Drug Testing

December 11, 1996 4:30pm

Presidential Initiative on Drugs, Driving, and Youth -- Recommendations to the Secretary of Transportation and the Director of National Drug Control Policy

The President's Charge

In his October 19 memorandum, the President directed the Director of National Drug Control Policy and the Secretary of Transportation to recommend measures to meet two goals:

- to reduce the incidence of drug use by teens, and
- to reduce driving under the influence of drugs in general.

Specifically, the recommendations should consider:

1) drug testing for minors applying for driver licenses;
2) zero tolerance laws that make it illegal to drive with any amount of an illicit drug in the driver's body;
3) driver license revocation for persons driving under the influence of drugs;
4) driver license revocation for other drug offenses;
5) methods to improve identification and prosecution of drivers impaired by drugs;
6) federal incentives for effective state programs to fight drugged driving; and
7) technologies to assist law enforcement to identify drivers impaired by drugs or alcohol.

A task force, led by DOT and ONDCP and including representatives from the Departments of Education, Health and Human Services, and Justice, has studied the issues. The task force has reviewed the relevant background information, consulted with interested constituencies, and is pleased to present the following recommendations.

General Conclusions

- A systematic attack on drug-impaired driving can address both Presidential goals.

  Such a systematic attack has been successful in changing behavior with respect to alcohol. It has been particularly effective for youth, in part because the driver license is an effective motivator for youth. But it must be systematic, with good laws followed up by effective enforcement, prosecution, adjudication, publicity, and treatment for drug abuse if appropriate.

- Drug testing for driver license applicants can be an effective part of this systematic attack. A demonstration program is the most effective first step.

Pre-licensure testing by itself is likely to have little direct effect -- applicants need only stay "clean" for a week or two. It can be more effective if some form of random testing is included. Many choices must be made in implementing a program: who should be tested, when should they be tested, for what drugs, by whom. Some options raise substantial legal issues; some are quite expensive. A demonstration program will allow different approaches to be evaluated, will avoid charges of "unfunded mandates" on the states, and can be implemented at a reasonable cost.

- While the Sec. 410 impaired driving incentive grants have been very successful in improving state alcohol laws and programs, the criterion directed at drug impairment is not working.

  The Sec. 410 Impaired Driving incentive grants for states include a supplementary criterion dealing with driving under the influence of drugs. No state has applied for a grant under this criterion. Incentive grants are an effective method to promote state activity. We recommend starting over with a new incentive grant program directed at drugs rather than attempting to modify the current Sec. 410 criterion.

- Current drugged driving programs for law enforcement, prosecutors, and judges are effective, but should be implemented more widely.

  The Drug Evaluation and Classification (DEC) program to train police to detect persons impaired by drugs has been implemented in over 30 states. It should be expanded to other communities within these states and to other states. Currently-available information and training on drugged driving should be presented to all judges and prosecutors.

Specific Recommendations

1. Pre-licensure Drug Testing -- Demonstration Program in Several States

A demonstration will allow various approaches to be evaluated for their efficiency and effectiveness. We recommend a 2-4 state program, for one year, funded at $10-20 million. This demonstration addresses the President's point (1).

The key issue is what elements of the demonstration should be specified and what should be flexible. We recommend:

- Who should be tested? At least all new license applicants under 18; others if the state wishes. Some significant percentage of covered applicants should be tested.

- Where should testing take place? Testing arrangements (at the Motor Vehicle Department, a DOT testing facility, a physician, or other site) can be left to the state.

- What drugs should be tested? Marijuana always; states could include other drugs as they wish (either permanently or temporarily).

- Should testing at times and places other than initial licensing be included? At least one state should include testing for cause (after a traffic violation or crash for covered applicants). Others may experiment with random post-license testing.

- What should the penalty be for a positive test? The drug testing pilot program which the Congress in 1988 authorized (but did not fund) proposed a one year delay before license re-application would be allowed; alternatively, a 3 month delay for those who agreed to periodic drug testing for the subsequent 9 months.[1] This would appear to be an appropriate issue for state experimentation.

2. State Drugged Driving Laws -- Encourage Through Incentive Grants

State drugged driving laws are inconsistent, frequently inappropriate, and often seriously hamper any attempt by the police and courts to deter drugged driving. We recommend a new incentive grant program, modeled after the successful Sec. 410 alcohol incentive grants, to improve these laws. The program should be separate from the Sec. 410 alcohol incentive grants, so that drugged driving activities receive appropriate attention. To be credible, the program would require financing of at least $10-15 million annually. The program must be established by statute. ISTEA reauthorization provides an appropriate opportunity.

The program should provide grant funding to states if they meet criteria such as the following:

- enact zero tolerance laws that make it illegal to drive with any amount of an illicit drug in the driver's body;
- establish that it is illegal to drive while impaired by any drug (licit or illicit);
- allow drivers to be tested for drugs if there is probable cause to suspect impairment;
- suspend the driver's license for persons driving under the influence of drugs;
- suspend the driver's license for persons guilty of other drug offenses;
- define illicit drug presence in the body as drug possession.

This incentive grant program addresses the President's points (2), (3), (4), and (6). The issues remaining are the appropriate funding level to generate state interest and the specific criteria to be included.

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[1] The 1988-approved pilot program is still good law. As an alternative to crafting an entirely new program, Congress could be asked simply to re-authorize and then fund the 1988 pilot program. Of course, we would then be required to follow the program's provisions (for example, California must be one of the demonstration states).

3. Enforcement, Prosecution, Adjudication, Sanction, and Research for Drugged Driving

Laws need good enforcement, adjudication, sanction, and publicity to be effective. Police, prosecutors, and judges are ready and willing to do their part, and have done so in many areas of the country. In particular, the DEC program is very effective in training police to identify drugged drivers and to obtain convictions. Federal funding at approximately $5 million annually for 5 years can expand current programs, develop and implement useful additions to them, and continue needed research. Funds will be used for:

- Enforcement: train all police officers in standard techniques to detect impaired drivers, including basic information of drugs; expand DEC; include drug activities in law enforcement community programs.
- Prosecutors: expand drug information and training; involve prosecutors in community drug prevention programs.
- Judges: expand drug information and training; promote uniform sanctions for drug offenses; refer drug offenders to assessment and treatment; involve judges in community programs.
- Education: publicize drug-related laws and enforcement; identify and publicize best practices; conduct summit-level meeting to share results, needs, and strategies.
- Research: continue basic studies on drug effects, methods for detecting drug use.

These activities address the President's points (5) and (7). Note that these activities may connect with Department of Justice initiatives such as the "100,000 cops" program, which has a training component. The issue remaining is the appropriate funding level and source (DOT, DOJ, or cooperative).

4. Prevention and Education on Drug Use and Drugged Driving

Drugged driving initiatives will be more effective if they provide appropriate connections with drug prevention and drug education. We recommend:

- Persons who test positive for drugs (in pre-licensure or for-cause tests) be referred to drug assessment and, if appropriate, treatment.

- Drug information be included in driver licensing and driver education programs.

- Drugged driving information, laws, and penalties be included in drug information programs.

These activities will be conducted cooperatively with the Departments of Education and Health and Human Services. The issues are to specify the activities more precisely, assign responsibility, and determine the funding level necessary.

FACSIMILE TRANSMISSION COVER SHEET
OFFICE OF THE ADMINISTRATOR

National Highway Traffic Safety Administration, NHTSA
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Washington, D.C. 20590
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DATE: 12/11/96

PLEASE DELIVER THE FOLLOWING 4 PAGE(s) TO:

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ORGANIZATION: White House

TELEPHONE NO. 456-5568

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FROM: Phil Recht
DOT / NHTSA

TELEPHONE NO. 366-2775

REMARKS:

Please call after you have read the attached document.

Drug Testing

A. Explain Directive + Zero T. Rule
B. Why
1) Zero-T works: Md - 11% drop in arrests
4-st - 1/3
2) Support for Drug Testing
-OR
-other crime
3) Youth Respons.

Drug Testing

1. Examples
- Vernonia, OR - USSC '94
- Belle Vernon PA - random all season for jocks + cheerleaders
- Some schools using Drug Free $ to test
- N. Mesquite High, Tx
- Fort Worth school - any activity, even French club

2. BC History
- Ark, signed bill to suspend license if convicted of drug abuse (as well as dropouts)
- Admin: 1) Oregon HS
2) Arrestees - Dec 95
3) Parolees - 6 yrs vs 6 wks
4) Drug Cts, inc. juvenile drug cts in gang bill
- other Zero T.:
1) Hwy bill
2) Drug free
- McCaffrey: "If you use drugs, you shouldn't be behind the wheel"
- MADD etc has changed youth attitudes - 34% drug in last 12 yrs.
65,000 lives

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

21-Oct-1996 08:27am

Drug Testing

TO: Bruce N. Reed
TO: Michelle Crisci for Rahm

FROM: Carol H. Rasco
Domestic Policy Council

CC: Evelyn S. Lieberman
CC: Cathy R. Mays

SUBJECT: Drug testing for licenses

I had a number of calls this weekend from groups that work on substance abuse prevention/education/treatment who were puzzled over the radio address and a mention only of testing on the date of application for a license...they felt sure they must have missed something in the address....

I hope I correctly answered them that the details would be more comprehensive after the report from Pena and McCaffery. The 5 p.m. deadline draft on Friday was much better, not sure what happened?

Will you all be working with Pena and McC on the report, vetting, input from groups, etc. or shall DPC do that? If I need to assign staff from DPC can you brief me on what has transpired between ONDCP and DOT thus far?

Thanks.

According to a recent survey of drug treatment facilities, the number of clients in treatment has increased steadily since 1980 (see Figure 1-5).[17]

According to the one-day census Report, efforts to increase drug treatment in correctional settings have also been successful. Over the years, the number of treatment slots in the Federal system rose from 2,803 in 1990 to 4,411 in 1993. In 1991, the Federal Bureau of Prisons (BOP) estimated that 30.5 percent of its population were diagnosed with drug dependency problems. BOP responded by treating more and more inmates, with higher utilization rates for the available treatment slots. In 1993, 2,771 inmates were provided drug treatment, the bulk of them diagnosed with both alcohol and drug problems. This is up from 2,591 in 1992. For the most intensive treatment mode, 24-hour care, the number of inmates treated rose from 1,433 in 1992 to 1,793 in 1993. The BOP also used 91.4 percent of its 24-hour care treatment capacity in 1993, compared to 65.5 percent in 1992. This 1993 utilization rate is well above the national average of 76.3 percent for this type of treatment.[18]

One positive aspect of reducing drug use is on workplace safety and productivity and here there is much progress to report.

Offender management programs, such as Treatment Alternatives to Street Crime, and the establishment of Drug Courts have linked drug-addicted individuals to appropriate forms of treatment. Studies show that Drug Courts can function as an alternative to prison and effectively coerce offenders into treatment.[19] Progress has been made by drug court programs in Fort Lauderdale, Florida; Miami, Florida; Oakland, California; Portland, Oregon; New York City; and the District of Columbia. These programs have demonstrated that closely supervised, court-ordered rehabilitation can be successful in reducing drug use, and freeing prison space for the more serious, more dangerous offenders.

Drug users are at high risk of contracting certain infectious diseases, such as HIV (Human Immunodeficiency Virus) and hepatitis. Hardcore drug users also engage in sexual behaviors that put them at high risk for contracting and spreading sexually transmitted diseases (STD). A 1991 survey of State prisoners revealed a higher rate of STD infections among illicit drug users than nonusers. The survey showed that 7.1 percent of those testing positive for HIV reported sharing needles, while only 0.8 percent of those who reported no drug use tested positive for HIV.[20] The Centers for Disease Control and Prevention (CDC) reported that more than a third of all AIDS (Acquired Immune Deficiency Syndrome) cases (37 percent) were associated with injecting drug use. The CDC also estimated that nearly 60 percent of children with AIDS under age 13 contracted the disease from their mothers, who were either injecting drugs or were sex partners of injecting drug users.

Through June 1995, nearly half a million persons (470,288) have been reported with AIDS. In the first half of 1995, 37,142 new AIDS cases were reported. Although this number exceeds the 23,896 cases reported in the first half of 1992, when the definition of AIDS cases was less inclusive, it is fewer than the 61,887 and 40,457 cases reported between July 1994 and June 1995. As a result of increased education and prevention efforts, trends in reported AIDS cases are expected to stabilize gradually over the next several reporting periods.[21]

One positive aspect of reducing drug use is on workplace safety and productivity, and here there is much progress to report. According to the 1994 National Household Survey on Drug Abuse, eight million Americans used illicit drugs on a past-month basis and were employed full-time or part-time; these users represent 6.7 percent of the employed population.

With strong encouragement and leadership from the Federal level and through such groups as CADCA's "Drugs Don't Work Campaign" and the Institute for a Drug-Free Workplace, more and more businesses and private sector organizations are instituting drug-free workplace programs. Three out of every four companies with 250 employees or more now have formal antidrug policies and programs. According to the Household Survey, the number of drug users employed part-time declined from 15 million in 1985 (13 percent

of employed adults) to 7 million (or 6 percent of employed adults) by 1993.

In 1995, over 20 million workers in non-Federal public and private sector workplaces participated in drug-free workplace programs. These programs used Federal standards created in response to the Drug-Free Federal Workplace established by Executive Order 12564 in 1986. These standards have remained in force for three consecutive Administrations, and have provided national leadership in the area of drug-free workplace programs. By the end of 1995, specific plans had been developed and certified to Congress for nearly 130 Federal departments, agencies, and commissions. The Technical Guidelines for forensic urine drug testing and laboratory certification, developed by the Department of Health and Human Services, had also been adopted by the Department of Transportation (DOT) and the Nuclear Regulatory Commission (NRC), for use in their regulated industries. In 1995, approximately 8 million DOT and NRC workers were subject to being tested under these Guidelines.

Progress in Shielding America's Air, Land, and Sea Frontiers from the Drug Threat

Seventy percent of the cocaine that enters the United States comes across the U.S.-Mexican border. Efforts that strengthen drug interdiction activities along this border are of vital importance. In 1995 the U.S. Customs Service, in coordination with the Immigration and Naturalization Service, implemented "Operation Hard Line" to stop drug smugglers from funneling their illicit drug cargo through U.S. ports. As a result, the number of port runners declined by 42 percent. Operation Hard Line also resulted in dismantling a major port-running organization in El Paso, Texas, which was reputed to have smuggled drugs in more than 2,000 instances. In support of Operation Hard Line, Customs has established Intelligence Collection and Analytical Teams (ICATs) to increase the collection of intelligence that will specifically result in more effective interdiction at the border. Additionally, since 1992, the U.S. Customs Service has been supplying interceptor aircraft in a cooperative effort with the Mexican government to support Mexican aviation drug smuggling initiatives. This effort resulted in the seizure of more than ten tons of cocaine during Fiscal Year 1995.

The Immigration and Naturalization Service, primarily through the U.S. Border Patrol, has increased its efforts along the Southwest Border. Though their efforts are primarily focused on illegal immigration, their increased presence and activities at and between the ports of entry make a significant contribution to the effort to reduce the flow of drugs. Likewise, the Drug Enforcement Administration (DEA) and the FBI, along with the five U.S. Attorneys along the border, have combined resources for a coordinated investigative effort to dismantle the major Mexican and Colombian trafficking organizations operating in this region.

The United States continues to seize vast quantities of illicit drugs. The Federal-wide Drug Seizure System (FDSS) contains information about drug seizures in the United States made by the DEA, the Federal Bureau of Investigation, and the U.S. Customs Service, as well as maritime seizures made by the U.S. Coast Guard.[22] This information indicates that national heroin seizures have fluctuated in recent years, with an increase from roughly 1 metric tons in 1989 to 1.6 metric tons in 1993, and a slight decline in 1994 and 1995. Preliminary figures for 1995 report that more than 1.1 metric tons of heroin were seized. Cocaine seizure totals also fluctuated, with an increase from 1989 to 1992, followed by a one-year decline in 1993. In 1994 seizure totals again rose, followed by another decline in 1995. Cannabis seizures decreased from 1989 to 1990, from 509.7 metric tons to 250.2 metric tons. Since then, the amount seized has risen each year, climbing to 470 metric tons in 1995.

Seventy percent of the cocaine that enters the United States comes across the U.S.-Mexican border.

The multinational attack on air smuggling has had a demonstrated effect on the coca economy and the transportation pipeline. Regional efforts to disrupt drug smuggling flights between Peru and

Drug Testing

DRAFT I

Memorandum on Reducing Teen Drug Use through Drug Testing

October 8, 1996

Memorandum for the Director of National Drug Control Policy and the Secretary of Transportation

Subject: Implementation of the Administration's Adolescent Drug Testing Initiative

Over the last four years, together we have taken several steps to keep drugs off of our streets and out of the hands of our kids. Indeed, the number one goal of the *1996 National Drug Control Strategy* is to motivate America's youth to reject illegal drugs and substance abuse.

Despite the gains we have made in reducing overall drug use in this country, we must increase our efforts to reduce increase drug use among teens.

All Americans must accept responsibility to teach young people that drugs are illegal and that they must face the consequences of taking them. To this end, we have supported before the United States Supreme Court drug testing of high school athletes, and we have encouraged states to adopt a "zero tolerance" standard for drivers under the age of 21 who drive while intoxicated.

Driving a motor vehicle is a responsibility -- a responsibility to not only the driver, but to passengers and other travelers on the road. It is also a privilege that can be revoked for those who fail to demonstrate responsible behavior. Denial of driving privileges to minors should serve as a powerful incentive for teenagers to stay away from and off drugs.

To ensure that we are using every method possible to deter teenage drug use, I am directing you to develop a strategy to encourage states to require initial and random drug testing and screening as a condition for a driver's license for applicants under the age of eighteen years old. Your review should take into consideration the best possible means of achieving our objective in the least intrusive manner.

Please report back to me within sixty days on the actions you have taken to fulfill this directive.

150TH STORY of Focus printed in FULL format.

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The New York Times

November 16, 1990, Friday, Late Edition - Final

SECTION: Section A; Page 33; Column 1; National Desk

LENGTH: 494 words

HEADLINE: States Are Pressed to Suspend Driver Licenses of Drug Users

BYLINE: AP

DATELINE: WASHINGTON, Nov. 15

BODY:

States must suspend the driver's licenses of all convicted drug offenders or risk losing part of their Federal highway funds under newly approved legislation signed by President Bush.

The measure applies to all states, including the 10 where possession of small amounts of marijuana has been decriminalized but is still considered an infraction of the law, and to all illegal drugs.

The legislation, included in the transportation-appropriations bill for the current fiscal year, got little attention during the flurry of Congressional activity last month.

The legislation calls for withholding 5 percent of Federal highway funds starting Oct. 1, 1993, from states that fail to impose six-month suspensions on drivers convicted of drug offenses. The cut would increase to 10 percent on Oct. 1, 1995.

A Way Out Is Offered

The new legislation notes that states can reject the rules and still get Federal funds if their legislatures vote specifically against requiring the license suspensions and their governors go on record in agreement.

"This forces the states to be accountable," said an Administration official, who spoke on condition of anonymity. "We're not going to force you, but if you don't want to do it, you'll have to be public about it."

News that the measure had become law drew criticism from groups as diverse as the National Governors Association and the National Organization for the Reform of Marijuana Laws.

About half the states now allow suspension of drug offenders' licenses, but only New Jersey, Colorado, Georgia and Pennsylvania have mandated such suspensions for drivers of all ages, according to Liz Gibson of the American Legislative Exchange Council.

What Bennett Wanted

Passed Oct. 27 and signed by Mr. Bush on Nov. 5, the measure accomplishes in part what the departing director of national drug control policy, William J. Bennett, tried to impose more than a year ago. But the White House chief of staff, John H. Sununu, a former governor of New Hampshire, was reported to have blocked that effort, arguing that states should be allowed to decide such matters for themselves.

Representative Gerald B. H. Solomon, a New York Republican who pressed for the amendment, said his main targets were New York and California, which have both decriminalized marijuana. Both also have state government splits in party control.

"Seventy-five percent of the drug purchases in America are done by casual drug users, and that's white, upper-middle class Americans that drive their Pontiac Firebirds into the ghetto and buy these killer drugs," Mr. Solomon said.

Nolan Jones, staff director for the National Governors' Association's justice and public safety committee, said his group fought the measure last summer and still opposes it.

"Numerous states have driver's license-revocation laws, but they don't go as far as this calls for," Mr. Jones said. "That points to why we are against the whole issue."

LANGUAGE: ENGLISH

LOAD-DATE: November 16, 1990

§ 520.580 [Amended]

4. Section 520.580 *Dichlorophene and toluene capsules* is amended in paragraph (b)(1) by removing "011614" and adding in its place "011615".

Dated: August 4, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92-19035 Filed 8-11-92; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1212

[NHTSA Docket No. 91-17; Notice 2]

RIN 2127-AE10

Drug Offender's Driver's License Suspension

AGENCY: National Highway Traffic Safety Administration (NHTSA) and Federal Highway Adminstration (FHWA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule implements a new program enacted by the Department of Transportation and Related Agencies Appropriations Act for FY 1991, as amended. Section 333 of the Act requires the withholding of certain Federal-aid highway funds from States that do not enact legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act or any drug offense. This final rule sets forth the manner in which States must certify that they are not subject to this withholding, and the disposition of funds that are withheld.

EFFECTIVE DATE: September 11, 1992.

FOR FURTHER INFORMATION CONTACT: In NHTSA: Mr. William Holden, Office of Alcohol and State Programs, Traffic Safety Programs, Room 5130, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366-2722; or Ms. Sharon Y. Vaughn, Office of Chief Counsel, room 5219, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366-1834.

In FHWA: Mr. Warren Harper, Office of Highway Safety, room 3407, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366-2172; or Mr. Wilbert Baccus, Office of Chief Counsel, room 4230, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366-0780.

SUPPLEMENTARY INFORMATION: The Department of Transportation and Related Agencies Appropriations Act for FY 1991, Public Law 101-516, was signed into law on November 5, 1990. Section 333 of the Act requires the withholding of certain Federal-aid highway funds from States that do not enact legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act (Public Law 91-513, as amended) or any drug offense. If a State decides not to enact such legislation, the section stipulates a procedure by which the State can avoid the withholding of funds.

On October 7, 1991 (56 FR 50536), NHTSA and FHWA issued a Notice of Proposed Rulemaking (NPRM) seeking comments on their proposal to implement section 333 of the Department of Transportation and Related Agencies Appropriation Act for Fiscal Year 1991.

NHTSA and FHWA received over 40 comments to the docket in response to the NPRM. These comments were received from Senator Frank R. Lautenberg, 22 States, the National Association of Governors' Highway Safety Representatives (HAGHSR), National Conference of State Legislatures (NCSL), National Transportation Safety Board (NTSB), American Civil Liberties Union (ACLU), Chrysler Motors Corporation (Chrysler), Federal Bureau of Investigation (FBI), Drug Enforcement Agency (DEA) and an interested individual.

The Department of Transportation and Related Agencies Appropriations Act, for FY 1992, Public Law 102-143, was signed into law on October 28, 1991. Section 333 of that Act in effect repealed section 333 of Public Law 101-516 and replaced it with a provision that was virtually the same. The new section 333 amended title 23 United States Code by adding a new section 159. That corrected a technical error in the old section 333 which had incorrectly amended section 104 of title 23, United States Code.

Also, subsequent to the NPRM the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA of 1991), Public Law 102-240 was signed into law on December 18, 1991. Section 1006 redesignated the old Federal-aid systems as the National Highway System and the Interstate System. Section 1007 added the Surface Transportation Program. The FHWA has determined sections 104(b)(2) (the Federal-aid primary system), 104(b)(2) (the Federal-aid secondary system), 104(b)(3) (the Interstate System), and 104(b)(6) (the Federal-aid urban system) of the old title 23, United States Code, which were cited in the above appropriations acts, correspond to 23 U.S.C. 104(b)(1), the interim National Highway System, 104(b)(3), the Surface Transportation Program, and 104(b)(5), the Interstate System of the new title 23, United States Code.

General Comments

The agencies received general comments in support of the NPRM from such commenters as NTSB, the Governor of Michigan and Chrysler. NTSB, for example, commented that it believes the loss of a driver's license, particularly a commercial driver's license, for a non-traffic drug offense conviction, may act as a deterrent to drug use by motor vehicle operators (especially those who are not habitual drug users). Accordingly, NTSB supports the intent of the rule. The Governor of Michigan stated "[I] support this ruling because it will serve as a catalyst to strengthen our drugged driving laws." Chrysler commented that it "fully agrees with the agency in its efforts to promote a safer driving environment and supports this notice of proposed rulemaking."

The agencies also received some general comments of caution. Specifically, Virginia commented that, as a matter of policy, the use of suspensions of the driving privilege should be applied prudently. An interested individual asserted that this rule "not only will do nothing to resolve the drug problem, forcing states to adopt laws to revoke licenses of drug offenders is an unnecessary infringement on the freedoms of individual motorists." North Dakota commented that sanctions upon highway funds negatively impact highway safety.

Kansas considered the statute to be unfair. The State commented, "since the Department of Revenue is the licensing agency in Kansas, this law and rulemaking puts the Department of Transportation in the position of not being able to control its own destiny. We would be the agency that is penalized if Kansas does not enact and enforce the legislation, but we would not be responsible for the enforcement of the legislation."

While they share some of these concerns, some commenters recognized

Embargoed Until
Oct. 19, 1996 at 10:06 am

Drug Testing

PRESIDENT ANNOUNCES "ZERO TOLERANCE" POLICY FOR UNDERAGE DRINKING AND DRIVING

October 19, 1996

President Clinton announced a new rule today making "zero tolerance" for young people drinking and driving the law of the land. The President called for taking away the driver's licenses of anyone under 21 caught drinking and driving, and he called on states to move quickly to bring their laws into compliance with the new federal rule.

Action Announced Today . . . The Department of Transportation will issue on Monday a final rule requiring all states to have laws making it illegal for anyone under 21 to drive with any alcohol in their blood. State laws have to be in place within two years and must allow for the suspension of the driver's licenses of young people who drink and drive. States that don't adopt zero tolerance will risk a portion of their highway construction funds: 5 percent in the first year, and 10 percent in each year thereafter.

The Problem . . . Last year, 2,206 young people ages 15-20 died in alcohol-related crashes. There has been significant progress in reducing this number over the last decade thanks to the 21 drinking age and to tough enforcement, but clearly there's more to be done. Reported alcohol use by teens is increasing, and tough new rules like zero tolerance and license suspension are needed to help reverse this trend.

Zero Tolerance Works . . . Several studies have shown conclusively that zero tolerance works. Maryland's zero tolerance law produced an 11 percent decrease in crashes involving drunk drivers under 21. A recent study compared 12 states with zero tolerance laws to 12 states without such laws. States with zero tolerance experienced a 16 percent drop in single vehicle nighttime crashes while those without zero tolerance laws saw such crashes increase by 1 percent. Another four-state study (Me., N.C., N.M., and Wi.) found that fatal crashes at night involving young drivers dropped by a third after zero tolerance laws were adopted.

A Record of Presidential Leadership in the Fight Against Young People Drinking and Driving . . . Last year, the President called on Congress to make zero tolerance the law of the land and on individual states to adopt their own laws in the interim (June 1995 radio address). At that time, 24 states and the District had "zero tolerance" laws. Congress responded and passed zero tolerance, and the President signed it into law as part of the National Highway System Designation Act. Today, 13 more state have adopted such laws.

Challenging States and Judges . . While states will have two years to come into compliance with the new law, the President has called on the remaining states (13) without zero tolerance laws to adopt them immediately. He has also called on judges and other officials to be vigilant in taking away the licenses of young people under 21 caught drinking and driving.

DEMANDING RESPONSIBILITY, FIGHTING JUVENILE DRUG USE

October 19, 1996

"Beginning with our parents, and without regard to our party, we have to renew our energy to teach this generation of young people the hard, cold truth -- drugs are deadly, drugs are wrong, drugs can cost you your life." – President Clinton, August 29, 1996

Zero tolerance for drugs. Today, President Clinton directed the Secretary of Transportation and the Director of National Drug Control Policy to develop a strategy to address the problem of young people driving under the influence of drugs. This plan is part of the President's comprehensive commitment to fight teen drug use, and follows up on the "zero tolerance" law he called for and signed which lets judges take away the driver's license of young people who drive with any alcohol in their system.

A directive on Zero Tolerance. To ensure that we are using every method possible to deter teenage drug use, President Clinton issued a directive that uses the priviledge of a driver's license to tell juveniles that drug use will not be tolerated. Within ninety days, Gen. Barry McCaffrey and Secretary Pena will report to the President with recommendations on steps to be taken in at least the following areas:

(1) Drug testing for minors applying for licenses; in particular, guidance on how this can best be implemented including possible guidance to states;
(2) "Zero Tolerance" laws that make it illegal to drive with any amount of an illicit drug in the driver's body;
(3) License revocation for those who are found to be driving under the influence of drugs;
(4) License revocation as a sanction for other drug offenses;
(5) How to eliminate obstacles to more effective identification and prosecution of drivers impaired by drugs;
(6) Federal incentives for effective state programs to fight driving under the influence of drugs; and
(7) Identification of technologies to assist state and local law enforcement in identifying and deterring drug and alcohol impaired driving.

President Clinton's juvenile violence/ anti-drug use legislative package. In addition to taking executive action, President Clinton has sent legislative proposals to Congress to help stop the rise of youth violence and drug use, including:

* Trying juvenile offenders as adults for violent and drug crimes
* A new strategy to stop the spread of methamphetamine
* Reinstating the ban on guns in schools
* A $75 million grant program for juvenile drug and gun courts
* Increasing the penalties for drug dealers who sell drugs to children, or use children to sell drugs.

A record of hard work. Over the last four years, President Clinton has worked hard to keep drugs off our streets and out of the hands of our children by:

* **Working to end teen tobacco use,**
* **Supporting drug testing for high school athletes.**
* Demanding **zero-tolerance on underage drinking.**
* **Safe and Drug-Free Schools.** President Clinton expanded the Drug Free Schools Act into the Safe and Drug Free Schools Act in 1994, and has always supported full funding for the program.
* **Combatting youth drug use.** The number one goal of President Clinton's 1996 National Drug Control strategy is to motivate America's youth to reject illegal drugs and substance abuse.

RAHM from Bob W. 6 6 4 23

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

EMBARGOED FOR RELEASE UNTIL
10:06 A.M., SAT., OCT. 19, 1996

CONTACT: Bob Weiner
(202) 395-6618

PRESIDENT IN WEEKLY RADIO ADDRESS DIRECTS WHITE HOUSE DRUG POLICY OFFICE AND TRANSPORTATION DEPARTMENT TO JOINTLY DEVELOP A PLAN TO STOP YOUTHS WHO USE DRUGS FROM DRIVING

(Washington, DC) -- President Clinton, in today's weekly radio address, directed White House National Drug Policy Director Gen. Barry McCaffrey (Ret.) and Transportation Secretary Federico Peña to jointly develop a plan within 90 days that will not allow teens and youths under 21 to receive drivers licenses unless they pass a drug test. The President also asked both cabinet officers to consider other appropriate measures to reduce youth drug use and driving under the influence of drugs.

McCaffrey stated, "Getting young people to understand that using drugs is socially unacceptable is essential if we are to reverse the trend of increased drug use by young Americans. The national drug strategy's priority goal is to motivate youth to reject illegal drugs and substance abuse. The President's focus on this problem will help underscore to all its seriousness. If you use drugs, you shouldn't be behind the wheel. We cannot afford a return to the drug dazed days of the 1980s. When we focused on changing dangerous behavior before we were successful. In the past decade, educational campaigns reduced driving under the influence, increased the use of seat belts, and saved lives. Between 1982 and 1994 alcohol-related fatalities declined 34 percent. The rate of alcohol involvement in crash fatalities over the same time period fell by 29 percent. The NHTSA estimates that 65,288 lives were saved as a result. We need to bring the same focus to the problem of illegal drug use by our children."

3620493

The Clinton Administration's Strategy for Reducing Teen Drug and Alcohol Use
October 19, 1996

- Over the last four years, the Clinton Administration has initiated several steps to reduce teen drug and alcohol use -- including support of drug testing for high school athletes, defending the Safe and Drug-Free Schools Program from Congressional efforts to cut funding, and signing into a law a tough new "zero tolerance" policy that encourages states to revoke drivers' licenses of young people who are driving under the influence of alcohol.

- In states where zero tolerance has already been adopted, lives have been saved by a reduction in the number of fatal crashes at night involving young people. Today, the President announced that the regulations for "zero tolerance" are completed. Now every state must pass a law making it illegal for anyone under 21 to drive with alcohol in their blood. If they are caught, their drivers' license should be taken away.

- In addition, to better ensure that all methods are being considered to deter teen drug use and to make our roads safer, President Clinton directed National Drug Control Policy Director Barry McCaffrey and Transportation Secretary Frederico Pena to develop a multi-prong strategy to address the problem of young people driving under the influence of illegal drugs and report back to the President in 90 days.

- The several step strategy would include the first ever effort to examine drug testing of minors as a requirement for obtaining a drivers license.

- Driving a motor vehicle is a responsibility -- a responsibility to not only the driver but to passengers and other travelers on the road. It is also a privilege that can be revoked for those who fail to demonstrate responsible behavior.

- Denial of driving privileges to minors should serve as a powerful incentive for teenagers to stay away from and off drugs. The message to our youth is simple: no drugs -- or no drivers' license.

- The Directive also requests that McCaffrey and Pena examine:
  - "zero tolerance" laws for driving under the influence of drugs;
  - license revocation as a sanction for drug offenses;
  - eliminating obstacles to better identify driving under the influence of drugs;
  - federal incentives for state anti-drug and driving programs; and
  - identifying technologies for law enforcement to identify impaired driving.

100 PRESERVATION PHOTOCOPY 10/18/96 14:27

ABOARD AIR FORCE ONE

DRUG Q'S

3-4 wks.

① How long does cocaine stay in body? Marijuana?

② When did Zero Tolerance pass? What does it do?
Did Dole support? (Call JBA) Success stories.

③ How long does drug test take? $5-7 - DOJ working in better tech sense, not dollars

④ Why not BC? (American teens/not American presidents)

⑤ Get Drug Record states - use etc.

⑥ Was Oregon HS worked? Vernonia, OR

⑦ Date of Arrestee CO, Parlee - Gyms vs Cocks

⑧ Chelsea

→ ADD support? Schools etc?

October 19, 1996

1. First of all, this is one of several areas that the President has asked the General and the Secretary to explore. He has also asked them to examine:

* "zero tolerance" laws for driving under the influence of drugs;
* license revocation as a sanction for drug offenses;
* eliminating obstacles to better identify driving under the influence of drugs;
* federal incentives for state anti-drug and driving programs; and
* identifying technologies for law enforcement to identify impaired driving.

2. He highlighted the drug testing for drivers license in the Radio Address because it is the most novel and could have the most impact. He believes that if you can be required to take a drug test for high school football, cheerleading, or french class, then there is no reason why you can't be asked to take a drug test to drive a car.

3. President Clinton has a history on this issue. As Governor he signed legislation that would suspend someone's drivers license if they were convicted of substance abuse. He also instituted a program that would suspend a teenagers drivers license for who dropped out of high school.

4. President Clinton believes that if you can drug test for high school football and cheerleading, then you should definitely be able to drug test for a drivers license.

We are looking at 16 and 17 year olds -- that is the intent.

5.

Q. Will this really have any impact?

Q. Is this constitutional?

Q. What happens when a kid tests positive?

Q. Who pays for this?

Q. How much will this cost?

Q. How many teens would be covered by this iniatitive?

Drug Testing

establish a 3-year pilot, regional program for training law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or 1 or more controlled substances or other drugs.

(b) REPORT.—Not later than 1 year after the completion of the pilot program under this section, the Secretary of Transportation shall transmit to Congress a report on the effectiveness of such pilot program together with any recommendations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1989, $7,000,000 for fiscal year 1990, and $9,000,000 for fiscal year 1991. Such sums shall remain available until expended.

23 USC 403 note.

SEC. 9005. PILOT GRANT PROGRAM FOR RANDOM TESTING FOR ILLEGAL DRUG USE.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall design, within 9 months after the date of the enactment of this Act, and implement, within 15 months after the date of the enactment of this Act, a pilot State grant program for the purpose of testing individuals described in subsection (e)(1) to determine whether such individuals have used, without lawful authorization, a controlled substance.

(b) STATE PARTICIPATION.—The Secretary shall solicit the participation of States from those States interested in participating in such a program not more than 4 States to participate in the program.

(c) STATE SELECTION PROCESS.—The Secretary shall ensure that the selection made pursuant to this section is representative of varying geographical and population characteristics of the Nation, and takes into consideration the historical geographical incidence of motor vehicle accidents involving loss of human life. In selecting the States for participation, the Secretary shall attempt to solicit States which meet the following criteria:

(1) One of the States shall be a western State which is one of the 3 most populous States, with numerous large cities, with at least one city exceeding 7,000,000 people. The State should have a diverse demographic population with larger than average drug use according to reliable surveys.

(2) One of the remaining States should be a southern State, one a northeastern State, and one a central State.

(3) One of the remaining States should be mainly rural and among the least populous States.

(4) One of the remaining States should have less than average drug use according to reliable surveys.

(d) LENGTH OF PROGRAM.—The pilot program authorized by this section shall continue for a period of 1 year. The Secretary shall consider alternative methodologies for implementing a system of random testing of such individuals.

(e) REQUIREMENTS FOR STATE PARTICIPATION.—

(1) PERSONS TO BE TESTED.—Each State participating in the test program shall test for controlled substances in accordance with paragraph (2) individuals who—

(A) are applicants seeking the privilege to drive, and

(B) have never been issued a driver's license by any State

(2) TYPES OF TESTING.—To deter drug use and promote highway safety, all individuals described in paragraph (1) shall be subject to random testing—

(A) prior to issuance of driver's licenses, and

gional program for training law enforce-
and identify individuals who are operat-
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GRAM FOR RANDOM TESTING FOR ILLEGAL

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(B) during the first year following the date of issuance of such licenses.

(3) DENIAL OF DRIVING PRIVILEGES.—Each State participating in the test program shall deny an individual driving privileges if drug testing required by paragraph (1) indicates that such individual has used illicit drugs, with such denial lasting for a period of at least 1 year following such test or subsequent confirmatory test.

(4) REINSTITUTION OF DRIVING PRIVILEGES.—The program described in paragraph (3) may allow for reinstitution of driving privileges after a period of 3 months if such reinstitution is accompanied by a requirement that the individual be available for a period of 9 months for drug testing on a regular basis. If any such test indicates that the individual has used illicit drugs, then driving privileges must be denied for 1 year following such test or confirmatory test.

(f) REGULATIONS.—The Secretary may issue regulations to assist States in implementing the programs described in subsection (e) and to grant temporary exceptions in appropriate circumstances.

(g) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall prepare and transmit to Congress a comprehensive report setting forth the results of the pilot program conducted under this section. Such report shall include any recommendations of the Secretary concerning the desirability and implementation of a system for random testing of such operators of motor vehicles.

(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this test program, there is authorized to be appropriated $5,000,000 for fiscal year 1990.

(i) DEFINITIONS.—For purposes of this section—

(1) CONTROLLED SUBSTANCE.—The term "controlled substance" means any controlled substance as defined under section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)) whose use the Secretary has determined poses a risk to transportation safety.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(3) STATE.—The term "State" has the meaning such term has when used in chapter 1 of title 23, United States Code.

Subtitle B—Truck and Bus Safety and Regulatory Reform

Truck and Bus Safety and Regulatory Reform Act of 1988.

SEC. 9101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Truck and Bus Safety and Regulatory Reform Act of 1988". 49 USC app. 2501 note.

(b) TABLE OF CONTENTS.—

Sec. 9101. Short title; table of contents.
Sec. 9102. Commercial zone exemption.
Sec. 9103. Hours of service.
Sec. 9104. Improved compliance with hours of service regulations.
Sec. 9105. Biometric identification system.
Sec. 9106. Emergency flares.
Sec. 9107. Report on improved brake systems for commercial motor vehicles.
Sec. 9108. Speed control devices.
Sec. 9109. Extension of review and preemption time periods.
Sec. 9110. Maintenance and inspection of brake systems.
Sec. 9111. Certificates of registration for certain foreign persons.

FROM : JFK SCHOOL OF GOVT KLEINMAN 0765 617 496 9053 1995,12-21 14:27 #829 P.01/01

TO. DENNIS BURKE

Drug Testing

THE NEW YORK TIMES **OP-ED** SATURDAY, JULY 25, 1992

Fight Crime, Seriously

By Mark A. R. Kleiman

CAMBRIDGE, Mass.

This year's crime control proposals, Presidential and Congressional, have one thing in common: They won't do much to control crime. That's too bad, because the problem is real and there are real things to do about it. Here's one idea that could reduce property crime and the volume of heroin and cocaine dealing by at least a quarter, and could be started nationwide for a few billion dollars per year. In the long run, it might even save money.

Criminals addicted to cocaine and heroin — drug dealers, thieves and violent criminals — account for the majority of the nation's hard-drug consumption and more than a third of its serious crime. They are largely resistant to education, indifferent to offers of treatment and capable of finding drugs no matter how tight drug enforcement gets. Thus our drug policies do almost nothing about the drug users who create the greatest problems.

Drug-using offenders are often arrested, convicted and released on probation or, after some time in prison, on parole. Unfortunately, we have no way to keep them off drugs when they aren't behind bars. The key to changing their life style is to make abstinence, verified by regular tests, a condition of staying out of jail.

Drug testing, then jail terms for offenders.

We should concentrate on felony offenders (especially robbers, burglars and drug dealers) and on the drugs that most often cause them commit crimes for money: heroin and cocaine. Screening every person arrested for drugs would identify most drug-using offenders. Those who tested positive and were convicted should be tested for several years after release on probation or parole.

Penalties for missed or failed tests need not be drastic but must be immediate and automatic. The certainty of spending a few days in jail is a better disincentive to drug use than a small probability of being sent back to prison for years.

In Michigan, some judges have established a schedule of progressively serious penalties: three days in jail for the first missed appointment or failed test, a week for the second, ten days for the third, etc. Most offenders, no matter how strong their addiction, learn quickly; of more than 200 offenders tested over two years, only 28 have failed even once.

No doubt the availability of treatment would help reduce the failure rate, but even where no treatment is available the vast majority of offenders find it within themselves to quit if they know that jail is the only alternative.

In Santa Cruz, Calif., where mandatory abstinence was instituted when all treatment programs were filled to capacity, 95 percent of the drug tests came back clean and the burglary rate fell by more than a fifth.

Of course, this system will not eliminate drug use or crime. A drug-using criminal won't become a model citizen by being forced to give up his drug, and there will be substitution of other drugs, including alcohol, for the ones tested. But heroin users maintained on methadone (and without the need for money to buy heroin) reduce their criminal activity by about two-thirds. A similar success rate would make a mandatory abstinence program well worth its modest cost.

The whole program, including staff, machines, chemicals and jail capacity for those who fail tests, could be done for about $3,500 per offender per year, or about $7 billion for a national program. This cost and more would be saved if the program kept even half its subjects away from crime and out of prison. In addition, reduced demand for heroin and cocaine would mean fewer opportunities in the drug-dealing business and thus fewer dealers going to prison.

What drug testing needs now is a big-city field trial. It could also use a political sponsor. Is there an an office-seeker out there who wants to get serious about drugs and crime? □

Mark A. R. Kleiman, associate professor of public policy at Harvard's Kennedy School of Government, is author of "Against Excess: Drug Policy for Results."

Drug Testing

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

23-Oct-1996 12:03pm

TO: Carol H. Rasco

FROM: Bruce N. Reed
Domestic Policy Council

SUBJECT: RE: Attached message

Here are some basic talking points on drug testing:

1. We've asked DOT/ONDCP to come back with recommendations on how best to 1) use drug testing as a requirement for getting a drivers license; 2) encourage states to pass zero tolerance laws so they can revoke licenses when kids are stopped driving under the influence of drugs; 3) make drug testing easier, cheaper, and more effective.

2. Several communities around the country have begun using drug testing for athletes and other extracurricular activities. We intervened in a Supreme Court case on behalf of an Oregon community that did that in 1994.

3. DOT and ONDCP will give us their recommendation on whether to require states to do this as a condition of highway money, or just provide states incentives to do it. Also, whether the testing should be universal or random.

4. We're only interested in testing for 16 and 17 year olds, because drug use is rising fastest among 12-17 yr olds, and because they represent the most at-risk drivers. We'll leave it to states and localities to decide how to sanction those who fail a drug test.

5. Drug tests cost $5-7 in DC, and are getting cheaper all the time, thanks in part to DOJ-sponsored research. We're hoping to develop a cheaper, less intrusive hair test that can reveal drug use as far as 6 months back. Young people could easily recoup the cost of the test in cheaper car insurance premiums.

6. As you may recall, Gov Clinton signed a zero tolerance for drugs law in 1990 that required license revocation of those caught driving under the influence of drugs. As President, he has promoted drug testing for high school athletes, required federal arrestees, prisoners, and parolees to get drug testing, and encouraged drug testing as part of drug courts and juvenile drug courts.

UNIVERSITY OF CALIFORNIA, LOS ANGELES

UCLA

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO

SANTA BARBARA · SANTA CRUZ

Drug Testing

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October 4, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Your initiative to require drug-involved offenders to stay drug-free in order to stay free has the potential to substantially reduce the size of the cocaine and heroin markets and the number of frequent, chronic, high-dose cocaine and heroin users. In this it resembles no other Presidential initiative in the quarter-century since war was declared on drugs.

Its potential to improve matters rests on one simple observation: most of the cocaine and heroin goes to hard-core users, and most of the hard-core users are on bail, probation, or parole. User/offenders under supervision account for 60% of the cocaine sold, and a comparable proportion of the heroin. Thus reducing demand from this population is the key to reducing total demand and shrinking the markets.

While the largest number of cocaine users are only occasional users, the very nature of occasional use means that this large number consumes only a modest aggregate amount of cocaine. Even if we were to assume there were 8 million cocaine users in the country, many more than the surveys reveal, and that each of them used 200 milligrams, or about four "rocks" per week, which would surely be a generous definition of "casual," 8 million users would account for approximately 80 metric tons per year. But all estimates of cocaine imports, net of seizures, are above 300 metric tons per year. If casual users consume 80 metric tons, then heavy users must account for the remaining 240 metric tons, or 80% of the total.

Most of that 80% goes to active offenders. The Drug Use Forecasting system of the National Institute of Justice performs urine screens on a sample of arrestees in cities across the country. Analysis of DUF data indicate that approximately 1.7 million hard-core cocaine users are arrested on felony charges each year, or a little more than three-quarters of the estimated 2.2 million people who use cocaine weekly or more often. Not all of them are on bail, probation, or parole at any one time, but some who are not arrested for a felony in any given year will be: misdemeanor arrestees, plus those on probation or parole from previous years' arrests. Three-quarters is therefore a reasonable estimate of the proportion of hard-core users involved with the criminal justice system.

This estimate stands to reason: the expense of heavy cocaine use -- $10,000 to $15,000 per year -- guarantees that most of the heavy users commit the sort of crimes which often result in arrest.

So hard-core users account for 80% of the cocaine, and three-quarters of the hard-core users are under criminal-justice supervision. Then hard-core offenders under supervision consume 60% of the total cocaine. For heroin, the contribution of heavy users to total demand is if anything greater than for cocaine, and the logic that dictates that most heavy users must eventually resort to crime, face arrest, and wind up on bail, probation, or parole applies to heroin as well as cocaine.

Very truly yours,

Mark A.R. Kleiman

RECENT VIOLENT CRIME STATISTICS

- The average prison sentence imposed on the most serious violent criminals increased substantially in the past two years.

- The average sentence for the serious violent criminals in 1993 and 1994 – cases involving murder, manslaughter, armed robbery, sexual assault, gun crimes and similar offenses – was more than 13 months longer than in 1991 and 1992. 1/

- The 13-month jump represents a 17% increase in the average prison sentence – from 75.6 months in 1991-92 to 88.8 months in 1993-94.

- Average prison sentences increased in virtually every major category of violent crime: 2/3/

Offense	Increase in Avg. Sentence (91-92 vs. 93-94)	Percentage increase
Murder	22 months	9%
Manslaughter	18 months	57%
Sexual abuse	1.7 months	2%
Assault	0.5 months	1%
Robbery	4.9 months	5%
Arson	8.9 months	15%
Firearms	19 months	35%

Source: U.S. Sentencing Commission Annual Reports (1991-94) 4/

Notes and Caveats:

1/ The data above are based on fiscal years. Using 1993 data is problematic in that a substantial proportion (perhaps a majority) of sentences imposed in fiscal 1993 involved cases filed during the prior administration in 1992. Much of the increase in 1993-94 occurred in 1993; if you compare 1991-92 with 1994, the average sentenced decreased in many categories.

2/ Average prison sentences in 1993 and 1994 show little or no change for drug cases, white collar cases, and for federal offenses overall.

3/ Average prison sentences for one category of violent crime – kidnapping/hostage taking – dropped substantially from 1991-92 to 1993-94 (from 170.6 months to 130 months). However, the average prison sentence for all violent crimes (all the categories in the table above plus kidnapping/hostagetaking) did increase as outlined in the first "bullet".

4/ According to preliminary data that is still embargoed, the 1995 data will show

increases in some categories and decreases in others, including slight decreases in drug sentences.

09/13/96 13:07 ☎202 314 1724 DOJ-OAAG ☎007/013
10/08/96 16:56 ☎ ☎005

CRIPA Talking Points

- It is clear that there are some prisons in this country with deplorable conditions.
- If we are involved in a prison, it's because we're getting reports of such things as guards raping female inmates, severe fire hazards, rodents infesting the place, or inadequate medical care.
- To take one incident, and not put it into context with the broader problems at any given facility is just election year politics.

Jails cited by Sen. Hatch 10/1/96 and the Real Reason CRIPA Investigations Were Initiated

1. Norfolk City Jail, Norfolk, VA

Hatch

- "prisoners should have a clean clothes and linen exchange at least <u>three</u> times a week."

DOJ

- filthy physical plant, including roach and rodent infestation
- inadequate medical care, including severely inadequate infectious disease control and virtually no protection from the spread of tuberculosis or other communicable diseases
- dangerous fire safety conditions

2. Tulsa County Jail, Tulsa, OK

Hatch

- jail must "[p]rovide all inmates within twenty-four hours of their admission with a bunk and mattress well above the floor."

DOJ

- overuse of restraints, including hogtying, and chemical agents
- inmate access to weapons and other dangerous materials

- o understaffing and poor design resulting in severe problems of violence among inmates because large numbers of violent inmates are left together, unsupervised, for long periods of time.
- o inadequate medical care, including severely inadequate infectious disease control and virtually no protection from the spread of tuberculosis or other communicable diseases
- o dangerous fire safety conditions

3. Forrest County Jail, Hattiesburg, MS

Hatch

- o jail "is consistently overcrowded...inmates have slept on mattresses on the floor..."

DOJ

- o inmate areas unpatrolled by guards
- o inadequate procedures which result in non-dangerous low level offenders being housed with dangerous and aggressive inmates

4. Lee County Jail, Tupelo, MS

Hatch

- o air conditioning inadequate "as indicated by the 91 degrees Farenheit temperature and the 75% relative humidity in the cell housing area..."

DOJ

- o unsafe and unsanitary conditions so severe throughout the facility that the jail is unfit for human habitation

5. Onondaga County Jail, Syracuse, NY

Hatch

- o enumeration of required exercise equipment

DOJ

- o use of excessive force by guards including physical beatings, pepper spray, restraining chairs, and restraining belts placed around the head like a hood; this force not used for legitimate purposes such as inmate control or self defense, but as punishment

- inadequate medical care, including severely inadequate infectious disease control and virtually no protection from the spread of tuberculosis or other communicable diseases
- fire hazards
- filthy physical plant, inadequate procedures for cleanup of bodily fluids, medical waste

6. Calhoun County Jail, Morgan, GA

Hatch
- enumeration of exercise requirements

DOJ
- inadequate medical care, including severely inadequate infectious disease control and virtually no protection from the spread of tuberculosis or other communicable diseases
- serious fire safety hazards

7. Coffee County Jail, Douglas, GA

Hatch
- "loss of meals must never be used as a punitive measure."

DOJ
- severe understaffing leading to entire units with over 50 inmates left completely unsupervised by guards, leading to serious escape problem, and system of inmate "trustee" supervision of other inmates
- inappropriate housing of juveniles in what is ordinarily a disciplinary cell with no light and filthy conditions
- inadequate medical care, including severely inadequate infectious disease control and virtually no protection from the spread of tuberculosis or other communicable diseases, inadequate suicide prevention measures, procedures for handling dangerous bodily fluids

8. Dooly County Jail, Vienna, GA

Hatch
- serving of warm tuna fish

DOJ

- o deplorable physical conditions and building hazards making jail unfit for human habitation
- o inadequately trained staff armed with pepper spray and tasers; frequent verbal abuse that escalates into further, more serious incidents
- o inadequate medical care, including severely inadequate infectious disease control and virtually no protection from the spread of tuberculosis or other communicable diseases

9. Mitchell County Jail, Camilla, GA

Hatch

- o food served at too cool a temperature

DOJ

- o filthy physical conditions, including infestation of insects, mattresses that harbor vermin, no running water in cells, no underwear for indigent inmates
- o inadequate inmate supervision leading to inmate "trustee" supervision of other inmates
- o serious security and violence problems
- o inadequate supervision of medications for inmates resulting in possibility of stolen and sold drugs

10. Lee County Jail, Leesburg, GA

Hatch

- o "Inmates receive only two meals a day, and crackers and soda for 'lunch.' They do not receive juice or milk."
- o "routinely overcrowded" "inmates have to sleep on bunks in the day rooms, on mattresses on the floor, and on top of the day room tables..."

DOJ

- o one of the dirtiest, most run-down and grossly inadequate jails the Department has ever seen; unfit for human habitation; serious fire hazards

HARVARD UNIVERSITY

JOHN F. KENNEDY SCHOOL OF GOVERNMENT

Drug Testing

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Associate Professor of Public Policy

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TEL. (617) 495-5188
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Dennis Burke
Domestic Policy Staff
The White House
Washington, DC 20500

Dear Dennis:

Of the roughly 300 metric tons of cocaine bought and consumed in the United States every year (for about $30 billion dollars), about 60% (180 metric tons, or $18 billion) is bought by people under the jurisdiction of the criminal justice system: on bail, on probation, or on parole.

Like all numbers about illicit drugs, the 60% figure is an estimate rather than a precise measurement, but I am convinced that it is close to the truth. It is broadly consistent with figures calculated by others. [See the ONDCP report by Abt Associates, "What America's Users Spend on Illegal Drugs,"Spring 1995.] Here's how it was derived:

1. Heavy users -- people who use cocaine once or more a week -- account for about 80% of the total cocaine consumed. (Abt, using a slightly tighter definition of "hardcore" users, says 75.6%.) This is true even though it is also true that the majority of users are light users; it doesn't take many people using $10,000 per year to counterbalance a large number using a few hundred dollars per year.

2. Of those heavy users, about three-quarters are under supervision by the criminal justice system. Of an estimated 2 million to 2.5 million heavy cocaine users in the total population, Abt estimates that 1.9 million are arrested in the course of any given year. Drug-involved offenders cycle in and out of jail, prison, and various conditional-release statuses (bail, probation, and parole) in a complicated pattern, but at any one time there might be 600,000 heavy cocaine users not involved with the criminal justice system and another 1.8 million on bail, probation, or parole.

3. Three-quarters of 80% is 60%. So if heavy users account for 80% of consumption, and three-quarters of the heavy users are under supervision, then 60% of all the cocaine used is used by heavy users under criminal justice system supervision.

The clear implication is that the President's program of forcing drug-involved offenders under criminal justice supervision to abstain, as a condition of staying out of jail, could radically shrink the illegal drug markets.

Very truly yours,

Mark

Mark Kleiman

FROM :JFK SCHOOL OF GOVT KLEIMAN 0766 617 495 9053 1995.12-21 14:27 #829 P.01/01

TO: DENNIS BURKE

THE NEW YORK TIMES **OP-ED** SATURDAY, JULY 25, 1992

Fight Crime, Seriously

By Mark A. R. Kleiman

CAMBRIDGE, Mass.

This year's crime control proposals, Presidential and Congressional, have one thing in common: They won't do much to control crime. That's too bad, because the problem is real and there are real things to do about it. Here's one idea that could reduce property crime and the volume of heroin and cocaine dealing by at least a quarter, and could be started nationwide for a few billion dollars per year. In the long run, it might even save money.

Criminals addicted to cocaine and heroin — drug dealers, thieves and violent criminals — account for the majority of the nation's hard-drug consumption and more than a third of its serious crime. They are largely resistant to education, indifferent to offers of treatment and capable of finding drugs no matter how tight drug enforcement gets. Thus our drug policies do almost nothing about the drug users who create the greatest problems.

Drug-using offenders are often arrested, convicted and released on probation or, after some time in prison, on parole. Unfortunately, we have no way to keep them off drugs when they aren't behind bars. The key to changing their life style is to make abstinence, verified by regular tests, a condition of staying out of jail.

Drug testing, then jail terms for offenders.

We should concentrate on felony offenders (especially robbers, burglars and drug dealers) and on the drugs that most often cause them commit crimes for money: heroin and cocaine. Screening every person arrested for drugs would identify most drug-using offenders. Those who tested positive and were convicted should be tested for several years after release on probation or parole.

Penalties for missed or failed tests need not be drastic but must be immediate and automatic. The certainty of spending a few days in jail is a better disincentive to drug use than a small probability of being sent back to prison for years.

In Michigan, some judges have established a schedule of progressively serious penalties: three days in jail for the first missed appointment or failed test, a week for the second, ten days for the third, etc. Most offenders, no matter how strong their addiction, learn quickly; of more than 200 offenders tested over two years, only 28 have failed even once.

No doubt the availability of treatment would help reduce the failure rate, but even where no treatment is available the vast majority of offenders find it within themselves to quit if they know that jail is the only alternative.

In Santa Cruz, Calif., where mandatory abstinence was instituted when all treatment programs were filled to capacity, 95 percent of the drug tests came back clean and the burglary rate fell by more than a fifth.

Of course, this system will not eliminate drug use or crime. A drug-using criminal won't become a model citizen by being forced to give up his drug, and there will be substitution of other drugs, including alcohol, for the ones tested. But heroin users maintained on methadone (and without the need for money to buy heroin) reduce their criminal activity by about two-thirds. A similar success rate would make a mandatory abstinence program well worth its modest cost.

The whole program, including staff, machines, chemicals and jail capacity for those who fail tests, could be done for about $3,500 per offender per year, or about $7 billion for a national program. This cost and more would be saved if the program kept even half its subjects away from crime and out of prison. In addition, reduced demand for heroin and cocaine would mean fewer opportunities in the drug-dealing business and thus fewer dealers going to prison.

What drug testing needs now is a big-city field trial. It could also use a political sponsor. Is there an an office-seeker out there who wants to get serious about drugs and crime? □

Mark A. R. Kleiman, associate professor of public policy at Harvard's Kennedy School of Government, is author of "Against Excess: Drug Policy for Results."

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COERCED ABSTINENCE FOR DRUG-INVOLVED OFFENDERS ON PROBATION AND PAROLE

Heavy users account for at least three-quarters of the total volume of cocaine consumed in the United States, and an even larger fraction of the volume of heroin consumed. This is not because heavy users are very numerous; on the contrary. The total number of active heavy cocaine users and heavy heroin users in the United States probably comes to no more than three million persons, of whom about three-quarters derive a substantial share of their income from criminal activity. These criminally-active heavy users are the main contributors to the crime related to illicit drugs, both through their own criminal activity and through their contribution to illicit-market demand.

Since the sort of crimes committed to support heroin and cocaine habits are likely to result in fairly frequent arrest and conviction, most cocaine- and heroin-involved offenders are likely to be under the jurisdiction of the criminal justice system at any given moment. Their identification as offenders already being made, their identification as heavy drug users requires nothing more than a urine test; whether they continue to use is similarly straightforward to determine.

Given the very high personal crime rates characteristic of drug-involved offenders who remain heavily drug-involved, the substantial cost of imprisonment might not be too high a price to pay to avoid the crimes they commit while free (even putting aside the crimes committed by the drug traffickers they support) if there were no other way of doing so. From a crime-control perspective, this would certainly be a better use of the cells than long sentences for minor drug dealers certain to be replaced within the illicit labor market.

But it should not be necessary to imprison most drug-involved offenders to reduce their drug consumption. The threat of incarceration for continued drug use might be adequate to deter them. The question is simply whether someone whose continued liberty is, in principle, conditional on observing the conditions of probation or parole can, in practice, be effectively deterred from continuing to take illicit drugs and committing crimes to buy them.

The two keys to deterrence, especially for persons with short planning horizons and poor judgment concerning risk—two characteristics both likely to produce, and likely to be produced by, addiction to expensive illicit drugs—are certainty and swiftness. Severity is of less importance. The observation that quitting any drug habit typically involves repeated attempts and repeated failures only increases the importance of creating predictable but not catastrophic penalties for the predictable failures (and, ideally, rewards for periods of success).

Unfortunately, the current drug-testing practices of probation and parole departments do not reflect either what is known about deterrence or what is known about recovery from

addiction. Infrequent testing, and even more infrequent sanctioning for missed or "dirty" tests, are combined with superfluous severity. Several months in prison is not an uncommon sanction for a "technical violation" involving drugs—in California, the single most common reason for a prison is a failed drug test—and sanctions measured in years are not unknown. Few better ways could be devised of absorbing large amounts of scarce punishment capacity with only minimal benefit in deterrence or relapse management.

The alternative would be frequent tests (twice a week would be ideal) and automatic, but mild, sanctions: perhaps two days' confinement for the first failure, escalating if there are repeated failures over a short period. The testing technology is easy to operate, and the tests themselves are quite inexpensive on a mass-production basis: in the District of Columbia, the total cost of a five-drug screen is less than $5. To succeed, such a program requires adequate confinement capacity (not necessarily in a jail, since persons confined for only a few days pose less escape risk, and require fewer services, than typical jail inmates) so that the threat of sanctions never fails, and either dedicated judicial capacity or legal authority for administrative sanctioning, in order to avoid gridlocking the courts. In addition to the testing costs, the major expense of such a program would be the time of probation, parole, and other staff required to administer it. Total costs have been estimated at less than $2000 per participant per year, more than twice the cost of ordinary probation but less than one-tenth the cost of prison.

This program has some resemblance both to TASC and to drug courts, but differs in not being constrained by the capacity of the drug treatment system and in being designed for all cocaine-and heroin-involved offenders, not only those who are eligible for, and choose to participate in, a special program. Moreover, rather than replacing incarceration as the punishment for the underlying offense, coerced abstinence could be used in addition to a prison or jail term.

Even without an explicit treatment component, testing and sanctions for drug-involved offenders on probation or parole could have substantial therapeutic benefit. Facing constant pressure to abstain, those drug-involved offenders who cannot stop without professional treatment will be strongly motivated both to seek out treatment and to stick with it. Others, once confronted with the fact that their preferred lifestyle of drug use and crime is no longer available, will find that they can quit on their own or with the help of one of the Twelve-Step programs. (Nevertheless, failure rates among offenders subject to testing and sanctions would probably be much lower if formal treatment were available for those who wanted it.)

Although coerced abstinence has been employed with apparent success in various pilot programs, it has never been made a standard aspect of probation and parole in a large jurisdiction or carefully tested with experimental controls. Two kinds of experimental work need to be done to prove out the concept. One research approach takes the individual as the unit of analysis; the other works at the level of the jurisdiction.

The individual-level experiment would involve the random assignment of drug-involved offenders into one or more experimental and control groups. The simplest design would have only two groups, with drug-involved offenders randomly assigned to either the experimental group, subject to testing and sanctions, or a control group, subject only to ordinary parole or probation supervision. A better, but more expensive, design would involve random assignment into four groups: one subject to coerced abstinence, one subject to mandatory treatment, one subject to both, and a control group receiving ordinary handling on probation or parole. Having multiple experimental treatments would allow a range of effectiveness and cost-effectiveness

comparisons, using as outcome measures recidivism as measured by arrest rates (and perhaps by post-program self-reports), drug use as measured by testing, and perhaps social functioning as reflected in employment and family stability.

A one-year test for 400 offenders (200 per group in the two-group model, 100 per group in the four-group approach) would cost about $2 million to design, operate, and evaluate. For perhaps an additional $400,000, one could add to the four-group experiment a fifth group, subject to coerced abstinence plus positive incentives (e.g., merchandise vouchers) for "clean" tests; other experiments suggest that such "positive contingency management" can significantly improve success rates.

The jurisdiction-level experiment would create a coerced abstinence program including all eligible offenders in one or more jurisdictions (counties or judicial districts). This would test the feasibility of actually implementing such a program at full scale and its effect on crime rates and drug market activity. Given the probation/parole rate of about 2 percent of the population, and an estimate that about half of probationers and parolees would be subject to testing, a county or district with a population of 50,000 would be expected to yield a program population of about 500; a one-year test in a jurisdiction of this size should also cost about $2 million.

Within the broad concept of coerced abstinence for drug-involved offenders on probation or parole, a wide variety of specific program implementations is possible. A complete program design must specify how offenders are selected for participation in, and release from, the program; the frequency of the tests; the range of drugs tested for, the schedule of sanctions (and perhaps of incentives) and the mechanism (judicial or administrative) for imposing them; and the availability (or even requirement) of drug treatment or other social services.

What program decision will work best is not a question to be answered by mere logic; experience must be accumulated and fed back into the process of design and implementation. Nor will the answers developed in one jurisdiction necessarily hold true in other jurisdictions with different drug problems, different offender populations, and different criminal justice institutions. Thus a period of trial and correction ought to precede any formal evaluation, and a single evaluation result should not be taken as a conclusive demonstration or refutation of the value of coerced abstinence as a program idea.

Using the criminal justice system to reduce drug demand will do more than any feasible level of drug law enforcement to break up open drug markets: a national program could reasonably be expected to reduce effective cocaine and heroin demand by 40%. Reduced demand means less revenue for drug dealers, which in turn means fewer guns, fewer shootings, less disruption of neighborhood life, and fewer kids lured out of school or licit work into the flashy, but eventually disastrous, life of retail drug selling.

Since we literally know the names of the people who contribute most of the money that supports heroin and cocaine dealing in the United States, it is almost inconceivable that we should continue current policies, which in effect allow them to maintain their habits in between spells of incarceration. Measured against the social costs of drug dealing and drug abuse, or even against the roughly $35 billion national drug abuse control budget, the cost of a well-designed and well-executed program of coerced abstinence look rather modest. The real question is not whether to try it, but how to make it work.

Drug Testing

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

15-Oct-1996 11:06am

TO: Kevin Moran

FROM: Jeremy D. Benami
Domestic Policy Council

CC: Dennis Burke
CC: Michelle Crisci for Rahm

SUBJECT: message for Don

Please get the following message to Don in Florida. I am sending you both the draft directive on drugs/driving and the FCC letter on separate emails. You may want to forward these to Don as well. Thanks.

To: Don Baer
From: Jeremy Ben-Ami
Dennis Burke

Subj: Driving/Drugs/Drinking Announcements

Just wanted to make sure you knew all the potential announcements for this week on these topics:

(1) We are working with DOT on a Presidential directive to Pena and McCaffrey to look into initiatives on drugs and driving. In particular, the President would announce his support for drug testing minor applicants for drivers licenses.

(2) We have the letter to the FCC on liquor advertising, discussed with you and Kathy Wallman in your office last week, that could be announced.

(3) We have the regs on zero tolerance for drinking and driving to announce - they will require states to have laws allowing license suspension for those under 21 who drive with any alcohol in their system.

Kevin has copies of both the draft FCC letter and the Presidential directive and can get those to you.

Please let us know if you want to use these for Presidential announcements. Thanks.

DRAFT 3

October 15, 1996

Memorandum for the Director of National Drug Control Policy and the Secretary of Transportation

From: The President

Subject: Reducing Teenage Drug Use and Driving

Over the last four years, we have worked hard to keep drugs off our streets and out of the hands of our children. Indeed, the number one goal of the *1996 National Drug Control Strategy* is to motivate America's youth to reject illegal drugs and substance abuse. All Americans must accept responsibility for teaching our young people that drugs are illegal and confronting them with the consequences of using drugs. My administration has elevated the Director of the Office of National Drug Control Policy to the Cabinet, supported drug testing of high school athletes before the United States Supreme Court, and defended the Safe and Drug Free Schools Program from Congressional attempts to reduce its funding.

Despite the progress we are making in reducing overall drug use in this country, we continue to see disturbing trends in drug use among teens. We, therefore, must still do more to confront this deadly problem.

One of the critical areas where drugs threaten the health and safety of young people is on the roads. I have taken a tough stand against drinking and driving by young people -- calling for and then signing into law a tough new "zero tolerance" policy that requires states to have laws allowing judges to take away the drivers licenses of young people who drive with any alcohol in their system.

We need to be equally tough on those young people who drive under the influence of drugs. Every driver has the responsibility to drive safely and not injure themselves or others. The driver's license is a privilege that can and should be revoked for those who fail to demonstrate responsible behavior. Denial of driving privileges to those who engage in illegal drug use can be a powerful incentive to stay away from and off drugs, particularly for teenagers. I believe minors applying for driver's licenses should be tested and found drug-free before they can obtain a driver's license. Young people must understand that drug use cannot and will not be tolerated, and making licenses conditional on being drug-free is an important and effective way to send that message.

State and federal law recognize the relation between drugs and driving. It is illegal in every state to drive under the influence of drugs that impair driving performance. Seven states have enacted "zero tolerance" laws for drugs, which make it illegal to drive with any amount of an illicit drug in the driver's body. Eighteen states suspend the licenses of persons convicted of drug offenses. And the federal Section 410 program authorizes grants to states with aggressive laws and programs to detect and sanction drugged driving.

To ensure that we are using every method possible to deter teenage drug use, I am directing you to develop a strategy to address the problem of young people driving under the influence of illegal drugs. Within sixty days, I would like you to report to me with recommendations on steps to be taken in at least the following areas:

(1) Drug testing for minors applying for licenses; in particular, please provide guidance on how this can best be implemented including possible guidance to states;

(2) "Zero Tolerance" laws that make it illegal to drive with any amount of an illicit drug in the driver's body;

(3) License revocation for those who are found to be driving under the influence of drugs;

(4) License revocation as a sanction for other drug offenses;

(5) How to eliminate obstacles to more effective identification and prosecution of drivers impaired by drugs; and

(6) Federal incentives for effective state "d~~rugged driving~~ programs.
"anti drug/driving"

Your report should review current state and federal laws and practices in these areas, the effectiveness of any such efforts in states to date, and any other areas that you believe would help to reduce the incidence of drug use by teens or drugged driving generally.

The Honorable Reed E. Hundt
Chairman, Federal Communications Commission
1919 M Street, N.W., Suite 814
Washington, D.C. 20554

Dear Chairman Hundt:

I write to ask your assistance in addressing a new and emerging challenge to parents struggling to raise safe, healthy children: the decision by manufacturers of hard liquor to begin advertising on television.

For half a century, these companies have voluntarily refrained from such advertising. They understood that advertising over the uniquely powerful and pervasive medium of broadcasting could reach children inappropriately, encouraging them to drink before it is legal or advisable for them to do so. Till now, these companies have been good corporate citizens. For as long as there has been television, they have known that a voluntary ban was right and they lived by it.

Now, at least one major company has broken ranks and started putting liquor ads on TV. I was greatly disappointed by this decision, and I understand that this advertising may commence nationwide. I have previously expressed my dismay at this action and called on the industry to urge all its members to return to their long-standing policy and stand by the ban.

I firmly believe that we have a national obligation to act strongly to protect our children from threats to their health and safety. That's why I have fought so strongly to impose appropriate regulations on the sale and distribution of cigarrettes and smokeless tobacco and tobacco advertising that appeals to adolescents, to ensure that our schools and children are safe and drug-free, and to combat gangs and violence afflicting our youth.

I urge the Federal Communications Commission to take all appropriate actions to explore what effects might ensue if manufacturers of hard liquor abandon their long-standing voluntary ban on television advertising, specifically the impact on underage drinking. In particular, I believe the Commission should examine whether restrictions on such advertising during certain time periods might be appropriate if a link between the advertising and underage drinking is established.

We have made tremendous progress in recent years reducing the incidence of deaths due to drunk driving among our youth. We have taken important steps including the increase in the 1980's in the drinking age to 21 and the passage of zero tolerance legislation for underage drinking and driving. But there is more to be done. Too many of our young people are dying in car crashes, and too many young people are starting to drink at an early age, leading to alcohol and other substance abuse problems.

I would appreciate your help and the help of the Commission in exploring the possible actions you could take to support our parents and children in response to the manufacturers' decision to break with the long and honorable tradition of not advertising on the broadcast medium.

Sincerely,

Document No.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/18 ACTION/CONCURRENCE/COMMENT DUE BY: 10/18 5:00 pm

SUBJECT: Teen drug use - driving directive (Drug Testing)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	✓		McCURRY		✓
PANETTA	✓		McGINTY		
McLARTY			NASH		
ICKES	✓		QUINN	✓	
LIEBERMAN	✓		RASCO	✓	
RAINES			REED		✓
BAER	✓		SOSNIK	✓	
CURRY			STEPHANOPOULOS	✓	
EMANUEL	✓		STIGLITZ		
GIBBONS			STREETT		
HALE			TYSON		
HERMAN			HAWLEY		
HIGGINS	✓		WILLIAMS		
HILLEY	✓		Waldman	✓	
KLAIN			Bowman		✓
LAKE			Fein		✓
LINDSEY					

REMARKS:

Comments to this office

RESPONSE:

Staff Secretary
Ext. 6-2702

State and federal law recognize the relation between drugs and driving. It is illegal in every state to drive under the influence of drugs that impair driving performance. Seven states have enacted "zero tolerance" laws for drugs, which make it illegal to drive with any amount of an illicit drug in the driver's body. Eighteen states suspend the licenses of persons convicted of drug offenses. And the federal Section 410 program authorizes grants to states with aggressive laws and programs to detect and sanction driving under the influence of drugs.

To ensure that we are using every method possible to deter teenage drug use, I am directing you to develop a strategy to address the problem of young people driving under the influence of illegal drugs. Within sixty days, I would like you to report to me with recommendations on steps to be taken in at least the following areas:

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(6) Federal incentives for effective state programs to fight driving under the influence of drugs.

Your report should review current state and federal laws and practices in these areas, the effectiveness of any such efforts in states to date, and any other areas that you believe would help to reduce the incidence of drug use by teens or drugged driving generally.

Drug Testing

DRAFT 3

October 15, 1996

Memorandum for the Director of National Drug Control Policy and the Secretary of Transportation

From: The President

Subject: Reducing Teenage Drug Use and Driving

Over the last four years, we have worked hard to keep drugs off our streets and out of the hands of our children. Indeed, the number one goal of the *1996 National Drug Control Strategy* is to motivate America's youth to reject illegal drugs and substance abuse. All Americans must accept responsibility for teaching our young people that drugs are illegal and confronting them with the consequences of using drugs. My administration has elevated the Director of the Office of National Drug Control Policy to the Cabinet, supported drug testing of high school athletes before the United States Supreme Court, and defended the Safe and Drug Free Schools Program from Congressional attempts to reduce its funding.

Despite the progress we are making in reducing overall drug use in this country, we continue to see disturbing trends in drug use among teens. We, therefore, must still do more to confront this deadly problem.

One of the critical areas where drugs threaten the health and safety of young people is on the roads. I have taken a tough stand against drinking and driving by young people -- calling for and then signing into law a tough new "zero tolerance" policy that requires states to have laws allowing judges to take away the driver's licenses of young people who drive with any alcohol in their system.

It is equally important that we be tough on those young people who drive under the influence of drugs. Every driver has the responsibility to drive safely and not injure themselves or others. The driver's license is a privilege that should not be available to those who fail to demonstrate responsible behavior. Denial of driving privileges to those who engage in illegal drug use can be a powerful incentive to stay away from and off drugs, particularly for teenagers. I believe we should consider drug-testing all minors applying for driver's licenses and requiring them to be found drug-free before they can obtain a driver's license. Young people must understand that drug use cannot and will not be tolerated, and making licenses conditional on being drug-free may prove to be an important and effective way to send that message.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY
THE SECRETARY OF TRANSPORTATION

SUBJECT: Reducing Teenage Driving Under the Influence of Illicit Drugs

Over the last 4 years, we have worked hard to keep drugs off our streets and out of the hands of our children. Indeed, the number one goal of the *1996 National Drug Control Strategy* is to motivate America's youth to reject illegal drugs and substance abuse. All Americans must accept responsibility for teaching our young people that drugs are illegal and confronting them with the consequences of using drugs. My Administration has elevated the Director of the Office of National Drug Control Policy to the Cabinet, supported drug testing of high school athletes before the United States Supreme Court, and defended the Safe and Drug Free Schools Program from congressional attempts to reduce its funding.

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State and Federal laws recognize the relation between drugs and driving. It is illegal in every State to drive under the influence of drugs that impair driving performance. Seven States have enacted "zero tolerance" laws for drugs, which make it illegal to drive with any amount of an illicit drug in the driver's body. Eighteen States suspend the licenses of persons convicted of drug offenses. And the Federal Section 410 program authorizes grants to States with aggressive laws and programs to detect and sanction driving under the influence of drugs.

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(4) License revocation as a sanction for other drug offenses;

(5) How to eliminate obstacles to more effective identification and prosecution of drivers impaired by drugs;

(6) Federal incentives for effective State programs to fight driving under the influence of drugs; and

(7) Identification of technologies to assist State and local law enforcement in identifying and deterring drug and alcohol impaired driving.

Your report should review current State and Federal laws and practices in these areas, the effectiveness of any such efforts in States to date, and any other areas that you believe would help to reduce the incidence of drug use by teens or driving under the influence of drugs generally. In preparing this report, you should consult with the Attorney General and the Secretary of Health and Human Services.

THE WHITE HOUSE

Office of the Press Secretary

Embargoed For Release
Until Saturday, October 19, 1996
At 10:06 A.M. EDT

RADIO ADDRESS
BY THE PRESIDENT
TO THE NATION

THE PRESIDENT: Good morning. Today I want to talk to you about how we can demand responsibility from all our young people by taking firm steps to stop teens from driving under the influence of alcohol and drugs.

My vision is of an America where we offer opportunity to all, demand responsibility from all, and build a stronger community where everyone has a place. That's America's basic bargain. That's how we will keep our young people safe and give them the futures they deserve.

We've done a lot to expand opportunity for our young people -- reducing the cost of college loans and improving the terms for repayment, expanding scholarships to college, creating millions of new jobs. We've preserved the summer jobs program and created AmeriCorps, which gives young people the opportunity to serve in their communities and earn money for college. I want to do more.

Our balanced budget plan can make two years of college after high school as universal as a high school diploma is today by giving people a deduction on their taxes, dollar for dollar, for the cost of the typical community college tuition. We offer a deduction of up to $10,000 a year for any college tuition and permit families to save in an IRA and then withdraw from it, tax-free, to pay for education for their children.

But we must demand the responsibility of our young people as well. Our responsibility is to teach them right from wrong and then to expect them to act accordingly. So, in our welfare reform efforts, we've required teen mothers to live at home and stay in school or lose their welfare benefits. We went to court to support those communities that have decided to require drug testing for high school athletes. We've imposed a zero tolerance policy for guns in schools. We're taking on teen smoking and trying to stop tobacco companies from advertising and marketing cigarettes to our young people.

We've encouraged communities to enforce their truancy laws and to adopt new programs like school uniform policies and to impose community curfews. We supported character education programs and drug-free school programs for children in our schools all across America.

These are all ways for parents and teachers and law enforcement people to set rules, maintain order and discipline and make schools places of learning, not violence and destruction.

Today, we're taking another step. Too many teens pose a threat to themselves and others by drinking and driving. Just last year, 2,200 young people between the ages of 15 and 20 died in alcohol-related car crashes. Thanks especially to the leadership of groups like Mothers Against Drunk Driving and Students Against Drunk Driving, America has made real progress in reducing teen drunk driving over the last decade.

MORE

But there's more to do. We have pushed for a policy of zero tolerance for teen drinking and driving. If you're under 21 and you drink, you can't drive, period. Last year, when fewer than half the states had zero tolerance laws, I called on Congress to enact legislation making it the law of the land. Congress acted.

Since then, 13 more states have adopted these strict rules. Now we're taking final action to demand responsibility from teens in all 50 states. Today, I am pleased to announce that we're issuing a new rule. Every state must pass a law making it illegal for anyone under 21 to drive with alcohol in their blood. If they're caught, their driver's licenses must be suspended.

Under the new law passed by Congress, states that do not put this into effect will lose some of their federal highway funds. Now we should take the next step to increase responsibility among teenagers. Drug use is down all across America. But unfortunately, it is still rising among young people. That's why I have fought to expand the Safe and Drug-Free Schools program -- to get more people out there, like DARE officers, telling our children that drugs are wrong and drugs can kill you. That's why we're requiring parolees to pass a drug test or go back to jail. If they want to stay out of jail, they must stay off drugs.

I believe we should use the privilege of a driver's license to demand responsible behavior by young people when it comes to drugs, too. We're already saying to teens, if you drink you aren't allowed to drive. Now we should say that teens should pass a drug test as a condition of getting a driver's license. Our message should be simple: No drugs or no driver's license.

Today I am directing General Barry McCaffrey, the director of our drug office, and Secretary Frederico Pena, the Secretary of Transportation, to report back to me within 90 days with a plan for how to do this, including legislation if appropriate, and other ways to fight the problem of teen drug use and driving.

Let me make one thing clear: Even though teen drug use is up, all the evidence is that 90 percent of our children our drug free. They are doing the right thing. They are not experimenting. So we're asking them, the 90 percent who are drug free, to be responsible enough to participate in this drug-testing program to help us identify the 10 percent who are on the brink of getting in trouble, and get them away from drugs before it's too late.

Our goal must be to parents pass on their values to their children, to help their children to act responsibly, to take charge of their lives and their futures. If we offer our children more opportunity and demand of them more responsibility, America's best days are ahead.

Thanks for listening.

END

COVER STORY

More schools test kids for drugs

By Haya El Nasser
USA TODAY

To play football or lead cheers at Belle Vernon High this fall, students have to be good on and off the field.

So good they must prove they don't smoke marijuana, snort cocaine, pop amphetamines, drink alcohol or take steroids. Athletes and cheerleaders at this public high school outside Pittsburgh must have their urine tested for drugs at the start of the year. And they face random tests all season.

As schools open across the country this week, students in at least six districts will find that a drug test is the first exam

Despite high costs, privacy issue, policy is popular among educators, parents

they have to pass. And more than 50 other schools are considering drug-testing programs for their athletes.

Frustrated by an alarming rise in teen-age drug use and faced with growing parental pressure to crack down, schools from Ohio to New Mexico are making drug tests a condition of playing

sports. Some are even using part of their drug education funds to pay for the tests.

It costs $30 a test to screen for alcohol and recreational drugs and more than $100 for steroids.

Schools say that requiring tests as a condition of playing sports is the best way to curb drug use. It's a tougher stance than teaching students in the classroom to "just say no" to drugs.

"This is great, great leverage for them to use when they want to say 'no,'" says Mark Elam, head football coach and athletic coordinator at Texas' North Mesquite High, No. 2 in USA TODAY's

Please see COVER STORY next page ▶

Continued from 1A

Super 25 high school rankings. All 62 players on North Mesquite's varsity team tested negative this fall.

This wave of drug-testing policies taking effect this year follows a July 1995 U.S. Supreme Court decision that cleared a major legal hurdle for schools. In a challenge to an Oregon school's random drug testing of athletes, the court ruled that testing of public school athletes is constitutional.

The court basically said that schools don't need to determine that students have a drug problem before forcing them to be tested. The court narrowed its ruling to student athletes because sports is a voluntary activity and use of drugs and alcohol can pose a health threat to athletes and their teammates.

In most cases, parents are notified immediately when a son or daughter tests positive. A second, unscheduled test is given to make sure no mistake was made. If positive a second time, the student must undergo counseling and face temporary or permanent suspension from the sport or activity.

So far, parental support has been strong in the school districts that have approved drug testing of athletes. But a legal challenge may lie ahead in one district that has taken testing a step further. The Azle Independent School District, outside Fort Worth, this year is testing students involved in every activity, from the French Club to the National Honor Society.

The American Civil Liberties Union is closely reviewing Azle's policy because it affects non-athletes. Azle's drug testing is so sweeping it will affect 70% of its 1,500 high schoolers.

"We didn't set this policy up to hurt anybody or to punish anyone," says Dwain Bates, the district's personnel director. He argues it's fairer to test everyone involved in school-related activities than to just test athletes.

But Carrie Sperling, regional director for the North Texas ACLU, says testing raises serious concerns about violations of rights to privacy. Most schools contract with outside laboratories to take the samples and do the testing. Often, students are asked to sign liability waivers. "You're giving up rights," Sperling says. "Our position is that you shouldn't waive your rights."

The ACLU is concerned personal information divulged from urine tests could land in the wrong hands. "A person's entire medical history is there. Whether you're pregnant, whether you're diabetic," Sperling says.

Worries about privacy

So far, districts that have imposed drug testing say they know of no student who has pulled out of an activity because he or she did not want to be tested. And so far, no team has lost athletes as a result of the testing.

But June Arnette of the National School Safety Center predicts that sentiment favoring such policies may change if popular players are yanked off a team. "There's a lot of support in the beginning until the star athlete is pulled out and they lose the game and all of a sudden it's a stupid policy," she says.

In Missouri, some parents are leery of the decision by the Pattonville School Board to consider mandatory testing. "I do have a concern about students' rights," says Chris Gaston, a substitute elementary school teacher in this suburb of St. Louis.

Her daughter, Sarah, graduated last year. She played volleyball and soccer and was tested three times in four years under a voluntary program. Daughter Katherine, 15, is a sophomore and cheerleader. She could be forced to pass a urine test under a mandatory policy. "It's not even mandatory for adults who work in the school district," says Gaston, 48. "Now, it's their choice to go to drug education lectures and be tested. If they make it mandatory, I have concerns about students' rights."

Students have been encouraged to voluntarily join the school's drug-testing and education program. More than 70% of the school's 600-plus athletes do each year. The ones who won't participate are the ones the school worries about.

"You've got 20% to 25% of athletes out there who could be involved and don't volunteer," says Bob Benben, assistant principal of Pattonville High School. Benben recommended that the district look into mandatory drug testing. "Obviously, people who haven't volunteered could be the ones out on weekends getting tanked up and smoking dope."

Many school officials point to last month's federal report as evidence that teaching children to "just say no" may not be working. The study showed drug use among young people 12 to 17 soaring 78% from 1992 to 1995.

Testing programs expensive

Among the schools that have approved mandatory tests:

▶ Olentangy Local Schools, in an upscale suburb of Columbus, is the first in Ohio to approve mandatory drug testing for junior high and high school student athletes. A recent survey showed that drug use was going up among its students.

The district expects to spend almost $50,000 this school year on drug testing, the cost of one full-time teacher of average experience. That's in addition to $100,000 the district will spend on drug and alcohol prevention programs.

Two positive test results and the students are suspended from their sport for the rest of the year. Or, they can agree to go through a treatment program, get counseling and take a drug test every week for five weeks at their parents' expense.

▶ Pennsylvania's Belle Vernon Area School District wasn't pleased with rumblings its football players seemed bigger, stronger and faster than other high school players. So its new mandatory drug tests of Belle Vernon High athletes will include testing for steroids, at $110 a test.

▶ At Texas' Cleburne High School near Fort Worth, athletic director Dennis Parker says his school adopted mandatory testing of every athlete for three reasons. "Number one, it gives kids a chance to say 'no' when they're out in the party scene. Number two, if we have athletes that are using drugs, maybe we can do something about it at an early stage. Number three, it encourages students in school to be involved in athletics because it's a drug-free environment," Parker says.

Cleburne has allocated $10,000 to pay for the tests and already has received 50 requests for its policy from schools as far away as New Hampshire and New Jersey.

▶ The Ruidoso School District in New Mexico will test every athlete before each sports season and then test randomly throughout the year. The district set aside $6,000 of its $13,000 in drug education funds to pay for the tests.

Chris Gibson, a 17-year-old senior and a strong safety on North Mesquite High's football team, just took a test and passed. He hopes to get a football scholarship.

"Losing my eligibility wouldn't be worth risking," he says. Plus, Gibson adds, "A lot of people look up to us. We can all be good role models for everyone else."

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THURSDAY, SEPTEMBER 5, 1996

Drug Testing

USA TODAY
THURSDAY, SEPTEMBER 5, 1996

NATIONLINE

New Calif. law will allow diaries in Simpson trial

California Gov. Pete Wilson signed into law on Wednesday a bill that will allow Nicole Brown Simpson's diaries, and the claims of spousal abuse they contain, to be evidence in the civil trial of O.J. Simpson. The law creates an exception to the hearsay evidence rule. Meanwhile, Judge Hiroshi Fujisaki, who will oversee the civil trial, ruled that Simpson can't call Marcia Clark, Chris Darden or other criminal trial prosecutors as witnesses in the wrongful death suit against him. Simpson wanted their testimony to bolster his argument that he was railroaded in the criminal probe. Nicole Brown Simpson and Ronald Goldman were killed June 12, 1994.

USA TODAY

Simpson: Can't call Marcia Clark

RACIST MESSAGES: Two Charlotte, N.C., men were indicted by a federal grand jury on charges that they left recorded racist, threatening and intimidating messages on prayer lines at two predominantly black churches. The indictment accuses Zachary Scott Pearson, 21, and Jarrod Greg Starnes, 20, both white, of leaving messages at Home of Prayer Congregation and China Grove AME Zion Church. If convicted, they face up to 10 years in prison.

STRIKE DELAYED: School remained in session for 72,000 Cleveland public school students after the city's 5,000 teachers agreed to a 10-day contract extension. Unions representing 2,000 janitors, bus drivers, clerks and other support workers also agreed to wait. The district, $152 million in debt, has been under state control for 18 months. Teachers have agreed to a pay freeze, and offered $3 million in concessions; the district says that's not enough.

DUKE TO DEBATE: Student leaders at California State University, Northridge, have voted to pay former Ku Klux Klan leader David Duke $4,000 to debate Proposition 209, the November ballot measure that would bar ethnic and gender preferences in education and government contracting. He'll debate civil rights activist Joe Hicks on Sept. 25. Some backers of the proposal say Duke doesn't represent their views and inviting him is an outrage.

CHARLITO FREED: A 15-pound lobster named Charlito, once a main attraction at a Wal-Mart in Douglas, Ga., has been set free. He was shipped overnight to Portsmouth, N.H., where animal-protection activists picked him up and released him into the Atlantic off Maine. South Georgia College students Nicole and Isaac Kirkland convinced Wal-Mart officials to free Charlito, estimated to be 20-50 years old.

By Pat Wellenbach, AP

Released: Animal rights activist Odelia Rotunda with Charlito

VALUJET: The Association of Flight Attendants asked the Transportation Department's inspector general to investigate the agency's tentative decision to let ValuJet resume flying. In the latest clash between the union and the airline, the AFA says ValuJet misrepresented itself to get back in the air. "DOT turned a blind eye toward one of the most frightening safety records in the airline industry," said union president Patricia Friend. ValuJet was grounded June 17 after an investigation of a May 11 crash that killed 110 people showed safety violations. The FAA's decision to let the airline fly again is not yet final.

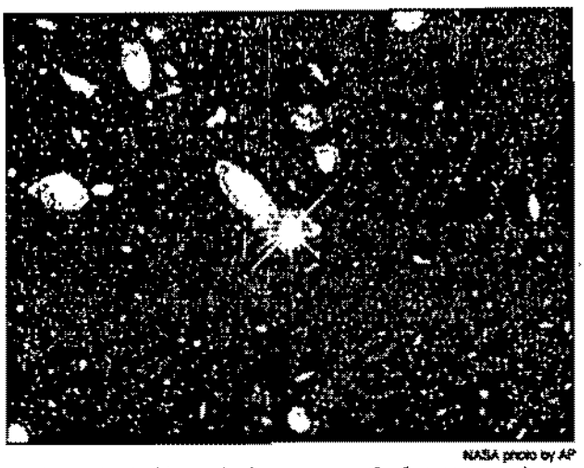
ALSO WEDNESDAY...

▶ **SAVE THE NAME:** Fishkill, N.Y., Mayor George Carter won't agree to an animal-protection group's plea to change the village name to Fishsave. People for the Ethical Treatment of Animals wanted the change. Fishkill traces its name to the region's original Dutch settlers. "Kill" translates to "stream" in Dutch.

▶ **SPYING SUIT:** The Anti-Defamation League would stop gathering restricted data on hate groups under a tentative settlement of a 1993 lawsuit by ex-California lieutenant governor Mervyn Dymally and others. The suit claimed ADL investigators got confidential data from police in San Francisco and Los Angeles. ADL denies wrongdoing.

▶ **STARVED GIRL:** Nadine Lockwood, 4, weighed 15½ pounds when she died of starvation, said Charles Hirsch, New York City's chief medical examiner. Four-year-olds normally average 35 pounds. The child's mother, Carla Lockwood, 32, is charged with second-degree murder.

▶ **EMERGENCY LANDING:** A Continental Airlines prop-jet carrying 17 people to Allentown, Pa., from Cleveland landed in Buffalo because one of its engines failed.



NASA photo by AP

A closer look: Never-before-seen galaxies are coming into focus thanks to the Hubble Space Telescope.

Hubble locates potential galaxy

The Hubble Space Telescope, in one of its most distant looks into the universe, has found 18 star clusters that will probably merge to become a galaxy, scientists said. These galactic building blocks, located 11 billion light years from Earth, are packed into a region just 2 million light years across. Each cluster contains about a billion young stars.

"It's the first time anyone has seen that many star-forming objects in such a small space," said Arizona State astronomer Rogier Windhorst. The finding, in today's *Nature*, supports a theory that galaxies grow by starting out as clumps of stars that consolidated into fully formed galaxies.

Meanwhile, NASA said the Galileo space probe will take three-dimensional pictures of Jupiter's moon Ganymede when it swings within 165 miles of it on Friday.

Written by John Bacon. Contributing: Paul Hoversten, Angela Townsend, Carrie Hedges, Shannon Tangonan.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release January 12, 1998

REMARKS BY THE PRESIDENT
ON DRUG TESTING

The Oval Office

2:39 P.M. EST

THE PRESIDENT: Thank you very much, General. Thank you, Mr. Holder and Mr. Vice President. Ladies and gentlemen, this country's eternal quest for a more perfect union has always succeeded when we're able to apply our enduring values to a new set of challenges. That is what we try to do around here every year. Over the past five years, we've done our best to bring the values of personal responsibility, community, and respect for the law to bear on the fight against crime. We've sought to be tough and smart, to punish criminals and to prevent crime. We've put more police on the streets and taken criminals, guns, and drugs off the streets. Crime rates have dropped steadily for the last five years. Drug use has fallen by half since its peak 15 years ago. Teen drug use is leveling off and indeed may well be decreasing again.

But we're a long way from my vision of a drug-free America. Fighting drugs in our prisoners and among prisoners is absolutely critical ultimately to keeping drugs off the streets and away from our children. Of all the consequences of drug use and abuse, none is more destructive and apparent than its impact on crime. Too many drug users are committing crimes to feed their habit. More than half of the cocaine that is sold in our country is consumed by someone on parole or probation. Four out of five inmates in state and federal prisons were either high at the time they committed their crimes, stole property to buy drugs, violated drug or alcohol laws, or have a long history of drug or alcohol abuse. Parolees who stay on drugs are much more likely to commit crimes that will send them back to jail.

We have to break this vicious cycle. Common sense tell us that the best way to break the cycle between drugs and criminal activity is to break the drug habits of the prisoners. That's why we have made coerced abstinence, requiring inmates to be tested and treated for drugs, a vital part of our anti-crime efforts. We've doubled the number of federal arrestees who've been tested for drugs, expanded testing among inmates and parolees, and tripled the number of inmates receiving drug treatment. To inmates we say, if you stay on drugs, then you'll have to stay in jail. To parolees we say, if you want to keep your freedom, you have to stay free of drugs.

Last year, I worked for and signed a bill that requires states to test all prisoners and parolees for drugs before they can receive federal prison funds.

Today, I'm directing the Attorney General to strengthen this effort by taking necessary steps to achieve three goals. First, we have to help the states expand drug detection, offender testing, and drug treatment in their prisons by making it possible for them to use federal funds for these purposes. Second, we have to help states get even tougher on drug trafficking in prisons by enacting stiffer penalties for anyone who smuggles drugs into prison. Finally, we have to insist that all states find out how many of their prisoners

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are actually using drugs so that ever year they can chart their progress in keeping drugs out of prisons and away from prisoners.

The balanced budget I'm sending to Congress later this month will continue to strengthen our testing and treatment efforts. We can balance the budget and fight crime and drugs at the same time.

If we can simply break the chain between drug use and criminal activity for people who are under criminal supervision, in prison or on parole -- if we could just do that -- we can go a very long way toward making our streets and our neighborhoods safe for our children again. That is what this Executive Order is designed to do. I know it can work. I have seen the high rates of return from good treatment programs in federal facilities. We can do this at the state and federal level. If we do not do it, we will continue to see people go right back on the streets with the drug habits that got them in trouble in the first place. If we do it, the crime rates will plummet and the drug problem will dramatically shrink.

Thank you very much. Let me go sign the Order.

(The Order was signed.)

Q Mr. President, what do you hear about the Asian --

Q Mr. President, what do you say about Iraq's --

THE PRESIDENT: I'll take them both.

Q On the Asian issue, I received a briefing this morning from Secretary Rubin and Secretary Albright, and I've obviously kept in touch with it. I do daily. We are working hard on it. I want to emphasize that the most important thing that has to be done is that all the countries affected have to make sure they have the very best policies to have good financial institutions, proper practices, things that will inspire investor confidence. But these economies have enormous productive capacity. They have generated dramatic increases in growth for their people, and we can restore stability if the countries will take the steps that are necessary. Then the IMF reform packages have to be followed. And the rest of us need to be in a position of supporting those trends.

We're following it on a daily basis, and I believe that the path we're pursuing is the correct one.

Q Mr. President, what do you think of Iraq's threat to block inspections by the American-led team? Are we going back to where we were last November? What can we do about this?

THE PRESIDENT: Well, I certainly hope not. Now, of course it hasn't happened yet. But I think that it's important to make just a few basic points here. Number one, if Saddam Hussein does this, it is a clear and serious violation of the United Nations Security Council resolution.

Number two, the United States had nothing whatever to do with selecting this team, the people on it or its composition. The team that's there is part of a larger team of people, 43 people from 16 different countries. There are a substantial number of Americans on this team. They were picked by the person who is in charge of the inspection process because of their technical expertise. Everyone who goes there should be technically qualified, and the United States has not attempted to influence the composition of the people on the teams. But certainly Saddam Hussein shouldn't be able to pick and choose who does this work. That's for the United Nations to decide.

If they are denied the right to do their job tomorrow, then I expect the United Nations Security Council to take strong and appropriate action.

Q Mr. President, a few years ago you set into motion the Pam Meissner (phonetic) Sexual Offender Tracking Act and Identification Act, that you wanted all 50 states to centralize their sexual offender records. Less than half the states and the District are into that interim computer system which is eventually going to lead to a permanent system, which caused to send a letter to the governors to get them off the dime.

How do you look at that effort now, when you think that sexual offenders may be falling through the cracks and only half the states are on board?

THE PRESIDENT: Well, I think the letter I sent says it all. The truth is that the stakes here are quite high, and we have the ability, through technology, to centralize these records to get the job done. I know it requires some cost and some effort on the part of the states. We're having a similar problem with fewer states in the child support area, trying to centralize records there so we can interconnect the systems. And I know this is difficult, but it has to be done. And if it is done, we can make the country much safer.

So we'll keep pushing them. And I think most of the states -- probably all of them -- really want to do it. They know it's the right thing to do, and they just need to put somebody on it in each state capital and make it a priority. It can be done.

Q Mr. President, there's a Republican proposal to pay for 100,000 new teachers. What do you think of that and why haven't you proposed that yourself?

THE PRESIDENT: Well, I have lots of proposals for the State of the Union that haven't been made yet. You don't know what I'm going to propose.

Q How about raising the minimum wage?

THE PRESIDENT: What I hope we will be able to do in this session of Congress is to make education a national issue. It would please me if it could be a nonpartisan issue. We fought awfully hard and finally succeeded in getting the Congress to agree that we ought to go forward with national standards and testing to see whether our children are meeting those standards. I hope we can re-energize that movement and do a lot of other things in this coming session of Congress for education reform. And I'm looking forward to it.

I some weeks ago signed off on a very ambitious agenda, only part of which has been revealed. We'll just keep working at it. And then I'll work with the Congress, and, whatever ideas they have, we'll be glad to get together and work with them.

END 2:48 P.M. EST

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release January 12, 1998

January 12, 1998

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Zero Tolerance for Drug Use and Drug Availability for Offenders

Crime rates in this country have dropped significantly for 5 years, and the number of Americans who have used drugs is down nearly 50 percent from its peak 15 years ago. Also, drug-related murders have dropped to their lowest point in a decade, and recent drug use surveys indicate that -- for the first time in years -- teen drug use is leveling off, and in some instances, modestly decreasing. All of this news is encouraging.

Nonetheless, much more can and needs to be done to continue to bring down drug use and increase public safety. With more than half the offenders in our criminal justice system estimated to have a substance abuse problem, enforcing coerced abstinence within the criminal justice system is critical to breaking the cycle of crime and drugs. My Administration consistently has promoted testing offenders and requiring treatment as a means of reducing recidivism and drug-related crime. We have worked to expand the number of Drug Courts throughout the country, increased the number of Federal arrestees and prisoners who are tested and treated for drugs, and launched an innovative "Breaking the Cycle" initiative, which is a rigorous program of testing, treatment, supervision, and sanctions for offenders at all stages of the criminal justice process. And under your leadership, the Federal Bureau of Prisons provides models of excellence in drug detection, inmate testing, and drug treatment.

We can do still more to enforce coerced abstinence among State prisoners, probationers, and parolees. When a drug user ends up in a State prison, we have a chance to break his or her addiction. Convicted offenders who undergo drug testing and treatment while incarcerated and after release are approximately twice as likely to stay drug- and crime-free as those offenders who do not receive testing and treatment. But when drug use inside prisons is ignored, the demand for drugs runs high. In this environment, correction officials struggle to keep their prisons drug-free. Often drugs are smuggled in by visitors; sometimes even by compromised correctional staff.

To maintain order in our prisons, to make effective treatment possible, and to reduce drug-related crime, we cannot tolerate drug use and trafficking within the Nation's prisons. Thus, I direct you to:

(1) Amend the guidelines requiring States receiving Federal prison construction grants to submit plans for drug testing, intervention, and treatment to include a requirement that States also submit a baseline report of their prison drug abuse problem. In every subsequent year, States will be required to update and expand this information in order to measure the progress they are

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making towards ridding their correctional facilities of drugs and reducing drug use among offenders under criminal justice supervision.

(2) Draft and transmit to the Congress legislation that will permit States to use their Federal prison construction and substance abuse treatment funds to provide a full range of drug testing, drug treatment, and sanctions for offenders under criminal justice supervision.

(3) In consultation with States, draft and transmit to the Congress legislation that requires States to enact stiffer penalties for drug trafficking into and within correctional facilities.

WILLIAM J. CLINTON

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