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STATE AND LOCAL LAW ENFORCEMENT ASSIST-
ANCE PROVISIONS OF THE ANTI-DRUG ABUSE
ACT OF 1986

109513

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

H.R. 1411

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROVISIONS OF
THE ANTI-DRUG ABUSE ACT OF 1986

APRIL 1, 1987

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STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1986

WEDNESDAY, APRIL 1, 1987

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to call, at 10:08 a.m., in room 2237, Rayburn House Office Building, Hon. William J. Hughes (chairman of the subcommittee) presiding.

Present: Representatives Hughes, Mazzoli, Feighan, McCollum, Smith of Texas, Shaw, and Gekas.

Staff Present: Hayden Gregory, counsel; Edward O'Connell, assistant counsel; Paul McNulty, associate counsel; Linda Hall, clerk; and Phyllis Henderson, clerk.

Also Present: Representative Darden.

Mr. HUGHES. The Subcommittee on Crime will come to order.

Good morning, and welcome to the Subcommittee on Crime's hearing on the subject of Federal aid to State and local law enforcement in the drug abuse area. If I were to characterize the purpose of this hearing today in a nutshell, it would be to evaluate the state of the partnership between State and local law enforcement communities and the Federal Government in their effort to combat substance abuse.

Unfortunately, from today's perspective, I believe the answer is simple: The partnership has been dissolved. It grieves me to remember the President's grand statement in October of 1986 when he signed the Anti-Drug Abuse Act. He said—and I know my colleague from New York would remember because he was there and participated in the signing ceremonies—and I quote:

Well, today it gives me great pleasure to sign legislation that reflects the total commitment of the American people and their Government to fight the evils of drugs. * * * Drug use is too costly for us not to do everything in our power not just to fight it but to do it and conquer it. The magnitude of today's drug problem can be traced to past unwillingness to recognize and confront the problem. * * * In the last few years we have made much progress in the enforcement end of solving the drug problem. Cooperation between governments is better than ever before. This legislation allows us to do even more.

I agree wholeheartedly with these statements by the President, particularly that part where he says it "allows us to do even more." The sad part is that just three months after those eloquent words, the President in his budget submission proposed the elimination of the aid to State and local law enforcement programs, so

now we are not only not doing more, we are doing much, much less. \$225 million, to be precise, in the law enforcement area; more in other areas. In the area of education, which needs to be strengthened, the President's submission cut it in half, from \$200 million to \$100 million. In the area of treatment, as I recall, there was \$220 million projected for this next fiscal year. That is to be stretched out over two years, which means that this part has been diluted by at least 50 percent. To paraphrase that old familiar tune, which I have varied a little bit: Mr. President, why don't you love us in January as much as you did in October.

The problem is still there and it is probably getting worse!

Just recently, the State Department released its yearly International Narcotics Control Strategy report which indicated a vast expansion in the area of opium, coca and marijuana throughout the world, a large portion of which is targeted for us and, despite the best efforts of our Federal interdiction forces, will end up on our street corners. It is precisely there on our street corners and in our schoolyards where it must be met, not by the Federal Government, but by State and local personnel who handle over 90 percent of our criminal caseload on our streets and in the schoolyards.

The worse part of this Administration's proposal is that it not only will jeopardize next year's program, it may well abort the spending of \$225 million for this year. What reasonable State planning agency would develop a statewide strategy which is mandated by the act and then spend money on meaningful programs when they may face the cutoff of funds in October of 1987? Our drug problem will not be solved by a one-year commitment. It leaves us today with a real question for the Congress as to whether we should go ahead at all with the critical programs of the Anti-Drug Abuse Act.

Specifically, today we will be discussing subtitle (k), the State and local law enforcement assistance portion of the Anti-Drug Abuse Act of 1986, which in its early life was a part of the Drug Enforcement Act of 1986 that the Crime Subcommittee reported on August the 12th of last year.

As enacted, this subtitle provides a \$230 million authorization for State and local agencies to assist them in programs to improve the apprehension, prosecution, adjudication, detention and rehabilitation of drug offenders; for eradication and treatment programs and for programs to focus on major drug offenders. The bulk of this funding is distributed to States under formula grant based on population, and the States, in return, allocate a portion of the funds to units of local governments.

We also have before us today H.R. 1411, introduced by Congressmen Rangel and Gilman, which essentially would increase the authorization levels for this program from \$230 million to \$675 million for fiscal years 1988 and 1989.

[A copy of H.R. 1411 follows:]

100TH CONGRESS
1ST SESSION

H. R. 1411

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the sums authorized to be appropriated for drug law enforcement programs for the fiscal years 1988 and 1989, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1987

Mr. RANGEL (for himself and Mr. GILMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the sums authorized to be appropriated for drug law enforcement programs for the fiscal years 1988 and 1989, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

4 Section 1001(a)(6) of title I of the Omnibus Crime Con-
5 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(6)) is
6 amended by striking "\$230,000,000 for fiscal year 1988, and
7 \$230,000,000 for fiscal year 1989" and inserting

1 "\$675,000,000 for fiscal year 1988, and \$675,000,000 for
2 fiscal year 1989".

3 SEC. 2. LIMITATION ON DISCRETIONARY GRANTS.

4 (a) ALLOCATION AND DISTRIBUTION OF FUNDS
5 UNDER FORMULA GRANTS.—Section 1305 of title I of the
6 Omnibus Crime Control and Safe Streets Act of 1968 is
7 amended by striking "80 per centum" and inserting "the
8 amount remaining after the allocation under section 1311".

9 (b) ALLOCATION OF FUNDS FOR DISCRETIONARY
10 GRANTS.—Section 1311 of title I of the Omnibus Crime
11 Control and Safe Streets Act of 1968 is amended by inserting
12 "(but not to exceed \$50,000,000 in each of the fiscal years
13 1988 and 1989)" after "20 per centum".

Mr. HUGHES. The subcommittee is very interested in the status of this important program and we look forward to hearing both as to its present implementation and your thoughts on its future. We have a lot of excellent witnesses today, and I look forward to hearing their testimony.

The chair recognizes at this time the gentleman from Florida.

Mr. McCOLLUM. Thank you, Mr. Chairman. I believe this is the first formal hearing with members and witnesses we have had since the subcommittee has been convened in this session, and I want to say that I look forward to working with you and I know that the other committee members do as well, Mr. Chairman.

I am very pleased to welcome the Honorable Mr. Rangel today, who is with us again to discuss the question. We have had the opportunity at some time in the past to discuss the issue of State and local law enforcement involvement. I know how much hard work was put in by your Select Committee and by you and Congressman Gilman on this subject, and how much you are still putting in, trying to determine, as we are, precisely how we can resolve this drug crisis in America and to deter the use of it as well as, of course, the sales and the production. I am very appreciative of that fact.

What we are here about today is to determine as much as we can what the story is in the Justice Department's not sending up a request for the funding for this coming fiscal year in the budget process. I think it is a pretty difficult issue simply because there are questions that I think we all respect in terms of setting priorities. It is hard, though, for many of us who work with the drug area to pick a priority in spending that is any greater than that dealing with narcotics. But even in that area there are some serious questions in my mind as to where the resources available to us should best be spent, and that is all a part of what this is about, in my judgment, to look at what the local law enforcement officials have to say with respect to how they intend to use the monies that are being made available in the current appropriation that we have for them, what the grant funding may go to, and also, hopefully, to get a better idea of some of the priorities that the Justice Department has in mind with respect to spending money that it may not be spending on the area of the State and local assistance program that we authorized.

So as we go through this hearing, I will be looking to see what the balanced equities are. Because the bottom line, Mr. Chairman, I think for all of us is how do we best spend our limited resources to stop the drug flow into this country and stop the tremendous usage that all of us want to combat.

Thank you, Mr. Chairman.

Mr. HUGHES. Thank you.

Our first panel today is comprised of two very distinguished members of the House Select Committee on Narcotics Abuse and Control, the Honorable Charles Rangel, its chairman, and the Honorable Benjamin Gilman, of New York. Congressman Rangel has represented the 16th Congressional District of New York since 1970 and has chaired the Select Committee on Narcotics Abuse and Control since 1983. Congressman Gilman, who will join us shortly, has represented the 22nd Congressional District of New York since

1972 and is the ranking Republican member of the Select Committee on Narcotics Abuse and Control. Mr. Gilman has served on the Select Committee since its inception in 1976.

Both of our colleagues have been responsible for making the Select Committee on Narcotics an effective body to deal with the myriad of problems associated with substance abuse and drug trafficking. They were also leading advocates for aid to State and local law enforcement in the Anti-Drug Abuse Act of 1986 in the 99th Congress.

Charley, we are just delighted to have you with us this morning. We congratulate you on your many, many initiatives in this area, and we look forward to hearing from you. You may proceed as you see fit.

STATEMENTS OF HON. CHARLES B. RANGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK; AND HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RANGEL. Thank you, Mr. Chairman. May I have permission to submit my written testimony into the record.

Mr. HUGHES. Without objection, so received.

Mr. RANGEL. Thank you.

Mr. Chairman and distinguished members of this committee, I cannot think of any committee that has been more out front in crafting the laws that are necessary to fight the drug crisis that we find not only in our country but indeed throughout the world. Just a couple of weeks ago, Speaker Wright designated Ben Gilman and I to represent the House of Representatives at a conference that was held in Bogota of the Andean countries, and for the first time the five countries that comprise the conference, came together to better cooperate in order to fight against this crisis, which they recognized is not an American problem or South American problem but an international problem that warranted international action. They called for a summit, including President Reagan, to see whether some strategy could be developed.

When Ben and I met with the President of Colombia, we found that not only had they shot over 30 judges and raped and looted the Justice Department and assassinated the Minister of Justice and killed the prosecutor that was assigned to investigate that case, but even had shot somebody, I believe, in Hungary that had been a prosecutor but had been removed for the safety of himself and his family, and the drug traffickers went and shot him. We were shocked and surprised to see a great country like Colombia had to admit to us, and to their embarrassment, that not one case is being tried in the civil courts because of the threat of assassination of the judges and their families.

We met with the widow of the national police chief of Colombia. They assassinated her husband. And John T. Cusack, a veteran law enforcement officer said he has been to many funerals and talked with many widows, but this is the first time he talked to a widow that she, herself, was shot and their kids were shot as they had killed her husband because of his role in narcotics law enforce-

ment. Because of intimidation civilian courts in Colombia do not prosecute any drug traffickers.

The supreme court struck down as unconstitutional military trials of these people. The only thing that was left was the extradition treaty, and they struck that down. What does it mean? It means don't worry about anyone being arrested or prosecuted in Colombia for drug trafficking.

When we talked about the processing plants for the coca leaves pouring in from Bolivia and from Peru, we found out that the majority of them were located in rebel territory. What does that mean to us? It means that the government for their own reasons have entered into some ceasefire. And as of the time that we left, even though the President said he would look into it and correct it, they were not even prepared to go into these territories to destroy the processing plants for cocaine. They have bumper crops, bumper processing. Don't listen to the U.S. Select Committee, listen to the State Department, and they say that there will be bumper crops of opium in Burma, in Pakistan, cocaine coming out of South America. Then if we would listen and see what is happening when Commissioner of Customs Von Raab our border with Mexico is a sieve. That notwithstanding what we have done, the equipment that will be locked into place, he said that he will not be able to determine the effectiveness of it for at least 5 years, and that he could not say that any appreciable reduction in cocaine or opium or other drugs will be on our streets because of the actual physical inability, really, to protect our borders from drugs pouring in by land, sea, or air.

And so, naturally, we all were pleased when President Reagan said that we weren't just rhetorically declaring war with comic books and slogans. But when he signed the Anti-Drug Abuse Act of 1986 it meant not that the Congress knew what we were doing, but I had assumed that the Administration would take the leadership and tell us what we had done right, what we had done wrong, where there could be a better allocation of funds. What did we get back? We got back a commitment on television when television newscasters were saying that the Administration and the Congress had made reducing drug usage a priority, and they said that after the election that the Administration would not resume its commitment to this great fight. And if we take a look at the budget that was presented to us by the Administration, then we are embarrassed as Members of Congress if our constituents believe that we have given up on this struggle.

Every place we go they say it is a question of demand. They say that we have to educate our kids. Who can deny that we were supposed to be doing more? But I tell this committee that this Administration has been honest up until they signed that bill. Because we had hearings on each and every part of the bill that was in the omnibus bill and they resisted each and every part of it. The only hypocritical thing the Administration has been guilty of was signing it into law. Because after they signed it into law, they have now reverted to their initial position; and that is, they didn't need it in the first place.

Because Secretary Bennett said he didn't need one nickel for education. He thought that all he had to do was get tough on these

rascals in school and kick them out, and that was the Federal program along with a pamphlet that he was ready to distribute.

But on the question of local and State law enforcement I was surprised at the candor and the honesty of OMB Director James Miller who testified just a couple of weeks ago in front of our committee in saying, the law notwithstanding, they never did believe that they should give assistance to local and State law enforcement officers.

We have had no dramatic increase in drug enforcement agents since 1976, and there is no one here that truly believes that we want to have or that we do have any Federal police force that is going to successfully administer or enforce the Federal drug laws. They are dealing with what they would call conspiracy. I don't know when last we had one in New York City, but I know one thing: That my U.S. Attorney when he agrees to prosecute narcotic cases he has a press conference, and he says that this year we are going to take 200 narcotic cases to relieve the burden off of the local law enforcement officers. And what do we do? We thank him.

We thank him for opening up the doors of justice to enforce the United States Criminal Code as it relates to narcotics. Why? Because he believes, as the Attorney General believes, that all of the Federal, local and State law enforcement officers as relates to narcotics is a local problem and should be enforced by local authorities. And if they have time to stop the prosecution of bank robbers and all of these things which they think is in the national interest and determine the priorities, they get their hands dirty in dealing with drug traffickers, then we have to thank them because our courts are backed up in the City and State of New York and the municipalities around the country, because they just don't have the space, the personnel, to prosecute these cases. And in many areas, if a drug trafficker is arrested, all he has to do is ask for a trial by jury and they know that that is not going to happen because they can't do it.

That is why it hurts us when mayors and police chiefs thought that for once the Federal Government recognized the plight they were in, where we heard pleas from our colleagues from the border States saying that they just have to give up, where we have had hearings where sheriffs have told us that they just weren't prepared to run for re-election and ask for an increase in property taxes just to pay for another big drug case. That it was just too expensive for them to prosecute and too expensive for them to tax people for narcotic cases, and they would just as well by not prosecuting them.

And so we do have something locked into place. We all compromised. We all worked together. We all said let's try for 225 million. Let's see whether it works. Police chiefs have gone out to recruit and district attorneys and judges and court officers really believe that we have given them a push in the right direction. And what do they find out from the Administration? That the money wasn't being used properly? That perhaps they need less money than they have, or perhaps they need more money? No. The Administration said, we told you not to do it. They signed it into law, but don't want it funded for next year.

I would be one embarrassed Congressman if I stood next to the President of the United States, encouraged these people to move forward in education, in rehabilitation, in treatment, in protecting our borders, in getting involved in eradication, and in giving support to the true people that are fighting in the trenches—and that is our local and State police officials and the law enforcement system—then after election when we return to the Congress to say we didn't mean it. We only meant it for the election year and for 1987 and you are on your own in 1988, and whatever commitments you made based on what the Congress and the President does, count us out.

I know this committee is not going to do that. And because I believe that we have not really reached that point as to what is needed, I have put back in H.R. 1411 \$675 million in 1988, and in 1989, and I hope that instead of resisting what we are doing that the Attorney General, the Secretary of State, and the Secretary of Health and Education will come and work with the Congress and show us how we can do it better. We just can't legislate this problem away. It takes a combination of government officials coming together and doing what they think is in the best interest of the country.

It is with great pleasure that I have Ben Gilman with me because what we have tried to do, I can't recall one partisan issue that we have had on this committee. Not just with us, but with any other members of the committee. We have tried to meet with the Administration. We have had hearings, we have invited them down and they have been too busy to testify. But the candor of Budget Director Miller should put us on notice that the Administration says that they signed the law but they really didn't want to do it, they really didn't mean it, and they hope that we will defund it.

[The statement of Mr. Rangel follows:]

TESTIMONY OF

HONORABLE CHARLES B. RANGEL
CHAIRMAN, SELECT COMMITTEE ON NARCOTICS ABUSE & CONTROL

ON SUBTITLE K, STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE,
OF PUBLIC LAW 99-570, ANTI-DRUG ABUSE ACT OF 1986
AND H.R. 1411, TO INCREASE FUNDING FOR STATE AND
LOCAL DRUG ENFORCEMENT

BEFORE THE

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME

APRIL 1, 1987

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE. I APPRECIATE THIS OPPORTUNITY TO TESTIFY REGARDING SUBTITLE K -- STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE -- OF PUBLIC LAW 99-570, THE ANTI-DRUG ABUSE ACT OF 1986 AND H.R. 1411, TO INCREASE THE SUMS AUTHORIZED FOR STATE AND LOCAL DRUG ENFORCEMENT IN FISCAL YEARS 1988 AND 1989.

MR. CHAIRMAN, BEFORE DISCUSSING THE SPECIFICS OF SUBTITLE K, I WANT TO EXPRESS MY GRATITUDE TO YOU FOR YOUR LEADERSHIP IN CRAFTING THE CRIMINAL LAW PROVISIONS OF THE ANTI-DRUG ABUSE ACT. THE ACT PROVIDES INCREASED PENALTIES FOR DRUG TRAFFICKING WITH MANDATORY MINIMUM SENTENCES OF 5 YEARS AND 10 YEARS FOR LARGE-SCALE DRUG TRAFFICKERS. IT PROVIDES FOR A MANDATORY MINIMUM FINE OF \$1,000 FOR A FIRST OFFENSE OF SIMPLE POSSESSION; A SECOND OFFENSE WILL RESULT IN A MANDATORY MINIMUM SENTENCE OF 15 DAYS IN JAIL AND A FINE OF \$2,500. THE ACT EXPANDS THE PERMISSIBLE USES OF THE ASSETS FORFEITURE FUND TO INCLUDE PROGRAM-RELATED AS WELL AS CASE-RELATED EXPENSES. IT PROVIDES BIGGER FINES AND LIFE IMPRISONMENT FOR MAJOR DRUG KINGPINS.

OTHER SIGNIFICANT CRIMINAL LAW PROVISIONS OF THE ACT CREATE A NEW FEDERAL CRIMINAL OFFENSE OF MONEY LAUNDERING, AND STRENGTHEN THE CURRENCY TRANSACTION REPORTING REQUIREMENTS; AND PROVIDE INCREASED AUTHORIZATION LEVELS FOR THE DEA, FBI, BUREAU OF PRISONS AND U.S. MARSHALS SERVICE.

MR. CHAIRMAN, AND MEMBERS OF THE SUBCOMMITTEE, THE ANTI-DRUG ABUSE ACT OF 1986 IS THE CONGRESSIONAL RESPONSE TO THE DEMANDS OF OUR CONSTITUENTS THAT WE DO SOMETHING TO CURB ESCALATING DRUG

USE AND ABUSE IN AMERICA. LEGISLATIVE EFFORTS IN THE CONGRESS PUSHED FORWARD, AND ON OCTOBER 27, 1986, THE ANTI-DRUG ABUSE ACT WAS SIGNED INTO LAW.

THE PASSAGE OF THE ANTI-DRUG ABUSE ACT OF 1986 GAVE MANY PEOPLE HOPE THAT THE SERIOUS PROBLEMS OF DRUG ABUSE AND DRUG TRAFFICKING WERE FINALLY GOING TO BE ADDRESSED WITH SUFFICIENT PERSONNEL AND MONETARY RESOURCES TO BEGIN TO MAKE A DIFFERENCE. WE IN THE CONGRESS, THOUGHT THAT WHEN PRESIDENT REAGAN SIGNED THE BILL, HE WAS MAKING A SERIOUS COMMITMENT TO JOIN IN THE FIGHT AGAINST DRUG ABUSE. MR. REAGAN STATED, "WELL, TODAY IT GIVES ME GREAT PLEASURE TO SIGN LEGISLATION THAT REFLECTS THE TOTAL COMMITMENT OF THE AMERICAN PEOPLE AND THEIR GOVERNMENT TO FIGHT THE EVIL OF DRUGS."

THE PRESIDENT ALSO STATED THAT, "THE AMERICAN PEOPLE WANT THEIR GOVERNMENT TO GET TOUGH AND GO ON THE OFFENSIVE AND THAT'S EXACTLY WHAT WE INTEND, WITH MORE FEROCITY THAN EVER BEFORE."

IN EARLY JANUARY, THE PRESIDENT'S FY 1988 BUDGET CAME UP TO CAPITOL HILL PROPOSING DEEP CUTS IN THE PROGRAMS JUST ENACTED ONLY TWO MONTHS EARLIER.

--THE STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE PROGRAM,
-- THE SUBJECT OF YOUR HEARING TODAY -- WHICH PROVIDES \$225
MILLION TO STATE AND LOCAL GOVERNMENTS FOR DRUG ENFORCEMENT

ACTIVITIES, IS ELIMINATED IN 1988. CONGRESS HAS AUTHORIZED THIS PROGRAM THROUGH 1989.

--FUNDS FOR DRUG ABUSE EDUCATION PROGRAMS ARE SLASHED IN HALF FROM \$200 MILLION IN 1987 AND \$100 MILLION IN 1988. THE 1988 REQUEST IS \$150 MILLION BELOW THE AMOUNT AUTHORIZED BY CONGRESS IN THE ANTI-DRUG ABUSE ACT. THIS PROGRAM, TOO, IS AUTHORIZED THROUGH 1989.

--NO ADDITIONAL FUNDS ARE REQUESTED FOR DRUG ABUSE TREATMENT IN 1988. FUNDS PROVIDED TO CARRY OUT THE EXPANDED TREATMENT INITIATIVES AUTHORIZED IN THE ANTI-DRUG ABUSE ACT WILL BE USED TO SUPPORT PROGRAMS IN BOTH 1987 AND 1988. THE ALCOHOL, DRUG ABUSE AND MENTAL HEALTH BLOCK GRANT IS FROZEN AT THE 1987 LEVEL (\$495 MILLION).

--A TOTAL OF 1998 POSITIONS ARE ELIMINATED FROM THE CUSTOMS SERVICE IN 1987 AND 1988, MORE THAN WIPING OUT THE GAINS CONGRESS INTENDED FOR THE CUSTOMS SERVICE IN THE DRUG LAW. THE 1988 REQUEST OF \$86 MILLION FOR THE CUSTOMS AIR PROGRAM -- A CRITICAL LINK IN OUR INTERDICTION EFFORT -- IS HALF OF THE 1987 FUNDING LEVEL OF \$171 MILLION. THE ADMINISTRATION PLANS TO DEFER UNTIL 1988 THE SPENDING OF \$32 MILLION PROVIDED FOR THE AIR INTERDICTION PROGRAM IN 1987. THESE PROPOSALS JEOPARDIZE THE DEVELOPMENT OF FACILITIES TO EFFECTIVELY COORDINATE INTERDICTION ACTIVITIES, THE DEPLOYMENT OF UPGRADED RADAR ON DRUG

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SURVEILLANCE AIRCRAFT, AND THE OPERATION OF AIRCRAFT TO TRACK AIRBORNE DRUG SMUGGLERS.

--AT \$98.8 MILLION, THE 1988 PROPOSED FUNDING LEVEL FOR INTERNATIONAL NARCOTICS CONTROL EFFORTS BY THE STATE DEPARTMENT'S BUREAU OF INTERNATIONAL NARCOTICS MATTERS IS NEARLY \$20 MILLION BELOW THE 1987 FUNDING PROVIDED BY CONGRESS.

I SHOULD NOTE THAT THE 1988 BUDGET DOES INCLUDE ABOUT \$70 MILLION IN INCREASES FOR FEDERAL DRUG LAW ENFORCEMENT.

MR. CHAIRMAN, THE SELECT COMMITTEE ON NARCOTICS ESTIMATES THAT IN 1986, 178 TONS OF COCAINE, 12 TONS OF HEROIN, AND BETWEEN 30,000 AND 60,000 TONS OF MARIJUANA ENTERED THE UNITED STATES, TO SATISFY THE DEMAND OF THE 25 MILLION PEOPLE WHO HAVE USED COCAINE, THE 50-60 MILLION AMERICANS WHO HAVE USED MARIJUANA, AND THE 600,000 HEROIN ADDICTS IN AMERICA.

ON MARCH 2, 1987, THE STATE DEPARTMENT RELEASED ITS YEARLY INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT (INCSR). THE REPORT POINTS TO EXPANDED PRODUCTION OF OPIUM, COCA, AND MARIJUANA WORLDWIDE. WE CAN EXPECT BUMPER CROPS OF ILLICIT SUBSTANCES IN EVERY ALMOST MAJOR DRUG PRODUCING COUNTRY IN 1987. IN SHORT, WE CAN EXPECT MORE DRUGS TO BE SMUGGLED INTO THE UNITED STATES THAN EVER BEFORE.

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THAT LEAVES IT UP TO INTERDICTION. HOWEVER, BEFORE THE SELECT COMMITTEE TWO WEEKS AGO CUSTOMS COMMISSIONER WILLIAM VON RAAB TESTIFIED THAT NOTWITHSTANDING ALL THE MONEY AND HIGH TECHNOLOGY EQUIPMENT WE HAVE ENLISTED IN OUR INTERDICTION EFFORTS, IT WILL BE A NUMBER OF YEARS BEFORE WE SEE ANY IMPACT OF THESE EFFORTS ON THE AVAILABILITY OF DRUGS ON OUR STREETS.

IN SHORT, THE RESPONSIBILITY TO PROTECT OUR COMMUNITIES AND CHILDREN FROM DRUGS WILL BE LEFT UP TO STATE AND LOCAL LAW ENFORCEMENT.

IN AN ATTEMPT TO CURTAIL THIS FLOOD OF DRUGS ACROSS OUR BORDERS, AND TO PROVIDE STATE AND LOCAL LAW ENFORCEMENT PERSONNEL ADEQUATE MANPOWER AND RESOURCES TO CONTROL THE PROBLEM, I INTRODUCED H.R. 5990, THE STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE ACT IN 1984. I REINTRODUCED THIS LEGISLATION AS H.R. 526 IN THE 99TH CONGRESS. IN HEARINGS ACROSS THE COUNTRY SINCE 1983, LAW ENFORCEMENT OFFICIALS, PARTICULARLY THOSE ALONG THE BORDER TOLD THE SELECT COMMITTEE ON NARCOTICS, THAT THERE WAS NO WAY THEY COULD POSSIBLY FIGHT AN INTERNATIONAL PROBLEM WITH THEIR LIMITED FINANCIAL RESOURCES. THEY ALSO ADVOCATED THAT GREATER EMPHASIS BE PLACED ON DRUG ABUSE EDUCATION TO DISCOURAGE PEOPLE FROM USING DRUGS.

FOR EXAMPLE, MR. ANDY VEGA, CHIEF OF POLICE, IN BROWNSVILLE, TEXAS TESTIFIED IN DECEMBER 1983, "BECAUSE OF OUR CURRENT

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ECONOMIC SITUATION, WE HAVE NOT BEEN ABLE TO HIRE ADDITIONAL PERSONNEL TO REINFORCE THE RANKS AND ADEQUATELY SERVE THE DAY-TO-DAY ACTIVITIES OF POLICE SERVICE, MUCH LESS TO IMPLEMENT A SPECIALIZED, ADEQUATELY MANNED, AND FULLY EQUIPPED NARCOTICS ENFORCEMENT UNIT." I AM SAD TO TELL YOU, THAT THE SITUATION HAS NOT IMPROVED ANY OVER THE LAST FOUR YEARS. JUST LAST WEEK OUR COLLEAGUE FROM CORPUS CHRISTI, CONGRESSMAN SOLOMON ORTIZ, PLEADED WITH JAMES C. MILLER, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET AT A SELECT COMMITTEE HEARING, TO MAKE ADDITIONAL FUNDS AVAILABLE TO ECONOMICALLY HARD-PRESSED BORDER COMMUNITIES LIKE BROWNSVILLE. HE TOLD MR. MILLER THAT THE DECLINE IN OIL PRICES HAD HAD A SEVERE ADVERSE IMPACT ON THE ECONOMY OF THE STATE OF TEXAS, AND CONSEQUENTLY THERE WERE VERY LIMITED FUNDS TO PAY FOR NARCOTICS LAW ENFORCEMENT. MR. MILLER'S RESPONSE WAS THAT PRESIDENT REAGAN HAD ALWAYS OPPOSED THE PROGRAM OF STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE AND, THEREFORE, IT IS NOT SURPRISING THAT HE SHOULD RECOMMEND CUTTING OUT THIS PROGRAM, AT THE FIRST OPPORTUNITY, IN HIS FY 1988 BUDGET.

MR. CHAIRMAN, I TRIED TO BE REASONABLE DURING THE DELIBERATIONS WHICH LED TO THE PASSAGE OF THE ANTI-DRUG ABUSE ACT. I RECOGNIZE THAT THERE IS A BUDGET CRISIS, AND I AGREED TO ACCEPT A SPENDING LEVEL OF \$230 MILLION EACH YEAR FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS FOR NARCOTICS LAW ENFORCEMENT ASSISTANCE, EVEN THOUGH I BELIEVE STRONGLY THAT THIS AMOUNT OF MONEY IS INADEQUATE TO DO THE JOB.

HOWEVER, NOW THAT IT IS CONCEDED BY THE ADMINISTRATION THAT OUR NATION'S DRUG PROBLEM WILL GROW FAR WORSE BEFORE IT IMPROVES AND NOW THAT IT HAS BECOME CLEAR THAT PRESIDENT REAGAN DOES NOT INTEND TO SPEND THE MONEY AUTHORIZED BY THE CONGRESS FOR STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE, I, ALONG WITH MR. GILMAN, THE SELECT COMMITTEE'S RANKING MINORITY MEMBER, INTRODUCED H.R. 1411 ON MARCH 4, 1987. THIS BILL WOULD PROVIDE \$675 MILLION FOR STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE PROGRAMS. THE DISCRETIONARY PORTION OF THIS MONEY WOULD BE CAPPED AT \$50 MILLION. THIS WILL BRING THE AMOUNT OF FUNDING TO STATE AND LOCAL LAW ENFORCEMENT UP TO \$625 MILLION, THE LEVEL ORIGINALLY PROPOSED IN H.R. 526 AND OVERWHELMINGLY SUPPORTED BY THE HOUSE IN MY AMENDMENT DURING OUR INITIAL CONSIDERATION OF THE OMNIBUS DRUG BILL LAST SEPTEMBER.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, THE DRUG PROBLEM IS NOT GETTING ANY BETTER. SINCE NARCOTICS TRAFFICKING IS AN INTERNATIONAL PROBLEM, THE FEDERAL GOVERNMENT HAS A RESPONSIBILITY TO THE STATES AND LOCALITIES OF THIS COUNTRY TO PROVIDE ADEQUATE RESOURCES TO COMBAT THE PROBLEM. THERE IS NO EASY ANSWER TO THE PROBLEM OF INTERNATIONAL NARCOTICS TRAFFICKING. PASSAGE OF H.R. 1411 WILL NOT SOLVE THE DRUG PROBLEM, BUT IT IS A SIGNIFICANT STEP IN THE RIGHT DIRECTION. IT WILL GIVE OUR STATE AND LOCAL DRUG ENFORCEMENT OFFICIALS THE RESOURCES THEY WILL NEED TO HAVE ADDITIONAL PERSONNEL, TO EXPAND PROSECUTORIAL AND CORRECTIONAL RESOURCES, AND TO MORE SWIFTLY AND EFFECTIVELY

PROVIDE FOR THE ADJUDICATION OF DRUG OFFENDERS. I URGE YOU, THE MEMBERS OF THE SUBCOMMITTEE, TO ORDER H.R. 1411 REPORTED TO THE FULL JUDICIARY COMMITTEE AS SOON AS POSSIBLE. THERE IS STRONG SUPPORT IN THE CONGRESS AS A WHOLE FOR THIS MEASURE.

A YOU CONTINUE YOUR OVERSIGHT OF THE IMPLEMENTATION OF THE STATE AND LOCAL GRANT PROGRAM THERE IS AN ISSUE I URGE THE SUBCOMMITTEE TO EXAMINE. THIS IS THE "PASS THROUGH" OF FUNDS APPROPRIATED UNDER THE BILL TO UNITS OF LOCAL GOVERNMENT. THE PASS THROUGH IS DETERMINED BY THE AMOUNT OF CRIMINAL JUSTICE SPENDING BY UNITS OF LOCAL GOVERNMENTS IN PROPORTION TO THE TOTAL CRIMINAL JUSTICE EXPENDITURES BY A STATE AND THE UNITS OF LOCAL GOVERNMENT IN THE STATE. APPARENTLY THE DEPARTMENT OF JUSTICE HAS INTERPRETED THE LANGUAGE OF THE BILL AS GIVING STATES THE DISCRETION TO DECIDE WHICH UNITS OF LOCAL GOVERNMENT WILL RECEIVE FUNDING UNDER THE STATE PLAN. MANY LOCALITIES HAVE TOLD THE SELECT COMMITTEE THAT WITH THIS INTERPRETATION THEY MAY BE DENIED THEIR EQUITABLE SHARE OF FUNDS. I HAVE WRITTEN THE ATTORNEY GENERAL ABOUT THIS CONCERN AND AGAIN URGE YOU TO LOOK AT THIS ISSUE.

THANK YOU FOR PERMITTING ME TO TESTIFY BEFORE YOU. I AM READY TO ANSWER ANY QUESTIONS MEMBERS OF THE SUBCOMMITTEE MAY HAVE.

Mr. RANGEL. Mr. Gilman.

Mr. HUGHES. Welcome, Ben. You are a great partner to Charley Rangel in the Select Committee, and we are delighted to have you before the subcommittee once again.

We have your statement, which without objection will be made a part of the record, and you may proceed.

STATEMENT OF HON. BENJAMIN A. GILMAN

Mr. GILMAN. Thank you, Mr. Chairman. I will try to be brief.

I want to thank the subcommittee for the opportunity to appear before you on this important measure. And I thank you, Mr. Chairman, and the members of the subcommittee, for your involvement, in our battle against narcotics.

We were elated last year when we were able to pass the Omnibus Anti-Drug Abuse Act of 1986 with substantial support from both sides of the aisle and the leadership of both sides of the aisle. We thought that we were moving in the right direction. We certainly were moving in the right direction. And then to come into the new congress and find that our Office of Management and Budget has tried to whittle down the important aspects of this measure is extremely disturbing.

As we have gone out to other areas, and our good chairman, Chairman Rangel, has indicated what we found in Colombia recently, an appalling situation where an entire nation is held hostage to the narcotics trafficking. Hostage to it. The judiciary is afraid to move. It has been intimidated by the ruthless acts of the narcotics traffickers that have assassinated some 30 judges in the highest court. Chairman Rangel and I stood in front of the Palace of Justice, the highest court of the land, in Bogota, Colombia, and looked at a burned out building where the troops had to go in with a tank to get the narco-terrorists out of that building. We just thought to ourselves, what would this be like if they had to do this to our Supreme Court.

And yet, here was a country that could have avoided this situation had it started fighting the battle sooner, but instead it buried its head in the sand. The narco-terrorists killed the Minister of Justice who was trying to rid the country of the problem and, as the chairman indicated, they almost assassinated a former Minister of Justice who was sent to in Hungary as Colombia's Ambassador to that nation for safekeeping. The drug traffickers tracked him down in Hungary and tried to kill him in cold blood. They also assassinated Colombia's chief narcotics eradicator, a dedicated colonel, Colonel Ramirez, who was trying to rid the country of this problem.

I point this out because it is indicative of what can happen if we don't stand up and do battle and do it early enough. When I see the kind of funding that we had recommended to local law enforcement agencies who after all are out on the front lines of this battlefield being chopped down to nothing, and then eliminating the funding and making it a one-year infusion of money instead of giving them some long range opportunities to do some planning and do the kinds of things we expect them to do in battling narcot-

ics, I am distressed, and I am sure that members of this subcommittee will recognize that.

Our local district attorney in one of my own counties, in commenting on the \$11.5 million available statewide in New York State under the Omnibus Narcotics Control Act for local law enforcement, said:

So far the money we are talking about is minuscule and we are looking at peanuts, perhaps \$5,000 or \$6,000 for our county. When you are talking about dividing \$11.5 million amongst some 62 counties, we are not going to get the kind of funds we need.

And he said:

For example, the county has only \$50,000 available to buy drugs to make cases against dealers. With cocaine going for \$2,500 an ounce, that is just not going to go very far.

If we expect the troops on the front line to do something, we can't have them fight a war with a noodle. We have got to give them some equipment, some manpower and the resources to do battle, and that is why we are here today to urge and plead with you to try to help restore the funding through this measure for our local law enforcement people. It is a war we are fighting and we can't do it without the resources.

Thank you, Mr. Chairman.

Mr. HUGHES. Thank you, Ben.

[The statement of Mr. Gilman follows:]

STATEMENT OF THE

HONORABLE BENJAMIN A. GILMAN
22D DISTRICT, NEW YORK

AT THE HEARING OF THE
HOUSE JUDICIARY SUBCOMMITTEE ON CRIME

ON STATE AND LOCAL
NARCOTICS ASSISTANCE PROGRAMS

APRIL 1, 1987

THANK YOU, MR. CHAIRMAN. AS THE RANKING MINORITY MEMBER OF OUR NARCOTICS SELECT COMMITTEE, I WANT TO COMMEND YOU AND THE DISTINGUISHED MEMBERS OF THE HOUSE JUDICIARY SUBCOMMITTEE ON CRIME, SOME OF WHOM ARE ALSO MEMBERS OF OUR SELECT COMMITTEE, FOR HOLDING THIS IMPORTANT HEARING ON STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE, AND ALSO ON H.R. 1411, A MEASURE CHAIRMAN RANGEL AND I INTRODUCED, THAT WOULD AUTHORIZE AN INCREASE IN FUNDS FOR DRUG LAW ENFORCEMENT PROGRAMS FROM \$230 MILLION PER YEAR FOR FISCAL YEARS 1988 AND 1989 TO \$675 MILLION PER YEAR FOR THOSE YEARS.

THE INCREASE FOR THOSE PROGRAMS IS SIMILAR TO THE AMOUNTS THAT CHAIRMAN RANGEL AND I, ALONG WITH NUMEROUS COSPONSORS, PROPOSED IN H.R. 526 DURING THE 99TH CONGRESS, WHICH WOULD HAVE AUTHORIZED \$625 MILLION PER YEAR FOR FISCAL YEARS 1986 THROUGH 1990. THE ADDITIONAL \$50 MILLION IN H.R. 1411 IS INTENDED TO PRESERVE THE DISCRETIONARY GRANTS ADMINISTERED BY THE DEPARTMENT OF JUSTICE THAT WERE AUTHORIZED UNDER THE RECENTLY ENACTED PUBLIC LAW 99-570, THE ANTI-DRUG ABUSE ACT OF 1986.

AS YOU KNOW, MR. CHAIRMAN, THE OMNIBUS DRUG ACT OF 1986 AUTHORIZES \$230 MILLION PER YEAR FOR THE STATE AND LOCAL NARCOTICS ASSISTANCE PROGRAMS FOR FISCAL YEARS 1987-89; \$225 MILLION HAS ALREADY BEEN APPROPRIATED UNDER THE CONTINUING RESOLUTION ENACTED LAST YEAR. REGRETTABLY, THE ADMINISTRATION HAS ELIMINATED THIS PROGRAM IN ITS PROPOSED DRUG BUDGET FOR FY 1988. INDEED, IT DRASTICALLY REDUCES FEDERAL ASSISTANCE TO THE STATES TO SUPPLEMENT THEIR DRUG LAW ENFORCEMENT, PREVENTION, TREATMENT, EDUCATION AND REHABILITATION PROGRAMS BY \$900 MILLION.

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CONTRARY TO THE ADMINISTRATION'S VIEW THAT THIS ASSISTANCE IS A ONE-TIME INFUSION OF FEDERAL FUNDS, COMBATTING NARCOTICS TRAFFICKING AND DRUG ABUSE IS A CONSTANT BATTLE, ONE THAT WILL NOT GO AWAY TODAY, TOMORROW OR NEXT YEAR. RATHER, IT IS A NEVER-ENDING STRUGGLE THAT WILL REQUIRE CONTINUOUS RESOURCES, PERSONNEL, EQUIPMENT AND FUNDS TO COMBAT THE ESTIMATED \$130 BILLION UNTAXED DRUG TRAFFICKING EMPIRE THAT EXISTS JUST IN THE UNITED STATES.

WHEN THE CONGRESS ENACTED THE OMNIBUS DRUG ACT DURING THE CLOSING DAYS OF 1986, IT WAS NOT OUR INTENT TO LIMIT THIS ASSISTANCE TO A ONE-SHOT FEDERAL COMMITMENT.

THE ADMINISTRATION SEEMS TO BELIEVE THAT ONCE WE PROVIDE FUNDS FOR EQUIPMENT FOR ONE YEAR TO OUR LAW ENFORCEMENT OFFICIALS, TO OUR EDUCATORS AND TO OUR TREATMENT SPECIALISTS, THAT THAT ENDS THE FEDERAL COMMITMENT FOR FUTURE OPERATIONS. BUT EQUIPMENT BREAKS DOWN; IT NEEDS TO BE REPAIRED, MAINTAINED AND REPLACED. STATE AND LOCAL DRUG LAW ENFORCEMENT OFFICIALS, PREVENTION AND TREATMENT OFFICIALS NEED TO PLAN AN ONGOING STRATEGY TO SUPPLEMENT THEIR OWN PROGRAMS.

A ONE-TIME INFUSION OF FEDERAL FUNDS DOES NOT PERMIT SUCH PLANNING. THIS IS A COMPLAINT THAT WITNESS AFTER WITNESS REPRESENTING STATE AND LOCAL AGENCIES TESTIFIED TO AT A SERIES OF HEARINGS RECENTLY CONDUCTED BY OUR NARCOTICS SELECT COMMITTEE.

UNDER THE CURRENT LAW, OF THE \$225 MILLION APPROPRIATED FOR FY '87, APPROXIMATELY 80%, OR \$178.4 MILLION WOULD BE ALLOCATED TO THE STATES IN GRANTS TO SUPPLEMENT THEIR DRUG LAW ENFORCEMENT PROGRAMS. THIS SOUNDS LIKE A LOT OF MONEY, BUT WHEN DIVIDED UP AMONG THE 50 STATES ON THE BASIS OF POPULATION, THE AMOUNTS INVOLVED ARE QUITE SMALL AND REQUIRE INTENSE COMPETITION AMONG CITY AND COUNTY JURISDICTIONS FOR LOCAL ALLOTMENTS.

MR. CHAIRMAN, IF WE ARE TRULY SERIOUS ABOUT WAGING WAR AGAINST DRUG TRAFFICKING AND DRUG ABUSE, THEN WE MUST ASSIST, THROUGH SUPPLEMENTAL GRANTS, OUR STATE AND LOCAL COMMUNITIES IN A JOINT EFFORT TO COMBAT THIS DEADLY MENACE THAT IS JEOPARDIZING THE HEALTH OF OUR CITIZENS AND DESTROYING OUR SOCIETAL INSTITUTIONS. THAT IS WHY CHAIRMAN RANGEL AND I HAVE ESSENTIALLY RE-INTRODUCED H.R. 526 IN THE FORM OF H.R. 1411-- TO HELP PROVIDE THE RESOURCES TO WIN THE WAR.

AT A TIME WHEN DRUG LAW ENFORCEMENT OFFICIALS ARE SEIZING RECORD AMOUNTS OF HEROIN, COCAINE, AND MARIJUANA BY THE PLANE LOAD AND BY THE BOAT LOAD, WHEN MORE AND MORE OF OUR CITIZENS ARE BECOMING ADDICTED OR HAVE SUCCEDED TO THESE DEADLY DRUGS, AND WHEN THE STATE DEPARTMENT'S RECENTLY RELEASED INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT INDICATES BUMPER PRODUCTION OF ILLICIT DRUGS, NOW IS DEFINITELY NOT THE TIME FOR OUR NATION TO CUT BACK ON THE URGENTLY NEEDED RESOURCES TO WAGE WAR ON DRUGS.

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TO THE CONTRARY, WE URGENTLY NEED A COMPREHENSIVE, COORDINATED DRUG STRATEGY, BACKED BY RESOURCES, PERSONNEL, EQUIPMENT AND FUNDS TO ERADICATE THE ILLICIT PRODUCTION OF DRUGS AT THEIR SOURCES, TO INTERDICT THE FLOW OF THESE DEADLY SUBSTANCES THAT ARE FLOODING INTO OUR CITIES, TOWNS AND SCHOOLS, TO EDUCATE OUR CITIZENS ON THE DANGERS OF DRUG TRAFFICKING AND DRUG ABUSE, AND TO TREAT AND REHABILITATE THOSE INDIVIDUALS WHO HAVE BECOME ADDICTED TO DRUGS.

MR. CHAIRMAN, THAT WAS THE INTENT OF CONGRESS WHEN LAST YEAR, WE OVERWHELMINGLY AND IN A BIPARTISAN SPIRIT ENACTED THE ANTI-DRUG ABUSE ACT OF 1986. UNFORTUNATELY, THE ADMINISTRATION'S PROPOSED BUDGET FOR FISCAL YEAR 1988, WITH ITS MASSIVE \$900 MILLION CUT FOR FEDERAL DRUG-RELATED GRANTS TO SUPPLEMENT STATE PROGRAMS, SENDS THE WRONG MESSAGE TO OUR CITIZENS, TO OUR FOREIGN ALLIES, AND, MOST IMPORTANTLY, TO THE DRUG TRAFFICKERS. THE MESSAGE IS: THAT OUR NATION IS NOT SERIOUSLY COMMITTED TO WAGING WAR AGAINST DRUG TRAFFICKING AND ABUSE.

AS A SENIOR MEMBER OF OUR FOREIGN AFFAIRS COMMITTEE, I CAN ALSO ASSURE THIS DISTINGUISHED SUBCOMMITTEE THAT IT IS TOTALLY UNREALISTIC FOR OUR GOVERNMENT TO URGE FOREIGN GOVERNMENT OFFICIALS BOTH HERE AND ABROAD TO DO MORE TO COMBAT THE DRUG TRAFFICKERS WHEN, UNDER THE ADMINISTRATION'S PROPOSAL, WE WOULD BE DOING LESS, ESPECIALLY IN THE AREAS OF LAW ENFORCEMENT, PREVENTION, EDUCATION, TREATMENT AND REHABILITATION.

WINNING THE WAR ON DRUG TRAFFICKING AND DRUG ABUSE IS A FEDERAL RESPONSIBILITY BECAUSE THE PROBLEM IS INTRICATELY TIED TO AN ILLICIT, INTERNATIONAL UNDERGROUND ACTIVITY, TO THE HEALTH OF CITIZENS EVERYWHERE, AND TO THE PRESERVATION OF OUR SOCIETAL INSTITUTIONS. THE SUBJECT MATTER IS FEDERAL; THE PROBLEM IS GLOBAL AND OUR STATE AND LOCAL COMMUNITIES NEED FEDERAL ASSISTANCE TO DO THEIR PART.

IF WE ARE TRULY SERIOUS ABOUT WINNING THIS WAR AGAINST DRUGS, THEN WAGING IT REQUIRES A TRUE PARTNERSHIP BETWEEN OUR FEDERAL GOVERNMENT AND OUR STATE AND LOCAL COMMUNITIES. IN THIS REGARD, MR. CHAIRMAN, WE HAVE LITTLE TIME TO WASTE.

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Mr. HUGHES. The Department of Justice has indicated that its sharing program under the forfeiture laws is a substitute for subtitle (k) of the Anti-Drug Abuse Act. Basically, as you know, sharing of assets only involves law enforcement agencies in their apprehension role. There are five other programs and purposes under the Grants for Law Enforcement program: prosecution, adjudication, detention, eradication and rehabilitation—are the five others.

Do you think that we can, in fact, expect that the sharing program, which has seen \$42 million over 2½ years shared with local law enforcement agencies—I think about \$18 million of that went to California alone—is adequate to the task?

Mr. RANGEL. I think it is a gimmick that our budgetary deficits have pushed us into, but I don't see how we could feel proud as legislators that we are telling law enforcement officials that their budgets and other budgets related to this are going to be dependent on the effectiveness in confiscating the assets of drug traffickers. I just hate to believe that a guy can look forward to his pay increase or whether he is going to have a vehicle to work in or whether he is going to get new equipment based on how much property he is able to confiscate from wrongdoers.

In any event, we went along with it, and anything else that we can come up with in order to fund some of these programs. But it would seem to me that our proudest hour would occur when the Federal Government and the United States Congress is prepared to pay for the weapons and the resources that are necessary in order to fight this war. Whatever they get in the course of being successful in it I think should go to the treasury, but I certainly don't believe that the success of this program should be in any way dependent on the amount of property that is confiscated.

Mr. HUGHES. I think Ben made the point, and it is an excellent point, that many of the New York counties were complaining that \$11 million for New York spread around—what?

Mr. GILMAN. Sixty-two counties.

Mr. HUGHES. Sixty-two counties—is a minuscule amount. You can imagine what \$42 million over two years among all the counties throughout the entire country is going to mean. I am not sure, you know, what you do with that kind of money. It would be so little involved to be spread around the country. You are talking in terms of \$21 million a year.

Mr. RANGEL. Mr. Chairman, I think our problem is how do we persuade the Administration that the epidemic that is sweeping America that is based primarily on drugs that are grown and manufactured and processed outside the United States, that the enforcement of the laws relating to that is not basically a local and State problem. I think that is what the ranking member has raised as something that we have to review.

I tell you that by no stretch of my imagination can I go and tell local policemen that the cocaine and the opium that is on their streets is a problem that is restricted to local and State law enforcement. When I say restricted to, I mean because there is no Federal presence on our streets throughout the United States of any Federal officials—FBI, notwithstanding.

Mr. HUGHES. You know, one of the things that you would have us do in H.R. 1411 is increase the funding level from 225 million to

675 million. Maybe you can tell me how we could persuade an Administration that doesn't want to spend 225 million, how we could increase that to 675 million.

Mr. RANGEL. Mr. Chairman, we went into this in a spirit of compromise. We thought that having the President onboard, not to make it a political thing that we were doing but making it a partnership where we could tell the police chiefs: Look, we don't know truly what your needs are but this is what we are starting off with. Make certain that you make the Congress look good. Report back what you are doing, how effective it is, what kind of equipment you need, the cooperation you are getting from DEA and the FBI, and then we will review it next year.

But what is the sense of compromising from our initial legislation if the Administration is saying I don't believe that you should get a nickel for local and State narcotics enforcement efforts. I don't even believe you should have pilot projects for local and State. So if the Administration is saying that, and they have, we are coming back to the bargaining table saying that in listening to our judges, our district attorneys, our court officers, our police in counties, in States and the cities, they are saying that they are facing an overwhelming battle and that they need to be geared up for war. We believe that this sounds like war. This sounds like a wartime budget.

Mr. HUGHES. As you know, we have been endeavoring to get the Office of Management and Budget to free up \$1.7 million for the diversion program that was funded.

Mr. RANGEL. Exactly.

Mr. HUGHES. \$1.7 million. The diversion problem is a major problem in this country although you don't hear very much about it. It doesn't have the same sex appeal as trafficking in heroin and cocaine, but the Dawn reports show very clearly that is where the overdosing is taking place. There are more incidents reported by the emergency rooms as a result of diversion of legitimate drugs than of illegal drugs. At the present time we can't even get them to spend the money when it is appropriated, when we tell them the law is that we spend the money.

We have the capability of moving diversion teams around the country after we have identified the area where we have major diversion problems. We are not doing it because we don't have resources. So even when we appropriate the money, even when it is authorized and the law says it is to be spent, it is not being spent by OMB.

Mr. GILMAN. Mr. Chairman, whenever we are confronted with a natural disaster whether it be here at home or abroad, we rise to that occasion. The President has declared this to be a national security threat. It is an emergency problem, and we should approach it in that manner. It is not an ordinary budgetary request; it is an emergency budgetary request, and that is why I hope that we can once again put the force of the Congress behind emphasizing the importance of this measure.

Mr. HUGHES. Well, thank you. You have helped do that. And I appreciate your testimony and commend you for it.

The gentleman from Florida?

Mr. McCOLLUM. Thank you, Mr. Chairman.

I don't think there is any question but that all of us involved in this, including the President, realize that this is a national, indeed, an international, problem. I think the gentleman from New York would agree with me that this problem requires many multifaceted approaches. That is what the omnibus drug bill was really all about. It requires our fighting the production of these various sources of opium and crack and cocaine and so on at the source. It requires our cooperation with the foreign governments. It requires our beefing up interdiction at every level we can. It requires our getting tough in law enforcement here. And on down the list, you can name one after another, and 90 percent of that, until you get down to the street, is definitely a Federal problem, and Federal money and Federal resources are going into it.

I agree that local law enforcement needs every bit of Federal assistance we can give them in this because they have got plenty other crimes to fight, too. But the problem I have, and I had it when we marked up that omnibus bill, the part of it I had in the Judiciary Committee, was with the fact that we were and still are shortchanging severely some Federal aspects of the money and the programs that we need to fight the narcotics trafficking.

For example, we requested and had to fight very hard to get into the bill money for eight new Federal prisons. We are very, very short on Federal prisons once we get anybody convicted. As you gentlemen probably are aware, in the committee some of us proposed initially actually taking that money out of this program to build the Federal prisons because we thought it was a higher priority and we didn't think we could win the money for the eight new Federal prisons.

As it turns out, we went along ultimately and the House passed a bill which put the full funding in for the program for local law enforcement that you have got and the eight Federal prisons, but when it all came out with the Senate and so forth we only got two Federal prisons, and we did get the money for local law enforcement. We were shy six Federal prisons.

Now we see with the new budget and we also saw at that time problems in the old budget with the U.S. Attorneys. We don't have enough attorneys to prosecute at the Federal level the Federal crimes and the Federal involvement which is where most of our attention has to be first directed. And in fact, in the budget that Chairman Rodino submitted there is \$55 million less for U.S. Attorneys than the Justice Department requested. Now I don't really agree with that, and we have discussed it and debated it in our committee, but nonetheless, that is the case.

In fact, there is \$190 million less for the FBI, and while its role may not be the same as DEA, it certainly plays a law enforcement role and hopefully would play a greater law enforcement role in the fighting of the war on drugs.

The bottom line of what I am saying is this. I don't have any problem personally with giving more money and giving certainly the 225 million each year as we said to local law enforcement. But I personally believe deeply that we have a first line commitment to building more prisons, to getting more attorneys in the U.S. Attorneys Office, to getting more of our own programs beefed up. And if

I am having to make a choice, I am going to make the choice first there.

Now, having said that, I would rather not make that choice. I think you gentlemen would agree that it would not be a good choice to have to make. What I would like to know, and I am going to ask this in the form of a question, is do you believe that we can get all of this? Can we get the six or eight new prisons we didn't get before? Can we get more money for the U.S. Attorneys? Can we get more money for FBI and get the law enforcement assistance money, or do you think we have to make a choice? And if we make that choice, would you make it in favor of the local law enforcement assistance monies that you are urging on us instead of the new prisons and instead of more money for U.S. Attorneys?

What are your views, Mr. Gilman? And, Mr. Rangel?

Mr. RANGEL. You know, if some foreign force had attacked my community and then I came before a congressional committee and they were asking me whether or not I was going to decide between local hospitals or Federal hospitals, I would say, quite frankly, I would not care whether they were Federal or local. That is not a decision that we have to make. If I had that choice and there was a Federal commitment, as a former U.S. prosecutor I would say it is a Federal problem, I opt for Federal jurisdiction. But that is not the case.

Each and every time—you are talking about Federal prisons. We had to push the Federal Government to increase the number of DEA agents, and the presence of DEA agents in enforcing the law in the City and State of New York and other major cities is just not there. The local police are stuck there. They are the ones that are being shot by Colombians and by nationals from the Dominican Republics in my district, not any DEA agents or FBI agents or Customs agents. And so what I am saying is that if I thought for one minute, as a former U.S. Attorney, that every drug trafficker would know that somewhere in the community would be some undercover people with Federal funds buying, infiltrating, wiping out these people, you bet your life I opt where I make a living, in the Federal domain.

If I thought for a minute that there was a fight between the U.S. Attorneys Office and all the DAs, and them saying that is my case, we grabbed this guy first and we are running him through my process, I would opt for the Federal system. But what do we find in the Federal system? Requests for cutbacks in Federal authority, not for additional funds.

Mr. McCOLLUM. Charley, let me correct the record, because what came up at Judiciary Committee were requests for additional funds for U.S. Attorneys and prisons and for the FBI.

Mr. RANGEL. For the first time.

Mr. McCOLLUM. Well, it is up here this time in this particular budget. I just want to be sure the record is clear on it, please.

Mr. RANGEL. Well, I am saying that the number of troops that are necessary to fight this war that is brought upon us by outside foreign sources should not be a battle between the decisions that we make as to who is going to be on the front lines. Whether we like it or not, we are not going to have any Federal police force,

and this battle has to be fought in the cities, in the towns, in the villages around this country.

Mr. McCOLLUM. And you would opt for the local law enforcement money over more money for U.S. Attorneys or Federal prisons or whatever?

Mr. RANGEL. I don't have to make that choice. If the President has declared war and said that it is a threat to our national security, am I going to tell my local police who I rely on for the protection of my life and property that I am going to wait for the DEA to come into my block to enforce the Federal law?

Mr. McCOLLUM. I would rather not, either, but I think we are going to have to.

Mr. RANGEL. Well, I would tell you one thing. I don't think that this Congress is going to make that choice. I think we will fund both.

Mr. GILMAN. May I respond, also?

Mr. McCOLLUM. Sure. Please.

Mr. GILMAN. I think we are neglecting to remind ourselves that we spent a great deal of time last year, 12 or so committees help draft the omnibus drug act, and we put the best of thinking of the entire House behind this bill, and we recognized, just as you have indicated, that this battle has to be fought on five fronts: getting to the source, interdicting the supply, enforcing our criminal penalties, reducing demand through education and taking care of the victims through rehabilitation. After doing all of that and having the President commit himself, to have OMB decimate this program is abominable, and I don't think we should be choosing any portion of it but let us get back to the initial intent of this bill, namely, to provide the kind of funding that is so sorely needed in every facet of this battlefield. You can't have just one division supplied and let the rest of them go down the drain. We have to fight the battle on all five fronts. The minute you weaken any portion of that, you are weakening your position and we are losing the war.

We have to come back to OMB and say this is extremely important, our President said it is a national security, this is what the Congress has found to be the most important elements of that fight, and if you are going to mean what you say, then let us fund the battle.

Mr. RANGEL. Let me make it clear that OMB has not said to my committee or anyone that we can do a better job in the Federal Government so that is why we are not funding these programs. They have never indicated that they want to expand their thrust in this area. They have basically said that they don't see a Federal role in giving assistance to local and State law enforcement. That is entirely different from the question that you presented to us.

Mr. McCOLLUM. Well, I haven't heard them say directly what you are saying, either, Charley. I don't know that they have made a very clear statement. But my implication, what I am reading into what they are saying is a little different than the angle you are reading into it. It is just a matter of interpretation.

I am reading into it they are saying we have got certain priorities first. We are going to get X number of dollars to go out to the justice area and so much to go into the war on drugs, and we think the priorities in that X number of dollars have to be for Federal

prisons, Federal U.S. Attorneys, Federal judges, and so on, to do the Federal role. Then when we look at it, we don't have enough money to do that and the other. I haven't heard them say we don't want to do the other at all. I have just heard them say we don't have enough money.

Now you and I would like to see them have more money to do all of that, but so far all I was discussing with you was the fact that last time, even though we did it in the House, it didn't work in the final bill, even with our compatriots in the other body.

Mr. Chairman, my time is up. Thank you

Mr. HUGHES. Thank you.

I just wanted to state for the record before I recognize the gentleman from Ohio that when we marked up this section of title I of the anti-drug bill we recognized that we were creating more Federal task force operations—Federal, State and local task force operations, and a portion of this local assistance money was to be used for local enforcement agencies to participate in the task force operations. They go hand in hand. You can't say we are going to create more task force operations and expect local law enforcement to put more law enforcement in those task force operations and not provide the resources for them to do that. That was part of the grand scheme within title I.

The chair recognizes the gentleman from Ohio.

Mr. FEIGHAN. Thank you, Mr. Chairman. I think the testimony and the exchange that we have had over the past half hour or 40 minutes have been extremely valuable, particularly because it comes from the two most vocal and most passionate spokesmen in the entire Congress, the leaders before us of the Select Committee on Narcotics.

I think the choices that we have to be making, as I think both the gentlemen testifying have indicated, are not simply the choices between local law enforcement assistance and prosecutors and prisons but are choices that have to be made in the context of the entire set of Federal resources. I think that the analogy of this being a condition of war that Congressman Rangel makes is a very valid analogy, and I think the resources that we should be looking at to engage in that war successfully are not resources that are limited today to the budget of the Justice Department, but that we should be looking at other sources of Federal revenue and I would go so far as to say exchanges of other sources of Federal expenditures even today.

I think your testimony, Charley, has been exceptionally valuable in pointing out the, as you say, hypocrisy—I would go further and say the duplicity—of the Administration in recent months in its posturing on Federal assistance in narcotics abuse. I think it has been one of the more outrageous moments of this Administration.

One of the dimensions of the local law enforcement drug assistance provisions of the legislation last year that you had initiated attempted to stimulate more investment from local and State governments. I think the fund last year required a 25 percent State and local match to lock into this \$225 million fund on an annual basis. The only question I have before you today is whether or not your proposal this year would continue that match at some level, and if you see local and State governments having the resources to

meet the demands of that match, and what values there are in us requiring that contribution.

Mr. RANGEL. I think it is important to do so that we are not substituting local and State commitment with new Federal funds. If it is not in that bill, certainly I would want it there. And of course, I hope that the local people will clearly, and I am thinking of Congressman's Ortiz's district, Brownsville, which is on the border, where a case can be made that the town is going bankrupt as a result of all of their resources, that special considerations could be made for those type of economic distress situations which he is going through, or his community is going through now.

Mr. GILMAN. Staff informs me, Mr. Feighan, that we did preserve the local match in the bill.

Mr. FEIGHAN. Another 25 percent match?

Mr. GILMAN. Yes. Yes, a 25 percent.

Mr. FEIGHAN. Thank you very much. I appreciate your testimony today.

Mr. HUGHES. The gentleman from Pennsylvania is recognized.

Mr. GEKAS. I have no questions.

Mr. HUGHES. The gentleman from Kentucky is recognized.

Mr. MAZZOLI. Thank you very much, Mr. Chairman. I welcome my colleagues, Charley and Ben.

Maybe Charley, or both of you, could walk me back a little bit through this thing. I am a little confused. I get the impression that there is one body of thought that says nefarious acts here have been performed by OMB sort of exclusive of any direction from anywhere else. Then there is another body of thought to which I generally subscribe which says that OMB does the bidding of other masters—they don't really make that sort of policy.

Is it your opinion that this order to cut back and change the anti-drug efforts that we put together last year really originated in the OMB or did it originate outside OMB?

Mr. RANGEL. It is hard to say. As much as Ben Gilman and I try to work together, somehow in a political way I refer to them as the President's cuts and he refers to them as OMB cuts. I don't know why we describe it that way, but I have more respect for the President and I am assuming that he knows what is going on and that he communicates with his budget director, even though at the hearing there was some question as to who he had access to and who he really was talking with.

But suppose I yield to my distinguished colleague.

Mr. GILMAN. Well, it is my impression that this new budget came out at a time when there wasn't someone filling the chair in the drug advisory position in the Cabinet. OMB, as we all know, we refer to it as the fourth branch of government, has a job of whittling down the budget. I think OMB just chopped away at this aspect without any strong advocate there protecting the drug program. I am speculating, I don't have any substance to that but that is my rationale for it.

Mr. MAZZOLI. Let me just mention one thing because we will have some other witnesses today who can translate this sort of change of direction in midstream. Some would call it hypocrisy, some would call it betrayal of a trust or whatever, but they will interpret it from the local angle and it is a very, very difficult situ-

ation. Because as recently as last October, the country rallied around the President, rallied around the White House, rallied around this fight against drugs—an urgent national campaign—and we responded. Then, a bare few weeks or a few months thereafter—after we get churned up and revved up at home—all of a sudden the rug is pulled right out from under it. And whether it was done from some office in the White House or from the Oval Office of the White House, or was done possibly somewhere downtown at OMB, it has obviously done a great disservice to the Administration and to this President.

And I would only suggest that this committee's recommendations on your bill would—I hope—be translated that we need some renewed interest at the White House and in the Drug Adviser's office in what this national effort has to be. Which is to say it has got to be a national effort from top to bottom. Maybe, and again I guess I could pose this question to you, Ben. Do you think we will have a little more congenial reception, a little more disposition on their part to hear this thing out?

Mr. GILMAN. I would hope so. We certainly are going to make an appeal in that direction, and support for a measure of this nature could be a strong symbolic gesture to the executive branch that the Congress still intends to wage war with the resources it needs and not just mere words.

Mr. MAZZOLI. You used the term, you can't fight the battle with a noodle. One of our witnesses will use some analogies: You can't fight this thing with a popgun. You have got to really have a cannon. And I think to that extent I salute you two fellows because you have been in the forefront in a very difficult effort, and I commend both of you.

Mr. GILMAN. Thank you.

Mr. HUGHES. The gentleman from Texas is recognized for five minutes.

Mr. SMITH of Texas. Thank you, Mr. Chairman.

I would like to make a comment and perhaps make the point that I do appreciate what my colleagues, Representative Rangel and Representative Gilman, have had to say, and certainly I don't think there is anyone in this room that would deny that we do need to fight a war on drugs.

But I might remind myself and remind all of us that there are other members of Congress, other members of other committees, other members of other subcommittees that are fighting other wars. We have a war on poverty. We have a war on the homeless, or for the homeless, I guess I should say. A war on poverty. We have many individuals that feel that the Soviet Union represents a clear and present danger. So there are a lot of wars going on.

And I think that we need to be honest with ourselves as well as with the taxpayers. There are not an infinite amount of funds for all these wars. There are, in fact, limited funds, determined by the amount of revenues that the Government has to spend. And I think that we do not need to answer some questions, and I think that, for example, we do need to answer the question posed by my colleague Bill McCollum in regard to setting priorities. We just can't have it all all the time. We do have to set priorities and we do have to make some of those tough decisions.

Thank you, Mr. Chairman.

Mr. GEKAS. If the gentleman would yield for a moment.

Mr. SMITH of Texas. Yes, sir.

Mr. GEKAS. In conjunction—I don't know if you touched upon it in your main testimony, but what does Congressman Gray have in his budget out of the \$275 million that was in last year's program? Does anybody know?

Mr. RANGEL. It is fully funded.

Mr. GEKAS. Fully funded not at the Rangel-Gilman new level but at the old level?

Mr. RANGEL. At the old level.

Mr. Smith, let me make it clear to you that on the question that Mr. Mazzoli raised, and we are dealing now with funding for local and State law enforcement, that the Administration has never raised the question of priorities of the dollars spent. So you are dealing here with a philosophical problem, and that is, should the Federal Government if it had the money give assistance to local and State law enforcement.

Mr. SMITH of Texas. My point, though, is that somebody has got to set priorities; and if the Administration does not do it, as you suggest, then Congress needs to.

Mr. RANGEL. Mr. Smith, the former Chief Justice of the United States Supreme Court said that in his opinion, and I share it, the threat of the drug epidemic was a greater threat to our national security than communism. It was our President and Commander in Chief that said that the threat of drugs is a national security threat. Now you talk about wars on poverty and other priorities that we have, I don't see where we are getting any major pressure from the Administration to conduct these other wars. But what this committee has to decide in the first instance is whether or not you think that we should give any assistance to local and State law enforcement. And if you do decide that, I am telling you that you are going to be in opposition to the Administration. Not for budgetary reasons, but because they don't believe that is a Federal obligation.

Mr. SMITH of Texas. My point was simply that there are a lot of other well-intentioned Members of Congress who are fighting their own wars, who think that what they are doing is equally as important, and in all honesty to ourselves and just from the practical point of view we are going to have to recognize that there are a lot of demands for a lot of dollars and that there aren't that many dollars to go around. So we ourselves, just like other Members of Congress and other committees fighting our wars, are going to have to set priorities. That is my point.

Mr. RANGEL. Mr. Smith, your contribution will guide me in terms of my testimony in front of other committees, and I appreciate it.

Mr. GILMAN. Mr. Chairman, if I might add to Mr. Smith's concern. Please bear in mind that in preparing this Omnibus Anti-Drug Act there was great deal of sorting out of priorities that took place. There were hours and weeks, virtually a couple of months of work in putting together what we consider the most critical aspects of this battle and trying to decide where the dollars should go. It wasn't done hastily. It had the best of thinking of each of the com-

mittees, including this Subcommittee on Crime. And then to have OMB come around with a meat axe and just chop away at the best of that work is deplorable. OMB disassembled the priorities that we had established.

Mr. SMITH of Texas. Mr. Gilman, I, obviously, appreciate what you are saying or I would not have picked this subcommittee as my first choice to be on because I share your concern.

Mr. GILMAN. I appreciate that.

Mr. HUGHES. The gentleman from Florida.

Mr. SHAW. Thank you, Mr. Chairman.

I would like to compliment the two gentlemen at the table for all of the work they have done not only on this issue, but other important issues in framing the omnibus drug bill. It is my strong conviction that without the leadership of the Select Committee on Narcotics Abuse and Control that we would be eons behind where we have advanced.

I would like to direct questions just in one particular area. At our last hearing with regard to this before the Select Committee on Narcotics Abuse and Control we had Mayor Koch. At that particular hearing I raised the question with him as to coming up with a formula for matching funds that would require that any Federal money be matched by new money from the local government.

Mayor Koch was very explicit in his opinion of that position and went into great details about how much this was costing and again talking about the Federal responsibility involved. I do, however, feel that whether we have this level at 200 million, 600 million, or wherever, that we should look to local participation. I can tell you that because of one reason. In my years as a mayor, I do know that when you are in there trying to make some hard budgetary decisions knowing that you have to balance your own budget, so often you try to find new and innovative ways to use the Federal funds, not as additional funds but as supplemental funds.

I feel very strongly that we should explore further the possibility of using this as a matching fund requiring local governments, who are the ones that are hardest hit, to dig down and get that money in order to do it; and also it would give us an opportunity to expand upon the monies that we can make available. We can turn 500 million into a billion. I mean, these are real figures that we should be talking about. If either of you gentlemen would like to comment on that approach.

Mr. RANGEL. I certainly would want to do all that we can to encourage local and State participation without putting the burden on them that they could not participate. And I suspect that we have enough expertise to be able to develop a formula that can work, but I support the concept 100 percent.

Mr. GILMAN. I think most of our committee would support a matching fund.

Mr. SHAW. Maybe we could even come in with bonus dollars for those who did want to participate in the matching fund. So somebody could get twice as many Federal funds if they would indeed match them, thereby really getting a real big kick and we can really put a lot of money in the field.

A lot of our local government is not spending enough. I recognize the Federal responsibility. There is no question about that. But it is

a partnership and it is not only the question of the importation of drugs or just the availability of drugs, it is drugs out on the street, everything. It is everyone's responsibility and I think we all have to work together to give us a bigger team effort. And I can assure you from a local government standpoint that the Federal dollars would be much more efficiently used if they are mixed with local dollars.

Thank you, Mr. Chairman.

Mr. HUGHES. Thank you.

I want to thank you for your testimony. As always, you have been very helpful to us.

Mr. RANGEL. Thank the committee for its patience with us, and also to congratulate you on the great work that you are doing.

Mr. HUGHES. Thank you.

Our next witness is William J. Landers, who is a Deputy Associate Attorney General, a position he has held since last year. Prior to this position he was Special Counsel to the Assistant Attorney General of the Criminal Division, Department of Justice, since 1983. And from 1979 to 1983, he held various positions of responsibility in the U.S. Attorneys Office in Los Angeles. Mr. Landers has also worked in the Office of the City Attorney in Los Angeles and in a Los Angeles law firm before joining the Department of Justice.

Mr. Landers, welcome to the Subcommittee on Crime. We received a copy of your written statement, and without objection it will be received as part of the record. We hope that you can summarize for us.

You might tell us at the outset how you were selected to defend the administration today. You must have missed a meeting.

STATEMENT OF WILLIAM J. LANDERS, DEPUTY ASSOCIATE ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE

Mr. LANDERS. No, Mr. Chairman. As a matter of fact, the Office of Justice Programs under which the Bureau of Justice Assistance operates is within my area of responsibility, so this is an area that is in my line responsibility. It is one that I have to take responsibility for in these types of hearings.

Mr. HUGHES. I just wondered how you were so lucky.

Mr. LANDERS. The wheel was spun and Vanna White pointed to the wrong letter or something. [Laughter.]

At any rate, Mr. Chairman, I am pleased to be here. And I would like to start by giving you an overview of where the grant program stands at this point in time with respect to the funds that have already been allocated. The reason I would like to do that is because I think that will give you at least an understanding of part of the thinking in the Administration in terms of what kind of funding should be made for future years.

First of all, I think that the record shows that the Bureau of Justice Assistance has moved expeditiously to get this program going and to get the funds out to the States so that they can begin their programs. They notified the State agencies, as you are aware the first step in this whole process is for each of the States to designate a State agency that would be the recipient of the funds and that would administer the funds for the State.

They gave notices to those agencies that were already in existence and to all the Governors within a week after the program was put into effect or enacted into law. As a result, all of the States have now designated their State agencies, so we have in place now a mechanism to work with in order to get the funds out.

The next step in the process is to award States a 10 percent portion of the funds that they are entitled to and which they can use as administrative funds to meet the requirements of the Act. As of March 27th, 44 States had made applications for their 10 percent administrative funds, and 38 States had received the 10 percent funds, totaling about \$13.2 million. The other applications that were received are being processed, and usually within two weeks, three weeks of the date of receipt those funds are awarded.

What we are waiting for now is the development of the State strategies by the various States so that they can then make their applications for the awards. As you know, the State strategy is required to ensure that the funds that are granted there are going to be used and targeted towards those areas of greatest need and that the Federal money is going to be brought into the State in an integrated fashion.

Now the Bureau of Justice Assistance which has responsibility for administering the program just completed three workshops last month where they presented programs to the various State agencies—the heads of the State agencies—to inform them about the requirements of the application process and the development of State strategies. There were about 340 participants who attended the three regional workshops. There were representatives from each of the 50 States and the other territories that can receive funds. The workshops were set up to develop procedures for the States to come up with State strategies.

I think that it is clear at this point that the Bureau of Justice Assistance within the Department of Justice has done all that it can to ensure that the money is put out as quickly as possible. They have administered those 10 percent funds that are available, they have gotten the information out to the States and told them what they have to do at this point in order to get the full funding.

The next step, obviously, is the application process by the States. So far no State has made application for their grant funds. They are in the process now of developing the State strategies, which is a process that for some States will take longer than others. Some States already had in place some general strategy that with some refinement they can use to meet the requirements of the Act. For some States, it is a whole new process. They are having to start from scratch.

We have tried to give them a methodology to work with, and I think this is one of the things that is important in this regard. We have told the States that principally the way to do this is first of all to establish a Drug Policy Board. It is not something that is required under the Act. It is something, though, that is encouraged under the Act, and there is a mechanism that requires that the State if they don't have a Drug Policy Board to verify or indicate how it is that they got local input, how they coordinated the efforts and designed their State strategy.

In any event, we have encouraged them, and I think most States are taking that encouragement and suggestion, to establish a Drug Policy Board that will coordinate the efforts of the State government with local units. In that regard we also have provided a methodology that we think will help them to allocate the money so that it in fact supplements their current expenditures and doesn't supplant those funds. Principally, we have given them information and data and a procedure to collect information about the problem in their State. What are the specific areas of concern? Secondly, we have outlined a methodology to determine where it is they have current resources devoted so that they can ultimately end up with a strategy that will identify those areas of greatest needs that are going without any current funding or programs. Ultimately this bill will lead to a strategy that will put this grant money in that area so that it will effectively carry out the thrust of the Anti-Drug Abuse grants which is to bring new funds to address new problems in the State.

As soon as the State strategies are completed, we expect applications will come in. As I said, some States are further along in that process, and so we expect we may receive some applications as early as this month. Within 60 days after receipt of the application, the funds will be awarded by BJA. There is a requirement under the Act that they do that within 60 days.

We are hopeful that in many instances we will be able to get those funds out in less than 60 days. The Bureau of Justice Assistance is doing several things in that regard to help move it along. For one thing, they are willing to review draft State strategies and draft applications and they have already let the States know that they will do so. Those States that have their State strategy in a draft form and are simply waiting for legislative approval or public hearings or something like that, can submit the State strategy in a draft form for review so that the preclearance can be completed. That way, when the application comes in, we should be able to review it in less than the 60-day time period.

There are other things that the Bureau of Justice Assistance has done to try to get the funds out more quickly. As you are aware, one of the requirements is that there be match funds. Bureau of Justice Assistance and the Department of Justice have encouraged the local units to use their shared forfeited assets to actually make the match under the grant, so that they can use that money to come up with the necessary resources to enable them to get the money as soon as possible.

We have also encouraged States that have developed drug strategies that seem to be working and that are effective to share those strategies with other States. One thing the Bureau of Justice Assistance will be doing is conducting a review of a number of different State strategies. They are going to identify those that are particularly effective and disseminate that information to other States, so States that are in the process of trying to develop a strategy from scratch will have something to work with. They will have some models to look at and they will be able to make sure that they can move ahead expeditiously.

Another thing that the Bureau of Justice Assistance has done to move the process along and, in fact, to speed the awarding of grant

money is the development of a number of program briefs so that in the application process the States can look at particular programs that have been designed by the Bureau of Justice Assistance and, if they are willing to incorporate those programs set forth by the Bureau of Justice Assistance, they won't have to recreate the whole program in their application kit. They can simply incorporate it by reference, and that should allow them then to get the application process in much sooner.

I would like to touch for a moment on the discretionary funds grants, and then I will address what I think is the most important question, which is what is the future of the program?

With the discretionary funds, we issued on March 19th some policy guidelines and requests for submissions for the approximately \$45 million that is available. The Bureau of Justice Assistance developed those programs by soliciting input from over 800 agencies, Federal and local, as well as law enforcement administration officials. Their Policy Board, looking through that input, decided the areas where the greatest need was or what programs the various people at the local level, at the State level, and at the Federal level felt were programs that needed to be supplemented and developed.

Applications are due in by June and we expect that the awards of those monies will be made shortly after that. So in terms of getting the money out, both the block grants and in the discretionary grants, we expect that the earliest awards will be made in June and that the awards will continue to be made on through till the end of the fiscal year.

Now the reason I have emphasized or explained the process and how quickly we are moving is because I think that does help to explain part of the Administration's proposal to not ask for additional funds in the next fiscal year. Our experience has shown that it is taking some time to get this first-year funding out. The process itself takes time, particularly for States that don't have a State strategy on line and that have to go through this process of determining exactly what their problems are, where they want to target the money and how they are going to fund it. So we expect that some of those funds will not be getting out till the end of this fiscal year. Thus, in terms of a new infusion of money into these programs, we certainly have time to wait and see how these programs develop and where the money is going and how effectively it is being utilized before giving a new infusion of cash.

Contrary to some suggestions that have been made, it is principally a budgetary question. We believe that in terms of the limited financial resources we have that we have to put Federal resources first into Federal functions. That has been a key concern in the drug enforcement area. To ensure that the drug enforcement and interdiction with the FBI, with the DEA, with the U.S. Attorneys, and with prisons is adequately funded. That is where we are targeting our resources first. And I think that is really the principal concern here is that we only have a limited amount of resources to expend in that area.

We believe that what we are trying to accomplish with the State and local governments is a cooperative venture. We do believe that we have responsibility jointly with them to address this very severe

problem. Nobody is going to question that it is a problem of national scope and that at the State, local and Federal levels we have to address it. But in terms of how we go about doing that and how the Federal Government can assist the States, we believe that our first priority has to be to perform those unique Federal functions.

In terms of what we can do for the States, we have viewed this initial grant of the \$225 million as seed money, as money that can get the States going into programs that have proven effectiveness and that can be carried out by the States with other resources. Now this relates to one of the things that I said earlier: We should wait to see how these programs work out. We are 5 months into this fiscal year and we have yet to get an application from the States, and I don't think that is because of anything that the Department of Justice's Bureau of Justice Assistance has done, but rather it is because of the fact that the States have a number of things that they have to do before they can apply for these funds.

But given that, one of the things we are trying to do is to encourage the States to move into new areas, to make sure that they are targeting the problem areas and that they are looking creatively for solutions to these problems. And that is why we have viewed this as a startup cost, something that can get them going into new programs.

As mentioned by you, Mr. Chairman, the Administration has suggested that one of the things that we should try to do in this allocation of scarce resources is look to resources that are available to fund these programs that are not available for other things. And that is why we have encouraged and said that the forfeited assets is a way to fund this program to some extent. As you know, we have Federal drug enforcement responsibilities and, as it has been pointed out today, a number of other Federal responsibilities that have to be funded. Thus, our belief is that the best thing that we can do to assist the States is to fund this program, as well as other State drug enforcement programs, by taking the money away from the drug dealers themselves and using those funds to fight them. Those are funds that we can use without cutting back on other government programs. They are funds that we can gain without additional cost to the taxpayers, and we should aggressively seek those funds.

Now, as you have noted, there has been \$42 million shared thus far in that program. We believe that that is going to substantially increase. Fiscal year 1986 was the first full year of equitable sharing that we had and I think that as we are going along and as we are processing and clearing out the backlog of cases that has existed, we are going to increase the amount of funds available. In fiscal 1987 we think that we are going to be sharing \$28 million with the States, and that this will increase in 1988 to \$30 million. Those are projections, but I would have to say that based on some of the forfeitures to date we may well exceed that. So we believe that this is a substantial source of money.

We are not saying that this source of money can completely replace the \$225 million or that it represents simply Federal dollars. Our position and our belief is that if the Federal Government uses its equitable sharing and works with the States to aggressively forfeit the assets of drug dealers and other criminal enterprises we

can channel money to the States' uses. We think that the money that we now have in these programs can be used to get the States geared up to an aggressive forfeiture policy themselves and, if the States aggressively pursue forfeiture on their own, they will be able to come up with additional funds that they can use. That is the thrust of what we are saying about the forfeiture money. When you take, in conjunction, the fact that it is taking time to get these first-year funds out and that the States therefore can plan to use those funds for multiple years, they can then look to forfeiture to help as a transition to supplement those funds. We are giving the Federal assistance and we are doing it in a way that allows us to maintain the Federal presence, to maintain those key core functions of the Federal Government such as the U.S. Attorneys Offices, DEA and FBI, and prison construction. In doing all these things, we are using our budgetary means in the best possible way that we can.

And that, Mr. Chairman, is the thinking that we have in terms of the continued funding of the Anti-Drug-Abuse grants. We recognize the problem. We do believe that the local governments have a critical role in this function. We believe we are in a partnership and a venture with them. But the problem is that on the budgetary side we simply have constraints that we have to live with.

Mr. Chairman, I would be glad to answer any questions you may have.

Mr. HUGHES. Well, thank you, Mr. Landers.

[The statement of Mr. Landers follows:]



Department of Justice

STATEMENT

OF

WILLIAM J. LANDERS
DEPUTY ASSOCIATE ATTORNEY GENERAL

BEFORE

THE

SUBCOMMITTEE ON CRIME
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

CONCERNING

IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT OF 1986

ON

APRIL 1, 1987

I am pleased to testify this morning on behalf of the Department of Justice concerning implementation of the grants program to the states for drug enforcement that was created by the Anti-Drug Abuse Act of 1986.

As you know, Mr. Chairman, Subtitle K of the Act--the State and Local Law Enforcement Assistance Act of 1986--authorizes the Department's Bureau of Justice Assistance, an agency of the Office of Justice Programs, to "make grants to the States, for the use of States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act . . ."

It also authorizes assistance for programs that improve the apprehension, prosecution, adjudication, detention, and rehabilitation of drug offenders; for eradication programs; treatment programs; and programs to focus on major drug offenders.

The Fiscal Year 1987 appropriation for the program is \$225 million, with the bulk of the funds--\$178 million--allocated for formula grants to the states. Each state is eligible to receive \$500,000, with the balance of funds allocated according to the state's relative population. States are required to match Federal funds by 25 percent and must pass through to local units of government a share of the total state allocation that is equal to the ratio of local criminal justice expenditures to total criminal justice expenditures in the state.

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The Bureau of Justice Assistance has moved swiftly to implement this program. In doing so, BJA has been careful to obtain the maximum amount of input from Federal, state, and local agencies and to avoid Federal intrusiveness and red tape.

Early in November 1986, only a few days after the President signed the bill into law, BJA sent information describing the state and local aspects of the Anti-Drug Abuse Act to all governors, or equivalent chief executives, as well as to the directors of the state offices that administer the justice assistance block grant programs. Each governor was asked to designate a state office to administer the new drug control program. All 56 states and territories have now done so.

In December, draft formula grant guidelines and a question-and-answer document designed to help the states further understand the new program were sent for comment to all state chief executives, U.S. Attorneys, state offices administering the BJA grant programs, and interested private groups. BJA has reviewed those comments and is in the process of drawing up final guidelines for the formula grant program.

Also in December, BJA received the first state applications for administrative funds. On January 6, 1987, BJA announced the first awards of these administrative funds, totaling more than \$2.9 million, to seven states and the District of Columbia to allow these jurisdictions to begin to establish their federally-assisted drug law enforcement programs.

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By March 23, 1987, 24 more of these administrative awards had been made. The total amount in administrative funds awarded so far is almost \$11 million. I have appended to my testimony a table showing the status of state applications for these administrative funds.

The administrative funds comprise 10 percent of the state's total allocation under the program. Before receiving its full award, the Act requires each state to submit to BJA a statewide strategy for enforcing its drug laws. This statewide strategy must be prepared in consultation with state and local drug officials.

To help the states design their enforcement strategies and effectively administer this new drug control program, BJA last month hosted three regional workshops--one here in Washington, one in Chicago, and one in San Francisco. The three-day workshops included a discussion of the administrative, financial, and reporting requirements under the new program, development of the statewide strategy, and development of programs for each of the eligible program purposes.

BJA expects to begin receiving the statewide strategies, accompanied by applications for the full funding, from states that have received their administrative awards now that the regional workshops have been completed. To date, however, no applications for full funding have been received. Once an application is received, BJA will complete the review process and make the award within 60 days, as required by the Act.

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As you know, Mr. Chairman, the Act also authorizes BJA to administer a new discretionary grant program for drug control initiatives. The discretionary grant program is designed to enhance state and local efforts in drug control through national and multi-state programs in the legislatively defined purpose areas.

To help establish priorities for discretionary grants under the new drug control assistance program, BJA asked for recommendations from more than 800 agencies, including national criminal justice associations, state justice assistance administrative agencies, state attorneys general, state supreme court justices and administrators, state departments of corrections, Law Enforcement Coordinating Committees, and many state and local criminal justice agencies.

BJA also contacted other Federal agencies in an attempt to avoid duplication of effort and to identify drug programs that, based on research and evaluation, are likely to be successful.

Working groups of practitioners and national experts were established to review the recommendations received, to identify effective programs that were responsive to those recommendations, and to recommend funding priorities. The resulting program priorities reflect a strategy that is designed to assist and enhance state and local drug control efforts by:

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--Developing drug data sources, disseminating drug data, and developing techniques for analyzing drug data for the purpose of defining the problem and assessing the impact and effectiveness of drug control efforts;

--Extending and disseminating programs of proven effectiveness to areas of need;

--Developing and testing the effectiveness of new programs and practices;

--Developing programs that focus on key areas of criminal justice dilemma and discretion; and,

--Providing training and technical assistance to assist with the implementation of effective programs and practices.

On March 19, BJA published a final notice requesting proposals for discretionary grant programs. These programs include:

--A Crack/Focused Substance Enforcement Program to improve the capability of law enforcement agencies to investigate and immobilize crack cocaine trafficking organizations.

--A Street Sales Enforcement Program to demonstrate effective police efforts to target street level narcotic dealers and buyers.

--An Asset Seizure and Forfeiture Program to provide operational training and technical assistance to local law enforcement and prosecution personnel to familiarize them with laws and procedures for asset seizure.

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--A Problem-Oriented Approach to Drug Enforcement Program to create a coordinated response to the drug problem by law enforcement officials, medical facilities, schools, drug treatment facilities, and other organizations in a community.

--A Pharmaceutical Diversion Program to strengthen the role of law enforcement, professional licensing boards, and regulatory agencies in reducing diversion of legitimately produced controlled substances.

--A Comprehensive Drug Adjudication Program to deter drug offenses through swift identification and adjudication of drug users and traffickers.

--And an Organized Crime/Narcotics Trafficking Enforcement Program to develop regional enforcement projects to assist state and local law enforcement agencies through joint operations with Federal personnel and to target major organized crime narcotic trafficking conspiracies.

BJA expects to make the first discretionary grant awards in early summer.

I believe you will agree, Mr. Chairman, that the Bureau of Justice Assistance has done an admirable job of implementing the new state and local narcotics control assistance program quickly, efficiently, and with a minimum of red tape for participating state and local governments. The Department of Justice is confident that this Federal seed money will help state and local governments to coordinate and improve their drug enforcement efforts so that they can then continue to build upon these efforts with state and local funds.

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As you are aware, Mr. Chairman, the Administration has requested no funds for this grant program for Fiscal Year 1988.

In crafting its Fiscal Year 1988 budget, the Department has taken care to ensure that adequate resources are provided for its core functions--those functions that can only be carried out on the Federal level. Scarce Federal dollars should be used for uniquely Federal functions, such as those critical programs carried out by the Bureau of Prisons, U.S. Attorneys, Marshals Service, Drug Enforcement Administration, and Federal Bureau of Investigation programs.

The Administration notes that Congressman Rangel has introduced a bill, H.R. 1411, that would increase the appropriations authorization for the state and local drug law enforcement program to \$675 million for Fiscal Years 1988 and 1989. We, of course, must oppose such a measure because of the increasing Federal deficit, and for the reasons I have mentioned. But let me assure you that we will continue to work closely with state and local governments in our fight against drugs.

As you know, Mr. Chairman, the Department already administers a major program that significantly assists the states in their drug enforcement efforts--the Asset Forfeiture Program. We believe the equitable sharing of assets seized from drug dealers and others and forfeited by them is a better way for the Federal Government to assist the states and localities.

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Sharing for Fiscal Year 1986 is estimated at \$24 million, with an FY '87 projection to top \$30 million. Pursuant to your request, we have attached to this statement a state-by-state break-down of properties shared with state and local agencies.

When the President's FY '88 budget was prepared, this form of assistance for states and localities was taken into account. We believe this type of sharing should be the approach taken with regard to states and localities, and should replace the award of out-and-out Federal grants.

These types of grant programs were never intended to be sources of permanent, ongoing funding for local programs. And with the huge Federal deficit, we simply must look to other ways to support local programs without added costs to taxpayers whether that be equitable sharing of forfeited assets or new and aggressive forfeiture programs undertaken by the states themselves.

Thank you, Mr. Chairman. I would be happy to respond to any questions you or Members of the Subcommittee may have.

APPLICATIONS FOR ADMIN FUNDS UNDER THE DLE FORMULA PROGRAM (as of 3/23)
44 Applications Recd 32 Awards Signed \$ 10,829,351 Awarded

STATE	APP RECD	STATUS	AMT OF APP	SIGND-OFF	AWD AMT	10% IF DIFFRNT
Alabama	12/8	PDMD 12/30	\$ 299,600	1/2/87	299,600	
Alaska						
Arizona	03/12	under review	247,800			
Arkansas						
Calfrnia	02/16	PDMD 02/26	1,686,600	3/13/87	1,686,600	
Colorado	02/19	*** PDMD 03/24	133,000			250,600
Conn.	02/9	PDMD 02/25	100,000	3/9/87	100,000	247,000
247,000						
Delawre	03/10	under review	88,600			
D. C.	12/5	PDMD 12/30	88,900	1/2/87	88,900	
Florida	02/10	PDMD 02/19	285,014	2/26/87	285,014	755,500
Georgia	01/23	PDMD 02/12	421,000	2/18/87	421,000	
Hawaii						
Idaho	12/5	PDMD 12/31	112,400	1/2/87	112,400	
Illinois	11/24	PDMD 12/31	536,000	1/2/87	536,000	766,000
Indiana	01/6	PDMD 01/20	391,300	2/2/87	391,300	
Iowa	12/4	PDMD 12/30	229,000	1/2/87	229,000	
Kansas	02/24	under review	202,100			
Kentucky	12/4	PDMD 12/30	281,300	1/2/87	281,300	
Louisana	03/23	under review	328,200			
Maine						
Maryland	02/02	*** PDMD 03/11(16)	322,600			
Masschst	02/17	*** PDMD 03/11(16)	411,400			
Michigan	01/23	PDMD 02/04	160,000	2/11/87	160,000	614,100
Minnsota	01/23	PDMD 02/04	310,300	2/25/87	310,300	
Miss.	12/16	PDMD 01/20	212,200	2/2/87	212,200	
Missouri	01/28	PDMD 02/06	280,177	2/17/87	280,177	362,200
Montana	12/30	PDMD 02/02	101,300	2/11/87	101,300	
Nebraska	12/9	PDMD 01/20	149,700	2/3/87	149,700	
Nevada	01/28	PDMD 02/27	36,000	3/9/87	36,000	108,100
N.Hamp	12/4	PDMD 01/20	111,900	2/3/87	111,900	
N.Jersey	03/10	under review	480,000			519,400
N.Mexico						
N.York	12/9	PDMD 01/20	1,153,900	2/5/87	1,153,900	
N.C.	12/18	PDMD 12/31	438,300	1/2/87	438,300	
N.Dakota	01/13(2/19)	under review	32,375			92,500
Ohio	11/14	PDMD 12/30	716,900	1/2/87	716,900	
Oklahoma	11/18	PDMD 1/9(14)	254,900	1/27/87	254,900	
Oregon						
Penn.	01/13	PDMD 02/06	785,800	2/17/87	785,800	
P.Rico						
R.I.	01/13	PDMD 02/20	110,100	3/2/87	110,100	

STATE	APP RECD	STATUS	AMT OF APP	SIGND-OFF	AWD AMT	10% IF DIFFRNT
S.C.	02/9	*** PDMD 03/02(16)	257,800			
S.D.						
Tenn.	02/17	PDMD 02/27	345,600	3/12/87	345,600	
Texas	02/10	*** PDMD 03/17	1,066,200			
Utah						
Vermont						
Virgn Isle	12/23	PDMD 01/20	56,700	2/3/87	56,700	
Virginia	12/18	PDMD 01/20	404,200	2/2/87	404,200	
Washngtn	01/7	PDMD 01/22	323,700	2/4/87	323,700	
W.V.	12/1	PDMD 1/9(14)	170,200	1/27/87	170,200	
Wiscnsn	01/13	PDMD 1/28	225,160	2/3/87	225,160	346,400
Wyoming						
Am Samoa	03/12	under review	52,000			
Guam						
NMarianas	12/15	PDMD 02/06	51,200	2/25/87	51,200	

Of the 56 offices designated to administer the anti-drug formula grant program, 48 are the same office that has been designated to administer the Justice Assistance Act block grant program.

The 8 states that have separate designated offices are:-

American Samoa - Iowa - Kansas - Maine - Maryland -

New Jersey - Tennessee - Vermont.

Mr. HUGHES. You describe it as a partnership. It is a very silent partnership, to say the least.

You know, I could understand your testimony if you came in here and said: Look! We oppose the whole concept of justice assistance. I mean, that has been the fact, and it has been a struggle year after year after year to get Justice and OMB onboard to the justice assistance program that this subcommittee created a number of years ago. That is honest and that is aboveboard, and I can understand that language.

But when you come in here and suggest to me that the forfeiture program is going to solve our problems, I find that very, very difficult to accept. In the first place, how in the world would a planning agency be able to anticipate for planning purposes what is to be forfeited? Now we had a forfeiture hearing in South Florida just a few weeks ago, and the complaints that we heard from local law enforcement agencies is that they are not even getting telephone calls back anymore advising them as to the status of their sharing requests.

We forfeited \$42 million in two and a half years, and shared that \$42 million with the States, \$18 million of which went to California. Now States and communities can't anticipate how much is going to come to their communities through forfeiture sharing, and you know that. We couldn't today sit down with any community in this country and say how much they are going to be able to receive from the Federal Government. We have major problems, with the forfeiture process, itself, even though it has been very successful. The DEA has seized more in dollar equivalent than their entire budget last year. However, nobody can tell communities at this point how much they are going to receive in sharing. It depends on so many different things. Also we are having a hard time moving the forfeitures through the process, as you well know. We have other major issues as to how much is to be shared and so that can not be a funding source.

Now, one of the purposes why this subcommittee developed this section of the anti-drug bill is because we were also creating new task force operations which everybody agrees are immensely successful. In this program we can leverage some Federal expertise and manpower with State and local personnel and we maximize our law enforcement effort overall in communities. We are going to expand those operations but they require local resources.

One of the reasons why we crafted this legislation was to enable communities to anticipate some Federal resources, and we gave the DEA the lead so that DEA could in fact deal with the problem areas. Since they are very deeply involved as the lead agency in drug enforcement we felt they could identify particular needs and use discretionary monies to help, in fact, move the program along. That was a judgment by the Congress, it was our consensus. You folks came in and testified and we debated it. We worked out, in fact, what we thought was a good package, and it was passed. I thought that that was the process we used in this country, the legislative process and policymaking.

We then sent the bill to the President and he embraced it, signed it and it became law. Now what you want to do is you want to pick and choose the portions you want to support at this point and leave

the others. The reasons that you advance, really, don't hold water. You can't sit there and tell me that forfeiture is going to fill the bill. It is not. We have major problems with the forfeiture law as it is. I mean, it has been so successful it is overwhelming the Federal agencies themselves, and that is not conducive to good planning.

You also suggest that, well, it has taken us some time to get the money out to communities. Well, of course, it has, but here it is March—and I think you have moved fairly expeditiously. There is no criticism of that. You suggest that we should stop funding for the next fiscal year, however, because it has taken us some time to get those funds out. Well, if, in fact, communities could plan for a two-year budget cycle, they could even do a better job. Instead you are suggesting we should stop funding. If I were a planning agency, I would wonder whether I should use any of these funds because I would perceive the Federal Government as a very poor partner. I would wonder if I created a program whether it would be around next year and whether I should really get people's hopes up and hire people and start a program only to see it thwarted. I mean, to me that is a waste of resources.

Good planning, it would seem to me, would provide a stable funding source for three years and that was part of the wisdom of this program. You are not going to solve any problems in one year. Are you?

Mr. LANDERS. I understand that, Mr. Chairman. I think that one of the things that has to be considered in this whole context is that, in terms of planning, ultimately there has to come some point where the States are going to have to assume responsibility for these programs on their own, unless we are going to have a continuous open-ended grant program that goes on from now until forever.

Mr. HUGHES. It is not open-ended. It is an authorization bill that is closed. It is not open funded.

Let me pose a question for you. We are going to have TRIAD, a very, very good community-based operation in Kentucky testify today. I was privileged to be in our colleague Ron Mazzoli's district and spoke with the leaders of TRIAD, a community-based organization. Could Justice today tell TRIAD and Louisville, Kentucky, what kind of money they are going to be able to receive next year from sharing of forfeiture funds? Could you do that?

Mr. LANDERS. No, we couldn't.

Mr. HUGHES. How in the world could they plan any funding for next year?

Mr. LANDERS. Mr. Chairman, our position is that they can take the funds they received this year and plan with those funds. They can look to other sources, part of which would be the shared assets. And as with any program or any governmental unit, you have to look at what your revenues are at that point in time.

Mr. HUGHES. That doesn't make sense to me. What you are saying, basically, is they should look elsewhere. What kind of a program is that?

You know, I find—and you are the messenger, I realize. How you got stuck with this job—you seem like a decent guy—is beyond me—the arguments you advance just don't make sense. They really don't make sense. I believe that if a few folks over in Justice and

folks in OMB, if they want to legislate, they ought to stand for election and then to come in here and make some policy. I mean, we decided what the policy was and we are trying to carry it out. I, frankly, think that it is appalling that you would want us to waste resources like you suggest we waste them, by aborting a program after one year.

The gentleman from Florida.

Mr. McCOLLUM. Of the \$225 million that is now in the pipeline, not talking about future allocations, do you expect to actually spend all of that \$225 million or most of it during the fiscal year we are in?

Mr. LANDERS. No. Because, as I said, we expect that the first grants of those funds will be in June and that some of the States won't get their application in for those funds until possibly the end of this fiscal year. So that in terms of getting the money out, many of the States won't even have their programs in place to administer those funds until the end of the fiscal year.

Mr. McCOLLUM. I don't recall how the wording was in the actual language we drafted, but is it your understanding that if you do not actually spend all of the \$225 million in this fiscal year you have it to spend next fiscal year?

Mr. LANDERS. I believe that is correct. That it can be carried over.

Mr. McCOLLUM. It carries over?

Mr. LANDERS. Yes. Because you can use the funds as long as they are available. I mean, it doesn't cut off at the end of the fiscal year.

Mr. McCOLLUM. I realize the States and the local units that we may be giving this money to, the grantees, aren't necessarily going to spend it. But I am talking now about your, the Justice Department in the assistance end actually handing it out. You don't expect to hand it all out this fiscal year. You expect to have some to hand out from this \$225 million next fiscal year?

Mr. LANDERS. That is correct.

Mr. McCOLLUM. Do you have any idea how much?

Mr. LANDERS. We don't know. It depends on how many of the States get their programs developed in and get their applications in. That is the step that we are at now, waiting for the States to make the applications for their funds so we can give them their funds. Until the State makes an application, we can't provide them any funds at all other than the 10 percent, which we have given.

Mr. McCOLLUM. Is there any policy decision that has been made down at Justice with respect to future requests for this program? You are not requesting it for this year, but, obviously, even in the wildest expectations, the monies will have been handed out during fiscal year 1988, of the \$225 million, and presumably it will be spent just like that by the States because there is an awful lot to be done out there. Would you anticipate, even though you haven't asked for it in fiscal 1988, coming back in the budget for fiscal 1989 with a request for funding?

Mr. LANDERS. I really don't know, Mr. McCollum. I would have to say that what has been articulated is that we should look at these programs once they get going, see how effective they are and then make a decision. It may be that if the budgetary situation is different, if we find that these programs are particularly effective,

that there could be some funds that would be included. As I said, it is going to depend on the resources that are available, whether we can fund the Federal core functions in the enforcement area without hurting—

Mr. McCOLLUM. Are you given by OMB some guidelines? You are given X number of dollars and you have got to work within that? Or do you propose so much for the Justice Department budget down to OMB and they come back to you? How do we get to saying there is only X number of dollars and that you don't have enough for this and the other? I mean, how did you get to that? I know how Congress gets there, but how did you get there?

Mr. LANDERS. No. We make our proposals. Justice Department makes its proposals to OMB in terms of what we need and it is looked at in the context of our request with others, and then OMB decides—

Mr. McCOLLUM. Well, did you originally at Justice request of OMB money to fully fund the prisons that we need, money to fully fund the U.S. Attorneys that we need, money to fully fund the FBI, and so on down the line, and money for this program, and they came back and said, you know, you have asked for too much, come back and cut something; or did you not even send the request down to begin with?

Mr. LANDERS. We did not request the funds for this program.

Mr. McCOLLUM. To begin with?

Mr. LANDERS. To begin with.

Mr. McCOLLUM. To OMB. Okay. Go ahead.

Mr. LANDERS. We requested the funds, though, for example, for the U.S. Attorneys Offices, for the Federal prison system—

Mr. McCOLLUM. Why didn't you request the money for this program to begin with?

Mr. LANDERS. Principally I think we thought that, number one, we had to look at what we could realistically expect would be given to Justice, that we had to keep within certain realistic expectations that we had. That when we had to say where we thought the money should go, it had to go to those four Federal functions.

Mr. McCOLLUM. Okay. That is the only bone I have to pick with Justice, is that you didn't make the request to begin with. I think that we all respect the fact that OMB is there. We respect the fact the Senate is on the other side of the aisle. And I have a great deal of concern, as you heard me say, earlier about priorities, and I have to pick them. I picked them in the committee earlier and if I had my choices I would do it again the same way. I would pick prisons first, U.S. Attorneys first, the FBI first. But the Congress didn't go that way. They chose to try to fund these at certain levels.

And to this degree, I agree with Chairman Hughes. We need to see support at Justice for what we have done, and to help us fight the fight to win the war on drugs on all fronts, even though we may not always agree with those decisions. If, indeed the pie is too small and we can't do it, and we do have to make those priority decisions, it seems to me we ought to be making those, but we ought to be making them after we have initially said: Hey, as a policy matter, we want to do it all. Or we want to do all of these things.

That is why your argument becomes very weak up here, and why I can understand why Congressman Hughes would say to you, you know, historically you have opposed these assistance programs. Is this really what it all boils down to now? I don't know whether it is or not because I do have to choose and I do understand that. And I have some doubts about the local law enforcement assistance programs. I have not been a real fan of them because we haven't been able to get enough money out to do a lot of good, and in some ways I think it is a very inefficient way of patting on the back local law enforcement but not really doing the job.

But nonetheless, it is a weak argument up here today. And again, I respect the fact you are the messenger, but you are also the messenger going back, so I am giving you a few more thoughts.

Thank you, Mr. Chairman.

Mr. HUGHES. Thank you.

The gentleman from Kentucky.

Mr. MAZZOLI. I thank you very much, Mr. Chairman. I salute what the chairman just said a few moments ago. I really am quite saddened by what the Justice Department has done.

But let me just say, to amplify the conversation that Congressman Rangel had with our colleague, Mr. Smith, a moment ago, that got to the heart of the problem. With all respect, it just appears to me this is a philosophical problem, not a matter of budget priorities and fitting a finite number of dollars to an infinite array of requests.

Here we have a situation where I think it is fairly clear that the Justice Department just simply doesn't have any particular sympathy for these Federal-local justice sharing arrangements, and I think it is evidenced by this kind of budget.

Let me just mention, Mr. Chairman, to bear out what I consider to be this philosophical consideration. The immigration bill, which the gentleman and I worked on for six years, went through the very same fate as the anti-drug bill. The request which we set up in our budget of something like \$400 million for each of the next two fiscal years to implement legalization and the employer sanctions, was cut—not in OMB—but in the Justice Department itself before it ever went to OMB, which proceeded to cut it back further. That, of course, is the fate always of going down there. Unless you start out with a lot of money going into OMB, you come out with zero. And, of course, you understand the way they play that game. So when you don't put the money in at all, you realize what will be done.

So the immigration bill was cut back not at OMB, but at the Justice Department. And secondly, guess which program depends upon fees to be created and gathered in, rather than up-front money. The immigration bill and also the drug enforcement bill require this. That, of course, is a bird in the bush, not a bird in the hand, and you can't depend upon that bird in the bush.

So, let me just say with, again, respect to you, you are a very earnest young man who makes a very good presentation, but I really think that the people downtown—as I call them, finally, the "moles" at the Justice Department just burrowed in. There are moles down there who simply don't want these programs to work at all, and that is where we are today.

Let me ask you a question of procedure here. And you, to say the least, disquiet me by saying that you don't believe the money for this particular fiscal year 1987 is actually going to wind up being distributed to the States. Did I hear that correctly?

Mr. LANDERS. No. It will to the extent they get their applications in and we can fund them.

Mr. MAZZOLI. But I understood in answer to Mr. McCollum that you said there might be money left over to be sluiced into fiscal 1988.

Mr. LANDERS. That would only be funds where the States hadn't made their applications to get it.

Mr. MAZZOLI. But you expect that to happen. I understood that to be the case.

Mr. LANDERS. Yes.

Mr. MAZZOLI. You don't expect all the States to get their applications in.

Mr. LANDERS. No. We really have no way of knowing. Some of the States don't have State strategies and they are having to work from really a starting point of a clean slate. Those States may not get their applications in in time to get the funds out to them in this fiscal year.

Mr. MAZZOLI. Well, let me ask a question because we will have our State Justice Secretary, momentarily, from Kentucky, who might answer my question directly. Are you encouraging the States? I mean, I understand you sent that 10 percent out to give them a little money to get started. But are you offering services? Are you offering yourself to the States and, in effect, encouraging them to apply?

Mr. LANDERS. Yes. As I said, we had three regional briefings where we had representatives from each of the States; and, in fact, we funded the travel costs so that we could ensure that all of the States had people present at those regional briefings.

Mr. MAZZOLI. And knowing that—going through this again, you have given the states 10 percent, you have had these regional seminars, you have paid for their transportation, and you suggest that the States are still not going to be able to get an acceptable plan to you before the end of this year?

Mr. LANDERS. Well, under the statutes themselves, they have to get legislative approval, they have to ensure that they have had public comment, and there are steps that they have to follow. So it will depend on how quickly they are able to go through that process.

Mr. MAZZOLI. I guess my last question to the gentleman would be—and I will try to get some amplification later—have you made the standards so difficult and stern that some States simply aren't going to be able to qualify, period?

Mr. LANDERS. No. I am simply talking about the requirements under the Act itself that says that they have to submit the plan for legislative approval, that is a part of the Act. They have to make sure that they comply with any of their own State rules concerning public notice or public disclosure, public hearings, those types of things, which will vary from State to State depending upon their own State law requirements.

I don't mean to indicate that there is going to be any left over funds—I don't know how many States will not have their applications in by the end of the year. But there is a review period of 60 days once we get the application in, so the money will be out within 60 days. So as long as the application is in by August, we will have the funds out by the end of the year.

Mr. MAZZOLI. Mr. Chairman, I appreciate what the gentleman from Justice has said. I would appreciate maybe our committee, perhaps in a couple of months, making just a sort of general inquiry to see which States have acted and which states have not. I mean, I don't dispute what the young man is saying, but I just hate to see some situation in which some bureaucratic rigamarole is going to force most of this \$178 million over to the next fiscal year. I think that would be a disaster.

Mr. LANDERS. Mr. Mazzoli, if I might point out something concerning the timing on this. We have had these regional briefings, we have told the States about the money I said within about a week after the bill was passed we sent notifications to all the Governors and to all of the Justice Act agencies telling them the funds were available. Under the statute, they were immediately able to apply for their 10 percent administrative funds, but we still have about 22 entities that haven't yet made the request for those funds.

So we are getting the word out. We are telling them it is available, but we cannot give it out until they actually make the request. So some of those people are in that situation of not having made the request.

Mr. MAZZOLI. Well, let me just say that it may be that I will ask the chairman's indulgence, and the staff, to make a little survey here in a while to come of which States have gotten the 10 percent and which States have submitted applications. Because we are talking about 50 States and territories, and it just seems incredible to me that, given the nature of it we have such a lack of response at this point. If the initial actions have been taken as you have described them, perhaps there are some kind of artificial barriers that are thrown in there.

Mr. HUGHES. Well, if the gentleman would yield. It is the intent of the chair to monitor the program. I am satisfied that they are endeavoring to get the applications in and the monies out. But we will monitor that. If need be, we will have another hearing.

Mr. LANDERS. If I may, Mr. Chairman. I believe that appended to my written testimony is a breakdown of the States that have made the requests and who have received the administrative funds and which ones have not done that as of yet.

Mr. HUGHES. I think the serious question is as to the DOJ's intent with regard to this program in the next fiscal year and beyond. As I understand it, the Administration also zero-funded the Bureau of Justice Assistance for fiscal year 1988 which is the program administrator. Now, if we in fact wipe out the Bureau of Justice Assistance, there would be no program manager, as I understand it, for the next fiscal year.

That is why I question the basic intent. The intent is really I think, once again, to gut the program. Not just the drug program, but the whole justice assistance program.

Mr. MAZZOLI. And it gets to the philosophy and what Mr. Rangel and Mr. Smith talked about.

Mr. HUGHES. Yes. When you put your finger on it, I think it is a philosophic problem that has already been resolved by the Congress as policymakers. I think that is the problem. There won't be any program managers if, in fact, the Administration's request is granted and we zero fund that office.

Mr. MAZZOLI. Mr. Chairman, thank you very much.

Mr. HUGHES. Thank you very much, Mr. Landers. We really do appreciate your testimony. And I think you have probably gleaned from some of the discussion here today how members feel, in a bipartisan fashion, about what is happening. Thank you.

The next witnesses are part of a panel, and the chair would recognize at this time our distinguished colleague, Ron Mazzoli, from Kentucky to introduce two of the witnesses on the panel.

Mr. MAZZOLI. Mr. Chairman, thank you very much. And let me first, before I ask my two witnesses to come forward, thank you very much for having taken the trip to Louisville and Jefferson County just a few weeks back. We appreciated having you. As I have told the gentleman on the floor, there have been many people who have, subsequent to your visit, called me and written me and told me just how excellently you came across and how much they appreciated your being there.

Two of the witnesses of this panel, whom I now will call to come forward, have both expressed an interest in taking part in today's hearing because of your concerns about the way the anti-drug bill will work. I would first ask to come forward Mrs. Norma Miller, who is the Secretary of the Justice Cabinet of Kentucky. Mrs. Miller is a graduate of Louisville Law School. In her post, which is one of the highest ranking posts held by women in Kentucky government, she runs administratively the Kentucky State Police, which is our group for anti-drug enforcement on a State level.

Mrs. Miller's cabinet has been designated by Governor Martha Lane Collins to allocate these monies which come in through the anti-drug bill which we have referred to as Section (k) funds, and I think no person would be more eminently qualified to discuss the questions—and I think this is very important, Mr. Chairman—the question of coordination and cooperation among and between law enforcement agencies and also between the State and Federal Governments in dealing with this philosophical question we talked about.

Next, it is my pleasure to ask to come forward Mrs. Kathy Sloane, who is the Chairman of TRIAD, the group the chairman referred to a moment ago in his comments. Mrs. Sloane is a graduate of Wheaton College. Despite all of that paraphernalia she brings in here, she is a mother of three. She looks like she is ready to go to battle here, but that is going to illustrate a point that I think we will talk about later.

Mrs. Sloane has been active over the near 20 years I have known her and her husband, who was before being county judge was our mayor for two separate terms. As the chairman of TRIAD, Mrs. Sloane does the other thing we talked about earlier with Mrs. Miller—the coordination among law enforcement agencies and between State and Federal efforts. Under TRIAD we have the coordi-

nation and cooperation of all the local agencies—and there are some 30 agencies in Kathy's TRIAD group including law enforcement agencies, public-private agencies, and educational groups. They are trying to allocate our resources, Mr. Chairman, to target drug abuse and alcohol abuse in our communities.

So I am particularly pleased to have these two persons with me and with our committee, and I thank the chairman for allowing me to introduce them.

Mr. HUGHES. I want to welcome the witnesses from Kentucky, and particularly Kathy Sloane, with whom I spent a very lovely day recently in Louisville. She does a great job on TRIAD, and we are just delighted to see you in Washington, Kathy.

The third member of the panel is the Honorable James S. Kilpatrick, Jr., a County Freeholder from Cape May County, New Jersey, my home county, who is testifying on behalf of the National Association of Counties.

Mr. Kilpatrick has his undergraduate degree from the Wharton School at the University of Pennsylvania where he also received his law degree. He is presently in the private practice of law in Ocean City, which also is my hometown—Ocean City, New Jersey—and is now in his second term as a Cape May County Freeholder. A freeholder is the same as a county commissioner in many other counties. Mr. Kilpatrick is a member of the National Association of Counties' Justice and Public Safety Steering Committee.

We also have as our fourth panelist Timothy F. Hagan. I know that our distinguished colleague Ed Feighan wanted to be here to introduce you—he will be along shortly—but he is before another committee right now. I might say, for the record, that Mr. Hagan is the Government Relations Director, or was the Government Relations Director, for the Regional Transit Authority from 1971 to 1978, and Chairman of the Cuyahoga County, Ohio, Democratic Party from 1978 to 1982. He presently is on the Board of Commissioners, and has been President of the Board of Commissioners since 1984.

It is a distinguished panel. We are delighted to have you with us today. We have your statements which, without objection, will be made a part of the record, and you may testify as you see fit. We hope that you can summarize for us so we can get right to questions.

Why don't we start with you, Mrs. Miller? And before I ask you to testify, I might mention that I have a group of high school students on the steps waiting to have their photograph taken with me, so I am going to slip out for just a few minutes and I will be back as soon as I can.

As you testify, I am going to ask Mr. Mazzoli to chair the hearing. Mrs. Miller, happy to have you.

STATEMENTS OF NORMA MILLER, SECRETARY, JUSTICE CABINET, FRANKFORT, KY; KATHLEEN M. SLOANE, CHAIR, TRIAD COMMITTEE, LOUISVILLE, KY; JAMES S. KILPATRICK, JR., CAPE MAY COUNTY FREEHOLDER, OCEAN CITY, NJ, REPRESENTING THE NATIONAL ASSOCIATION OF COUNTIES; TIMOTHY F. HAGAN, PRESIDENT, CUYAHOGA COUNTY BOARD OF COMMISSIONERS, CLEVELAND, OH

Mrs. MILLER. Thank you, Mr. Chairman. I do welcome the opportunity because this is a rather grave concern to us in Kentucky. I have been in contact with my counterparts in various other States, and I can assure you the same concern is being felt in other States.

My office will administer Kentucky's allocation of the anti-drug abuse law's grant, which will total \$2.83 million. To date, we are one of those early States to receive our 10 percent administrative funds. We are in the process of formulating a State plan.

And in defense of the prior witness, I will tell you that we have had wonderful cooperation from Bureau of Justice Assistance with this grant. I also administer the juvenile justice and delinquency program grant, the justice assistance and the victim's assistance, and this one has been so far superior to our knowledge and ability to deal with the other grants. I mean, the others have been a nightmare. At least this one had administrative costs included.

As to your comment, Mr. Mazzoli, whether or not all States would apply, I feel very certain they will simply because the drug problem is nationwide. But in addition to that, with the administrative costs, most people can afford to apply, if not everyone. That was not true with the justice assistance money. We do have that money in Kentucky, but I did talk with people from other States who did not apply for the victim's assistance money because they couldn't provide the personnel at home to administer it.

At any rate, the anti-drug abuse law was one I think that caused us more excitement in my office than other legislation that I can remember because it provided an opportunity for us for the first time in Kentucky to draft a truly statewide comprehensive plan by which we could attack this drug problem. Kentucky is one of those States that, unfortunately, has a lot of cultivated marijuana in it. It is a former hemp-producing State. It is a tobacco State. The terrain makes it very difficult for State Police or any other agency to detect that cultivation. The State Police don't even own a helicopter. We have had wonderful assistance from Federal agencies. Last summer, the National Guard was kind enough to fly some Kentucky State policemen around the State looking for marijuana.

We had the, I suppose, dubious distinction last year of leading the Nation in marijuana eradication, which totaled about a million plants. There have been some efforts to combat the drug problem, but they are somewhat scattered and they are commensurate with available resources. Needless to say, when this bill was passed and with the thought that there would be 3 years' appropriations, we were most excited and felt that we would do an outstanding job. We feel a little dismayed at this point by the idea that perhaps the funding will not continue.

Our State plan has not been drafted as yet. We will probably be able to submit our plan about as early as any State in the country

because we are very anxious for that money. But we don't want to see any repeat of any problems that LEAA money ever presented. The way we use that money will be I am certain to its maximum effect so that it will force all law enforcement agencies at every level to work together, for example. We have everyone represented on that committee that we could possibly think of.

The other beauty of this bill is the fact that when we say law enforcement, that funding doesn't go to just that front end. As a former prosecutor, I have seen that domino effect that beefed up law enforcement has on the court system and on the correctional and jail facilities. You know, this funding takes that into account. So when I say a comprehensive program, we have people representing every facet of the criminal justice system. So we believe that the use of this money will be just as—well, better than I can remember other money being spent, frankly.

We have been disappointed at the idea that the funding wouldn't continue. As I said, having administered the other funds, we are kind of used to that. Every year we hear the same thing about the juvenile justice money. We heard the same thing about the justice assistance money, and possibly the victim's assistance money. We have heard it so often that we don't get too upset about those. Frankly, we were astounded at this one. I think that the idea that the Administration could give us such hope that it would really live up to its commitment in this fight against drugs, was, I hope, not just lip service. Because I guarantee you that there is no way for us to have a truly statewide strategy and implement anything that we could evaluate in 12 months.

And, frankly, I heard last week in Chicago—it was a meeting of sort of this very thing, drug law enforcement. It was hosted by the National Criminal Justice Association. There was a man there who spoke to us from the Attorney General's office, so I had already heard this business about the forfeiture being the wonderful remedy for our budgetary problems in 1988 and 1989. Frankly, I am not making light of the forfeiture statute, I think it is a wonderful thing. But truthfully, we get real excited in Kentucky. I mean, the State Police called me up and said: "Guess what. We may have a Ford Bronco on our hands." That won't even begin to solve our problems down there.

We don't have a State forfeiture law in Kentucky, and we, obviously, work with the FBI and DEA in order to come under the Federal law. But if that is the answer for budgeting, I am afraid we will have to forget whatever grandiose scheme we will be able to dream up in our State because that would be such a far cry from any remedy that would be even reasonable.

Mr. MAZZOLI [presiding]. Thank you very much, Mrs. Miller.
[The statement of Mrs. Miller follows:]

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COMMONWEALTH OF KENTUCKY
JUSTICE CABINET
FRANKFORT

NORMA C. MILLER
SECRETARY

MARTHA LAYNE COLLINS
GOVERNOR

SUMMARY

April 1, 1987

Despite limited state and local funding, recent efforts have been made in Kentucky to reduce drug trafficking and abuse.

The Kentucky State Police and local law enforcement agencies led the nation last year in marijuana eradication. Governor Martha Layne Collins' "Champions Against Drugs" campaign has heightened public awareness of the problems associated with drug use.

Federal funding under the Anti-Drug Abuse Act of 1986 has provided a catalyst for a state-wide strategy that will for the first time allow us to develop a comprehensive plan to deal with a problem whose growth has outstripped the state's manpower and monetary resources.

Continued funding is vital to the success of our efforts - the problems are national in scope and far too large to be solved without federal coordination and assistance.

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COMMONWEALTH OF KENTUCKY
JUSTICE CABINET
FRANKFORTNORMA C. MILLER
SECRETARYMARTHA LAYNE COLLINS
GOVERNOR

April 1, 1987

In the early days of World War II Kentucky was a leading producer of hemp used in the making of rope, and has again emerged as a forerunner in the growing and cultivation of this infamous plant. Because of the climate and the limestone based soil in Kentucky, the cultivation of marijuana has increased drastically in the past five (5) years to the point that, by most estimates, it has become the leading cash crop in the state. Marijuana growers in Kentucky have become highly sophisticated in their methods and techniques, with organized networks established for the cultivation and distribution of marijuana. However, home grown marijuana is not Kentucky's sole drug problem. Intelligence information indicates that much of the high grade marijuana grown in Kentucky, mainly sinsemilla, is frequently used in barter or exchange for quantities of other drugs such as cocaine.

Kentucky's geographic location is a major reason for this state's experiencing a rise in narcotics trafficking. Our sister states to the south, especially Florida and Georgia, have expended much attention to their drug problem and have

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caused major traffickers to move further inland. The fact that several interstate highways run through the state add to its attractiveness. In recent years information indicates that large amounts of narcotics and dangerous drugs from other states, are coming in to Kentucky for distribution, and for transportation to other points north, east, and west. Typical examples of the problem are air transportation into the farm lands of western Kentucky; trucking marijuana from the states of Texas and Florida into the Louisville area; and the unique method of parachuting out of an aircraft with cocaine which occurred in the eastern portion of the state. In the western portion of the state flat farm lands are generally encountered where aircraft may land at will; in the eastern portion of the state the mountainous terrains make it difficult for law enforcement agencies to detect incoming aircraft which may be able to land and unload before their presence is discovered; and in the metropolitan areas of the state, which are the primary market for the drugs, law enforcement authorities are undermanned and unable to handle many of the large scale narcotics trafficking activities.

Because marijuana can be grown and concealed with relative ease in remote areas of the state, this type of criminal activity poses unique and serious problems for law enforcement. The problems include the difficulty of detection, the time intensive nature of physical eradication, the extensive investigation which must precede prosecution and the specialized

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training and equipment needed for large scale eradication operations in isolated areas. The difficulties are compounded by the fact that illegal cultivation is most prevalent in the same areas where law enforcement resources are most limited.

Despite the increasing problems of drug trafficking and drug abuse, Kentucky law enforcement agencies have made a tremendous effort to combat the problems through interagency cooperation.

The marijuana eradication effort was a tremendous success for 1986. Kentucky lead the nation in the number of plants destroyed as a result of an organized and vigorous campaign against illegal cannabis in our state.

A superlative effort was demonstrated by State Police personnel throughout Kentucky with support from both federal and local agencies. Numerous sheriffs or deputies assisted in the mission through their manpower commitments, and invaluable information. Federal support was exhibited by federal grant monies (\$190,000), and by the prosecutorial and asset seizure offices.

Additionally, the Army National Guard joined forces with the Kentucky State Police to coordinate a one day all out effort called "Operation Green/Gray Sweep" demonstrating the positives of cooperation and coordination of effort. Eighteen

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National Guard helicopters were deployed throughout Kentucky with Kentucky State Police personnel on board which resulted in the destruction of over 27,000 marijuana plants.

Vigorous eradication efforts must continue. However, we have acknowledged the complexities of the drug problems and have become aware of the need for varied approaches. Law enforcement and treatment address the problems after they exist while prevention of drug abuse must start at an early age through education. Recognizing this, Governor Martha Layne Collins launched an Anti-Drug Abuse Campaign called "Champions Against Drugs." This program was designed to increase public awareness of drug use and to discourage its use by children by providing them with positive role models. Numerous sports figures joined Governor Collins' campaign by making personal appearances. The list of champions is too numerous to enumerate all who have voluntarily participated, but does include former University of Kentucky and NBA star Dan Issel; Cincinnati Bengals quarterback Ken Anderson; Navy center, All American David Robinson; and national sports announcers Billy Packer and Al McGuire.

Individual efforts made in Kentucky to combat drug problems have been admirable but commensurate with the resources available. Federal funding through the Anti-Drug Abuse Law of 1986 will for the first time allow Kentucky to develop a comprehensive state-wide strategy.

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Governor Collins designated the Justice Cabinet to administer the federal grant that Kentucky is eligible to receive under the Anti-Drug Abuse Act of 1986. We were one of the first states to apply for and receive an administrative grant which totals \$281,300.00 and represents 10% of our state's allocation.

A plan for the use of the \$2.83 million grant is being drafted by a committee whose members represent all levels of law enforcement, court systems, correctional facilities, as well as members of the Legislature and members who represent the areas of education and treatment. See Appendix A.

The broad committee membership will allow us to maximize the use of federal and state funds by utilizing the expertise of professionals from various disciplines.

The committee is currently in the process of assessing the extent of the drug problem in Kentucky and has recognized the insufficiencies of available central data collection and the inadequate resources and manpower of many police departments sufficient to combat the problems. They have further recognized the need for additional training of law enforcement officers, expansion of the state crime laboratory and perhaps most importantly the necessity of interagency approach to drug law enforcement.

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We are optimistic that our state-wide strategy for enforcing drug laws will immeasurably enhance Kentucky's war on drugs. Federal funding has heightened national awareness of drug use and provided us an opportunity to reduce the problems locally. However, we are gravely concerned about continued federal appropriations. One year's funding will not be sufficient to allow the implementation and evaluation of any project or program.

Thus, we request this Committee's recommendation for continued funding under the Anti-Drug Abuse Act of 1986.

We are indebted to the Bureau of Justice Assistance and to the National Criminal Justice Association for the cooperation and assistance they have provided.

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APPENDIX "A"

PROPOSAL

To establish a Drug Enforcement Strategy Committee for the purpose of developing a statewide strategy for the enforcement of state and local laws relating to the production, possession and transfer of controlled substances.

The Committee shall be charged with the following responsibilities:

1. Define the nature and extent of the drug problem in Kentucky;
2. Analyze current efforts;
3. Identify resources and resource needs; and,
4. Target resources to activities having greatest impact.

The Committee shall be composed of the following members:

1. Norma Miller, Justice Cabinet Secretary;
2. Gary Wainwright, Justice Cabinet, Grants Division Director; and,
3. Dr. Price Foster, Dean, College of Urban and Public Affairs, University of Louisville, Chairman of the Drug Policy Board.

MembersLaw Enforcement

1. Major Thomas Rakestraw, Kentucky State Police
2. Captain Michael Duncan, Kentucky State Police
3. Joel Carson, FBI
4. David Haight, DEA
5. Major John Spellman, Jefferson Co. Police Dept.
6. Major Wes Cruise, Louisville Police Dept.
7. Lieutenant John Bizzack, Lexington Police Dept.
8. Colonel John Miller, Shelbyville Police Dept.
9. John Bouvier, Sheriff, Daviess County
10. Joe Schmiade, Chairman, Northern Ky. Narcotics and Enforcement Unit (Kenton)

Prosecution

1. Joe Pamularo, LECC
2. Carl Melton, Circuit Court Judge (Henderson)
3. Tom Knopf, District Court Judge
4. Anne McBee, Attorney
5. Mite Hays, Shelby County Attorney
6. U.S. Attorney Louis DePalaise (Eastern District)
7. U.S. Attorney Joe Whittle (Western District)
8. Ray Larson, Commonwealth's Attorney
9. Don Cetrulo, Administrative Office of the Courts
10. Jim Board, Office of the Attorney General

Legal Defense

1. Paul Ingram, Public Advocate

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Corrections

1. John Perkins, Crime Commission Member
2. Jack Lewis, Corrections Cabinet
3. Cheryl Roberts, Corrections Cabinet
4. Richard Frey, Jefferson Co. Corrections
5. Ray Sabbatini, Fayette Co. Corrections

Law Enforcement Training

1. Captain Dennis Goss, Kentucky State Police
2. Roy Crouch, Dept. of Criminal Justice Training
3. Tim Crowe, National Crime Prevention Institute

Legislature

1. Dottie Priddy, Judiciary-Criminal Committee-House
2. Kelsie Friend, Judiciary-Criminal Committee-Senate
3. Jeff Compton, U.S. Representative Larry Hopkins Office

Education

1. Margaret McClain, Education

Treatment

1. Mike Townsend, Cabinet for Human Resources

GOAL

To develop a comprehensive state plan that:

1. increases coordination of enforcement efforts among state and local agencies;
2. facilitates coordination among criminal justice components;
3. attempts to coordinate all drug abuse programs including education and treatment;
4. serves as the advisory model for grant fund distribution both now and in the future; and,
5. serves as the written strategy to accompany state application for Part M of the Anti-Abuse Act of 1986, state and local assistance funds from the Bureau of Justice Assistance, U.S. Department of Justice.

Mr. MAZZOLI. Mrs. Sloane, welcome. Both of you.

Mrs. SLOANE. Thank you very much, Congressman Mazzoli. Thank you for helping provide the opportunity for us to join you here—for Secretary Miller and myself and the other members of this panel.

I would like, with your permission, to just highlight the testimony.

Mr. MAZZOLI. Certainly. I might say just for the record, all of your statements in full will be made a part of the record, and you can speak from them or however you wish.

Mrs. SLOANE. Thank you.

My name is Kathy Sloane, and I am here because earlier, I guess actually in the fall of 1986, we recognized—because the Federal Government called attention to the problem and because we have been dealing with drug problems at the local level for a long time, decided we should assemble all of the individuals that could help deal with that problem—the problem of drugs and alcohol abuse in our community.

As a result, there were called together people from many, many backgrounds having to do with rehabilitation, education and enforcement. No one turned us down. The county judge of Jefferson County, who is my husband, convened the meeting and asked me to chair it. It has been a great privilege to have done that. Out of the first few meetings, which were meant strictly as an evaluation in our community of our needs to meet the ability of the community to draw up grant proposals for the Federal funds which were promised to us, came 34 recommendations for action. I am not going to go into all of those with you today because some of them are in the area of rehabilitation, some of them are in the area of education.

This is a workable list of recommendations for our community. We recognized the extent of the problem. We were optimistic, laced with the knowledge that the Federal Government would soon give local governments millions of dollars to help the struggling units of local government fight the drug and alcohol problem. TRIAD was assembled with the idea that money would be forthcoming in a threefold, three-year commitment. We made our plans for fighting drug abuse on that basis.

Now we have learned that this year's money is the only money we can expect to see. We have been asked to fight the war on drugs with hand weapons and, figuratively speaking, as has been alluded to before, we need cannons. And everyone seems to be using the same analogy: That if we are at war, indeed, we must look to the arsenal, and it is not looking as strong as it should at the moment.

The Reagan Administration asked us to fight. The White House, in fact, I think, put its own moral authority on the line. And I think it is fine for us to talk about whether or not OMB is going to come through and whether or not the Justice Department is going to help, and we can talk about this in a very depersonalized way if we want to; but each one of you and each one of us knows that this is a personal kind of fight, and the President and Mrs. Reagan made it that. And all of us felt that we, as sort of the family of America, had been convened to deal with this problem. In our community the response was exemplary. And I think that we are here to say among other things that we feel somewhat, if not a great

deal, betrayed by the fact that we were all called to his high purpose and then subsequently told that we would not have the resources to deal with it.

I am hoping that as a result of these hearings that you are holding that this problem will be profiled and fleshed out in such a manner that all the Members of Congress will have the courage that they need to restore these funds. This money belongs to all of us, as we all know.

The irony is that we sit here, we come here to Washington and we are so fortunate to have the privilege to do that as our government functions. But the people who are pushing dope on the streets do not come to Washington, do not request, do not go through bureaucratic red tape, do not have to wonder where their funds will be in 1 year, 2 years or 3 years. They know where their resource is. They know where their market is. They have their briefcases, they open them, they pull out the cash and make the buy, and the rest we know well. These individuals who are pushing drugs in our society illegally are doing so with state-of-the-art equipment, 1980s equipment. We don't have that. There does not seem to be great equity as we look at the situation.

Narcotics investigations, as you know, require large resource commitments in both manpower and equipment. The cost of extended investigations is so excessive as sometimes to be deemed impossible. With the increasing fiscal problems faced by our communities, every available dollar for these investigations becomes more significant. And we cannot ask our police force and our officers to work with antiquated equipment. I feel that there is a real danger of our instilling within our own law enforcement agencies at the local level a certain feeling of futility with their own work as they go up against criminals who are so much better equipped and funded.

The larger narcotics dealers by their habits and spending habits are insulated from local police investigation, and their transportation, communications and electronic equipment is all superior. So I would like to encourage every Member of Congress to emulate the commitment of the underworld in this one case; and that is, the commitment to resources that we need to have this happen.

I would like now to talk to the specifics of the Anti-Drug Abuse Act. I strongly support a more active role for the Federal Government in the enforcement and prosecution as prescribed by the bill. I would suggest, however, that our local community may not get the money or tools it needs from the \$230 million authorization set aside. Our entire State will only receive \$28 million this year. I am therefore not terrifically happy with the formula for the distribution of funds. And I think we need flexibility to use the money creatively and as the demands change within our own localities. In short, I believe the money should be allocated for local enforcement drug efforts in general terms by-passing the bureaucratic reviews that slow and hamper the system.

I would also suggest that funds be allowed to be spent across governmental boundaries. We have great cooperation in our own county with the FBI and with the DEA. If we develop a program that would involve their cooperation, we need to ensure that they benefit from the same resources.

In addition to my apprehension about categorization funding and so forth, I would like to remind you that our community has lost 12 percent of our revenues because of the loss of revenue sharing. So if this committee and the Congress authorize a program which requests a 25 percent match at the local level, we just may not be able to participate.

I spoke about the sophisticated equipment which is being used by drug pushers on the streets. Today, I have a radio which is being used presently by our police force, and next to it I have a radio the type of which we really need. This unit contains a scrambler, and we don't have these. That means, gentlemen, that any of our investigations of anti-drug activities are monitored by the very people whom we hope to apprehend. Now this unit with the scrambler costs about \$2,500 and we need about a quarter of million dollars' worth of this type of equipment to ensure that our local officers have secure channels to proceed with drug investigations and, ultimately, with apprehension of criminals.

This is a very real illustration of where the money that will come from this Congress will go in our community, and we can promise results. It just isn't right that we are putting our officers out on the line without what they need and at the same time allowing the criminals to have the most sophisticated equipment available.

Now Secretary Miller alluded to the fact that there was a helicopter used last year. Another very good example of how we can utilize funds in the State to help us with our own local problems. And let me just say that 1 kilo of cocaine weighs about 2 pounds. By the time it is ready to be marketed, it could grow to 8 pounds and could have a street value of \$400,000. But it costs our local law officers about \$40,000 to buy 1 kilo. The need for the additional drug money, therefore, is obvious. The sale of this cocaine, very conservatively speaking, accounts for nearly \$12 million in illegal drug sales in our community every year, and that is over 2,600 pounds of cocaine on the streets. The \$12 million figure might sound familiar since it is the same amount by which our revenue sharing was cut.

The \$230 million authorized for fiscal year 1987 is the equivalent of one B-1 bomber. I cannot envision any war in which the actual combat efforts would be supported with the financial commitment of one bomber.

Before I close, let me put my own concern on a more personal note. This problem with drugs costs our taxpayers that we know of about \$50 per month. But statistics don't tell the story. We know that once someone, a young person or an adult, develops a serious drug problem and has to undergo rehabilitation that the individual becomes medically indigent very quickly as a victim of drug addiction. That is costing our society sums that have not by any means been estimated.

To sum up, I think I want to say that I have heard many things already today which are encouraging, and I have heard some words used here. One of the members of your own committee used the word "outrage" when he described his own feelings about the Administration's reversal on this policy. I think we share that outrage. I heard the word "passion" used, and I think it is certain that

any of us who have really confronted this problem or making a serious effort to really do have a passion for seeing it in some manner resolved in this society. And I have heard the word "war" used a lot, so we know we are in one. When we have a war, we have an enemy and we have a plan, and I think we know all about it. We just now need your help with the resource.

So I would like to end on the note of hope which I think we must all have that we will work together. We pledge to help. We will come to Washington as many times as you want us to, to tell you about what we need. And we thank you for your assistance.

Mr. MAZZOLI. Thank you very much, Mrs. Sloane.

[The statement of Mrs. Sloane follows:]

TESTIMONY OF

KATHY SLOANE

CHAIR

TRIAD

JEFFERSON COUNTY, KENTUCKY

TO

SUBCOMMITTEE ON CRIME

HOUSE COMMITTEE ON JUDICIARY

UNITED STATES HOUSE OF REPRESENTATIVES

HONORABLE WILLIAM J. HUGHES, NEW JERSEY

CHAIRMAN

REGARDING

H.R. 5484, THE ANTI-DRUG ABUSE ACT OF 1986

PRESENTED

APRIL 1, 1987

On September 8, 1986, my husband, County Judge/Executive Harvey I. Sloane, M.D., organized a group of citizens representing the private and public sectors in an effort to identify any shortcomings or drug and alcohol services in our community. This 30-member committee, known as TRIAD - Targeting Resources in Attacking Drugs - was charged with the responsibility of studying and recommending ways to close these so-called "gaps." After meeting for a 30-day period, a total of 34 recommendations were made by TRIAD's three subcommittees - divided into the areas of enforcement, education and rehabilitation.

TRIAD was represented by every phase of the Louisville-Jefferson County, Kentucky community - residents, business people, police - the entire private and public sectors.

What they came up with was a workable list of suggestions, alternatives and innovations that have had a marked impact on the drug and alcohol problem.

But it took teamwork - something that appears to be lacking at the White House.

Our effort required a collective approach unparalleled in our community's history, because we knew that neither the citizen, nor the business executive, nor elected officials could do it alone.

Jefferson County and Louisville have everything to offer.

We've got something for everyone. . .

The finest arts, the finest recreation, the finest economic picture, and the finest opportunity to make sure our quality of life doesn't suffer because of drug and alcohol abuse.

I obviously don't have time to go over each of the 34 recommendations today, but I do want to touch on some of the more important ones.

One of the most intriguing suggestions by the Education Committee deals with the family. They recommended that school buildings be available for use by parent/child drug prevention groups which aim at special risk populations and are often insufficiently addressed through existing in-school programs. Parents should be encouraged to organize and become the backbone of the community's prevention and educational programs, was another suggestion. And just like the TRIAD concept where we involved the business and private communities, the education group suggested that businesses be encouraged to take an active role in prevention.

Use of the news media was an obvious choice throughout the final report. After reviewing those 16 recommendations we asked the Public School Superintendent, Parochial Superintendent and the administrators of EVERY Jefferson County private school for their complete cooperation in this effort.

We asked them to critically review what they were doing and carefully look at the recommendations of this community-wide committee and make those changes. I know they will be successful.

We also took the recommendation of involving the business community very seriously by sending the entire report and its recommendations to the 25 largest employers in Jefferson County.

I think the work of the Education Committee bridged an important gap. When we hear the word education we think of our children.

But drug and alcohol abuse is a problem that touches everyone - the infant born deformed because his mother abused, the promising high school athlete because he experimented, the graduating medical student whose career is ruined because - on his record are the words "abuses medication", and the adult whose established career is crumbling all around him because he abused.

The Enforcement Committee: This group arrived at 12 recommendations that, almost frighteningly, paint a picture of just how bad the problem is. Since receiving their recommendations we have launched a massive campaign to let everyone know that sanctuaries to abuse will no longer be found at public events like concerts. That's it, it's over! And we've put a halt to the so-called "keg" parties. When we find out about one - it's busted! Plain and simple. And when we find out that parents condone keg parties, they're busted too!

If parents don't think there's anything wrong with children drinking, then its time we - the police, courts, social workers and jails intervene. We're just not going to put up with it any longer.

We've sent a letter to Kentucky Secretary of Justice Norma Miller, asking that undercover police officers be exchanged between agencies so that we can bolster our efforts. Abusers aren't going to know who to look for anymore!

Up to now you've heard me talk about everything we're doing. But what I've described are efforts that "local" government is doing without the assistance of federal funding?

The so-called "War on Drugs" has been described as a response to the fact that America is under siege. If this country were under siege by a foreign power, we would have a supreme commander directing our efforts. Simply put, if this is war, where is our General McArthur? The White House made a large monetary commitment, but unfortunately we have not seen any results yet. The commitment now appears hollow and the follow-up seems bankrupt!! Ronald and Nancy Reagan simply are not Douglas McArthurs and do not possess the commitment and drive of a George Patton to win battles.

If a War on Drugs has been declared, where is the Commander-In-Chief?

I believe that President and Mrs. Reagan declared a war and forgot it. I understand that after the declaration, and signing in October, President Reagan will not include an authorization for FY 1988.

I am also not sure that the authorization in the bill is adequate. If this is a war, you have made available to us at the local government level only a token amount of funds with which to fight.

The \$230 million authorized is the equivalent cost of only one B-1 bomber.

I cannot envision a war where the actual combat efforts would be supported with a financial commitment of only one bomber.

The Reagans seem to have declared a war and then gone home.

If we're at war with drugs, where are our armaments?

Our armies at the local level are ready to fight.

But we have hand weapons when we - figuratively - need cannons.

We're operating with antiquated techniques. For example, the Jefferson County Police Department has two older helicopters they use

for aerial surveillance of drug deals. We need new and better equipment to help us in this fight. The federal government has numerous airplanes and helicopters which have been sitting, deteriorating and rotting. The federal government should-as quickly as possible-make some of these resources available to local law enforcement jurisdictions. If they can't accommodate this request, give us the assets from their quick sale. Don't make us fight a battle with hand tools that could be won with cannons.

Many of us remember the iron lung and the tragedy of seeing children confined in the 1940s. Polio then became the handicapping horror of the 50s. Chemical dependency is now crippling our children.

Fourteen percent of the children in our community, according to our mental health experts, suffer from some type of chemical dependent illness. This means that within the next 30 years over 33,000 people could be dependent upon us and will not reach their potential for productive lives.

At the outset of TRIAD we knew there were no halfway houses for adolescents anywhere in Jefferson County. We also knew there were no indigent beds for adolescents. The need was evident -- we needed to allow more people access to treatment programs and, therefore, reduce the proportion of medically indigent patients.

As a result we made a trip to Minneapolis, the site the foremost halfway facility in the nation. Their program is remarkable, but expensive. There is no way our local governments can support such a function for the long term. We just don't have the funds. And that one true need is reason alone to move that money off dead-center.

I would now like to address specific elements of the Anti-Drug Abuse Act of 1986, (H.R. 5484). One of the components of TRIAD, as I outlined earlier, is a law enforcement effort involving federal, state and local agents. I strongly support the more active role for federal government in enforcement and prosecution prescribed in the bill.

Specifically, I would like to address a few items.

1. Funding: Our local community may not get the money or tools from the \$230 million authorization set aside for local law enforcement. The entire state of Kentucky will only receive \$2.8 million. I, therefore, question the distribution formula and suspect that our jurisdiction may not get adequate funding.

2. Categorical Guidelines: I understand that the funds made available to local government will be in predesignated categories. Local governments need maximum flexibility in the use of these funds and cannot be effective if restrained too severely by category. I would suggest that our agents have the latitude to be flexible in securing the resources that they need and, as our battles change, so should our strategies. I am not suggesting that there be no accountability of the money. I believe in strict audit trails. I would suggest, however, that great flexibility be incorporated into the program.

3. Jurisdictional Funding: The bill clearly authorizes federal and local law enforcement to work on this problem. In Jefferson County, Kentucky however, we have tremendous cooperation at the federal, state and low levels. I would hope that we would have the ability, if needed, to cross governmental boundaries with this funding allowing us the greatest effectiveness.

4. Programatic Administration: Even though this bill was signed into law by the President in October 1986, none has been received by our local jurisdiction. I understand that this is not the fault of Secretary of Justice Norma Miller - the state of Kentucky has been more than cooperative in developing program proposals. I would suggest, however, that too often the effects of this Congress are diminished by bureaucratic guidelines which slow down and dilute your programs. Very simply, we need the money quicker.

And one of the items I'd like to see this committee approve of is a parallel to the Navy's Zero Tolerance Plan. It's a program where drug abusers are given the opportunity to seek counseling - without fear. If they don't receive that help and are found to abuse, they could face discharge. Jefferson County, Kentucky has implemented just such a program. Where this committee can parallel that effort is to say that none of you - "Zero" - will "tolerate" the red tape that seems to have accompanied the awarding of these monies.

The fact remains that if the federal government is going to announce a concerted effort at attacking the drug abuse problem in this country, then they need to take the lead and DO IT! There is no time to waste! This government will be heard more loudly than local units. So the burden rests on your shoulders to let everyone know that if you work with someone, socialize with someone, or study or worship with another who abuses something harsh is going to happen.

The United States Government and communities like Jefferson County, Kentucky have to combine their efforts. We have to look at the schools, companies, factories, street corners and, most importantly, the family for help. But it starts with you. This problem knows no

boundaries or class lines, or racial distinction. Those that "push" and "push" and "push" are winning. Well, it's time we started pushing BACK. We need to take the wealth of information taken here and spread the word to everyone and anyone will will even remotely listen.

America has a great quality of life. Many countries cannot honestly say that. I'd like to keep it that way.

If we have indeed declared War on Drugs - let us send the front line troops out adequately armed.

Those that "push" must be pushed back!

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Mr. MAZZOLI. Mr. Kilpatrick.

Mr. KILPATRICK. Thank you, Congressman Mazzoli, Congressman Feighan. It is a pleasure to be here today. I am James S. Kilpatrick, Jr., a member of the Bar of the State of New Jersey and a member of the Board of Chosen Freeholders of Cape May County since January 1983. In that capacity I have had direct responsibility in Cape May County as Freeholder Director of Public Safety since my initial term.

A number of departments that I work with include the prosecutor's office, the County Correctional Center which, by the way, I ran for 6 months when we had some problems. It was rather interesting for a lawyer who has been trained to keep people out of jail suddenly deciding to keep them in.

I am here today on behalf of the National Association of Counties, to speak on their behalf, representing counties from all over the country. Our position, very succinctly, is that we oppose most vehemently any reduction in funding under this Act.

County government and the Federal Government have had a long-standing partnership of cooperation. We are in many ways the front line of defense in this war—and I term it a war, also. We are out there. We provide much intelligence. We provide equipment. We provide manpower to enforce, not only State, local and county laws, but also Federal laws. Each and every one of our counties throughout this country has a commitment to cooperate fully in this battle against drug abuse. What we need is the living up to the commitment of this legislation.

It shocks me to sit here and hear a representative of the Administration say that they have not even applied through the Justice Department for funding for fiscal year 1988. It further shocks me to hear them say that we will rely on forfeitures, that that is a method of funding. Just before I left Ocean City, I spoke with my county prosecutor on the phone. He had provided me some information. And one of the last things he mentioned to me is: "Oh, by the way, we have two vehicles that we have seized that we are going to forfeit. They are not going to be converted to funds to battle the drug war." Those vehicles are, however, going to be used as undercover vehicles. So that is a resource, but it is not a means of funding the actual operations and personnel necessary to fight this battle.

In our county, which I feel is representative of many throughout the country, we provide a special investigation unit. We fund that now with \$210,000 in manpower money alone. The local municipalities previously had given us their personnel on a loan basis for a period of time to do undercover work. Our local municipalities can no longer afford to do that, so the burden has now fallen back on the County of Cape May to provide \$210,000 in new taxpayers' money with which we reimburse up to \$35,000 per police officer when an officer is loaned by one of our municipalities for a period of time to work with our SIU.

We provide \$75,000 annually in operating funds for the SIU, remembering that this is all separate and apart from our routine operations, our investigations of homicides, our prosecutions in drunk driving, our prosecutions in other criminal offenses. This SIU is aimed solely at organized crime, gambling and drug abuse.

An example of cooperation. Back in the fall of 1983, Cape May County in a routine drug bust by the County Prosecutor's Office, SIU, determined that there was one of the arrestees who was willing to cooperate, and he cooperated with our SIU to provide information about the Gambino organized crime family. There was a member of that family residing in our county, operating two pizza parlors, and that there was some indication of heroin and/or cocaine being brought in from overseas.

We contacted the FBI—the Prosecutor's Office—and the FBI, DEA, IRS, and our County Prosecutor put together Operation Deep Dish. That was funded with Federal money to the extent of \$311,000 for 1 year of undercover work, buying of narcotics. They were buying half kilos for \$110,000. Now, remember, this is a county of about 90,000 people year round, but we expand to 600,000 people during the summer because we are a shore resort. The market there could be infinite.

I am very happy to say that as a result of that year-long investigation the Federal authorities were able to arrest the members of the Gambino family who were involved in the operation and they have been successfully prosecuted. The same individuals have also been successfully prosecuted over in Italy, which happen to be where they were beginning the trek of the narcotics to Cape May County in the State of New Jersey.

As I have indicated, there has been this long partnership between county government and the Federal authorities. To cut these funds under an Act that holds so much promise for us to effectively provide that front line of defense for you, to me is foolhardy. When DEA, FBI make a bust, they don't do it alone. We have our county people—sheriffs, local police officers—out there backing them up. When they make a serious drug bust, the arrestees don't wind up in Allenwood; they—just like in Monopoly—go straight to jail, and that is a county jail. And our county houses prisoners on a detainee basis for the Federal authorities.

So we are out there doing our job. We are citizens not only of our county, our State, but of our country; and we, as dedicated county officials, want to provide that support. But we need help.

It is a pleasure to have been here today before Chairman Hughes' subcommittee. Bill and I, if I may, have known each other for a number of years, back before either of us was in public office. I recognize the chairman's activities in the forefront of the battle against crime, and all of Cape May County, I can say, and your entire congressional district as well as the State of New Jersey recognize your efforts in that regard.

I can only end by commenting to you as to the request of this Administration to reduce and eliminate these funds, just say no.

Thank you.

Mr. HUGHES. Thank you, Jim, for a very excellent statement. That is rather apropos.

[The statement of Mr. Kilpatrick follows:]

**NATIONAL
ASSOCIATION
of
COUNTIES**

440 First St. NW, Washington, DC 20001
202/393-6226

STATEMENT OF

JAMES S. KILPATRICK, JR.

COUNTY FREEHOLDER

CAPE MAY COUNTY, NEW JERSEY

ON BEHALF OF

THE NATIONAL ASSOCIATION OF COUNTIES

BEFORE THE

HOUSE SUBCOMMITTEE ON CRIME

ON THE

LAW ENFORCEMENT ASSISTANCE PROVISIONS

OF THE

ANTI-DRUG ABUSE ACT OF 1986

APRIL 1, 1987

WASHINGTON, D.C.

STATEMENT OF JAMES S. KILPATRICK, JR., COUNTY FREEHOLDER, CAPE MAY COUNTY, NEW JERSEY, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES* (NACO), BEFORE THE HOUSE SUBCOMMITTEE ON CRIME.

CHAIRMAN HUGHES AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE. MY NAME IS JAMES S. KILPATRICK, JR. I AM A PRACTICING ATTORNEY AND A COUNTY FREEHOLDER IN CAPE MAY COUNTY, NEW JERSEY, WHERE FOR THE PAST SEVERAL YEARS, I HAVE BEEN ASSIGNED LEAD RESPONSIBILITY FOR JUSTICE AND PUBLIC SAFETY MATTERS ON THE COUNTY BOARD OF FREEHOLDERS. I AM ALSO A MEMBER OF THE NATIONAL ASSOCIATION OF COUNTIES' JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE.

I AM PLEASED TO BE HERE THIS MORNING TO REPRESENT THE NATIONAL ASSOCIATION OF COUNTIES AND TO PRESENT ITS VIEWS ON THE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1986. I WILL ALSO COMMENT ON LEGISLATION TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT (H.R. 1411). AS THIS COMMITTEE KNOWS, THE ADMINISTRATION HAS REQUESTED THE TOTAL ELIMINATION OF ALL STATE AND LOCAL JUSTICE ANTI-DRUG GRANTS IN FY88.

*NACO IS THE ONLY NATIONAL ORGANIZATION REPRESENTING COUNTY GOVERNMENT IN THE UNITED STATES. THROUGH ITS MEMBERSHIP, URBAN, SUBURBAN AND RURAL COUNTIES JOIN TOGETHER TO BUILD EFFECTIVE, RESPONSIVE COUNTY GOVERNMENT. THE GOALS OF THE ORGANIZATION ARE TO: IMPROVE COUNTY GOVERNMENT; SERVE AS THE NATIONAL SPOKESMAN FOR COUNTY GOVERNMENT; TO ACT AS LIAISON BETWEEN THE NATION'S COUNTIES AND OTHER LEVELS OF GOVERNMENT; ACHIEVE PUBLIC UNDERSTANDING OF THE ROLE OF COUNTIES IN THE FEDERAL SYSTEM.

AT THE OUTSET, LET ME EXPRESS NACO'S APPRECIATION TO THE SUBCOMMITTEE FOR SPONSORING THIS IMPORTANT HEARING AND FOR THE HIGH PRIORITY THAT THIS SUBCOMMITTEE HAS GIVEN TO STATE AND LOCAL ISSUES. IT IS ALSO A SPECIAL PLEASURE FOR ME TO BE TESTIFYING TODAY BEFORE YOU, MR. CHAIRMAN, MY CONGRESSMAN, FRIEND AND FELLOW RESIDENT OF CAPE MAY COUNTY. I KNOW THE PROGRAMS FOR WHICH THE CRIME SUBCOMMITTEE IS RESPONSIBLE WILL BE IN GOOD HANDS WITH A PERSON OF YOUR ABILITY AND INTEGRITY TO WATCH OVER THEM AND SHEPHERD THEM THROUGH THE POLITICAL PROCESS.

BEFORE I EXPLAIN WHY THE COUNTIES OF THIS NATION ARE SO DEEPLY DISTURBED BY THE ADMINISTRATION'S BUDGET PROPOSAL AND WHY WE VIEW SUCH A RECOMMENDATION AS BEING DETRIMENTAL TO THE NATIONAL INTEREST, LET ME PROVIDE SOME GENERAL BACKGROUND.

COUNTIES HAVE MAJOR FISCAL, ADMINISTRATIVE AND POLICY-MAKING RESPONSIBILITY FOR CRIMINAL JUSTICE AT THE LOCAL LEVEL. COUNTIES NOT ONLY PROVIDE FUNDING TO ALL MAJOR COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM -- LAW ENFORCEMENT, COURTS AND CORRECTIONS -- BUT THEY ALSO HAVE A MAJOR ROLE IN THE ADMINISTRATION OF SUCH SERVICES.

IN FY83, OUR EXPENDITURES IN JUSTICE, ACCORDING TO THE U.S. BUREAU OF THE CENSUS ANNUAL GOVERNMENTAL FINANCE SURVEY, TOTALLED 9.7 BILLION FOR JUSTICE ACTIVITIES. BY FY 1985 THE EXPENDITURES HAD RISEN TO OVER 11.5 BILLION. HOWEVER, IN BOTH CASES, THE

CENSUS BUREAU CALCULATED CITY-COUNTY CONSOLIDATIONS SUCH AS NEW YORK CITY, SAN FRANCISCO, DENVER AND PHILADELPHIA AS CITIES. THESE JURISDICTIONS ARE ALSO COUNTIES. THUS, THE TRUE COUNTY TOTALS ARE MUCH HIGHER THAN THE PUBLISHED DATA WOULD INDICATE. BY NACO PROJECTIONS, USING CENSUS STATISTICS AS A BASIS, COUNTIES WERE SPENDING IN FY'85 CLOSE TO 14 BILLION.

FIXED COSTS AND A GROWING CRISIS

DESPITE OUR HUGE INVESTMENT IN THE WAR AGAINST CRIME, MOST COUNTY JUSTICE BUDGETS ARE TOTALLY SUBMERGED IN FIXED COSTS LEAVING LITTLE OR NOTHING IN THE WAY OF RESOURCES TO EXPAND OUR EFFORTS IN COMBATTING THE DRUG CRISIS. INDEED WE WOULD HAVE DIFFICULTY IN JUST MAINTAINING OUR CURRENT RESPONSIBILITIES IN THE JUSTICE FIELD EVEN IF THERE WAS NO INCREASE IN CRIME AND NO NEED FOR ADDITIONAL LAW ENFORCEMENT ACTIVITIES. HOWEVER, COUNTY JUSTICE WORKLOADS HAVE INCREASED DRAMATICALLY. THE ANTI-DRUG EFFORT IS A MAJOR EXAMPLE OF THIS DRAMATIC INCREASE, PARTICULARLY AS THE AVAILABILITY OF ILLICIT DRUGS PROLIFERATES.

LESS THAN TWO WEEKS AGO, W. CARY EDWARDS, THE ATTORNEY GENERAL OF NEW JERSEY, IN TESTIMONY BEFORE THE NEW JERSEY SENATE APPROPRIATIONS COMMITTEE REPORTED THAT "THE PROBLEM OF DRUG SMUGGLING WITHIN OUR BORDERS...HAS BEEN GETTING WORSE, DESPITE IMPRESSIVE INTERDICTION EFFORTS." IN 1986, HE NOTED "SMUGGLING ARRESTS INVOLVING THE TRANSPORT OF COCAINE FROM SOUTH TO NORTH INCREASED BY 141%."

APPROXIMATELY 50% OF ALL CRIMES PROSECUTED IN NEW JERSEY ARE DRUG RELATED, HE REPORTED, AND AT LEAST ONE-THIRD OF ALL CRIMES, INCLUDING VIOLENT CRIMES "ARE COMMITTED BY PERSONS UNDER THE INFLUENCE OF ALCOHOL OR ILLICIT SUBSTANCES." LAST YEAR, EDWARDS SAID, ALMOST 90% OF THE RECORD 40,690 ARRESTS FOR DRUG OFFENSES WERE MADE BY LOCAL AND COUNTY LAW ENFORCEMENT AGENCIES.

OUR ATTORNEY GENERAL ALSO REVIEWED FINDINGS FROM A RECENTLY RELEASED SURVEY OF NEW JERSEY HIGH SCHOOL STUDENTS WHICH ARE REFLECTIVE OF THE MAGNITUDE OF THE PROBLEM:

THE OVERWHELMING MAJORITY OF STUDENTS (82.8%) BELIEVE THAT MARIJUANA IS 'EASY' OR 'VERY EASY' TO OBTAIN, BUT ALSO THAT MORE STUDENTS THAN EVER BEFORE, ALMOST 60%, REPORT THAT COCAINE WOULD BE 'EASY' OR 'VERY EASY' TO OBTAIN...WHEN WE LAST ADMINISTERED THE SURVEY IN 1983, IN CONTRAST, LESS THAN ONE-HALF OF THE STUDENTS BELIEVED THIS TO BE TRUE. THESE STUDENTS ARE PROBABLY THE BEST JUDGES OF THE AVAILABILITY OF ILLICIT DRUGS, AND THEIR BELIEFS EVIDENCE THE EXTENT TO WHICH DRUG TRAFFICKING HAS BECOME ENDEMIC TO OUR STATE."

IN THE PAST, FEDERAL GRANTS HAVE ASSISTED LOCAL GOVERNMENTS, IN MODERNIZING THEIR OPERATIONS AND IN ALLOWING US TO KEEP PACE WITH NEW DEVELOPMENTS IN JUSTICE ADMINISTRATION.

ALTHOUGH FEDERAL GRANTS REPRESENT ONLY A SMALL FRACTION OF THE TOTAL FUNDS SPENT ON DRUG ABUSE IN NEW JERSEY, THESE FUNDS WILL PLAY AN IMPORTANT ROLE IN ASSISTING STATE AND LOCAL GOVERNMENTS IN MODERNIZING THEIR OPERATIONS AND IN KEEPING PACE WITH NEW DEVELOPMENTS IN JUSTICE ADMINISTRATION.

WHILE THE ANTI-DRUG ABUSE ACT IS STILL IN ITS EARLY STAGES OF IMPLEMENTATION, THE HISTORIC RECORD NATIONWIDE IS INSTRUCTIVE OF THE CATALYTIC IMPACT OF FEDERAL GRANT INVESTMENT ON STATE AND LOCAL JUSTICE PROGRAMS. THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, FOR EXAMPLE, FOUND THAT UNDER THE LEAA PROGRAM, 78 PERCENT OF COUNTY JUSTICE PROJECTS WERE SO VALUABLE THAT THEY WERE ASSUMED BY THE COUNTIES THEMSELVES ONCE FEDERAL FUNDS ENDED.

THE LOSS OF REVENUE SHARING

I WOULD BE REMISS MR. CHAIRMAN IF I FAILED TO MENTION THE NEGATIVE IMPACT OF THE LOSS OF REVENUE SHARING ON COUNTY JUSTICE PROGRAMS. NACO HAS ESTIMATED THAT ROUGHLY ONE-THIRD OF ALL REVENUE SHARING DOLLARS GOING TO COUNTIES HAVE BEEN SPENT ON JUSTICE AND PUBLIC SAFETY PROGRAMS. IN A NUMBER OF COUNTIES MORE THAN 50% OF GRS FUNDS HAVE BEEN COMMITTED TO SUCH PROGRAMS. HAMILTON COUNTY OHIO, FOR EXAMPLE, RECENTLY BUILT A \$70 MILLION JAIL OF WHICH \$50 MILLION CAME FROM REVENUE SHARING FUNDS.

WITH THE DEMISE OF THE GRS PROGRAM, COUNTIES ACROSS THE NATION HAVE LOST A MAJOR COLLATERAL RESOURCE. AS A RESULT OF THAT LOSS A NACO SURVEY RELEASED MARCH 17, 1987 (BASED ON A SAMPLE OF 262 COUNTIES) FOUND THAT 82% OF THE COUNTIES WERE FORCED TO EITHER CUT SERVICES AND LAY OFF WORKERS, RAISE TAXES OR BOTH. A SIGNIFICANT SHARE OF THE CUTBACKS FELL ON JUSTICE AND PUBLIC SAFETY PROGRAMS.

THREE EXAMPLES ILLUSTRATE THIS POINT:

O PACIFIC COUNTY, WASHINGTON WAS FORCED TO LAY OFF 6 OF ITS 10 DEPUTIES IN THE SHERIFF'S DEPARTMENT.

O GREENE COUNTY, TENNESSEE STOPPED CONSTRUCTION OF ITS NEW DETENTION CENTER.

O LOS ANGELES COUNTY, CALIFORNIA SIMULTANEOUSLY CUT SHERIFF'S PATROLS IN OUTLYING AREAS AND INCREASED PROSECUTOR CASE LOADS.

THE FEDERAL-COUNTY PARTNERSHIP

MR. CHAIRMAN, THE ADMINISTRATION'S BUDGET REQUEST TO ELIMINATE STATE AND LOCAL ASSISTANCE FOR ANTI-DRUG JUSTICE PROGRAMS SERIOUSLY THREATENS THE HISTORIC PARTNERSHIP BETWEEN THE FEDERAL GOVERNMENT AND COUNTY GOVERNMENTS IN COMBATTING CRIME. IT THREATENS NOT ONLY OUR EFFECTIVE PARTICIPATION IN THE PARTNERSHIP, BUT INDIRECTLY THE FEDERAL ROLE AS WELL.

COUNTIES PROVIDE A LOT OF SERVICES THAT BENEFIT THE FEDERAL GOVERNMENT. WE DO IT VOLUNTARILY. WE DO IT WITH PRIDE AND WITH THE CLEAR RECOGNITION THAT WE HAVE A RESPONSIBILITY TO ASSIST THE FEDERAL GOVERNMENT. WE ARE, AFTER ALL, CITIZENS OF OUR OWN COUNTIES AND OF OUR STATES -- BUT WE ARE ALSO CITIZENS OF THE UNITED STATES.

EXAMPLES OF SUCH PARTNERSHIP AND INTERGOVERNMENTAL COOPERATION ARE MULTITUDINOUS AND INVOLVE ALL COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM, INCLUDING THE HOUSING OF FEDERAL INMATES IN COUNTY JAILS, THE WIDE EXCHANGE OF INFORMATION AND THE MAJOR ROLE OF LOCAL OFFICIALS IN THE APPREHENSION OF FEDERAL SUSPECTS AND FUGITIVES.

WHEN THE DEA OR THE FBI MAKE A DRUG BUST, THEY USUALLY DON'T DO IT ALONE. LOCAL POLICE AND DEPUTY COUNTY SHERIFFS ALMOST ALWAYS PROVIDE ASSISTANCE. WHILE THE FEDERAL AGENTS CHARGE THROUGH THE FRONT DOOR, OUR LOCAL OFFICERS HAVE SURROUNDED THE HOUSE...GUARDING THE BACK DOOR AND THE LIVES OF THESE AGENTS.

IF COUNTIES ARE FACING CUTBACKS IN JUSTICE SERVICES OR ARE UNABLE TO DEAL EFFECTIVELY WITH THEIR OWN PROBLEMS, THEY WILL BE LESS ABLE TO ASSIST THE FEDERAL GOVERNMENT IN MEETING ITS OWN LAW ENFORCEMENT OBJECTIVES. FOR EXAMPLE, WITH MANY URBAN COUNTY JAILS BEING OVERCROWDED, A GROWING NUMBER OF COUNTIES HAVE REFUSED TO HOUSE FEDERAL INMATES. IN 1983, IT WAS ESTIMATED THAT THERE WERE MORE THAN 8 MILLION ADMISSIONS TO COUNTY JAILS.

WHEN FEDERAL AGENTS MAKE AN ARREST ON A SERIOUS DRUG CHARGE, THESE DEFENDANTS ARE NOT TAKEN TO ALLENWOOD OR LEWISBURG. AS IN THE GAME OF MONOPOLY, THEY ARE USUALLY TAKEN DIRECTLY TO JAIL--TO THE COUNTY JAIL. IN FACT, WITH THE EXCEPTION OF SOME FOUR FEDERAL METROPOLITAN CORRECTIONAL CENTERS, THE FEDERAL PRETRIAL DETENTION SYSTEM IS OPERATED ALMOST EXCLUSIVELY BY COUNTY GOVERNMENT.

IN THE ADMINISTRATION'S FY87 BUDGET MESSAGE, IT WAS ESTIMATED THAT SOME 93,500 PRISONERS WOULD BE BOARDED IN 835 LOCAL JAILS DURING 1987.

FINALLY, WE WOULD ARGUE THAT PUMPING MONEY INTO FEDERAL AGENCIES CREATES A RIPPLE AFFECT AT THE STATE AND LOCAL LEVELS CREATING ADDITIONAL DEMANDS ON OUR LIMITED RESOURCES. THE RECENT INFUSIONS OF FUNDS FOR FEDERAL LAW ENFORCEMENT IN COMBATTING DRUG ABUSE, FOR EXAMPLE, WILL HAVE MAJOR CONSEQUENCES FOR STATE AND LOCAL GOVERNMENTS.

ONE ASPECT OF THIS RIPPLE AFFECT IS DISPLACEMENT. AS FEDERAL AUTHORITIES CRACK DOWN ON DRUG SMUGGLERS IN FLORIDA, THEY HAVE TENDED TO MOVE THEIR OPERATIONS NORTHWARD ALONG THE EASTERN COAST. NEW JERSEY HAS BEEN ESPECIALLY HARD HIT. OUR STATE IS NOW SECOND ONLY TO FLORIDA IN THE TOTAL NUMBER OF DRUG SEIZURES REPORTED. NEW JERSEY RANKS THIRD IN THE REPORTED SEIZURE OF COCAINE AND SECOND IN HEROIN. WE ARE FIRST IN THE REPORTED SEIZURE OF CASH AND CURRENCY LINKED TO DRUG TRAFFICKING ACTIVITIES.

IT IS FOR THESE REASONS MR. CHAIRMAN THAT WE RESPECTFULLY URGE THE CONGRESS TO REJECT THE ADMINISTRATION'S BUDGET REQUEST. UNDER OUR SYSTEM OF FEDERALISM, THE ADMINISTRATION OF JUSTICE IN OUR COUNTRY IS BASED ON MUTUAL TRUST, COOPERATION AND PARTNERSHIP. THESE PRINCIPLES ARE SERIOUSLY JEOPARDIZED BY THE BUDGET PROPOSAL.

RATHER THAN ACCEPTING THE ADMINISTRATION'S REQUEST, THE CONGRESS NOW HAS THE OPPORTUNITY TO STRENGTHEN THE PARTNERSHIP BY ELEVATING THE BUDGET AUTHORIZATION FOR STATE AND LOCAL LAW ENFORCEMENT GRANT PROGRAMS TO THE LEVEL CONTAINED IN H.R. 1411. THIS HEIGHTENED AUTHORIZATION OFFERS AT LEAST THE POTENTIAL OF RESTORING SOME MEASURE OF BALANCE TO OUR SYSTEMS OF JUSTICE.

Mr. HUGHES. Our final witness in this panel, Commissioner Hagan, hails from Cleveland, Ohio, and the chair at this time recognizes our distinguished colleague, Ed Feighan, to make an introduction.

Mr. FEIGHAN. Thank you, Mr. Chairman. I certainly welcome all of the panelists this morning, but I particularly would like to welcome a friend and a colleague in public service from Greater Cleveland, the President of our Board of County Commissioners, Tim Hagan.

I thought it would be especially valuable for our subcommittee to hear testimony from Commissioner Hagan today because he has been very active in our community, not only in attempting to have the appropriate law enforcement resources dedicated to the drug problem, but as well to ensure that we are dedicating an appropriate, responsible level of resources to treatment, rehabilitation and education programs. So I think that as you will hear from his testimony today that Ohio, and particularly Greater Cleveland, has really been at the forefront of what has been an excruciating national struggle, but need very much that partnership with the Federal Government to continue to keep pace with a difficult problem.

So I welcome my colleague and fellow citizen of northeastern Ohio.

STATEMENT OF TIMOTHY F. HAGAN, PRESIDENT, CUYAHOGA COUNTY BOARD OF COMMISSIONERS, CLEVELAND, OH

Mr. HAGAN. Thank you, Congressman Feighan, Chairman Hughes, and Congressman Mazzoli. I just would start off by saying that it is a pleasure to appear with the committee here this morning and to say publicly that I know of the great work of Kathy Sloane in Kentucky, and I commend Congressman Mazzoli. Kathy and I have been involved in a number of discussions over the years about some of these concerns that we share, and I am delighted to be here to share this opportunity and to express to this committee our concerns in Cleveland and Cuyahoga County.

Mr. Chairman, I notice Mr. Kilpatrick said just say no to drugs. I can't help but think that the President who postured, if you will, before the election indicated that was the slogan, the President and Mrs. Reagan—Just Say No. After the election it was, Just Say No Dough. This President and this First Lady over the last number of years have postured publicly; have called press conferences in the Rose Garden; have, in my judgment, given photo opportunities that this country has looked to and said that these our spokespersons and are responsible for shaping the moral commitment of this country to an issue that transcends, if you will, the statistical numbers that we bring to this committee and speaks to the issue of the character of this country. And the character of this country is at stake when our children are being, in my judgment, neglected because of an Administration that uses rhetoric and uses the kind of political posturing that it has over the years, and when it comes time to putting money up to do something they have failed to match their rhetoric with some kind of program or some kind of commitment.

Mr. Chairman, I am, as has been indicated, the President of the Board of County Commissioners in Cuyahoga County. We have a budget of \$250 million, general fund budget. Of that money, Mr. Chairman, \$100 million is used directly for the needs of the community because of drug-related crimes.

Let me just reiterate this for you. In Cuyahoga County last year there were 9,000 people indicted because of some kind of criminal activity. Of that 9,000, 15 percent or about 1,300 or so were directly related to drugs. But 55 percent—55 percent of those who were indicted were on some kind of drugs when they committed their crimes, either burglary, theft, any kind of a major kind of crime.

What does that cost the community? It cost the community in our county \$20 million in court costs, in the Common Pleas Court, the adult court; \$20 million in the Juvenile Court; \$20 million for the Sheriff's Department; and, as Kathy indicated, indigent care costs in Cuyahoga County, directly subsidized from the county, is \$25 million. Our costs in that area alone is astronomical. In addition to that, we don't talk about the human dimension, the cost of human services, that go into this whole question of drug enforcement; and this is being missed, I believe, in this Administration. And in this discussion we fail to draw some very serious conclusions, and these conclusions are this:

In Cuyahoga County there are 5,000 children who we are responsible for whose families, parents, mothers and fathers, have neglected them. And they are neglected because they are sexually abused or physically abused in our community, and they become our responsibility as the local government. We must act as their parents in most cases.

Who are these children, and where does the increase come? The increase comes, Mr. Chairman, because there is a drug abuse in our community. Because these parents, some of them too young to be parents—14 and 15 years old—themselves, are abusing drugs and therefore abuse their own children. The dimension of this is not statistical. The dimension of this, in my judgment, speaks to the very heart of what kind of people we are at the national level and at the local level.

This question of whether we are prepared to make sacrifices at the local level I think is unfair. We have already made sacrifices over the last number of years with these cuts in revenue sharing. Out of the \$250 million general fund budget, as Kathy indicated, we lost \$12 million in our county. In addition to that, we lost another \$8 million in this past year because of the funding. Twenty million dollars. We have cut \$25 million out of a \$250 million general fund budget. We are trying to do whatever we can to deal with these cuts.

We used to have a partnership with the Federal Government. We used to believe that the citizens of Cuyahoga County were citizens of the United States of America. But this Administration believes that we are foremost citizens of our local community first. We have reverted it to the Confederacy, rather than a Union, with respect to our responsibilities.

Furthermore, Mr. Chairman, what is deeply disturbing to me is that this question about whether we are prepared to sacrifice locally in additional tax dollars is not a question that we will duck. If

this committee and if this Congress passes legislation that says that we must match that money, we will match it; and local representatives will go to their constituencies and ask for tax increases to pay for these kinds of services and programs because we are preying upon our young if we are unresponsive with respect to this issue.

We have the courage at the local level to say to our constituents we will have to raise your taxes if we continue to ignore these problems at the State and Federal level; and we will probably have to do that, Mr. Chairman, this November in our county. We don't ask for a partnership that is one-sided. We don't ask the members of this committee to pass legislation and not ask of us something in return. We are prepared to give something in return.

Mr. Chairman, finally, let me say that my views and I know the views of many of you there have been shaped by your concern for children. I am from a family of 14 children. Mr. Mazzoli, my mother's name is DiLoretto; that may give you some solace. And I have just had the great blessing of having my first child born after 13 years of marriage. I think of my child 10 or 15 years from now in the City of Cleveland, and I think what great opportunities she has because at the roll of the dice of life she was born into a family that will care for her and be able to provide for her for the rest of her life. And I think then of those children who are born into our community who won't have that opportunity unless people speak for them. That is what this Congress and all of us ought to be doing for the children who have been left out.

What is the shaping influence of this country and the shaping sense of what we are as a people is our basic philosophy, as Congressman Mazzoli talked about early on. That philosophy is shaped as simply stated by a French writer who said: "Perhaps this world will always be a world in which children suffer. But we can reduce the number of suffering children. And if we don't do it, who will?"

And, if we don't do it, who will? Thank you, Mr. Chairman.

Mr. HUGHES. Thank you very much, Commissioner.

[The statement of Mr. Hagan follows:]

STATEMENT OF COMMISSIONER TIMOTHY HAGAN

Mr. Chairman:

I am Timothy Hagan, and I am the President of the Cuyahoga County Board of Commissioners in Ohio. I would like to thank you for holding this hearing and for asking me to present my thoughts on federal funding for state and local law enforcement anti-narcotics efforts.

If I could leave the Congress with one thought, it would be that the battle against drug abuse must chiefly be fought in our communities. Yes, there is a real need for narcotics eradication and interdiction efforts overseas. But when the domestic demand for illicit drugs is reduced and when law enforcement agencies have the resources they need to track down narcotics dealers, then the other problems associated with drug abuse will also be less immediate.

In Cuyahoga County we were very pleased last year when Congress approved anti-drug legislation which recognized the importance of support for local efforts. I know that in my community this funding will make a difference this year.

Let me give you an example of why that funding will effect the people of my community. In the city of Cleveland, the narcotics bureau of the Police Department is receiving 225 complaints about drug sales each month. Currently, the

Department only has the resources to investigate about 15%-20% of those complaints. Because no federal funding is available, the city of Cleveland is battling an increase in cocaine use and an increase in PCP laced marijuana without the manpower they need.

The Sheriff of Cuyahoga County is facing similar problems, trying to control drug trafficking in 60 communities with a population of 1.5 million. Last year his entire budget for his anti-drug effort was only \$21,000. That means that Sheriff McFaul is fighting battles against drug traffickers who deal in multiples of his annual budget. To meet narcotics dealers on their own turf, the Sheriff needs quality surveillance equipment like cameras and nightscopes. His men need body transmitters to keep in touch. They need more vehicles to catch the pushers once they are spotted. And they need more personnel out in the field. All of this costs money - money that will become more available under the state and local law enforcement program.

But cut off that aid and our law enforcement forces will again be battling narcotics without critical resources. Without aid to our law enforcement forces, all the other federal anti-narcotics efforts combined will have a much less tangible impact on the people of the County. President Reagan can continue to advise us to "Just Say No," but as he cuts back local funding, everyone who is working against drug abuse in my community will know that he does not fully appreciate the problem.

Drugs are getting easier to sell and acquire. Young people all over the country are reporting that drugs are relatively easy for them to get. In my community there has been a marked drop in the street price of crack. A kid with a paper route can support a crack habit. Increased drug availability has had a ripple effect, and in the last several years we have seen a marked increase in the numbers of children in crisis and families seeking help. Each drug dealer we fail to apprehend means a whole variety of increased social costs. As Commissioners in Cuyahoga we have struggled to meet these increased needs without threatening the other vital programs that our constituents depend upon. For that reason, federal funding for local law enforcement would also have a ripple effect, reducing drug traffic and allowing us to effectively treat our drug problem instead of fighting uphill against a growing crisis.

Local communities and local police are dealing with the drug problem head on. From my perspective, a federal anti-drug policy that does not aid localities fails to address the source and possible solution to our drug crisis. On behalf of my whole community, I ask you to restore funding for state and local anti-narcotics efforts.

Mr. HUGHES. First, congratulations on the new addition to your family. I am very happy for you.

Mr. HAGAN. Thank you.

Mr. HUGHES. You have put your finger on a number of important points, and we are indebted to your testimony. I am sure you heard the testimony of the Justice Department today, but I don't think there is any question but that the taxpayers of this Nation of ours are prepared to pay additional taxes if that is what it needs to deal with substance abuse. Like your county is prepared to go to the people within the county and ask them for the resources to combat substance abuse, so it is at the Federal level. I don't think that is a problem. It is a matter of making the commitment and following through.

One of the things that concerns me, and I wonder if members of the panel will address it, is that if we were to make this a one-year funding cycle, just what is that going to do to the effectiveness of the program. I have always been concerned about roller coaster funding. I think everybody concedes that we are not going to eliminate the problem in one year. I am sure, as I talk with various county and local officials, that they are sincere when they tell me that they are just going to have to scale back projects, and they may have to opt for projects that are not quite as effective. They tell me they hesitate to hold out hope or hire people, develop programs and then see it aborted after one year. I wonder if you can address that issue. We are talking about a commitment of \$225 million and we want to be effective. Do you think that the present plan of the Justice Department will, in fact, accomplish that?

Let me start with you, Mr. Hagan.

Mr. HAGAN. Mr. Chairman, I was astounded when the spokesman for the Justice Department indicated to us, local officials and State officials, that we could not find a way to spend that money wisely at the local level. Let me say, Mr. Chairman, that there are in our county 8,000 people on probation. We have needs right now in our county to supervise those numbers of people on probation, half of which, as I have indicated, are on probation for some drug-related crime. If we could, we would try to reduce the number of cases per probation officer, for example, from 170 a year—170 a year, there is no way that they can supervise that caseload—to 75. If we did that, Mr. Chairman, we would need 25 additional probation officers. That is a half million dollars a year. If we had that kind of money, we could not only do that but match that, if that is what the Congress would like; to provide the local match to meet just that area alone.

Mr. Chairman, I assure you that across the board, in our Sheriff's Office, in our own offices, in the court system itself, we could fundamentally spend in our county alone, and not deal with this problem as we should—we could spend without any hesitation—Kathy mentioned the \$13 million in revenue sharing money, \$12 million. We could spend that plus five times as much, and spend it wisely. By that I mean we have programs in place right now that we could use the additional resources to do the things that need to be done.

We cannot continue to think that the local communities can accept the total burden of taxations to deal with this problem. Mr.

Chairman, if I might, our community now is paying the highest sales tax and the highest property tax in the State of Ohio, and we are prepared locally to ask them for more. So it is not as if we are unwilling to make sacrifices locally, but we need to strengthen this partnership and, perhaps, re-establish this partnership that we have felt all along, or that we had with the Federal Government.

Mr. HUGHES. Mrs. Miller, would you like to comment on that point?

Mrs. MILLER. Yes. We do have 3 years to spend the first year's money. And if we see that there is not going to be further appropriation, we would have to alter our plans altogether.

There will be various things done with this money if we look at a 3-year program. We have officers in Kentucky, and this is not a novel thing at all—law enforcement officers really aren't trained in narcotics. I mean, a lot of them are getting on-the-job training. The average police officer, including the state police officer, doesn't have a background that really prepares him for today's world, it has all changed so drastically. They know drug traffickers are so much better equipped, and, as Kathy said, they are better equipped than our police forces.

So what I am saying is this. There will never be enough police officers to eradicate the problem. Obviously, education will have to take place in order to change the opinions of children and to bring their awareness about. I would tell you that if we had 3 years of funding we would include some additional training for our law enforcement officers. We would have to provide some better equipment. At the same time we would use those officers in some kind of educational situation. For example, our State Police force is going to implement the DARE program in our State.

I mean, we could foresee doing some things that will have immediate effect and certainly long-range effects. If we scale back to 1 year, we would have to make a choice. We would either just buy some equipment and hope to make a big reduction this year and hope for the best the next year, or put it into more of an educational program. I don't think we can do both. I know we can't do both.

I have had numerous requests for money from locals. We don't even have the money yet. The State plan actually is in the process of being drafted. I have had local police departments ask if they think I will be able to buy them a helicopter. As I have said before, the State Police don't even own a helicopter. \$2.83 million will help considerably, but if that is all the money we have, there is no way to drastically reduce the problem in our State.

Mr. HUGHES. Mrs. Sloane, would you like to comment on just that point, also?

Mrs. SLOANE. Yes, Mr. Chairman, I would just comment briefly. I think that when you were visiting us recently you met Chief Dotson, who is the Chief of Police of the City of Louisville, and although both the County and the City Chief serve on TRIAD, in the very beginning we asked each officer what they would do within their own departments to beef up the whole effort to apprehend more drug dealers. And the Chief of the City Police I remember said, if he had 10 officers who were really trained specifically in this area and whose responsibilities could be absolutely focused in the area of narcotics, that that would make a difference in our

community. That we could see the results from their work in terms of people apprehended and sentenced and out of the marketing of drugs.

So I would say that if we went to the Chief and said, how about getting those 10 officers together for a year, he would probably say that is not a very practical idea. In other words, if we really are going to make a difference qualitatively in the training, as Secretary Miller said, of officers, if we are really going to go after this, it has got to be at least a 3-year commitment. So we need that restoration of funding.

Mr. HUGHES. Thank you.

Jim.

Mr. KILPATRICK. I concur with my colleagues on the panel. A 1-year funding cycle doesn't allow for proper planning. If you are given money this year and left in a quandary as to whether you will receive the same or less or more money next year, you can't adequately plan an effective program. In our county we have just created for the first time in its history our own police academy. It is a new department. Because being placed upon us now in Cape May County is the burden of training special police officers who previously were trained at other facilities to the tune of 120 hours, now we must give them 300 hours of training. And some of that training is in the field of narcotics detection because during our summer season when our population quintuples we do have a serious problem with drugs coming into the county, and these officers out on the street who are not 24-hour-a-day, 12-month-a-year police officers, but rather students, need adequate and proper training in drug detection.

Some of those officers we have also used in our undercover work because of their age and their lack of familiarity within the county, so to speak, that they are not known. So I feel that any funding should be based upon at least a 3-year guaranteed base.

Mr. HUGHES. Thank you.

The gentleman from Ohio.

Mr. FEIGHAN. Thank you, Mr. Chairman. I don't really have any questions for the panelists. I think they have done an exceptionally good job in giving us the foundation that we need in our review and our oversight of the legislation from last year and proceeding this year in funding for local law enforcement drug assistance.

I was struck by the analogy, Mrs. Sloane, that you have made about how we are asking essentially for the funding of what would be equivalent to one B-1 bomber. I want to make that point even more dramatically for you. Based on a report that was issued I think just Monday of this week by the Armed Services Committee that particular weapons system program we will need approximately \$3 billion additional money to correct the problems. So what we are really asking for is less than 10 percent percent this year—less than 10 percent of the cost overrun of that particular weapons system that you pointed out.

And earlier today we had a discussion about the trade-offs in terms of providing money for local law enforcement assistance. That we would have to sacrifice prison construction, that we would have to sacrifice hiring of Federal prosecutors. I think it is unfair for us to put the discussion, to frame the debate in that context.

The trade-off is much broader than that in terms of Federal resources, a point I was trying to make earlier. We should be looking at the overwhelming impact on our society of drug abuse and in the context of the entire Federal budget attempt to find the resources that we need for a strong partnership.

You know, it was outrageous, as Secretary Sloane had indicated—I find it outrageous as well—that the Department would come before us today suggesting that we should somehow supplant this local law enforcement funding mechanism in law today with the forfeiture provisions. Let me just indicate how outrageous that is.

In your own State, of Kentucky, if you were to rely on forfeiture funds instead of Federal anti-narcotic law enforcement money, over a 2½-year period you would have received a total of \$206,000. Over a 2½-year period to supplant what resources you might have gotten through this program that nationwide would provide \$225 million. In our own State of Ohio that would have meant for us, instead of several million dollars, \$246,000. I should point out for the chairman, that New Jersey would have received \$73,000 in a 2½-year period; obviously, not beginning to even scratch the surface. So your analogy about getting a Ford Bronco is not far from the truth.

I very much appreciate the testimony that we heard here today. I think it underscores the points that were made last year by similarly situated witnesses who helped us fashion this portion of the anti-drug law that was passed by Congress last year, and I hope that it gives us the foundation we need to persuade our colleagues this year to continue the program at least at the level of 225 million a year.

Thank you, Mr. Chairman.

Mr. HUGHES. The gentleman from Kentucky.

Mr. MAZZOLI. Thank you, Mr. Chairman.

I just want to say how proud I am of the job that Norma and Kathy have done today. Their testimony has been eloquent and very much on point, and I think it has given us something more to think about as we deal with these problems.

Let me mention for my friend Tim Hagan that I had the good sense to marry a girl named Dillon 28 years ago, so I know a little something about the Irish-Italian combination. They produce beautiful children, I will admit that. Also, my mother happened to be born in Cleveland. She is a Clevelander by birth. And I came to Congress with Jimmy Stanton, one of your former colleagues at the City Council. So I have got a lot of high regard for the City of Cleveland and for the work that you are doing. I am sure it is much the better.

Just a couple of very quick questions, and I think maybe Mr. Kilpatrick and you, Tim, dealt with the same thing. And that is the fact that there is a tendency, or it would seem to be today, on the part of the Administration to make this problem of drug abuse and drug enforcement a local problem. They seem to think that. "They,"—the Federal Government—really have no direct role to play. Maybe a few exhortations from the Rose Garden but not much more than that.

I am sure I know your answer, but maybe you all can just for the record tell me—and I will start out with Mr. Kilpatrick because

you dealt with it first. Tell me that there is a Federal role in this matter which can't be shrugged off.

Mr. KILPATRICK. Yes, there definitely is, Congressman Mazzoli. The Federal Government, through its many and various departments, and I heard the argument made by Mr. McCollum earlier today that we have to pick and decide between various priorities. Well, a number of those priorities, and I do have the privilege of sitting on the Cape May County Welfare Board. I also have the Youth Shelter. I have county education. All of these are areas where the Federal Government is directly impacted if the counties aren't able to do their jobs. And as far as welfare costs, which is a real problem for the Federal Government, they are trying to reform that. A good bit of the welfare problem does have its roots in drug abuse. Not only the hard drugs, but also alcohol. The effectiveness of our efforts on a county level help to reduce the problems that are thrown before you on a Federal level.

Mr. MAZZOLI. And sometimes inaction at the Federal level causes problems back home.

Tim, maybe you could address it.

Mr. HAGAN. Congressman, obviously the Federal Government in its areas of involvement in eradication and interdiction overseas, know somebody is buying the drugs at the local level. I think they have adapted their economic philosophy to their philosophy on drugs; that is, supply side. Only one side of the spectrum do they deal with. They don't seem in my view—I mean, I think it is good politics for them to stand in front of helicopters and have people dressed up to go down and cause brush fires in Colombia. That is great political posturing, in my view. The problem here is our children using drugs, and we need a partnership with the Federal Government, not only in the area that you obviously have a responsibility for, interdiction and dealing with foreign governments, but with your citizens. The United States citizens who are involved and being preyed upon by these people who would use these drugs to destroy us.

We desperately want a partnership. A partnership in which we accept our responsibility. And we are willing to do that, but it is clear to me that they are not interested in the partnership. They are interested in the political posturing on it.

Mr. MAZZOLI. Kathy, if I can ask you this. On the drive in from the airport we were talking about this, which I think came up to some extent in the course of our hearing this morning. And that is, the fact that Mrs. Reagan, who has made this drug campaign a very vivid part of her structure of the White House, her activities as First Lady, can't be particularly happy it would seem to me by having happen what is happening. There was the big effort last October and in November a big national statement, a lot of aroused hopes and aspirations toward finally getting a handle on drugs, and all of a sudden having the rug pulled out by these people who float around OMB or at the Justice Department.

Maybe I can ask you, do you think there is any chance that we might make an appeal downtown on that basis? Maybe on the human standpoint, all of which you all have dealt with, away from the corporate structure, away from the politics, but just the human

angle; that maybe that is the way we really have to deal with this problem?

Mrs. SLOANE. I do. Because in the end the budget process is a question of values and at every governmental level, and this is a question of values. What value do we place on the children that Tim is talking about, on the officers' lives that we are talking about here today, on our ability to deal with this as a society. I think Mrs. Reagan helped to call us to the moral high ground on this issue, and this might be a very good time to go back and ask Mrs. Reagan, given some of the administrative changes which have taken place, if this could be somehow reconsidered at this pivotal moment in the budget process with her help. Because I think she has been a help, and I can't imagine that anyone with the first-hand knowledge that the First Lady has assembled could be anything but devastated by this retreat.

Mr. MAZZOLI. Thank you. I think that is a very good answer. I really do believe that probably if the First Lady knew what was going on when this fiscal 1988 budget was being put together I think she would have probably put her foot down. And maybe now having heard about it in a later time, it is still possible that given the fluid situation with budget creation that maybe something could be done.

Secretary Miller, let me ask you a question, and then we will let this panel go. But you were mentioning that compared to the other Federal-State programs that you administer—and you mentioned two or three of them—that this one was a breath of fresh air. I think the Administration correctly then should be given credit. And you mentioned one of the reasons why you feel Kentucky is quickly to the mark on this program is the 10 percent which was sent out front as administrative. I think we ought to thank the chairman for that because that is certainly part of the bill that we wrote.

Do you think that if maybe we were, in other programs that we have some contact with to indicate that there is a need to send money out front to let the States develop a plan, do you think that might assist other States in participating in some of these Federal programs that exist?

Mrs. MILLER. Yes. Because I have found that it is not impossible. We have done it, but we have through very creative timekeeping had to use people to administer various programs, and that is not even supposed to be done. It is one thing to say your State is eligible for a certain sum of money, but we are not giving you any money to administer it. My office is simply a conduit for money and it takes a lot of work to decide how it is going to be spent, to review the grants, to oversee them, to go through all the red tape there is. We don't mind doing that, but we need personnel to do it.

And I do know victim's assistance money was turned down by some States because they did not have the personnel. I had numerous phone calls from people who were similarly situated from other States who said, are you going to take the money or ask for the money. And I said, we are going to do it. We are going to try to get by. Some didn't.

I really don't believe there should ever be a Federal grant without at least some administrative costs. I appreciate that very much

as an interesting comment. Not just with respect to our program today, but with respect to all of the Federal-State matching programs, just to have some money up front to give you a chance to plan and develop your applications.

So I thank you. And again, I might say, Mr. Chairman, how proud I am to have our two witnesses here from Louisville and Jefferson County. I think you all just did a splendid job, and we thank you.

Mr. HUGHES. Thank you. I just want to, if I might, before you leave just to say I think that the Administration is embarrassed by what has occurred. I really believe that. I think there is a recognition now that the budget submission cutting the substance abuse programs was a mistake, not just this section, but also the monies for education and treatment. And I must say that this Attorney General, Ed Meese, has been more supportive of the law enforcement community than, certainly, his predecessors. My disappointment is the one that Bill McCollum pointed up today, and that is, there was no request made for this particular program.

I think you will find that the Attorney General is probably as persuasive as any other member of the Cabinet in securing money for his troops. We lost a lot of ground in the 1981-82 funding cycle when we were supposed to do more with less under former Attorney General William French Smith. That is not the case with this Attorney General.

Our task is to attempt to persuade the Administration, those in Justice in particular, that there is merit to this justice assistance program. I think that is the problem. It is a philosophic problem, not a priority problem. It is not a matter of the counties and the communities not spending the money prudently. They know better than that. They know that, in fact, we can assure that that is the case. There are so many programs going wanting in the communities and that we need more resources, much more than we are even prepared to commit; and that we do need that Federal partnership.

They also know full well that we can't expand the task force operations without additional resources from the communities, and their resources are already stretched thin. So that as a matter of policy we need, in fact, to maintain this partnership with the communities. Your testimony today will be a big help in persuading the Administration that the Congress in its wisdom did develop a package that was a consensus program, and this Federal-State assistance program is an important ingredient in that overall approach to try to deal with substance abuse. We are indebted to you for your testimony today.

I want to again thank you, Kathy, and members of TRIAD, for the tremendous reception that you gave me in Louisville. It was a memorable visit to Louisville, and I want to thank my colleague Ron Mazzoli for inviting me. You have a great, great Congressman in Ron Mazzoli. He is a real asset to this committee. This subcommittee has written about 33 anticrime bills over the last six years that we have been in operation, and he and Ed Feighan, who is another valued member of this subcommittee, are tremendous assets to the Congress and you must be very, very proud of them. They are great Congressmen and they have made major contributions to a lot of bills.

You hear about forfeiture and you hear about computer crime and credit card fraud and money laundering and antitampering (every time there is a Tylenol offense)—well, these are the gentlemen that helped write those laws, and we thank you for sending them.

Mr. MAZZOLI. Well, we have a great chairman, I can put it that way. It is easy to work with him.

Mr. HUGHES. Sounds like a love-in, doesn't it. [Laughter.]

Mrs. SLOANE. Come back and visit us again. We would love to have you.

Mr. HUGHES. Thank you.

Thank you, Commissioner. And thank you, Jim, for coming in. It is good to see Jim Kilpatrick. He is a great Freeholder from a great community, Ocean City, New Jersey. Jim, thank you again for your contributions.

Mr. HUGHES. Our next panel, and final panel, consists of three witnesses: Francis Sweeney, Judge of the Common Pleas Court, Cleveland, Ohio; Jerry Vaughn, Executive Director of the International Association of Chiefs of Police; Bill Hutson, the Sheriff of Cobb County.

I understand that perhaps Judge Sweeney could not join us today. Is he present? Okay. I wonder if the remaining panels would come forward at this point.

First, Director Vaughn began his law enforcement career in February of 1968 with the Inglewood, Colorado, Police Department and had various and progressively responsible positions there until he was promoted to the rank of lieutenant. Subsequently, he was appointed Chief of Police of the Garden City, Kansas, Police Department, and later was appointed to the position of Chief of Police of Largo, Florida.

Our second member of the panel is Sheriff Bill Hutson, of Cobb County, Georgia. He is representing the National Sheriff's Association today. Sheriff Hutson has been in his present position since 1977, and prior to this he was a deputy sheriff and a city police officer. His combined experience in the criminal justice field spans over 20 years and he serves on numerous law enforcement boards and commissions.

We are just delighted to have you with us today. We have your statements which, without objection, will be made a part of the record, and we hope that you can summarize for us. Welcome.

First, Jerry.

STATEMENTS OF JERALD R. VAUGHN, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, AND BILL HUTSON, SHERIFF, COBB COUNTY, GA, ON BEHALF OF THE NATIONAL SHERIFFS' ASSOCIATION

Mr. VAUGHN. Thank you very much. We do appreciate on behalf of the entire membership of IACP the opportunity to be here and testify.

Our Association has a great deal of involvement in the area of narcotics and drugs. First of all, we have over 14,000 members who are top law enforcement executives in the United States and 68 nations. They run this country's largest cities—New York City, Los

Angeles, Chicago, Detroit—as well as the suburban and rural departments. Our international members head the national police organizations in other countries.

Our Association has special consultative status with the United Nations Commission on Narcotics and Dangerous Drugs in Vienna. I just returned from there, and I heard probably the most emotionally draining speeches I have ever heard when Enrique Gonzalez, the former Minister of Justice of Colombia, stood before that Commission to talk about the kind of commitment necessary to win the war on drugs. The interesting thing about that is that Enrique Gonzalez stood there, having been flown from his hospital bed in West Germany after being shot eight times. He still had a bullet wound in his face. His jaw was wired. Drug traffickers from Colombia followed him to Hungary, behind the Iron Curtain, and attempted to assassinate him there.

We have a Narcotics and Dangerous Drugs Committee, which is chaired by the Director of the Drug Enforcement Administration and has members from some nine countries as well as our State and locals. We are currently involved in a project with the Bureau of Justice Assistance and the Drug Enforcement Administration called the National Drug Strategy Project, wherein we bring together Federal, State and local law enforcement officials and have them identify the drug problems unique to their region and drug strategies, or cooperative strategies, that will better assist in dealing with those drug problems unique to the region.

Last night I was watching television and two programs came on that had particular relevance to this committee. Walter Cronkite did a special presentation on Violence in America, and I was particularly interested in his conversation with an Atlanta, Georgia, police officer as he was walking down the street, talking about the serious problems of violence there. The Atlanta police officer described the serious problems in that beat with drug traffickers who deal drugs out of the homes of their parents and others, and have literally taken over the neighborhoods.

Later on, a program called Front Line was on the Public Television station, and it focused on street police officers in one of the toughest districts of Boston trying to do their job. It focused on drugs and what kind of problem that represents. And it was probably best summed up when the commentator on the program asked: Is there any hope you're going to be able to do something about this?

And the street police officer, who had over 700 drug arrests in the previous year, said: Not really. We keep arresting them and they come right back. Nobody goes to jail. We just try to whittle away, but until they go to jail, nothing is going to happen.

And that is really the bottom line. It is nice to talk about the Federal effort: the DEA people, the FBI people. We probably have a higher level of cooperation between Federal, State and locals today than we have had in a long time, but it is far from ideal. The very reason this National Drug Strategy project was developed was because of the serious problems in many jurisdictions of this country where the Federal, State and local law enforcement authorities don't even talk to each other. They have major battles. They spend

more time fighting each other than they do fighting crime, and that has got to be corrected.

We talk about this war, and I am kind of amused by it. I am amused because, if my memory serves me correctly, we spend \$295 billion a year for a system of national security in this country to provide for a way of life. By contrast, we only spend \$40 billion on all of civil and criminal justice in the United States. If you deduct the civil costs out of that and look only at what we spend for criminal justice, you see that to say we are in a war is inaccurate. You can't fight a war like that. It is insane. We try to police 240 million American citizens with less than a half million law enforcement officers and a pittance in terms of the financial resources made available.

Since our country was founded on the principle of local control, I think it is important that those local governments accept responsibility over the quality of life in their cities. They have to make a commitment to adequate law enforcement services to ensure that level of public safety in their particular community. But there are some things that have gone beyond the ability of the local government to pay, and one of those is in the area of drug trafficking.

The kind of costs associated to continue, or to initiate and continue ongoing and meaningful drug investigations is just simply beyond the ability of a local government to pay. We talk about all the Federal resources committed to the war on drugs, but an example of it is our National Drug Policy Board. It would better be titled the Federal Drug Policy Board because it excludes any State and local participation, and it implies that the State and locals don't play a major role in this war on drugs.

As I see it right now, and as many of the members of our Association have conveyed, we are fighting a war with half an army. The State and locals haven't adequately been brought into the total effort on this war on drugs. Well, inasmuch as drug trafficking goes beyond city limits or county lines or State lines, or even our national borders, it has to be a full partnership that devotes the full energy and efforts of Federal, State and local agencies in the battle. In order to accomplish that, the Federal Government is going to have to recognize the limitations on the locals' ability to pay and reconsider its position with respect to funding of State and local law enforcement efforts in the war on drugs.

We continually fight the battle with the Justice Department on the RISS projects. Those RISS projects have provided more meaningful assistance to State and local agencies in conducting meaningful drug investigations than any other single project. Our Board of Officers met with the Attorney General last week to try to convey that message. We only spend \$11 million on those projects, but the returns are phenomenal. But our arguments keep falling on deaf ears. The Attorney General has agreed to work with us to make a better case for them, so that program is not constantly zeroed out in the budgets.

The other forms of assistance—the State and local task force approach that combines State and local resources with Federal resources. It has proven its effectiveness. Our system of local control has created large urban areas that have multiple jurisdictions within them. This is not simply a local issue anymore.

To give you an example, in the Denver Metropolitan area, you have 31 independent city governments. One local government can make an extraordinary commitment to the drug effort and can fund at a very high level the kinds of manpower and other resources necessary to carry on investigations. But if the jurisdiction next door doesn't make a similar commitment, the drug dealers go to the path of least resistance. And, consequently, that lack of coordination, cooperation and communication is detracting from our efforts.

IACP strongly supported Congressman Rangel's drug bill. In our analysis, it was one of the most comprehensive approaches to the drug problem in the United States we had seen; and more importantly, it had safeguards built in that increased the likelihood that it would be effective. It built out the abuses. It limited administrative costs. It did a number of those things. We watched the bill whittled away and saw the outcome in Congress. I went to the bill signing ceremony at the White House, and I felt very good about the fact that there was legislation that contained State and local assistance.

I was extremely dismayed when I found that the Administration was cutting out that second year of funding, or cutting back on the commitment that had been made. I felt betrayed. We had worked with the Administration. We had worked with Congress. The problems of drug trafficking in the United States, and the attendant crime problems, are such that, if there is not this partnership that has a long-term commitment, not a one-year funding cycle, but a long-term commitment to Federal-State-local cooperative programs. I can assure you that in 10 years, our problems will be significantly greater than they are now.

We have the opportunity right now to do something about it. Ten years from now it is going to be too late. Thank you again for the opportunity to address the committee.

Mr. HUGHES. Thank you very much, Jerry.

[The statement of Mr. Vaughn follows:]

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STATEMENT

OF

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

HOUSE COMMITTEE ON THE JUDICIARY

REGARDING

STATE AND LOCAL ASSISTANCE PROGRAMS

APRIL 1, 1987

Summary of Testimony by Jerald R. Vaughn
International Association of Chiefs of Police

1. The law enforcement community is facing a significant dilemma at this time: the elimination of federal revenue-sharing funds and other sources of funding and at the same time faced with skyrocketing costs associated with the intensified war against drugs and other organized criminal activity. For this reason, we think continued state and local assistance grants for specified activities are essential to the maintenance of meaningful drug law enforcement programs in our states, counties and cities.
2. These funds must be allocated to programs and plans which ensure the maximum degree of success and maximum degree of impact on the criminal element in our midst. To ensure that this occurs, we feel that those agencies who will be responsible for implementing the plans, i.e., law enforcement, must have substantial input into the decisionmaking process with respect to which programs and projects should be funded.
3. A few specific programs are of special usefulness and have proven to be effective: multi-jurisdictional task forces; RISS projects; training; public education.
4. IACP urges Congress to continue funding state and local assistance programs to aid law enforcement in the war on drugs. But we also urge you to look to us to provide the experience and expertise that maximize the impact and the success of the programs funded.

My name is Jerald R. Vaughn and I am the Executive Director of the International Association of Chiefs of Police. On behalf of the membership of IACP I would like to thank Congressman Hughes and the members of this subcommittee for providing us the opportunity to comment on the state and local assistance programs administered by the Department of Justice.

The IACP is a voluntary professional organization established in 1893. It is comprised of over 14,000 top law enforcement executives from all sections of the United States and 67 nations. IACP members lead and manage over 480,000 law enforcement officers as well as thousands of civilian employees at the federal, state and local levels. Our members direct the nation's largest city police departments such as New York City, Los Angeles, Chicago, Detroit, Houston and others as well as suburban and rural departments throughout the nation.

Throughout its existence the IACP has striven to achieve proper conscientious and resolute law enforcement. In all of its activities the IACP has constantly been devoted to the steady advancement of the nation's best welfare and well-being in the matter of public safety.

The programs under discussion here today are of great interest and importance to IACP because they directly impact the vast majority of our members and the citizens they serve. We understand that the intent behind the state and local assistance programs being considered today was to get state and local agencies started in meaningful anti-drug programs and was not to become self-perpetuating. We feel that most law enforcement functions are local in nature and as such should be locally funded. However, the law enforcement community is facing a significant dilemma at this time. We are experiencing the elimination of federal revenue-sharing funds and other sources of funding and at the same time faced with skyrocketing costs associated with the intensified war against drugs and other organized criminal activity. For this reason, we think continued state

and local assistance grants for specified activities are essential to the maintenance of meaningful drug law enforcement programs in our states, counties and cities.

Revenue-sharing has been a major source of federal assistance that has benefited police agencies and policing has traditionally been the number one category of use for revenue-sharing dollars. Consequently, when state and local assistance funds are cut, law enforcement agencies are severely affected. Many cities spend one-half or more of their revenue-sharing dollars on policing. In the counties it is estimated that on the average one-third of revenue-sharing funds go for criminal justice and public safety services.

According to a 1986 Congressional research service study, state and local programs have been cut by 23.5 percent during the period 1980 to 1985. In many instances the states and localities have not been able to supplement their public safety budgets to replace police funds lost by revenue-sharing cuts. However, I assure you that there has been no decrease in the demand for our services. To the contrary, a significant increase in police services has occurred.

At the same time effective enforcement of narcotics laws and investigation and prosecution of organized criminal activity has simply gone beyond the ability of most state and local law enforcement agencies to fund primarily for two reasons. First, huge sums of money are needed to infiltrate the narcotics world and to intercept the flow narcotics between our states and other countries. State and local budgets cannot provide this kind of money. Sophisticated intelligence gathering and sharing is also necessary to fight the criminal conspiracies who now control narcotics and other forms of organized criminal activity. There absolutely must be cooperation between federal, state and local government entities to make a dent in this kind of crime. Therefore, in these two areas, narcotics and organized criminal activity, we feel that continued federal assistance is warranted and essential to any success we might achieve. We are not

saying, however, that these funds should be continued to help us in law enforcement build new buildings or buy new uniforms. We're past that point. We're up against very sophisticated criminal organizations. Now is the time for the best and most experienced law enforcement and criminal justice minds in our country to come together and develop comprehensive, results-oriented strategies to equal and surpass those developed by the criminal syndicate.

These funds must be allocated to programs and plans which ensure the maximum degree of success and maximum degree of impact on the criminal element in our midst. To ensure that this occurs we feel that those agencies who will be responsible for implementing the plans, i.e., law enforcement, must have substantial input into the decisionmaking process with respect to which programs and projects should be funded. We have the experience to know what the crime situation is like today and what strategies have been successful in the past and what strategies are most feasible for the future. In short, we don't need or want federal bureaucrats in Washington or academics telling us what will work or what is best and how to do it. We know alot about crime and criminals and our experience gives us credibility in any and all discussions on how best to fight crime.

Our expertise and experience should be of primary importance in establishing programs for funding. Let me briefly mention a few specific programs which are of special usefulness and have proven to be effective.

1. Task Force Concepts

Multi-jurisdictional task forces that combine federal, state and local personnel and resources have been extremely successful. It is only through the combined efforts of this nature that we crack the most sophisticated operations such as the cocaine ring broken up by Montgomery County police and other officials last week. The arrest capped a ten-month investigation and included more than 100 law enforcement officers for Montgomery and

Prince Georges Counties, the Federal Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms and the Maryland State Police. This is a prime example of the kind of joint effort that brings success.

2. RISS Projects (Regional Organized Crime Information Sharing Systems)

The RISS programs have proven to be an invaluable support for state and local law enforcement agencies. Each of the seven regional projects provides the basic support services of a centralized computer data base and a variety of investigative analysis. In addition, RISS provides investigative resources such as cash for drug buys and effective intelligence information-sharing capabilities. The projects also include a repository of sophisticated surveillance equipment which is needed for drug investigations but which individual departments could neither afford nor justify. This program is most important and critical to the success of local law enforcement efforts.

3. Training

Training law enforcement personnel is highly important and critical to our successes. Changes in the nature of criminal organizations and changes in the techniques they use necessitate new strategies and responses on the part of law enforcement. State and local assistance funds are very necessary to augment state and local training budgets to ensure that those who are attempting to wage war on drugs are well equipped in terms of technical knowledge.

4. Public Education

We must better educate our citizens to the perils of drug use. It is clear that we will not be able to intercept all of the illicit drugs flowing into our country. We must reduce the demand within our borders.

In conclusion, IACP urges Congress to continue funding state and local assistance programs to aid law enforcement in the war on drugs. But we also urge you to look to us to provide the experience and expertise that maximize the impact and the success of the programs funded. It is absolutely true that if you throw money at the crime problem it will not solve it. However, if you invest money wisely in carefully planned, results-oriented strategies, then we will increase the likelihood of achieving a higher level of success in our war on crime and drugs.

Only then will we be able to continue to provide our nation's citizenry with the most up-to-date and effective response to crime and thereby fulfill the mission of guarding the public's safety.

Thank you for giving our views your consideration.

Mr. HUGHES. Sheriff Hutson, welcome. We have your statement, which likewise will be made a part of the record in full, and we hope you can summarize for us.

Mr. HUTSON. Thank you, Mr. Chairman. And thank you for the invitation to address this committee concerning the funding for the Anti-Drug Abuse Act of 1986. I was here approximately 1 year ago to give testimony to this committee, along with Mr. Vaughn, in support of that Act. I am here to represent the National Sheriffs' Association and to voice the concern of the Nation's sheriffs regarding the reduction of funding for the State and local governments.

As you probably are aware, there are more than 3,000 sheriffs in the United States. Generally, sheriffs are elected officials responsible for law enforcement, the civil process, courtroom security, and the administration of county jails. In these varied capacities with the local criminal justice system sheriffs daily are confronted by the increasing problem of drug abuse.

Sheriffs from the most rural parts of our country to the highly urbanized areas have expressed their concerns about the increasing threat posed by the drug abuse in their communities. The Nation's sheriffs support Federal assistance to State and local law enforcement to fight drug abuse.

While sheriffs, generally, hold the view that local law enforcement problems can best be dealt with on the local level, the drug enforcement problem in this country is so unique as to require Federal assistance. First, drug abuse poses a serious threat to the very fabric of our society, including the well-being of individual citizens and huge economic losses. While the loss of a loved one cannot be established in dollars and cents, other losses can be calculated.

In a 1984 study conducted by the Alcohol, Drug Abuse, and Mental Health Administration, it was estimated that the economic cost of drug abuse amounted to \$49 billion annually. This figure includes direct costs such as criminal justice expenses and treatment and indirect costs such as productivity and lost of employment.

In addition to the threats posed by drug abuse in our society, there are several other factors which we feel contribute to the need for Federal assistance in this area.

First, the international scope of the drug problem. Frequently, illegal drugs are manufactured or grown in countries outside the United States and imported into this country. The flow of illegal drugs across the United States borders presents an enforcement nightmare for local law enforcement agencies who are ill-equipped to deal with the problem. The aspect of drug enforcement investigations are quite different from routine investigations that are normally handled by local jurisdictions and sheriffs offices, such as burglary, auto theft and robbery.

Second, the links with organized criminal activity. The Presidential Commission on Organized Crime has established there are very close links with the organized crime mobs in our country. With sophisticated and well-financed activities, the mob can easily overwhelm the resources of most local law enforcement agencies. This aspect is not normally encountered in most of the kinds of law enforcement and criminal investigations that our sheriffs deal with.

Third, the high profits. The drug trafficking business amounts to more than \$1 billion, according to the Report of the President's Commission on Organized Crime. The enormity of this operation requires an equally well-financed campaign to successfully combat drug abuse.

Fourth, the expense of drug investigations. When I testified before you on House Resolution 526 last year, I cited the high cost of drug investigations as a factor contributing to the need for Federal assistance in this area. Briefly, I mentioned that such procedures as electronic surveillance, school undercover operations and sting operations are staff intensive and oftentimes require very sophisticated technology.

Another area that I want to touch on very briefly, and I think this is a little bit closer to home for me, we were involved earlier this year in a local task force in the Metropolitan Area of Atlanta with DEA, the State law enforcement agency, the Atlanta Police Department and my own department, when a young DEA agent lost his life in a drug transaction on the north side of Atlanta. In my judgment, that DEA agent lost his life because there was not sufficient equipment out there on the street. And three other agents were covering this transaction, the purchase of illicit cocaine. He was not wired with a transmitter. The cover officers didn't know the deal was going bad. They didn't know that this problem was developing, and, as a result, he lost his life. One of my deputies then took the life of the suspect. The other participant in the transaction was arrested later that evening. I think that is an example of one of the things that this program can deal with.

I think the combination of the factors that I have outlined, including the seriousness of the threat, the international scope, the links to organized criminal activity, the high profits involved, and the cost of conducting those investigations, have created a very difficult, it not impossible, problem for local law enforcement agencies.

Again, while NSA—the National Sheriffs' Association—would argue in most instances that local criminal justice programs can best be dealt with at the local level, the scope and severity of drug abuse problems and investigations warrant Federal intervention and Federal assistance. We simply cannot understand why the Congress or the President, who so overwhelmingly supported the Drug Abuse Act of 1986 just a few months ago, would consider eliminating the funding before the program has become fully operational. This makes no sense to us.

We urge the members of this subcommittee to consider the following:

If this funding is not provided for more than a year, it is predictable that many of the new programs started as a result of the Anti-Drug Abuse Act of 1986 will terminate.

Second, as the State and local narcotics control program is new, problems such as delays in the disbursement of the funding are likely to reduce its accomplishments.

Third, we anticipate that some local jurisdictions will not participate in the program if they believe that there is a strong likelihood that the funding will end after the first year. I think I would have

a hard time, myself, convincing the Board of Commissioners to approve a grant application with that possibility.

Local jurisdictions are not likely to continue funding those programs unless there is sufficient time to demonstrate their effectiveness to the local officials and to the community at large.

I think NIJ—the National Institute of Justice—has done a good job in identifying effective programs in years past and worked very closely with the Sheriffs' Association. Where there was proven success, they have worked very closely in making those programs available, and information, to local jurisdictions. The transfer of information about effective practices and procedures for effective law enforcement can't be transferred from the Federal agencies to the local law enforcement agencies in a very short period of time.

We, in law enforcement, are committed to providing local resources to fight drug abuse. We are only asking that the Federal Government assist us in a limited way for a limited period of time. The 3-year funding, as provided originally in the Anti-Drug Abuse Act of 1986, will give us the opportunity to test out new strategies and technologies so that we can begin to stem the tide of drug abuse in the United States.

Again, Mr. Chairman, members of the committee, I want to thank you for the opportunity to present this testimony to your committee.

Mr. HUGHES. Thank you very much, Sheriff.

[The statement of Mr. Hutson follows:]

Sheriff Don Umelt
President
Minneapolis, Minnesota
L. Cary Bitlick
Executive Director
Alexandria, Virginia



NATIONAL SHERIFFS' ASSOCIATION

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Courtney A. Evans
General Counsel
Washington, DC

TESTIMONY

OF

SHERIFF BILL HUTSON

FOR

THE NATIONAL SHERIFFS' ASSOCIATION

BEFORE

THE SUBCOMMITTEE ON CRIME OF THE

HOUSE COMMITTEE ON THE JUDICIARY

ON

APRIL 1, 1987

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BIOGRAPHICAL SKETCH

SHERIFF BILL HUTSON

Bill Hutson has been Sheriff of Cobb County, Georgia, since 1977. Prior to being elected Sheriff, he served as a Deputy Sheriff and Police Officer in Georgia. His combined experience in the criminal justice field spans more than twenty years.

Sheriff Hutson serves on numerous boards and commissions including: the Federal Drug Task Force for the Northern District of Georgia, the Cobb County Board of Education and Drug Study Commission, and the Advisory Boards for the North Central Georgia Police Academy and the Georgia Police Academy. He is President of the Georgia Peace Officers' Association, and he serves on the Board of Directors for the National Sheriffs' Association and is a member of its Law and Legislative Committee.

The Cobb County Sheriffs' Department is a full-service agency with responsibilities for law enforcement, the jail, civil process and courtroom security. The Cobb County Sheriffs' Department and several major cities in the County formed a joint Narcotics Unit in 1980. The Narcotics Unit has twelve officers assigned.

Chairman Hughes and Members of the Subcommittee on Crime of the Judiciary:

My name is Bill Hutson, and I am the Sheriff of Cobb County, Georgia. I have been Sheriff for more than ten years. Prior to that time, I was a Deputy Sheriff and a Police Officer. My career in law enforcement spans more than twenty years. Currently, I serve on the Federal Drug Task Force for the Northern District of Georgia and on the Cobb County Board of Education Drug Study Commission. I am a member of the National Sheriffs' Association's Law and Legislative Committee, and I sit on its Board of Directors.

I want to thank you for the invitation to address you concerning funding for the Anti-Drug Abuse Act of 1986.

It was little more than one year ago, March 13, 1986, that I testified before you regarding the importance of federal assistance to fight drug abuse in America. At that time, you were considering the merits of H.R. 526. Since that time, the Anti-Drug Abuse Act of 1986 was signed into law. It established a state and local law enforcement program for narcotics control and provided funding for a three-year period. It is my understanding, at the present time, that funding for the second and third year of the program is in jeopardy.

I am here to represent the National Sheriffs' Association (NSA) and to voice the concern of all sheriffs regarding the reduction of funds for the state and local law enforcement

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assistance provisions of the Act. As you may know, there are 3,100 sheriffs in the United States. Generally, sheriffs are elected officials responsible for law enforcement, civil process, courtroom security, and the administration of county jails. In these varied capacities, within the local criminal justice system, sheriffs daily are confronted by the increasing menace of drug abuse.

Sheriffs from the most rural parts of our country to the highly urbanized areas have expressed their concerns about the increasing threat posed by drug abuse in their communities. At the National Sheriffs' Association Criminal Justice Symposium in February, 1986, and at the Law and Legislative Committee meeting in February, 1987, sheriffs unanimously voted to support federal assistance to state and local law enforcement to fight drug abuse.

While sheriffs, generally, hold the view that local law enforcement problems can best be dealt with on the local level, drug enforcement problem is so unique as to require federal assistance. First, drug abuse poses a serious threat to the very fabric of our society, including the well-being of individual citizens and huge economic losses. While the loss of a loved one to substance abuse cannot be calculated in dollars and cents, other losses can be calculated. In a 1984 study conducted by the Alcohol, Drug Abuse, and Mental Health Administration, it was estimated that the economic costs of drug abuse amounted to \$49 billion annually. This figure includes direct costs, such as criminal justice expenses

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and treatment, and indirect costs such as productivity and lost employment. In addition to the threat posed by drug abuse to our society, there are several other factors, which we feel contribute to the need for federal assistance in this area. These include:

- International Scope of the Drug Problem: Frequently, illegal drugs are manufactured or grown in countries outside the United States and are imported into this country. The flow of illegal drugs across U.S. borders presents an enforcement nightmare for local law enforcement agencies not equipped to deal with the problem. This aspect of drug enforcement investigations differentiates it from routine investigations such as residential burglary, auto theft, or robbery.
- Links with Organized Crime: In a report issued by the President's Commission on Organized Crime, the close links between organized crime and drug trafficking were outlined. The sophisticated and well-financed activities of the mob can readily overwhelm the resources of most local law enforcement agencies. This aspect is not routinely encountered with most kinds of law enforcement criminal investigations.

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- High Profits: The drug trafficking business amounts to more than \$100 billion annually, according to the Report of the President's Commission on Organized Crime. The enormity of this operation requires an equally well-financed campaign to successfully combat drug abuse. With such a high profit potential, drug traffickers are willing to take enormous risks because the stakes are so high.
- Expense of Drug Investigations: When I testified before you on H.R. 526 last year, I cited the high costs of drug investigations as a factor contributing to the need for federal assistance in this area. Briefly, I mentioned that such procedures as electronic surveillance, school undercover operations, and sting operations are staff intensive and often times require sophisticated technology.

The combination of the factors I have outlined--including the seriousness of the threat--the international scope--the links to organized crime--the high profits involved--and the costs of conducting drug enforcement operations--have created a difficult, if not impossible, problem for local law enforcement agencies to successfully overcome. While the NSA would argue that, in most instances, local criminal justice problems can best be solved at the local level, the scope and severity of the drug abuse problem warrants federal intervention.

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With the enactment of the Anti-Drug Abuse Act of 1986, the Bureau of Justice Assistance began the task of implementing the state and local narcotics control program. It has begun the process of coordinating with the states to ensure the distribution of these funds. This legislation, which was signed into law on October 27, 1986, is now, we understand, in jeopardy of funding for the second and third years. We are perplexed as to why, the Congress or the President--who so overwhelmingly supported the Anti-Drug Abuse Act of 1986 just a few months ago, would consider eliminating the funding before the program has become fully operational? This makes no sense to us. We urge the members of this Subcommittee to consider the following:

- If funding is not provided for more than one year, it is predictable that many of the new programs started as a result of the Anti-Drug Abuse Act of 1986 will terminate.
- As the state and local narcotics control program is new, problems, such as delays in the disbursement of funds, are likely to reduce its accomplishments.
- We anticipate that some local jurisdictions will not participate in the program, if they believe there is a strong likelihood that funding will end after the first year.

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- Local jurisdictions are not likely to continue funding these programs unless there is sufficient time to demonstrate their effectiveness to the local officials responsible for continued funding.
- The transfer of important information about effective practices and procedures for effective law enforcement cannot be transferred from the federal agencies to the local law enforcement agencies in such a short time.

Mr. Chairman, you have also asked me to comment on H.R. 1411, an act that would increase the funding for law enforcement programs from \$230 million to \$675 million during FY 1988 and 1989. While NSA would agree that the \$675 million figure more closely approximates the level of effort needed to effectively combat drug abuse, we wonder how realistic it is to request such an amount. We are currently struggling to keep alive the \$200 million figure for the second and third years of the state and local narcotics program--such a request of \$675 million seems unrealistic.

We in law enforcement are committed to providing local resources to fight drug abuse--we are only asking that the federal government assist us--in a limited way for a limited period of time. The three-year funding, as provided in the Anti-Drug Abuse Act of 1986, will give us the opportunity to test out new strategies and technologies so that we can begin to stem the tide of drug abuse in the United States.

Again, thank you for the opportunity to testify on this issue.

Mr. HUGHES. I imagine you have heard the testimony of the Justice Department today relative to their alternative source of funding, the sharing of funds from forfeiture. How does that strike you?

Mr. VAUGHN. Well, I think your response was entirely appropriate. How do you plan when you don't even know how much you are going to have?

Florida has, perhaps, the strongest asset forfeiture statute in the country. And in the police department where I was chief, we regularly confiscated materials used in drug trafficking, and cars; and in our whole Special Investigations Unit, the fleet was primarily seized vehicles. But I couldn't convert that to the kind of cash it would take.

The problem with this approach is that a lot of what is seized is tied up for an awful long time, particularly at the Federal level. Now we are working with the Treasury Department and Customs. We have worked with the Justice Department with respect to seeing what can be done to expedite the forfeiture proceedings. But right now, if the States or locals had to rely on that as a funding source, it would be ludicrous.

Mr. HUGHES. Anything you want to add to that, Sheriff?

Mr. HUTSON. Yes, sir, I do. I hope you are familiar with the civil process that involves a tax bond in the civil condemnation process. We have something like \$212,000, if we are successful in the condemnation process, that we would share as a third of seizures with Federal agencies. So we simply cannot depend on that, and I don't think it makes sense. I don't buy that at all.

Mr. HUGHES. Let me ask you this question. First, one of the things you testified to, Director Vaughn, was that there were some built-in protections, a cap on administration expenses, a requirement for match. I might say to you that was part of the Justice Assistance Act of 1984, which this subcommittee wrote, and built this process into the Anti-Drug Abuse Act. We thought that was the proper vehicle for this new anti-drug program. So those built-in safeguards were developed as a matter of policy in 1984.

There is more at stake here than just the anti-drug bill that we passed last year. As you may remember, I questioned Mr. Landers about the zero funding of the Bureau of Justice Assistance. That is the agency in Justice that administers the program. It basically is an effort to do away with the whole justice assistance program. That is the administration's goal. The Justice Assistance Program is the program at the Federal level that tries to get communities throughout the country to try different innovative techniques that have been proven successful, and to take the research coming out of the National Institute of Justice and try to apply that to other areas get law enforcement communities to test that to see whether or not those new ideas, those new innovative programs really work in the marketplace of ideas.

There is no other program in the country that would do that and I think it is fair to say that communities look to the Federal Government to provide that leadership. Really, it is that whole system that is on the chopping block. I think, in the final analysis, it is just not this one section of the anti-drug bill but it is the whole concept of Federal leadership, of trying to get the States and the

communities to basically work together to test different programs. Now that is what is really on the chopping block.

Mr. VAUGHN. Well, it is a serious issue and we have visited with the Attorney General on this whole issue of State and local assistance and conveyed our concerns that way.

Mr. HUGHES. How did you make out?

Mr. VAUGHN. Well, we were encouraged with the discussions, and I think, as Mr. Mazzoli described earlier and very adequately, there are moles in the Justice Department. What we have found is that when we talk to the Attorney General, he is extremely supportive of law enforcement. He is willing to work to overcome problems. After it gets past that level, you are on your own. There are some real problems.

Mr. HUGHES. We do have a philosophic problem at the Justice Department and OMB that maybe the International Chiefs of Police and the National Sheriffs' Association can help us address. It goes back to the old LEAA, I might say, the old Law Enforcement Assistance Administration, which I strongly supported when I worked in law enforcement. It was a program that was abused because it was free Federal money. It had none of the checks and balances built in the present program and a lot of that money was lost to wasteful purposes, and, frankly, it got to the point over a period of years where they lost me on the program. I ended up voting against the program whereas at one time I was very supportive of it, but it became wasteful.

The program, however, had a lot of success stories. We often forget the success stories and only focus in on the mistakes. Back in 1982 and 1983, this subcommittee attempted to build a consensus again for a new leadership program and we built in checks and balances and caps on administrative expenses. We prohibited the purchase of equipment because that was where much of the abuse was taking place. We also took all the success stories and we put them into a justice assistance program that made sense, and then left an open category so we could add additional success stories out of the National Institute of Justice once they were tested in the marketplace. That was the whole concept but we have never persuaded the Administration, really, to give that a fair try. It has been a battle every year to save that money.

I have had a number of meetings with the Attorney General on that program and he is supportive of the idea, but somewhere along the line that hasn't become a priority. That is unfortunate, because I, frankly, think that it enables us to do what you just suggested a little while ago is so very important; to try to, first of all, get law enforcement agencies to work together and to try to provide some leadership so that we are not going off, like in the Denver Metropolitan Area, in 31 different directions. Better coordination is the beauty of the task force operations.

The Justice Assistance Program has provided some resources, some seed money to enable us to do that; to try to bring the law enforcement community together to bear on particular problems and use techniques that have been proven successful. Unfortunately, I see the battle shaping up as a battle to save that program again, not just the anti-drug program. I mean, the anti-drug program is important, but it is a part of the overall effort to try to

persuade Justice and the powers that be in the Administration that that is an important enough program to save.

Mr. VAUGHN. I will probably get myself in trouble for this, so I guess you will just have to understand that right up front. I think sometimes Government agencies are their own worst enemy. We recognize the importance of such an agency to administer those programs. There has to be some method by which that can occur. But what we find right now is that sometimes those agencies become very mired down in bureaucracy. The process becomes so difficult that we who want the programs are ready to say "zero them out" because there are just more problems than they are worth.

Right now you have a tremendous number of police officials throughout this country who, if asked to accept Federal funds would say "not on your life." There isn't any way I am going to get involved with grant programs, considering all the paperwork and the garbage that goes with it.

This project that I described to you earlier, the National Drug Strategy Project, that all came about when we had a very dynamic director of the Bureau of Justice Assistance, a man who understood policing, Mack Vines, a close personal friend, the former Chief of St. Petersburg, Florida, and Charlotte, North Carolina. Mack Vines, Jack Lawn, the head of DEA, and I, sat down and discussed this problem, and we were headed in the right direction. Mack Vines got fed up with the bureaucracy and he said, "I'm going back to Florida." He is now the Chief in Cape Coral, Florida.

This project has reached a point where, if I don't get satisfaction at 5:00 o'clock tonight in dealing with some of the bureaucratic problems I have experienced, I am going to hand back that \$674,000 grant to the Bureau of Justice Assistance and say I don't want anything to do with you. Because they don't listen to the people who are closest to the problem. People who have never set foot inside a police car, people who have never been involved with drug enforcement efforts, career bureaucrats, start making operational decisions that impact the quality of the program.

I want to be able to sit here before this committee and say we need a Bureau of Justice Assistance to have that long-term commitment to a Federal, State and local cooperative effort in crime. But these guys do their best to make that difficult for me to do because of their getting mired down in that bureaucracy. It is crazy, and particularly as the committee looks at these kinds of things. But, this long-term commitment is one of the most important elements that I believe is there to make the Federal, State and local partnership work.

Mr. HUGHES. Well, you know there is more than one way to kill a program. [Laughter.]

Mr. VAUGHN. True.

Mr. HUGHES. Thank you. I appreciate that.

Mr. VAUGHN. The key to success there ultimately will be when the people closest to the problem have input into the kind of programs that should be funded, the kind of experimentation that should occur to really bring about a high level of effective programs out there.

Mr. HUGHES. Again, as always, your testimony is very helpful to us.

The chair recognizes at this time the gentleman from Kentucky.

Mr. MAZZOLI. Thank you very much, Mr. Chairman.

I am sorry I missed the statement of Mr. Vaughn, but I have gathered from your discussion now what it was. Let me just ask one question. Both of you have dealt with it, but I think it ought to be underscored again.

There apparently is a philosophical gulf here. We heard earlier some say this is really a prioritizing decision. It was budget priorities. We had too few dollars, too many needs, and so they decided not to fund this particular Federal-State program. But if you gentlemen were in the room when Mr. Rangel and Mr. Smith, who was here earlier, discussed the matter, it began, like an artichoke, we were peeling away the outside layers and we were getting down to the heart and core of the problem.

And let me ask you this then. There is this feeling on the part of some in the Administration—I do, indeed, believe there are moles down there who carry forth this vendetta of sorts against these programs working—who fully and I guess honestly believe that there is no Federal role in local law enforcement against drug activities. So may I ask both of you gentlemen once again, and more or less for the record, do you feel that is the case, that there is no Federal role? Or, if you do feel there is some Federal role, why do you think the Federal Government should cooperate in these particular anticrime efforts.

Maybe I will start with the Sheriff and then go to Mr. Vaughn.

Mr. HUTSON. There is certainly a role for the United States Government. There is no question in my mind. The unique problems with criminal investigations of illegal drugs are across jurisdictional borders. There is certainly a role.

I think we have failed, and we touched this in our testimony, I think, both of us, Jerry and myself. We have failed many times with not insisting and not working with greater cooperative effort, a task force effort, between State, Federal and local agencies. In my own jurisdiction I think we have worked real hard toward this, and I think we have made some accomplishments that we would not have made had there not been that effort of a task force.

But there has got to be a flow of intelligence information. Because if there is not, we may be working the same people. We may be shooting each other's undercover agents. There are all kinds of nightmares that can come out of that if there is not a vehicle for flow of information, so there is. And there is responsibility.

Now let me tell you, if the United States Government can interdict all the illegal drugs coming into this country——

Mr. MAZZOLI. You have got no problem.

Mr. HUTSON. I don't have any problems. I don't need their help. Then we can take care of it, we can deal with the street problems. But the amount of illegal drugs coming across the borders into the United States, the amount that is not interdicted, and when it gets on the street and we are trying to take it out in little parcels, it becomes a nightmare for us.

So I think it is important, and I think the United States Government does have a responsibility and role. No question.

Mr. MAZZOLI. Thank you. Mr. Vaughn.

Mr. VAUGHN. Because the very nature of the drug problem transcends all of our city limits, our county lines, our State boundaries, it is absolutely essential that the Federal Government play an active role. And I guess I would put it in the example of a typical drug situation.

As a police chief, I had a number of officers assigned to work drugs. I had a limited amount of buy money to continue those operations. They may initiate a number of cases but it quickly escalates beyond our ability to either carry on the investigation or to adequately fund to keep pyramiding to get to that dealer. So, if you don't have the Federal support in there to ensure that once that case that started at the local level can continue until you get to the ultimate source, it is never going to work. We will just continue to throw money away.

Mr. MAZZOLI. Well, gentlemen, I thank you both very much.

You all were here for most of the testimony. This was one of the best series of panels I think this committee has ever had. We really did hear from the people who are on the ground and deal with this problem on a day-to-day basis, and it certainly fleshes out and fills out the voids here. So we thank you very much and wish you well in your efforts.

Mr. Chairman, thank you very much.

Mr. HUGHES. Thank you.

We are also joined by our distinguished colleague from the State of Georgia, Buddy Darden. Buddy, we welcome you here. The chair recognizes you for such remarks as you may have.

Mr. DARDEN. Well, thank you very much, Mr. Chairman. I, first, want to commend you and this subcommittee on taking the lead in this very important initiative here. I think it is very clear from what Mr. Vaughn has said that the impetus has got to come right here from Congress, and right here from this House, and right here from this subcommittee. And I don't know anyone who could more adequately describe the problem that we are facing here than the two gentlemen on the panel today.

If I may digress just for a couple of moments here. Sheriff Hutson and I first became acquainted when I was a young assistant DA in Cobb County and he was a City of Marietta policeman, and we have held various positions in law enforcement and since that time we have become very close friends. And obviously, I have a great personal interest in his testimony and what he has to say here today.

But in addition to being a friend, Bill Hutson is President of the Georgia Peace Officers Association. He is Past President of the Georgia Sheriffs' Association. As sheriff, he has seen the community come from a relatively small place down to one of the largest areas in Georgia—from a population back in 1960 of just at 100,000 people to now the almost 400,000 that we have in the Cobb County area. He has seen this drug problem begin as just an occasional situation, where it was a big deal to bust somebody for a couple of ounces of pot, into a situation now where tremendously large professional drug operations take place which are international in scope.

I think it is very evident that we have a role here as a Federal Government. Since I have come to the Congress, because of the emphasis of my district, I have not been active in the judiciary functions of this Congress. But I can underscore to you the importance and the depth of feeling that all the Members have on this very, very demanding problem. And although we don't serve on this committee and are not able to participate here with you in the front lines, I want you to know that we are totally behind you.

I thank you for giving me the opportunity to come by and extend my personal greetings in combination with the Sheriff and Mr. Vaughn, and for you taking this initiative.

Mr. HUGHES. Well, thank you, Buddy. Even though Buddy may not serve on this committee, he is one of the more distinguished Members of Congress, and we thank you for sending him to the Congress to us a few years ago.

Well, you know, before we adjourn this hearing, I would like to reiterate and emphasize what is happening in Colombia where they are not prosecuting any drug cases. They have assassinated 30 judges and they have lost two chief justices in the last two years in that country. Our law enforcement agents are at risk in that country like no other place in the world. Traffickers now operate at will in parts of Colombia that are beyond the control of the central government.

We Americans feel very comforted by the fact that this is not happening in America, but in Colombia. And yet, the same thing is happening in our communities. We are losing control of our neighborhoods and urban centers much like Colombia, which let it go too long and found that it had become institutional and something that they couldn't deal with. That situation is something we really should think about.

Mr. VAUGHN. That is absolutely correct. A visit to South Florida and those areas—we say it can't happen here?

Mr. HUGHES. As you stated, South Florida also let it go too long and it became institutional.

Well, thank you very much. You have been very helpful. You are stretched in resources already at the local level. We want to create more anti-drug task force operations and do more, but we can't do more with fewer resources. You folks are stretched thin already, and if we expect you to do more we are, obviously, going to have to become better partners. That is the message I hope we can jointly convey to those in the Administration that can help make a difference.

Thank you very much. You have been very helpful to us.

That concludes our hearing for today. The subcommittee stands adjourned.

[Whereupon, at 1:35 p.m., the subcommittee was adjourned, to reconvene subject to the call of the chair.]

ADDITIONAL MATERIAL

TESTIMONY OF RONALD D. CASTILLE, DISTRICT ATTORNEY
CITY OF PHILADELPHIA

Congressman Hughes, I appreciate the opportunity to offer my testimony before the House Subcommittee on Crime on the impact of the Reagan Administration proposal to eliminate all but first year funding of the Anti-Drug Abuse Act for law enforcement agencies.

I speak not just as the District Attorney of Philadelphia but also as the Chairman of the Legislative Committee of the National District Attorney's Association.

I am opposed to the Administration's decision to eliminate funding for law enforcement drug eradication programs.

As the Committee members well know, the effective investigation and prosecution of drug traffickers is one of the greatest challenges facing law enforcement officials today. The passage of the Anti-Drug Abuse Act of 1986 and the infusion of federal dollars into local law enforcement programs has finally provided the tool for which local prosecutors, courts and police departments have been fighting for for many years; one which we so desperately need to meet this difficult challenge.

The Administration, in explaining the cut-back, attributes their action to the desire to promote fiscal responsibility on the local level and in the grant-receiving agency.

As an active member of the National District Attorney's Association, I am aware of the tremendous level of responsibility being assumed on the local level. Many jurisdictions have been pouring millions of their own dollars into worthwhile drug programs for many years.

The new Federal dollars were to be used as a tool to boost programs which have proven effective and have no other viable source of funding to help eradicate this terrible plague on our society. Some funds were to have been put into action projects which have either proven effective in other jurisdictions or which have successfully demonstrated results noting increased arrest and conviction rates for other crimes (i.e. career criminals, white collar criminals, juvenile habitual offenders, etc.).

It is unrealistic to believe that an across-the-board, one-time appropriation, set at the year-one funding level is a sufficient response to our nation's drug problem. We recognize that there may be some programs which do not require two-year or longer-term funding. However, any program which does not have equipment costs as its only component, should be evaluated on

criteria such as content, established goals, proven effectiveness, and other benchmarks.

Because each state's funding agency is charged with the authority to establish grant eligibility standards and distribute the federal grant allocation, I would recommend that the agency assume the additional responsibility of determining periods of funding. Of course, this is only feasible if the pool of funds is greatly increased.

Dealing with Philadelphia's drug crisis has been one of my highest priorities since my election as District Attorney in November, 1985. I have attempted to illustrate to officials at every level of government the desperate nature of this problem.

I have testified at previous Congressional hearings regarding drug enforcement amendments to the Federal Armed Career Criminal Act. And recently, I testified before the Pennsylvania Commission on Sentencing regarding the proposed amendments to enhance the Drug Offense Sentencing Guidelines.

In 1986, over nine hundred adults and juveniles, were arrested in one neighborhood of Philadelphia alone, on charges of delivery, or possession with the intent to deliver drugs, mostly cocaine. Nearly a thousand arrests, not just for possession but for pushing drugs. This is a staggering and sobering statistic. The problem has become so severe that on some street corners, such

as 8th and Butler, there are actually 24-hour open-air drug markets, where anyone can drive in and easily purchase hard drugs.

A group of gang-related, violent drug offenders are terrorizing the law-abiding citizens of this neighborhood. Residents are literally frightened to leave their homes, even during the day. They are daily witnesses to events normally reserved for movies theaters: a fifteen-year old boy, an innocent bystander, was killed by a stray bullet during a drug-war shootout in broad daylight; murders between rival drug gangs, murders and violence by addicts committing crime to feed their habit; and murders by people whose minds and judgment simply have been burned out by drugs.

The proliferation of drug activity is responsible for much of the 27% increase in Philadelphia's homicide rate in 1986. Presently, my office is conducting grand jury investigations into 12 North Philadelphia drug-war murders, and another 20-25 drug-killings in West Philadelphia, both major turf battle areas where drug dealers are seeking to gain territorial control.

A recent report issued by the Citizen's Crime Commission of Delaware Valley cited statistics from a number of cities throughout the United States including Los Angeles, New York and Washington, DC, which indicated that conviction rates in drug cases ranged from 47.2% to 64.3%. Having spent well over fifteen

years as a prosecutor, I am profoundly aware of the reason for such poor statistics. Drug investigations are inherently complex, involving legal issues such as search and seizure, entrapment and electronic surveillance. However, mounting public pressure to increase sight arrests drains our limited resources and significantly restricts our efforts to influence conviction rates.

We cannot overlook other factors contributing to the problem, such as court delays and court backlogs. In the same study, the Crime Commission found that nationally, the average elapsed time between case filing and disposition was 158 days. However, in Philadelphia the average was 218 days. Furthermore, the Philadelphia Police Department noted that at the end of 1986, drug arrests reached an all time high of approximately 8,000 as compared to 5,200 in 1984. An already weakened system of justice cannot help but suffer total paralysis under the added strain.

We have studied and evaluated the options which are before us and have researched those programs and ideas which have proven effective over the years. We are particularly concerned with the need for specialized intensive investigative drug units in both the prosecutors and police departments; special drug courts for major offenders to try cases expeditiously; seizure of forfeiture funds using forensic accountant personnel; employment of electronic surveillance and grand juries; the sharing of all information with neighboring jurisdictions; the treatment of our drug-dependent children and educational programs to teach our drug-

free children. With the implementation of these and other programs we believe we will achieve our goals.

The funds appropriated under the Act gave law enforcement a reason for hope. For the first time, compromise would no longer be the standard. How do I explain to the mother of that fifteen-year old boy that we must accept the conditions under which her child died because the money which is needed to help put her son's killer and his drug dealing accomplices in jail has been eliminated?

The Administration must prove to this nation that they are steadfast in their dedication to nationwide drug eradication. I urge you, Congressman Hughes, and your fellow members of Congress, to insure that second and third year funding for anti-drug law enforcement programs is restored to the Budget or added to first year appropriations. And, in an effort promote the efficient use of federal funds, allow the State block grant agencies in conjunction with the grant application agencies to determine, individually, the length of each federally supported project.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

BJA

Bureau of Justice Assistance

Benjamin H. Renshaw, Acting Director of the Bureau, announced a reorganization which raises to Division status the Bureau's administration of the Justice Assistance block and Drug Law Enforcement formula grant programs. Mr. Renshaw has created a State and Local Assistance Division and assigned Eugene H. Dzikiewicz to be its Director. The Division is divided into an East, Central and West Branch, with each headed by a senior staff person responsible for a segment of the 56 "states" eligible to submit an application under the two Acts. The Branch Chiefs and their telephone numbers are: EAST - Jules Tesler, (202) 272-4601; CENTRAL - William (Bill) Adams, (202) 272-4606; WEST - Doug Brown, (202) 272-6838. Mr. Dzikiewicz may be reached at (202) 272-4601. Any questions you may have regarding either of the two programs should be directed to the appropriate Branch Chief or Mr. Dzikiewicz. The State assignments are:

EAST BRANCH

Jules Tesler

Connecticut
Delaware
Dist of Columbia
Florida
Georgia
Maine
Maryland
Massachusetts
New Hampshire
New Jersey
New York
North Carolina
Pennsylvania
Rhode Island
South Carolina
Vermont
Virginia
West Virginia

CENTRAL BRANCH

Bill Adams

Alabama
Arkansas
Illinois
Indiana
Iowa
Kentucky
Louisiana
Michigan
Minnesota
Mississippi
Missouri
Ohio
Puerto Rico
Tennessee
Virgin Islands
Wisconsin

WEST BRANCH

Doug Brown

Alaska
Arizona
California
Colorado
Hawaii
Idaho
Kansas
Montana
Nebraska
Nevada
New Mexico
North Dakota
Oklahoma
Oregon
South Dakota
Texas
Utah
Washington
Wyoming
American Samoa
Guam
No. Mariana Islands



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

BJA

Bureau of Justice Assistance **State and Local Assistance for Narcotics Control**

FACT SHEET

The Anti-Drug Abuse Act of 1986, Pub. L. 99-570 was signed into law on October 27, 1986. Subtitle K - State and Local Law Enforcement Assistance Act of 1986, provides state and local assistance for narcotics control. The major features of the State and Local Assistance for Narcotics Control Program are described below:

LEGISLATIVELY AUTHORIZED PROGRAM PURPOSES The Bureau of Justice Assistance (BJA) is authorized to make grants to States, for use by States and units of local government, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to - -

1. **APPREHENSION** - Provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate State and local laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehending such persons.
2. **PROSECUTION** - Provide additional personnel, equipment, facilities (including upgraded and additional law enforcement crime laboratories), personnel training, and supplies for more widespread prosecution of persons accused of violating such State and local laws and to pay operating expenses in connection with such prosecution.
3. **ADJUDICATION** - Provide additional personnel (including judges), equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating such State and local laws, to pay operating expenses in connection with such adjudication, and to provide quickly, temporary facilities in which to conduct adjudications of such cases.
4. **DETENTION AND REHABILITATION** - Provide additional public correctional resources for the detention of persons convicted of violating State and local laws relating to the production, possession, or transfer of controlled substances and to establish and improve treatment and rehabilitative counseling provided to drug dependent persons convicted of violating State and local laws.

5. ERADICATION - Conduct programs of eradication aimed at destroying wild or cultivated growth of plant species from which controlled substances may be extracted.
6. TREATMENT - Provide programs which identify and meet the needs of drug-dependent offenders.
7. MAJOR DRUG OFFENDERS - Conduct demonstration programs, in conjunction with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders by providing additional resources, such as investigators and prosecutors, to identify major drug offenders and move these offenders expeditiously through the judicial system.

FORMULA GRANT PROGRAM

FUNDING 80% of the funds allocated in a fiscal year will be distributed under formula grants. Each State will receive a base amount of \$500,000 with the balance of funds allocated on a population basis.

STATE OFFICE The chief executive of each participating State must designate a State Office to administer the program. An office or agency performing other functions within the executive branch of a State may be designated as the State Office.

STATEWIDE STRATEGY A statewide strategy must be developed for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances. This strategy must be prepared after consultation with State and local officials whose duty it is to enforce such laws.

MATCHING FUNDS At least 25% of the total cost of the project must be paid from non-Federal funds. Matching funds must be new funds which would not otherwise be available for drug law enforcement.

PASSTHROUGH Local units of government must receive a share of the total State allocation that is equal to the ratio of local criminal justice expenditures to total criminal justice expenditures in the State.

ADMINISTRATIVE COSTS Up to 10% of the funds allocated to a State may be used for costs incurred for program administration.

CONSTRUCTION Grant funds may be used for construction of penal and correctional institutions for those convicted of controlled substances offenses.

DISCRETIONARY GRANT PROGRAM

FUNDING 20% of the total allocation is reserved for the Discretionary Grant Program, which will be used to enhance, coordinate and fill gaps in State and local drug control efforts through national and multi-state programs.

ELIGIBILITY Public agencies and private nonprofit organizations

MATCH Grants may be made for 100 percent of the costs of the project.

DEVELOPMENT OF PROGRAM PRIORITIES Input and recommendations are being solicited through mid-December. A program announcement and request for proposals will be published in the Federal Register in January, 1987.

DRUG LAW ENFORCEMENT PROGRAM
STATE BY STATE ALLOCATION OF FUNDS

<u>State</u>	<u>FY 1987 Allocation</u>	<u>Percentage to be Passed through to Local Jurisdiction</u>
Alabama	2,996,000	48.72%
Alaska	823,000	14.54
Arizona	2,478,000	64.04
Arkansas	1,964,000	53.47
California	16,866,000	66.87
Colorado	2,506,000	64.83
Connecticut	2,470,000	45.13
Delaware	586,000	25.66
Dist of Columbia	889,000	100.00
Florida	7,555,000	62.85
Georgia	4,210,000	56.92
Hawaii	1,154,000	48.50
Idaho	1,124,000	61.59
Illinois	7,660,000	65.32
Indiana	3,913,000	58.48
Iowa	2,290,000	54.77
Kansas	2,021,000	54.73
Kentucky	2,813,000	31.84
Louisiana	3,282,000	53.52
Maine	1,222,000	45.77
Maryland	3,226,000	41.24
Massachusetts	4,114,000	43.37
Michigan	6,141,000	60.67
Minnesota	3,103,000	67.32
Mississippi	2,122,000	50.92
Missouri	3,622,000	64.00
Montana	1,013,000	55.39
Nebraska	1,497,000	58.75
Nevada	1,081,000	72.43
New Hampshire	1,119,000	51.05
New Jersey	5,194,000	60.74
New Mexico	1,400,000	41.33
New York	11,539,000	61.73
North Carolina	4,383,000	42.50
North Dakota	925,000	64.81
Ohio	7,169,000	70.25
Oklahoma	2,549,000	46.88
Oregon	2,168,000	50.86
Pennsylvania	7,858,000	69.41
Rhode Island	1,101,000	44.95
South Carolina	2,578,000	41.91
South Dakota	939,000	50.62
Tennessee	3,456,000	59.39
Texas	10,662,000	67.87
Utah	1,521,000	50.05
Vermont	832,000	23.14
Virginia	4,042,000	31.96
Washington	3,237,000	56.37
West Virginia	1,702,000	49.21
Wisconsin	3,464,000	64.90
Wyoming	816,000	57.68
Puerto Rico	2,530,000	
Virgin Islands	567,000	
AM Samoa	522,000	
Guam	574,000	
N Mar Islands	512,000	
Total	178,400,000	

STATE OFFICES ADMINISTERING THE
JUSTICE ASSISTANCE BLOCK
AND
DRUG LAW ENFORCEMENT FORMULA
PROGRAMS

11 FEB 73

xx-Administers both JAA-Justice Assistance only DLE-Drug Law Enforcement only

NOTE: Only Kansas has not yet designated an office for the DLE program.

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New Jersey DLE

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American Samoa (DLE)
 Moaali'itele L. K. Tu'ufuli, Commissioner
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The workshops are designed to provide assistance to the states with the implementation of the State and Local Assistance for Narcotics Control Program which was established under the Anti-Drug Abuse Act of 1986. The workshops will focus on the development of the statewide drug strategy, effective narcotics control programs and administration of the program.

WHO SHOULD ATTEND

The workshops are designed to address the program implementation and administration issues facing the State Offices which are administering the Narcotics Control Program. The Director and staff person responsible for development of the drug strategy should attend. Directors of Statistical Analysis Centers (SAC) and U.S. Attorneys are also invited.

The Fiscal Officer from the State Office is invited to the Wednesday afternoon session and to a Thursday morning meeting (not shown on agenda) to discuss fiscal and audit requirements. The State Offices will receive a letter from the Office of the Comptroller regarding the Thursday fiscal meeting.

DATES AND LOCATIONS

A workshop will be held in the East, Central and West branches of the country. The dates and locations are as follows:

East	Washington, D.C.	Capitol Hilton	March 4-6
Central	Chicago, Illinois	Hyatt Regency	March 18-20
West	San Francisco, California	Sir Francis Drake	March 25-27

Note: The previously announced dates and location for the central branch meeting have been changed in response to concerns from states that the previously announced dates would be too late in the strategy development process.

COST OF ATTENDING

BJA will provide lodging at the workshop hotels on Wednesday and Thursday nights for two representatives from the State Office and the SAC Director and Wednesday for the Fiscal Officer. Lunches will be provided on Thursday for all participants. BJA will also reimburse the airfare for one representative from the State Office.

If a state does not have the funds to send the invited representatives, please contact BJA to discuss possible reimbursement.

REGISTRATION

The enclosed registration form must be completed and submitted to BJA no later than February 19, 1987 for the Washington meeting and February 27, 1987 for the other two meetings. BJA will make hotel reservations for all participants.

EXTENDED STAY

The hotels will provide the reduced room rates to workshop participants wishing to extend their stay through the weekend following the workshop. Arrangements should be made directly with the hotel.

QUESTIONS

If you have questions regarding the workshops, please contact Pat Malak at (202) 272-6838.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



Bureau of Justice Assistance
**State and Local Assistance
for Narcotics Control**

REGIONAL PROGRAM BRIEFINGS

WASHINGTON, D.C.	MARCH 4-6
CHICAGO, ILLINOIS	MARCH 18-20
SAN FRANCISCO, CALIFORNIA	MARCH 25-27

TENTATIVE AGENDA

WEDNESDAY 1:00 P.M.

PROGRAM ADMINISTRATION

Review of application kit used by states to apply for Narcotics Control Formula Grant funds.

Discussion of administrative and financial requirements.

Question and answer session with BJA, Office of General Counsel and Office of the Comptroller representatives.

THURSDAY 9:00 A.M.

INTRODUCTION/GOALS AND OBJECTIVES OF WORKSHOPS: GPE/BJA PRESENTATION

THE DRUG PROBLEM

Panel: Types of drug-involved offenders and their patterns of crime and arrest.

Need for data to define the drug problem in the state, sources of data and methods of developing future data sources.

APPREHENSION PROGRAMS

Panel: Law enforcement practices and the drug market. A description of specific law-enforcement strategies and tactics that appear to affect the availability of drugs and paraphernalia, such as street sweeps.

Description of Federal Program, Operation Pipeline and use of formula grant funds for Pipeline activities.

Description of Program Brief, Narcotics Trafficking Task Force Program.

Description of Statewide Drug Prosecution Programs.

Description of Repeat Offenders Projects.

Description of Street Impact Projects, (Street Sweeps).

Discussion of Confidential Funds Guidelines.

Description of Financial Investigations Programs (Asset Seizure and Forfeiture)

ERADICATION PROGRAMS

Description of Program Brief, Marijuana Eradication - Information Guide for Law Enforcement Managers and Officers.

PROSECUTION AND MAJOR DRUG OFFENDERS DEMONSTRATION PROGRAMS

Description of Program Brief, Career Criminal Prosecution as it relates to major drug offenders.

Police and Prosecution Coordination.

ADJUDICATION PROGRAMS

Panel: Application of Court Delay Reduction Program techniques.

Use of Differentiated Case Management.

Application of Jail capacity reduction Program techniques

Sentencing alternatives for drug-involved offenders.

FRIDAY 8:30 A.M.

RETENTION AND REHABILITATION PROGRAMS

Panel: Description of programs for drug offenders which provide a linkage between institutional and community drug treatment services, including drug treatment in jail settings, probation and parole narcotics interdiction and intensive supervision of drug offenders.

Institutional programs for drug offenders.

Alternatives institution programs for drug offenders.

Description of technical assistance available.

Discussion of guidelines for expansion or construction of prison and jail facilities and Construction Information Exchange services.

TREATMENT PROGRAMS

Panel: Distinguishing among offenders -- indicators to be used in deciding who should go to treatment; Distinguishing among treatment programs-- indicators to be used in selecting the right one.

TASC as an alternative and as a bridge to other alternatives.

Monitoring drug use during conditional release. Urine testing -- who, when, where and how.

Demonstration of pretrial drug detection.

Drug detection technology -- what is available, what is being used, approaches to selection.

STATEWIDE DRUG STRATEGY DEVELOPMENT

The impact of effective drug enforcement programs on the criminal justice system. Assessment of the impact of effective enforcement on the workload of prosecutors and the courts; the impact of mandatory sentencing for drug involved offender on correctional resources.

A walk through the drug strategy development process.

ADJOURN FRIDAY 1:30 P.M.

APPLICATIONS FOR ADMIN FUNDS UNDER THE DLE FORMULA PROGRAM

(as of 2/13) (32 Applications Received)
55 State Offices designated-- 48 same as JAA)
 (KANSAS not yet designated)

STATE	APP REC'D	STATUS	AMT OF APP	SIGND-OFF	AWD AMT	10% IF DIFFRNT
Alabama	12/8	PDMD 12/30	\$ 299,600	1/2/87	299,600	
Alaska						
Arizona						
Arkansas		<i>under review</i>	<i>1,168,600</i>			
California	<i>2/16</i>					
Colorado	<i>2/19</i>					
Conn.	02/9	under review	100,000			247,000
Delaware						
D. C.	12/5	PDMD 12/30	88,900	1/2/87	88,900	
Florida	02/10	under review	285,014			755,500
Georgia	01/23	*** PDMD 02/12	421,000			
Hawaii						
Idaho	12/5	PDMD 12/31	112,400	1/2/87	112,400	
Illinois	11/24	PDMD 12/31	536,000	1/2/87	536,000	766,000
Indiana	01/6	PDMD 01/20	391,300	2/2/87	391,300	
Iowa	12/4	PDMD 12/30	229,000	1/2/87	229,000	
Kansas						
Kentucky	12/4	PDMD 12/30	281,300	1/2/87	281,300	
Louisiana						
Maine						
Maryland	02/02	under review	322,600			
Masschst	<i>2/17</i>					
Michigan	01/23	PDMD 02/04	160,000	2/11/87	160,000	614,100
Minnesota	01/23	*** PDMD 02/04	310,300	<i>2/25/87</i>	<i>310,300</i>	
Miss.	12/16	PDMD 01/20	212,200	2/2/87	212,200	
Missouri	01/28	*** PDMD 02/06	280,177	<i>2/17/87</i>	<i>280,177</i>	362,200
Montana	12/30	PDMD 02/02	101,300	2/11/87	101,300	
Nebraska	12/9	PDMD 01/20	149,700	2/3/87	149,700	
Nevada	01/28	under review	36,000			108,100
N.Hamp	12/4	PDMD 01/20	111,900	2/3/87	111,900	
N.Jersey						
N.Mexico						
N.York	12/9	PDMD 01/20	1,153,900	2/5/87	1,153,900	
N.C.	12/18	PDMD 12/31	438,300	1/2/87	438,300	
N.Dakota	<i>1/13</i>					
Ohio	11/14	PDMD 12/30	716,900	1/2/87	716,900	
Oklahoma	11/18	PDMD 1/9(14)	254,900	1/27/87	254,900	
Oregon						
Penn.	01/13	*** PDMD 02/06	785,800	<i>2/17/87</i>	<i>785,800</i>	
P.Rico						
R.I.	<i>2/13</i>					
S.C.	02/9	under review	257,800			
S.D.						
Tenn.	<i>2/17</i>					

STATE	APP REC'D	STATUS	AMT OF APP	SIGND-OFF	AWD AMT	10% IF DIFFRNT
Texas	02/10	under review	1,066,200			
Utah						
Vermont						
Virgn Isle	12/23	PDMD 01/20	56,700	2/3/87	56,700	
Virginia	12/18	PDMD 01/20	404,200	2/2/87	404,200	
Washngtn	01/7	PDMD 01/22	323,700	2/4/87	323,700	
W.V.	12/1	PDMD 1/9(14)	170,200	1/27/87	170,200	
Wiscnsn	01/13	PDMD 1/28	225,160	2/3/87	225,160	346,400
Wyomng						
Am Samoa						
Guam						
NMarianas	12/15	*** PDMD 02/06	51,200	2/25/87		

Number of apps rec'd 32

Number of awds signd 26

Dollars awarded 6,417,560

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POLICE EXECUTIVE
RESEARCH FORUM

DARREL W. STEPHENS
EXECUTIVE DIRECTOR

**Statement by the Police Executive Research Forum
on Proposed Termination of State and Local Enforcement Funding
Under the Anti-Drug Abuse Act of 1986**

Submitted by:

Darrel W. Stephens
Executive Director

April 1987

On behalf of the Police Executive Research Forum, I want to express our appreciation for the opportunity to present comments to the Subcommittee on the issue of federal support for state and local narcotics enforcement efforts. At the present time, we are developing several innovative programs to attack drug trafficking at the local level through improved and more professional policing. In these efforts, we work closely with federal enforcement agencies whom we regard as partners in this important work.

For some time, the Forum has been deeply concerned about the proposed termination of funding support under the Anti-Drug Abuse Act of 1986 and we are confident that your efforts to inform discussion of this matter will result in a positive outcome. Our members strongly supported enactment of this legislation when it was pending last Fall. We believe that it would be counterproductive to terminate such a promising and essential program in its infancy.

We are pleased to join witnesses who appeared before your subcommittee earlier to discuss the consequences of a program termination now--at a time when national attention has been focused sharply on a drug problem that continues to grow worse. Our view is that it is unnecessary to engage in a lengthy justification of federal support for state and local narcotics enforcement efforts. The Anti-Drug Abuse Act of 1986 does that quite adequately, and we suggest that arguments put forward during Congressional debate on that legislation might serve to refresh the memories of those who appear to be unaware of--or to have forgotten--the original purpose of the law. Beyond that, anyone who appreciates the

enormity of the narcotics problem throughout the country should also understand the unprecedented resource commitment required to contain and reduce that traffic.

As we know, this Administration has dramatically increased budgetary support for federal narcotics enforcement efforts. In spite of that increase, however, drugs continue their flow across our national borders on a daily and almost routine basis. Once in the U.S., this contraband makes its way to eventual users at the street level with disappointing regularity. Although such traffic clearly violates federal law, the division of large drug shipments into wholesale and retail lots prepares that contraband for transit through, and consumption within, the bounds of state and local jurisdictions. Enforcement personnel at those levels soon come to share both legal jurisdiction and official responsibility for containing this drug traffic. Narcotics sales and use in and around schools and on street corners constitute local police problems, and must be met with an effective local police response.

The allocation of \$265 million in federal assistance for state and local agencies represents a welcome addition of resources. The most important reason why this infusion of resources must be sustained (and hopefully increased under H.R. 1411) is the easy availability of drugs, which has caused a dramatic increase in the number of drug dealers who operate in and plague our communities. That factor alone severely strains the resources of police narcotics units, which must now deal with a dramatic

increase in the number of drug sellers and wholesalers. The federal assistance program provides funding for personnel, equipment, training, and other essential categories. Although it has been suggested that the level of federal resource commitment is small, relative to current state and local law enforcement spending in the aggregate, these federal resources are pivotal because they raise state and local capabilities to a level that is needed to combat local drug trafficking more effectively.

We would like to share with you our view of the major reasons for sustaining this program--which are the very reasons that led to passage of the program only six months ago. Indeed, if anything has changed since passage of the Anti-Drug Abuse Act of 1986 last October, it is that the drug trafficking problem has worsened and law enforcement needs have grown proportionately stronger. I have summarized below several additional points which question the wisdom of the subject program termination.

Recent federal concentration on higher level drug dealers--foreign producers, importers, and international cartels--has shifted many federal resources away from the upper-middle and middle trafficking levels, where federal activity has historically been dominant. This leaves non-federal agencies saddled with greater responsibilities to combat wholesale dealers than before, but without the resources (in the absence of federal assistance) that federal agencies have enjoyed. The loss now of federal funding assistance merely serves to create a vacuum in enforcement, and can only work to the direct benefit of drug traffickers.

The problem with cutting off federal help after the first year is that innovative strategies, demonstrations, promising program models, and programs of nationwide technical assistance will have just begun. That is the worst time to end support by the federal government, because the impact of that assistance would never be determined.

It has been suggested that local agencies fund all of their narcotics initiatives and expanded activities with the proceeds of asset forfeiture actions. There are three fundamental problems with that suggestion. First, and most important, many states either do not have optimum forfeiture laws that facilitate the seizure of assets acquired with carefully hidden or laundered funds, or their enforcement personnel have not received adequate training in the full use of those laws. Although the pattern is slowly changing, typical forfeitures are limited to conveyance automobiles and cash on the person of a drug dealer when he is arrested. Criminals well aware of this situation are shifting to the renting and leasing of automobiles, and are investing more time and stealth in methods for concealing their illegal proceeds.

Second, agencies that seek to support their narcotics enforcement activities with forfeited proceeds will be encouraged to focus their efforts on dealers who own cars outright or are especially careless in exposing their liquid assets. Realistically, those more vulnerable dealers might not be the most active or dangerous traffickers in the community.

A third problem concerns the program of encouraging more sharing of federally forfeited assets with participating state and local agencies. This suggestion carries the implication that more widespread sharing is occurring on a regular and almost routine basis. However, that whole initiative has several drawbacks, including unfortunately long procedural delays in settling forfeiture actions and in turning over the state and local shares to the worthy participants. The protracted waiting periods work against providing agencies with the sufficient working capital that they need for ongoing investigations and unit support activities.

Overall, the placing of revenue generating responsibility within a police agency transforms it, in effect, into a taxing entity. We feel that such a transformation, especially when it is effected informally and results from economic need, works against the goal of professional and progressive law enforcement. Therefore, we have serious reservations about using the tool of asset forfeiture as a purely money making proposition. I believe that the intent of the legislative drafters has been to enable police to strip criminals of their ill gotten wealth first, and to treat the production of revenue as a secondary incentive.

We hope that the above comments are helpful to your subcommittee in its consideration of this matter, and stand ready and most willing to provide additional information if called upon to do so. Thank you once again for the opportunity to express our views.