.
- In the past, heroin smuggling and distribution was dominated by the Sicilian Mafia, La Cosa Nostra and Mexican groups in the United States. Asian crime organizations are now gaining a larger portion of the opiate trade.

- U.S. drug organizations are heavily involved. Various multi-state groups, including nationwide outlaw motorcycle gangs, operate large scale distribution systems, while local and regional groups control distribution in their areas.

- *Drug organizations use sophisticated means:* Drug organizations use sophisticated and expensive tactics in combination with the latest available technology (such as communications, radar detection devices, and extensively modified long endurance aircraft) to avoid capture. They achieve a measure of protection through corruption of public officials in some countries.
- *Drug enterprises are well armed and increasingly violent:* Law enforcement agencies increasingly report seizing large quantities of weapons from drug organizations. In fact, the Bureau of Alcohol, Tobacco and Firearms (ATF) reports almost three times as many weapons and bombs seized in drug-related investigations in 1987 than in 1986 — including more than 150 machine guns and over 2,000 rifles and shotguns. The tragic number of law enforcement officers killed during drug investigations and rising drug related homicide rates in the United States testify to the use of violence by drug organizations.
- *Drug trafficking is the most profitable criminal activity:* Drug organizations generate huge profits in spite of losses inflicted by law enforcement efforts.

#### Multi-layered Attack on Drugs

To respond to this threat, the supply reduction strategies provide a layered or in-depth attack on the drug supply. This concept presents the traffickers with a series of barriers between the source of drugs and the marketplace. Some of the

strategies even attack the drug supply before the drug crop is harvested by encouraging source country eradication programs. The strategies raise subsequent barriers during processing, transportation, distribution, and use of drugs. Drug organization members also are targeted by a variety of means to immobilize them.

The impact of these five strategies extends beyond the amounts of drugs seized or numbers of violators arrested and convicted. By presenting layers of different and changing barriers at every step in the process of delivering drugs to the user, the strategies raise the cost to drug traffickers. Thus, the drug enforcement strategies aim not only at stopping the flow of drugs, but also at making drug trafficking less profitable and exerting market pressures that assist in deterring drug use.

The National Drug Intelligence Strategy supports all layers of the defense against drugs.

## National Drug Intelligence Strategy

**E**fforts to reduce the supply and demand for illegal drugs will be more successful if they are based on accurate and timely intelligence information. Intelligence provides law enforcement agencies with the information needed to find and characterize the drug threat, to expose and exploit weaknesses in drug organizations, and to conduct operations against drug traffickers. In addition, accurate information about domestic drug use is required to design successful strategies and plans aimed at reducing the demand for illegal drugs.

The fight against drugs requires a constant and very broad flow of information — ranging from an informant's "tip" about a drug buy, to assessments of other countries' efforts to stop the drug trade and global

drug crop estimates generated by the National Intelligence Community.

The National Drug Intelligence Strategy integrates and coordinates the specialized intelligence resources of drug enforcement agencies with the nation's foreign intelligence arm, and protects against duplication of effort or other nonproductive practices. The strategy makes drug intelligence a high priority for all national intelligence resources.

The strategy describes improvement in all six elements of intelligence: (1) identifying the information needs of agencies; (2) translating those needs into intelligence requirements and assigning responsibility for fulfilling those needs; (3) collecting intelligence from all available sources and transmitting it through processors and analysis to the Federal agencies that can act on it; (4) integrating systems for storing, retrieving and sharing intelligence information; (5) analyzing intelligence information and generating useful estimates based on that information; and (6) disseminating useful information to Federal, state, and local agencies that need it.

Collection and analysis systems operate within various Federal agencies. Therefore, the strategy focuses on improving those systems, complementing them with better communications and dissemination capabilities, and integrating them into a comprehensive and useful drug intelligence system.

- *Determine intelligence needs:* The strategy directs an interagency effort to coordinate drug information needs, eliminate duplication of intelligence products, and refer intelligence requirements that cannot be met by enforcement agencies to the National Intelligence Community.
- *Improve tasking of drug intelligence resources:* To improve drug intelligence, recommendations will be made for changes in the collection priorities of worldwide resources.

- **Improve collection and flow of information:** The aggressive pursuit of drug intelligence by all resources is a high priority. Electronic collection, aerial surveys, and other sophisticated techniques will be used. Additional capabilities must be developed speedily. Progress in this area is underway — for example: National Guard aircraft flew more than 3,000 reconnaissance flights; the Central Intelligence Agency (CIA) plans increased use of the LANDSAT satellite for crop estimation; and the Drug Enforcement Administration (DEA) is increasing the number of high quality confidential informants.
- **Communications and data processing must be integrated:** Direct and secure communications from drug intelligence offices to operational drug forces will enhance capabilities. Among planned improvements are: the addition of new data bases, equipment and increased personnel for the multiagency El Paso Intelligence Center and secure communications provided by the Defense and State Departments.
- **Maintain and improve analysis of drug-related intelligence:** Intelligence analysis must focus more sharply on specific drug enforcement missions — including the special requirements of the interdiction missions. Expanded intelligence will enhance investigations into organized drug trafficking groups. The continued development by the Federal Bureau of Investigation of an artificial intelligence computer program to assist in financial investigations and other technical advancements will yield improved intelligence analysis and estimating.
- **Ensure appropriate dissemination in timely fashion:** The assignment of intelligence staffs to interdiction command and control centers and the special

deputization of selected state and local officers will speed the flow of information and ensure utility to the recipient.

Intelligence supports every facet of the nation's drive toward freedom from drug abuse and strengthens each layer of America's defense against drugs.

## International Narcotics Control Strategy

**T**he first defense against the flow of drugs is governed by the International Narcotics Control Strategy, which targets drugs at source and trans-shipment countries.

Because all cocaine and heroin, and 75 percent of the marijuana consumed in the United States originate in foreign countries, the international strategy is a critical element of the National Drug Strategy. The strategy responds to the President's determination that drugs present a national security threat and demonstrates that halting the flow of drugs to the United States is a strong foreign policy goal.

The major goals of the strategy are:

- Reduce the supply of illegal drugs from major drug producing and trafficking nations.
- Reduce the amount of illicit narcotics cultivated, processed, and consumed worldwide.

The strategy integrates diplomatic initiatives and the international programs of Federal agencies to *motivate* and *assist* source and transit country drug reduction efforts. Diplomatic activities foster cooperation with supply reduction efforts, while technical and financial assistance aim to improve and expand host nation drug reduction programs. The United States assists drug producing and trafficking countries with eradication and enforcement operations, and by training local law enforcement organizations.

The strategy establishes priority objectives for United States international activities.

**First Objective:**

**Significantly Reduce the Flow of Cocaine**

Reducing the flow of cocaine is the highest priority of the international strategy. The strategy builds on past international efforts to reduce cocaine, such as Blast Furnace in 1986, when United States military helicopters carried local police and DEA advisors on strikes against cocaine manufacturing facilities and trans-shipment sites.

The first objective seeks to *cut coca production in half by 1993* in the world's major coca producing region — the Andean region of Peru, Bolivia, Colombia and Ecuador. To achieve this goal, the strategy directs diplomatic efforts to encourage cooperation for simultaneous eradication in all four countries and assistance to the region's law enforcement agencies. The strategy also places a high priority on development of an environmentally acceptable, air-deliverable herbicide for coca.

Other activities include: training local law enforcement agencies, assisting in attacking cocaine laboratories and providing economic support and military assistance to strengthen legitimate economies and promote acceptance of cocaine control efforts.

**Second Objective:**

**Reduce the Supply of Heroin from Asia and Mexico**

To accomplish this objective, the United States engages in bilateral eradication and enforcement operations in Southwest Asia, Southeast Asia, and Mexico; provides law enforcement training; and offers development assistance for Asian farmers who forgo traditional opium poppy cultivation.

Specific strategy activities include: improving eradication programs in source countries; destroying heroin refineries; intercepting drug caravans; and encourag-

ing tight controls on chemicals that are required to produce illegal drugs (known as precursor and essential chemicals.)

**Third Objective:**

**Reduce the Amount of Marijuana Entering the United States**

Under this objective, the United States engages in joint eradication and enforcement programs with host governments in major source countries. Training assistance is also provided.

**Fourth Objective:**

**Increase Worldwide Support for Narcotics Control**

United States diplomacy programs seek to increase worldwide support for supply and demand reduction. This effort focuses on raising awareness among governments, opinion leaders and populations, and gaining support for international narcotics control efforts.

**Fifth Objective:**

**Eliminate International Trafficking Networks and Cartels**

United States government agencies assist other nations in attacking and immobilizing major drug trafficking organizations and cartels through a coordinated program of law enforcement assistance, legal and judicial training, intelligence sharing and rewards for high-quality informants. Complementing these operations are diplomatic initiatives to gain international cooperation on financial investigations, asset seizure and forfeiture.

**Sixth Objective:**

**Increase International Cooperation in Global Narcotics Control**

The United States leads the worldwide effort to increase cooperation on narcotics matters among developed nations. Activities include: convincing other developed nations to require that source and transit countries demonstrate positive performance in narco-

ics control as a condition for aid; encouraging cooperation to prevent the diversion of legitimate pharmaceuticals to the illicit market; and technical and financial support for narcotics control activities of international organizations, such as the United Nations and Organization of American States.

These six objectives provide an appropriate mixture of diplomatic effort with assistance and direct support for the anti-drug activities. They have paid off. In fact, seven years ago only two nations had active programs to eradicate drug crops — today there are 20, and 14 of those receive assistance from the United States. Other indicators — such as amounts of drugs seized by other nations — confirm that the nation's international drug strategy contributes significantly to supply reduction.

## National Drug Interdiction Strategy

**T**he next opportunity to stop the supply of drugs is while they are in transit from source countries to our borders. The National Drug Interdiction Strategy focuses and coordinates the activities of various law enforcement and supporting agencies to stop drug smugglers in the air, at sea, and on land.

The strategy seeks to intercept and seize shipments of drugs and to deny freedom of movement to smugglers regardless of location and mode of transportation. The strategy directs an extensive and in-depth air, sea, and land interdiction system extending from our borders to the shores of source countries. This complex and changing series of barriers exposes smugglers to increased risk, complicates their task, and forces them to undertake increasingly costly and uncer-

tain maneuvers in attempting to evade interdiction forces.

The interdiction strategy consists of three inter-related strategies for intercepting drugs being smuggled by air, sea, and land. Each responds to the current threat associated with specific modes of transportation. These strategies guide the deployment and use of specific detection, tracking, and apprehension resources needed to defeat the threat in each mode of transportation. Further, the overall strategy integrates the resources assigned to each mission area for the most effective use of resources in all interdiction missions and to accommodate changes in mode of transportation. The strategy also encourages cooperation among Federal, state, and local agencies.

The three strategies use a common definition for the specific elements of successful interdiction operations. In each case, interdiction consists of four primary activities:

- *Detection* of the drug carriers — whether an aircraft, a ship or boat, a land vehicle, or carried by a person. This mission is accomplished by a variety of means: airborne, sea- and ground-based radar. Other devices and personal observation assist in land interdiction.
- *Sorting* of suspect vehicles and persons from legitimate traffic. This is a complicated process relying on intelligence data, research and experience, and on direct observation — as is the case when a Coast Guard or Customs Service aircraft attempts to visually identify a suspect aircraft.
- *Tracking and intercept* of suspects. In all three areas, tracking suspects until apprehension is possible presents a difficult task. The abundance of landing points for aircraft and vessels, and the isolation and ruggedness along some parts of our land border complicate the tracking mission.

- **Apprehension of suspects/violators.** The final element of interdiction is apprehension of the violators. Law enforcement forces must be deployed simultaneously with the smuggler's arrival. This presents a great challenge in all three interdiction media, but especially in air smuggling and when ships or boats are spotted too close to the coast for intercept before making landfall.

The specific objectives within each of the interdiction strategies enhance and support these four elements of interdiction operations.

#### National Air Interdiction Strategy

The air interdiction strategy seeks to reduce drug smuggling aboard general aviation (privately owned) aircraft, to deny aerial delivery as a useful means of smuggling drugs into the nation, and to deter potential smugglers.

The strategy guides development and employment of Customs Service, Coast Guard, and supporting resources to provide a defense in-depth, which employs a fixed detection perimeter along portions of the United States border complemented by mobile detection assets working near smuggling routes and source countries. Detection resources are varied, consisting of fixed and mobile air-, land-, and sea-based platforms to surprise and disrupt smuggling operations.

Responding to alerts from detection networks are interceptor and tracking aircraft and mobile law enforcement teams. Linking detection, sorting, tracking, and apprehension elements is a command and control, communications, intelligence (C<sup>3</sup>I) system that efficiently directs interdiction forces and allows them to respond immediately as the threat evolves.

Overall responsibility for air interdiction is shared between east and west control centers, but a joint planning and command and control structure integrates assigned resources into a single system.

To further reduce air smuggling, the strategy outlines a series of specific objectives for Federal interdiction agencies. These objectives are divided in the same fashion as command and control — improvements for the East and for the West, primarily the Southwest border.

#### Air Interdiction objectives, East Coast: 200 percent increase in capability.

A variety of actions address this aggressive objective.

- Establish a C<sup>3</sup>I Center in Miami in 1988 to more efficiently use Coast Guard, Customs Service and other assets, and improve coordination with local law enforcement to apprehend airborne smugglers at destinations.
- A 70 percent increase in fixed detection capabilities by upgrading the land-based aerostat radar in the Bahamas and installing two more in the area.
- Increase detection capability in Caribbean chokepoints by 65 percent with four mobile Coast Guard sea-based aerostat radars; improve detection near source countries and along drug trafficking routes with a 25 percent increase in patrol activity by the Coast Guard's two E-2C radar aircraft.
- A 200 percent increase in interceptor capability is scheduled for 1988. The first of eight USCG interceptors with sensors for day/night and adverse weather operations has already been delivered.
- Tracking capacity will be increased by 30 percent in 1989 with the deployment of new aircraft to the USCS.

- Apprehension capabilities in the Bahamas will be improved by 60 percent with the deployment of 12 USCG helicopters to transport Bahamian Police and DEA agents to drug drops and landing sites.

#### **Air interdiction objectives, West: 200 percent increase in capability.**

The air interdiction strategy addresses the airspace over a long and isolated border.

- A C<sup>3</sup>I center will be operational in 1988.
- A 70 percent increase in fixed detection capabilities with six new land-based aerosat radars. The first is already operational and the last will be operating in 1989.
- A 50 percent increase in mobile detection capability with the addition of a specially modified Customs Service P-3 Airborne Early Warning aircraft.
- Increases of 200 percent in interceptor capability and 33 percent in tracker capability are planned for 1989, when the Customs Service receives new specially equipped aircraft.
- Apprehension capabilities have already been upgraded by 30 percent with the addition of two Customs Service Blackhawk helicopters to carry law enforcement officers to landing sites and drop zones.

Supporting increased air interdiction operations in both regions will be a 17 percent increase in United States Customs Service aviation personnel.

The Air Interdiction Strategy also identifies DoD research for possible application to the interdiction mission. Possibilities include: the Air Force and Navy Over-the-Horizon Radar programs and the Army's Platform-based Aerosat project which could be useful in the Gulf of Mexico.

#### **The National Maritime Interdiction Strategy**

**T**he maritime strategy guides employment of forces to stop the flow of illegal drugs to our shores from the territorial waters of source and trans-shipment countries. Maritime forces do not work alone. They receive assistance from, and provide assistance to, air and land forces engaged in the interdiction mission and United States agencies involved in other anti-drug missions.

The strategy's integrated approach accommodates single agency operations, but encourages interagency joint operations; coordination of Federal, state, and local resources in United States coastal waters; and increased combined operations with source and trans-shipment country governments. This strategy also seeks to present an integrated and changing series of barriers beginning at the coast of the source country and extending to the United States shore.

To achieve maximum effectiveness from limited resources, the strategy divides the distance drugs must travel from their source to the United States into three types of zones, which allows tailoring of interdiction forces according to the nature of the threat in each zone. The three zones are departure zones, which consist of the waters immediately adjacent to the source country; transit zones, which extend from departure zones to the territorial waters of the United States; and arrival zones, which consist of internal and coastal waters extending 12 miles out from our shores. Nine separate geographic zones are identified in the strategy and objectives specified for each.

#### Atlantic Coast and Pacific Coast Departure Zones.

- Increase interdiction with continuing assignment of USCG Cutters to departure zones for combined operations with source and trans-shipment country maritime forces.
- To enhance source country maritime interdiction capabilities, the Coast Guard will train 500 local maritime interdiction personnel in FY 88 and another 500 in FY 89 and further enhance cooperation by establishing foreign liaison officers in source countries.
- Increase interdiction close to source countries by five percent.

#### Atlantic and Pacific Transit Zones.

- Increase by 10 percent the use of United States Navy ships for interdiction in 1988.
- Increase by 10 percent intercept, tracking, and apprehension in Caribbean chokepoints by deploying five additional 110 foot patrol boats in 1988.
- Add five sea-based aerosat radars in 1988 to increase detection capability by 30 percent and sorting capability by 20 percent in the Caribbean chokepoints.
- Increase international cooperation for interdiction by expanding agreements with the United Kingdom to include the Pacific Ocean, increasing liaison and combined interdiction operations by 20 percent in Caribbean, and training 150 local maritime interdiction personnel in Caribbean.

#### Florida/Bahamas Transit Zone.

- Replace older patrol boats with new 110 foot cutters to achieve 300 hours of interdiction operations per unit. Increase USCG Cutter coverage and continue to increase the size of USCG and USCS boat fleets.

- Increase interdiction capabilities in Bahamas by 20 percent with a Coast Guard Mobile Support Facility near Great Exuma Island and 24-hour per day OPBAT operations.
- Achieve seven day per week, eight hour per day operation of USCS coastal aircraft patrol and station Customs Service Nomad aircraft at Jacksonville, Florida.
- Increase combined operations with Royal Bahamian Defense Forces by 25 percent.
- Expand Customs Service coastal radar network to 100 percent of the high threat areas of Florida in 1988.

#### Atlantic Coast, Pacific Coast, and Gulf Coast Arrival Zones.

- Increase the effectiveness of interdiction operations by establishing standard operating procedures for Coast Guard and Customs Service.
- Increase the use of United States Coast Guard Cutters, USCG and USCS boats and aircraft in all arrival zones.
- Increase interdiction against high speed smuggling vessels in the Atlantic Arrival Zone by 10 percent through deployment of infra-red and other night vision devices.
- Enhance detection and tracking capabilities in all zones by deploying Customs Service aircraft to Long Island, San Diego, New Orleans, Corpus Christi, and Tampa.

#### Great Lakes Zone.

- To enhance coordinated USCG and USCS interdiction operations, establish coordination and inter-agency standard operating procedures by 1990.
- Improve coordination and cooperation with Canadian interdiction forces.

### In All Zones.

The objectives detailed by the strategy include several that support operations in all zones:

- Increase detection and tracking with expanded use of United States Coast Guard, Customs Service, Navy and Air Force long range surveillance aircraft.
- Increased Coast Guard Tactical Law Enforcement Teams (TACLETS) aboard United States Navy vessels patrolling in departure and transit zones.
- Increase joint and combined operations with source and transit country maritime forces.

### The Land Interdiction Strategy

The final interdiction strategy guides operations at the last chance to intercept illegal drugs before they enter the United States. The goal of the Land Interdiction Strategy is to stop smuggling at United States air, sea and land ports of entry, land borders between ports of entry, and through the international mails.

This task is complicated by the tremendous volume of legitimate traffic across our borders. The size and scope of this mission, plus the relatively brief period of exposure of the contraband to inspection put a premium on intelligence and sorting capabilities. The possibilities of successful interdiction at the border are dramatically improved if inspectors and agents have advance notice of a smuggling attempt or have other means, such as profiles of smugglers and their operations, to narrow the scope of their search.

Prominent objectives of the land interdiction strategy include: improved intelligence information and the ability to use intelli-

gence; improved sorting capabilities that exploit all available government and commercial data bases about the movement of individuals and cargo; increased numbers of personnel; and the application of new and evolving technology to detect drugs hidden among normal commercial materials and to sort suspicious cargo and conveyances from legitimate shipments.

The strategy objectives address improvement in all elements of the land interdiction mission. Because responses to the drug smuggling threat are dictated by the nature of the threat and the different vulnerabilities of various ports of entry, the border, and the mails, the strategy defines five specific elements of the land interdiction mission: airports, seaports, land ports of entry, the border areas between ports of entry, and the international mails. It details improvements for each element.

#### Seaports.

The objective is to seize drugs whether they are shipped within a container, hidden in general cargo, secreted aboard a commercial vessel, or carried by arriving passengers and crew.

- To increase detection of drugs in containerized shipments, the Customs Service will acquire all available commercial and government data bases and increase analytic capability to identify high risk shipments based on country or organization of origin, characteristics of the shipment itself — including container history and destination of the shipment.
- Intelligence and support will be extended to assist in detection and sorting.
- Containers and vessels will be subjected to 100 percent inspections more frequently, with canine teams and multi-agency inspection teams employed more often.

- The Sea Carrier Initiative Program will improve information sharing with carrier security personnel and hold carriers accountable for their cargo.
- To increase interdiction of drugs carried aboard small private vessels, intelligence and private national databases will be used; integrated Federal, state, and local mobile land law enforcement teams will be created to assist in interdiction; new small vessel reporting stations will be established; additional training will be provided by the Customs Service to other Federal, state and local agencies in detecting modifications to small vessels for drug smuggling.

#### Airports

The interdiction strategy also addresses interdiction at United States airports. Because drug smuggling through airports frequently involves complicity of airport or air-carrier personnel, the strategy directs a ten percent increase in internal conspiracy related arrests and a five percent increase in the number of commercial aircraft seized.

To accomplish these ambitious goals, the strategy directs the use of all available data — including commercial flight and cargo manifest information and intelligence reports of United States aircraft spotted in high risk countries — to sort suspects. Further, it mandates improved examinations and inspections for high risk aircraft, airport cargo holding areas and passengers. Capitalizing on experiences with air carriers whose lack of control or negligence gave opportunities to smugglers, the strategy holds carriers responsible for vulnerability to drug smuggling and directs law enforcement agencies to seek penalties against those carriers.

#### Land Border

The strategy addresses two land border missions — interdicting the flow of drugs at land ports of entry (POE) and intercepting

drug smugglers between ports of entry. As with other interdiction missions, improved intelligence support is a prominent requirement. A high priority is assigned to developing the means to speed necessary information — including alerts for individuals or vehicles and commercial data on the movement of containers — to ports of entry and checkpoints between POEs set up by the Border Patrol. The strategy calls for increased communications and data processing equipment for all deployed units. In addition, since fraudulent or altered travel documents facilitate drug trafficking, the strategy directs an increase in Immigration and Naturalization Service (INS) inspectors and inter-agency training to detect fraudulent passports and identification documents.

Other specific objectives at POEs include increased examination and inspection of vehicles and containers originating or transiting high risk countries; increased inspection of travelers entering from, or returning from, source and trans-shipment countries; increased use of new technology to detect drugs hidden in containers, cargo and conveyances, such as devices that measure an object's density; and increasing rigorous follow-on investigation of suspects.

To secure the border between POEs, the strategy directs increased deployment of Border Patrol and other forces to establish more checkpoints along the border, and increased use of joint-agency mobile operations. In addition, the strategy directs increased employment of DoD resources to provide mobile and fixed intruder detection networks along border areas. Greater use of infra-red equipped helicopters and other sophisticated equipment is also directed by the strategy.

#### International Malls

The goal of the International Malls element of the Land Interdiction Strategy is a two percent increase in the amount of drugs

seized from letter and parcels mailed to the United States. The strategy directs enhanced identification of high risk mail for expanded screening by joint agency forces and mandates improved mail facility security.

Past interdiction actions have been highly successful though not decisive. This strategy ensures future success and directly supports the crusade for a drug-free nation.

## National Investigations Strategy

**T**he National Investigations Strategy seeks to reduce the supply of illegal drugs by immobilizing drug trafficking organizations. It charges Federal investigative agencies to: (1) arrest leaders, financiers and operatives of major trafficking organizations; (2) seize illegal drugs; and (3) seize proceeds generated by drug trafficking and the assets of drug organizations and individual traffickers. The strategy details specific actions to accomplish each of these goals.

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*"Drugs are not bad because they are illegal; they are illegal because they are bad."*

John C. Lawn  
Administrator, Drug Enforcement  
Administration

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This strategy builds on experience and proven investigative practice and integrates the successful methods employed by the nation's drug enforcement agencies into a comprehensive program to end drug trafficking in the United States.

Although the investigations strategy addresses domestic crime, it is closely linked to the interdiction, intelligence and international strategies. In fact, the investigations strategy shares responsibility for border integrity and assigns a priority to participation in border interdiction operations by investigative agencies. It also directs the assignment of resources to improve and assist other nation's drug enforcement operations in support of the international strategy.

### First Objective: Immobilize Drug Trafficking Organizations

To immobilize drug traffickers and deter new organizations, the strategy focuses on three major areas: first, it directs increases in the nationwide Organized Crime Drug Enforcement Task Forces (OCDETF), which combine the unique capabilities of various law enforcement agencies into multicapability forces for comprehensive attacks on major drug organizations in 13 major cities. Second, the strategy details priorities for attacking drug traffickers. Finally, it mandates increased assistance to state and local anti-drug forces.

- Increase the time spent by DEA on OCDETF cases by five percent.
- Increase FBI resources devoted to OCDETF and focus 80 percent of their effort on major Colombian, South American, Mexican and Italian drug organizations. Devote remaining resources to investigating emerging ethnic drug organizations.
- Identify and investigate major drug trafficking organizations involved in domestic and international corruption.
- To make full use of immigration statutes against drug traffickers and reinforce efforts to disrupt emerging ethnic drug groups, backfill 100 INS positions and add 50 INS special agents.
- Decrease the number of OCDETF fugitives at large by 10 percent.

- Increase Bureau of Alcohol, Tobacco, and Firearms (ATF) OCDETF investigations against major drug trafficking organizations by five percent.
- Continue to investigate money laundering activities.

#### Target Major Traffickers.

The strategy directs Federal agencies to concentrate on those organizations presenting the greatest drug threat nationally and in local areas. The strategy lists several objectives for this approach, among them:

- Maintain 75 percent of DEA's effort against the largest scale drug traffickers and increase cases against major traffickers to 50 percent of total DEA case load.
- Focus all FBI drug investigations on major and emerging ethnic drug organizations.
- Increase use of FBI electronic and covert surveillance and technical support.
- Use regulatory inspections and criminal investigations to identify and immobilize organizations involved in diversion of legal drugs, precursor chemicals and essential chemicals to the illicit market.
- Use ATF agents to achieve a five percent increase in firearms cases brought against the leaders of drug organizations.
- Increase INS investigations of high level alien drug traffickers by 25 percent.

#### Assist State and Local Law Enforcement efforts.

State and local drug investigations already benefit from Federal efforts — OCDETF operations, DEA state and local task forces and intelligence, are examples. To further enhance local and state enforcement the strategy details several activities:

- Assist specialized local programs, such as crack cocaine teams established us-

ing Department of Justice grant funds or asset sharing.

- Increase assistance for investigations of mid-level street dealers and distributors who routinely use firearms.
- Expand the INS Alien Criminal Apprehension Programs to increase alien criminal apprehensions and deportations by 20 percent through teams of local and state enforcement officers and INS agents.

#### Second Objective:

##### Increase Drug Seizures

Without drugs to sell, traffickers will not last long. This objective goes beyond routine drug seizures that frequently accompany investigations to support international and interdiction seizures with investigative resources. Activities in support of this objective are drug specific.

##### The Cocaine Suppression Program.

- Identify, seize, and destroy cocaine, coca base and paste, and coca leaf wherever it is found.
- Assist source countries in intercepting coca and cocaine products along drug routes.
- Support and assist source country eradication efforts and disseminate new Department of Agriculture technology.
- Increase assistance for border interdiction operations.

##### The Heroin Suppression Program.

- Increase ability to verify eradication and prevent replanting.
- Upgrade and assist source country interception of drugs.
- Increase assistance for border interdiction operations.

##### The Cannabis Detection and Eradication Program.

- Promote and assist eradication in all 50

states with funding for aggressive state and local efforts and nation-wide training.

- Eradicate cannabis on 60 percent of National Forest System and Department of the Interior lands by 1988, and 75 percent in 1989.
- Increase aid to source governments to immobilize marijuana growers.
- Exploit state-of-the-art technology for cannabis detection.

#### **Domestic Clandestine Laboratories Program.**

- Seize 10 percent more laboratories in the United States.
- Reduce by half the number of clandestine laboratories operating on Federal lands.
- Train state, local, and Federal personnel to detect and destroy clandestine laboratories.

#### **Precursor Chemical Program.**

(Precursor chemicals are essential ingredients in the drug itself, while essential chemicals are those needed to manufacture the drug, such as solvents.)

- Restrict the sale of precursor and essential chemicals.
- Monitor export and import of specific precursor and essential chemicals.
- Encourage other countries to tighten controls on precursor and essential chemicals.

#### **Legal Drugs Diverted to Illicit Use.**

- Focus efforts geographically to seize all legal drugs on the illicit market.

#### **Third Objective:**

#### **Seize the Proceeds and Assets of Drug Traffickers.**

The third objective of the investigations strategy makes drug trafficking less profitable and denies drug organizations the resources needed to maintain their illegal ac-

tivity. The strategy also deters potential drug trafficking by increasing the risk associated with drug offenses.

Proceeds and assets seized by drug enforcement agencies are used by the Federal, state and local governments that participated in the seizure. The investigations strategy directs more equitable distribution of seized proceeds and assets and mandates a 15 percent increase in the share of funds allocated to state and local governments under the Customs seizure program.

Two elements of the strategy directly support this objective:

#### **Financial Investigations.**

Financial investigations are an integral part of all drug investigations. Following the flow of drug profits is useful in identifying senior members of drug organizations. Further, since senior leaders are frequently insulated from the source of their income, financial investigations provide a means to attack senior members of drug organizations.

- Increase seizures of drug proceeds and/or traffickers' assets by 10 percent.
- Increase by 10 percent the United States Customs Service time commitment to money laundering investigations.
- Facilitate financial investigations by increasing the exchange of information between law enforcement and regulatory agencies, and providing additional training for financial institutions' employees.
- Develop a strategy to investigate the covert transfer of funds to foreign areas.
- Establish integrated interagency financial investigation guidelines and develop new tools — including a money laundering model.

#### **Asset Removal.**

- Expand use of specially trained asset removal teams to increase asset seizures.

- Increase training of state, local, and foreign officials for domestic and foreign asset seizures.

The investigations strategy is closely related to the National Narcotics Prosecution Strategy.

## The National Narcotics Prosecution Strategy

**T**he National Narcotics Prosecution Strategy guides Federal efforts to successfully prosecute those who are principally responsible for the flow of narcotics in the United

States. To significantly disrupt organized national and international drug enterprises, local and regional distribution and trafficking networks, and major individual traffickers, the strategy targets principal members of those groups for prosecution.

The prosecution strategy supports the other national drug strategies by assigning Federal prosecutors to try the cases developed by investigative, interdiction, and other law enforcement agencies. In addition, the strategy provides for continuous participation of Federal prosecutors in investigations and other activities to increase the probability of successful prosecution, including deporting alien drug offenders when appropriate.

A fundamental purpose of the prosecution strategy is to apply limited Federal prosecution resources against those targets where successful prosecution can have the greatest and most lasting effect on the nation's drug abuse problem. Consequently, the strategy details three primary goals and emphasizes coordination and cooperation between Federal, state, and local authorities in pursuit of each goal.

### First Objective: Establish Priority Targets and Attack Them.

The first objective responds to the centralized and organized nature of the drug trade today and incorporates historic lessons in combating organized crime. It also extends the successful concept of actively targeting and pursuing the highest level drug offenders employed by OCDETF in recent years.

Beginning in Fiscal Year 1989, the National Narcotics Prosecution Strategy directs the assignment of 80 percent of Federal narcotics prosecution resources and 100 percent of OCDETF prosecutive resources to priority targets. The priority targets are:

- **Designated targets:** A high level targeting group will designate the most significant drug enterprises as targets regardless of where they are located. Colombian cocaine cartels, Asian and Mexican heroin smugglers, La Cosa Nostra drug distributors, and other groups will be among these targets.
- **Other major enterprises:** Other multistate or multinational drug organizations will also be targeted.
- **Violators subject to United States jurisdiction:** Groups or individuals suspected of drug offenses within areas of Federal jurisdiction, such as special maritime jurisdiction of the United States, or of attempting to smuggle drugs into the United States will be subject to Federal prosecution. Suspects apprehended by interdiction forces will be among these prosecution targets.
- **Local Law Enforcement Coordinating Committee targets:** Some local and regional narcotics violators will be designated for Federal prosecution. These targets will be drawn from local United States Attorneys' narcotics prosecution plans, which are prepared with the advice of local agencies participating in

the Law Enforcement Coordinating Committee established in each United States Attorney's district.

- *Laboratories, manufacturers and diverters:* Groups or individuals suspected of operating large illegal drug manufacturing facilities, using precursor and essential chemicals, or diverting sizeable quantities of legal drugs to the illicit market will be targeted.
- *Principal administrators, organizers and leaders:* The leadership of any major drug enterprise constitutes a target.
- *Narcotics related public corruption:* Individuals or enterprises that seek to corrupt public officials in the pursuit of illegal drug business, and corrupted officials at all levels will be prosecuted.

The prosecution strategy also details several tactics that are particularly well-suited for use against priority targets. Among them are proven devices, such as Continuing Criminal Enterprise and "racketeering" (RICO) cases; the use of mandatory minimum sentences authorized in the 1986 Anti-Drug Abuse Act and Armed Career Criminal Act; preventive detention; expanded use of grand jury investigations after conviction; increased concentration on financial investigations and expanded use of electronic surveillance and undercover operations; vigorous enforcement of asset forfeiture statutes; special programs to recruit, train and retain Federal drug prosecutors; mutual legal assistance and extradition treaties with source countries; and increased action against domestic cannabis producers.

**Second Objective:**

**Assist State and Local Drug Enforcement and Prosecution.**

The second objective is assisting states and communities in providing aggressive prosecution of local, statewide, and regional drug traffickers. This strategy emphasizes

coordinated action among jurisdictions and direct support for improving and expanding prosecutions at the local level.

Local Law Enforcement Coordinating Committees (LECC) provide a foundation for much of the coordination required to achieve this objective. LECCs bring local, state and Federal law enforcement and prosecution officials together to identify and target local drug threats.

The Bureau of Justice Assistance (Department of Justice) Discretionary Grant Program supports cooperative prosecutions and assists local efforts. BJA's Statewide Drug Prosecution Program, for example, enables local and state authorities to better prosecute multi-jurisdictional drug traffickers. In addition, BJA underwrites the creation of local drug task forces and special response efforts, such as crack cocaine teams now operating in some areas. The national prosecution strategy promotes expansion of these and other cooperative programs.

The strategy details a number of specific activities, among them:

- *Increase and improve training:* States need additional and innovative prosecutor and investigator training, especially concerning long-term, complex drug cases.
- *Achieve equitable sharing of forfeiture assets and proceeds:* Increased sharing will provide additional resources for state and local prosecutors and investigators.
- *Create model statutes:* The strategy urges development of model statutes to address areas of limited state experience, such as money laundering, forfeiture and electronic surveillance. In addition, innovative model statutes will be provided on such things as restricting convicted drug users' access to driver's licenses or other privileges.

- *Expand joint task forces and provide other support:* Where appropriate, expand the use of joint Federal, state and local task forces and provide special support, such as non-English language teams and technical assistance.

### Third Objective: Attack Significant Regional, State, and Local Threats.

The third objective targets local, state, and regional narcotics threats. Some local, state and regional narcotics organizations present such significant and urgent threats that they must be addressed by Federal resources. The strategy seeks to underwrite confidence in narcotics enforcement, and to deter drug use by demonstrating no tolerance for drug use.

To address regional and local narcotics threats, the strategy charges United States Attorneys to update the Narcotics Section of their District Law Enforcement Plans after consulting with local law enforcement officials. United States Attorneys and local enforcement officials will produce an "LECC strategy" that establishes local priority drug targets, *which will be pursued with the same level of effort as those designated as national priority targets.*

Specific actions detailed by the strategy include:

- *Implement selective user prosecutions:* To send a strong "zero-tolerance" message, demonstrate clearly that drug use is a criminal activity and deter drug use. Users will be targeted for prosecution under statutes with mandatory fine and incarceration provisions.
- *Emphasize specific offenders:* Those prosecution efforts that send a strong "zero tolerance" of drug use message and go farthest in protecting America's youth have great deterrent potential. For that reason, the strategy directs increas-

ed emphasis on: multiple offenders, including those with a history of violence; those who violate the school yard statute; fugitives; and those who deal in drug paraphernalia.

The National Narcotics Prosecution Strategy also dictates actions designed to enhance the overall anti-drug effort. Among them are:

- Review US Attorney and OCEDEF guidelines for establishing Federal jurisdiction to ensure that thresholds levels are responsive to the ambitious goals of the prosecution strategy.
- Seek stiffer sentences for drug violators where appropriate.
- Assure the witness security program is able to respond rapidly to prosecution and investigation needs.

The National Narcotics Prosecution Strategy aims at putting more drug offenders behind bars, stripping them of ill-gotten profits, and destroying the criminal organizations that have supported and encouraged America's drug problem. The strategy is consistent and supportive of the other drug enforcement strategies and builds on the successes of the US Attorney, OCEDEF and LECC efforts. It also provides direct support to the demand reduction effort by giving a high priority to those prosecutions most likely to have deterrent value.

## A Final Word About Drug Enforcement Strategies

These five "supply reduction" strategies provide a layered and comprehensive approach to stopping the flow of drugs to the United States and attacking the drug trade. Supply reduction is an essential step toward eliminating drug use in the United States, but alone it cannot solve America's drug problem. Law enforcement can slow

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the spread of drugs and insulate healthy Americans from illegal drugs and associated criminal activity. But the solution lies in eliminating the demand for drugs. These

five strategies support that effort, and the four demand reduction strategies of the National Drug Strategy address it directly.

## Chapter 3

# Solving the Drug Problem

### National Strategies to Eliminate the Demand for Drugs

While success in supply reduction contributes to our goal of a drug-free nation, it cannot alone solve the drug problem. The only way to achieve a drug-free nation is to have those who use drugs stop, and prevent others from starting — in effect, to eliminate the demand for drugs. And that is the other major objective of the National Drug Strategy.

The National Drug Strategy recognizes that drugs threaten all Americans, but in different ways and for different reasons. Some Americans are drug dependent, others because of age, social, economic, familial, educational and other conditions — are very vulnerable. Others, who do not use illegal drugs, must address the impact of drug abuse in their lives as they encounter illegal drug use in their work places, their schools and communities, and among family and friends. To be effective with such a diverse population, the demand reduction strategies have been tailored to the specific needs and conditions of groups of Americans.

*"The war must be won in the conscience, the attitude, the character of Americans as a people. So long as we tolerate drugs — think they are sophisticated or mildly risqué — we will never rid ourselves of this national albattross."*

Lois Haight Herrington  
Chairman, White House Conference  
for a drug-free America

Four target groups have been identified, based on levels of drug involvement, vulnerability, age and relative difficulty in reaching

the group. A specific strategy has been developed to address the unique situations of individuals in each group. The first two groups have little or no drug experience, and are relatively easy to reach through community institutions, schools and the media.

- *Youths with limited or no drug experience.* The *Prevention Education Strategy* guides national efforts to assist these young people in maintaining or achieving drug-free lives.
- *Mainstream adults* are the majority of Americans. For pragmatic, moral, and civic reasons, this group has undeniable responsibility for leading efforts to assist others in achieving and maintaining freedom from drugs. The *Strategy for Involving Mainstream Adults* addresses this group.
- For Americans in the second two groups, drug use is a more urgent and immediate threat. In these two groups, preventing drug use or curing the addicted present most difficult challenges. Some in these groups are very hard to reach or treat.
- *Youths who are at high risk of becoming involved with drugs* because they experience one or more of the factors known to increase the risk of drug use — such as suffering abuse, pregnancy, addicted or alcoholic parent, lack of education or poverty. The problems of these young people are addressed by the *High Risk Youth Strategy*.
- *Those who are impaired by illegal drug use* and who may experience significant other problems as well. The *Treatment Strategy* addresses the special problems presented by this group.

The four demand strategies complement and reinforce each other, and provide an integrated, comprehensive approach to demand reduction. They recognize that the bedrock of behavior is knowledge and atti-

tude. They seek, therefore, to impart knowledge about the dangers of illicit drug use and to strengthen the "Zero Tolerance" attitude among Americans — an attitude that promotes personal decisions to reject drug use and encourages individual action in pursuit of drug-free communities.

While the key to drug-free communities lies within each American, all levels of government have significant responsibilities for attaining a drug-free future. This responsibility weighs heavily on state and local governments, which are major providers of education and health care and are in the best position to determine the needs of their citizens and address those needs.

The private sector, dependent as it is on the health and productivity of the nation's work force, shares responsibility for reducing illegal drug use. The strength of America's economy and our ability to compete internationally are inextricably bound to the work force.

The Federal government also shares responsibility for this effort. The foremost duty of the Federal government in demand reduction is to provide strong and useful leadership — and that is a high priority in the National Drug Strategy. Federal leadership extends from the bold and consistently supportive statements of the President, First Lady and senior administration officials to the clear message sent by increased drug budgets. Federal leadership underpins the programs detailed by the four demand reduction strategies, which facilitate state, local, private sector and individual initiatives.

These four strategies place a premium on Federal leadership of efforts tailored to the needs of specific groups of Americans. Together they form a comprehensive plan to eliminate the demand for drugs.

## National Strategy for Prevention Education

**P**reventing illegal drug and alcohol use among youth is the goal of the first demand reduction strategy. This strategy recognizes that drug use results from the complex interaction of individuals with their unique personalities and the many elements of their environments. It also recognizes that prevention of drug use extends beyond the primary target — youth — to include adults and those youths who may be at higher risk for drug use; and it recognizes that the key to successful prevention does not rest with any single group — non-using Americans must promote freedom from drugs among youth. Consequently, the prevention and education strategy focuses not on a single factor that may lead to substance abuse, but on individual youths within the broad context of those most likely to influence their behavior — parents, communities, schools and other youths.

The prevention strategy details important roles for:

- **Parents:** Parents have primary responsibility for preventing drug and alcohol use among their children. Parents are teachers of right and wrong and exemplars of behavior. They must be knowledgeable about drugs and alcohol, and about signs of use. Parents have organized more than 4,000 anti-drug and alcohol groups nationwide to assist in their individual efforts.
- **Communities:** Communities must assist parents and contribute to the success of drug abuse prevention efforts. They must provide accurate and useful information about the nature and extent of alcohol and drug use. Communities must also reinforce the lessons being taught at home with laws and regulations that send a strong and unmistak-

able message that drug use is wrong and will not be tolerated.

- **Schools:** Schools must join parents and communities in their efforts to fight drugs. School policies and regulations must reflect the *attitude* that drug use is unacceptable and the *expectation* that students will be drug-free. Effectively enforced, these policies and regulations will ensure that drugs and alcohol are kept off school premises and will help youth resist pressure to try drugs and alcohol.
- **Youth:** Youths share responsibility for ending drug and alcohol use. Children must be *encouraged* and *equipped* to resist drugs and alcohol and to exert positive influences on their peers.

This strategy focuses on using Federal resources to support and promote grassroots efforts to prevent drug and alcohol use among children. State governments are at the center of the effort to support and promote grassroots action. As the repositories of health and educational expertise and recipients of Federal assistance, states can assist parent, school and community drug prevention and education programs directly. State programs are underway already. In fact, state agencies administered more than \$150 million in prevention funds from the Department of Education in Fiscal Year 1987, and three-fourths of the states require schools to teach about drugs.

To prevent drug and alcohol use among youth, the strategy establishes four principle objectives for Federal government support of grassroots activities and guides specific agency activities aimed at accomplishing each objective.

#### First Objective:

##### Leadership to Promote Awareness.

The President has used his "bully pulpit"

to make Americans aware of the drug threat and their individual responsibility. In speeches and other public activities, he has spread the word and urged Americans to respond against drug and alcohol abuse. Magnifying the President's efforts are the acknowledged leadership of the First Lady and her nationwide "Just Say No" campaign, and the complementary public campaigns mounted by Cabinet Members.

The success of this effort is well documented in public opinion polls, in the sharp anti-drug attitudes of school children, and in the high priority Americans now assign to preventing drug use among the nation's youth.

This objective of the prevention strategy responds to the President's desire to maintain that effort and continue using all elements of the Federal government to infuse all Americans with a sense of urgency about drugs.

#### Second Objective:

##### Collect Useful Information.

Grassroots drug prevention efforts require a steady flow of information to increase knowledge about drugs and to design programs that succeed. Toward that end, the strategy directs the collection of information.

- **National Survey Data.** National surveys can reflect the incidence and prevalence of drug use among youth. The National Institute on Drug Abuse (NIDA) conducts two of particular note: the annual National High School Senior Survey and the periodic National Household Survey. These two studies provide vital information on levels of drug use in our society and feedback on progress made in demand reduction efforts and inform decisions about resource allocation in the fight against illegal drugs.

- *Information on What Works.* The drug-free Schools Recognition program of the Department of Education and evaluations of demonstration programs sponsored by the Office of Substance Abuse Prevention (OSAP), ACTION and the Department of Justice provide information about successful programs that will help other communities use this information to develop effective programs.
- *Evaluations.* To understand which programs are most likely to succeed, program processes or activities and outcomes will be evaluated.
- *Basic Research.* NIDA and other institutions will compile research on attitudes toward drug abuse and the health effects of alcohol and drugs for use by parents, teachers and others in promoting drug and alcohol use prevention among youth.

### Third Objective: Disseminate Information

Children must know about the dangers of drugs to develop the healthy attitudes that enable them to "say no to drugs." Parents and others need information to develop successful programs encouraging youth to remain drug-free. The third prevention strategy objective includes three separate activities to disseminate information.

- *Information to the Public.* The strategy details an extensive educational campaign including:
  - The National Clearinghouse for Alcohol and Drug Information, which produces and disseminates information about drugs and drug prevention programs.
  - NIDA, the Drug Enforcement Administration, the FBI, the INS and other agencies provide

information to private companies and communities for their drug education programs.

- Several Federal agencies, including the Department of Health and Human Services and the Bureau of Indian Affairs, distribute newsletters containing useful prevention information. A Department of Education newsletter features initiatives for schools, and the Justice Department's newsletter performs a similar service for the law enforcement community.

- Drug prevention media campaigns are conducted by several agencies, including DEA, OSAP, the Department of Education and ACTION. The U.S. Customs Service and other agencies sponsor radio and television public service announcements with prevention messages. NIDA provides technical assistance to private industry's anti-drug abuse media campaigns.

- *Model Programs.* Parents, communities, schools and others need to know about model programs. Federal agencies meet this need with programs that include: the National Institute of Justice publication, *Arresting the Demand for Drugs: Effective Prevention Programs*; a pamphlet titled *Taking Action Against Drug Abuse: How to Start a Volunteer Anti-Drug Program in Your Community*, and the publication of details about 20 community-based programs by OSAP.

- *Evaluation and Research.* To ensure that research and evaluation findings are useful in building drug prevention programs, the strategy emphasizes publication and distribution of information. Several agencies have programs underway, including the bi-monthly OSAP publication, "Prevention Pipeline: An Alcohol and Drug Awareness Service," and NIDA's "NIDA Notes," which disseminate research findings to service providers and others.

To better disseminate information, the strategy describes procedures for coordinating the communications activities of Federal agencies. Among those efforts is the work of the Steering Committee for the Clearinghouse, which reviews media campaigns and coordinates activities with the National Association of Broadcasters.

#### Fourth Objective: Assistance

The final objective of the prevention strategy seeks to assist — directly and through state governments — prevention programs nationwide. The strategy details Federal technical and financial assistance to aid the prevention efforts of parents and communities, elementary and secondary schools and institutions of higher learning. Specific activities are outlined.

- *Parents and Communities.* To assist parent and community groups that are initiating drug prevention efforts and to enhance programs already underway, Federal agencies provide training and other technical assistance. OSAP sponsors conferences and training workshops for parents, community leaders and others. In all 94 districts, US Attorneys sponsor drug education and prevention conferences for a variety of community organizations. Some agencies provide focused training, such as the National Highway Transportation Safety Administration's assistance in reducing drug and alcohol impaired driving. Financial support has been provided to such successful programs as the Just Say No Foundation. Community based volunteer programs benefit from ACTION's Drug Alliance, which aids state governors in coordinating and training for community based drug prevention programs.
- *Elementary and Secondary Schools.* Schools play an important role in teaching children how and why to say "no" to drugs. To enhance those efforts, Federal agencies provide training, curriculum development and other technical assistance. Federal programs include:
  - Department of Education's (ED) formula grant program and regional centers provide assistance and training to elementary and secondary schools. In addition, the Challenge Campaign that disseminates information and ideas for school use; Justice Department programs to prevent drug use among athletes, and regional training centers for the Drug Abuse Resistance Education program.
  - Financial assistance is provided by ED grant programs, including one that focuses on adding drug and alcohol prevention training to the teacher preparatory curricula of colleges and universities.
- *Institutions of Higher Education.* The strategy also encourages prevention programs for young adults attending colleges and universities and similar

educational programs. Federal assistance includes ED grants for campus prevention efforts and a National Transportation Safety Administration effort to curtail alcohol at all sporting and entertainment events. ED also has a network of colleges and universities committed to prevention programs, which collaborate on prevention efforts.

## National Strategy for Mainstream Adults

Ultimately, the success of the prevention strategy and the nation's effort against drugs overall, depends on the involvement of the 180 million Americans who do not use drugs. The National Strategy for Mainstream Adults seeks to mobilize and involve all Americans to deter illicit drug use — the family, school, work force, government at all levels, business, industry, service professionals, sports and entertainment figures, and community leaders.

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*"The use of drugs is wrong and simply will not be tolerated."*

William J. Bennett  
Secretary of Education

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The strategy arrays eight major objectives under two over-arching goals. The first goal, promote national awareness and involvement, targets the mainstream adult population, but especially those who are not members of the outside-the-home work force. The second goal is to promote a drug-free work force, which targets the work force — including employers, managers and employees. The importance of focusing on the work force is illustrated by the results of

a survey of callers to NIDA's 800-COCAINE hotline: 75 percent of the callers reported cocaine use on the job; 69 percent said they worked regularly under the influence of cocaine, and 25 percent reported daily use of cocaine.

### First Goal: Promote National Awareness and Involvement

Awareness of the nation's drug problem and its affect on all Americans is a prerequisite for mobilization against drugs. The strategy proposes a bi-partisan "National Drug-Free America Week Campaign" to raise consciousness about the hazards of illicit drug use and encourage individual action. Five specific objectives support this goal.

#### First Objective: Promote Individual Responsibility and Involvement

To encourage individual responsibility and involvement among Americans, this strategy appreciates the continued leadership of the First Lady through the "Just Say No" campaign and other activities. The strategy charges Federal agencies to assist efforts to involve mainstream Americans by supporting research on what approaches and technical assistance efforts work best at promoting individual responsibility in combating illicit drug use.

#### Second Objective: Stimulate Involvement of Individuals in Non-Workplace Setting

Retired Americans, homemakers, non-working adults, and others who are not targeted by work place initiatives have a role in solving the nation's drug problem. The strategy describes a range of activities aimed at these citizens. Among them are:

- *Information Dissemination.* Informational materials for targeted adults have been

developed and are available through various avenues. Additional materials will be developed and distributed. For example, ACTION plans a *Just Say No Guide For Older Americans*.

- **Speakers Bureau.** The Department of Health and Human Services (HHS) will develop a speakers bureau to assist in urging support from this target group. The Department of Housing and Urban Development (HUD) is creating a speakers bureau to provide speakers for area meetings and conferences.
- **Regional Conferences.** The Department of Housing and Urban Development (HUD) will continue to follow-up on the five regional conferences it held with more than 1,200 participants to promote ideas for drug-free public housing.
- **Enlist Support.** The strategy also seeks innovative programs aimed at those outside the work place, such as the American Association of Retired Persons efforts to involve retirees against illicit drugs and the Foster Grandparents Program.

#### Third Objective:

##### Enlist Community Leaders as Role Models

Community leaders from every segment of society and from every industry can set the standards for behavior within their communities and organizations and encourage others to act against drugs. Specific public and private sector activities to assist in this effort include:

- **Outreach.** The strategy charges Federal agencies to solicit support from state and local officials and leaders in every aspect of community life to actively support anti-drug efforts.
- **Media.** The advertising, news and entertainment media play a central role in the fight against drugs. Federal agencies must encourage continued private sec-

tor initiatives to use the media in combatting illicit drugs. Among the efforts already underway are the National Association of Broadcasters' "On Air Initiatives," which present programs against drug and alcohol abuse, and the Media-Advertising Partnership, which is using \$1.5 billion in donated time and space.

#### Fourth Objective:

##### Enlist Health and Social Service Professionals as Role Models

Health and social service professionals have unique positions of trust with their patients, clients and communities and represent another role model for mainstream adults. They can influence others to support anti-drug efforts. Specific activities to support this objective include:

- **Technical Assistance.** Agencies that employ health professionals will provide technical assistance to health and service providers in recognizing and treating substance abuse.
- **Curriculum Development.** HHS will develop a curriculum for continuing education of Employee Assistance Program (EAP) staffs. Several projects sponsored by HHS agencies encourage medical schools, training programs for health and social service professionals to include substance abuse in their curricula.
- **Conferences.** Federal agencies will encourage professional organizations to include the drug problem on conference agendas.
- **Information Dissemination.** The government will encourage the information activities of professional organizations, such as the "Pharmacists Against Drug Abuse" pamphlet series.
- **Professional Education/Licensing.** The strategy recommends that states include drug abuse recognition and treatment in

the educational curricula of health professionals, adding drug abuse questions to state licensing exams and testing health and social service personnel for drug use when issuing or renewing licenses or certification.

**Fifth Objective:  
Support Research on Involvement of  
Mainstream Adults**

Federal agencies will sponsor, fund and encourage research into the behavioral, psychological, and environmental factors that contribute to effective involvement of mainstream adults against illicit drug use. Such efforts include NIDA's research grants on the prevalence of drug use and its relationship to productivity at work and school environments and assessment of EAP models. Other important research efforts include the Department of Labor (DoL) sponsored study of education and awareness models, and research into factors that contribute to or deter drug use in public housing.

**Second Goal:**

**A Drug-Free Work Force**

The second goal of this strategy is drug-free workplaces. Employers and employees share an interest in a safe and productive working environment. Illicit drug use has been associated with absenteeism, on-the-job accidents. Increased use of medical services by employees and their families — and recently with fatal accidents involving public transportation. The work force is an especially important target group because of its impact on national productivity and the influence individuals can exercise in work place situations.

**Sixth Objective:  
Support of Employee Assistance Programs and Treatment**

Employee Assistance Programs (EAP) aid employees in achieving drug-free productive lives. To be successful, programs must have

the support of employers and employees alike. To facilitate successful EAPs nationwide, the strategy recommends:

- *Drug-free Federal Work Force.* The government is working to achieve a drug-free Federal work force. Toward that end, guidance and procedures have been clarified and assistance — including management training — made available from the Office of Personnel Management, Department of Health and Human Services and other agencies.
- *Provide technical assistance to public and private EAP efforts.* Assistance is available to employers establishing or maintaining EAPs, including: management training from HHS, management assistance and training teams from DoL and various informational materials from Federal agencies, including the DoL "Drug-Free Workplace: What Works" handbook and publications of the Mine Safety Administration.
- *Establish professional standards for EAP programs.* OPM, other Federal agencies and private sector organizations are working with HHS to establish professional standards and criteria for EAP programs.
- *Conduct research on related issues.* Information and models are needed to enable the design of EAPs for the work force. Federal efforts underway include DoL's nationwide survey of 7,500 work sites, and an HHS research grant announcement for work on drugs in the work place. In addition, research announcements have been distributed and are generating proposals for more needed research work.

**Seventh Objective:  
Enlist Employers and Employees as Role Models.**

Several specific actions are detailed:

- *Education and technical assistance.* To enable private companies to address drugs in the work place, Federal agencies will sponsor a range of educational and awareness activities that promote information sharing about successful anti-drug programs. In addition, Federal agencies must assist managers in building effective and non-punitive approaches to dealing with drug-using employees. The regional conferences sponsored by DoL and HHS aim to provide such assistance. The strategy also suggests that agencies work with private sector counterparts to develop programs for use in executive training.
- *Improve communication between Federal government and other sectors.* The partnership between government and other sectors of society is essential to success on the drug front. Mechanisms for increased communication will enhance cooperation. The White House Conference for a drug-free America and the conferences conducted by several Federal agencies to highlight successful private industry prevention efforts are examples of the effort needed.

#### **Eighth Objective:**

#### **Enlist Support for Drug Testing Programs**

Drug testing is an important tool for achieving drug-free workplaces. Drug testing identifies users so they can enter into appropriate treatment programs and inhibits escalating use of illicit drugs. It also deters drug use before it starts and encourages consumer confidence in the quality of the work force.

This strategy recognizes that public and private sector employees and employers must understand the true purpose of drug testing: to achieve a higher quality, more productive work environment, and to attain

the economic, social, safety and health benefits that will ensue. The strategy charges Federal agencies to lead the way in developing and implementing drug testing programs and to serve as a model for the private sector. Toward that end, the strategy focuses on implementation of an effective Federal drug testing program with appropriate safeguards and standards. The strategy also seeks to encourage private sector testing through cooperative ventures and greater education of private sector managers.

## **National Strategy for High Risk Youth**

**T**he National Strategy for High Risk Youth is the second youth-oriented demand reduction strategy. It focuses on those children and teenagers most susceptible to drug use because they have experienced factors known to increase vulnerability. Those factors include: substance abusing parents; physical, sexual or psychological abuse; dropping out of school; pregnancy; economic disadvantage; violent or delinquent acts; mental health problems; suicide attempts; and homelessness. Frequently, high risk youth have experienced more than one of these conditions.

While the exact dimensions of this target group are unknown, it is a sizeable population:

- Nearly 5 million adolescents (3 in 10) have problems with alcohol and one-third of the nation's families are affected by alcoholism.
- Nearly 2 million children were reported victims of abuse, neglect or sexual molestation in 1985.
- More than 1 million children run away from home each year and more than 1 million teenage girls become pregnant each year.

The high risk youth strategy is founded on two guiding principles: that illegal drug use will not be tolerated and that individuals, families and communities are accountable for preventing and stopping illegal drug use among high risk youth.

The national goal of the strategy is to equip this and future generations of high risk youth to live productive, drug-free lives. It recognizes that prevention and education programs alone may be insufficient to deter drug use. Consequently, the strategy provides a comprehensive plan for prevention, intervention and treatment, and assigns families a share of responsibility for the behavior of youth. Recognizing that communities influence the behavior of high risk youth, the strategy gives significant weight to community action backed by Federal assistance and leadership.

Four specific objectives support the high risk youth strategy.

**First Objective:**

**Promote Accountability for Behavior Among High Risk Youth.**

The strategy details Federal and community efforts designed to reinforce individual responsibility, develop models of coordinated responses and encourage laws that mandate clear sanctions for using drugs.

- *Promote accountability among high risk youth.* Federal agencies will provide program information, research and other support to encourage accountability. The efforts underway include research programs sponsored by several agencies within the Justice Department, such as the Serious Habitual Criminal Offender Community Action Program that develops policies to ensure predictable consequences for drug-involved behavior, which can include arrest and prosecution.

- *Model strategies for integrated prevention, intervention, and treatment programs.* Federal agencies will develop, demonstrate and disseminate integrated model programs, such as the Youth Drug and Alcohol Abuse program jointly sponsored by the National Highway Traffic Safety Administration and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Bureau of Health Care Delivery is developing model programs for the integration of substance abuse and primary care services. The models are being developed on the premise that early detection, diagnosis, referral, and follow-up of individuals with alcohol and illicit drug use problems can be achieved in the community, health care, school, and criminal justice systems. This is particularly relevant in such places as community and migrant health care centers because the clients served are also represented in other high risks populations — including the homeless and those at risk for AIDS. This community focus allows health centers to deal comprehensively with substance abuse issues in the community.

- *Develop and encourage community programs for high risk youth.* Federal agencies will lead the way through efforts such as the 39 community "gateway" demonstration programs funded by OSAP.
- *Encourage state and local efforts.* In addition to specific Federal programs, the strategy charges Federal agencies to encourage unilateral state and local efforts. Among them are those that encourage individual responsibility, such as the 21 year-old drinking age in all states and the mandatory suspension or revocation of drivers licenses for traffic violations involving drugs or alcohol. Other programs, such as Texas Youth In Action,

Operation Snowball in Chicago and the nationwide efforts of the National Federation of Parents for Drug-Free Youth encourage and equip children to resist drugs.

**Second Objective:  
Strengthen High Risk Families**

The second objective seeks to promote responsibility of high risk families for the drug behavior of their children and equip them to prevent and intervene in drug use. The strategy charges Federal agencies to develop and implement programs that assist and complement local efforts. Among the efforts:

- *Programs.* Included in this effort are the 45 projects and demonstrations emphasizing involvement for high risk families funded by the OSAP. Other programs include Project Hope, a National Coalition of Hispanic Health and Human Service Organizations' prevention and treatment program for Hispanic runaways and abused children, funded by QJDP.
- *Training and education programs.* Federal support for training at risk families in strategies for prevention and intervention include the Targeted Prevention Program in Alabama, a 14 week prevention program for high risk families; and the QJDP Effective Parenting Strategies for High Risk Youth, which will identify and document useful programs and train families to implement them.
- *Encourage state and local programs.* Federal agencies must provide an atmosphere of encouragement for state and local efforts to strengthen families. Among such efforts are: Ohio's program allowing judges to order the parents of convicted juveniles to enter counseling and the tenant management council efforts of the Cocran Gardens public housing project in St. Louis.

**Third Objective:  
Encourage Implementation of Comprehensive Responses to Eliminate Illegal Drug Use Among High Risk Youth.**

Because communities have the closest ties to high risk youth, they are critical to success. Federal leadership and assistance encourage community programs for high risk youth.

- *Enable comprehensive community systems of programs.* To facilitate integrated programs at the community level, Federal agencies will provide technical and financial assistance, and demonstrate useful models. Examples of such Federal efforts include: DEA Regional Demand Reduction Agents working with schools, community organizations, media and police to coordinate supply and demand reduction efforts; QJDP and the Bureau of Justice Assistance (BJA) community-wide team approaches to integrate supply and demand efforts now being implemented in selected communities through the National Congress of Black Churches. Additionally, grant programs administered by the Department of Education, Bureau of Indian Affairs, BJA, QJDP and the Alcohol, Drug Abuse, and Mental Health Administration target high risk youth.
- *Provide training to communities.* High risk youth will benefit from trained community teams that can develop and implement comprehensive anti-drug programs. Toward that end, Federal agencies are providing training and educational assistance to community leaders. For example, BJA is training juvenile court judges in intervention strategies for chronic and violent juvenile offenders, and QJDP's SAFE POLICY curriculum is providing preven-

tion training to police chiefs, prosecutors, probation officials and school administrators.

- *Disseminate information to communities.* Community action requires informed citizens and leaders. Federal agencies will use all available media to disseminate needed information to communities. Among the efforts underway are: the Education Department's *What Works: Schools Without Drugs* publication, the Joint OSAP and National Association of State Alcohol and Drug Abuse Directors' "Twenty Model Programs" publication and a variety of other materials offered by agencies and clearinghouses.
- *Research.* Additional research on the influence of the family is being supported by NIDA and the National Institute on Alcohol Abuse and Alcoholism to develop mechanisms to assist at risk families.
- *Encourage state and local government action.* Federal agencies encourage state and local government activities directly — through the programs described above — and indirectly by acknowledging and publicizing them. Among programs addressing high risk youth are: the police and education department partnership in New York City called School Program to Educate and Control Drug Abuse, which creates drug-free school zones; the Chemical Abuse Reduced Through Education program in Toledo, Ohio, which coordinates community efforts to develop positive peer pressure and other prevention devices; the Drug Abuse Resistance Education project in Los Angeles, which teaches students to say "no" to drugs; and the Impact Program in Philadelphia, which provides jobs in public housing projects and other high risk neighborhoods.

#### Fourth Objective: Enhance Federal Leadership Role by Working as a Catalyst for Development of Comprehensive State and Local Responses to Drug Use Among High Risk Youth.

As in the other strategies, the primary Federal role is leadership. The strategy emphasizes Federal leadership activities to encourage and enable state and community agencies to address the many facets of the high risk youth drug problem. Among the leadership activities are demonstrations of model programs, such as the QJDP Promising Approaches for the Prevention, Intervention and Treatment of Illegal Drug and Alcohol Use Among Juveniles program, which assists communities experiencing high rates of adolescent drug and alcohol use. Training and technical assistance activities also serve as catalysts for local action, which is the purpose of some Federal programs, such as the Joint BJA and QJDP training for juvenile court judges.

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*"Our encouragement, our goal, should be for those who have never tried drugs to remain drug-free."*

*President Reagan*

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### National Drug Treatment Strategy

**T**he final demand reduction strategy addresses that group of Americans who are impaired by drug use. The strategy recognizes that drug use, including addiction, is a complex problem involving psychological, social and biological factors. Consequently, successful treatment schemes may require treatment for other problems as well — such

as diagnosable psychiatric problems, educational problems, or chronic criminal behavior problems. In fact, some research indicates that as many as 80 percent of those entering long term treatment efforts have also suffered from a diagnosable psychiatric problem. Research also indicates that to be successful, treatment must be tailored to individuals according to the level of their drug use and other problems.

The strategy details four specific groups of drug users and assesses relative value of treatment modalities for each.

- *Mildly impaired.* These individuals can frequently become and remain drug-free without treatment. The threat of drug testing or exposure may be sufficient motivation for the person to stop using drugs.
- *Moderately disabled.* These individuals have experienced decreased performance due to drug use. Many respond to self-help programs, though most require a planned program that can include counseling and detoxification. Pharmacological therapy or supports, such as methadone treatment, may be useful.
- *Severely disabled.* Addicted individuals in this group experience problems in addition to drug dependence. Those who are very disadvantaged socially or have diagnosable mental problems may fall into this group. They respond well to individual treatment that includes special services, such as rehabilitation and vocational training.
- *Extremely disabled.* These individuals are dysfunctional and their needs exceed the level that can be successfully addressed by *current* methods. Intense chronic care or compulsory confinement may be required for people in this group who do not respond positively to current treatment and have little control

over their drug problem even with professional help.

Generally, matching the right treatment modalities to the individual's needs can yield success. The range of activities available — from self-help groups to residential treatment, therapeutic communities and methadone maintenance — can assist in eliminating drug use and aiding former users in remaining drug-free. *But the right treatment regimen must be available and accessible to the user.*

#### Availability

While the number of drug treatment programs has grown in recent years, they are still not sufficiently available. Most of the growth has been in private treatment facilities. In 1985, almost twice as many hospital beds (29,235) were available for substance abuse patients than in 1978; but private facilities accounted for 64 percent of hospital substance abuse units in 1985, compared to only 36 percent in 1978. Many persons in need of treatment cannot afford private treatment. In fact, of the drug abusers entering publicly supported clinics, 66 percent are unemployed and 62 percent have no form of health insurance.

The strategy recognizes that access to treatment can be inhibited by other factors, such as the reluctance of neighborhoods to accept treatment centers and prohibitive zoning regulations. Further, the reluctance of insurance companies to cover substance abuse within their health insurance programs also reduces accessibility and availability of treatment.

The treatment problem is made even more urgent by the spread of Acquired Immune Deficiency Syndrome (AIDS). AIDS is pervasive among the intravenous drug using population, with one fourth of all AIDS cases being attributed to intravenous drug use. The prevalence of AIDS among intra-

venous drug users places the whole population at risk since the disease can be transmitted through non-drug using sex partners and prostitutes.

The strategy also places a priority on the variety of research required to find successful mechanisms for treating the extremely disabled, and to produce better quality treatment for all drug users.

The National Drug Treatment Strategy seeks to:

- Use the drug treatment network to reduce the demand for drugs by freeing individuals from drugs and assisting them in living drug-free.
- Slow the spread of AIDS through programs targeted at the intravenous drug using population.
- Reduce crime and the need for imprisonment by providing treatment programs for those whose criminal activity is drug related.
- Reduce productivity losses by freeing employees from drugs and diminished job performance, high rates of absenteeism and increased drain on employer provided medical benefits.

To achieve these goals, the strategy describes four objectives for *all levels of government and the private sector*, and suggests programs to facilitate achieving the objectives.

**First Objective:**

**Conduct an Aggressive Campaign to Identify Drug Users and Engage Them in Treatment.**

The strategy identifies several means to accomplish this objective. Among them are a variety of street and court outreach programs, such as those funded by the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) through block grants. About 27 percent of those seeking treatment do so under some form of legal

pressure. Consequently, the strategy seeks to provide drug testing for those arrested and to use probation sanctions to encourage drug users to enter and complete treatment programs. Also included are employee drug screening and information campaigns aimed at motivating family members and friends to encourage drug users to seek treatment. NIDA's toll free Drug Abuse Information and Referral Line, which answered 75,000 calls in 1987, also facilitates entry into treatment.

**Second Objective:**

**Ensure the Ready Availability of Treatment.**

Several Federal agencies provide access to drug and alcohol treatment programs for specific segments of the population. For example, the Bureau of Health Care Delivery and Assistance supports programs for people who are homeless and have alcohol or drug problems; ADAMHA block grant funds support treatment for homeless drug users and others; the Veterans Administration operates 51 drug dependence treatment programs; and the Indian Health Service oversees 250 drug and alcohol programs, including 47 residential treatment centers.

**Third Objective:**

**Stimulate Private Sector Involvement.**

The strategy recognizes that to ensure availability of treatment the private sector must be spurred to action. Toward that end, Federal agencies will encourage employers and insurance companies to include substance abuse treatment in their health plans and coverages. Since 1971, when Wisconsin passed the first law mandating coverage for alcoholism treatment, 21 states have passed laws mandating drug abuse treatment benefits or requiring insurance providers to at least offer such coverage for sale.

Federal agencies also must take the lead in educating the public and working to remove community reluctance or zoning restrictions that inhibit the building of treatment facilities.

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**Fourth Objective:  
Undertake Research to Improve Quality and Efficiency of Treatment and to Find Ways to Treat Those Who are Currently Unresponsive.**

The strategy directs Federal research to improve the quality and efficiency of treatment. Research priorities include developing better treatment modalities for all drug users, especially those who also have psychiatric disorders, which is the focus of programs such as the National Institute of Mental Health funded demonstration projects in 13 states.

Research supporting expanded care through outreach and other efforts, tailored treatment, and integration of treatment schemes is also important. The 97 research

projects funded by NIDA in 1987 targeted this range of needs.

**Conclusion.**

The demand reduction portion of the National Drug Strategy focuses on the fundamental cause of America's drug problem: the willingness of some Americans to use drugs. The four demand reduction strategies provide a comprehensive plan to attack demand reduction and equip our youth to actively resist and fight the drug problem. While these strategies coupled with the essential supply reduction strategies are a very real cause for hope in the future, all Americans must recognize that these strategies will not be fully effective unless they are backed-up by firm and unrelenting commitment from all Americans.

## Chapter 4

# Indications of Progress

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*The comprehensive Federal, state and local effort outlined in the National Drug Strategy already has achieved significant progress. While drugs still threaten our nation greatly, our past success against drugs provides prudent reason to look with confidence toward a drug-free future. The following is a very brief synopsis of progress in the past year.*

### First Ever Reduction in Cocaine Use.

**T**he most hopeful sign that we are making progress in drugs comes from the annual Survey of High School Seniors. In 1987, for the first time since the survey began a decade ago, the number of high school seniors reporting cocaine use in the past year went down — from almost 15 percent in 1986, to 10.3 percent in 1987. In addition, about half of the high school seniors indicated that *any* use of cocaine — even one time experimentation — is hazardous. The trend toward reduced marijuana use among high school seniors continues with 2.5 percent fewer users in 1987 than in 1986. Further, there was a three percent increase in the number of high school seniors perceiving that even the limited use of marijuana was potentially harmful.

### Progress in Drug Intelligence

**T**he strategy notes that effective and timely intelligence can enhance all drug enforcement operations. In 1987, drug intelligence capabilities improved markedly with new Bureau of Prisons, Federal Aviation Administration and other data bases available to the multi-agency El Paso Intelligence Center. DEA, Defense Intelligence Agency, Customs Service and Coast Guard all achieved improved intelligence gather-

ing, use and communications capabilities during 1987. Improved analytic capabilities generated new and successful investigations — including a DEA analysis of a drug organization's telephone records to expand an investigation, which resulted in 29 arrests, and the seizure of 70 tons of marijuana and nearly a ton of cocaine.

### Progress in International Narcotics Control

**I**n 1987, 23 nations joined the U.S. in eradicating drug crops — in 1981, there were only two. About 283 metric tons of opium, 5,046 metric tons of coca leaf, and 17,585 tons of cannabis were destroyed around the world. Eradication has virtually removed Thailand from the ranks of the major opium producers. Jamaica's marijuana eradication program reduced production from 1,755 metric tons in 1986 to only 325 metric tons in 1987; and U.S. assisted aerial eradication in Belize destroyed 80 percent of the marijuana crop.

Carlos Lehder, suspected as a leader in the Colombian drug cartel, was extradited to the U.S. International money laundering investigations cut deeply into drug organizations. In one FBI investigation of Colombian drug traffickers, called Cash/veb/Expressway: 114 conspirators were indicted; \$22.5 million in cash, 2,100 pounds of cocaine and 22,000 pounds of marijuana were seized; and forfeiture proceedings have targeted \$11 million in bank accounts.

The Bureau of International Narcotics Matters' aircraft participated in eradication oper-

ations in Belize, cocaine raids in Bolivia and airlifted coca eradication teams in Peru.

The United Nations International Conference on Drug Abuse and Illicit Trafficking demonstrated that 138 nations can work together against drugs. The conference served as a catalyst for stronger and broader anti-narcotics programs and produced two documents that will guide the UN community's anti-drug efforts in the next several years.

## Progress in Interdiction

**T**he improvements mandated by the interdiction strategy are underway and interdiction forces are achieving great success against increasingly sophisticated drug smugglers.

Interdiction forces continued to interdict increasing quantities of cocaine. In 1987, the U.S. Customs Service seized 87,898 pounds of cocaine — 35,000 pounds more than in 1986, and four times as much as in 1983. The Coast Guard seized 12,930 pounds in 1987 — about 40 percent more than in 1986, and a huge increase over 1983 seizures of less than 100 pounds. Cocaine seizures by the Immigration and Naturalization Service (INS), which includes the Border Patrol, were 13,121 pounds in 1987, versus 2,763 pounds in 1986.

Customs and Coast Guard seized less marijuana in 1987, but INS seizures went up from 143,339 pounds in 1986, to 226,055 pounds in 1987. Seizures of hashish were also down, but interdiction forces removed more heroin, and the INS seized almost 500,000 more dosage units of dangerous drugs in 1987 (160,397 in 1986; 654,259 in 1987.)

Interdiction forces achieved significant increases in asset seizures in 1987. Customs seized 720 vessels in 1987, versus 302 in 1986;

plus 193 aircraft, 60 more than in 1986, and 12,124 vehicles. In addition, the Customs Service seized \$102 million in monetary instruments.

The Defense Department's initiatives to support interdiction achieved new heights in 1987, with 16,288 flight hours by surveillance aircraft, U.S. Navy ships spent 2,512 days patrolling drug trafficking areas — a 100 percent increase over 1986. The National Guard and Reserves provided an additional 3,121 flight hours of aerial surveillance and 9,000 man-days in support of drug eradication.

The multi-agency Operation Alliance along the southwestern border is in full operation and conservative estimates show increases in seizures of marijuana and cocaine of 89 and 220 percent respectively in 1987. Additionally, Operation Alliance forces seized 408 monetary instruments valued at \$12.5 million. Multi-agency cooperation with the Bahamian forces in Operation BAT in 1987 resulted in seizures of: 17,729 pounds of cocaine; 259,290 pounds of marijuana; 5 vehicles; 22 vessels; and 26 airplanes.

In response to the threat of drug smuggling in containerized cargo, Customs implemented a container strategy in 1987. Container seizures accounted for 28,595 pounds of cocaine.

## Investigations Progress

**F**ederal, state and local investigative agencies achieved significant successes in 1987. The Drug Enforcement Administration achieved a 15 percent increase in arrests of the most significant drug offenders and 14 percent increase in other violators in 1987. DEA, with state and local law enforcement agencies, including task forces, arrested 21,921 violators in 1987 — a significant increase from the 1983 level of almost 13,000.

DEA arrests also resulted in 14 percent more convictions in 1987 than in 1986. In 1987, the FBI achieved 2,851 convictions — an increase of almost 200 over the 1986 level and a huge increase over the 1983 figure of 471.

In addition to Cashweb/Expressway, described above, Federal agencies conducted several significant investigations against drug organizations in 1987. Among them was the Pizza Connection which began in 1982. The FBI, DEA, Customs, Internal Revenue Service and foreign governments cooperated in destroying a sizeable Sicilian Mafia/La Cosa Nostra heroin ring that used pizza parlors in New York and five other sites to facilitate distribution of an estimated \$1.65 billion worth of heroin. Thirty-eight high level traffickers in the U.S. and 175 Mafia members and associates in Italy were indicted. Eighteen defendants, including a former Sicilian Mafia "Boss of the Bosses" were sentenced in Federal Court in New York to jail terms of up to 45 years.

### Progress in Prosecutions

Federal prosecutors continued to expand their efforts in 1987, as demonstrated in the investigations achievements above. Federal prosecutors filed nearly the same number of criminal cases (over 10,000) in U.S. District Courts in 1987. However, 1,500 more of those were for drug violations in 1987 than in 1986.

Drug related asset seizures increased significantly in 1987. DEA seizures in 1987 were valued at \$409 million — 25 percent higher than in 1986 and about 400 percent higher than in 1984. FBI seizure values in 1987 were 319 percent above 1986 levels; and Customs Service seizure values increased 150 percent in 1987. Forfeitures showed similar increases; for example, DEA forfeitures valued at \$144 million in 1987 were almost three-times the

1986 level of \$47 million and four-times the 1984 level of \$38 million. Forfeited property is shared with local and state agencies: the Department of Justice provided \$64 million in forfeited property and cash to state and local law enforcement agencies in 1987, while Customs distributed \$5.85 million.

### Progress in Prevention Education

The 1987 High School Senior Survey results (see above) indicate clear progress in educating youth about the dangers of drug use and reinforcing drug-free behavior. The collection of information on successful programs proceeded in 1987, and more than 230 schools were nominated for the Department of Education's Drug-Free Schools Recognition Program. Other efforts include evaluations by associations of school administrators National Institute On Drug Abuse sponsored research into prevention programs and the identification of more than 2,000 prevention materials (books, etc.) conducted by the Office for Substance Abuse Prevention with assistance from more than 2,500 organizations nationwide.

The dissemination of prevention and education information is an area of great success. In every area — from a joint ACTION-National Association of Broadcasters Conference to teach young people about media anti-drug efforts, to the vast publications of the National Clearinghouse for Alcohol and Drug Information and the Customs Service operation of a Drug Smuggling Awareness Program — the education effort proceeds with increasing tempo. Federal agencies sponsored public service announcements and media campaigns aimed at various target groups including parents, schools and the general public. More than 3 million publications and other informational materials were distributed by Federal agen-

cies to the public — 1.8 million copies of the Department of Education's *Schools without Drugs* were distributed.

Technical and financial assistance programs were well underway in 1987. In addition to community and school training programs conducted by various federal agencies, almost \$200 million in drug prevention grants were provided to states and communities.

## Progress in Mainstream Adults

Programs are underway to promote individual responsibility and involvement of mainstream adults by providing information and technical assistance to stimulate activities to deter drug use. Among them were a program by the Office of Personnel Management for drug awareness in the Federal workplace and NIDA's Drug-Free Workplace Helpline. Several departments supported efforts to involve Americans through publications and speakers bureau presentations. In addition, technical assistance was provided to health and social service professionals and communities to develop role models.

Several agencies funded research in 1987 aimed at strategies for involving mainstream adults in the anti-drug effort. Among the activities undertaken were NIDA grant announcements for related research, and the Department of Labor sponsored several grants to conduct research on substance abuse in the workplace.

Employee Assistance Program support included training courses for Federal agency managers and supervisors, technical assistance for management training provided by the Department of Health and Human Services and various other efforts.

## Progress in High-Risk Youth

In 1987, 59 ongoing or planned programs for high-risk youth were identified. Nine initiatives were undertaken to conduct the research required and develop prototype programs to promote accountability for drug use among high-risk youth. Included are 34 Gateway Projects funded by the Office for Substance Abuse Prevention (OSAP) that focus on early intervention and prevention efforts. Projects underway to strengthen high risk families include Project Hope, a Justice Department prevention and treatment program for Hispanic runaways, neglected/abused and drug using children, and 45 OSAP sponsored Family Involvement Project grants that emphasize family involvement and intervention.

Nineteen Federal programs were identified to encourage community programs for high-risk youth. Among them are 131 OSAP funded (\$24 million) projects to provide comprehensive prevention, intervention and treatment at the community level. In addition, more than 200 police departments have been trained to implement the Drug Abuse Resistance Education (DARE) curriculum that teaches children to say "no" to drugs.

## Treatment Progress

In 1987, progress in treatment was equally notable in three areas: AIDS, facilitating entry into treatment, and conducting research to improve the quality of treatment. Federal treatment initiatives aimed at drug users included community-based AIDS Outreach Projects to educate drug users about AIDS. These programs in six major cities use a variety of outreach techniques. In ad-

dition, NIDA developed, tested and delivered a comprehensive AIDS training program. Approximately 2,600 persons from 26 states received the basic course. In addition, 13 Service Demonstration Projects were funded in the metropolitan areas with the highest prevalence of AIDS to coordinate community resources in all aspects of AIDS patient care.

To facilitate entry into treatment programs, the Alcohol, Drug Abuse, and Mental Health Services Administration distributed an additional \$39.9 million for treatment programs — bringing the total Block Grant program since 1982 to almost \$500 million. Programs were also funded to treat the alcohol and drug problems of the homeless. The Veterans

Administration operated 51 drug dependence treatment programs in 1987, and the Indian Health Service oversaw 250 alcohol and substance abuse programs conducted by local tribal and other organizations. A variety of other Federal agencies also conduct local treatment assistance efforts aimed at specialized or comprehensive problems — including NIDA's Drug Abuse Information and Referral Line (800 number), which received 75,000 calls in 1987.

To improve treatment programs, NIDA funded approximately 100 research projects in 1987. Additionally, 13 states received National Institute of Mental Health funding for demonstration projects dealing with drug abuse and mental health.

## Sources of Assistance

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Two national toll-free hotlines:

**1-800-COCAINE**  
Fair Oaks Hospital  
Summit, NJ 07901

**1-800-662-HELP**  
National Institute on Drug Abuse  
5600 Fishers Lane  
Rockville, MD 20857

Drug information is available from:

**301-984-5700**  
American Council for Drug Education  
5820 Hubbard Drive  
Rockville, MD 20852

**404-325-5799**  
Families in Action  
National Drug Information Center  
Suite 300  
3845 North Druid Hills Road  
Decatur, GA 30033

**1-800-258-2766**  
Just Say No Foundation  
1777 North California Boulevard  
Walnut Creek, CA 94596

National Clearinghouse for Alcohol and  
Drug Information  
P.O. Box 2345  
Rockville, MD 20852

**1-800-554-KIDS**  
National Federation of Parents for  
Drug-Free Youth  
Suite 200  
8730 Georgia Avenue  
Silver Spring, MD 20910

**1-800-241-7946**  
Parents' Resource Institute for  
Drug Education (PRIDE)  
Suite 1002  
100 Edgewood Avenue  
Atlanta, GA 30303

# Information Available

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**I**nformation is an essential element of any action plan. Americans must have sufficient information to appreciate the extent of the drug problem in their communities and across the nation. They also must have access to the kind of information needed to build effective drug abuse prevention programs in their communities. Federal agencies have been striving to meet the nation's information needs. Following are just a few examples of the publications and other materials that are being made available.

## From ACTION

*Meeting the Challenge* — a guide for service clubs.

*Take Action Against Drug Abuse: How to Start a Volunteer Anti-Drug Program in Your Community* — a booklet distributed to communities.

*Just Say No Guide for Older American Volunteers* — ACTION is planning this guide for involving older Americans.

## From Bureau of Indian Affairs

*Newsletter* — a newsletter has been distributed to the tribes.

## Bureau of Justice Assistance

*National Crime Prevention Campaign* — through a national clearinghouse, the campaign makes a video on prevention, "The McGruff Spectacular," available for six to twelve year olds; a video for high school students emphasizing that winners don't use drugs; and a variety of related material.

## Department of Education

*Schools Without Drugs* — more than 1.8 million copies of this handbook have been distributed.

*The Challenge* — a bi-monthly newsletter about drug use prevention with a national distribution of 200,000 to schools, superintendents, and others.

*Posters* — Approximately 750,000 posters warning against crack cocaine have been distributed nationwide.

## Drug Enforcement Administration

*Drugs of Abuse, Controlled Substances: Use, Abuse, Effects, Drug Enforcement, and the Soozie and Katy Coloring Book* — these titles are among approximately 300,000 publications distributed annually.

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**National Highway Traffic Safety Administration**

*Information Kits* — approximately 7,500 Information kits were distributed in support of the National Drunk and Drugged Driving Awareness Week.

*Breaking Barriers: A Traffic Safety Manual for High School Student Leaders* — a manual planned to assist in planning and implementing alcohol and safety belt programs.

*Directory of Youth DWI Programs* — a planned directory to identify programs and strategies for communities working to prevent impaired driving.

**National Institute of Justice**

*Arresting the Demand for Drugs* — a report about prevention programs planned and implemented by law enforcement agencies and elementary schools in four jurisdictions.

**Office of Substance Abuse Prevention**

*Media Campaigns* — two campaigns are being expanded, "Be Smart, Don't Start" and "Cocaine the Big Lie."

*National Clearinghouse for Alcohol and Drug Information* — continues to receive more than 8,000 requests per month for free copies of its more than 600 titles.

*Reprints* — twenty titles have been selected for reprinting to make more than two million copies available.

**National School Safety Center**

(Jointly sponsored by the Office of Juvenile Justice and Delinquency Prevention and the Department of Education.)

*What's Wrong with this Picture?* and *School Safety* — two of the publications distributed by the center, which carry drug use prevention messages.

**STANLEY E. MORRIS, TO BE DEPUTY DIRECTOR  
FOR SUPPLY REDUCTION, OFFICE OF NA-  
TIONAL DRUG CONTROL POLICY**

WEDNESDAY, SEPTEMBER 20, 1989

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

The committee met, pursuant to notice, at 2:30 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Joseph R. Biden (chairman of the committee) presiding.

Present: Senators Biden and Thurmond.

**OPENING STATEMENT OF CHAIRMAN BIDEN**

The CHAIRMAN. The committee will come to order.

Let me begin by apologizing for the late start. By way of explanation, from about 10 minutes of 2 until now, we were negotiating on the issue of what the outcome of the compromise between the Republicans and the Democrats in the Senate, the Republicans with, I assume, the consent of the President, are willing to do on the President's drug strategy proposal that he put forward on September 5.

Senator Byrd has a proposal on the floor, the Republicans have come forward with a counterproposal, and now we were considering what, if any, counter would be to that.

It directly relates, Mr. Morris, to what you are about to do, and that is why we are late.

I have an opening statement which I will make with regard to your nomination. Let me, as is customary in all nomination hearings, ask you to stand and be sworn.

Do you swear to tell the truth, the whole truth, and nothing but the truth in this proceeding?

Mr. MORRIS. I do.

The CHAIRMAN. Thank you.

Now, 2 weeks ago, the President released his first national drug strategy, and the President's address on national television marked the culmination of nearly a decade of work by many of us on this committee to create and put in place a comprehensive antidrug strategy to guide the Nation, and the President was direct and forthcoming, as he was required to do by law. He was required by the 7th of September to make the address he made. He could have had Bill Bennett make it, but the administration had to put forward that strategy by the 7th of September, and the President came forward with Bill Bennett's significant help and undertaking to put together this first historic strategy, and it was the first.

The President's strategy, as we all know, focuses heavily on reducing the supply of drugs, particularly by cutting the production and trafficking in foreign countries and, as a result, the Deputy Drug Director for Supply Reduction will be one of the key leaders in this Nation's fight against drugs.

I might also note parenthetically that when we drafted the drug coordinator bill, we concluded that there was need for there to be two, if you will, three assistant secretaries, because of the heavy emphasis on each of the pieces, and you are the last, but by no means the least important of those people about to be put in place.

The Deputy Director for Supply Reduction will be responsible for some of the most important and, I suspect, maybe the most sensitive task the Federal Government will undertake with relationship to the drug problem:

First, negotiating antidrug treaties with foreign countries and governments; second, integrating the resources of the U.S. military and intelligence communities with our national drug strategy and our DEA and our domestic law enforcement agency, the FBI; and also restoring order and control in neighborhoods where drug traffickers have literally taken control, as a consequence of foreign drug traffickers. As you well know, the Colombian drug gangs do not trust the Mafia, they do not trust subletting their territory, they actually send people up from Medellin or Cali directly to the street corners of Houston, TX, to decide how to control it.

However, the Deputy Director's most difficult task, in my view, is the one that moved me to write the law in the first place years ago, when Republicans as well as Democrats, I might add, were not at all interested in this law, with good reason, because whoever was the first President under this law has an awesome task, and no one was anxious for that task, and that is to end the turf battles and interagency squabbling that have plagued our drug enforcement efforts for more than 20 years, under both Democratic and Republican Presidents.

Mr. Morris, as a former head of the Marshal Service and Deputy Associate Attorney General, you bring an extensive law enforcement background and experience to the post. You are widely credited with increasing the professionalism of the Marshal Service, for which you deserve a good deal of credit and recognition.

You have brought to it, as I indicated, a sense of professionalism that had not been there before, to the extent that you have infused into the Marshal Service, establishing the Service as a major player in the Federal Government's fight against drug trafficking and overseeing the creation of a Federal forfeiture program that we enacted as part of the 1984 crime bill. You also participated in that.

Now, we all have our critics and I will not dwell on the part that relates to the criticism of those efforts. Let us just point out the good parts, and there is nothing, by the way, particularly sinister. You know, you have been criticized as to whether or not you, in fact, did end the squabbling, but let us just focus on what everyone would acknowledge, you are a first-rate professional and you deserve to be considered for this position.

That brings us to today's hearing. I would like to discuss with you your views on some issues that will be critical in addressing

the Nation's drug problem. The first is, how can we win the turf battles among Federal drug enforcement agencies, and I sincerely hope you are not going to tell me there are none, because your credibility will be immediately cast in doubt by everyone on the committee.

Second, what steps should be taken to address the national security threat that drug traffickers pose to several democratic governments in this hemisphere, not the least of which we will focus on is Colombia.

And third, what should be the goals of our national strategy? I might note, the one thing that I am disappointed in, in the strategy, withstanding the similar hearing that Bill Bennett went through and that you are about to go through, is I was very specific, as were other members of the committee, we hoped there would be specific goals set throughout the strategy, not just merely an overall goal, reduce the number of consumers of drugs.

We even went into great detail about treatment facilities and would there be goals set for whether or not there would be an increase of 10, 20, 30 percent in treatment, would we move toward treatment on demand, what years would that be taking place, and so on.

As you well know, all of that is absent, none of those goals are put forward in the President's plan, but for the overall goal which is there, which is to reduce consumption by casual users or by all users 10 percent in 2 years, and 50 percent over the next 10 years, and to reduce the rate of increase of the number of addicts in America, so that in 2 years we would only have 110,000 more addicts than we now have in America, approaching 1 million cocaine addicts.

They are the only goals that I could find anywhere in the strategy that are specifically set, notwithstanding there was a request for a good deal more, but the next strategy we will work that out, maybe.

Also what I want to ask you about is how can we insure that this is truly a national strategy, integrating the efforts of the Federal, State, and local governments in this fight. Much of that falls beyond your purview, in terms of your other counterpart, who has the duty and responsibility to deal with that issue.

The sweeping authorities and duties that Congress and the President have vested in the position of Deputy Drug Director for Supply would make the Senate's role of advice and consent an important one, under any circumstances. However, if you are confirmed as the first person to fill this post, your actions and policies will set precedents for years to come. That makes it all the more important for the Senate to review your qualifications and views very carefully, to insure that the job you are seeking is one that you are capable of fulfilling, and whatever your mindset is, it is important for us to know how you are going to try to fill that position.

I look forward to discussing these issues with you today and, if you are confirmed, working with you in developing and implementing this national drug strategy, not just next year but for years to come.

At this time, I wish to place a statement by Senator Grassley in the record.

[Prepared statement follows:]

STATEMENT OF SENATOR CHARLES E. GRASSLEY

ON THE NOMINATION OF  
STANLEY MORRIS  
TO BE DEPUTY DIRECTOR FOR  
NATIONAL DRUG CONTROL POLICY  
(SUPPLY REDUCTION)

SENATE JUDICIARY COMMITTEE  
SEPTEMBER 20, 1989

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MR. CHAIRMAN, I LOOK FORWARD TO TODAY'S HEARING ON THE NOMINATION OF STANLEY MORRIS TO BE DR. BENNETT'S DEPUTY DIRECTOR FOR SUPPLY REDUCTION. AFTER HE IS CONFIRMED, MR. MORRIS WILL COMPLETE THE STAFFING MANDATE OF CONGRESS FOR THE DIRECTOR'S OFFICE.

I CONGRATULATE HIM AND COMMEND HIM FOR TAKING ON THE TASK OF REDUCING THE SUPPLY OF DRUGS IN THIS COUNTRY.

AS I HAVE STATED PREVIOUSLY, THE NEWLY RELEASED NATIONAL DRUG CONTROL STRATEGY IS AN AFFIRMATION OF THE FEDERAL GOVERNMENT'S STRONG ROLE IN THE WAR AGAINST DRUGS.

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

THE SUPPLY OF DRUGS IN THIS COUNTRY WILL NOT BE REDUCED AS LONG AS THERE IS DEMAND -- CUSTOMERS WILLING TO RISK THEIR LIVES FOR ONE MORE "HIT" OR "FIX".

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

AND SO, EVER MINDFUL OF THE SCARCITY OF OUR FEDERAL RESOURCES, WE MUST DO THE BEST WE CAN WITH ALL OF OUR AVAILABLE WEAPONS:

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

IN RECENT YEARS, INTERDICTION OF THE SUPPLY OF ILLEGAL DRUGS - BOTH COMING INTO THE COUNTRY AND THE SUPPLY ALREADY HERE - HAS NEVER BEEN MORE SUCCESSFUL.

HOWEVER, THE NEW NATIONAL STRATEGY ADMITS: "DESPITE INTERDICTION'S SUCCESSFUL DISRUPTIONS OF TRAFFICKING PATTERNS, THE SUPPLY OF ILLEGAL DRUGS ENTERING THE UNITED STATES HAS, BY ALL ESTIMATES, CONTINUED TO GROW."

INTERDICTION -- BOTH AT THE BORDER AND IN THE COUNTRYSIDE -- ALONE CAN NEVER REDUCE THE AVAILABILITY, USE, AND DEMAND FOR DRUGS NOW RAMPANT IN AMERICA.

INCREASE THE HEAT ON NARCO-TERRORISTS IN COLOMBIA AND PANAMA, AND DOMESTIC DEMAND WILL CREATE OTHER HAVENS.

BECAUSE FRANKLY, OUR DRUG PROBLEM IS NOT A FOREIGN POLICY PROBLEM INFILTRATING OUR BORDERS FROM SOME SOUTH AMERICAN ENCLAVE CONTROLLED BY COCAINE TYCOONS.

NOR IS OUR DRUG PROBLEM A "PUBLIC HEALTH EMERGENCY" OR IS IT AN "ADDICTION CRISIS". OUR DRUG PROBLEM CANNOT BE BLAMED ON CHEMICAL OR BIOLOGICAL EFFECTS ANY MORE THAN WE CAN BLAME COLOMBIAN PEASANTS.

THESE EXCUSES JUST MASK THE REAL CULPRIT. THE FACT IS, 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.

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.

BUT HAVING SAID THAT, I ALSO KNOW THAT WE CANNOT AFFORD TO ABANDON OUR BORDERS OR OUR DOMESTIC ERRADICATION EFFORTS.

WE MUST CONTINUE TO IMPROVE EFFORTS AT REDUCING SUPPLY -- BOTH FROM WITHOUT AND WITHIN THE COUNTRY.

FINALLY, AS I HAVE OFFERED TO DR. BENNETT AND JUDGE WALTON, I STAND READY TO ASSIST MR. MORRIS IN ANY WAY THAT I CAN TO SUPPORT THEIR IMPORTANT MISSION.

AGAIN, I WANT TO CONGRATULATE MR. MORRIS, AND I LOOK FORWARD TO WORKING WITH HIM AS HE TAKES ON THIS NEW AND MOST IMPORTANT CHALLENGE.

The CHAIRMAN. Now, I will yield for an opening statement to my senior colleague, as a matter of fact a colleague senior to everybody, but the ranking member of this committee, Senator Thurmond, and then we will move on.

#### OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Morris, you have served as the Director of the U.S. Marshal Service since 1983, I believe. The Marshal Service performs a variety of law enforcement tasks, such as the security for the Federal Judiciary, operating the Witness Protection Program, apprehending Federal fugitives, seizing and disposing of criminal assets—

The CHAIRMAN. I apologize, I misled the Senator. He thought I meant to go directly to questions. We want to give you an opportunity first, if there is an opening statement, to make your opening statement, but before you do that, if you have any family in the room, the committee would like very much to meet them, if they would not be too embarrassed to be introduced.

#### TESTIMONY OF STANLEY E. MORRIS, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. MORRIS. My wife Judith.

The CHAIRMAN. Welcome. Welcome. This will be painless. [Laughter.]

Please, if you have an opening statement, proceed.

Mr. MORRIS. Yes, Mr. Chairman, I would like to make a couple of opening remarks, if I might, first to thank the committee for its consideration of my nomination. It is a real honor to appear before you today.

From my vantage point, most recently for 6 years as Director of the U.S. Marshal Service, and 3 years before that as Associate Deputy Attorney General, I have had an opportunity to oversee what I think are some of the most fundamental changes in the system of criminal justice in this Nation since the enactment of the original Judiciary Act in 1789.

The litany of statutory improvements, including the Federal Criminal Code revisions, the Omnibus Crime Control Act, the Sentencing Reform Act, the Anti-Drug Abuse Amendments of 1984 and 1986 that you referred to, the Sentencing Reform Act, and Anti-Drug Abuse Act, as I mentioned, the Drug Asset Seizure and Forfeiture laws, and somewhat more parochially, the fundamental reforms in the modernization of the statutes of the U.S. Marshal Service—these and other important measures enacted under your leadership and under the leadership of former Chairman Thurmond have made Federal criminal law in the United States the envy of the world and, indeed, a model for all of the States.

This is one of the few occasions, I think, in which we in fact can look with some pride at Federal Government and say that we are leading all of the State laws, we are not following them. This strengthening of our Nation's capacity to enforce the law has established, I believe, the firmest foundation upon which we can wage this war.

Recognizing that this committee was critical in devising all of those improvements in our justice system, as well as in the creation of the Office to which I have been recommended, I am especially proud to be considered for this position.

The mandate assigned to the National Drug Control Policy Office by this committee and the Congress is indeed awesome. I recognize the challenge that lies ahead, and I want to assure you, Mr. Chairman, that I am fully committed to meeting the goals you have established for the office and, if confirmed, I will work closely with your committee to carry out those goals.

A dialog on the Nation's drug-related problem has been a part of the public policy debate for as long as I can remember. But only in the last couple of years have the problems reached such epidemic proportions that none of us, no matter what walk of life, can escape the consequences, and only in very recent time have we as a Nation begun to understand that every one of us is adversely affected by drug abuse:

Hundreds of thousands, from the pain of addiction or drug-related physical ailments; others from violent crime associated with the drug trade; millions more, particularly our children, from the deprivation imposed by the destruction of families and the diversion of family income to drugs; and all of us, of course, confront the phenomenon of our personal safety and that of our families—we all pay the price, some more than others.

However, it is my fervent belief that today, collectively, America has decided that the price is too high and that the attention focused on the drug problem by this committee and by the Congress, by President Bush and Dr. Bennett, and by the news media has at long last convinced the majority of citizens that all must share in the responsibility for ending America's drug crisis. That, in my opinion, is what has to happen in order for the war on drugs in our country to end in victory.

We can make important inroads through more effective and coordinated programs of demand and of supply reduction, but the real breakthrough will occur whenever our law-abiding citizens get angry, and when, for example, they see a photograph of an innocent, defenseless baby born with crack addiction, can say, like the old movie line and mean it, "I'm mad as hell and I'm not going to take it any longer."

If confirmed by the Senate, I will be responsible, as you said in your opening statement, to assist Dr. Bennett in coordinating the Nation's drug supply reduction effort. My highest priority will be to bring all the forces to bear on the problem at every level of government, through aggressive implementation of the supply reduction elements of the President's plan by local, State and Federal law enforcement, and with clear and firm policy leadership on the international level. I believe we can achieve significant progress towards the goals of the Anti-Drug Abuse Act.

Twice before in our Nation's history, we have overcome international lawlessness that threatened the very fabric of society. The civilized nations of the world rose up in anger against piracy and later the slave trade. The illegal drug trade is no less an international outrage and an assault on civilized societies around the world.

I believe my professional experience over the past two decades provides a basis for some assurance to this committee that I can fulfill the responsibilities of Deputy Director for Supply Reduction, of the Office of National Drug Control Policy.

As Director of the Marshal Service, I had the privilege of heading an agency respected worldwide for professionalism and effectiveness across a broad range of its responsibilities, including drug law enforcement.

Not only does the Marshal Service track down drug fugitives, we take them into custody and we seize their assets. We participate with other Federal agencies in the Organized Crime Drug Enforcement Task Forces, and I had permanent representation at Interpol Headquarters in France and at the El Paso Intelligence Center, in El Paso, TX.

In addition, we in the Marshal Service have forged close and binding relationships, based on mutual respect and open communications with Federal courts and prosecutors, with State and local police, with Federal and international police organizations.

If confirmed, I would build on those relationships in carrying out my responsibilities, and I would work closely, as I said earlier, with members of this committee toward ending this scourge on our land.

Mr. Chairman, I would be happy to try to answer any questions that you and any members of the committee might have.

The CHAIRMAN. Thank you.

I would be prepared to yield to the Senator for questions, if he has questions. I have a number of questions, but I would be delighted to yield to you first, Strom.

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Morris, I will start my question over.

Mr. MORRIS. Thank you.

Senator THURMOND. You served as the Director of the U.S. Marshal Service, I believe, since 1983.

Mr. MORRIS. Yes, sir.

Senator THURMOND. The Marshal Service performs a variety of law enforcement tasks, such as the security for the Federal Judiciary, operating the witness protection program, apprehending Federal fugitives, seizing and disposing of criminal assets, and transporting Federal prisoners.

Now, I am certain, in your capacity as Director, you have seen an increase in drug-related matters affecting the Marshal Service. What, in your opinion, should be done to fight the drug problem facing our country?

Mr. MORRIS. Well, Senator Thurmond, first of all, you are absolutely right, I have in fact seen fundamental changes in the nature of the Federal criminal justice system through the eyes of the marshal.

After the Drug Enforcement Agency, we devote a higher percentage of our resources to drugs than any other component of the law enforcement community in the United States. Eighty percent of the witnesses coming into the witness program are testifying in drug cases; 60 percent of the trials are drug cases. Last month, we brought into our inventory over \$1 billion of drug traffickers' assets in the seized asset program. We find threats against Federal

judicial officials has risen 45 percent this year, primarily because of the kinds of cases that are being brought into the system.

I think, as I said in my opening statement, we have the tools, the legislative tools that you and Chairman Biden and other members of this committee have played a major leadership role in giving us almost all of the major tools we need to carry out this battle.

I think, first of all, from the law enforcement standpoint, looking at it from the street standpoint, we have to return the streets to law-abiding citizens, we have to return order. It is the first obligation of a civilized society. We have lost order on our streets. To do that, we need to have certainty of justice. When persons are arrested, they must be held, they must be prosecuted, and, if convicted, they must be incarcerated. We need certainty in our system of justice.

Second, we need to have a concerted effort with our partners at the State and local level. Last year, we spent \$28 billion in State and local law enforcement, 15,000 State and local law enforcement agencies around the country. They have got to play the front-line role. That is inevitable, that is the nature of the governmental system we have. We need to give them the support they need, and we need to do what the Federal Government can, in fact, do.

We need to strengthen our borders, in terms of interdiction, we need to insure that we have got the very best intelligence on who we are battling abroad and within the United States, and then we need to have a foreign policy that understands that the drug menace is a violation of our national security.

Senator THURMOND. Mr. Morris, as Deputy Director for Supply Reduction for National Drug Control Policy, what will be your major responsibilities and how do you intend to accomplish this task?

Mr. MORRIS. The responsibilities under the law that was developed by this committee and enacted last year are really fourfold: They relate to international matters, that is, working closely with the National Security Council and the State Department, to make sure that our foreign policy reflects the interests in this area, which is very keen to the American people; it has responsibility for interdiction, controlling our borders; we have responsibility for intelligence, both the coordination of intelligence within the United States, as well as abroad, both strategic and tactical; and, finally, coordination across-the-board, at Federal, State, and local levels, to try to bring justice back to our cities, and to carry that out, I think the leadership, obviously, of the President and his commitment is the first requirement, and I am confident that the President and Director Bennett will give these issues the attention necessary to make sure that we have a common direction, and if anybody falls off the path, to make sure they understand where the path is.

Senator THURMOND. Mr. Morris, the Marshal Service recently made efforts to take large numbers of drug fugitives off the streets through a plan called Operation Stop. I understand this project involved 11 local law enforcement agencies in the Washington-Baltimore area, and resulted in over 400 arrests. Could you tell the committee about Operation Stop, and do you think the law enforcement agencies in other areas of the country could successfully implement such plans in their efforts to combat drugs on the street?

Mr. MORRIS. Yes, Senator, we did complete that operation just a couple of months ago, as a part of the Federal Government's effort to try to assist this region in our drug problem.

The Stop Operation was coordinated with 11 different police departments. We targeted repeat drug offenders, that is, people with three or more prior arrests, and those with some level of violence, and we started out with some 90,000 warrants and we ended up with about 900 that we targeted in a 7-to-8 week period.

The conclusion of that is we arrested 456 of them, 25 of them are homicide warrants. It was a clear indication, I think, that Federal, State, and local agencies can and must work together. It would have been impossible without such cooperation.

We in the Marshal Service have taken a great degree of pride in our efforts in the past. We have run operations concentrating on drug trafficking, as that one was, or concentrating on violent traffickers in something we call our Fugitive Investigative Strike Teams, FIST. I think we probably have involved over 100 agencies since I have been Director in various kinds of fugitive operations. I think that it is an excellent model.

One thing I have learned in my experience is if you get the bureaucrats out of the law enforcement—that is where the turf battles tend to be—and you direct the cops to do what the cops do well, you do not have any turf battles, and we had no problems whatsoever in an operation with police from Baltimore and Montgomery County and the District of Columbia and Arlington. They went out and did what they do very well, and with some success. I think it is a model we should follow. I have spoken with both Attorney General Thornburgh and Director Bennett about it and I think it is a model we will follow.

Senator THURMOND. Mr. Morris, as Deputy Director for Supply Reduction, you will be responsible for working with and coordinating the enforcement activities at the Federal, State and local levels. There have been concerns expressed that the level of cooperation is not what it should be. What are your feelings on this matter, and what do you feel might be done to improve the situation?

Mr. MORRIS. Well, I think that the coordination and cooperation is not what it should be. I would agree with that observation, the observation of Chairman Biden. I think it is changing significantly.

First of all, I do not think any of us in law enforcement feel that we have succeeded over the last decade. To a large extent, we have failed the American people, and I think the first step we need to face up to is that we have got to do better. Now, there is none of us in this business who are not paid for by the taxpayers and we have an obligation to succeed.

I think that the strategy that the President completed and issued 2 weeks ago provides the benchmarks necessary for such cooperation. I think that the demand made by the American people to succeed is clearly there, and I am confident that, with continued attention to this, we can be successful.

Senator THURMOND. Mr. Morris, I have been a long-time proponent of the joint multistate and local organized crime and narcotics projects known as the Regional Information Sharing Systems. Are you familiar with that?

Mr. MORRIS. Yes, I am.

Senator THURMOND. I believe they perform a valuable service to the Federal, State, and local law enforcement agencies that utilize them. The Regional Organized Information Center with which I am most familiar does an outstanding job in assisting law enforcement agencies at all levels. I feel that it would be beneficial to you to meet with the representatives of these projects so that you could determine exactly what they do and how they might best assist your office. If you have no objection, I will have my staff work with you in coordinating a meeting, so that you and the directors of these organizations might get together.

Mr. MORRIS. I would be very happy to do that, Senator. I think I have over 20 of my Marshals officers who are, in fact, full members of whatever exists in their region. I think they are an example of effective cooperation and coordination. I would be more than happy to meet with them.

Senator THURMOND. I want to congratulate you upon your appointment here. You have done a fine job in your previous service and I wish you much success in this new assignment.

Mr. MORRIS. Thank you.

Senator THURMOND. I will be glad to support your confirmation.

Mr. MORRIS. Thank you.

The CHAIRMAN. It is a good thing, because if he did not, we would all be in trouble. [Laughter.]

Thank you, Senator.

Let me begin by asking you to elaborate a little bit on Operation Stop, in the following way: Can you tell us what portion of Operation Stop was funded by the Federal Government? How much were "we in there for"?

Mr. MORRIS. Well, we were in there for overtime and administrative support, and they provided the police officers. When I say "administrative support," we also provided the radios and the vehicles. I think we spent \$1.3 million that sticks in the back of my mind, I think that was about the cost. I think we had originally budgeted a little more when we came—

The CHAIRMAN. That was the overtime cost?

Mr. MORRIS. Overtime cost, vehicles, administrative support, computers and the like, and that was the incremental cost. That does not include the salaries of the officers which, of course, were paid for by the police agency, or the salaries of the deputy marshals.

The CHAIRMAN. Could that have been successfully done without your involvement, I mean the coordination of the whole thing?

Mr. MORRIS. We bring some valuable assets to those kinds of efforts, first of all, our experience. We have run probably a dozen of those operations in the last 6 years. We also have a very broad authority to basically make Special Deputy U.S. Marshals, the local police officers, so they can operate outside the normal jurisdictional lines, plus we have the organizing ability, so I think it would have been quite difficult for it to be done, given the reach.

However, I will say that our previous efforts at FIST operations have been paralleled and copied in many places. I know, for example, we have provided assistance in the State of South Carolina, but

they have been having an ongoing operation there to deal with fugitives.

The CHAIRMAN. Why was the Baltimore-Washington area picked?

Mr. MORRIS. It was picked because the President and Director Bennett asked all of us in Federal law enforcement to come up with ideas that, in fact, would assist, you know, this region in the problem early on. You may recall, Dr. Bennett made some comments that we do not have to travel around the country for a problem, we can go across the street, and so it was that initially, I basically offered that up as one of the things that we did.

The CHAIRMAN. Was it also kind of the outgrowth of the commitment that Director Bennett—and I supported it—made to significantly increase the commitment of resources to the Washington, DC area?

Mr. MORRIS. Yes, that is specifically why we did this.

The CHAIRMAN. Now, would you be able to simultaneously conduct Operation Stop, or even consecutively, Operation Stop in the Baltimore-Washington area, Los Angeles, Miami, Philadelphia, Chicago, Houston, Atlanta, all at once? Do you have the resources in the Marshal Service to do that?

Mr. MORRIS. No.

The CHAIRMAN. And it cost, not counting salaries, not counting base salaries, it cost over \$1 million to do that?

Mr. MORRIS. That is correct.

The CHAIRMAN. Can you tell me whether or not the President's drug strategy increases the money available at the Federal level sufficiently to be able to allow you, if the new strategy were in place and the funding, would you be able to do that simultaneously in Los Angeles, Houston, et cetera?

Mr. MORRIS. Probably not, Mr. Chairman.

The CHAIRMAN. I do not want to put you in a difficult position, this is a comment, but if you choose to respond, fine, if you do not, we move to the next comment or question.

In the last 8 years, we have gotten overwhelming support and cooperation from local law enforcement agencies, and they are coming in to me now, saying, wait a minute, are we really going to beef this thing up in terms of enforcement on the street? Is the President's bill strategy going to add significantly to the police capability in Los Angeles or Philadelphia? I think they think that, whether it is Operation Stop or Operation Go or whatever it would happen to be called. I think they think that they are going to get the same kind of treatment, relatively speaking, that the District of Columbia got and the same kind of financial help and commitment from Federal law enforcement agencies that the District of Columbia and neighboring Baltimore got over the last several months. And my answer to them is, as I read the strategy, that is not at all possible, that is not coming—whether it should or should not is another argument, but that is not coming, and that is why I asked the question about the cost. Because if you just took that \$1.3 million overtime, assuming you had enough marshal personnel in every one of those regions, which you do not, you are talking about spending, just in the major metropolitan areas of the United States, \$50 million, minimum, on that.

Let me move on, unless you want to comment on that.

On the question of coordination, the genesis of this whole office was the coordination problem, as we heard the various horror stories over the past 10 or 12 years. In the past, administrations, both in the Carter administration as well as the Reagan administration, there was a set of coordinating bodies, and it was called a working group or a task force or whatever name that was assigned to it.

Now, the new strategy seems to follow this same approach, by creating "a supply reduction working group." Now, having sat on this bench for a long time now, I must tell you, it sounds like some of the same kinds of things that were set up before.

There was, I think, a supply reduction working group, I think the same title, set up that was created under the National Drug Policy Board. Now, despite the promises that it would resolve problems, I believe the previous policy board's coordinating group simply put off or watered down the tough decisions that were needed to fight the turf wars and agency in-fighting. Now, how will this new Supply Reduction Working Group be different than the last Supply Reduction Working Group? What operative change is there, if you can speak to that?

Mr. MORRIS. Well, the most fundamental change is that the Congress has enacted and the President has signed into law the establishment of an organization that is mandated under the law to get that coordination. I had something to do with coordination back in the early eighties, when I was at the Justice Department and sat in on all of those Drug Policy Board meetings, and I will confess to you that, in 1982, Rudy Giuliani and I were the two people who convinced Bill Smith to veto the Drug Czar. We did not think we needed it.

The CHAIRMAN. You did a good job.

Mr. MORRIS. Well, we did not think we needed it. We were wrong. And the more I looked at the problem, the more convinced I was that this issue is too complex and requires too much full-time attention, which it has not gotten in the past, to be left as a part-time job for an Associate Attorney General, a part-time job for an Attorney General. Some people more visionary than I prevailed, finally, and I think that is a very fundamental difference.

It is true that the strategy calls for supply reduction and a demand reduction group. I do not know any other way to start an effort than to get the heads of the agency, my peers whom I have been working with over the years together, to take the foundations of the strategy which are there and to turn those into the operational parts necessary to work together.

The CHAIRMAN. So, the fundamental difference is before there was no underlying total strategy; now there is a foundation, there is a strategy?

Mr. MORRIS. There was no fundamental strategy and there was no law mandating that it be done, and there was no full-time person that this committee and the Senate will hold accountable for success.

The CHAIRMAN. Now, I am obviously hopeful you are correct and I have no illusions about how tough your job is going to be. I have said from the outset, this is not one that someone should take who wants to avoid controversy. But in the past, you really had to rule by consensus. Is it your assumption that the way in which you will

move this coordinating body now is, when there is no consensus, that you, with the authority of the Drug Director, will in fact stake out a position and that will be it until otherwise rejected by the President, through the mechanisms that are set up?

In other words, are you ready to say, OK, we have heard, there are 14 people, 7, 9, 8, and we all heard your views and we have no agreement, so, bang, this is the way we are going to do it? Is that contemplated, is that—I know this sounds awfully fundamental, but it is kind of important.

Mr. MORRIS. Director Bennett in our careers have probably been criticized for a lot of things, but being shrinking violets has never been one of them. You know, he is and the President is fully committed to seeing this battle waged successfully, and I did not take this job, you know, to take votes.

The CHAIRMAN. I appreciate that and I applaud you.

Also, one of the things that I worry about with this coordinating body, is that I am concerned that you are getting the same folks together, and one of the problems we have is there is a significant overlap in jurisdiction, and that to me is a real fundamental concern. There is an overlap and a duplication among the various people you are going to be calling together.

For example, there are at least half a dozen agencies with some responsibility for fighting drugs along our borders, including Customs, the Coast Guard, the Border Patrol, DEA, the FBI, the National Guard, and the Pentagon. Now, in last year's drug bill, Congress required the Director to address the problem by making recommendations to the President and Congress by January 15, 1990, to "group, coordinate, and consolidate anti-drug agencies and functions of the Federal Government, and by abolishing agencies and functions which are unnecessary or inefficient to fight drugs."

My first question is do you agree at this moment—and I think it is critical, because your agency has not failed to meet any of its commitments, because this is not due yet, you are just getting started. But do you agree that overlapping jurisdictions have been a major source of the coordinating problems we have had, not just on the street?

Mr. MORRIS. Certainly.

The CHAIRMAN. Are you prepared to recommend that some consolidation or merger might be necessary, even if it means recommending that some agencies relinquish drug fighting responsibility?

Mr. MORRIS. I cannot imagine coming forward with a proposal that reduces the number of people and agencies waged in this battle. I think it is important to take a step back, maybe all the way back to 1973. I know something about government organization. I spent some years as Deputy Associate Director at the Office of Management and Budget.

The U.S. Government is organized the way the Congress wants it to be organized. The Appropriations Subcommittees are very jealous of the lines and relationships, in terms of the agencies that they oversee, as are the authorizing committees.

In 1973, a staffer of mine went off to fix a problem. The problem was duplication and overlap in interdiction along the Mexican border.

The CHAIRMAN. This was in 1973?

Mr. MORRIS. 1973. We recommended three things of significance: The first was that we needed to have one agency responsible at the ports; the second thing was we needed one agency responsible between the ports; and third was we needed a center to coordinate intelligence and information.

The committees on the Hill cut the Office of Management and Budget's budget by \$2 million, because the perception was the Customs Service would lose funding. When I left OMB, we had multiple agencies responsible at the ports, we had multiple agencies responsible between the ports, we did end up with the El Paso Intelligence Center.

This is not a very easy set of issues, and I am not one that believes that moving boxes around is necessarily worth a lot of the energy and pain that it creates. Now, you asked for sort of prejudices and biases going in. I believe that people who take these jobs are people of good-will, and if the President wants them to work in a particular direction, they will do that.

But the idea of spending a lot of time and attention abolishing agencies and creating agencies and the like, I think will distract us from what is really important, which is putting the limited resources we have on the issues in front of us.

The CHAIRMAN. Just as in 1973, I believe you were right and the Congress was wrong, and just as you indicated that you moved from 1983 to 1989, concluding that you were wrong with regard to setting up an agency, I think that the Senate and the House has agreed by specifically requiring something that they expect. No one who votes for this legislation requiring the President to come back to us by January to recommend, to use your phrase, moving boxes or abolishing boxes. I would phrase it as their polite way of saying we were wrong.

When I first introduced this bill, by the way, it was not only you all that voted against it, the Senate voted against it. Then I got the Senate to vote for it and the House voted against it. I got the Senate to vote for it and the House to vote for it, and the President vetoed it, and then we had to come back again. So, this has been a progressive thing, I hope progressive as well as a progression.

I want you to understand and appreciate what I think to be the case. When we said "group, coordinate and consolidate," the Congress had crossed the Rubicon it was not ready to cross in 1973. And I might further add that if you were to come back with the same recommendation, saying—as I believe you should—that at the ports, the lead agency is, bang, they call the shots, and in between the lead agency is, bang, and they call the shots, you are going to have an ally who, I suggest to you respectfully—and I do not think I am overstating it—I think one who will be able to carry the day up here, because we have been around this Maypole so many times.

So, I hope you do not avoid, as you might otherwise be inclined to, this issue because of the confrontation it will bring, with the bias, based on experience, that it will result in nothing anyway. So, why not shift that side, not fight that fight, and go on and fight the fights we can fight.

I hope you will be dissuaded from that attitude, because I can assure you, one of the things this committee is going to be asking you, and rather than being an ally we become a pain in the neck, we will be "why didn't you do those things," because I for one—and it is not just me, I believe, but the ranking member as well, the leading Republican in the Senate, Senator Thurmond, and many others believe that we have got to do that.

The reason we did not do it and the reason we refrained from voting for specific proposals that unfortunately, depending on one's perspective, that I had actually written, is because I was persuaded that I should not be attempting to get my colleagues' support to micromanage how an administrative agency should run its shop and consolidate its shop. But if you all do not, that kind of thing will happen, and I think that is a big mistake.

But given things as they are, versus attempting to straighten them out from up here, a very imperfect solution, I choose attempting to straighten them out up here. So, I hope that message kind of goes out. I give you my word, I do not mean that as a threat, that is not intimidation, it is just the law says we want you to do that. Try it.

Mr. MORRIS. I understand.

The CHAIRMAN. If it turns out you are right, then I am going to have to be the one sitting here and say to you, we both know we should have done it, I admit that there is an institutional inertia here that will prevent you from doing it, so let us move on.

Mr. MORRIS. OK.

The CHAIRMAN. OK.

Now, I want to submit a few questions to you that relate to the audit that was done. I do not want to get into that now, but for the record, I would like you to do that.

Mr. MORRIS. Certainly.

The CHAIRMAN. And for the public and press here, it was not an audit relating to Mr. Morris' personal finances, it was an audit related to the audit of the U.S. Marshal Service and their responsibility and how they coordinated their responsibility. That is what I am talking about, and there were some questions, not of an ethical nature, question on whether or not the coordination was sufficient, et cetera, that were raised, and I want to give you an opportunity to speak to those, two written questions.

Now, I do not think it is appropriate for me to expect you to, nor probably for your attempt to answer this question, but I want to throw it out there, not for purposes of the present strategy.

As Director Bennett has already said, you all are going to be coming back, as required by law, the beginning of February with your fiscal year 1991 strategy. It has been a quirk of fate, if you will, that the way we had to fight so long to get the Drug Czar established, once it got established and by the time we had a nominee and confirmed the nominee, we were in the position that the 180-day time-frame for the report ran us right up at the end of the fiscal year.

Director Bennett has said, look, this is not the beginning, middle, and the end, this is just the downpayment, we are just beginning.

When you all consider the next—and I would argue the fuller strategy, because we will have 1 whole year to debate it, as opposed

to 6 weeks—I would respectfully request that you revisit the question of goals and debate among yourselves, goals that are of a more a narrow and definable area.

For example, we set the goals, the reason why we wrote that into the law was, the only way we can tell whether or not any interdiction program is worthwhile is to be able to measure it against our objectives.

Up to now, as you well know, we have been going out and saying, look, we have seized—and by the way, through herculean efforts and people putting their lives at risk and losing their lives—“X” number of kilos or “Y” number of ships, we have confiscated “Z” number of planes, et cetera, and that was the measure of success or failure; when, in fact, you know better than I know that the real measure of success or failure is whether or not the dollar expended to interdict is worth what we actually interdict, compared to what gets through.

So, I think that we are going to need some goals set, at least broadly stated, as to what you hope to accomplish as a consequence of the expenditures. The President's Andean plan, what is the goal? How do we measure whether or not we should spend another third of a billion dollars? Is it based upon the number of coca fields we eradicate? Is it based upon the number of so-called drug lords, narcoterrorists we actually get extradited and/or eliminate? When I say eliminate, I mean in an attempt to pursue them under the law, if they were to be killed. What is it?

And the second thing I would like to suggest to you is that I would like you to consider whether or not one of the measurement rods should and could accurately be, legitimately be the price of the various drugs at the street level that are clearly drugs that have, as their primary source, foreign countries.

On the interdiction side, the issue of whether or not the macro-goals that have been set are too modest or not, because as you well know, the goal on measuring success or failure for addicts is whether or not the rate of increase is cut by 50 percent, which results in 110,000 additional addicts, is that modest enough or is that too modest. So, I will submit four questions on that subject, also.

Another area that I would like to get to, and I will submit the rest in writing. I sit on the Foreign Relations Committee and I happen to be the bane of existence, unfortunately, of Secretaries and Under Secretaries of State on the issue of drugs, since Mathea Falco was with then Secretary of State Cyrus Vance, in the Carter administration.

I have observed, I think with some accuracy, that Secretaries of State want no part of the drug question, none. It is dirty business. To be a little bit facetious, it is not taught in the Wahl School of Foreign Policy at Georgetown or at the Fletcher School at Tufts. It does not relate to what is viewed to be a history making demarche that occur with other governments, and it will not stop nuclear war, therefore, it somehow never gets on the agenda.

The most recent trivial example is we passed a law giving the administration \$5 million to help fortify, literally and figuratively, Colombian judges, to save their lives. We did that months and months and months and months ago, and not a penny of it got there until the Minister of Justice, a courageous woman from Co-

lombia, ended up showing up on the steps of the White House, asking for help, and then something got resolved. The State Department was honest enough to say they were part of the problem.

Having said that, have you had an opportunity to, or is it premature for you to have discussed with the folks over at State what you all expect of them in this war on drugs? Do you sense any change in attitude at the State Department? And I am not criticizing any single person at the State Department. It does not matter who is President, it does not matter whether our foreign policy is liberal, conservative, moderate, it does not matter whether Genghis Khan or Lenin is the Secretary of State. Have you sensed any change in attitude?

Mr. MORRIS. It is really too early, Mr. Chairman, for me to make an observation on that.

The CHAIRMAN. That answer, in and of itself, is enough for me to vote for your confirmation, because you are honest. But go ahead. I am going to vote for you anyway, because of it. [Laughter.]

As a lawyer, you were about to stop there, weren't you?

Mr. MORRIS. Yes, I was. [Laughter.]

I think the steps that Secretary Cheney made, in terms of the commitment that he made the other day, is one of the best signals I have seen out of the national security community. I believe that Scowcroft and Gates and others at the National Security Council are beginning to see this clearly as a central part of our foreign policy, and I have not had any discussions at the State Department about their view.

I will say that at present this is primarily, although by no means exclusively, an international problem and that, without the State Department's full level of commitment—Mike Cheney I think intends to deal with the Defense Department—we are going to fail. So, I think the level of importance here is very important and I do think there is an ethic—I am saying too much already, I suppose, but I think there is an ethic at the State Department that has a view of law enforcement, that we are somehow not as seemly, sort of the knuckle-draggers, I guess, and I think that that will change over time as this becomes clearly understood to be a national security consideration. Those kinds of things, you know, change slowly in large organizations like the State Department.

The CHAIRMAN. Where do you think the drug problem should be on the foreign policy agenda?

Mr. MORRIS. I think, of course, it depends on where you are concentrating your attention. Obviously, the drug policy issue is significant, but not of great significance to Eastern European countries as they gradually break away from the Soviets. Clearly, it is central in Central and South America. I think it is very, very significant in Southeast Asia, Southwest Asia, and I think that—I was pleased to see that the French basically hosted the money-laundering conference earlier this week or over the weekend, I guess, so I think that there is that growing commitment and understanding. I guess it depends a little bit on, you know, what part of the world you are looking at.

If you are looking at it, however, from the streets of Washington, DC, or Houston or Wilmington or Philadelphia, it has to be right up at the top.

The CHAIRMAN. Well, I would respectfully suggest that it should be one of the leading issues on the foreign policy agenda, because, as Chairman of the NATO Parliamentary Committee, and heading the Subcommittee on Europe for years, I was invited to speak to the NATO delegation that came here, not just parliamentarians but the generals, and others, a couple of years ago, they met down at either Defense or State, and I went down and spoke to them and I spoke to them about drugs.

First of all, the State Department was apoplectic that I chose that as a subject, rather than speak about something I was supposed to speak about, that I allegedly have some knowledge about, and that is conventional force reductions and arms control issues. The reason I did is because I believe it is a greater security issue in NATO and among Europeans than any other single issue.

Now, I think we are finally getting the point, whereas drug deaths increase in Spain and France and England and Germany, and as this market gets saturated and that cocaine starts heading to Europe, that they have as much of an investment as we do and they should be made aware of that. Which leads me to this question—you may not know the answer, but I am going to ask you to get an answer at some point, and that is have we considered asking the Europeans, who literally have as much at stake at this as we do, of partaking in and being a part of the Andean initiative. You may or may not know the answer to that. Do you?

Mr. MORRIS. My understanding is yes, that we have in fact asked them. President Bush mentioned to a number of us the afternoon that he made the announcement that he had spoken with Kohl and Thatcher and I think he was trying to reach Mitterrand, to tell them what he was trying to do and ask for their support, and there have been some indications that the Italians and the French—I do not remember him talking about the Spanish, but the Italians and the French and the British—trying to find the kinds of things they could do to work with us on that, so I believe that the President has been taking those steps.

The CHAIRMAN. Which leads me to the next question: Apparently, Margaret Thatcher is somewhat enamored with the suggestion that I did not originate, but that I strongly support, and that is the establishment of an international strike force, for the purpose of providing multinational assistance to countries who seek that assistance for the purpose of specifically moving against drug trafficking organizations.

There was a specific requirement put in the law to ask you all to come up with a recommendation on that issue. Dr. Bennett indicates that you are not prepared to do that yet, but I look forward to the time in the not too distant future to be able to call you back up here, since it will happen on your watch, as to what your recommendation is on that score, if you would.

Mr. MORRIS. I would be happy to do that.

The CHAIRMAN. Now, again, I have a number of questions in that area, on whether or not we should ask our Japanese friends to help shoulder the burden, to what you think about the swap of debt for drugs, and I will not press that at this moment—I say a number, half a dozen questions. I am not just trying to make work for you, but I want to make sure we know the record.

The last area I would like to speak to quickly is this burden on the States. Now, I would like you to discuss with me for a moment—we asked for a strategy and we got a strategy, sound in many regards, but whether or not it is sound or not, sound is in the eye of the beholder and what our views are.

The way this process is supposed to work for the Drug Director is no different than it is supposed to work for the Secretary of State or the Secretary of Defense, in terms of their budgets when they come forward, or the Secretary of Housing and Urban Affairs.

Now, one of the things that seems to have taken place, is that part of the strategy has been to recognize that 96 percent of the arrestees, 96 percent or probably higher of the addicts, 96 percent of the law enforcement piece of this happens on the watch of the States, not within Federal jurisdiction, not at the end of a gun held by a U.S. Marshal, an FBI agent or DEA agent. And although the States have always had that share, a large share, a larger share than the Federal Government, for the past probably 20 years, starting with President Nixon, we in the Federal Government have been talking about incrementally increasing the proportion of Federal participation in this area, rightly or wrongly.

My question is this: Has there been a shift in that from a proportionally greater increase of Federal participation in affairs that otherwise would be viewed as State responsibility, or are we moving back in the direction—I do not mean back in the pejorative sense, but moving in the direction of an allocation that more directly reflects the Federal responsibility being interdiction, foreign policy, and coordinative activities?

Mr. MORRIS. I am actually quite pleased that you asked that question, because it is something I have been looking at very carefully.

You and other members of this committee are responsible for some fundamental shifts in the Federal role in law enforcement in this country. There is no State in the United States that has as good laws as the Federal Government has, in terms of toughness at the front end, in terms of determinative nature of the sentences, in terms of tools available to the prosecutors, in terms of the seizure aspects, across the spectrum.

You and the members of this committee, working with the Justice Department over the last number of years, sometimes without a lot of enthusiasm from the other body, have in fact established a much better system of justice at the Federal level than exists in any State. It is, therefore, not surprising that increasingly cases are coming into the Federal system that heretofore would not have done that.

I just recently got a letter from my marshal in Oregon who told me that one-third of the cases coming into the Federal system were cases that would have been in the State system before. I think that we are making major contributions at the Federal level to the local war on drugs, because of the nature of our laws.

It is to a large degree the reason why, when I became Director of this agency, I had about 3,000 prisoners in my custody awaiting trial, and we are bumping up against 13,000, that is 3,000 to 13,000. We will share this year \$180 million back to State and local agen-

cies, up from zero when I became Director of this agency. The Federal courts are—

The CHAIRMAN. On that point, I had the privilege of authoring that law. The fact is that that is not like we are giving them anything, that comes from sharing the results of their efforts.

Mr. MORRIS. We are giving them something, in light of the fact that we have the law to do it and they do not.

The CHAIRMAN. OK.

Mr. MORRIS. That is why they are coming into the Federal system, or we have in fact made the case with them.

The CHAIRMAN. OK.

Mr. MORRIS. But if you look at the growth in the Federal prison system, almost all of that growth is drug related, and those cases are coming into the Federal system because we have got better statutes, better laws, and I think to some extent it is causing great stress. It is changing the nature of being a judge, it is changing the nature of being a prosecutor, and it sure as hell is changing the nature of being a marshal. So that is happening.

Whether or not that is happening at the expense of the Federal roles, that is, the roles that we have regarding interdiction and intelligence and the broad kinds of cases, you know, that DEA and the FBI and others should be making in terms of organizations, I am not sure I can answer that with the same expertise, but I will tell you it is happening and it is a major contribution that the Federal Government is masking, because of the laws and then the resources necessary to follow it.

The CHAIRMAN. Well my concern—I have to go vote and have 7 minutes to get there, so, as they say, Mr. Morris, saved by the bell. But I am going to be pursuing with you over the period of the next months and year the issue of the appropriate Federal law and whether the strategy, in fact, has a net pullback from where we are today, in terms of percentages, because we tend to—all of us, by the way, not just the President, everybody—overpromise a little bit. When the President said, "I'm adding \$200 million to State and local," every one of the sheriffs in my State, their ears went up and every chief of police and every local lieutenant and everybody said, wow, get ready, help is on the way. They did not read the fine print. He said, "By the way, before you get any of that money, you have to institute a drug-testing program." Now, we have not seen the implementing legislation, because you have not had a chance to send any of that up to us yet, we do not have anything before us. We have a speech, but nothing else before us, as a body.

I expect, if the language in the strategy is correct, you are going to call for a minimum of testing every arrestee, that is what he says, at the State level, and you are going to call for at least a couple times testing every year of parolees, probationers and those in the system, and at nine bucks a test, that is a quarter of a billion dollars to the States. So, the States are going to get \$200 million more, but in order to qualify to get it, they are going to have to pay out \$244 million more.

I am not saying they should not do it, not that you intended to do it this way, but I think we are required to have a little truth in advertising here. I do not want this to all go through and pass and go back home and have them say—because they are not going to go

see the President, they are going to come to me at the town meeting and say, "You guys in the Federal Government, you promised this"—they make a distinction, with good reason, between me and the President in every other way, but in that one they do not, it is the Federal Government.

So, one of the things I am going to pursue with you all, as we go on, is the extent of this commitment that we are making, so that we tell the State and local people. We are saying, all of us, Joe Biden as well, the President, "no new taxes." Well, the folks back home, they think that is great. I am all for it, I do not want any new taxes. But what the Governors are coming back to us now saying and what the State legislative organizations are coming back to us saying, and what the mayors' organizations are coming back to us saying, and they testified to this effect last, they are saying, "You are saying no new taxes," but you are not moving your lips for the rest of it, which is "but you guys out there raise taxes, you mayors raise taxes, you State legislative bodies raise taxes, you governors raise taxes to fight this war on drugs."

I just want a little truth in advertising as we go along here, because it seems that is what we are saying. I do not have time to discuss it now, but it appears as though, for the strategy to work, we are asking the States to take on in the next calendar year—the next 12 months, I should say, not the next calendar year, the next fiscal year—a commitment somewhere around \$15 to \$20 billion. Bill Bennett acknowledged it was somewhere around \$10 to \$15 billion. I do not think they know that yet, and when they find out that part, I want to make sure I was not the guy who said, you know, I told you we were going to help you. It is like that old joke, I am from the Federal Government and I am here to help you.

To end with a joke: Senator Thurmond, who always surprises you, we are in the middle of the negotiations on drugs, things were getting tense with everyone, 16 Senators and administration people waiting outside, and the ice was broken, as it usually is, by the maestro, and Senator Thurmond says in the middle of all this, he says, "You know, I feel a little bit like that guy whose wife called him up and said, guess what, honey, I won the lottery, I won a million dollars, pack your clothes." According to Senator Thurmond, the way the joke goes, the man says, winter or summer? She says both. He says where are we going? She says, "I don't care where you go, just get the hell out." [Laughter.]

Anyway, with that, I have 5 minutes left to vote. You will have my strong support and cooperation. The only problem you are going to have with me, I suspect, and others, is we may want to give you more than you say you want, but I believe, as Barry Goldwater said years ago, in your heart, you may want it anyway. [Laughter.]

Thank you, and good luck.

Mr. MORRIS. Thank you.

The CHAIRMAN. At this point, without objection, we will make part of the record a letter, signed by Robert E. Van Etten, National President, Federal Law Enforcement Officers Association, endorsing your nomination.

[The letter referred to follows:]



## FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

"A Professional Association for Federal Law Enforcement Officers"

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 US Attorneys — *Criminal Investigators &*  
*Attorneys*  
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 Dept. of Interior - OIG — *Special Agents*  
 US Park Police — *Park Police*  
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*Special Agents*  
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*Special Officers*  
 Veterans Administration - Investigations —  
*Special Agents*  
 Dept. of Labor — *Special Agents*

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September 16, 1989

Senator Joseph Biden  
 Chairman  
 Committee on the Judiciary  
 Room 224 - Dirksen Senate Office Building  
 Washington, D.C. 20510

Dear Senator Biden:

It is indeed a pleasure to be able to support Mr. Stanley Morris for the post of Deputy Director for Supply Reduction, Office of National Drug Control Policy.

As National President of the largest association in the nation representing federal law enforcement officers and criminal investigators, I can assure this committee that really gifted law enforcement managers like Stanley Morris are rare indeed.

Morris combines keen political instinct with the ability to motivate working agents, indeed take care of his troops, and the ability to operate through consensus. As a federal law enforcement officer with over 23 years of federal service, I can recall no other federal law enforcement executive who possesses as broad and varied a background.

In Stanley Morris, you have found a cop and an engineer of compromise. This unusual combination is an absolute necessity if federal, state, county, local and international efforts are to be woven into a coordinated anti-drug effort and turf battles overcome.

Let me review for you his accomplishments. Under the leadership of Mr. Morris the US Marshals Service grew in manpower and budget. Under his leadership the US Marshals Service expanded its working relations with the judiciary and with state, local and international law enforcement.

106 CEDARHURST AVENUE, SELDEN, NEW YORK 11784

During his tenure the activities undertaken by US and Deputy US Marshals increased in scope and were dispatched with ever increase efficiency. Positive publicity and public cooperations was derived from programs like, "The US Marshals 15 Most Wanted" also.

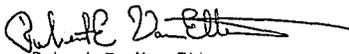
Even as the task of federal court security increased, Morris was able to rebuild the effectiveness and the reputation of the federal witness protection program. Finally, under this leadership the US Marshals assumed command of the Justice Department's asset forfeiture program, a program he himself helped design while serving as an Associate Deputy Attorney General, from 1981-1983.

It is one thing to be a law enforcement executive, but it is quite another to be both an enforcement executive and a scholar in public administration. Prior to assuming ever more senior posts and Justice, Morris was a senior fellow and lecturer at the Center for Business Public Policy, University of Maryland. This year long break from government service enabled him to put in intellectual perspective some of the profound alterations in government which he helped plan and promote when he was Deputy Associate Director at Office of Management and Budget from 1973-1979. Some of the regulatory reforms on which he worked on include: bank deregulation, anti-trust policy, law enforcement, transportation and immigration.

If indeed drug trafficking is a \$100-billion per year cartal, beating it back requires the commitment and experience of progressive government professional who understand the strengths and limitations of government. If law enforcement organizations, the Congress and this Administration are to work through the many differences they have on implementing a national drug strategy, a soft-spoken professional executive, high on competence and low of ego is a must. Stanley Morris fits that bill.

Thank you and if your Committee wishes to have someone from FLEOA speak on behalf of Mr. Morris, our Legislative Co-Chairman Sterling Epps ( Tel: 703-455-3709) will be pleased to arrange it.

Sincerely,



Robert E. Van Etten  
National President

cc: Secretary William Bennett  
Senator Strom Thurmond  
Mr. Sterling Epps  
File

The CHAIRMAN. Thank you very much.

Mr. MORRIS. Thank you, Mr. Chairman.

The CHAIRMAN. The Committee is adjourned.

[Whereupon, at 3:57 p.m., the committee was adjourned.]

[The responses to written questions follow:]



U. S. Department of Justice

United States Marshals Service

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*Director**600 Army Navy Drive  
Arlington, VA 22202-4210*

September 25, 1989

Honorable Joseph R. Biden, Jr.  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are my responses to the written questions submitted by you, Senator Simon, and Senator Grassley following my nomination hearing on September 20.

I want to take this opportunity to thank you and your fine staff for your courtesy and assistance to me during the consideration of my nomination.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stanley E. Morris".

Stanley E. Morris

Enclosures

ANSWERS OF STANLEY E. MORRIS  
TO WRITTEN QUESTIONS FROM THE HONORABLE JOSEPH R. BIDEN, JR.,  
CHAIRMAN, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE

Question 1: Justice Department Audit

The disagreement between the U.S. Marshals Service and the FBI over which agency would be responsible for fugitive investigations is well known. The issue surfaced again in a Justice Department audit of the Marshals Service. The audit found:

The Marshals Service had no formal system of goals and objectives [for the fugitive program] ... to determine the amount of felony warrant work the Service can perform. In spite of this, the Service had continuously solicited additional fugitive responsibilities even though the backlog of felony warrants continues to grow.

a. What is your response to this portion of the audit?

Answer: This audit, which was performed in haste and without regard to generally accepted audit procedures, produced a number of findings by the Justice Management Division that reflect a misapprehension of the Service's mission and the environment in which it operates. The audit comment on the fugitive program falls into that category.

Marshals arrest more Federal fugitives than any other Federal agency: more than 14,000 felony arrests last year. These arrests are based on warrants issued by the Federal courts. Contrary to the assertion contained in the audit, the Service's goals and objectives are contained in a system under which it categorizes and prioritizes all fugitive warrants, and maintains updated status records until such time as the fugitive is apprehended or the warrant is terminated by the Court.

b. As Deputy Director, will your ability to coordinate the activities of the Marshals Service and the FBI be affected by your previous turf battles with the FBI?

Answer: No. The Marshals Service, FBI, DEA, and other Federal law enforcement agencies are headed and staffed by capable and dedicated professionals who, properly, I believe, take great pride in their respective organizations. Their organizational loyalty and the spirit of competition it generates can, from time to time, lead to spirited disagreement. However, once policy decisions are made at the appropriate level, I am confident that interagency coordination can be effective.

Questions from Chairman Biden  
Page Two

Question 2: Goals of National Strategy

The Drug Director statute requires the National Drug Control Strategy to include "a complete list of goals, objectives and priorities." In addition, the legislative history makes clear that goals should be set for "each major component of the National Strategy." (Cong. Rec. S17379, Nov. 10, 1988.) However, although the Strategy does contain specific goals for use, it does not contain specific goals for "each major component" as required by the law.

a. How can we judge the effectiveness of each part of the strategy if we don't set goals or establish "yard-sticks" to measure progress?

Answer: I agree that there must be stated measures of progress that will provide for an assessment of how we are doing in our efforts. The overall goal of the Strategy is the reduction of both the supply of and demand for illicit drugs, and that goal is supported by the specifically outlined national priorities and the two and ten year objectives. I view the Strategy as a "living," rather than a static document. I intend to continually review our plan and recommend changes to Director Bennett as appropriate.

b. The next strategy is due February 1. Will you recommend it contain specific, measurable goals for each component of the strategy, as the law requires?

Answer: I am confident that the Office of National Drug Control Policy will meet the requirements of the law. I also believe, however, that any strategy or plan can be improved upon as we gain more experience in this process. I can assure you that I will carefully assess the current document, looking for ways we can improve on the initial effort.

Question 3: Impact of the Strategy on States

The strategy calls on the states to undertake numerous anti-drug activities, including drug testing in the criminal justice system.

a. Will any federal funds be conditioned on the states undertaking specific activities.

Answer: In some instances, yes. For instance, the Strategy states that the Administration will propose to amend the Omnibus Crime Control and Safe Streets Act of 1968 to condition receipt of Federal criminal justice funds upon States: (1) adopting drug

Questions from Chairman Biden  
Page Three

testing programs that will include arrestees, prisoners, parolees, and those out on bail, and (2) using test results appropriately in bail, sentencing, early release, probation, and parole decisions.

b. Does the Administration know how much it will cost the states to implement these activities?

**Answer:** I have heard a wide range of estimates on the cost of some of the state activities recommended by the National Drug Control Strategy, such as testing of persons involved in the criminal justice system. I suspect these estimates vary because of differing assumptions. The Strategy requires the States to develop plans to conduct testing, and the States have some discretion in determining how and to what degree they will be conducted. I think accurate cost estimates will have to wait until the States have gotten further along in their planning process.

c. Will the next strategy include an explicit statement on what the states are being called upon to do and an estimate of how much it will cost?

**Answer:** The content of the next Strategy is ultimately the responsibility of Director Bennett and the President, and I cannot at this time state what it will or will not contain. For all aspects of the Strategy, I feel it is important to have a good understanding of the costs associated with programs and initiatives, and I will discuss this with the Director.

Question 4: International Drug Cartels

In your opening statement, you compared today's international drug trafficking problem with the problems of piracy and the slave trade of earlier in this nation's history.

a. What specifically did the United States do to address the problems of piracy and the slave trade? Should we take similar action against the leaders of the drug trade?

**Answer:** In my remarks to the committee, it was my intention to note that both piracy and the slave trade were effectively deterred only when the civilized nations of the world became mutually committed to put a stop to them. Destruction of the illegal drug trade will require a similar commitment. I believe the United States is taking the lead in promoting that level of commitment among all of the affected nations and will continue to do so.

Questions from Chairman Biden  
Page Four

b. Under international law, piracy and slave trading are considered "crimes against humanity," authorizing each country to have unlimited jurisdiction to punish these offenses. Should we seek to establish drug trafficking as a "crime against humanity?" What additional authority would this give the United States in apprehending the leaders of the major drug cartels?

Answer: While the idea of establishing drug trafficking as a "crime against humanity" seems desirable and appropriate, I am not yet sufficiently familiar with all of the implications under international law that such an action might entail. However, I will pursue the matter in an effort to determine what those implications might be and whether or not the anti-drug effort would be strengthened by establishing drug trafficking as a universal crime.

Question 5: Intelligence

The problem of duplication and overlap may be greatest in the area of drug intelligence. In 1986, the President's Commission on Organized Crime recognized this problem and called for the creation of an all-source intelligence and operations center. The President's strategy makes reference for the need to better coordinate intelligence activities, but defers a decision on establishing an all-source center.

a. In considering the intelligence issue, what functions should an all-source intelligence center have? Should it be limited to tactical, operational or strategic intelligence? Should the center have any operational command, control or communications responsibilities?

b. If such a center is proposed, will the intelligence, C3 and/or C3I capabilities of the Customs Service, Coast Guard, DEA or the FBI be consolidated into the new center, or will we maintain numerous overlapping and separate systems for each of the agencies?

c. Should we consider requiring that agencies have complete and direct access to the investigative files of other agencies -- subject to appropriate supervision and authorization -- to avoid the problem of different agencies targeting the same individual or organization without the agencies knowing of the separate investigation?

d. If the center is proposed in the next strategy, will the proposal contain an explicit statement on how much the new center will cost and how long it will take to construct and become operational?

Questions from Chairman Biden  
Page Five

Answer: Although I was not involved in the discussions leading to the Strategy's reference to the National Drug Intelligence Center (NDIC), I expect to be a participant in future consideration of that concept as well as additional evaluation of existing intelligence resources. Clearly, there are many intelligence resources available, and I hope we can build on programs of proven effectiveness while identifying and repairing any gaps that may exist.

As a part of the overall examination of existing resources, we must also consider procedures for providing legitimate access by various law enforcement organizations, and the costs associated with both collection and dissemination must be taken into account before a recommendation is forwarded to the President.

I intend to urge that the next National Drug Control Strategy include specific recommendations on both the organization and costs associated with establishing an NDIC.

ANSWERS OF STANLEY E. MORRIS  
TO WRITTEN QUESTIONS FROM THE HONORABLE PAUL SIMON,  
UNITED STATES SENATOR

**Question:** President Bush has called for making bail laws tougher, and I agree wholeheartedly. I am the author of S. 1259, which would mandate that those convicted of drug trafficking offenses and violent crimes not be released on bail pending an appeal. I believe that passage of this legislation will be an important step in keeping violent drug offenders off the streets of our communities. Do you agree?

**Answer:** I certainly agree that we must do all that we can to prevent dangerous, convicted drug offenders from remaining free -- and possibly jumping bail -- to continue their criminal activities. I strongly support efforts such as these and will look closely at your bill, Senator.

As we pursue such efforts, we must also recognize that such legislation will result in significant increases in the daily Federal prisoner population for which jail space must be provided. The U.S. Marshals Service is responsible for the custody of all such prisoners prior to their commitment to a Federal prison institution. The Service presently has custody of nearly 13,000 prisoners each day -- an increase of almost 50 percent in the last year -- and the implementation of additional mandatory detention measures would increase the daily prisoner population accordingly. This underscores the importance of the President's request for additional funding to create more Federal detention and prison space, which is an indispensable part of our nation's anti-drug strategy.

**Question:** 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 you feel that the law enforcement officers fighting on the front lines of our nation's "war on drugs" have adequate resources to conduct this intensified effort?

**Answer:** Law enforcement resources, at all levels of government, are under great stress as a result of increasing anti-drug activity. Many States and localities have responded with increased funding for the various components of the justice system. If confirmed by the Senate, it would be my intention to examine closely all available information regarding the capacity of State and local law enforcement to respond to the anti-drug challenge.

Questions from Senator Simon  
Page Two

Question: If new emphasis on user accountability results in more arrests and convictions, will state and local prisons be able to hold the new influx of prisoners? Can state and local governments build prisons fast enough?

Answer: Jails and prisons in many states and localities have been seriously overcrowded for a long time. That, in my opinion, is one of the most serious problems confronting the law enforcement community. Fortunately, a number of states have undertaken major prison construction projects, with spending totaling over six billion dollars in the past three years. Even with that level of investment, however, the population pressures on prisons and jails are likely to continue for at least several years. Thus, approval and funding of the President's crime package is essential.

Question: 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: One of my primary short-term objectives will be to promote improvements in our drug intelligence resources so that, among other things, local law enforcement agencies will have better information regarding the patterns of drug trafficking activities. In addition, I am a strong proponent of making Federal training more widely available to State and local officers in the latest anti-drug techniques and strategies. We in the Marshals Service have also proven that Federal, State and local resources can be combined with great effect through joint operations which target drug criminals and the tools of their trade, and I will work hard to broaden the use of such cooperative ventures.

Question: Law enforcement organizations nationwide, including the National Sheriffs Association (of which you are a member) have supported legislation to ban the use of assault weapons. Recent new reports have indicated that many of the weapons used to kill members of Colombia's government were U.S. made assault weapons.

Do you feel the President should extend the existing ban on imported assault weapons to include domestically produced weapons as well?

Questions from Senator Simon  
Page Three

Answer: Not necessarily. I do believe that we need to determine how best to prevent such weapons from getting into the wrong hands. For instance, in the Colombian context that you mention, we need to determine immediately whether United States laws banning the export of such arms are being violated. If so, that practice needs to be stopped and the wrongdoers vigorously pursued and brought to justice. In the context of the drug crisis as a whole, a large part of the solution to the misuse of assault-type weapons and other firearms lies in taking violent drug criminals off the streets to prevent them from committing the heinous offenses that we have been witnessing. And that I will endeavor to do with all my might.

An outright ban on domestically produced weapons could threaten the Constitutional rights of law-abiding Americans to manufacture and obtain certain firearms that have been used in this country for legitimate sporting purposes for a very long time. However, as a law enforcement agency head, I believe that we should aggressively enforce current laws to prevent all firearms from being used criminally.

Question: Do you support a waiting period before an individual can legally purchase a firearm?

Answer: I believe that the States and localities around the nation are in the best position to evaluate the need for and potential effectiveness of such a measure, especially given the degree of local law enforcement cooperation that would be required for administration of the measure and the localized nature of the interests -- business, sporting, and personal -- that would be affected by it.

Question: As Director of the U.S. Marshals Service, you are certainly aware of the overwhelming problem of overcrowding in our nation's prisons. It has been suggested that alternatives to incarceration will help ease overcrowding in our state and local prisons and jails, which are already operating at anywhere from 10% to 100% over capacity. One suggested alternative is what is known as shock incarceration or "boot camps."

In your opinion, is this a viable alternative to incarceration? What would you recommend?

Answer: Preliminary reports indicate that so-called "boot camps" have had an encouraging level of success as an alternative to traditional incarceration for youthful offenders. However, I think it is generally agreed that these and similar alternatives to incarceration are suitable for only a limited category of

Questions from Senator Simon  
Page Four

criminals. To the extent that "boot camps" and other alternatives can be developed, I believe they should be utilized as extensively as possible for certain non-violent, youthful first-offenders.

Question: Until recently, Chicago has not experienced the problems associated with crack cocaine that have had a disastrous effect on many other major cities. However, organized gangs are now moving the drug into Chicago, which has become a trafficking hub for much of the Midwest. As the crack trade in Chicago becomes more firmly rooted in the community, we are seeing evidence of the violence and devastation associated with the drug.

In your opinion, would it not be prudent to designate Chicago (which is just starting to feel the ravaging effects of the crack trade) as a High Intensity Drug Trafficking Area, as a laboratory to see how an infusion of resources can stop crack?

Answer: I know that Dr. Bennett and his staff are currently looking at areas that might be designated as "high intensity drug trafficking areas," and I look forward to taking an active part in these deliberations and the designations that will be made. However, I am not yet in a position to evaluate which specific areas of the country are appropriate for such designations.

ANSWERS OF STANLEY E. MORRIS  
TO WRITTEN QUESTIONS FROM THE HONORABLE CHARLES E. GRASSLEY,  
UNITED STATES SENATOR

**Question:** Bill Bennett has 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 of any civilized society." I agree.

Will you tell us how the new National Drug Control Strategy will fulfill this priority through efforts to reduce the supply of drugs?

**Answer:** The situation we face today is somewhat analogous to a house on fire. The first priority is to put out the fire -- and then perhaps to shift the focus to "fire prevention." Right now, we have a fire raging in dozens of our cities, and sparks are spreading the blaze to smaller towns and rural areas across the nation. That "fire" is the violence fueled by drug trafficking, and we need to concentrate pretty hard on "knocking down" that fire with strong and effective law enforcement at the Federal, State, and local levels.

At the same time, we must realize that one of the major causes of drug-related violence is the huge supply of illegal drugs that are available on the streets. This lowers the price of narcotics and makes them more widely accessible, fueling violent turf battles between drug dealers. So as we fight to regain control of our streets, we must also strengthen our efforts to disrupt the flow of illegal drugs into this country and to stop drug production at its sources.

**Question:** The issue of legalization seems to be the new rage. Many of its advocates seem to believe that it is the ultimate solution to our nation's drug problem.

Proponents contend that legalization would dry up our nation's drug supply. Do you agree?

**Answer:** No, I do not. Not only would legalization create a readily available supply of now illegal drugs on the open market, but I believe that those currently trafficking in illegal drugs would continue to do so via the "black market." Thus, the same or additional drug cartels would continue to produce and peddle their poison -- preying on the poor, the young, and the unborn; using the same violent methods to protect and broaden their turf. I do not believe for an instant that the same cartels that now so violently resist law enforcement efforts to put them out of business would voluntarily discontinue their illegal enterprises in the event of "legalization."

Questions from Senator Grassley  
Page Two

**Question:** Wouldn't legalization - rather than decreasing our drug problems - cause an explosion of addiction?

**Answer:** Yes, I believe it would. The problems our society now faces with respect to addiction to a legal drug such as alcohol would be far, far worse if more powerfully addictive drugs such as heroine and cocaine, especially "crack," were readily available on the open market. People who are now deterred from narcotics use by the stigma of criminality might feel it more socially acceptable to buy and use such drugs and share them with their friends, and then the cycles of addiction inevitably would multiply. And despite what supporters of "legalization" may say, many who would suffer and become addicted would have no freedom of choice in the matter: the unborn, abused, and neglected children of drug addicts.

**Question:** We can all agree that we need to combat our drug problem on a war-like footing. However, we also have to be mindful of the responsibility to bring the still-present Federal budget deficit under control.

How can Congress resist the urge to spend more money on this every year -- and more and more so that the War on Drugs is only really a bidding war?

**Answer:** Without presuming to instruct Congress, I would simply refer to the President's proposal for funding as contained within the framework of the National Drug Control Strategy.

**Question:** Like Bill Bennett, I believe that there is no substitute for "...clear and firm enforcement of the law and rules against drugs." There's no amount of "education" or "rehabilitation" that will deal with a teen-age, uzi-toting pusher making \$5,000 a week.

Isn't this reality the reason why the strategy has to be strong on the "law enforcement" side?

**Answer:** Yes, Senator, it is. And the effectiveness of drug law enforcement as both a deterrent to drug use and as society's means of taking drug traffickers off the streets of America depends largely on the certainty of punishment for those found guilty of violating the drug laws. Without sufficient numbers of trained and equipped enforcement officers to apprehend drug criminals and enough jail and prison space to confine them, the whole concept of drug law enforcement becomes a hollow threat.

Questions from Senator Grassley  
Page Three

**Question:** The Strategy keys on making the user of drugs accountable and I applaud that emphasis. I think we have gone on far too long allowing people to excuse their behavior without being held accountable for the consequences of their actions. Part of making the user accountable is the reduction in user demand. Part of reducing demand involves the deterrence provided by law enforcement efforts.

In terms of that portion of the Strategy that emphasizes law enforcement, what percentage comprises law enforcement's supply reduction efforts and what percentage comprises demand reduction efforts?

Can you tell us why the law enforcement component cannot be counted solely on the supply reduction side of the Strategy's equation?

**Answer:** Law enforcement cannot be entirely assigned to either a demand or supply side role. The National Drug Control Strategy correctly states that:

"...every drug transaction involves both a supplier and a consumer. Effective drug enforcement is aimed at the market as a whole, and tries to disrupt it so that both selling and buying drugs become burdensome and precarious activities. When law enforcement officials successfully and repeatedly obstruct the market, drugs become harder to get and drug use invariably diminishes. In this way, the criminal justice system serves as one of the most powerful forms of drug prevention."

In short, I do not think that there is a sound basis for assigning percentages to the demand reduction consequences of law enforcement activities.

**Question:** I have long expressed the view that we need to rid our prisons of drugs; and that if we cannot clean up the drug problem in our prisons -- in theory, the most controlled facilities in the country -- then where can we control drugs?

Aside from testing, please explain how the Strategy will attack the supply of drugs available in our prisons?

**Answer:** The overall objective of supply reduction will, of course, impact on the supply of drugs available in prisons. In addition, however, the Strategy's Research Priorities focusing on treatment and detection of drugs, as well as the potential for increased training of corrections personnel, can further reduce the availability of drugs in prisons.

Questions from Senator Grassley  
Page Four

Question: Mr. Morris, the Administration has announced a \$65 million aid package to Colombia. Much of the package consists of military equipment and supplies. Some of our personnel are on the ground to assist the Colombians to train their own people in the use of the supplies.

A danger is if these "advisors" become assassination or hostage targets of narco-terrorists. What then? Do we have the will to respond with force?

Answer: Clearly, there is a risk of violence against American military personnel in a situation such as they face in Colombia. However, I am certain that the Department of Defense is well aware of the level of risk and is taking all necessary and prudent measures to protect its personnel in Colombia.

The President has made it clear that American military personnel will not be on the front lines of the battle against the drug traffickers in Colombia. However, as always, if any of our people are attacked, then they can and must defend themselves with force, if necessary.

Question: The Administration and some in Congress have not closed-off the possibility of the introduction of U.S. armed forces into Colombia or other South American countries that are known to be "drug source" countries. The military is not now designed to take on a law enforcement role. It is also well-known that the military establishment remains reluctant - at best - to take on a law enforcement role in the war on drugs.

As tempting as it may be to "send the troops up San Juan Hill," is it practical to use American forces against the South American Drug Lords, even if we are invited by a South American nation?

Answer: The President has made it clear that there are no present plans to send American military forces into any other country for direct involvement in anti-drug operations, and I fully support his policy. I believe that American military "know-how" can be applied effectively in training and advising the military in Central and South American countries in their war on the drug cartels.

Question: Has not the real battle been joined in our own streets -- where cocaine is consumed -- and not in South America -- where cocaine is produced?

Answer: Our first priority in the drug crisis certainly must be to regain control of the streets in our country from the drug criminals by strengthening our law enforcement

Questions from Senator Grassley  
Page Five

capabilities, and to drastically reduce the demand for illegal drugs in our society by raising the costs of so-called "recreational" drug use, making all drug users accountable for their actions, and by encouraging, strengthening, and sustaining programs of drug education, treatment, and rehabilitation. For when the demand for the poison dries up, the production industry will wither.

At the same time, it must be recognized that the war on drugs must be fought on many fronts -- foreign and domestic -- and that as long as drug traffickers are able to flood our country with a steady supply of narcotics, we will continue to have significant problems with drug abuse. Therefore, in addition to reducing the demand for drugs in our country, we simply must continue and intensify our efforts to stop the poison at its sources and prevent it from crossing our borders.

Question: How does the Strategy respond to the criticism that it may be a mistake to try to fight the drug war at the Nation's borders because drugs are not hard to smuggle; our borders are vast and difficult to police; and the rewards for successful smuggling far outweigh the risks?

Answer: The Strategy notes that fighting the drug traffic at our borders has major value. It demonstrates to foreign nations and drug traffickers that we are committed to combatting the drug trade. It bolsters our support for the international treaties banning drug smuggling to which we and our allies are signatories. And it introduces another level of risk to the individual drug smuggler who attempts to bring illicit drugs into the country. Moreover, by disrupting trafficking patterns and forcing drug organizations to seek new routes, we can increase the opportunity for their detection by law enforcement agencies.

Question: If the conclusion is reached - based upon consistent historical experience - that there will always be sources for opium, heroin, and other illegal substances to satisfy the public's demand, what should our drug control strategy be?

Answer: Even if such a conclusion were reached, I believe that the first priority of our national strategy would continue to be ensuring the order of our society and safety of our streets through strong drug law enforcement, and reducing the demand for drugs to the absolute minimum through strict user accountability measures and programs of drug education, treatment, and rehabilitation.

Questions from Senator Grassley  
Page Six

**Question:** Interdiction efforts have produced impressive seizures recently and we continue to pour more money into increasing our interdiction technology. Despite record cocaine seizures, we have an increasing overabundance of cocaine/crack in our country. While purity increases, prices continue to decrease. Cocaine production is now expanding into new countries and there appears to be no end to the ways in which it can be smuggled into the U.S. Even if we significantly increase our seizures through enhanced technology, we may still be faced with an abundant supply of this substance.

While any drug supply reduction strategy dictates the need for a highly visible interdiction posture, have we reached the point where continued multi-billion dollar funding for "high-tech" interdiction is no longer cost-effective?

**Answer:** No interdiction system will ever result in a 100 percent effectiveness rate, just as law enforcement will never completely eliminate crime. The purpose of the Federal interdiction effort is to deter, to make trafficking more difficult and risky than it would otherwise be, and to take as many drugs and drug traffickers out of the market as possible. While we have invested a significant amount of money in interdiction programs, we cannot afford to leave our "technical" programs incomplete; leaving the gaps that we and the drug smugglers know exist. The funding recommendations contained in the Strategy will, if enacted, enable us to close the remaining radar gaps on our Southern border, but do not include initiating any major new border interdiction systems, because I agree that there is a point beyond which the return for dollars spent becomes unacceptably low. My job in the coming months, as we refine our initial strategy effort, is to identify that point and recommend to Director Bennett what changes are necessary.

**Question:** Can such increases ever be considered cost-effective if drugs of foreign origin are still in abundant supply in the streets of our cities?

**Answer:** The supply of foreign drugs cannot be reduced solely by interdiction en route to or at our borders. We must develop a balanced approach to reducing the supply at the source in addition to our efforts after the drugs have left the source. I believe the Strategy outlines an excellent initial approach to balancing results with expenditures. I fully intend to seek ways to continually improve upon our efforts.

**Question:** If such funding is no longer cost-effective, what other supply reduction activities can be funded for a greater impact?

Questions from Senator Grassley  
Page Seven

Answer: A balanced approach to all the facets of supply reduction (law enforcement, international, interdiction, intelligence, and research and development) that is both cost-effective and produces results, is the optimum objective. I cannot say at this point what activities should or should not receive more or less funding beyond those funding recommendations and priorities already articulated in the September Strategy. That is a major part of the job for which I have been nominated, and if confirmed, I will give this the highest priority.

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