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IMPACT OF DRUGS ON CRIME, 1984

HEARING
BEFORE THE
SUBCOMMITTEE ON
ALCOHOLISM AND DRUG ABUSE
OF THE
COMMITTEE ON
LABOR AND HUMAN RESOURCES
UNITED STATES SENATE
NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

EXAMINING THE RELATIONSHIP BETWEEN DRUGS AND CRIME

MAY 10, 1984



for the use of the Committee on Labor and Human Resources

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CONTENTS

STATEMENTS

THURSDAY, MAY 10, 1984

	Page
Ball, Dr. John C., department of psychiatry, Temple University School of Medicine, Philadelphia, PA, and David N. Nurco, D.W.S., psychiatric research center, department of psychiatry, University of Maryland School of Medicine.....	39
Prepared statement	43
D'Amato, Hon. Alfonse M., a U.S. Senator from the State of New York	2
Prepared statement	7
Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah, prepared statement.....	26
Lane, Richard H., executive director, Man Alive Research, Inc., Baltimore, MD; Sandra, from Second Genesis; and Steve, from Second Genesis	28
Marcus, Stanley, U.S. attorney, southern district of Florida; and Ruldoph W. Giuliani, U.S. attorney, southern district of New York	8
Nurco, Dr. David N., D.W.S., psychiatric research center, department of psychiatry, University of Maryland School of Medicine, prepared statement.....	61
Thurmond, Hon. Strom, a U.S. Senator from the State of South Carolina, prepared statement.....	27

(III)

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ACQUISITIONS

IMPACT OF DRUGS ON CRIME, 1984

THURSDAY, MAY 10, 1984

U.S. SENATE,
SUBCOMMITTEE ON ALCOHOLISM AND DRUG ABUSE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The subcommittee met at 10:30 a.m., in room 385, Russell Senate Office Building, Senator Paula Hawkins presiding.

Present: Senator Hawkins.

Also present: Senator D'Amato.

OPENING STATEMENT OF SENATOR HAWKINS

Senator HAWKINS. The hearing will come to order.

I would like to welcome those participating in the hearing today, and welcome the children, young adults from Second Genesis, who are with us today.

Today, our topic is the relationship between drugs and crime. That a relationship exists seems to be a self-evident truth, an almost undeniable statement.

The average daily heroin user in California commits an average of 177 property crimes a year.

The average heroin addict in Michigan commits 103 property crimes per year.

In Texas an addict is expected to commit 190 crimes a year. That is not a total for all addicts in the State, that is per addict. That is 190 crimes per person—burglaries, armed robberies, muggings.

In Baltimore, as you will hear today, over a 9-year period, a relatively small number of addicts committed over 500,000 crimes. That is a mind boggling figure. In one city, the city of Baltimore. That breaks down to over 2,000 crimes each, and that is just for heroin.

Here in the District of Columbia, a division of the superior court has begun to test defendants for drugs. During 1 week this past March, 300 defendants were tested. Sixty-two percent showed traces of heroin, methadone, cocaine, barbiturates, and half had recently used PCP.

But this is not just about numbers. To talk about this problem in purely statistical terms drains the issue of that vital personal dimension that must be considered if we are going to try to solve this problem. And the drug and crime problem seems to have its own way of letting us know that it is not just a question of numbers. Every once in awhile, it rears its head and lets us know what it is really all about.

And though the problem does not always make headlines, it is just as real for the victims.

When one of these walking crime machines sticks a knife in your back as you step away from the 24-hour banking machine, or when your house is ransacked and you are left feeling totally vulnerable, unsafe either in or out of your home, it breeds frustration. It breeds anger. It is not a fit way to live, and it should not be happening here.

When we come to investigate, as we are doing today, to try and find solutions, we begin to realize the complexity of even the questions involved, let alone the answers. So many questions remain unanswered.

Why do children turn to drugs in the first place? What are the conditions that lead to a life taken over by drugs and forced to turn to crime to support a habit? What can be done to prevent it? What is needed? Is it more education, and should that education come through the schools, through the media?

For the law enforcement community, what is needed to ensure that police can do their job?

A comprehensive law enforcement program, Operation Pressure Point, has cleaned up the Lower East Side of New York. Burglaries are down 35 percent. Robberies are down 51 percent. Human beings can walk the streets again. Why did that project work? Can we use this project in another city? What is the Government's role in this whole subject?

I have introduced a sentencing bill with stiff sentences for pushers. Drug traffickers are mass murderers, and we should imprint that on everybody's brain.

But is this Congress' only role or is there something we can do to keep the problem from cropping up in the first place?

There are a lot of questions, a lot of unanswered questions, but we have a group with us today that will be able to go a long way toward answering many of them.

I am very pleased at this time to welcome Stanley Marcus, the U.S. attorney for the southern district in Florida. He is a national leader in the prosecution of drug traffickers. And I am pleased that he is joined by Rudy Giuliani, the U.S. attorney for the southern district of New York, for it is under his direction that Operation Pressure Point has racked up the impressive statistics that I listed earlier.

We are glad you are here, gentlemen. You are a fine pair and an example for all U.S. attorneys in the United States.

Senator D'Amato, do you have any words of welcome for these distinguished attorneys?

Senator D'Amato.

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

Senator D'AMATO. I certainly do, Madam Chairman. Let me say that I think they epitomize the finest in our operations, whether it is Operation Pressure Point or whether it be dealing with the \$80 billion a year illegal drug industry that has made our homes insecure, made people feel unsafe in their places of business, and that has given our neighborhoods to the criminal elements.

There is another side to this, Madam Chairman. Many people have totally lost respect for law enforcement at every level. They believe that law enforcement, to a certain degree, has been corrupted. What do you say to the poor family in the Lower East Side who sees hundreds and hundreds of addicts gathering in distribution points in front of the police? What do you think they think? Are they not losing faith in our society? Do they not believe that law enforcement does not work for them? Do they not believe the criminal justice system has been corrupted?

It is so important to concentrate law enforcement in these neighborhoods, to demonstrate to people our concern for them, that yes, justice does work, and that the criminal justice system has not been corrupted. We can make a difference and return these neighborhoods to the people.

Madam Chairman, let me commend you for your tireless efforts and for the leadership you have demonstrated, for your legislative initiatives and hearings, and particularly for your efforts to combat drugs as they relate to our youth and to safety of our communities and our homes.

I would also like to suggest that drug kingpins, the major drug traffickers, and those who are engaged in the business of merchandising death, and that is exactly what they are doing, should face the possibility of the death penalty. Our neighborhoods need tough bail and sentencing reforms that the Senate has passed, that you and I have voted for, and that are now being delayed in the House of Representatives. The drug czars are as responsible for murder as the addict that wields the knife in a desperate effort to find money for his next fix. These are evil men. They are desperate men, and certainly the American public has the right to be protected from them.

Illegal drugs are turning people into walking crime machines.

I am delighted that you have brought in Dr. David Nurco from the University of Maryland and Dr. John Ball from Temple University, whose studies indicate what the addict can and has done, and what the addicts are turning our homes and neighborhoods into, places of fear where people live behind shutter doors and conduct business behind screens and buzzer systems.

The fact that 237 heroin addicts could commit over 500,000 crimes in an 11-year period should shock the consciences of the legislators across the country and our own Congress to see to it that we adequately and quickly fund the war on drugs to bring domestic tranquility to the United States.

I think the death penalty will be a deterrent for the major drug dealers, for the kingpins and czars, and if that statement is controversial, and if there are those that raise objection to it, so be it. Let people concentrate in this area.

I would favor denial of bail to chronic drug offenders and others deemed dangerous. It does not make sense to have someone who is an addict, a pusher, and dangerous, and release him or her out on the street where they continue to commit crimes for the next 2½ or 3 years before their cases may come to trial, jeopardizing society while that is taking place.

Tougher determinate sentences without parole for drug pushers and new forfeiture laws allowing the seizure of the assets of the drug kings are absolutely necessary.

We need tougher laws to prevent the laundering of illegal drug profits. And again, Senator, you have joined with me in that endeavor.

We need to turn the attention of the Congress and the American public and the administration to this incredible epidemic and crime wave because it does not make much sense to have the proper kind of military defense when at home we are losing the battle to provide safety and security for our people.

Madam Chairman, I have a fuller statement to put into the record, but I know the people want to hear our two U.S. attorneys who are struggling against tremendous odds, so I would ask for permission to submit that statement as if read in its entirety.

Senator HAWKINS. Surely, we will grant that.

Senator D'AMATO. Madam Chairman, I want to take this opportunity to praise you for your tireless leadership of the effort to focus attention on one of our great national tragedies, the epidemic of drug-related crime.

I well remember your participation in the hearing on youth drug abuse we conducted in New York City on September 1, 1983. I remember your concern that, while the general health of our people has improved and the lifespan for all other age groups has increased, the death rate for young Americans between 15 and 24 is higher than it was 20 years ago. Drug abuse is the major factor behind this alarming trend.

Madam Chairman, yesterday I learned something that until now has not been public knowledge. We are all familiar with the estimates that there are approximately 4,000 drug-related deaths in this country every year. Yesterday, however, I learned from the National Center for Health Statistics that the number is actually more than twice the number previously estimated.

Drug-related deaths for 1980 were 8,747. It is thought that this number has risen even higher since 1980.

Unfortunately, one of the things that handicaps all of us concerned with drug abuse and crime is that we always seem to be dealing with stale statistics. But these new figures indicate that the drug abuse problem in this country is far greater than anyone has previously thought.

We are losing more than the full human potential of our children because of these poisons. Drugs are directly involved in the commission of well over half the crimes committed in this Nation.

In New York State, 60 percent of all prison inmates are heroin addicts or abusers of other drugs. I am happy today to finally be able to meet Dr. Ball of Temple University and Dr. Nurco of the University of Maryland who will testify about their incredible findings: Over an 11-year period, a mere 237 addicts committed 500,000 crimes.

I also welcome the opportunity to discuss the drug and crime problem with two of our leading law enforcement officers. Rudolph Giuliani, when he was Associate Attorney General, helped create the 12 task forces around the country that have become the keystone of our drug law enforcement effort. As the current U.S. attor-

ney for the southern district of New York, he is fast becoming a legend in our war on drugs and crime.

Stanley Marcus is equally distinguished and I look forward to his testimony concerning the South Florida Task Force, which has inspired so many of our other law enforcement initiatives.

Madam Chairman, when you and I cochaired the drug abuse hearing in New York last September, the Senate had not yet acted on a number of criminal law reforms formulated to combat the \$80 billion a year drug industry. In February, however, the Senate, by vote of 91 to 1, did pass such legislation, the Comprehensive Crime Control Act. I call upon the House of Representatives to follow suit.

The first of the comprehensive crime bill would allow a court to deny bail to someone, a chronic drug abuser, for example, who poses a clear threat to community safety.

We desperately need this reform. There are today 2,950 fugitives charged with drug offenses who have jumped bail. We only have 2,076 drug law enforcement agents trying to track them down. But that is not the whole story. Recently, the Government managed to round up about 2,000 fugitives. No sooner were they brought before the courts than more than 1,000 of these fugitives who had proven they were bad bail risks were again released on bail.

We also need sentencing reform. I know that a major drug kingpin was recently sentenced in the southern district of New York. He was sentenced to 40 years in prison. Under the law as it stands today, however, the most he can possibly serve is two-thirds of that, about 27 years.

The crime bill also includes many reforms of our drug money and drug assets forfeiture laws, which will make it easier to deprive the drug czars of their vast estates, their limousines, their planes, and their business interests. If we are ever going to make significant inroads in our war on crime, we must strike at the profit motive behind this \$80 billion a year industry.

On April 12, I introduced the Drug Money Seizure Act to put teeth into our laws against drug money laundering. Today, \$40 to \$50 billion a year in drug money is laundered through offshore banks in the Caribbean and other bank secrecy havens. This bill, which you have cosponsored, is a complement to the other money laundering provisions in the crime bill. It gives the Treasury Department much needed administrative subpoena power to enforce the Bank Secrecy Act, our best weapon against money launderers. It also increases fines for those who engage in this dastardly activity to the full amount of their drug money laundering transactions.

Madam Chairman, I have seen for myself, in visits to the Lower East Side, to Harlem, and all around New York State, the ravages that drug-related crime can bring to our citizens. Businesses move out. Parents are afraid to send their children to school for fear that someone will try to get them to use drugs. People lose hope. They begin to suspect that the police are on the take as they watch hundreds of addicts and dope peddlers sell enormous quantities of heroin, cocaine, PCP, and other dangerous drugs brazenly, in the open, in broad daylight.

I have also seen what we can accomplish when we invest the necessary resources, when we bring to this epidemic the full commitment that it deserves. In a visit to the lower east side after Oper-

ation Pressure Point began. I saw mothers wheeling their infants down streets that had only a short time before been the turf of the most violent, hardened criminals. In that neighborhood today, robberies are down 51 percent, burglaries are down 35 percent.

Another great breakthrough has been the recent cocaine bust in Colombia, where 12 tons of cocaine were destroyed. That is one-fourth of all the cocaine smuggled into this country every year.

All of this is progress, but, Madam Chairman, I believe the problem has become so extensive, so terrible, so destructive, that it threatens the security of our country in a manner comparable to war. The damage done to our national health, to our domestic tranquility, to our productivity and security, and to our greatest resource, our young people, is so tremendous and so unspeakable that those who mastermind the spreading of drugs should be treated the same way that we treat our worst enemies—for that is what they are.

That is why I soon plan to introduce legislation that would make the crime of importing, distributing, supplying, or selling large amounts of these killers punishable by death. I can think of no crime more reprehensible than trafficking in narcotics. The drug czar who oversees the drug distribution networks is every bit as responsible for the murders of our people as is the addict who wields the knife in a desperate effort to find the money for his next fix. These are evil men. They deserve the ultimate penalty.

[The prepared statement of Senator D'Amato follows:]

U.S. Senator Al D'Amato

FOR IMMEDIATE RELEASE
5/10/84

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D'AMATO WANTS DEATH PENALTY FOR DRUG KINGPINS

SAYING DRUGS CREATE "WALKING CRIME MACHINES"

U.S. Senator Alfonse M. D'Amato (R-C-NY) said today that "drug kingpins should be given the death penalty" and that "our neighborhoods desperately need the tough bail and sentencing reforms that have been passed by the Senate but are being delayed in the House."

D'Amato will shortly introduce legislation that would make the crime of importing, distributing, supplying, or selling large amounts of illegal drugs punishable by death.

"The drug czar who oversees the drug distribution networks is every bit as responsible for the murders of our people as is the addict who wields the knife in a desperate effort to find money for his next fix," he said. "These are evil men. They deserve the ultimate penalty."

"Illegal drugs are turning people into walking crime machines," D'Amato said, noting the findings of a study showing that 237 addicts committed 500,000 crimes during an eleven year period. [The study was conducted jointly by Dr. John Ball of Temple University and Dr. David Nurco of the University of Maryland.]

"It doesn't have to be this way - not if we come down hard on those responsible for the poisoning and destruction of our future generations," D'Amato said.

- D'Amato proposes the following:
- death penalty for drug kingpins
 - denial of bail to chronic drug offenders and others deemed dangerous.
 - tougher, determinate sentences without parole for drug pushers.
 - new forfeiture laws allowing the seizure of the assets of the "drug kings".
 - tougher laws to prevent the "laundering" of illegal drug profits.

Charging that "drug abuse in this country is far greater than anyone has previously thought," Senator D'Amato revealed that, according to information he has received this week from the National Center for Health Statistics, annual drug related deaths are actually more than twice the previous estimate (4,000).

"Drug related deaths for 1980 were 8,747," the Senator said. "It is thought that this number has risen even higher since then."

D'Amato said the need for bail reform is "desperate," noting

-MORE-

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that there are 2,950 fugitives charged with drug offenses who have jumped bail and only 2,076 DEA agents trying to track them down.

"Recently, the government managed to round up about 2,000 fugitives," he explained. "No sooner were they brought before the courts than more than 1,000 of these fugitives were again released on bail!"

The Senator noted that illegal drugs have grown to be "an \$80 billion dollar plus business" and that between \$40-50 billion is laundered through offshore banks in the Caribbean and other bank secrecy havens. He has proposed S. 2579 to combat the "laundering" of illegal drug profits by broadening the Treasury Department's power in this area and increasing fines to equal the entire amount of the laundering transaction.

D'Amato's remarks were made in testimony before a hearing of the Senate Subcommittee on Alcohol and Drug Abuse, chaired by Senator Paula Hawkins (R-Fla) to examine the impact of drugs on crime.

Senator HAWKINS. Mr. Marcus, your entire life has been an example to us in south Florida, and we appreciate you accepting that assignment at a time when we were overrun with crime. I would like to thank you again publicly for accepting that responsibility, and I would like to hear your statement.

STATEMENTS OF STANLEY MARCUS, U.S. ATTORNEY, SOUTHERN DISTRICT OF FLORIDA; AND RUDOLPH W. GIULIANI, U.S. ATTORNEY, SOUTHERN DISTRICT OF NEW YORK

Mr. MARCUS. Madam Chairman and members of the committee, I want to thank you for inviting me to testify at this hearing regarding what I believe is the indisputable link between narcotics trafficking and crime in south Florida and some of the Federal law enforcement efforts which have been undertaken in the last 2 years to address this extraordinarily serious problem.

It seems beyond a doubt to state that south Florida has been faced with a crime problem that is unique. There are elements of that problem which can be found in crime profiles of other large metropolitan areas inside and outside the United States. Collectively the elements in south Florida add up to a staggering, if not unique, problem.

Upon becoming the U.S. attorney in south Florida more than 2 years ago, I expressed my view that the most serious Federal crime problem in this district was the drug problem. Over the last 10 years or so, Miami has become the point of entry for perhaps 75 percent of all of the cocaine and all of the marijuana and all of the methaqualone smuggled into the United States. It was in south Florida that much of the criminal wholesale transactions of the American drug trade were taking place.

The nature of the problem is staggering. More than 12,000 metric tons of marijuana enter the United States annually. Between 40 and 48 metric tons, it has been estimated, of cocaine enter the United States annually.

The staggering quantity of narcotics is again indisputable.

More than 4 metric tons of heroin enter the United States annually. Colombia continues to be our largest foreign supplier of marijuana, cocaine, methaqualone, and a variety of other pills manufactured outside of the United States but smuggled into this country.

The brutally serious nature of the drug problem in this country has been evidenced by the statistics, Senator Hawkins, that you cited.

It is also evident from these statistics, it has been estimated that one-half of all jail and prison inmates regularly used drugs before committing their offenses. Some statistics indicate that 50 to 60 percent of all property crimes are drug related.

Indeed, in Miami, in Dade County, it has been estimated that one homicide in four was drug related.

It is perfectly clear then that the real cost of drug smuggling and drug addiction in this country is staggering in human life and human suffering terms.

It is equally clear that south Florida has been and continues to be one of the main arenas in this battle against drugs. The estimated cash exchange generated last year by these illicit wholesale drug transactions runs into billions of dollars. We should be perfectly clear that these are bills that must be laundered through various institutions or converted into noncash assets. In either case, some businesses have been drawn into collaboration with or indeed outright domination by these drug moguls.

It is also perfectly clear, I think, that some of our institutions in south Florida have consciously aided and abetted drug traffickers in their efforts to launder and export huge amounts of cash. In so doing, these institutions were not only violating the civic duties of responsible corporate citizenship, they may also have violated the tax laws and the currency laws of this Nation.

Those who accept large amounts of cash, raw currency, in payment for valuable assets are helping to make this region in south Florida, or indeed any region in this country, safe for the international drug trade.

I believe that when one accepts an inflated price for his property on the stipulation that the buyer can pay cash, the overwhelming likelihood might be that one is accepting a price premium constituted entirely of drug money. The power of the drug dollars to corrupt the civic integrity, indeed, I believe, the very soul of a community's commercial life, cannot be overestimated.

We should be perfectly clear about what kind of people are behind these drug dollars. They are vicious, even by the standards of rank criminals. The international drug trade is not a single established cartel, nor does it establish even minimal standards of conduct—rules, if you will, of the game established over long years of operation in the shadows of the community.

Rather, I think we are dealing with a collection of warring factions, an underworld that is wholly Balkanized. Within each of these cartels there is often a high degree of structure. But among them is often anarchy. Even the crudest limits of decency are unknown to them. We are dealing with multiple, large scale criminal organizations who will open fire on a rival faction in a crowded mall, with utter indifference to the lives of the men, women, and children who may be caught in the crossfire.

A recent Federal prosecution in Miami involved the attempted murders of two DEA agents in Colombia by drug traffickers. In little more than a year, two ATF agents have been killed and one

critically wounded in Miami in undercover operations involving drugs and firearms.

There are those who may wonder whether this criminal import industry is not a sort of devil's blessing to south Florida's economy, whether the billions in illicit proceeds which it generates each year does more good than harm to the quality of life. The truth is that the potential cost of the drug trade to south Florida's quality of life is staggering. Not only does it place our families in a milieu of constantly escalating violence, but it threatens fundamental corruption of our social infrastructure.

How long can a society's basic institutions maintain their integrity in the face of millions of drug dollars ready to be spent for the sole purpose of corrupting those institutions? Indeed, it is the universal modus operandi of the drug traffickers to attempt to corrupt public officials, and it is their genuine expectation that corruption will be accomplished. So strong is their perception of the corruptibility of officialdom that they are forever testing the system, waiting for it to yield. We have found in this district in the last 2 years evidence of corruption at all levels of government, both domestic and foreign.

But the multibillion dollar drug trade threatens not only the corruption of our institutions. Continual exposure to criminal prosperity is corrosive to the soul. Our children see that there are people, many people, who apparently are living above the law and are thriving on their criminality. The message is: take, steal with both hands, and forget about honest work. Ordinary class tensions are exacerbated as have-nots contemplate the lot of those who have plenty because they make their own rules. The promise of sharing in the bounty tempts all of us to wink, just a little, at the blood stains on a nice piece of cash, until we are winking with both eyes and finally close our eyes altogether to base criminality. In the end, we simply assimilate the morality of the gutter into our mainstream of life. This is what can happen if we learn to tolerate this massive criminal enterprise.

There are those who, while willing to concede that the narcotics business and the illicit struggle for profits necessarily generates violent crime, corruption, and massive violations of our currency and tax laws, suggest that the war against drugs is wholly futile, if not counterproductive. Indeed, they make the case that the extreme profitability of drug dealing is supported, if not created, by our laws proscribing narcotics and controlled substances, and that it is this profitability—therefore this illegality—which is the source of the violence and corruption associated with drugs. The solution which some advocate simply is to decriminalize all phases of narcotics transactions and accept the social costs of greatly enhanced access to these drugs.

The consensus, however, in our Nation has been that the social costs associated with legalization far outweigh those that we now bear. Indeed, any law enforcement official has seen with his own eyes the devastating impact on the individual lives, often very young lives, of those who fall in the path of narcotics addiction. As long as our best thinking on this subject brings us to the conclusion that decriminalization would be socially reckless, we are necessarily confronted with the immense law enforcement task which arises

from the tremendous profits generated by the narcotics trade. At the heart of the issue is the fundamental challenge of depriving the drug trade of its profitability without going to the extreme of decriminalizing it. And it is to this end that law enforcement is directed.

The profitability of any industry—even this insidious one—is a function of its revenues on the one hand and its costs on the other. Our law enforcement efforts in south Florida have been designed to increase those costs at every keypoint of vulnerability with the purpose of having those costs rise so high that they overwhelm even the immense revenues generated by this criminal industry.

The massive and intensified Federal law enforcement response to this staggering, multifaceted problem here and elsewhere has involved at least these interlocking parts: First, a new and expanded interdiction effort; second, increased efforts to identify, penetrate, and prosecute major international and domestic narcotics organizations; third, an increased and unparalleled effort to target, penetrate and prosecute the major money laundering enterprises which enable foreign narcotics cartels to launder and remove billions of dollars from this country; fourth, an increased investigation and prosecution of foreign officials from source countries involved in the international chain of drug smuggling; fifth, intensified prosecutive efforts in the area of violent crime inextricably tied to narcotics; sixth, an increased investigation and prosecution of official and political corruption, especially where tied to narcotics traffic; and seventh, a quantum increase in forfeiture of narcotics dealers' assets, including cars, planes, boats, real property, and cash proceeds. We have opted for this comprehensive approach because no single strategy will work.

It may seem at times that the resources of this criminal import industry are limitless; they are not. There are only so many people willing to go to jail for the industry and one would expect that this number would sharply decline with a significant increase in the certainty and severity of punishment. Moreover, there are only a fixed number of ships and planes—only a fixed amount of cash and property—that this industry can afford to lose before it will run in the red. In Florida and elsewhere, in New York, we have begun a massive effort to press this criminal enterprise to the limits of its solvency. While we most assuredly have not reached those limits yet, we continue to intensify our efforts on the firm conviction that those limits are not ultimately beyond our reach.

As arduous and expensive as this effort is, it is difficult to imagine how our responsibility to our Nation's health, welfare, and sanity could possibly contemplate anything less. A society willing to stand by passively while its children are progressively debilitated by these recreational poisons is a society that has virtually written off its children, its very future. A society that says it has waged an excruciatingly difficult battle and that it has paid an enormous price, and therefore that it should abandon the fight would wake up soon thereafter only to discover that the cost of accepting the permanent presence of drugs is incalculably greater.

Senator Hawkins, I very much appreciate the opportunity to be here and to have had the opportunity to make a general statement.

At such time as may be appropriate, I will be happy to answer any questions the committee may have.

Senator HAWKINS. Thank you.

Mr. Giuliani, we miss you in Washington. Welcome back.

Mr. GIULIANI. Thank you.

Before beginning, I would like to note a fact about these proceedings. You have heard from Stanley Marcus, U.S. attorney in the southern district of Florida, and now you will hear from me, the U.S. attorney in the southern district of New York. This hearing is chaired by you, the Senator from Florida, and by Senator D'Amato, the Senator from New York, and because there are no two areas in the United States more afflicted by the drug problem than south Florida and the New York metropolitan area—south Florida was the chief entry point for cocaine and marijuana, and continues to be the focal point for that trade. And New York has always been and continues to be the key entry point and focal point for the heroin trafficking in the United States.

Efforts against drugs in these two areas, south Florida and in Manhattan and in New York assist all of the United States because, unfortunately and tragically, these two areas help supply the rest of the United States. I think sometimes that is not understood.

It should also be noted that no two Members of Congress, the Senate or the House, have done more to combat this than yourself and Senator D'Amato. Conditions in south Florida today in 1984, although certainly not perfect and a lot remains to be done, are a lot better than they were in 1981. I know that because, as Associate Attorney General from 1981 to 1983, I worked firsthand on the problems of south Florida. These improvements are largely attributed, Senator, to you and to your leadership, and to the person that you recommended and President Reagan selected to be U.S. attorney in that district, Stanley Marcus.

Conditions in New York have also improved because of Senator D'Amato's leadership. The Lower East Side, other parts of my district, are more livable. There are places where decent people can live now. That was not the case 3 years ago. For those of us in the field, the agents, the prosecutors who work for me and with me, I can tell you that the leadership and support from national leaders such as you are of immeasurable help because of the laws you have worked to improve; but, more important, because of the morale developed when agents, prosecutors, and citizens hear that our national leaders support them, consider that drug enforcement is an important problem.

Sadly in the past that has not always been the case. National leadership was not there in certain periods in our recent history, and it is very, very important that it is there now.

I believe improvements have been made and many things have been done, and I would like to talk about some of the things that have been done and suggest a few areas where improvements can be made. I will try to be as brief as possible and summarize my statement.

I think the major initiatives of the last several years, the FBI's involvement with the DEA in drug enforcement for the first time has been very helpful. I think the legislation passed by the Con-

gress, which both you and Senator D'Amato and others proposed, the posse comitatus amendment, means we can work more closely with the military. South Florida's Task Force has done extraordinary things and has been helpful to all of the United States in helping to reduce the drug problem.

In response to the nationwide scope of this problem, in October 1982, the President announced plans to create new regional multi-agency drug task forces in 12 locations. This program was designed to provide Federal resources throughout the United States to focus on dismantling organizations dealing in drugs. There had already been many cases in which Federal law enforcement had been responsible for dismantling such organizations. One such case in my district is the Badalamente case. It is also known as the Pizza Connection, because Mr. Badalamente, who was an international fugitive for 20 years from Sicily, had sent into the United States a number of his relatives and associates and placed them in the pizza business, and they used that as a front for their drug dealing.

That particular case illustrates the kind of level that the organized crime drug enforcement task forces can reach that were unreachable without that program.

Most remarkable about the Badalamente operation was its scope. Although a Sicilian, Badalamente had been a fugitive. He had been living in Brazil and Madrid, Spain, and was apprehended in Madrid, Spain, where he had gone to meet a nephew to arrange for the shipment of heroin into the United States.

The nephew, in turn, lived in a small town in the United States where, but for the court-ordered wiretaps, he would have escaped attention of the U.S. authorities. Badalamente's heroin allegedly was to be sold to major wholesalers in the New York-New Jersey area and in the Midwest. Some were known members of an organized crime family—specifically the Bonnano family—but others were comparatively unknown. Their kilogram-level customers allegedly were not confined to New York City, but included the Philadelphia and Chicago area and seven or eight other locations in the Midwest. Given the size of the operation, it is hardly surprising that the postdistribution stage, namely money laundering, allegedly involved the export of the profits through major U.S. financial institutions.

Tracking such a far-flung organization required an equally broad law enforcement network, and without the task forces, it would have been impossible to have dismantled this organization.

While the need for Federal enforcement at the top levels of drug enforcement is obvious, the parallel need for Federal assistance in some way at the street level is becoming clear. I am, of course, most familiar with conditions in New York City, and specifically in Manhattan and the Bronx. When I was an assistant U.S. attorney in the early 1970's, street-level dealing was at least moderately covert, and the New York City Police Department managed local enforcement. When I returned to New York in June 1983, I found that the Lower East Side had developed into a virtual open-air bazaar of cocaine and heroin selling. While the New York City Police made many arrests, these arrests so jammed the court system that the special narcotics prosecutor's office often was obliged to accept guilty pleas to charges far reduced from the possi-

ble maximum. Moreover, because of overcrowding of State prisons, judges pressured prosecutors to accept pleas that would not require lengthy jail sentences. Even for those defendants who did not plea bargain at advantageous terms soon after arrest, the clogged court calendar often allowed up to a year or more delay before trial. Most narcotics defendants were out on bail during that year—and regrettably many committed further crimes while awaiting trial. For all but those few who were convicted of top-level narcotics felonies and faced sentences of a minimum of 15 years to life, the sentences, when finally imposed, were lenient, most often less than a year in prison.

It was clearly the time for innovation. The Federal prosecutor and Federal courts had to help. In a program begun on an experimental basis in the late summer of 1983, the New York Drug Enforcement Task Force began making some street purchases of drugs on the Lower East Side and presented those cases for prosecution in the Federal courts. Because the number of arrests was comparatively few—less than 100 by yearend—investigative and prosecutive attention was lavished on them from the outset. While we expected to see a pattern of recidivism, it was truly shocking to see defendant after defendant with a substantial State arrest record—some as many as 15 or 20—which had resulted in minimal or no prison sentence.

The majority of the street sellers and their cohorts who were arrested before January entered guilty pleas to one or two counts of their Federal indictment—and most of them have by now received sentences ranging from 2 to 6 years in prison, with several 10-year sentences and one of 15 years. With parole, that means that nearly all of them will serve at least a year in prison, a substantial number will serve 2 or 3 years, and a few will serve even longer. Had these same arrests been prosecuted in the State system, they would in all likelihood have resulted in guilty pleas to minor charges with less than a year in prison or the defendants would be out on bail awaiting trial—and committing new drug, and perhaps other, crimes. Worse still, if the State could not prove a profit from their actions, the steerers—the persons who took the customer to the dealer—might well expect acquittal under the State's agency defense.

As the bail determinations, followed by the sentences, began to be noticed on the street, my office heard from police, Federal agents, and Mayor Koch that the Lower East Side's street dealers feared Federal arrests and were beginning to be more cautious in their dealings.

Even more dramatic changes came in January, when newly appointed New York City Police Commissioner Benjamin Ward began a massive combined uniformed and plainclothes operation, called Pressure Point, aimed at the Lower East Side. The open-air bazaar was broken up, and dealers were dispersed, driven indoors, or jailed—and presumably the more marginal of their customers determined that the purchase of heroin and cocaine was no longer worth the effort or risk.

My office joined that effort as a partner so that a certain number of these arrests are processed through Federal court. Thus, since February, a team of police officers from Pressure Point has been

bringing a portion of their cases to my office for Federal prosecution. We have noticed that because of the low bail and lengthy pre-trial delays often encountered in the State system, several of those cases have involved defendants already arrested in Pressure Point, but out on bail awaiting trial, and continuing to deal.

The lesson of the Lower East Side experience is that today—unlike 10 years ago—at least in New York City, one cannot compartmentalize the narcotics enforcement effort, and leave the streets entirely to State and local enforcement and the conspiracy cases entirely to the Federal Government. While each may have a primary area, each must do some of both. The ideal combination may be some Federal prosecution of State and local arrests, and a significant State and local participation in joint task forces, aimed at dismantling of drug networks through the conspiracy law.

As I mentioned earlier, in the street-level cases we have encountered significant recidivism. But that phenomenon is not confined to the street. Recidivism among major drug violators is evident in many of our cases. Defendant Freddie Myers—who when arrested in 1983 had over \$1,300,000 in cash and \$1,300,000 in gold and diamond jewelry at his plush Westchester County home—had a prior Federal narcotics conviction in approximately 1973 for which he had been sentenced to 3 years and served only 20 months in prison. Earlier, he had served a total of only 3 years on two State assault-robbery cases. Now he is serving what is called a nonparolable 40-year sentence on his Federal conviction for conducting a continuing criminal enterprise in narcotics. That sounds like a lot of time, 40 years, but what this really means is that he can be released in a maximum of 27 years, and more likely he will serve 20, 21, 22 years. The most important fact is that Freddie Myers, under Federal law, could have been sentenced to life imprisonment and was not. He was, for the third time, given a break.

In another case, Dominic Tufaro, estimated by the Drug Enforcement Administration to be responsible for 15 percent of the heroin that was distributed in New York in the late 1970's and early 1970's, at age 21 had delivered heroin for experienced distributors. He was convicted in the late 1960's under the old Federal narcotics law, and given a break by being sentenced only to the then mandatory minimum of 5 years. Released on parole after serving just over 3 years, Tufaro reentered the heroin trade. In 1975, he was indicted for his role in a conspiracy which sold 46 kilograms of heroin to one set of customers in a 10-month period. Tufaro, along with others, became a fugitive and was not apprehended until December 1982. In the interim, he had for a third time again begun to deal in heroin. Indeed, in just 1 week in November 1982, Tufaro and his associates had distributed 2 kilograms of 90-percent-pure heroin.

After his arrest in 1982, Tufaro pleaded guilty to one count of the 1975 indictment and was sentenced to 15 years. He went to trial on a variety of new charges, including that of conducting a continuing criminal enterprise, which carries a maximum sentence of a nonparolable life term. After his conviction, my office recommended that he be given that maximum—that he be sentenced to live out the rest of his life in prison, without any possibility of parole. That sentence could best assure at least specific deterrence of Tufaro, and render the possibility that Tufaro might decide to

cooperate with law enforcement. The judge decided to give Tufaro a break. Just like before, the sentence actually imposed on Tufaro—40 nonparolable years but with the possibility of good-time and work-time credits—allows Tufaro's possible release in 27 years or less. While that will preclude his hands-on management of a street enterprise, he may, for some period of time, be able to conduct business quite effectively from within prison.

Indeed, in the past few years, we have seen a growing trend of substantial drug dealing from within prison. The most fully developed information about such activities stems from an investigation conducted under the auspices of the President's Organized Crime Drug Enforcement Task Force Program. Through that program, a court-authorized wiretap was placed on two telephones at the special alcohol treatment unit, ATU, at the U.S. penitentiary at Terre Haute, IN.

The Terre Haute investigation revealed that certain prisoners allegedly directed the movement and transfer of quantities of heroin, cocaine, and other controlled substances in the New York City, Miami, Chicago, Chattanooga, and Louisville areas.

Indictments were filed in October 1983 in the southern district of New York and in the southern district of Indiana, respectively, against 23 defendants, including 8 then present or former prisoners incarcerated in the U.S. penitentiary—Terre Haute, Terre Haute, IN. The New York indictment named two former Terre Haute prisoners, and five other persons. One prisoner, Joseph Diaz, had been serving two concurrent 12-year terms upon a 1979 conviction in the southern district of New York for the distribution of heroin and cocaine.

The Terre Haute investigation confirmed that major narcotics violators not only continue but indeed expand and diversify their narcotics business through new alliances between narcotics suppliers and distributors which are forged during their Federal incarceration. Efforts to separate narcotics distributors from each other during their imprisonment, attempts to restrict special units like the ATU to only those in real need of its facilities, and limitations on the telephone and visiting privileges of prisoners serving lengthy sentences are steps toward limiting the ability of inmates to continue plying their trades.

Support for limitation of prisoner privileges comes also from a very experienced and special source. Nicky Barnes, who was sentenced in 1977 to a nonparolable life sentence for heroin trafficking has been cooperating with the Government since the summer of 1981. In a trial in the southern district of New York a little over a year ago against the son of one Herbert Sperling—himself a heroin dealer serving a life sentence—Barnes explained how he and Herbert Sperling, while serving life sentences, arranged drug deals to be conducted by their representatives on the outside. At one point, Barnes and the elder Sperling were both incarcerated at the U.S. penitentiary in Marion, IL. They made contact with each other, and eventually Sperling told Barnes that he had wall-to-wall heroin available on the outside if Barnes could supply a customer on the outside. Barnes explained that progress on the deal was delayed by the restrictive practices at Marion by which prisoners were only allowed to make one telephone call a month. Barnes and

Sperling both had to make arrangements through visits by friends and relatives at the institution, and through calls. Barnes' testimony revealed that communications were easier when they were both later transferred to Terre Haute, where calls could be made every other day.

Barnes' experience also exemplifies the benefits of nonparolable life sentences. During the early years of his sentence, Barnes kept close contact with the activities of the heroin consortium, called "The Council," of which he had been a founding member. However, as time went on—and his appeal, application for certiorari, and application for reduction of sentence were denied—his power and influence waned. It is not unreasonable to believe that as his associates gradually came to accept the idea that Barnes would really never get out of jail, they accorded him less respect. This benefited the Government in two ways. First, his organization lost ready access to his substantial strategic and business skills and contacts, and its operations were adversely affected. Second, it was one of the primary reasons that he decided to cooperate with the Government and reveal the drug dealers outside still dealing drugs.

Finally, Barnes' situation in prison demonstrates the need to develop better techniques to separate substantial drug dealers from each other, and to imprison them at places where it is inconvenient for their former associates to visit. The closer the prisoner is to his old network, the easier it will be for him to control it, and to use its services.

Even the arguable societal benefit in encouraging family contacts with prisoners, which many advocated, must be weighed against the consequences in the narcotics trade. Joseph Diaz, who I mentioned before, had as codefendants his wife, Haydee, and his son, Joe, Jr., both of whom have pleaded guilty in connection with their part in being his representatives in the narcotics business on the outside. Nicholas Sperling was convicted for his role in facilitating his father's attempted heroin transaction. Indeed, one individual named Pasquale Inglese is a fugitive on charges that he helped facilitate on the outside a narcotics transaction allegedly planned by Barnes and his father, Louis "Fat Gigi" Inglese, who is serving 56 years on convictions in 1975 for tax, narcotics, and obstruction of justice violations, but apparently is scheduled for parole in about 4 years. Given the light visible at the end of the tunnel both to his family and his other associates, it is no wonder that Louis Inglese has allegedly continued to be able to ply his trade, and to see the light at the end of the tunnel. Even though he was given a 50-year sentence, the parole board is scheduling him for release in about a year and a half, which means he would have served 13 years on a 50-year sentence.

Yet another son who functioned as his father's representative on the outside was Louis Cirillo, Jr. The senior Cirillo was serving a 25-year Federal sentence imposed in 1972 for his conviction on charges of narcotics conspiracy and possession with intent to distribute a shipment of 81 kilograms of high purity heroin. At time that Cirillo, Sr., was sentenced, the judge stated that "[t] here cannot be the slightest doubt that the defendant is one of the largest distributors of narcotics in the United States, with close connections with foreign suppliers. There is evidence to support the claim

that . . . he has supplied approximately one-sixth of the 6 tons of heroin consumed by addicts in this country each year . . . and his transactions have run into millions of dollars." Indeed, shortly after Cirillo's 1972 conviction, narcotics agents executed a search warrant at his home, and found more than \$1 million in cash buried in the backyard.

Cirillo's 1972 conviction was not his first. To the contrary, his convictions date back to 1942. His first heroin conviction came shortly thereafter in 1945. Sales of 10 ounces in December 1944 and 15 ounces 3 months later netted him only a 2-year sentence. A series of arrests followed. Against this background, his 25-year sentence imposed in 1972 seems strangely very light. Surely, with the prospect of parole, it afforded him much light at the end of the tunnel.

By 1982, Cirillo was relatively close to home, imprisoned at the U.S. correctional institution at Otisville, NY. Through a prisoner who had met Cirillo when both were at Leavenworth 10 years before, Cirillo met a fellow prisoner who was a leading Asian heroin chemist but who, unbeknownst to Cirillo, was shortly to become a Government informant. Because both Cirillo and the chemist were due to be paroled in 1987, the subject of dealing together after their release came up. Soon the discussions changed to an effort to arrange a present importation and sale through their representatives on the outside.

Like Inglese, Diaz and Sperling, Cirillo used his son for this purpose—perhaps because of the operational benefits attributable to the solicitude shown by the prison system for family contacts. But I believe that that solicitude should be overcome in the case of these drug dealers, and more stringent rules imposed to avoid repetition of incidents such as these.

I think we learned some lessons from these cases because they are not isolated. One of the things we have learned is that we do not generally incapacitate drug dealers. The long sentences that the public hears about and feels confident in are phony. When the public hears about 40 or 50 years, they think they have dealt with the problem. But the problem is not solved. In 12, 14 years, the dealers are back on the street. The fact that they know this encourages their drug dealing, and with the permissive attitude we have toward prisoners, it becomes difficult to control the behavior of these criminals even when they are confined.

There are a number of recommendations and suggestions which both you, Senator Hawkins, and Senator D'Amato have voted for and pushed very hard to get through the Senate, such as changing the sentencing laws and forfeiture laws. These changes would be very valuable and also send a message largely to judges to utilize the life sentences that are available under the continuing criminal enterprise statute and to stop the practice of giving breaks to these people.

Thank you very much.

Senator HAWKINS. Is this the Mr. Barnes who on the New York Times Magazine cover was called Mr. Untouchable?

Mr. GIULIANI. Yes. That was an article describing how often he had been arrested, tried, and acquitted because witnesses had disappeared. He was finally convicted and given life imprisonment.

And after a period of time of trying to continue to deal and to continue to commit crimes, he decided to cooperate and turn on the people that he had been dealing with. He is still serving life in prison.

Senator HAWKINS. Is he doing business in prison?

Mr. GIULIANI. Hopefully he is incapacitated given the fact that he turned in his cohorts. I do not think there is anyone that would deal with Nicky Barnes any longer, hopefully no one.

Senator HAWKINS. The Bank Secrecy Act requires all cash deposits over \$10,000 to be registered.

What is the level of compliance with this law among banks in south Florida?

Mr. MARCUS. I think it has changed considerably over the last 3 years. If you had asked that question in 1981, for example, you would have found that there were examples where individuals brought shopping bags and shoe boxes filled with money, filled with \$100 bills, \$1,000 bills into some banks in south Florida. The banks took the money, converted the money to cashier's checks or wire transferred the money out of the United States, and the required forms were not being filed with the Treasury Department and the Internal Revenue Service. That has changed, and it has changed substantially. I think the compliance rate has gone up and gone up a great deal. I think there are a number of reasons for it, including the fact that the light of day has been focused on the fact that the money side of the narcotics coin is as critically important as the narcotics side of the coin.

Prosecutors have focused on it. Legislative hearings, such as this one, have focused upon it as well, and I think the area has improved.

What we are finding out, instead of folks bringing in huge quantities of cash in excess of \$10,000, in excess of \$1 million into banks and taking cashier's checks out without the forms filed, what we are finding is that multiple individuals are going into banks in Miami and New York and San Francisco with smaller amounts of money—\$9,500, a one-shot deal—come out with a cashier's check and then aggregate all of these and take them out of the United States and wash them in tax havens, whether in the Caymans, or Bahamas, or Panama. There has been a substantial change and improvement in the compliance by our banking institutions.

Senator HAWKINS. When they move their operation offshore in, for instance, the Bahamas, you get cooperation if it is a foreign bank?

Mr. MARCUS. In some instances, we do. In some instances, we do not. The use of a Federal grand jury subpoena in an American court to compel the production of offshore records is now a hotly contested issue that is being litigated in the courts in Miami and, indeed, in New York. In Miami, in connection with a case involving the Bank of Nova Scotia. In New York, in a case that Mr. Giuliani is involved in involving the Marc Rich Co. There is some cooperation, but it varies from place to place and from incident to incident.

Senator HAWKINS. But that is a good place to focus attention, the cash?

Mr. MARCUS. Indeed, I think it is absolutely critical, if we keep in mind that these foreign cartels, Colombia, Cuban cartels, they

smuggle the dope into the country and they invariably take the cash out. They do not invest domestically. They take the money out. Choking off the flow of money is critically important. Indeed, in some instances, it is easier to trace the money out than to interdict the narcotics income, and when you do, the money may take you to the kingpins who may not actually ever touch the narcotics and may be insulated through many different levels. So the money side of the coin is, in my view, as critically important as the narcotics side of the coin, and we must keep in mind that those who wash money for these dealers are every bit as culpable as those who move these narcotics and substances on to our streets.

Senator HAWKINS. Have you been able to get the Colombians extradited that you and I discussed several times? I see in the paper that, since the Justice Minister was murdered in Colombia, the Ambassador and the President and others have said they will cooperate with you or anyone else.

Have you seen any tangible evidence of that?

Mr. MARCUS. If you had asked me that question candidly 1 month ago or 1 year ago, my answer to you would have been that our efforts at extraditing Colombian nationals has been extremely unproductive. That is to say, we are talking about Colombian nationals charged with money laundering offenses in the United States where the defendant is located and resides in Colombia. We had filed multiple extradition requests and had been, up until very recently, unable to obtain the extradition of one Colombian national.

In the last 2 weeks, we have seen a real and substantial change in that regard. I am hopeful that we will see extradition of Colombian nationals, but I am not certain at this point.

Senator HAWKINS. Colombians can own American banks and Americans can own Colombian banks?

Mr. MARCUS. I believe that is correct.

Senator HAWKINS. Do the foreign corporations cooperate with you?

Mr. MARCUS. Some do, and some do not. We have found that foreign corporations might actually be involved not only in the narcotics business, but through a variety of intermediaries in the ownership of some of our banks. Again, it will depend on which corporation you are talking about, where they happen to be located, and what it is they may be involved in doing.

Senator HAWKINS. We hear a lot in the press that drug trafficking is a victimless crime. It hurts nobody but the addict.

How do you feel about that statement?

Mr. MARCUS. I think that it is as profoundly wrong as a statement can be. It is clear to me that the narcotics problem is devastating, devastating beyond simply the impact it has on those people here who are consuming enormous quantities of these drugs.

The fact of life is when you talk about narcotics and narcotics trafficking, you are also talking about violent crime and violent crime trafficking, you are also talking about multiple firearms violations. You are talking about organizations that have as their trade and as their tool the Mac-10 machinegun and the silencer, classic gangster weapons designed for the single purpose of killing.

When you are talking about narcotics, you are not simply talking about violent crime. You are also talking about official and political corruption, the corruption of our institutions. You are talking about a situation where cartels that are willing to kill with impunity are equally willing to prescribe with impunity. You are also talking about massive violations of our white-collar laws, the violations of the currency laws that you made reference to already, the Banking Secrecy Act, the massive violations of our tax laws.

So, when you are talking about narcotics, and people suggest that it is a victimless crime, they have not addressed the natural baggage that is invariably carried in the wake of the dope trade, that is violent crime, murder, corruption, tax fraud. These are part and parcel of the trade.

Senator HAWKINS. When you are looking for a weak link, are your good offices ever able to find that weak link before the drug traffickers do?

Mr. MARCUS. I think the answer to your question is "Yes." There have been multiple prosecutions in Miami and, indeed, New York of corruption cases where Federal law enforcement agents have learned about particular advances in advance and have used a variety of undercover techniques, including wiretapping and other techniques, to penetrate such an enterprise before it has had the opportunity to carry out. But we should keep in mind that the dollars involved are so great, so massive, that the hydraulic pressures are very, very real, and this area of corruption is something from my perspective that is extraordinarily important for us to address and to prosecute as vigorously as we can whenever we find it.

Senator HAWKINS. You have been in Miami quite some time now. What do you think about the role of Cuba in drug trafficking?

Mr. MARCUS. We had a prosecution in Federal court in Miami about a year ago where the indictment charged, among others, 4 ranking officials of the Cuban Government, members of the Central Committee of the Communist Party, along with 10 or 11 Colombian nationals that were smuggling substances into the United States from Colombia, using Cuba as a staging point for transshipment. They were offloaded in Cuban waters with the cooperation of Cuban naval forces. Ships were reprovisioned.

Indeed, the indictment charges involve, as part of this conspiracy to smuggle the dope into the United States, the then Cuban Ambassador, the Cuban Deputy Minister, the vice admiral of the Cuban Navy, and the President of what is known as the Friendship Committee or ICAP. The evidence which was put on the stand at the trial make clear that high-ranking Cuban officials and indeed organs and officials of the Cuban state were directly involved in moving narcotics into the United States from Colombia.

Senator HAWKINS. Mr. D'Amato, do you have any questions?

Senator D'AMATO. Mr. Marcus, one question relates to the fact that certainty and severity of punishment are absolutely essential if we are going to begin to win this war and turn this tide. I am reading from a report entitled, "Federal Drug Law Violators," issued by the Justice Department. It contains some very disturbing figures, and maybe you and Mr. Giuliani, would care to comment. The time served by the average bank robber is much longer than it is for that person convicted of major drug trafficking, 67 months as

opposed to 41 months. Then we go through the rest of the crimes, and the story is the same, whether it is fraud or forgery, or other crimes. All of these people are serving more time than major drug dealers.

How do we deal with it? What is your suggestion?

Mr. GIULIANI. Senator, first of all, you are absolutely right and I do not think it is something the public realizes. They hear the long sentences and they believe that people are spending these enormous amounts of time in prison. Perhaps we have not done a good enough job dramatizing this. The fact is that all levels generally do not go to prison for long periods of time. We are going after the same people over and over again.

The most startling fact to me when I returned as U.S. attorney, being away for 8 years, was that largely the same people that my narcotics unit is pursuing now are the same people I was pursuing 8 or 9 or 10 years ago when I ran that unit. The fact is that we need more substantial penalties and we need more substantial real penalties. We have to do away with parole.

Senator D'AMATO. What about a provision that does away with parole? Let us say in the case of drug traffickers: No parole unless upon the specific recommendation of the U.S. attorney and the sentencing judge. Would this not help us then break that ring, give us the ability of turning more and more, so that we are not dealing with just the street people, so we can go up the chain and get Mr. Big and smash that ring? Would that tool not give the U.S. attorneys, both you and Mr. Marcus, the ability to get the Nicky Barneses, to get at the major traffickers, to get the organized effort that is international in scope?

Mr. GIULIANI. There is no doubt that the factor of parole and the amount of time that is removed from the sentences that people hear about plays a very, very large part in continuous drug dealing and in giving hope. Unlike the public, who do not realize that Freddie Myers is not going to spend 40 years in jail, Freddie Myers knows that. He can tell you exactly how much of a break he will get from the Parole Commission and for good-time and work-time. The professionals in this business know the truth, that is, they are not dealt with harshly.

Mr. MARCUS. Senator, I would like to underscore that. When we are talking about parole, we are talking about a situation, as Mr. Giuliani pointed out, where an individual may receive a sentence of 20 years or 30 years or 40 years or more from a Federal judge, and he knows as sure as night follows day that the Parole Commission may act in such a way he may never serve the sentence imposed by the Federal judge. He may serve 30 or 40 percent, or a little more than that, or a little less. But it is critical to understand the role that parole plays, and what that problem is. The problem is that the defendant, the narcotics kingpin who is making this calculation about getting involved knows that and has known for sometime, as the examples that Mr. Giuliani has pointed to I think make far too clear, that he can beat it in far less time. The district judge may impose the maximum sentence, and from time to time, indeed in some instances we frequently get it, but he does not serve that time.

Senator D'AMATO. He knows that he will be out on the street. He gets 30 years and he understands that in 10 years or maybe even less, in 35 or 40 months, he is going to be out there. His network is still protected. He is still dealing. He still has influence.

Now, if, instead of parole, and the turnstile system of justice, if in order for a person to be paroled out, you need the concurrence of the U.S. attorney and that Federal judge, you would then have the ability, if you know there is a major dealer who has connections and who understands, to then begin to get his cooperation. Why should he cooperate now when he knows he will be out in 30 or 40 months? Far different if he knows that he is going to serve all of that sentence—he is going to serve every day of 25 years. Would that not give you a tool, a tremendous tool, to get them to cooperate so we can smash that network?

Mr. GIULIANI. It would certainly give us an additional tool that would be very valuable.

Senator D'AMATO. Let us focus in on this incredible situation. You talk about the representative Tufaro situation. Major drug dealers responsible for bringing in 15 percent of the heroin into this Nation, almost ready to be released again. The Cirrillo case again seems to contain the same kind of recidivism: Arrested, sentenced many, many times, now in prison and still directing or still responsible for a major part of the drugs that are being distributed.

Senator Hawkins and I have both made legislative proposals, and two mayors from our States, Mayor Ferrari and Mayor Koch, have brought up proposals that some people have been quite critical of. That is, if we have a situation where people are merchandising death, if you have a Freddie Myers or a Tufaro who refuse to cooperate, who are involved in the importation and distribution, who are indeed kingpins, and who continue this effort, who even do it while they are in prison, what about the possibility of a court or a prosecutor seeking the death penalty?

Mr. GIULIANI. Senator, I think the two facts you have put your finger on, a lot of people do not understand. Major drug dealers—I am not talking about street-level or middle-level dealers—but people who run multimillion dollar operations and sometimes billion dollar operations, are murderers in two respects. First of all, they cannot carry on that business without murdering within the business itself. I do not know of a major drug dealer that I have been involved in prosecuting that has not also been a murderer, in a very direct sense, having people killed who interfere.

Senator D'AMATO. The direct murders, as in the case of the people that were killed in New York the other day. They were executed, the whole family.

Mr. GIULIANI. You cannot carry on a successful large-scale drug operation without engaging in murder. It is impossible to do it.

If the Senate and the House would hold hearings on this and would make legislative findings, I am sure we could prove that to you.

Second, they also engage in murder because drugs murder people. There are thousands and thousands of drug overdose deaths in New York, Miami, and elsewhere in the United States. All of those drug overdose deaths, heroin and cocaine, come from people

that have illegally bought that drug. The profits go right up the chain to the Cirillos, the Tufaros, and others.

So I do not understand the controversy about this or the sympathy that is lavished on them. We have to deal very, very harshly with them. If that means that if we can isolate those at the very top and can prove that, then it seems to me that life without parole or death is appropriate for them, and also might introduce a deterrent that is not there right now. Drug dealers contemplating getting involved in the drug business see it as a not very risky operation. The chances of getting caught are calculated and then the chances that you might have to do some time, but you don't risk your life in that sense, and you certainly do not risk generally life in prison. When we talk about these numbers like 10 or 12 years, it sounds like a lot of time to you and me, but to a professional criminal, they are prepared to do that time. You have to make the time disproportionate to the activity that they are involved in to really affect them and shake them up.

Senator D'AMATO. In the Barnes cases and the Freddie Myers cases, in the cases involving the major importers, all too frequently when they are charged, or even after conviction, after lengthy appeals, they see that light at the end of the tunnel. But supposing they do face the possibility of being charged with a murder one charge under a statute that might indeed contain the death penalty, wouldn't they cooperate? Would that not give you the ability to break the back of that organized criminal enterprise?

Mr. GIULIANI. There is no doubt, even if it were for a limited number of cases, and with a lot of elements of proof so we would focus on the few people that are at the top, if that possibility existed, even if it did not happen frequently, it would introduce another major incentive toward cooperating that does not exist today.

Senator D'AMATO. That is the key. People say to me, Senator, how many times would you utilize it? The fact is that we would have the option to say: If indeed we charge you and you are convicted, we are not just talking about your serving x number of years. The fact of the matter is we may indeed get some cooperation from one or two or three throughout the country, those who fall into the web after years and years of painstaking work. To put one person out is not sufficient. But to put out the whole network, would that not possibly give us the tool that we need to deal with this problem?

Mr. GIULIANI. Yes. I think some of the controversy about it stems from the fact that some people believe if you have the death penalty for major drug dealers, you would be talking about a large number of people, and you would not be able to distinguish between the upper level dealer and the street level. Right now we have a statute, 18 U.S.C. 848, which involves continuing criminal enterprise in which we have additional elements of proof that we have to prove to a jury beyond a reasonable doubt, to isolate the people who are eligible for life imprisonment. If you take that statute and add some additional elements so we isolate the higher level criminals, and consider all of the safeguards that exist, as they should in our system, I am confident that a statute could be drafted that would isolate on that small percentage that are really at the very top, and where we would be confident that if we convicted

them, we were convicting in essence mass murderers that should be deterred in a very, very strong way.

Senator D'AMATO. There is one other observation that I make. The most recent statistics indicate that we have had, as of 1980, some 8,757 deaths related directly to drugs. I am now talking about drug overdoses. By the way, that is 1980, and we have every reason to believe that that statistic has gone up dramatically since then.

When people begin to factor in the number of deaths, homicides, assaults, and robberies that are taking place, 60 percent of which are attributable to drug-related activities, we begin to understand, as I have said before, that we have lost domestic tranquility here in this Nation. We had better see to it that there is a proper focus and emphasis in every single aspect of our law enforcement effort. We absolutely must begin to work with the youngsters at the very lowest grade levels, to educate them about what drugs can lead them to. Senator Hawkins has been out in the forefront of the effort to win the source countries' cooperation—that means we have to give them assistance in dealing with that—to eradicate the drugs and stop the production and then the shipment.

I want to say here I have been a very, very strong supporter of a strong national defense. I voted for the MX and the B-1 and others more controversial, even nerve gas. Even Mama D'Amato called me about that.

As much as I believe in a strong national defense and a deterrent, I would be willing to trade in some of those weapons to see to it that we focus in on a battle for survival to see to it that our people can live free from the fear or the pervasiveness of crime, violent crime, so much of which is a result of drugs.

I am deeply appreciative of Senator Hawkins' deep commitment to deal with this, and of the commitment of you two fine gentlemen, who have dedicated so much of your lives to dealing with this problem, and working to make our communities places where people can live in security and dignity.

Senator HAWKINS. You two are remarkable young men and have tremendous record to show to all U.S. attorneys. You have heard where we have been and where we are now, but in the testimony after you gentlemen are excused, we are going to hear the use of PCP and cocaine are on the rise. PCP causes violent behavior, as I understand, uncontrollable behavior, and cocaine leaves the user feeling invisible, can conquer anything. You have had a lot of experience. Between the two of you, what kind of crime can we look for on the streets if indeed the use of PCP and cocaine are on the increase?

Mr. MARCUS. I think, Senator, you can count with absolute certainty that violent crime would continue, the money laundering crimes would continue, efforts at corruption would continue, tax fraud would continue. These are inevitable byproducts of the narcotics trade. They will be carried in the wake of any business enterprise, even ones as insidious as this. You will continue to see these problems as long as these dope dealers are plying their trade.

Senator HAWKINS. What do you look forward to, Rudy, in New York?

Mr. GIULIANI. I would agree with that and make an additional point about cocaine and PCP.

I think we should learn from our own mistakes. What we are seeing today is really the result of an attitude during the seventies and the latter part of the sixties that was very permissive and benign insofar as the use of drugs was concerned. And I think more important than our law enforcement efforts, and even the exercise of our foreign relations in dealing with countries where drugs may be grown, the most important single thing is to educate the American public on the dangers of cocaine, PCP, and marijuana. We went through a long period where people looked at it the opposite way. We built a market. Young people grew up with a very permissive and benign attitude about drugs. We have to turn that attitude around. If we do, then the problems for us in law enforcement or the exercise of foreign policy become manageable ones. If we do not, it will be impossible to deal with this problem in the criminal justice system or the Government. Education is the prime area where there has to be more discussion, with emphasis on educating people that these substances are not benign. It is not just like alcohol.

I have never met a social heroin user. I have met social drinkers. Our history with alcohol should not be a model on which we build our future. It is absolutely ridiculous to me to be debating whether or not we should be legalizing all these dangerous drugs. I think we have to change our attitude. I think a lot of helpful steps have been taken in that direction, and I certainly commend you for all of your efforts in that direction. They have been remarkable.

Senator HAWKINS. We are just getting started.

We appreciate your participation. I have a lot of written questions I will submit to you for the record for the other Senators. The other Senators that are members of this committee are in another committee hearing, and we would like to allow them an opportunity to submit some questions. At this time we will receive for the record statements from two members of this committee, Senator Hatch, the chairman of the full committee, and Senator Thurmond.

[The prepared statements of Senators Hatch and Thurmond follow:]

PREPARED STATEMENT OF SENATOR ORRIN G. HATCH

I am pleased to join Senator Hawkins to examine the impact of drugs on crime from an international and national perspective and support her efforts in determining what stringent legislation and laws, if any, are needed to put crime prone addicts and amoral drug traffickers behind bars. I applaud Senator Hawkins. She is a driving force in the United States Senate combatting drug abuse.

The threat drugs present to our youth of America is particularly distressing. As you know, in October 1982, First Lady Nancy Reagan told the first annual National Conference of Parents for Drug Free Youth, "Drug abuse is tearing our children and our families apart." Indeed, one of the most worrisome aspects of the drug culture is its inevitable association with the criminal world. For the sake of our future, illegal drug trafficking must be curbed. There are some alarming statistics about the profits of drug trafficking into this country:

1. The estimated illegal drug sales in 1980 was \$79 billion, an increase of 22% over a two year period.

2. An eleven year study by federal and state law enforcement agencies of 237 drug addicts chalked up more than 500,000 crimes.

3. Of 80,644 crimes committed, arrests were made in only 160 cases. The number of cases going to trial, and the number of convictions is even more dismal.

4. The ratio for the number of crimes committed to arrests made was 440 to 1. By comparison, the ratio for crimes against persons to arrests was 298 to 1, while the ratio for crimes against property was 273 to 1.

5. The federal authorities estimated that at least 550,000 individuals are currently addicted to heroin, and many thousands more are addicted to other illicit and dangerous drugs.

Utah isn't immune to the drug trafficking problems that are rampant throughout the United States. Chief Deputy County Attorney Randy Hudson recently said that 50 percent of the burglaries and assaults in Carbon County, Utah, last year were directly linked to drugs. There were many other burglaries, thefts and assault cases that, if all the facts were known, would push the figure much higher. Hudson, who prosecutes most of the felony cases in Carbon County, said he did not believe the number of drug and drug-related crimes per capita were any higher in Carbon County than in the rest of the state or higher than the national average, but that alone doesn't make it any less of a problem. A recent report showing 90 percent of all bank robberies in the Los Angeles area are motivated by expensive drug habits. An example of a cocaine user in Utah County with a \$300-a-day habit admitted to nearly a dozen thefts and burglaries when he was recently arrested by police. We, with the assistance of state governments and local narcotics agencies, are making progress in exposing the drug trafficking and drug dealers in our communities and bringing them to justice.

In light of the evidence revealed by study after study, it is clear that a tremendous amount of the crime plaguing our society today can be attributed directly to the growing problems of drug abuse in the United States. Therefore, it seems reasonable to demand that federal law enforcement officials continue to undertake as one of their highest priorities the sharp curtailment of drug trafficking in the United States as well as the swift and meaningful punishment of drug offenders, including imprisonment with terms commensurate to the serious nature of this crime.

Drug traffickers are not merely petty thieves. Money, the buyers, the smugglers are part of the chief issues, but the problem is graver than that. These criminals must be punished as the murderers and saboteurs they are, strangling our way of life, betraying our children and sabotaging the future of our youths and American citizens.

PREPARED STATEMENT OF SENATOR STROM THURMOND

It is a pleasure to receive testimony concerning the impact of drugs on crime in our country, I want to commend you, Madame Chairman, for continuing your efforts to explore and address the many problems that result from, or are associated with, drug abuse.

In your statement today, Madame Chairman, you revealed some statistics that I find truly shocking. They are figures which, I believe, would shock the vast majority of our citizens. As U.S. Attorney Stanley Marcus has stated in his prepared testimony today, it is estimated that one half of all jail and prison inmates regularly used drugs before committing their offenses. This estimate, I believe, clearly indicates the magnitude of the problems facing us regarding drugs and crime in this country.

Madame Chairman, today we will hear from Mr. Marcus and others regarding efforts to analyze the relationship between drug abuse and crime, and efforts to address the problem through aggressive prosecution of drug traffickers and other criminals. This is a matter of extreme importance, and I look forward to the valuable testimony we will receive.

Senator HAWKINS. Thank you for participating.

[Short recess.]

Senator HAWKINS. We now welcome Richard Lane. He is the director of the Man Alive Program in Baltimore, which is an outstanding program.

We also have Sandra and Steve, two young people from the Second Genesis drug treatment program.

First we will hear from Mr. Lane.

STATEMENTS OF RICHARD H. LANE, EXECUTIVE DIRECTOR, MAN ALIVE RESEARCH, INC., BALTIMORE, MD; SANDRA, FROM SECOND GENESIS; AND STEVE, FROM SECOND GENESIS

Mr. LANE. I have a prepared statement I would like to read first, and if you have any questions, I will be happy to answer them.

My name is Richard H. Lane. I am the executive director of Man Alive Research, Inc., of Baltimore, MD. Man Alive is a methadone maintenance treatment program which has been in existence since 1967.

In addition to being an employee of Man Alive, I am and have been a methadone maintenance patient for the last 17 years. I have been a narcotic addict for approximately 32 years. On April 11, 1967, I was released from the Maryland prison system after completing a 10-year prison term for violations of State narcotic laws. On this first day of my release, I began taking methadone under medical supervision.

My work at Man Alive continues to keep me in contact with many individuals using illicit drugs. From these contacts and past experiences, I submit to this committee that the availability of illicit drugs on the streets of Baltimore, like in many other large cities, is rampant. The number of drug abusers and addicts continue to grow while the users become younger and younger.

In Baltimore City, it costs an approximate minimum of \$100 to maintain a daily heroin habit. The addict, to get \$100, steals \$300 or more. As an example, one addict for \$100 a day will spend \$36,500 a year. The average value of stolen goods to get this money amounts to \$109,500 a year. This is for one narcotic addict.

At Man Alive we are treating 260 patients. If these same individuals were active addicts, they would spend nearly \$9.5 million to support their \$100 habits, and they would steal almost \$29 million worth of goods to obtain money for the drugs.

I submit that heroin addiction continues to be a very serious problem, enslaving an untold number of people. However, I believe heroin addiction is a misdemeanor compared to the problems resulting from cocaine abuse. Cocaine is now more readily available than heroin and other illicit drugs. Approximately 1½ years ago, cocaine could not be purchased in amounts smaller than one-half gram for \$50. Now, in different sections of Baltimore, \$5 to \$10 capsules of cocaine are available.

Treatment programs in Baltimore are all above capacity. This, I believe, is a reflection of what is happening across the country. I have spoken with a number of officials from various States who report waiting lists and insufficient treatment slots for those requesting treatment. In the Maryland State prison system, according to the State drug abuse administration, 63.8 percent of screened admissions indicate some type of substance abuse. While it costs approximately \$2,000 per year for one treatment slot, it costs \$12,045 per year to incarcerate the same individual. It is a known fact that availability of drugs in prisons is reflected by the availability of drugs on the street.

In conclusion, it is recognized in the treatment field that there needs to be a variety of treatment approaches available for those seeking treatment. It has been my experience that no one single

method of treatment works magic. If we ever expect to control the illicit drug trafficking and the amount of crime resulting from drug use, we must urge cooperation between law enforcement agencies, prison systems, and treatment network. Only through a concerted effort will we be successful.

Thank you for your interest and concern.

Senator HAWKINS. Thank you for your participation.

Sandra and Steve, you have both been in prison?

SANDRA. Yes.

STEVE. Yes.

Senator HAWKINS. Steve, where were you and what were you in for?

STEVE. I was incarcerated in Harford County, MD, for breaking and entry and possession.

Senator HAWKINS. How long did you stay?

STEVE. I was in approximately a year, close to a year.

Senator HAWKINS. Sandra.

SANDRA. I was incarcerated for armed robbery. I was in DC jail and I was in there for 6 months.

Senator HAWKINS. You were involved in an armed robbery?

SANDRA. Yes.

Senator HAWKINS. What was the weapon you had, a gun?

SANDRA. Yes. I was with other people.

Senator HAWKINS. How old were you when that happened?

SANDRA. Sixteen.

Senator HAWKINS. How old are you now?

SANDRA. Eighteen.

Senator HAWKINS. What have you learned?

SANDRA. For the past 15 months, I have been in Second Genesis, and that has helped me out a lot because I did not know who I was. The thing that got me on drugs was not knowing who I was, and I was scared and I had been running. Since I have been there—it has taught me a lot.

Senator HAWKINS. How many children do you estimate in your class at school?

SANDRA. I quit school when I was in the seventh grade.

Senator HAWKINS. At that time, were there children using drugs in the seventh grade?

SANDRA. Yes; there was a lot of people.

Senator HAWKINS. Why did you quit school?

SANDRA. Because I ran away and came to DC and got into prostitution and I didn't want to be with my family any more.

Senator HAWKINS. How did you cope with your drug problem when you were in prison?

SANDRA. Well, it really was not a problem because I knew I could not have it and so—I was released and I went back on the street and I started doing drugs again. And the second time, the second time I went back in there they released me to Second Genesis, and I have not done any since.

Senator HAWKINS. Were there any drugs in prison where you were?

SANDRA. Yes, ma'am.

Senator HAWKINS. They were readily available?

SANDRA. Yes, ma'am.

Senator HAWKINS. But you felt you did not need it?

SANDRA. No.

Senator HAWKINS. You say you got involved in drugs because you did not know who you were or are?

SANDRA. I was running away from myself because I had, had a lot of family problems and peer pressure, and I just started doing it.

Senator HAWKINS. I know that you may be nervous, but tell me where you were born.

SANDRA. North Carolina.

Senator HAWKINS. I thought so. You can just bearly hear that voice. They have pretty girls in North Carolina that blush.

What was your home life like? Did you have brothers and sisters?

SANDRA. My brother and I were taken away from my mother when we were 6 because she was proved to be unfit, and they sent us into a lot of different foster homes and orphanages. I did not have a settled life, structured, and I guess that is where it all started.

Senator HAWKINS. You ran away from a foster home?

SANDRA. I ran away from the orphanage and I went back to my aunt's house and stayed there for awhile, and then I could not deal with that either.

Senator HAWKINS. Do you like the Second Genesis program?

SANDRA. I like it a lot. I go through a lot—I have a lot of problems there—it is not the—you know—

Senator HAWKINS. A rose garden?

SANDRA. Yes. But they teach me a whole lot.

Senator HAWKINS. How long will you have to stay in this program?

SANDRA. Twelve months to 24 months, and then you live out on the street. You have to come back for groups and stuff like that, and you cannot move out until you get a social network, meet some positive people. They just do not cut you off when you leave. You are still involved with the program.

Senator HAWKINS. You go back to the program. When they release you, do you have to have a place to live?

SANDRA. Yes.

Senator HAWKINS. And friends?

SANDRA. Yes.

Senator HAWKINS. Do you go to church?

SANDRA. No.

Senator HAWKINS. Do you have a job?

SANDRA. Not yet.

Senator HAWKINS. You are still in the program.

Steve, tell me about your homelife. Was it any different from Sandra's?

STEVE. My homelife until about 9 years ago—I lived in Pennsylvania, a small town called Myersville. I had a good homelife and parents who did as much as they could for me. There was a lot of activities to get involved in. When I was 9, we had to move. We had a temporary apartment that we were living in until our house was completed being built. At that time, my parents had an argument, had a few fights, and a lot of things happened at that time. I went

through a whole lot of changes. And when we moved to where we were living in Harford County, things were pretty good until I started using drugs. From there on out, things just went downhill.

Senator HAWKINS. Where did you get your drugs?

STEVE. I had a number of sources as far as people I had met through school, met just going places, and other people that were involved in drugs.

Senator HAWKINS. How did you start?

STEVE. The first thing I ever smoked was marijuana and that led me to PCP, and that gave me the high I really wanted. And PCP was very easy to obtain.

Senator HAWKINS. Where did you buy it, from friends?

STEVE. I had met a lot of people through other dealers in school, in the parking lots at bars, and things of that nature, and I met a lot of people.

Senator HAWKINS. How much did it cost to keep you in PCP? Did you take it every day?

STEVE. I would not say PCP—I would smoke every day. I would be doing some type of drug every day, and I do not know, I would say it cost me about, as far as—maybe \$200 a week.

Senator HAWKINS. How did you get that money?

STEVE. Basically I stole the money.

Senator HAWKINS. From whom?

STEVE. I was either stealing or dealing in a small amount just to get the drug.

Senator HAWKINS. Who did you steal from?

STEVE. Basically anybody I could.

Senator HAWKINS. Would you break into houses?

STEVE. Yes; or maybe—sometimes I would sell things from my own house, just things I could get money for, silver, gold, tools, power saws, anything, anything that I could get money for. At first, I really did not break into houses. I would be stealing maybe a little bit from my mother or father, doing things like that. And then it got more expensive and then I started breaking into houses. When I was—I would say I was about 12 years old when I broke into my first house, and that just led on and on.

Senator HAWKINS. Did you ever use alcohol?

STEVE. I drank but I would not say it was an addiction of mine.

Senator HAWKINS. Would you mix it up with the drugs?

STEVE. Sometimes I would mix it with amphetamines, but alcohol was not a choice. I would go out and buy PCP or marijuana or PCP before I would buy beer.

Senator HAWKINS. Why?

STEVE. Because it was a better high and easier for me to get.

Senator HAWKINS. You were not afraid of PCP?

STEVE. No; I was not at that time afraid of it at all.

Senator HAWKINS. How about now, how do you feel about PCP now?

STEVE. I know of a lot of what it does as far as the physical effects and mental effects. It made me do things that now today I would not even think of doing. So basically I am not—I would not say I was scared of it, but I know I do not want nothing to do with it. I do not know about the word "scared" with it, but I would not have anything to do with it.

Senator HAWKINS. How long are you going to be in the program?

STEVE. I have been in the program now for about 14 months and I will be in the program for about 17 months. That is just an estimate.

Senator HAWKINS. Do you go to school?

STEVE. I attend school in the program. They have classes.

Senator HAWKINS. Are you going to have a better attitude now when you get out of this program?

STEVE. As far as my attitude goes, it is a lot better. I was in jail right before I went to Second Genesis. All I was striving for was my next high. That is all I wanted. Nothing else really mattered. Not even my parents' feelings, my feelings or anybody else's feelings, or what I am going to do in the future. Now I look a lot to the future as far as what I have to do to be a more productive member of society.

Senator HAWKINS. Did your parents know you were on drugs?

STEVE. I have two brothers who are now still practicing addicts.

Senator HAWKINS. They are what?

STEVE. Still using.

Senator HAWKINS. Drugs?

STEVE. Yes.

Senator HAWKINS. How old are they?

STEVE. One is 18 and one is 21.

Senator HAWKINS. How old are you?

STEVE. Seventeen.

Senator HAWKINS. Where is your family?

STEVE. Baltimore.

Senator HAWKINS. That is where your brothers are and your mother and father?

STEVE. Right.

Senator HAWKINS. Do you think you can talk your two brothers into coming into the program?

STEVE. No; I really do not think so. My feelings are involved with it so there is really not much—it was on me to learn so it is on them to learn. I have told them about me, and I am trying to get my act straightened up, and I guess for me—it took jail for me to learn my lesson. It is really going to take something for them to learn their lesson also. I really do not think I could.

Senator HAWKINS. What do you think we should do to the drug traffickers that are the ones making the big profit on this scandalous situation?

STEVE. I really do not know. I guess just putting them in jail, as we just heard, that does not really stop them.

Senator HAWKINS. Because they get out.

STEVE. As it was said, they can still keep things going while they are in jail. I really do not know what you could do to the traffickers or anything of that nature. My guess would be to stop the drugs themselves, not so much the traffickers, focus on the drugs, the source, where the traffickers are getting their drugs.

Senator HAWKINS. What would you tell a young person that might be watching you that is thinking of fooling around with drugs? What is your advice today if you had to give a 9-year-old boy some advice? What would you tell him about drugs?

STEVE. I do not know. I would sit down and tell him where it took me, but I guess I would tell him it is not worth it. There is no real payoff in it. There is a lot better things and more constructive things to be done with your life. You can do drugs and wind up being 50 and have nothing, and wind up in the penitentiary, and where I am at Second Genesis, they tell us you can wind up dead in a graveyard or in an insane asylum. And that is the only three places drugs will take you. You can watch TV and see drug dealers living it up in mansions, but I do not think that is too much in reality for too many people. It is not worth it. Drugs just are not worth it. You can wind up in jail or dead, and there is really no profit out of it. There is nothing to gain from drugs.

Senator HAWKINS. You are a handsome lad, and you will make a great good-looking gentleman, and have a lot to contribute. And I am glad you have changed.

Sandra, what would you tell a young girl kind of mixed up at home?

SANDRA. I guess I would have to tell them the same thing, where it led me and what it did to me. That is all I can say.

Senator D'AMATO. Richard, let me ask you this.

You admitted to being a drug addict for some 10 years. Is that what you said?

Mr. LANE. I am sorry?

Senator D'AMATO. For 32 years?

Mr. LANE. Thirty-two years.

Senator D'AMATO. How old were you when you started?

Mr. LANE. Approximately 15.

Senator D'AMATO. How did you start?

Mr. LANE. Actually the first drug I came into contact, like many, many people, was alcohol. And I think that alcohol is a drug and it is the first drug we come into contact with that we realize alters our behavior, and at that early age of 8 years old when I first became intoxicated, and I realized by drinking alcohol—my background was very similar to these two young people, same kind of home life that I had, and at 15 years old I wound up in Maryland Training School for sale and possession of marijuana and from 1951 until 1967, the longest period of time that I spent on the street was 19 months as a result of using narcotic drugs. This is the longest period of time that I have been able to remain free of crime and out of the prison system.

Senator D'AMATO. When you say this is the longest period of time, what period of time are you talking about, from what period to what period?

Mr. LANE. I was released from prison after completing a 10-year prison term on April 11, 1967. To this day, I have not committed any crimes and have not been incarcerated.

Senator D'AMATO. Have you been drug free?

Mr. LANE. I am still a methadone maintenance patient. I am asked, and many people are, why I do not come off of methadone, and the answer to that is that I am afraid. I see many, many people that I work with, people that I met personally, unfortunately, that are just not able to make it drug free. I know a number of people who were able to come off of methadone and stop using nar-

cotics, then resort to becoming full-blown alcoholics or begin using other substances.

Senator D'AMATO. How long have you been a methadone patient?

Mr. LANE. Seventeen years, from the very first day that I came out of prison. It is what saved my life. If it was not for that program and that drug, I would be assured I would be either dead or back in prison.

Senator D'AMATO. So what you are saying is you have been a methadone patient for 17 years and drug free except for the treatment of methadone, and that you are afraid?

Mr. LANE. Yes.

Senator D'AMATO. It takes a great deal of courage to admit that you are afraid.

Mr. LANE. I think that that is unfortunate—I am 48 years old now, and it has taken a long time, and I think it takes a long time for people that get involved in drugs to mature. What happens I believe when you get involved in drugs, it actually stunts your maturity because the only thing you are involved in—the only thing you are concerned with is drugs. Everything else in life that is going on outside of you, you are not concerned about. So I have actually just begun to live in the last 17 years.

And that is another point I would like to make, of still being in treatment, that it took me many, many years to build my problem up and, of course, you just do not turn it loose overnight, unfortunately. I think many, many people that are involved in drug use, unfortunately some people believe that once you detoxify them or once they go through a program, it is all over. But that is not so. It may take many, many times, it may take many, many years for someone to finally get their act together.

I just wanted to make one other point before I leave here about the prison system. I came out of prison. I came out of prison addicted. I had about a year long run where I had daily use of using heroin. Narcotic drugs are available in prison just like they are on the street, maybe not as much, not as frequent.

Senator D'AMATO. How do you pay for them?

Mr. LANE. There are all kinds of hustles that a person gets into. For instance, you turn cigarettes over into cash. So many packs of cigarettes is equal to so much money. Someone in the kitchen may steal meat and make sandwiches and sell them for cigarettes. They make weapons in prison. There is robberies in prison. There is prostitution. Everything that goes on on the outside goes on in prison. It is a city within a city. You have dealers in prison competing with one another, just like you do out on the street.

Another two points I would like to make away from the prison system is on two drugs mentioned, cocaine and PCP. My experience is PCP and cocaine is probably the two most dangerous drugs on the street today. Heroin is safe compared to those two drugs.

Senator D'AMATO. Why do you say that?

Mr. LANE. Because with cocaine, as I mentioned in my statement, \$5 and \$10 capsules are available now. You take someone who was a cocaine abuser and they take a \$5 capsule or a \$10 capsule. That gets them started. Cocaine is a very short acting drug. It might last for half an hour or an hour. Then you have to use more. People are injecting and free basing and might go through thou-

sands of dollars. They may sit around the clock, 24-hour period, using cocaine. They cannot stop. And when they do, they go into a violent state of depression, and the only thing that will help them out is more cocaine.

Senator Hawkins asked the question about what is PCP and cocaine going to do as far as violent crimes. I think we are going to see a lot more violent crimes. I think a lot of the violent crimes today are related to PCP and cocaine. PCP is a hallucinogenic drug. Many of the people that use PCP become very bizarre. Their behavior is very erratic. They are unpredictable. I think that is why I believe those two are the most dangerous drugs.

Senator D'AMATO. There is a very common or pervasive feeling throughout upper-middle-class America that they can use cocaine and that they can control that use, that they can still carry on their work activities, et cetera. That indeed it is not dangerous.

But your feeling is that indeed the use grows, the frequency of use may become a dependency, totally irrational, out of control, and they do not have the—the cost factor can go into the hundreds and hundreds of dollars a day.

Mr. LANE. Yes. There may be a few, and I believe there are exceptions, people who are recreational users of cocaine. But I do not believe—personally my opinion—there are recreational users that will eventually become a very serious problem. I think that people that play with PCP or cocaine are playing with death.

Senator D'AMATO. What you are saying is eventually they become the traditional addict in the worst form?

Mr. LANE. They become dependent. There is a question as to whether somebody becomes physically dependent on cocaine. But my personal opinion is they do.

Senator D'AMATO. In your professional work, how many people who are dependent on cocaine come into the system?

Mr. LANE. Just about all our admissions now are showing some cocaine use.

Senator D'AMATO. How many admissions do you take in the course of a year?

Mr. LANE. I would guess about 100.

Senator D'AMATO. Out of that 100—in the last several years, have you begun to see a pattern emerging with increased dependency on cocaine?

Mr. LANE. Yes; because of the availability. I think there are a lot of people that have not ever used cocaine that are coming into contact with it. The number of people that we discharge from treatment, from uncontrollable use of cocaine—that is, after we hospitalize them and do everything we possibly can do, they cannot stop. Of the 10 discharges, 9 are from continued cocaine use.

Senator D'AMATO. They cannot stop?

Mr. LANE. Right. After we hospitalize them, they go back and get into the same environment.

Senator D'AMATO. I wish Americans could hear you talking about this.

Mr. LANE. I wish someone could hear us.

Senator D'AMATO. There is an attitude that exists, that is prevalent in very affluent areas, and that attitude is coming down to the youngsters, that cocaine is nothing. It is almost a recreational en-

joyment, that you can take it, go to work, play ball, all these kinds of things, you do not have to worry about addiction and dependency. Are you saying that 90 percent of those people that come into your system for treatment, you have hospitalized them and given them a period of treatment, they are still dependent?

Mr. LANE. Yes. They still go back to using cocaine, and once they start to use it, they cannot stop. They become so dependent.

Senator D'AMATO. There are some, there are a few, that can break the habit. There is the use of methadone. For cocaine are there—

Mr. LANE. We are still struggling for some type of approach. We are trying everything. The traditional approach for the treatment of the alcoholic a lot of times works. We try to remove the person from the environment, to try to break their cycle, the cycle of the cocaine use, and then with some medications, because they become agitated—

Senator D'AMATO. What is the average stay of the heavy cocaine user that you will keep in the program?

Mr. LANE. You have to understand that the people that are coming into our program are addicted to heroin primarily, or one of the opiate drugs, and as a secondary problem could be cocaine. Once we get their heroin addiction under control, then the cocaine or alcohol or both becomes a very serious problem. And what I am saying is that the discharges that we have from the program, 9 out of 10 are for continued uncontrollable use of cocaine.

Senator HAWKINS. Let me ask all of you this question.

We just, in this committee, this subcommittee, reauthorized, the National Institute of Drug Abuse. In that bill, in that reauthorization, are mandated prime time public service announcements on the television and radio, to tell children what you said: it is hard to stop, it ruins your life, that very thing, because what you are saying, I hear this, and I know the tragedy that it invites into your homes and into the future and the country and every aspect of life. We do not know what it does to the unborn, and I do not think anyone has that right, to imperil those who are not born yet.

Monday, Michael Jackson is going to the White House and is going to do a spot urging young people not to use drugs. This is the first of a lot of stars we are going to use.

Would that have affected any of the three of you when you first started, when you were young if, on prime time in the evening, when you were sitting there, someone that you admired or related to of star quality gave you the message? Would that have been helpful?

Mr. LANE. Of course, I am a lot older than these two young people here, but there certainly was a lack of and continues to be a lack of education and a lack of realism of what is going on as far as drugs are concerned. I cannot help but think that had there been some kind of message or someone that I idolized that would have at least stopped me and maybe I would have looked. Whether it would have prevented me from using drugs, I do not know, because even at the young age of 18, I was down in Lexington, KY. I was told I was going there to be cured. The first day I came out of prison, I had a needle in my arm. So I just do not know. I certainly think it is a good idea. I think it is a good idea. We need that. More public-

ty—unfortunately, since the early seventies, the problem has gotten worse, but we do not have as much public attention to it as we used to have.

Senator HAWKINS. That is true. That is what we are trying to reduce. In Hong Kong where they have had 500,000 registered heroin addicts, they have reduced that to 10,000. Their prime time radio and prime time TV run over and over, like whatever cereal they are trying to sell you or toothpaste, and the children grow up with that sort of thing.

Would that have helped you, Steve, if Michael Jackson was telling you not to do it?

STEVE. I really do not know. I think it is a good idea as far as getting the message out and getting a warning out. I think it would have had a little more effect if it had come from somebody I was a little closer to or had more contact with. A lot of people look up to Michael Jackson or other actors, but just talking and just telling them it is no good and this and that, I do not think that would have as much effect as if you were to use something—I am not really sure, but something that would catch their attention, get their eye and get their undivided attention on the TV or on the radio, whatever, to really listen and take heed to what is being said. Some people see them talking and just take it as words.

Senator HAWKINS. It is sporadic and sometimes it is on public broadcasting, and very few people that we are trying to reach to show them that there is a cure, watch public broadcasting.

Yesterday I was interested in this very clever number, something like—if you are on cocaine, use 444 HELP. I must have heard that 10 times in an hour. I was in another State. The rhythm was there and I was impressed, and that was the first time I ever heard that.

Sandra, you came from a broken home. Your background is completely different from Steve's. Girls fall prey to this so easily because they are so vulnerable when they leave the family nest and do not have mother's and father's protection.

Would a runaway shelter—would you have gone there?

SANDRA. I do not think so.

Senator HAWKINS. You just wanted to be free?

SANDRA. I think so. I never had any structure in my life so I just wanted to do what I wanted to do.

Senator HAWKINS. Did you know of any place you could go to? Did you know of a shelter you could go to in your State?

SANDRA. No.

Senator HAWKINS. So you just went on the street. There is a new bill for us where we can authorize more money to the Office of Juvenile Justice for runaway shelters. If you are going to run away, we ought to have some shelter and some supervision—some protection, if you will, for you from the street violence that you innocently get yourself into. We want you to live long productive lives. We have a waiting list of people who want to get into this country. We do not have a waiting list of people who want to get out. Each of us takes up the space of someone who would cherish the opportunity to live in this country and to make his or her own decisions and, hopefully, we can give you the guidance to make your own decisions. Where the family is broken down, it is society's responsibility to say we are all your family and we love you. It is not just your

inner circle, it is an extended family in the United States, and hopefully the Senate and House Members feel this commitment to you.

We work hard to give you a lovely country and blessings that other countries do not have. And to me, if you are going to be damaged and not be in charge of your lives and be a good participating citizen, we have failed you.

So I would like to know how you get along. I would like to hear from the witnesses we have. I would like to get a note from you now and then. Give me a call. We are really interested in your progress, and this is not just one flash in the pan.

This is long-term commitment and you are our future. So we would like to hear from you. You have friends here and anything you would like to tell us, you can write us a note. It is easy to get to us. I am Senator Hawkins and this is Senator D'Amato, and just say Washington, DC.

Thank you for your participation.

Senator D'AMATO. Let me ask you one question.

How do your parents cope with your two brothers?

STEVE. One is working and carrying his own weight. The other brother is now unemployed and still using. I do not know, from what I gather, because I live in Second Genesis and I am not home too often, but from what I gather, they are getting very frustrated with my brother who is not working. He is still living at home and still using and not doing anything else for himself or anybody else.

Senator D'AMATO. Is he using PCP or is he on coke? What kind of use are we talking about?

STEVE. I am really not exactly sure of his choice drug.

Senator D'AMATO. Is he getting that money from legal sources?

STEVE. I really do not know. I have not been in touch with him. As I say, I have been living in Second Genesis. I do not know anything about him.

Senator D'AMATO. Do you ever send him a note or try to get him to come?

STEVE. I have not.

Senator D'AMATO. Would that not be a good idea?

STEVE. I am not sure.

Senator D'AMATO. Why not send him a note and say here is an opportunity before you go to prison?

STEVE. When I have been home, I have told him things of that nature as far as what his fate will be, and just like anybody else I meet that is on drugs—it took for me going to jail. When I was in jail, I still did not want to change.

Senator D'AMATO. When you were in prison, you still did not want to change?

STEVE. No. When I was in jail, I was still using. Drugs are available in jail and I had drugs in jail. Change was not on my mind at all.

Senator D'AMATO. What made you change? At what point did you decide you were going to try to change?

STEVE. I do not think it came one morning, you wake up and decide you are going to change. It came gradually. In Second Genesis, it is a drug-free treatment program. You are on no drugs, and you go in and withdraw as best you can. You have a lot of support.

As I was there—the change did not come for me one morning. It was just through time, as I was learning about myself, learning about my feelings, and that I really do have feelings. It just sort of kept coming, and more positive things were coming into my head than negative, and it kept going like that until change was behind me.

Senator D'AMATO. Thank you very much.

Senator HAWKINS. Thank you. We look forward to reports on your progress.

Now this is where we get all those figures, from Dr. Ball and Dr. Nurco.

Do you have a statement or a group summary?

Dr. BALL. We will summarize our research findings.

STATEMENTS OF DR. JOHN C. BALL, DEPARTMENT OF PSYCHIATRY, TEMPLE UNIVERSITY SCHOOL OF MEDICINE, PHILADELPHIA, PA, AND DAVID N. NURCO, D.W.S., PSYCHIATRIC RESEARCH CENTER, DEPARTMENT OF PSYCHIATRY, UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE

Dr. BALL. It is a pleasure to be here, Senator Hawkins and Senator D'Amato.

Dr. Nurco and I have been in the field for a long time as researchers, and we are supporting the work of your committee and the U.S. Senate in the effort to try to come to grips, to deal with the problem which we see as a major problem.

I think there is now general agreement among researchers in the field about the scope and the consequences of drug use in the United States, and most of what I will be referring to quickly will be with regard to heroin addiction, which is the major problem in the United States.

We have 500,000 heroin addicts. We have the largest opiate use problem of any industrialized country in the world. The United States is one of the foremost countries in terms of its drug abuse problems, almost no matter how you look at the problem.

But I am concentrating today, because that is what our studies have dealt with, on the opiate, particularly heroin. We have seen that it is the major problem in the United States because of the connection with crime. And it spreads its problems from one person to another. I think in terms of the questions asked, one should realize I am a sociologist. This is a social problem. Addicts get involved in other drugs because of other addicts. It is a peer group, recreational endeavor for 90 percent of them as they get started.

The detrimental aspects as far as the social fabric was mentioned, and it is very important. We often underestimate the effect if we had millions of people violating the law and engaged in crime on a fairly persistent basis. This tends to be destructive of the whole society.

The heroin problem is concentrated in the larger cities and the cities are, therefore, most concerned with this problem.

Next I would like to give you the highlights of one of our latest studies which pertain to heroin addiction in Baltimore, and several

of the prior witnesses were from Baltimore. I will just give you the highlights of the facts.

There are many more. We have published extensively. The National Institute of Drug Abuse has supported our studies as well as the National Institute of Justice, and without their support, we could not engage in these quite expensive time-consuming studies.

I have been in this field since 1962. I spent 6 years in a Lexington hospital and I have been involved ever since. We are researchers. We are not law enforcement people and not exaddicts so we come to it with a little different aspect. We are interested in the numbers as you said, Senator. That is our job, and I will give you a few of the numbers, but we have much more.

In Baltimore, out of 354 male addicts, each of these was interviewed at length. Our work involves locating and interviewing actual addicts under conditions of confidentiality. We are able to get information that no one else is able to get. We can find people the FBI cannot find. It has taken us a long time to develop this methodology, but we have it in place.

These 354 addicts were interviewed. They had addiction periods and off periods. Two-thirds of their time, they were addicted. In the off periods, they might be using other drugs, but generally their drug abuse went down which might, for example, follow incarceration.

In our studies, we looked at whole life histories of addicts, sometimes going back to their parents and grandparents. So we have voluminous data of which I am just giving you the gist and the highlights.

These 354 addicts committed 255 crime days a year when they were addicted. We developed a concept of the crime day, a day in which an individual commits one or more crimes as a way of getting hold of the data. I am simplifying it. The reason is if someone is into boosting, stealing from department stores, he may commit 10 or 12 offenses per day, and if we included all of these offenses, we get into astronomical figures.

In order to make any sense, we said how many days per year were you involved? So when I say 255 crime days per year, that is an average. Some were more, some were less. Some were into crime every day. Less than 5 percent were not arrested or into crime at all. But the average was 255.

That would be to say then 5 out of—5 days out of every week they are involved in crime.

What kind of crime? Our addicts are involved in almost every conceivable kind of crime, and some I do not think you can come up thinking if we sat here all afternoon. I would not go into details, but burglary, auto theft. I mentioned boosting. Counterfeiting, all kinds of con games, illegal numbers. Drug sales, of course, is the principal source of income for many. But homicide and so on. All kinds of very shrewd and unusual operations because the addicts, they are spending their time, full time, doing this. So they have time to develop quite a bit of sophistication in terms of criminal activity.

To summarize the types of crimes which we have done, and, I believe, the testimony shows a chart that gives an overview, 38 percent theft. That would be burglary, boosting, other kinds of theft.

Drug dealing, 26 percent. Violent crimes, 2 percent. Con games, 8 percent. Other crimes, 26 percent. Of course, theft is the principal crime, but theft of property is the principal crime of almost all people involved in prisons and in contact with the law enforcement agencies. So the addicts are involved in a wide range of crimes. There is a lot of differentiation in the addict population, so if you go to study it, you have to know whether you are talking about someone who is a big drug dealer making \$1,000 a week, or someone into burglary, or someone who specializes in con games. There is some variation, so it is not true that all of them are the same.

Two or three more points. They start out with a high crime rate. This rate of 255 crime days a year is how they begin, their first addiction period. This high rate continues and this was a surprising finding for us. We thought it would diminish over time but it has not. This whole rate is maintained so long as they maintain their addiction.

We have got the exact figures, but this 255 in the second year is 244, 258 in the next year, and then 257 and 257. So the crime tends to be continuous and stable over time for most of the addicts in our example.

One last point before I conclude. What happens when they are off opiates, when they are not injecting heroin? Well, the situation changes markedly. There is a two-thirds decrease in criminal activities. It is still fairly high. We are still talking about 65 crime days per year, but that is a considerable decrease from the 255. This was somewhat unexpected and an important finding, that crime materially decreases in the nonaddiction periods.

Those are the research findings which stand on the basis of data collected. I will just make a few observations to conclude.

As I interview heroin addicts and see them going out on the street to pursue their criminal activities, and some of those we are involved in are fugitives, it is difficult to realize we are turning them loose or that they are loose. So I see this as a very serious problem for society that we are confronted with now, and, for that reason, I am supporting the work of this committee wholeheartedly. The problem is worse than we imagined. Our figures show conclusively that less than 1 percent of offenses result in arrests. Forty-nine times more crime than you have in your statistics is a conservative estimate. It is not just our studies that have shown this; others have showed the same thing.

So my position on this is I am prepared and have to support all reasonable measures to reduce the scope and seriousness of the drug problem in the United States. I think we need to support international efforts. I think we need to support Federal efforts. We need to support State and local efforts of law enforcement. We need more support for our treatment programs of various kinds.

As Mr. Lane indicated, I think we need more work in the prevention and education fields. My position, which has not changed in a long time, is that I am supporting all of those who are aware of the seriousness of the drug abuse problem in the United States, however they are going about this problem. I think we need, as you are doing, Senator Hawkins, we need more support and more resources, and the problem will not turn around. We cannot look for easy solutions. We have to keep fighting the problem over time,

and I think if it takes more time, which it will, if we have to have more treatment programs and more prisons, that is what we have to face up to. I do not think it is easy to look at cheaper solutions.
[The prepared statement of Dr. Ball follows:]

Testimony of Dr. John C. Ball
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THE CONTINUITY OF HIGH CRIME RATES AMONG
HEROIN ADDICTS OVER THEIR ADULT YEARS¹

. The Criminality of Heroin Addicts; The Issue of Continuity of Crime

It has now been established that heroin addiction in the contemporary United States is associated with exceedingly high crime rates. Indeed, recent studies² have reported that heroin addicts are frequently involved in criminal behavior on a daily basis and that, consequently, they commit hundreds or thousands of offences per individual during their addiction careers. Furthermore, it is becoming apparent that the scope and magnitude of the crime problem associated with opiate addiction is not only due to the frequency with which addicts commit "victimless" crimes and lesser offences, but that many of their offences are serious and destructive. Thus, Chaiken and Chaiken³ found in their study of incarcerated criminals in three states that violent predators (i.e., serious and frequent offenders) had "characteristic histories of drug use". Although heroin was not the only drug associated with high rates of serious offences, they reported that most violent predators "began using several types of 'hard' drugs, and using them heavily, as juveniles. Indeed, their use of drugs and their criminal careers usually began at about the same time." It may be said, then, that heroin addiction is clearly entwined in our national crime problem, and that this association is most evident when either persistent offenders or persistent drug abusers are studied.

John C. Ball

-2-

But further questions about the association of crime and addiction remain to be answered. One of the most crucial of these involves the continuity of crime among heroin addicts. What are the long-term consequences of this crime-drug relationship? Do active addicts become, more or less, enmeshed in criminal behavior over their adult years? Do the types of crimes they commit change? Or do they reach a high crime plateau which remains stable? What is the effect of successive abstinence periods upon criminality? These and related questions need to be answered if the current significance of the crime-addiction association are to be understood. In this endeavor, it is useful (if not indispensable) to compute specific rates of criminal behavior within this offender population.

. The Long-Term Criminality of Heroin Addicts in Baltimore

Research Objectives - Two Questions

In order to provide a focus for investigating the long-term relationship of crime and heroin addiction, two research questions were formulated: (1) To ascertain the specific types of offences that addicts engage in over the years. (2) To ascertain the extent to which these crime-rates are stable over the years.

Selection of the Baltimore Sample

A representative sample of 354 Baltimore addicts was selected for study. These 354 males were a random sample selected from a population of over 7500 known opiate users arrested (or identified) by the Baltimore Police Department between 1952 and 1976. Ninety-eight percent of this cohort sample were located

John C. Ball

-3-

and 92% of those alive and not in mental institutions were interviewed. There were 195 blacks and 159 whites in the present sample of 354. Each of the 354 addicts was interviewed between July 1973 and January 1978 by specially trained interviewers who were familiar with the Baltimore addict subculture.

Research Findings: Career Prevalence of Five Types of Criminality

The prevalence of the 5 types of criminality among the 354 Baltimore addicts during their nine year risk period is depicted in Table 1 and Figure 1. The most frequent type of crime committed was theft of property which accounted for 37.9% of the total crime-days. Next in frequency was drug sales, which accounted for 26.5% of the crime-days. Third in frequency were other offences, which accounted for 25.6% of the total crime-days. These three types of crime-days (CD-1, CD-3 and CD-5) accounted for 90% of the overall crimes committed by the male addicts.

The remaining two types of crime-days, con games and violent offences, accounted for, respectively, 7.9% and 2.1% of the crimes committed.

The total number of crime-days committed by the 354 addicts during the 9 years that they were on the street after the onset of their addiction was 774,777. This prevalence of crime meant that the average addict committed over two thousand offences. The mean number of crime-days was 2,188.6. The mean number of crime-days of each type committed per individual was: crime-days theft, 828.6; crime-days violence, 46.1; crime-days dealing, 581.1; crime-days confidence, 172.0; crime-days other offences, 561.0.

TABLE 1
Total Crime-Days for Theft, Violence, Dealing, Confidence
and Other Offences for 354 Male Addicts

Type of Crime-Days	No. of Crime-Days	Mean crime-days Per Addict	% Crime-Days of Each Type
1. Theft of property	293,308	8,286	37.9
2. Violent offences	16,316	461	2.1
3. Drug sales	205,692	5,811	26.5
4. Confidence, forg., etc.	60,882	1,720	7.9
5. Other offences	198,579	5,610	25.6
Total crime-days	774,777	2,188	

NOTE: A Crime-day is a 24 hour period during which one or more crimes is committed.

The Long Term Continuity of High Crime Rates

Crime Rates Per Year for the Addiction and Off Periods

The continuity and stability of crime among the 354 male addicts can be summarized by means of composite crime-days per year at risk for successive addiction and off periods (Table 2). These findings substantiate the overall stability of criminality.

With regard to the addiction periods, the mean number of crime-days (CCD) per year for the addicts was 255 for all 14 periods. That is, each addict committed on the average 255 crimes per year during his addiction years (as measured by composite crime-days). Significantly, a high rate occurred during the first addiction

period (254.9 per year), and high rates continued. In this latter regard, there was surprising stability in the rates during the first six addiction periods (255, 244, 259, 257, 257 and 254). Thereafter, there was more variation in the rates and some indication of an increase in crime, but a cautious interpretation of trends in later periods is indicated as the number of subjects decreases rapidly.

TABLE 2

Composite Crime-Days Per Year at Risk
for Addiction and Off Periods

Addiction Periods		Non-Addiction Periods	
	CCD Per Year		CCD Per Year
1	254.9	1	81.8
2	244.0	2	45.3
3	258.7	3	43.6
4	257.5	4	13.7
5	257.2	5	57.7
6	254.3	6	9.1
7	336.7	7	0.0
8	236.2	8	0.0
9	254.7		
10	365.0		
11	322.3		
12	315.2		
13	98.9		
14	283.5		
TOTAL	255.1		64.8

NOTE: The composite crime-day rate was 3.9 times higher in the addiction periods.

The non-addiction periods not only had markedly lower crime rates than the addiction periods, but these lower rates tended to decrease in successive off periods. Thus, the composite rate of 82 crimes per year for the first off period was the highest rate. After this, the rates were consistently lower through the fourth off period.

Conclusion

In this follow-up study of a probability based sample of heroin addicts in Baltimore who were arrested (or identified by the police), it was found that 354 male addicts maintained a high rate of criminality over their addiction careers. Thus, they committed offences some 255 days a year while "on the street" and this high rate of criminality continued during their years at risk. Indeed, the continuity and stability of their frequent criminal behavior during their periods of addiction was remarkable.

Five crime-day measures were employed to analyze criminality within this sample over the risk years. It was found that theft was the most common offence as it accounted for 38% of the total crime-days. Drug sales was second in overall frequency as it accounted for 27% of the crime-days. The "other crime" classification included 26% of the crime-days. The remainder of their crime involved violent offences and con games which together accounted for 10% of the total crime. This pattern, or configuration, of crime remained quite stable throughout successive addiction periods.

While there is no support in the research findings for a maturation hypothesis with respect to the association between crime and opiate addiction, there was substantial support for the thesis that drug dependence is a major contributory factor leading to criminality among heroin addicts in the United States. In this

regard, the difference between crime rates in the first addiction period and the first off period was striking (a mean of 255 crime-days per year vs. 83 crime-days per year). The comparable figure for the total number of crime-days during this first addiction and first off period was 273,049 and 68,999 for each of the two-year periods.

The high crime rates of the first addiction period continued in subsequent addiction periods. Thus, the 354 males committed well over 775,000 crimes during the nine-year risk period that they were free in the community and 88% of these were committed while they were addicted.

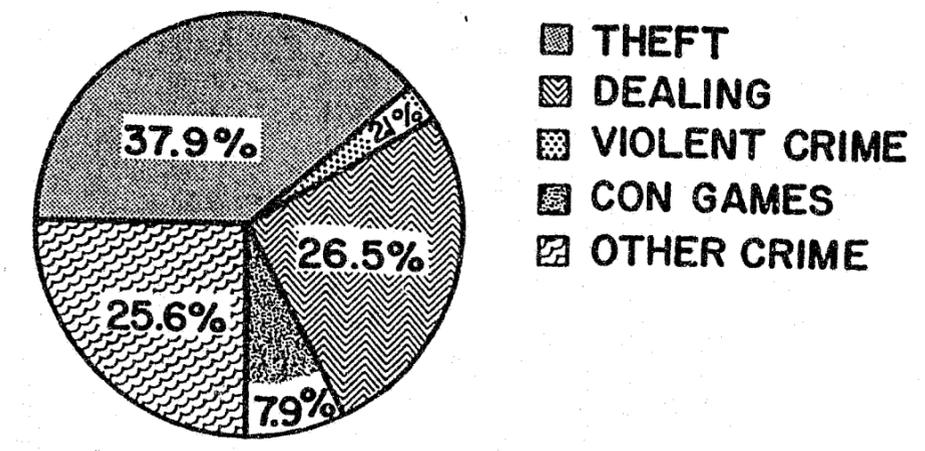
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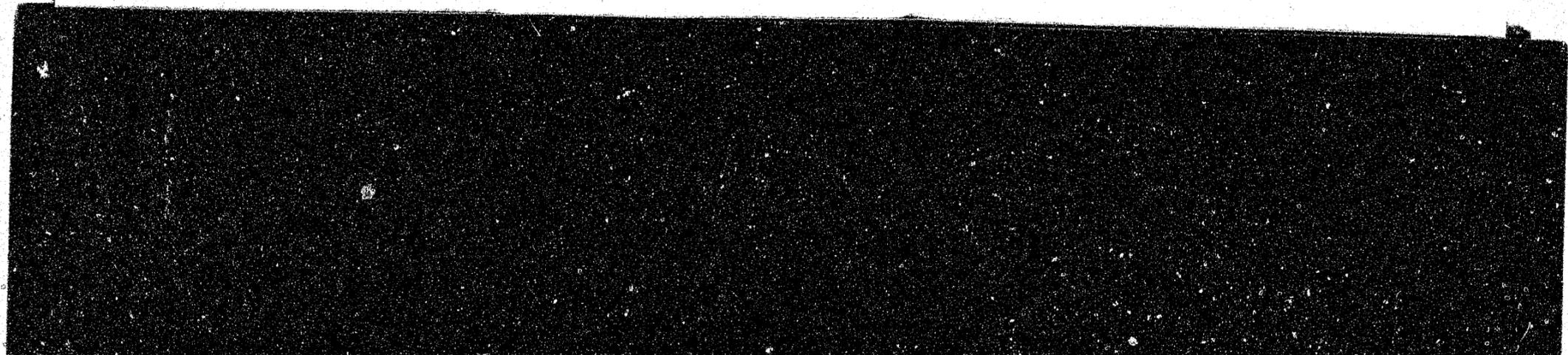
FIGURE I

TYPE OF CRIME COMMITTED BY HEROIN ADDICTS

TYPES OF CRIME WHEN ADDICTED: 255 CRIME-DAYS PER YEAR



SOURCE: "THE DAY-TO-DAY CRIMINALITY OF HEROIN ADDICTS IN BALTIMORE,"
J. OF DRUG AND ALCOHOL DEPENDENCE, BALL, SHAFFER AND NURCO, 1983, TABLE 3.



Senator HAWKINS. Thank you so much for your study, as well as your devotion.

Dr. Nurco.

Dr. NURCO. Thank you for inviting us to testify. It is gratifying to share with you the results of the efforts we have put into this area, and we thank you for your efforts not only regarding prevention but also with respect to providing resources for young people who are prime candidates for becoming involved in more serious problems, especially drug use and criminal activities. It is essential that we break the cycle of drug dependence and criminal deviancy, as well as the conditions which promote these cycles.

Narcotics addicts cause a disproportionate amount of disruption to society, much more so than their numbers warrant. Although there are more criminals than addicts, addicts cause difficulties far in excess of their numbers.

Dr. Ball has reiterated some of our previously cited statistics to the effect that, on the average, addicts commit crimes on over 255 days per year while actively addicted and in the community and on approximately 55 days per year while not addicted. Indeed, a sub-population of 243 addicts were responsible for approximately half a million days of crime over an 11-year period of risk. I think it is important to bear in mind that these are very conservative figures since many addicts commit multiple crimes on any given day.

Currently, we are in the process of looking further at different types of crimes and, indeed, we are in the process of completing interviews with addicts in Baltimore, Philadelphia, and New York City to update previous findings and to provide additional detail with respect to the types of crimes that addicts are committing. Previously, it had been thought that addicts were largely nonviolent and engaged mainly in theft of property. However, we have determined on the basis of official crime records and other sources that addicts are engaging in more serious and violent crimes in recent years.

Further support for this finding may be found in the results of several other studies that we and others have completed. In the early fifties, addicts tended to be rather close and familiar with one another as well as nonviolent in nature. However, during the late 1960's and early 1970's, things began to change. Typically, addicts in the 1950's met their needs by committing nonviolent crimes involving property rather than crimes directed against persons. These often took the form of petty larceny, such as shoplifting, stealing on the job, and stealing cars. Moreover, such activities were often learned by younger addicts from older ones.

Back then, a successful con man had high status in the addict community. This pattern continued into the sixties, and as one addict in the 1960's has said, "Hustling and narcotics go together like hand and glove. Hustling was like your job to you. Every morning when I woke up, I knew I would have to go stealing to support my habit. My job was harder than yours."

By the late 1960's this pattern began to change. For example, addicts began to participate in armed robbery, including bank robberies. The increased use of firearms may also have stemmed from the fact that the potency of heroin became diminished. The dealers

were not honest and this led to the use of larger quantities than before to obtain the same effect.

In the late seventies, crimes of violence and the use of firearms by addicts increased. Moreover, from 1950 to the 1970's, there was an increase in the number of addicts. Heroin rose in purity as well as in price, with a resulting conflict between addicts and dealers. It became increasingly difficult financially to support a habit, and the number of criminal activities engaged in rose accordingly.

In our Baltimore study of the lifestyles of 460 addicts who were addicted for the most part in 1979, we studied addict life cycles in order to provide information on how better to interpret their habits and change their behaviors. In this study, we also asked questions concerning crime and violence. It was found that over one-third of the addicts or their crime partners carried weapons while engaged in their main illegal activities to support their addiction. These findings are consistent with those of a study conducted in Miami by Dr. James Inciardi.

It is clear from all of this that addicts are changing over time. Moreover, there are substantial data to indicate that there is more than one type of addict. Opiates are not a great equalizer, making those that take them think and behave in the same way. For example, there are narcotics addicts that are highly criminal prior to being on drugs, while others have turned to criminal activities to support their addiction. Numerous other examples of diversity exist. Many addicts have undergone treatment, while others have remained addicted for long periods and have no desire to become drug free, as with the young man sitting here a few minutes ago. There are addicts who do not engage in criminal activities and there are addicts who not only engage in such activities but who carry and use weapons while doing so. In working with individual cases, we need to know what kind of addict we are dealing with and what approach could probably be most successful in changing this particular individual's behavior.

Returning to the study of 460 addicts in Baltimore, we divided them up—

Senator D'AMATO. Can I ask you something? I have been quoting your statistics on 237 addicts studied over an 11-year period in the community who committed approximately 500,000 crimes.

Were those addicts in Baltimore?

Dr. NURCO. Yes.

Senator D'AMATO. That was the one that was presented in 1981?

Dr. NURCO. Yes.

Senator D'AMATO. Now you are talking about—

Dr. BALL. Taking it one step further with additional data. And as a matter of fact, we are just completing interviews in Baltimore, in New York City, and in Philadelphia. So next time we are here, we will have the latest data from three different cities.

But basically our findings right now are similar to what we have been reporting.

Dr. NURCO. Senator, this study mentioned by Dr. Ball is an ongoing study in addition to the ones already described.

Senator D'AMATO. All heroin addicts?

Dr. NURCO. The blacks were almost all heroin addicts and the whites were addicted to heroin, illicit methadone, and other opi-

ates. As I said, these studies may be termed natural histories, in which a type of behavior is studied over a particular period of time. These 460 addicts were then subdivided on the basis of whether they had an illicit income of more than \$500 a week or less than \$500 a week. If it was more than \$500 a week, we then asked if this was more than enough to meet their needs, enough to meet their needs, or not enough to meet their needs. If it was more than enough to meet their needs, we classified them as successful, that is, they had more than enough to satisfy them. If it was enough to get by, we classified them as street addicts. If it was not enough despite the fact that they engaged in numerous criminal activities, we called them losers. For those that had an income of less than \$500 a week, we asked if they worked 8 hours a day. If they did, and there were substantial numbers of these, we called them working addicts.

Senator D'AMATO. You say that there are substantial numbers—

Dr. NURCO. It was the largest group of white addicts.

Senator D'AMATO. They can work, hold a job, a traditional job, and are addicts?

Dr. NURCO. Exactly. They worked at least 8 hours a day and used opiates at least 4 days a week for 2 months or more. If they worked part time, we called them conservative. If they worked less than 2 hours a day and had virtually no income, we called them moochers.

Senator D'AMATO. What do they need, the average addict addicted to heroin, how much a day?

Dr. NURCO. It depends on the habit. Mr. Lane was referring to \$100 a day.

Senator D'AMATO. Is that an average on a typical habit?

Dr. NURCO. Yes; but you are talking about a lot of diversity across the addict population. We looked at the amount of illicit income that criminal addicts were getting, and it was an average of \$669 a week. However, it ranged from zero to a couple of thousand dollars. Also, welfare payments at times constituted an additional source of income.

Senator D'AMATO. That is illicit income they derive. If you take the watch, the fancy watch that cost \$2,000, when they sell it maybe they get \$50 if they are lucky.

Dr. NURCO. The markdown is quite considerable.

Senator D'AMATO. They do not even get \$50.

Dr. NURCO. We have not done sufficient studies to determine how much property is lost. We are looking at it from how much money addicts have in their hands.

The reason I presented this example is I think it is important in terms of having differential treatment approaches. For example, if you have a successful addict that has had a momentary downfall with the police, ends up in court—if we have a successful addict who gets into a momentary downfall, goes to court and gets sent to a treatment program, it would be folly for the counsel in that program to take him and put him in a \$150 a week job. The man would laugh out loud. He is not naive. He is quite sophisticated in a criminal way, and the only thing that would begin to work is an ironclad agreement between the court and the treatment program

about what the parameters are. If the man goes back to crime and drugs, he goes back to prison.

Senator D'AMATO. We say to you, look, fellow, if you are caught again, you are going to prison for x period of time. Is that what you are saying?

Dr. NURCO. In a sense, if the court has them under a probation mandate, I think the court ought to revoke the probation and put them in jail.

Senator D'AMATO. In other words, if he is involved in drugs, you know he is dealing illegally, and that in and of itself is a violation of probation, put him back in and you are going to save countless victims because he will not be committing these crimes.

Dr. NURCO. Correct. This is a very sophisticated addict. When the police crack down, he backs off. He knows what he is doing and can maintain his addiction. He will slip once in a while because he is involved in so much criminal activity.

Senator D'AMATO. You say when heroin is tough to get, he can use other types of drugs. Can you give us some examples?

Dr. NURCO. Over a period of years, we have had some severe heroin droughts. These have occurred for a variety of reasons. There may have been a major bust or a ship carrying heroin was stopped. Consequently, heroin becomes harder to get. New York City created such a drought for a few months, back in the sixties. How did they do it? As I understand it, and it is hearsay, the police decided they were going to shake down every addict and throw their drugs down the sewer. They dried things up for a period of time. Under such circumstances, a sophisticated addict will use other addictive narcotics, for example, illicit methadone, dilaudid, morphine, and percodan. He will break into doctors' offices, drug-stores, or whatever. He will also find other types of drugs.

The above type can be contrasted with the working addict, a man who might end up in a treatment program, a man who is trying to carry two cultures on his back. He is trying to participate in both the drug culture and the square world. Such a man has an investment in the latter, especially if he is working 8 hours a day and has a family. He is a prime candidate for counseling on how life can be easier, how life can be better. Obviously, there is more than one type of approach to addicts. We have to tailor our approaches to the different kinds of addicts we are concerned about.

Senator D'AMATO. Regarding working addicts, you think you have a chance to break them off because they have some type of ethic they are clinging to? You think you have a shot?

Dr. NURCO. Yes; you have a shot at conservative addicts and even with the moochers because their dependency might get them into a treatment center where dependence on the treatment program can be substituted for dependence on street drugs, and the counselor has a good opportunity to steer them in a positive direction.

Senator D'AMATO. Have you had any studies like that in terms of counseling?

Dr. NURCO. That is the next study. We have to refine our information. Right now we are conducting a study on what addicts expect from treatment and what the treatment agencies expect to give. We know that some addicts expect something vastly different than what is being offered. Some want to be helped. Some others

are saying I want to get my habit down to an affordable level so I can have a cheaper addiction.

Senator D'AMATO. There is another point about cocaine. They have begun to find heroin users in treatment turning to cocaine.

Dr. NURCO. Cocaine is the next major problem coming down the pike.

Senator D'AMATO. You heard Mr. Lane, I guess, saying that he thinks it will be a greater problem. Do you share that?

Dr. NURCO. Yes; I do.

I went down for the State Department to Colombia and I heard the Minister of Justice—

Senator D'AMATO. Excuse me just a second.

I have quoted both of you gentlemen so often that I want to thank the Senator for giving me this afternoon for meeting the two nameless sources.

Dr. NURCO. And you are from Nassau County.

Senator D'AMATO. Are you from Nassau County?

Dr. NURCO. I am from New Rochelle.

Senator D'AMATO. This is fascinating. When I tell people that in Baltimore you did a study that tracked 237 addicts over an 11-year period of time, tell me how many crimes do you think they have committed, nobody has an idea. Sometimes they get very risky and they say 10,000. Sometimes 20,000, and I am telling you I have asked this question of literally thousands, thousands of people. No one, no one, understands the magnitude. An addict is a walking crime machine committing more than 190 crimes a year.

You have to take how much time—

Dr. BALL. Eleven years is the risk time. We subtracted the prison time out.

I share your feeling. The figures are an underestimate for the reasons we just indicated. The figures are based on crime days, and most people involved in crime are doing more than one theft a day. So the figures are conservative, but we felt they were high enough already. And if we multiplied them, they would get astronomical. So someone into boosting or burglary is probably doing more than one theft a day.

Dr. NURCO. Along with that, we estimated that the approximate 450,000 addicts in our Nation are involved in 50 million crimes a year.

Senator D'AMATO. 50 million crimes a year.

Dr. BALL. That is right.

Senator D'AMATO. Then I read, by the way that they say crime is going down. The level of crime that is tolerated today goes higher and higher. Years ago, an auto theft meant something. Today, when a chain is pulled off someone's neck in a subway, it is not even reported.

Dr. BALL. It is not worth the inconvenience of the report. I agree with you completely. The so-called decrease is meaningless given the scope of the problem.

Two further points I would make about treatment since we have been talking about treatment. Many addicts are not interested in treatment and they will not voluntarily go into treatment.

Senator D'AMATO. They have to face something incredible, maybe if they feel they will die—

Dr. BALL. Face an overdose or get a 5-year prison sentence, and they finally come to the realization, I may want to change my way of life. We ought to provide treatment, but we ought to realize that a majority are not interested in the treatment.

A second point that is related is we cannot overlook, and the first two witnesses said this, and what you are saying, Senator D'Amato, is confirmation of this, we cannot overlook that within the addict population is a group of individuals that we should think of as professional criminals.

Let me give you one story. I am in a hospital and there is an addict over there cleaning up and, for my benefit, he is saying this is the worst place I have ever been in. I have never worked a day in my life until I came in here, and now they are making me work. And then he turned around to me and says, Doctor, are you going to keep working in this place? You look like you are bright enough to just not have to be in this hospital. When I was on the outside, the runner would come every morning when I would get up and give me 350 dollars' worth of cash. That is how I start my day. You are kind of a sucker here working.

So we have this professional criminal element that is not easily going to be dissuaded on the basis of any panacea.

Senator D'AMATO. The runner does get that much, and if he can take care of his habit, he is not going to look for treatment.

Dr. BALL. That is correct. If you have a pimp that has three girls working for him, he thinks he has the world by the tail. And unless you go and arrest him, he is not interested in treatment. He is not interested in what we have to tell him. So there is that element within the addict population, and I think we have to come to grips with that element as well as the element that wants and would profit from treatment.

Dr. NURCO. We need treatment plans that go across agencies and services and follow the addict thus providing a complete program to change his behavior.

Senator D'AMATO. How did you get involved in this area of study? What was it that drew you into this?

Dr. NURCO. I was working in mental health planning when the commissioner of mental hygiene in Maryland asked me to be the executive director of the Governor's Commission in my spare time. It soon ate up all of my time, and as a result I am here now.

Senator D'AMATO. Which Governor was this, up in New York?

Dr. NURCO. No. In Maryland.

Senator D'AMATO. We have been doing a terrible job in our State. I do not want anybody to think that I am referring to the Governor who we have now, but right across the whole State, for years and years, they have just been kidding themselves and playing games. And all my people, as far as I am concerned, are basically prisoners.

I tell the story about my boss who was killed. The accused is an addict, who has been in and out of jail and arrested for sales. He has served time. He was waiting in the van of my friend, 300 yards from my house, waiting for him to close down his delicatessen. My friend then got into his van, he was 74 years old. After working 14 hours that day, he gets into his van, and there is somebody waiting

with a crowbar, who smashes his head, kills him, and takes the day's receipts.

When my mother goes into the house, her own home, this is a profound statement, she rings the bell, even when she knows no one is there. She hopes no one is there. She knocks on the door. Then she puts the key in the door, opens the door and says, is anyone there? All of this so that if there is a burglar, that burglar will leave, so she would not be attacked.

That scenario is being played out in countless hundreds of thousands of ways, throughout our cities, and we as a nation have to face up to that. We have Justice Murphy up in New York, who says we have become a lawless society. You know, they are telling me how wonderful things are, and I have been saying ridership on the subways is going to go down. I fight to bring mass transit aid and it does not make a difference because you have to be a fool to use that subway in the off hours. And now they have said, yes, that is what is taking place, ridership is down, crime on the subways is up.

So all of the money we pump into the transit systems does not mean anything if people live in fear and are not going to use them. What is the sense of having a park if no one is going to go there?

Dr. BALL. I agree with you and I do not know how we can get the rest of the country to see the problem. I interview the addicts and realize what they are doing every day. It leaves me with great concern that these individuals are out there committing crimes and we are not able to do much about it.

Senator D'AMATO. Maybe if some of the people that are least concerned, some of the people that have some idea that this does not affect them, that live in the wealthy areas or out on the island—maybe if they begin to find they are not so immune. Maybe we should hold a hearing in Great Neck with all the liberals who say you are so bad, Alfonse, you want to throw the key away. With some of the people I think you have to throw the key away.

Those of us in public office, have a lack of credibility for whatever the reason is. If you say something that is right, then you are saying it for political expediency. If you say something that is controversial, you will be criticized. Maybe it takes gentlemen like yourselves to let people know, wake them up, shock them, get them aroused.

Dr. BALL. That is what we are trying to do.

Senator HAWKINS. I have had to restore—they have been trying to zero those funds out. In 1982 I had to go on the floor. I think we have \$20 million this year.

Dr. NURCO. There is a substantial amount in there for prevention.

Senator HAWKINS. And prime time education. With that exchange we got it. I thought I would share some figures with you.

We have heard all of the talk that cocaine may bring about a more violent criminal. The Colombians, when I first came here in 1981, would sit with me and say, you dry up the market and we will not send any more. That was the attitude, you stop the market and we will not send any more. Now they have a problem.

In a medium-sized city that has 500,000 people, they have 10 to 12 murders per day. They are very sad. The Ambassador said they

use machineguns. That is 3,500 murders a year in that little town of 500,000 where they have a problem with cocaine. So now it is something to discuss.

Dr. NURCO. It is affecting their middle class and upper class.

Dr. BALL. The problem is spreading throughout much of the world.

Dr. NURCO. What I am concerned about, and Senator D'Amato pointing his finger right at it, there are many people that are recreational users, and they are at risk for becoming very heavy users when that supply becomes cheaper and more plentiful. And what is being grown in Peru, Bolivia, and Colombia now has all of the indications of flooding the market here so we will have a large number of people at risk of getting into heavy cocaine use, which will produce disastrous problems—like higher suicide rates, paranoia, and so forth.

Some people taking cocaine every 20 minutes will sit in a basement with a meat cleaver.

Senator D'AMATO. You are saying that a cocaine problem or addiction can lead to the use as regularly as every 20 minutes, half an hour?

Dr. NURCO. Yes.

Senator D'AMATO. A heavy dependence will do it?

Dr. NURCO. Yes.

Senator D'AMATO. What happens if you run out of money and you cannot do it? What does that person do?

Dr. NURCO. Some people are making \$100,000 a year and spending \$120,000. We do not have enough experience with cocaine. Those in other countries such as Peru and Bolivia are very sophisticated about the use of cocaine, since they have been around it for years. In this country, we have not been exposed to problems posed by very heavy cocaine users.

In an attempt to deal with heavy dependence on cocaine, neurosurgeons in a South American country performed psychosurgery on 30 patients with a severe compulsion to use cocaine. Whether you judge their procedure good or bad, they were that concerned. I do not know if you are familiar with the story of Dr. Halstead, who was chief of surgery at Johns Hopkins Hospital. I cannot envision anybody more in control of his life than the chief surgeon of a major hospital. He took a year off to try to cure his cocaine habit but he could not. He ended his days as a morphine user in order to control his use of cocaine.

In drug tests on monkeys, monkeys will defer food for cocaine much longer than for heroin.

Senator D'AMATO. That is what Mr. Lane testified to, that he sees that in his program. We are only beginning to see the results of this.

Dr. NURCO. If this country gets flooded with cocaine—

Senator HAWKINS. Production has gone up 1,000 percent in the last 2 years. We are the market.

Do you have a rat study?

Dr. NURCO. No. We work with people.

Senator HAWKINS. When the rats were given the choice, food, water, cocaine, they chose cocaine and starved to death.

Dr. NURCO. I believe this type of behavior is also true for monkeys.

Senator HAWKINS. The young people that are here and testified, not just in this hearing but others, they think they can get off of it, and yet every animal experiment we have points the other way, you become more addicted and more violent.

Dr. NURCO. The old-line heroin users were afraid of using large quantities of cocaine.

Senator D'AMATO. Did you ever do a paper on the violent response produced by cocaine?

Dr. NURCO. No, Senator, I have not. I brought this subject up because I thought the committee would be interested. There is some material available and I can work with your staff to obtain it.

Senator D'AMATO. Would you do that? I think it would be most informative to those trendy jetsetters, and maybe we could help some of them.

I tell you I only remember one example. This was back in the World Series, 5, 6 years ago. It was a great, great game and people were going wild. And we had four tickets. So, I sat with one of my sons, and I had a friend and he had one of his friends. My son came to me and said, "Hey, daddy, there is a guy with this white powder." I think that was drugs. Here is a guy in the middle of the World Series, exciting beyond belief, snorting coke at the World Series. That fellow had some problem, I would say.

Senator HAWKINS. Your work has been inspirational and I would like to encourage you to continue it. I know you always get told this is a part-time job. But we have such poor statistics. I am just startled every time we get the figures together. We have been so preoccupied with other things, we do not have good figures on it. I hope this new budget will start looking into that direction.

Education, sure. Interdiction, you bet. Talking with foreign countries and denying them their aid is great. That passed unanimously and the President signed it. But you have those things. We still need a base to give Attorney Marcus and Giuliani and the other men that are on the front line to know what to expect, what is coming down the pike. You have told them which will help but—that is why we have Florida and New York represented here today. It is not that they are our most favorite U.S. attorneys, though they could be, but Florida and New York are the entry point and the marketing distribution point.

In putting this together, I thought we would hear from the real pros. You have sort of a corner on the market, and we would like to continue the dialog and have hearings in New York and have you come there and tell the people there and have some in Miami.

I will tell you a story. On Saturday I went to visit this little lady who was being held captive in her house. This lady was 74 years old and had barricaded her house. She has been broken into maybe 22, 24 times. The house looked like a shack. It was right in the main part of town. You never would have thought anybody lived in that house. She had porch furniture and other broken furniture and things barricaded against the door. When we finally got to her, she said she did not want people to know she was living there because she had been attacked. We discovered she had social security but she was the widow of a Navy officer and she did not even know

that she was eligible for any money, and so she just stayed locked up in the house. It was the most depressing thing I have ever seen. She said I cannot come out. If they see me, they will come back at night. So we had to talk to her through the screen. She does not have a telephone. She could not call for help.

As we see the graying of America, we know they will be home-bound and, at the same time, we see the great expansion among the young with acceptable recreational use that I think will destroy the fabric, not only of society but of civilization because when you are under the influence of cocaine and PCP, you lose control, and the acts you commit are unlike those of a human being. They are much more savage. I have never seen anything to compare with what we are just seeing for the future.

I appreciate your interest and time.

Dr. BALL. We feel the same way, that we appreciate what you are doing because we need the help, too.

[The prepared statement of Dr. Nurco follows:]

SENATE SUBCOMMITTEE ON ALCOHOLISM
AND DRUG ABUSE

HEARING - MAY 10, 1984

TESTIMONY - DAVID N. NURCO

Narcotic Addiction and Crime

There has been a long and continuing controversy about the relationship of crime and opiate addiction in the United States (1,2,3,4). This controversy has involved disagreement about the etiology of the problem, the extent of crime committed by addicts, the seriousness of their crimes, the prevalence of violent crimes, the effect of control legislation, the efficacy of treatment, and similar issues. Although this controversy is unlikely to end in the near future (because it is fueled by diverse theoretical and political viewpoints as well as competing vested institutional interests), it is important to divorce the scientific aspects of the problem from other consideration so that research can address and resolve specific questions.

From our own work, as well as that of others, it has now been established that narcotic addiction in the contemporary United States is associated with exceedingly high crime rates (5-14). Indeed, recent studies (15,16) have reported that narcotic addicts are frequently involved in criminal behavior on a daily basis and that, consequently, they commit hundreds or thousands of offenses per individual during addiction careers. Furthermore, it is becoming apparent that the scope and magnitude of the crime problem associated with opiate addiction is not only due

to the frequency with which addicts commit "victimless" crimes and lesser offenses, but that many of their offenses are serious and destructive. Thus, Chaiken and Chaiken found (17) in their study of incarcerated criminals in three states that violent predators (i.e. serious and frequent offenders) had "characteristic histories of drug use". Although narcotic addictive drugs were not the only drugs associated with high rates of serious offenses, they reported that most violent predators "...began using several types of 'hard' drugs, and using them heavily, as juveniles. Indeed, their use of drugs and their criminal careers usually began at about the same time." (1982a, p. 16)

Numerous investigators of the topic have concluded that there are high prevalence and diversity of criminal involvement on the part of narcotic addicts and that this involvement is largely for the purpose of supporting the use of drugs. Moreover, it has been a consistent finding that initiation into both substance abuse and criminal activity occurs at an early age (10,18). It has also been a uniform finding that frequency of narcotic use is generally associated with higher crime rates. Johnson et al. (19) found that the heaviest heroin users are more likely to be classified as serious offenders. In their sample, these individuals were disproportionately classified into the highest categories of criminal involvement and had the highest incomes from major crime. Examining a broader range of drug abusers, Kruze et al. (20) report that "expensive" drug use is at least a partial explanation for income-generating crime. The latter

investigators found that more than once-a-day heroin and cocaine use predicted very high levels of illegal income. Further examination of the drug-use-frequency/income-from-crime relationship also suggested that while low use levels are supportable without resort to illegal activity, frequent daily use rarely is.

Although narcotic addicts vary consistently with respect to the amount and types of crime they engage in, addicts as a group engage in many different types of criminal activity. Among a sample of 239 male heroin users in Miami during 1978, Inciardi (9) found an average of 337 "serious" offenses committed per narcotic drug user over a 12-month period. He also noted that out of a total of 118,134 offenses committed by both male and female addicts (a total of 356 persons), 27,464 were contained in the FBI's list of serious (index) crimes. In addition, 99% of the males in Inciardi's sample committed crimes during the 12 months prior to interview.

The Baltimore Experience

Frequency Studies. In our own early work in this area (15), a probability based sample of 243 addicts was selected for study from a Baltimore population of 4,069 male opiate addicts. The sample was interviewed and their criminal history was traced in detail over an 11-year risk period during which they were "on the street". It was found that these 243 addicts had committed more than 473,000 crimes. As measured by crime-days (see below), the average addict committed over 178 offenses per year and almost 2000 offenses during his post-onset lifetime. Although

the predominant offense committed was theft (as with most populations of criminals), these addicts were also involved in a wide range of other crimes: drug sales, robbery, forgery, pimping, assault, and murder.

In our study, each of the addicts was interviewed with respect to his criminality, and collateral information was obtained from official records. The extent of criminal behavior was determined by means of a new measure that had not been used prior to that time: crime-days per year at risk. A crime-day is a 24-hour period in which an individual commits one or more crimes. The number of crime-days per year at risk refers to the number of days per year that an individual has committed crimes from 0 to 365. This new measure was found to have unique analytical power as it permits the calculation of uniform crime rates by years at risk and it is not confounded by multiple crimes committed on a given day. Furthermore, the term crime-days per year at risk appears to be an effective procedure for explaining the extent of continual criminal behavior because it relates to the number of crimes committed by individuals to a common frame of reference - time per year.

Although several studies in addition to our own have documented high levels of criminal activity among narcotic addicts, especially during periods of active addiction, few studies have delineated the types of criminal activities involved or have attempted to uncover trends in such activities over successive periods of addiction and nonaddiction in addicts' careers. In the next

series of studies conducted by our group (21,22,23), the criminal activities of male narcotic addicts were categorized and traced individually over time using five standardized crime-days per year at risk measures in the areas of theft, violence, dealing, con games, and other crime.

The classification of crime-days into five designated types was undertaken in order to provide more detailed information about the crimes committed on a given day by a given individual than was obtainable from the original crime-day measure, which subsumed all such crimes in a single crime-day designation. With the five crime-day measures, more detailed analysis became feasible because specific types of crime-days were independently designated and coded for the sample subjects. In most cases, the addicts committed only one type of crime during a given day, although there frequently were several offenses of this same type during given days, especially when theft or drug sales were involved. However, it also happened that the individuals were involved in more than one type of crime during the same day. For example, an addict might have been involved in both theft and pimping or robbery and drug sales. When this occurred, it was defined as a multiple crime-day.

Utilizing the new crime-days classification, a subsequently enlarged sample of 354 Baltimore addicts was selected for study (21). These 354 males were a random sample selected from a population of over 7,500 known opiate users arrested (or identified) by the Baltimore Police Department between 1952 and 1976. The

sample was unselected for criminality, but stratified by race and year of first police contact in order to control for these variables. Part of this sample had previously been studied with regard to their lifetime criminality and their differential criminality by addiction status. In this study it was found that most of the 354 subjects were continually engaged in criminal behavior during their adult lives. For most of the addicts, the onset of addiction was associated with a high level of criminality which continued in successive addiction periods. Indeed, criminality during numerous periods of addiction remained remarkably consistent throughout their many years at risk "on the street."

The consistency of criminal behavior during successive addiction periods was evident in the continuity of crime rates. Thus, the composite crime-day rate for the first six addiction periods was remarkably stable (there was less than 5 percent variation in the crime-day rate from that of 254.9 per year for the first addiction period). The nonaddiction, or off, periods were characterized by markedly lower crime-day rates than the addiction periods. This difference was consistent and notable. Thus, the composite crime-day rate (percent of days involved in crime) for the addiction periods (255.1) was four times higher than the comparable rate for the off periods (64.8). Furthermore, the composite crime-day rate for every one of the addiction periods was higher than any obtained in the off periods.

In considering the fact that the crime-day rates in the off periods were markedly and consistently lower than the crime rates in the addiction periods, two further observations were relevant. First, the addiction and off (nonaddiction) periods which characterized the life history of the sample were discrete but alternating periods; that is, the first off period occurred after the first addiction period, and subsequent off periods usually occurred between addiction periods (or prison periods). The point is that both addiction and off periods were interspersed during the risk years so that consistently lower crime-rates in the off periods indicated an effect that occurred throughout the years at risk. Secondly, the difference in crime rates between addiction and off periods occurred within the same sample. That is, the two sets of rates which derived from the same addicts: one set of crime-day rates for their addiction periods and another set of crime-day rates for their off periods. Consequently, the observed differences in rates were not due to the use of diverse samples.

The high rates of criminality consistently associated with the addiction periods and the markedly lower rates found in the nonaddiction periods provided substantial support for a criminogenic interpretation. For it is evident from the research findings that criminality was markedly increased during addiction periods and consistently lower during non-addiction periods. Furthermore, criminality in the sample commenced at a high rate as addiction commenced, and it continued at a high rate as long

as addiction persisted. Conversely, crime-day rates were markedly lower as soon as addiction ceased and decreased in successive off periods. The most parsimonious explanation of these consistent changes in crime-day rates was that narcotic addiction contributed to, or caused, an increase in crime. Without engaging a discussion of causal analysis, it seems evident that narcotic addiction is criminogenic in the same sense that cigarette smoking or air pollutants are carcinogenic -- they can, and often do, lead to increased incidence, although they are not the only causal agent.

From the results of our study, it was concluded that 354 male addicts maintained a high rate of criminality over their addiction careers. Thus, they committed offenses some 255 days a year while "on the street" and this high rate of criminality continued during their years at risk. Indeed, the continuity and stability of their frequent criminal behavior during their periods of addiction was remarkable.

With regard to the five crime-day measures employed to analyze criminality within this sample over the risk years, it was found that theft was the most common offense, as it accounted for 38 percent of the total crime-days. Drug sales was second in overall frequency and accounted for 27 percent of the crime-days. The "other crime" classification included 26 percent of the crime-days. The remainder of crime involved violent offenses and con games which together accounted for ten percent of the total. This pattern, or configuration, of crime remained

quite stable throughout successive addiction periods.

Typology Studies. Although the above conclusions were amply and consistently supported by the findings of other studies conducted elsewhere, it must be emphasized that, strictly speaking, they apply only to narcotic addicts as a group. Thus, it may well be that some addicts commit little or no crime, while others commit multiple crimes on a near-daily basis. Moreover, certain addicts may maintain rather stable levels of crimes committed, while others may trend upwards or downwards as addiction careers extend over time. The typology studies that we have conducted represent an attempt to analyze individual patterns of criminal activity among addicts, in terms of magnitude, type, and trend, as they proceed from an initial active period of addiction to succeeding ones (24,25,26,27,28).

The above group findings regarding addiction and crime notwithstanding, it is nonetheless true that our typology analyses have revealed marked differences among individuals with regard to magnitude, type, and trend of criminal activity over successive periods of addiction and nonaddiction. Some addicts committed rather small amounts of crime, or confined their criminal activities to a single area, while others committed literally hundreds of crimes in several different areas. Similarly, some addicts engaged in a rather stable level of criminal activity while others fluctuated wildly or displayed rather pronounced upward trends over time. Thus, it is clear that addicts differ greatly with respect to level, type, and trend of criminal activity,

but these differences tend to cancel when the data are averaged for the group as a whole. However, it should be possible to delineate specific types of addicts based on level, type, and/or trend of criminal activity over time, and attempts at such identification will be the subject of future research. In addition, it may be possible to uncover certain distinguishing characteristics, precursors, or correlates of these different patterns of addict criminality, so that those persons likely to engage in high levels of criminal activity could be identified and the effectiveness of various countermeasures subsequently explored. It is our opinion that it is quite clear that just as all addicts are not alike with regard to lifestyles or personality traits, neither are they alike with regard to patterns or levels of criminal activity.

The long and continuing controversy over whether narcotic addicts commit crimes primarily to support their habits or whether addiction is merely one more manifestation of a deviant and criminal lifestyle seems pointless in view of the fact that addicts cannot be regarded as a homogeneous group. As we have indicated, some addicts commit a great deal of crime, regardless of whether they are actively addicted, and their criminal career may precede their addiction to narcotics by several years. On the other hand, some addicts commit relatively small numbers of crimes that are obviously related to their need to purchase drugs; moreover, their criminal activities may drop to trivial levels during periods of nonaddiction. Clearly, there are diff-

erent types of addicts and different pathways to addiction, and effective strategies for dealing with the problem may well depend on recognition of this diversity and tailoring countermeasures, both therapeutic and judicial, to individual requirements.

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FACT SHEET: The Relationship Between Heroin and Crime

Figures come from a study by Dr. John Ball of Temple University printed in 1983

Total Crime-Days For Theft, Violence, Dealing, "Cons", and Other Offences For 354 Male Addicts

Type of Crime-Days	No. of Crime-Days	Mean Crime-Days/Addict	%Crime-Days
1. Theft of Property	293,308	8,286	37.9
2. Violent offences	16,316	461	2.1
3. Drug Sales	205,692	5,811	26.5
4. Cons, Forgery, etc.	60,882	1,720	7.9
5. Other offences	198,579	5,610	25.6
Total Crime-Days	774,777	2,188	

Note: A Crime-Day is a 24-hour period during which one or more crimes is committed.

The addicts were involved in crime activity 5 DAYS PER WEEK (that is 70% of total time)

The addicts were involved in theft 34% of the time

--Though the studied group committed over 500,000 crimes, they were only arrested a total of 2,869 times

--The addicts were 4-times as likely to be engaged in crime when addicted as when "clean"

--The D.C. Superior Court reports that during the week of March 4-10 (this year), close to 300 defendants were tested for drugs in their systems

62% showed signs of heroin, PCP, methadone, cocaine or barbiturates

(NOTE: Due to printing limitations, and in the interest of economy, additional appendix material supplied by Mr. Nurco was retained in the files of the committee.)

Senator HAWKINS. We will continue working together, and the idea is to prevent and get the statistics out and show what is coming down with this increased cocaine use. Crime is coming down, probably because we have had a lot of interdiction and a lot of precautions, and we are trying to trace the money down. That is good.

We appreciate your contribution and we will adjourn this hearing.

[Whereupon, at 1:40 p.m., the subcommittee adjourned, subject to the call of the Chair.]

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