

Ronald Reagan Presidential Library

Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Tuck, John C.: Files
Folder Title: Drugs I [ca. April 1988 – June 1988] (8)
Box: 2

To see more digitized collections visit:
<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:
<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

THE WHITE HOUSE

WASHINGTON

April 14, 1988

NOTE FOR ALAN M. KRANOWITZ

FROM: NANCY DORN *N.Dorn*
SUBJECT: Drug Legislation Update

Several noteworthy events occurred today on the drug front.

- Michel has appointed Jerry Lewis and Mickey Edwards co-chairmen of the Republican drug task force. Additionally, Bill McCollum has been chosen to lead in this effort.
- The Democrats are expected to drop their omnibus drug bill in next Tuesday with Speaker Wright at the helm. Wright, Rangel, Obey, English and Larry Smith requested and received a drug briefing from the State Department today. Two major points emerged:
 - 1.) The Democrats would like to find a way to transfer DOD assets to Columbia to fight the drug war.
 - 2.) The Speaker would like to funnel more money into foreign aid for eradication/prevention.
- Clay Shaw has been in close touch with the Vice President's staff and has crafted legislation (summary attached) which he will introduce Tuesday.

SUMMARY OF POTENTIAL REPUBLICAN DRUG BILL ITEMS

(This list is a staff compilation of ideas and proposals. The list is not complete, and some of the ideas contained in this list are subject to criticism)

I. RESPONSES TO DRUG SUPPLY

A. Stopping drugs at their source (eradication)

Authorize security measures for law enforcement and government officials of drug producing countries whose lives are threatened by drug traffickers.

Source: staff

Amend the certification process in which the U.S. determines whether to cut off U.S. aid to any drug producing or transit nation as a result of noncompliance to include as a factor: the financial and political threat such decertification imposes upon democracy in that nation.

Source: staff

Funding:

B. Interdiction and investigation

Exclusionary rule reform allowing for the good faith exception in searches without search warrants.

Source: Justice Dept.

History: This proposal has been a law enforcement priority for this Administration.

Establish federal crime for corruption of and by public officials and fix super-penalties for drug-related bribery and other corruption.

Source: bill would have to be developed in response to recent Supreme Court case severely limiting federal prosecution of state and local corruption.

Expand the role of the military in drug interdiction by reducing the posse comitatus limitations.

Source: H.R. (Shaw)

Require the registration of precursor chemicals (used in the manufacture of controlled substances).

Source: DEA: H.R. 2585 (Hughes)

History: This appeared for the first time in the Administration's 1986 drug bill. An improved version is currently being drafted by the Subcomm. on Crime. The Chemical mfr. industry is opposed this bill.

Provide Foreign DEA agents with the same benefits (housing, etc.) allotted to other U.S. overseas officials under the foreign service rules.

Source: Staff

Provide explicit extraterritorial application of federal simple possession statute.

Source: Staff

History: This provision would give investigators a tool to use when traces of drugs are located on ships, etc. after an off-loading of drugs during shipment has taken place.

Provide criminal and civil penalties for the non-forcible impeding or obstructing of a member of the Coast Guard in performance of lawful duties.

Source: Staff

Provide criminal/civil sanctions against masters/operators of U.S. documented and state numbered vessels who fail to: truthfully respond to inquiries regarding vessel's destination, origin, ownership, registration, nationality, cargo and crew; permit a boarding by USCG, and obey reasonable directions of the USCG boarding party.

Source: Staff

Provide for US payment of any personal liability of a USCG enforcement personnel arising from allegations of violations of constitutional rights by law enforcement personnel in performance of official duties. If this concept is acceptable, it may need to be expanded to include interdiction personnel from other agencies.

Source: Staff

Remove the words "drug Interdiction area" from the statute codifying the use of USCG personnel conducting law enforcement from Navy vessels as a Posse Comitatus exception.

Source: Staff

Provide statutory criteria defining nature, inception and termination of U.S. vessel's nationality.

Source: Staff

Clarify the Coast Guard's air interdiction mission.

Source: Staff

Funding:

- Freeze expenditures on Customs South Boarder CCCI centers, if necessary, until they are fully coordinated with DoD CCCI centers, and all barriers to cooperation and coordination with all other agencies with interdiction responsibility have been removed.

Source: Staff

- Require the National Drug Abuse Policy Board to review the need for the Customs South Boarder interdiction CCCI in Oklahoma as a prerequisite to any further expenditure of that CCCI. Require the NDPB to report to Congress on alternative interdiction improvements that could be funded

by the money saved by eliminating the Oklahoma CCCI.

Source: staff

- Authorize DEA's proposed supplemental needs for its Latin American mission.

Source: Staff

- Reauthorize the Drug assistance grant program or fold it into the existing Justice Assistance grant program for state and locals.

Source: Dear Colleague (T. Lewis)

History: Authorization for this two-year, \$235 per year, funding expires in FY 1988. The administration has been subject to criticism for budget submissions below the authorized amount.

C. Enhanced penalties

Death penalty for high level drug trafficking resulting in death as a result of use of drugs or victim of drug trafficking related murder.

Source: H.R. 1095 (Gekas), 1986 Administration drug bill, H.R. 4230 (English) and S. 2206 (DiConcini)

History: Mr. Gekas successfully added this amendment to the 1986 drug bill 3 times. Each time the Republican Senate removed it in the face of threats of a filibuster and a drug czar amendment.

Death penalty for killing law enforcement officials.

Source: H.R. 4302 (Gallegly)

Require the deportation and exclusion of aliens believed to have possessed or used drugs.

Source: S. 1543 (Roth)

History: This issue focused several years ago as a prison overcrowding issue. States are spending huge sums of money housing illegal immigrants. It is uncertain how many alien drug users are in state and local prisons. Deportation of drug traffickers was included in the 1986 law.

Expand current super-penalty provision for trafficking within 1000 feet of a school to include trafficking within 1000 feet of any school bus or school bus stop.

Source: New Jersey statute

Lower the amount of cocaine needed to trigger the five year mandatory sentences for the second and third convictions.

Source: H.R. 3508 (DioGuardi)

Prohibit the re-issuance of an airman certificate to any pilot whose certificate has been previously revoked for an aviation related drug offense (currently, a five year prohibition exists).

Source: H.R. 4115 (Daub)

Permit the use of all available state sanctions for drunk and drugged driving in a federal prosecution for drunk or

drugged driving on federal land (including the revocation of a driver's license).

Source: H.R. 1349 (DeWine)

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

Source: H.R. 4230 (English)

History: Customs officials are now seizing passports at the border when drugs are found. There are constitutional questions regarding whether this proposal interferes with the constitutional right to travel.

Funding:

D. Improving prosecution

Review and improve existing federal victims restitution law to ensure that drug users and victimized neighborhoods can receive restitution from drug traffickers.

Source: NYT article on NYC judge who ordered drug trafficker to pay \$2 million in fines for treatment based on formula: amount of heroin seized from dealer, the estimated number of addicts who would use the heroin and the minimum cost of drug rehabilitation per addict per year.

Eliminate the Doctor-Patient evidentiary privilege in any situation in which the patient is attempting to unlawfully obtain a controlled substance by giving the doctor false information.

Source: New Jersey statute

Make technical corrections to existing drug laws including:

- Clarify that mandatory sentences and other penalties apply to conspiracies and attempts to commit drug trafficking offenses;
- Improve forfeiture of drug assets in foreign nations;
- Clarify the coverage of the controlled substance analogue provisions (designer drugs);
- Clarify the relationship between parole and mandatory drug terms;
- Make technical drafting corrections;
- Create mandatory penalties for trafficking in methamphetamine and related chemicals;
- Include tax evasion crimes in money laundering statutes;
- Clarify that federal civil forfeiture proceedings can be stayed when related state, local, or federal criminal charges are also pending;
- Clarify that mandatory penalties apply for possession of a firearm in connection with possession with intent to distribute and drug conspiracies and attempts; and
- Establish forfeiture for non-cash items used to commit drug crimes (i.e. leather jackets and gold chains used to pay teenage mules who distribute drugs).

Source: DoJ, DEA

Require the EPA to work with DEA to determine and report back to Congress regarding: (1) ways to improve upon the efficiency and effectiveness of DEA's ability to obtain environmental impact standards prior to spraying paraquat on cannabis crops and (2) ways in which local, state and federal officials can dispose of seized controlled substances (toxic wastes) more efficiently.

Source: staff

Require, if necessary, the more prompt elimination of seized controlled substances.

Source: staff

Provide some or all of the U.S. Marshall's Service Act.

Source: DoJ

History: Included in the Administration's 1986 drug bill.

Funding:

E. Improving prison construction availability

Authorize the Federal Bureau of Prisons to enter lease-purchase agreements in addition to traditional up-front prison construction appropriations (\$50 million each). Under a lease purchase agreement, a private group funds and constructs the prison, which would then be leased to the Bureau of Prisons for a 20 year period (\$7-10 million per year) at the end of which the Bureau would purchase the prison for \$1.

Source: State examples

Require drug traffickers to pay for costs of prison confinement

Require all federal arrestees to pay fine used to fund construction of state prisons.

Source: H.R. 4186 (D. Smith)

History: Federal arrestees now pay a fine

Funding:

- As many federal prisons as possible (\$50 million each)

Source: staff

History: The new (1986) 5 and 10 year mandatory sentences for drug traffickers are causing a dramatic increase in the federal prison population. 35% of the federal prison population was convicted of drug crimes. Federal prisons are already 60% overcrowded. Continued and increased expenditures on interdiction will result in higher prison populations. Without prison construction, a prison crisis will become the next major criminal justice issue, especially at the federal level.

F. Enhancing enforcement cooperation

Authorize DoJ to appropriate funds to host INTERPOL activities and permit private donations for such activities.

Source: DOJ

History: Included in DOJ authorization request, Senate passed authorization bill, recently submitted to the Speaker as a separate proposal.

Rename the federal narcotics assistance grant program to states after Edward Byrne, the NYC police officer recently slain by drug traffickers

Source: H.R. 4214 (Rangel)

Provide increased death and retirement benefits for law enforcement officers.

Source: H.R. 4230 (English)

This proposal, strongly supported by police groups has been around for several years. The administration opposes the increases in cost.

Funding:

RESPONSES TO THE DRUG DEMAND (Administration Themes: Intervention and user accountability)

A. Deterring demand

Mandate DEA to develop a model state statute to revoke drivers licenses upon a drug possession conviction.

Source: New Jersey is one of four states with this type of legislation. In N.J., the license is suspended for six months. If the drug possessor is not yet of driving age, he must wait an additional 6 months beyond his eligibility.

Alternative: condition federal highway funds on the establishment of this type of prohibition.

Establish, or require DEA to develop a model state statute to establish, drug possession fines equal to 5% of the drug possessor's adjusted gross income from the previous year. Collected fines (probably a small amount at the federal level) could be applied to prison construction, drug rehabilitation, victim's rights, or local law enforcement, etc.

Source: staff

Upgrade the existing general possession offenses to equal the stronger possession offenses for federal land.

Source: staff

History: The 1986 Administration bill included tougher possession penalties across the board. These were reduced to coverage of federal land by the House Judiciary Committee.

Establish federal standards or require the President to establish standards for drug testing labs to be used in federal drug testing.

Source: H.R. 4230 (English) has stronger requirements

Require drug testing of all persons arrested, subject to parole and during parole and probation.

Source: H.R. 3506 (DioGuardi)(parole only)

History: DoJ already has authority to provide this type of drug testing and has done so on a test basis in NYC and Washington, D.C. The results were alarming.

Subject all federal contractors to the drug testing requirements of Executive Order 12564 on drug testing

Source: Committee on Mainstream Adults, National Drug Enforcement Policy Board (NDPB)

Establish a heavy tax on the manufacture or purchase of drug paraphernalia.

Source: staff

Establish greater federal criminal penalties for the possession of drugs and drug paraphernalia in places that endanger the public, i.e. cocaine freebasing in airplane restrooms and manufacturing PCP with ether in apt. buildings.

Source: staff

Prohibit any person convicted for any controlled substance offense from receiving any non-essential federal aid (student loans, agricultural programs, Small Business Administration grants, etc.) for a period of three years.

Source: staff

History: The Rules Committee refused to make in order an amendment to the 1986 drug bill an amendment to prohibit federally subsidized student loans for three years after a drug conviction.

Repeal or amend the existing Hoyer/Mikulski requirement that all federal agencies must have drug testing procedures established before any can be implemented.

Source: Staff

Funding:

B. Improving Drug Abuse Prevention Education

Require schools receiving federal education grants to file accountability reports to the states and require states to summarize these reports and forward the information to the Dept. of Education. The Secretary would then have authority to review the reports.

Source: Dept. of Ed.: Included in S.J.Res. 26 & adopted by Senate

Make technical corrections to the education grant sections of the 1986 drug bill.

Source: Dept. of Education, included in S. 2205 (DeConcini)

Prohibit the award of education grants to states that prohibit

drug testing in educational institutions..

Source: Senate Republican 1986 drug proposal.

Funding:

C. Making our neighborhoods drug free

Provide Republican economic, job training, etc. reform to urban areas to provide hope, and jobs, etc. in effort to eliminate despair and the "no escape" mentality that promotes the escape of drug use.

Source: staff

Make being "drug free" a lease requirement on all federal housing programs.

Source: staff

Make job training and literacy opportunities a part of anti-drug use and trafficking efforts.

Source: staff

Funding:

D. Treatment

Make urinalysis part of drug treatment programs and expel institutionalized treatment patients who make clear that they are not serious about stopping their drug use to make room for treatment of others.

Source: staff

Enact strict penalties for drug users in treatment who divert methadone.

Source: staff

Improve capabilities with in the criminal justice and treatment systems to provide early detection of individuals with severe behavioral disorders and to require appropriate treatment.

Source: staff

Funding:

III. SOURCE OF FUNDING

Fund Republican initiatives by repealing some or all of the \$4 billion "pork" the President highlighted in his State of the Union address.

Source: Staff

Establish an excise tax on Chloroflourocarbons (CFC) that harm the ozone and apply the estimated \$1.5 billion over three years to the drug effort.

Source: H.R. 2854 (Stark) (excise tax only)

Findings

To date, a blueprint has not been drawn for a drug free America through a total elimination of the importation, distribution and manufacture of illegal drugs.

The use of illegal drugs is one of the nation's most serious problems threatening both the economy and national security.

The control and elimination of drugs is an international problem requiring the involvement and cooperation of all nations.

Drug use is not a victimless crime.

The present policy of containment must be replaced with plan to ensure victory in the war on drugs.

Illegal drugs affect the quality of life of all Americans.

Purpose

To provide for a drug free America:

By eliminating the supply illegal drugs entering in the United States.

By stiffening civil and criminal sanctions for the possession and use of illegal drugs to stem demand.

By stimulating international cooperation for effective narcotic control.

By providing assistance to foreign nations in eradicating the cultivation of illegal drug crops and their distribution through the sharing of intelligence information and joint civilian and military law enforcement operations with host nations.

By send a signal to America's youth that those who use illegal drugs are accountable for their behavior by restricting Federal education and other assistance to youth's convicted of illegal drug use or possession.

By continuing the federal role as a catalyst for encouraging further development of comprehensive state and local responses to illegal drug use.

By enhancing and expanding the use of the U.S. military in controlling the cultivation and trafficking of illegal drugs in areas outside the continental United States.

By providing for the construction and operation of additional Federal and state detention facilities.

By eliminating the potential for profit through the seizure and forfeiture of assets.

Asset Forfeiture

1. Administrative funds for U.S. Marshall Service

This provision would streamline procedures used by the U.S. Marshall's Service in the administration and disposal of assets seized and forfeited in accordance with the Comprehensive Drug Abuse and Control Act.

2. Concealment of assets

This provision would make it a criminal offense to knowingly assist an individual conceal assets, which may be subject to seizure or forfeiture, from law enforcement agency investigating possible drug law violations.

3. Postal Service forfeiture authority

This provision would permit the Attorney General to enter into an agreement with the Postmaster General to assist in the enforcement of the Comprehensive Drug Abuse and Control Act and to conduct forfeitures under that Act in postal related drug cases.

4. Federal forfeiture judges

? This provision would authorize the establishment of new federal judges to be responsible for the consideration and disposition of assets seized and forfeited pursuant to the Comprehensive Drug Abuse and Control Act.

Coast Guard

1. Authorization of funds

This provision authorizes \$45 million to the Coast Guard for fiscal year 1988 to make up a their budget shortfall and ensure adequate funding is provided for drug interdiction activities.

2. Drug testing of boat operators

This provision would amend P.L. 98-557 by requiring intoxication standards be established for drugs for operators of vessels in waters under the jurisdiction of the Coast Guard. /Customs?

Commerce

1. Ports of entry

This provision would restrict commercial vessels with cargo originating or transshipping from countries certified by the State Department to be a drug producing country to specific ports of

entry and quarantined for such periods as are necessary to provide sufficient time for a thorough search of all goods and products by the U.S. Customs Service. The Customs Service is authorized to assess special fees or charges to cover any additional costs to the Custom's Service for such inspection. *Customs?*

Customs Service

1. Use of deadly force

This provision would provide authority to the U.S. Customs Service to use deadly force during drug interdiction efforts in the interception of planes entering or leaving the United States. Further, the Customs Service would be indemnified from liability for damages or injuries resulting from such interdiction efforts.

Department of Defense

1. Posse Commitatus

This provision, which is essentially the same as language which has passed the House several times in past years, would amend Title 10 of the U.S. code to allow U.S. military forces to actively participate in drug interdiction outside the borders of the United States and/or its territories or dependencies.

Two changes in the provision from past years would be the inclusion of language which would allow military forces to continue "hot pursuit" of smugglers from international air space or waters into U.S. territory and language which would require the Secretary of Defense to prepare, within one year, a plan detailing how military forces will be utilized in drug interdiction activities. Legislative language would require that such a report be prepared assuming that the full range of conventional resources of the defense department be made available for drug interdiction. Finally, the provision would authorize the use of deadly force to apprehend or prevent the escape of smugglers attempting to flee from international airspace or waters to the airspace or waters of a foreign nation subject to previous agreement with the foreign nation.

2. Suppression of international narcotics is a major U.S. national security objective

This sense of the Congress provision states that suppression of international narcotics trafficking is a major national security objective of the United States and our number one national security objective within the Western Hemisphere.

Department of Education

1. Grant and loan prohibition

This provision would prohibit the Secretary of the Department

of Education from making federal student aid (guaranteed student loans, National Direct Student Loans, Pell Grants, work-study grants) available to anyone convicted of a drug-related offense. If an individual is receiving financial assistance at the time of the conviction, such assistance is to be terminated. No funds would be granted to (or used to guarantee a loan for) anyone who has been convicted of the possession, use, manufacture, or distribution of a controlled substance as defined under 21 U.S.C. 802. The Secretary of Education shall be required to confirm that all applicants comply with this section.

Drug Testing

1. Research

Authorize the National Institute of Justice necessary funds to set up a block grant for 5 years to perform research on Drug Use Forecasting (similar to research performed in 1986 by Narcotic and Drug Research, Inc of NIJ). The purpose of the research is to interview and obtain voluntary urine specimens from persons who had recently been arrested. The results will provide statistics regarding the linkage between drug-use and criminal offenses.

2. Eligibility for parole

This provision would amend title 18 of the United States Code to require mandatory drug testing of individuals requesting release on parole. The individual would be required to test negative to be eligible for parole.

3. Random testing of individuals on probation.

This provision would require random drug tests of individuals on probation. If an individual tests positive for drugs at any time during the probation period probation would be suspended.

Drug Treatment

1. Center of Pregnant Women

This provision would amend the Anti-Drug Abuse Act of 1986 by authorizing a demonstration project for the establishment of residential drug treatment centers for pregnant women. Further, the provision prohibits discrimination by any individual or organization receiving funds under the Act against any woman who is pregnant and requests assistance.

Federal Lands

1. Investigative authority for National Forest Service law enforcement personnel

This provision would amend the National Forest Drug Control

... of ... by removing the restriction on National Forest Service law enforcement officers from investigating drug related offenses occurring on Forest Service lands beyond the boundaries of such land. The current restriction has created a major obstacle to the accomplishment of an effective National Forest System drug control program. This provides consistency with Forest Service jurisdiction for other violations related to the administration of the National Forest System.

2. Illegal use of poisons and chemical on Federal lands

This provision amends the National Forest Drug Control Act of 1986 to provide that any person who willfully endangers the environment, or human or animal life may be sentenced to a term of imprisonment and fined and held liable for the costs of removal, decontamination, and appropriate disposal of such chemicals. The use of poisons on and around marijuana plots in National forests to deter wildlife from feeding on the plants is a serious problem. Currently, there are no penalties for the use of such poisons or chemicals on Forest Service property.

3. Increased penalty for use of boobytraps on Federal property

This provision amends the National Forest Drug Control Act of 1986 to increase the monetary penalties to \$50,000 for the first offense and \$100,000 for one or more prior convictions for the use and placement of a boobytrap on Federal property where a controlled substance is being manufactured, distributed or dispensed.

Foreign Country Initiatives

1. Reporting of foreign financial transactions

This provision would provide the Secretary of the Treasury with authority to require any financial institution which transmits or receives a wire transaction with a foreign country to report to the source, amount, destination and route of funds transferred.

The Secretary of The Treasury is to designate an agency to receive the report and insure that its contents are available to interested law enforcement agencies. The information contained in this report is to be considered classified unless used in a criminal prosecution and would not be available under the Freedom of Information Act. Unauthorized disclosure of information in the report is punishable as a felony.

The agency designated to receive the report is to issue regulations regarding the frequency of reporting, the format of the report and the medium on which the report is transmitted including magnetic medium capable of being loaded directly into government computers. The designated agency is to issue regulations governing access to and use of information contained in the report and consult with interested law enforcement agencies

before issuing such regulations.

2. Assistance to foreign countries for drug interdiction

This provision would allow the Secretary of Defense to provide military personnel and equipment to assist foreign nations in drug interdiction efforts. Assistance would be provided upon request of the head of State of a foreign nation and upon the recommendation of the Drug Enforcement Agency. Further, assistance would be in accordance with a plan prepared by the foreign government, the DEA and the Department of Defense. Law enforcement personnel of the country requesting assistance are to be used to the greatest extent feasible and U.S. military equipment and/or forces would be used where needed. Once the plan was approved by the President of the United States and the head of state of the foreign nation, the plan would be implemented. The President and the head of the foreign nation are to determine the sharing of costs associated with such assistance.

Penalties

1. Mandatory Federal death penalty for drug kingpins

This provision amends the Controlled Substances Act by requiring a mandatory Federal death penalty sentence if an individual knowingly or willfully contributes to the death of another individual in a drug related crime.

2. Crack

This provision would increase the penalty for the possession of crack and lower the amount (in grams) for which possession is considered a criminal offense. A mandatory prison term would be required for conviction of the possession of a minimum of 5 grams, for the possession of 3 grams if a second offense, and the possession of 1 gram if a third offense.

3. Precursor drugs/chemicals

This provision would require manufacturers, distributors, importers and exporters to keep records and report certain precursor chemicals and drugs to the Attorney General. Violators would be prohibited from manufacturing, distributing, importing and exporting of such drugs for up to ten years and forfeiture of substances and subject to criminal penalties.

4. Increased monetary penalties and sanctions

This provision would increase the monetary penalty for drug related offenses to \$100,000 for a first offense and \$500,000 for a second offense. Also, any individual convicted of a drug related offense would be ineligible for any license or permit issued by a federal agency.

Postal Service

This provision permits Postal Service Inspectors to investigate individuals and organizations for the purposes of enforcing the Drug Abuse Act in cases where they use the postal service mail system to distribute controlled substances as defined by 21 U.S.C. 802.

Prisons

1. Prison construction

This provision would authorize an additional \$200 million in each of the next three fiscal years to the Bureau of Prisons for prison construction.

State and Local Law Enforcement Activities

1. Grants

This provision would amend Subtitle K of Title I of the Anti-Drug Abuse Act to require state/local governments to provide matching funds (50-50 share) for programs supported with funds from the State and Local Law Enforcement Assistance Act.

Miscellaneous

1. Clarification of handicapped status

This provision would amend Section 504 of the Rehabilitation Act to clarify that an individual using a controlled substance as defined by 21 U.S.C. 802 is not considered a handicapped individual and therefore, is not a protected class in civil rights cases.b

THE WHITE HOUSE

WASHINGTON

April 7, 1988

MEMORANDUM FOR SENATOR BAKER

THROUGH: JOHN TUCK *jt*

FROM: ALAN M. KRANOWITZ *AMK*

SUBJECT: Drug Legislation

There is a growing concern among Republicans on the Hill about the drug issue, both from a political and policy standpoint. The Democrats have introduced omnibus bills in both chambers in recent weeks, and Speaker Wright has indicated that he would like to have something marked up and to the Floor in May. Republicans like Trent Lott believe that Jesse Jackson and, to a lesser degree, other Presidential candidates have effectively framed the drug issue as one of the major themes of the Presidential campaign. If Republicans do not get out in front of this issue, Lott believes, the Democrats will certainly use it to their advantage.

The drug bills in both the House [H.R. 4320 by Glenn English, (D-OK)], and the Senate (S. 2205 by DeConcini and D'Amato), authorize multi-billion dollar programs concentrating on beefed-up interdiction and grants to the states (highlights attached).

Republicans in the House are organizing a drug task force to determine their strategy and/or draft their alternative, although some members have already introduced legislation echoing familiar themes such as "drug czars," increased involvement of the military and the death penalty for certain drug traffickers. Staff is working on an alternative three-tiered approach comprised of:

- 1.) Legislation centering on tougher enforcement and prosecution of drug abusers.
- 2.) A public relations effort at the family and the community levels much like the Mothers Against Drunk Driving campaign, perhaps launched by the President.
- 3.) Focusing on drugs as a campaign issue.

Ideas being floated include: a mandatory graduated federal fine for drug possession; incentives for state and local enforcement and prosecution of drug related cases; and reinstatement of exclusionary rule and the death penalty.

Although the Democrats' bill is vulnerable to charges of throwing money at the problem through ineffective means and hardware, Republicans will be reluctant to oppose it unless a very attractive alternative can be crafted in conjunction with Administration officials. Time is of the essence given the Speaker's timetable and upcoming public hearings on the Democrats' bill.

I personally believe we should try to resolve differences within the Administration on this issue expeditiously, and move, perhaps through the DPC, to reach closure on an Administration approach.

cc: Ken Duberstein
Tom Griscom
Dan Crippen

Attachment

HIGHLIGHTS OF THE DEMOCRATS' BILL INCLUDE:

- \$1.5 million over three years to state and local governments for education, law enforcement and demand reduction with priority given to urban areas.
- Increase in authorizations for personnel for the Coast Guard (\$45 million above our FY 89 request), Border Patrol (\$20 million), INS (\$3 million), Alcohol Tobacco and Firearms (\$8 million), DEA (\$60 million), FBI (\$38 million), Marshals Service (\$73.8 million).
- Provides increased equipment and assets for Coast Guard (\$186 million above FY 89 request), Customs (\$125 million), DOD (\$100 million), DEA (\$88 million), INS (\$10 million).
- \$150 million for new federal prison construction.
- Establishes an "eradication squadron" within the State Department to use in source countries and authorizes \$12 million for aircraft, equipment and personnel.
- Three year, \$600 million grant program for source countries which meet specific production targets (40% eradication by 3rd year).
- \$138 million for International Narcotics Matters (INM) for equipment, training and eradication. Earmarks funds for Bolivia, limits funds for Mexico.
- Creates a Latin American Anti-Drug Strike Force, involving an ambassador level appointment at State and the Joint Chiefs of Staff.
- Establishes a corridor task force on Mexican border (\$15 million) and in Bahamas (\$13 million).
- \$20 million for community rehabilitation/treatment grants.
- \$1.75 billion over three years for alcohol, drug abuse and mental health block grants and \$1.87 billion over three years for substance abuse emergency drug treatment programs.
- \$1 billion over three years for the "Drug Free Schools and Communities Act" with specific reporting and accountability requirements (?)

- Places Customs and Coast Guard under Treasury Department, as well as establishing other new governmental entities and transfers.
- \$50 million expansion of Federal Law Enforcement Training Center in Oklahoma City over three years.
- \$20 million for Department of Justice facilities.
- Establishes a \$10 million National Training Center in Oklahoma for training of federal, state and local officials in drug rehabilitation.

4. DRUG-FREE WORKPLACES

- a. No Small Business Loans without drug-free workplace consideration.
- b. To withhold Federal financial assistance and government contracts for any entity which does not maintain a drug-free workplace (HR 4467).
- c. Use drug-free workplace policies and programs as condition for Federal licenses and permits.
- d. Provide tax relief for business for direct costs of drug-free workplace programs, including employing undercover drug investigators.

5. DRUG-FREE PRISONS

- a. Drug testing for arrestees and parolees.
- b. Incentives for prisoners and parolees to become and remain drug-free.
- c. Special penalties for drug use, possession, and sales within penal system.

6. DRUG-FREE TRANSPORTATION

- a. Loss of Drivers license (State level).
- b. Seizure of semi-tractor/trailers for operators illegal drug use or possession.
- c. Seizure of automobile, motorcycle, etc. for illegal drug possession or use.
- d. Revocation/denial of Federal licenses and permits (i.e. inter-state transportation, etc).

7. DRUG-FREE HOUSING

- a. Incentives to establish drug-free public housing policies and programs.
- b. No FHA Loans (drug violators ineligible).

8. STATE LEVEL APPLICATION

- Provide incentives for States to initiate programs enumerated above (i.e. tie Federal highway funds to compliance with drug-free transportation programs).

THE CRUSADE FOR A DRUG-FREE AMERICATHE NEXT PHASE: "FOCUS ON THE USER"*file
drug***DRAFT**Key Themes and Ideas

Overview: The objectives of the "health" or "demand" side of the Crusade for a Drug-Free America are to keep the non-using population drug-free and, in cooperation with the "supply" side, to take whatever steps necessary to get illegal drug users to stop. Education and prevention programs must continue. However, to get illegal drug users to stop requires efforts in three broad areas:

- **Education and prevention programs** to provide credible information as to the health and social consequences of illegal drug use and enlisting all Americans in efforts to "focus on the user" by convincing them that illegal drug use is "everyones" problem.
- **Detection/deterrent programs** to identify, through urinalysis, individuals involved with illegal drugs -- use, possession, sales, etc. -- at borders, during searches and law enforcement procedures (traditional as well as "Miami sting" operations), at schools, etc.; and
- **Intervention/deterrent programs**, with a goal of zero drug use, to impose the necessary inducement to become drug-free, for example:
 - * mandatory participation in education classes (similar to what is currently done with DWI offenses);
 - * mandatory community service;
 - * fines;
 - * revocation/denial of drivers' license;
 - * revocation/denial of various permits and/or licenses;
 - * participation in a treatment program;
 - * parole/probation contingent on remaining drug-free.

The following are measures which could be taken in various categories to achieve the objectives discussed above.

DRAFT

THEME: DRUG-FREE COMMUNITIES

IDEAS: 1. ESTABLISH HEALTH/EDUCATION/PREVENTION "CZAR" (Federal oversight and public/private/international sectors coordination mechanism)

-- Establish DRUG ACTION AGENCY as independent agency or as an agency in the EOP;

* Duties and responsibilities to give direction to all "demand-side" policies and programs (i.e. treatment, education, prevention, awareness, etc.).

* To encourage national/non-federal initiatives in all areas of demand reduction.

2. TREATMENT OF ILLEGAL DRUG USERS (mandate of zero drug use)

a. Develop new and innovative sanctions and penalties at state and local levels with limited use of Federal grants for demonstration/pilot efforts.

b. New federal use/possession sanctions and penalties.

c. Drug users required to pay cost of testing, treatment, etc.

d. Incentives for grants/testing vouchers for proposal which would contribute to drug-free objective (e.g. small business, transportation, etc).

e. Establish new system to work with health and law enforcement officials to track and monitor drug users to maximize effect of incentives and sanctions to ensure compliance with drug-free status mandate.

f. Mechanisms to require treatment providers to set goal of drug-free outcome for clients and employ various levels of incentives/ sanctions to ensure compliance.

3. EDUCATION

a. Criminal fines collected from drug offenses to be used for education/prevention.

b. Incentives for zero tolerance policies/programs in schools and on college/university campuses:

-- Drug-free Schools (pre-college/university);

-- Drug-free colleges/universities;

* Student loans and scholarships (educational and athletic) contingent on drug-free status.

4/26/88

FEDERAL DRUG PROGRAM
Budget Authority in Millions

	1988 Enacted -----	1989 President's Budget -----	S. 2205 Add-ons -----
Interdiction	978.8	1,094.6	580.0
Investigations	611.9	646.6	125.1
International	207.2	219.6	294.0
Prosecution	156.4	183.5	84.0
Corrections	400.7	601.6	200.0
Intelligence	39.8	47.0	4.0
State and Local Assistance	91.6	21.2	265.0
Research and Development	15.0	21.0	5.0
Regulatory and Compliance	22.8	23.5	0.0
Prevention	562.1	612.6	61.0
Treatment	378.2	431.5	494.0
Other	0.0	0.0	51.4
Revenue generation	0.0	0.0	291.0
	-----	-----	-----
Total	3,464.4	3,902.6	2,454.5

4/26/88

FEDERAL DRUG PROGRAM
Budget Authority in Millions

	1988 Enacted -----	1989 President's Budget -----	S. 2205 Add-ons -----
Interdiction	978.8	1,094.6	580.0
Investigations	611.9	646.6	125.1
International	207.2	219.6	294.0
Prosecution	156.4	183.5	84.0
Corrections	400.7	601.6	200.0
Intelligence	39.8	47.0	4.0
State and Local Assistance	91.6	21.2	265.0
Research and Development	15.0	21.0	5.0
Regulatory and Compliance	22.8	23.5	0.0
Prevention	562.1	612.6	61.0
Treatment	378.2	431.5	494.0
Other	0.0	0.0	51.4
Revenue generation	0.0	0.0	291.0
	-----	-----	-----
Total	3,464.4	3,902.6	2,454.5

Esko High School
Esko, Minnesota 55733
May 9, 1988

Mr. Kenneth Duberstein
Deputy Chief of Staff
The White House
1600 Pennsylvanis Ave. N.W.
Washington, D.C.

Dear Mr. Duberstein:

My name is Angela Lindgren. I live in Esko, Minnesota. I am 12 years old. Our social class is writing letters to anywhere we want in the United States. My reason for choosing you is because I'm interested in your state and city.

Would you please send any material regarding your state or your job? Any brochures or information will help.

Thank you for your time and I hope to hear from you soon.
Thank you again.

Sincerely Yours,

Angela Lindgren
Angela Lindgren

Please send material to:

Angela Lindgren
c/o Mr. R. Johnson
Esko High School
Esko, Minnesota 55733

*file***WHITE HOUSE STAFFING MEMORANDUM**DATE: 5/2/88ACTION/CONCURRENCE/COMMENT DUE BY: 5/3/88SUBJECT: BENNETT MEMO RE: DRUGS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☒	HOBBS	☐	☐
BAKER	☐	☒	HOOLEY	☐	☐
DUBERSTEIN	☐	☒	KRANOWITZ	☐	☐
MILLER - OMB	☐	☐	POWELL	☒	☐
BAUER	☒	☐	RANGE	☐	☐
CRIBB	☒	☐	RISQUE	☐	☒
CRIPPEN	☐	☐	RYAN	☐	☐
CULVAHOUSE	☒	☐	SPRINKEL	☐	☐
DAWSON	☐	☒	TUTTLE	☐	☐
DONATELLI	☐	☐	<u>MACDONALD</u>	☒	☐
FITZWATER	☐	☐	_____	☐	☐
GRISCOM	☒	☐	_____	☐	☐

REMARKS: Please let me know if you have any objection to the attached by close of business Tuesday, May 3rd. Thanks.

RESPONSE:

Rhett Dawson
Ext. 2702

THE WHITE HOUSE
WASHINGTON

Received SS
1988 MAY -2 AM 11:50

April 29, 1988

MEMORANDUM FOR THE PRESIDENT

FROM: NANCY J. RISQUE *Nancy*
SUBJECT: Letter from Secretary Bennett

Secretary Bennett wrote you the attached letter to relay further thoughts after attending the National Drug Policy Board meeting on Thursday. He sent copies of his letter to Senator Baker and the Attorney General and I will work with them to ensure that his ideas are given full consideration as the National Drug Policy Board reviews, in the next thirty days, further steps your Administration can take to combat drugs.



UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

April 28, 1988

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

Dear Mr. President:

I am writing this immediately upon getting back to my office after the meeting of the Drug Policy Board.

As I said, I think we are losing the war on drugs, and are perceived to be losing the war. We are going to take a lot of criticism on this. You and the First Lady and the Vice President deserve much better than this. To turn this around, we need to do more and to be more aggressive.

Let me talk about one specific area in connection with drug supply. We need to make greater use of the military. You heard several people say today that we are making effective use of the military. You then heard about how the military is helping with balloons, binoculars and supplies, paying amortization on some planes, and the like.

Well, sir, this is not what people have in mind when they say that we need to make greater use of the military. What they have in mind, and what we should consider, is much greater use of the military for purposes such as wiping out cocaine processing plants and coca fields. This work has been done effectively before in operation "Blast Furnance," and can be done again -- and more of it can be done, and in my view more of it should be done. I do not fault the Defense Department for this. They will not do what they are not asked to do or told to do, but I think they need to be told to do it. They need to be asked to come up with concrete plans for getting at the supply.

I support efforts on the demand side too -- to get tough on users, to have tough school policies, stronger efforts in education, etc. But in order to reach the moral threshold at which the American people will feel it is right to support tough actions on the domestic side, we have to be much tougher on the supply side. In the end, it would be better for our critics to say that we are being too aggressive against the drug traffickers, than for our critics to say that we are not being aggressive enough. We ought to prefer this not for mere political purposes, but for the sake of our children.

Page 2 - The President

The fundamental point is that the war against drugs is a matter of our national well-being. I believe we can and must do more, and do it soon, or risk having the conclusion that the problem got worse on our watch.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Bill', written over the word 'Sincerely,'.

William J. Bennett

cc: The Vice President
Senator Howard H. Baker, Jr.
The Attorney General

THE WHITE HOUSE
WASHINGTON

drug file

April 28, 1988

MEMORANDUM FOR JOHN C. TUCK

FROM: MARION BLAKEY *MB*

SUBJECT: Public Perception of the Drug Issue

In light of our conversation yesterday, I thought you might like to glance over the ideas I forwarded to Tommy to reinforce in the public eye the Administration's efforts in fighting illegal drugs. From a broader perspective, many of these possibilities may be unwise or not feasible, but if any seem worthwhile, I'll be happy to develop them further.

April 27, 1988

DRAFT
DRUG MEDIA PLAN

BEFORE THE SUMMIT

1. Announce New National Narcotics Prosecution Strategy

— After Presidential meeting with members of National Drug Policy Board tomorrow. Discuss progress, new prosecution strategy, demonstrate effectiveness of board as partial response to calls for drug czar.

— Press room briefing by Frank Keating and a U.S. Attorney

— Fact sheet on U.S. Prosecution strategy released in WH Press Room. Special focus on problem of drug cartels and Administration's record in prosecuting drug traffickers.

2. Drug-Free Workplace

— U.S. Chamber of Commerce -- Presidential Speech -- May 2nd ?

3. Interdiction and Coast Guard Academy

— Presidential Address, May 18

— Fact sheet on Coast Guard funding cut (or take credit for resolution of matter), Administration's interdiction record.

— Presidential written interview in regional market, with stipulation that one question has to be about the Coast Guard. To be published Monday May 16. Also released to WH Press Corps.

AFTER THE SUMMIT, SUMMER

4. Drug Busts

— Presidential meeting with selected FBI/DEA officers or other law enforcement personnel who have been "heroes" in major drug busts.

— Release WH fact sheet on chronology of major drug busts -- disputing "election year myth."

— Presidential written interview, regional market. Also release to WH Press Corps.

5. Treatment and Focus on User

- ___ Announce recommendations/model program/new approach to deal with treatment
 - ___ Ian MacDoanld to do a press room briefing
- ___ What Works -- a new booklet focusing on strategies to deal with users
 - ___ Ian MacDonald and Frank Keating to speak in several cities to promote use
- ___ Presidential written interview for regional paper

6. Drug-Free Military

- ___ Carlucci to brief RR on Oval Office on progress. Release photo.
 - ___ Carlucci or relevant DOD official to do press room briefing.
- ___ Presidential meeting with rank-and-file military personnel who in some fashion have helped us fight drugs in the military.
 - ___ Regional T.V. with participants
 - ___ Fact sheet on declining drug use in the military.
- ___ Presidential (written/live) interview for Stars and Stripes or other military journal. Text released by WH Press Secretary.

7. Death Penalty

- ___ Presidential meeting with selected GOP Congressmen and Senators to find out why the Democrats have stalled death penalty moves. GOP participants would urge the President to support their proposals, which he would do.
 - ___ Press room briefing by participants and Senator Baker.
 - ___ Within day or two, Presidential speech throwing down the glove on the death penalty issue.
 - ___ Fact sheet on death penalty for drug kingpins.
 - ___ Press room briefing by A.B. Culvahouse, Frank Keating.
- ___ Radio address.

8. Model Cities Drug Program

EARLY FALL

9. Drug-Free Schools

- ___ Announce "Take Back Our Schoolyards" program or Hotline for schools that need help.
- ___ Presidential meeting with PTA chiefs or elementary and secondary school principals who have successfully targeted drug pushing on school grounds.
 - ___ Fact sheet on Administration record in achieving drug-free schools, including spending picture and polling data.
- ___ Presidential school site visit to do an anti-drug talk.
 - ___ With First Lady.
 - ___ Preceded by Bill Bennett doing local radio and television interviews in several different cities about drug-free public schools. (Coordinated by WH Media Relations.)
 - ___ Followed by Ian MacDonald doing local radio and television in several cities (coordinated by WH Media Relations.)
- ___ Presidential written interview, regional media market. Also release to WH Press Corps.

10. Drug-Free Workplaces

- ___ Room 450 event or Cabinet Room event with transportation executives to discuss drug testing.
 - ___ Press room briefing by Jim Burnley.
 - ___ Fact sheet.
- ___ Presidential meeting with Ann McLaughlin and selected labor representatives in effort to secure drug-free workplaces.
 - ___ Press room briefing by Ann McLaughlin.

11. International Cooperation

- Presidential interview on drug issue for Radio Marti. Text released to WH press corps.
- On live television, President "throws switch" turning on major radar system (or something like that) in Caribbean.
- Ed Meese and Colin Powell brief the WH Press Corps
 - Appropriate WH fact sheet on international cooperation.