

their community, the program is run as a collaborative effort involving educational, governmental, business, and other organizations. The University of California Cooperative Extension provides overall administrative support and staff, with other support coming from the Unocal Corp., the Los Angeles Unified School District, the City of Los Angeles Housing Authority, the Corporation for National Service, the National 4-H Council, and the California 4-H Foundation.

The After School Activity Program has had a major impact on the lives of the participating children. Seventy percent of participants' teachers noted some or much improvement in the children's interest in schoolwork and their ability to solve problems. More than 60 percent of the teachers also reported some or much improvement in participants' ability to adapt to new situations and in their cooperation levels with peers. The children participating have seen a positive impact on their lives: 96 percent say they feel safe at 4-H, and 85 percent say 4-H helps them stay out of gangs.

Too many urban children have no positive role models, so they turn to gangs for acceptance. Too many children in our cities have underdeveloped academic skills, so they face an even steeper hill to climb when they grow up and have to find a job. Too many inner-city children see little hope in their lives, so they seek false solace in drugs and alcohol. The Los Angeles County 4-H After School Activity Program is saving L.A. children from lives of despair. This innovative program is a collaborative effort that is making a real difference in children's lives. My congratulations and deepest appreciation go to George Rendell, who is the director of the University of California's Los Angeles County Cooperative Extension, Resource Development Coordinator Ray Grabinski, and all the dedicated staff members, volunteers and other community-minded individuals who have made this program an outstanding success.

LEE VICTORY, A CAREER OF  
SERVICE TO SMYRNA AND RUTHERFORD COUNTY

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 17, 1997*

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to an outstanding individual from the Sixth District of Tennessee who is being honored upon his retirement, Mr. Lee Victory.

Mr. Victory has spent his life improving the quality of life for those of the town of Smyrna, TN. For the last several years, he has been the moving force in recreation in Smyrna.

His energy and vision have been the key to providing Smyrna with recreation facilities no other city its size possesses.

He and Mr. W.E. Carter built Smyrna's first Little League baseball fields which were located behind the old Meadowlawn Homes. He personally wired the lights and ran the plumbing to these ballfields.

There is truly no way to tell how many children have been kept out of trouble through his efforts, not only by providing them with recreational opportunities, but by providing a place to stay for many youngsters who need-

ed help as well. He and his late wife, Ruie, opened their home and their hearts to countless youngsters.

As for the future, Mr. Victory plans to spend more time working on his antique clocks, watching his grandchildren play baseball and visiting his many friends. However, for a man with such community spirit, for a man who knows that one person can still make a difference, old habits do not die easily. Fortunately, I am sure he will continue to provide Smyrna and Rutherford County with his tremendous vision and commitment by serving on the Middle Tennessee Electric Board and the Board of the Rutherford County Highway Department.

Lee Victory's record of achievement explains why those in Smyrna and Tennesseans all across the State are honoring him on Friday, June 20, 1997. I join with them to thank Lee Victory for his tireless dedication and innumerable contributions. We wish for him a happy and fulfilling retirement.

HONORING BENTELER OF GOSHEN,  
INDIANA

### HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 17, 1997*

Mr. ROEMER. Mr. Speaker, it is with great pleasure that I share with our colleagues today a milestone reached by an important business in the Third District of Indiana. Today, Benteler Automotive Corp. of Goshen, IN will receive an outstanding quality award from Honda of America Manufacturing. Benteler will receive this recognition for exceeding Honda's quality targets by greater than 50 percent in 1996.

Mr. Speaker, only 16 of Honda's 380 suppliers are receiving this award. This deserving accolade is in recognition of Benteler's performance in its impact management systems product line, namely steel doorbeams which are placed in front and rear doors to prevent passengers from injury in side-impact collisions. The ceremony took place this morning at the Benteler Plant in Goshen, and Honda presented the award to Benteler employees who were joined by community officials in celebration.

Benteler started out small, incorporating with just a few people in 1980 but growing to some 1,800 employees today. Benteler uses state-of-the-art technologies in manufacturing chassis systems, front exhaust systems and impact management systems for worldwide distribution. The award today is ongoing evidence that they are leaders in these fields. They have related facilities in Goshen and in Grand Rapids and Kalamazoo, MI, and another in Fort Wayne, IN. Annual U.S. sales exceed \$300 million in the United States, and reach about \$2.5 billion worldwide. Benteler's market niches include passenger safety, fuel economy, and environmental protection through emissions control. The process of creating quality products in a successful business that improve quality of life is not to be found every day, and we can learn from the successful efforts of Benteler and its employees.

Mr. Speaker, Benteler's proud heritage extends around the world, from Indiana and Michigan, to Europe, to Mexico and through

Asia. The original company was founded by visionary Carl Benteler in 1876, and today is one of the largest steel producers and automotive suppliers in Europe. The Benteler worldwide network of companies encompasses 27 worldwide plants and agencies, and employs over 11,000.

Mr. Speaker, I am pleased to acknowledge the accomplishments of the Benteler facility in Goshen, IN. I am honored to help recognize the accomplishments of the Benteler employees on this significant occasion in being recognized for excellence in manufacturing. They are a shining example of Hoosier dedication to hard work and quality. I know they are proud of this accomplishment, and I am pleased to add to the praise they receive from family, friends, and community.

RAND STUDY QUESTIONS CURRENT  
DRUG SENTENCING POLICY

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 17, 1997*

Mr. FRANK of Massachusetts. Mr. Speaker, I have believed for some time that our policy for mandatory minimum sentences for non-violent drug offenses at the Federal level represents a poor policy choice, given the resources available to us. A uniform mandatory minimum policy results in unfair sentences to some and an unwise expenditure of funds in many other cases, if our goal is in fact to reduce drug use and drug-related crime.

I was therefore interested to read of the recent study by researchers at the RAND Drug Policy Research Center. Jonathan Caulkins, C. Peter Rydell, William Schwabe, and James Chiesa report that, "mandatory minimums produce the smallest bang for the buck by far", compared to conventional enforcement and treatment of heavy drug users. Indeed, their conclusion is that, "treatment of heavy drug users produces the biggest bang of all."

Because of the importance of this as a public policy question, and because I believe that this RAND research report confirms that we are making a serious error in our current allocation of resources in drug policy, I ask that the RAND Drug Policy Research Center brief on mandatory minimum drug sentences' cost effective be printed here.

WASHINGTON, DC MAY 12.—If cutting drug consumption and drug-related crime are the nation's prime drug control objectives, then the mandatory minimum drug sentencing laws in force at the federal level and in most states are not the way to get there.

this is the key finding of Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayer's Money?, a new RAND study that provides the first quantitative analysis of how successful these measures are in achieving what Director Barry McCaffrey of the Office of National Drug Control Policy has called "our central purpose and mission—reducing illicit drug use and its consequences."

Researchers Jonathan P. Caulkins, C. Peter Rydell, William Schwabe and James Chiesa estimate the cost-effectiveness of extended sentences in reducing cocaine consumption and crime, compare the results to those for two other drug control strategies, and show that mandatory minimums produce the smallest bang for the buck by far. Conventional enforcement (meaning

more drug dealer arrests, confiscations, prosecutions and standard-length incarcerations) is a substantially better investment. Treatment of heavy drug users produces the biggest bang of all.

Mandatory minimum drug sentencing laws, dating largely to the 1980s, have been among the most popular crime-fighting measures of recent years. Details vary with the jurisdiction, but all of these statutes stipulate a sentence of specified length given certain triggering criteria, notably the quantity of an illicit drug possessed at time of arrest. For example, federal law requires judges to impose a sentence of at least five years for anyone convicted of possessing half a kilogram of cocaine powder or five grams of crack cocaine.

Caulkins and his colleagues begin their analysis by estimating the effects of spending an additional \$1 million on each of several alternative strategies over a 15-year period. The results:

Spending the money on mandatory minimum-length sentences for a representative national sample of drug dealers can reduce total national cocaine consumption by 13 kilograms. Spending it on conventional enforcement against such dealers cuts use by 27 kilograms. Spending it to treat heavy users reduces consumption by over 100 kilograms. A principal reason that long sentences are not more cost-effective is the high cost of incarceration.

If the analysis is restricted to drug dealers at a somewhat higher level—those prosecuted by the federal government and in possession of enough drugs to trigger a federal mandatory-minimum sentence—the numbers change but the rankings remain the same. In fact, mandatory minimums are the least cost-effective way to reduce consumption under any set of conditions save one: They could be efficient if judges were given leeway to apply them only to certain very high-level dealers. Unfortunately, these laws are not selective and do not allow judges to use discretion.

Dollar for dollar, conventional enforcement efforts reduce 70 percent more crimes against persons than longer sentences. Treatment reduces about 10 times more serious crime than conventional enforcement and 15 times more than mandatory minimums. Explanation: Most drug-related crime is economically motivated and associated with the amount of money flowing through the cocaine market. Incarceration has little effect on this flow because it suppresses drug use by driving up drug prices. In contrast, treatment removes some users from the market altogether (both those who are in treatment and the minority who do not relapse afterwards).

To their proponents, the certainty and severity of mandatory minimums ensure that drug criminals will be punished, be kept off the streets for extended periods, and be examples that deter others. Critics protest that the laws foreclose discretionary judgment where it is most needed and often result in unjust punishment or even racial bias. In mid-April, the Supreme Court refused to hear a claim that the distinction between cocaine powder and crack amounts is discriminatory because crack arrestees are predominantly african-american. Two weeks ago, the U.S. sentencing commission recommended reducing the disparities between sentences for possession of crack and powder cocaine.

The RAND study focuses on what is arguably the most problematic substance—cocaine—and provides quantitative answers to a different but fundamental question: How effective are mandatory minimums relative to other means of achieving the nation's drug control goals?

"Our results indicate that we would make greater drug control progress by sentencing more dealers to standard prison terms than by sentencing fewer dealers to longer, mandatory terms," summarizes study leader Caulkins. "They also suggest that treatment should receive higher priority than it does today. But the shift toward treatment should not be pushed too far. After all, it often takes enforcement to provide willing clients for treatment."

This research was supported by a gift from Florida businessman Richard B. Wolf and by funding from The Ford Foundation and was carried out by RAND's Drug Policy Research Center. RAND is a private, not-for-profit organization that helps improve public policy through research and analysis.

Mandatory minimum sentencing laws have been among the more popular crime-fighting measures of recent years. Such laws require that a judge impose a sentence of at least a specified length if certain criteria are met. For example, a person convicted by a federal court of possessing half a kilogram or more of cocaine powder must be sentenced to at least five years in prison.

Mandatory minimums have enjoyed strong bipartisan support. To proponents, their certainty and severity help ensure that incarceration's goals will be achieved. Those goals include punishing the convicted and keeping them from committing more crimes for a period of time, as well as deterring others not in prison from committing similar crimes. Critics, however, believe that mandatory minimums foreclose discretionary judgment where it may most be needed, and they fear these laws result in instances of unjust punishment.

These are all important considerations, but mandatory minimums associated with drug crimes may also be viewed as a means of achieving the nation's drug control objectives. As such, who do they compare with other means? Do they contribute to the central objective—decreasing the nation's drug consumption and related consequences—at a cost that compares favorably with other approaches? Jonathan P. Caulkins, C. Peter Rydell, William L. Schwabe, and James Chiesa have estimated how successful mandatory minimum sentences are, relative to other control strategies, at reducing drug consumption and drug-related crime.

The DPRC researchers focused on cocaine, which many view as the most problematic drug in America today. They took two approaches to mathematically model the market for cocaine and arrived at the same basic conclusion: Mandatory minimum sentences are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption or drug-related crime. Mandatory minimums reduce cocaine consumption less per million taxpayer dollars spent than spending the same amount on enforcement under the previous sentencing regime. And either enforcement approach reduces drug consumption less, per million dollars spent, than putting heavy users through treatment programs. Mandatory minimums are also less cost-effective than either alternative at reducing cocaine-related crime. A principal reason for these findings is the high cost of incarceration.

#### REDUCING CONSUMPTION: MORE ENFORCEMENT AGAINST TYPICAL DEALERS

Caulkins, Rydell, and their colleagues first estimated the cost-effectiveness of additional expenditures on enforcement against the average drug dealer apprehended in the United States (whether that apprehension is by federal, state, or local authorities). Increased enforcement places additional costs

on dealers, which they pass along to cocaine consumers in the form of higher prices. Studies have shown that higher cocaine prices discourage consumption. By mathematically modeling how cocaine market demand and supply respond to price, the researchers were able to estimate the changes in total cocaine consumption over 15 years for an additional million dollars invested in different cocaine control strategies. These consumption changes, discounted to present value, are shown by the first two bars in Figure 1.

Those bars show the results of spending a million dollars<sup>1</sup> on additional enforcement against a representative sample of drug dealers. As shown by the first bar, if that money were used to extend to federal mandatory minimum lengths the sentences of dealers who would have been arrested anyway, U.S. cocaine consumption would be reduced by almost 13 kilograms.<sup>2</sup> If, however, the money were used to arrest, confiscate the assets of, prosecute, and incarcerate more dealers (for prison terms of conventional length), cocaine consumption would be reduced by over 27 kilograms. As a point of comparison, spending the million dollars to treat heavy users would reduce cocaine consumption by a little over 100 kilograms (rightmost bar).

The results from spending an additional million dollars can be extrapolated to multiples thereof. A case can thus be made for shifting resources from longer sentences to a broader mix of enforcement measures. A case might also be made for shifting resources to treatment, although legislators might find such a shift less palatable. In any event, extrapolation is valid only up to a point. These results certainly do not support shifting all drug control resources from one approach to another, e.g., from enforcement to treatment. Very large changes in enforcement levels or in the number of persons treated would change cocaine supply and demand relations in ways that are not predictable with much confidence.

#### REDUCING CONSUMPTION: MORE ENFORCEMENT AGAINST HIGHER-LEVEL DEALERS

The first two bars in Figure 1 represent enforcement approaches applied to a representative sample of drug dealers. Perhaps mandatory minimum sentences would be more cost-effective if they were applied only to higher-level dealers, who make more money and thus have more to lose from intensive enforcement. To approximate such a restriction, Caulkins and his colleagues limited the set of dealers analyzed to those prosecuted at the federal level who possess enough drugs to trigger a federal mandatory minimum sentence. Again, they analyzed how costs imposed on dealers influence cocaine market demand and supply. The results are shown in the dark bars in Figure 1.

Spending a million dollars on mandatory minimum sentences for higher-level dealers does indeed have a bigger effect on cocaine consumption than spending the same amount on either enforcement approach against typical dealers. Nonetheless, against any given type of dealer (or at any given level of government), mandatory minimums are less cost-effective than conventional enforcement. Moreover, although federal mandatory minimums do better relative to treating heavy users than do longer sentences for all dealers, treatment is still more cost-effective.

Why is conventional enforcement more cost-effective than mandatory minimums? Drug enforcement imposes costs on dealers through arrest and conviction, which includes seizure of drugs and other assets, and through incarceration, which involves loss of income. It turns out that, per dollar spent, the cost burden from seizures is greater. A million dollars spent extending sentences

thus imposes less cost on dealers—less than a million dollars spent on conventional enforcement, which includes asset seizures.<sup>3</sup>

#### REDUCING COCAINE-RELATED CRIME

Many Americans are worried about the crime associated with cocaine production, distribution, and use. Working with data on the causes of drug-related crime, Caulkins and his colleagues estimated the crime reduction benefits of the various alternatives. They found no difference between conventional enforcement and mandatory minimums in relation to property crime. Conventional enforcement, however, should reduce crimes against persons by about 70 percent more than mandatory minimums. But treatment should reduce serious crimes (against both property and persons) the most per million dollars spent—on the order of fifteen times as much as would the incarceration alternatives.

Why is treatment so much better? Most drug-related crime is economically motivated—undertaken, for example, to procure money to support a habit or to settle scores between rival dealers. The level of economically motivated crime is related to the amount of money flowing through the cocaine market. When a treated dealer stays off drugs, that means less money flowing into the market—therefore, less crime. When a dealer facing greater enforcement pressure raises his price to compensate for the increased risk, buyers will reduce the amount of cocaine they purchase. Money flow equals price times quantity bought. Which effect predominates—the rise in price or the drop in consumption? The best evidence suggests that they cancel each other out, so the total revenue flowing through the cocaine market stays about the same. The effect of the enforcement alternatives is therefore limited almost entirely to the relatively small number of crimes that are the direct result of drug consumption—crimes “under the influence.”

#### SENSITIVITY OF THE RESULTS TO CHANGES IN ASSUMPTIONS

The values shown in Figure 1 are dependent, of course, on various assumptions the researchers made. If the assumptions are changed, the values change. As an example, the results are dependent on the time horizon of interest to those making decisions about cocaine control strategy. Figure 1, for example, ignores any benefits and costs accruing more than 15 years beyond program initiation. A 15-year horizon is a typical one for analyzing public-policy effects. But what if that horizon were closer?

Figure 2 shows the relative cost-effectiveness of treatment and the enforcement alternatives against typical dealers, analyzed when time horizons are set at various points from 1 to 15 years. At 15 years, the lines match the heights of the two short bars and the tallest bar in Figure 1. As the horizon is shortened, treatment looks worse, because treatment's costs, which accrue immediately, remain, while the benefits, which accrue as long as treated individuals reduce their consumption, are cut back. If the horizon is made short enough, long sentences look better, because the costs of additional years of imprisonment are ignored, while the benefits remain. Those benefits, again, are the cocaine price increase and consumption decrease that occur as soon as the imprisonment risk increases. The time horizon must be shortened to three years before long sentences look preferable to additional conventional enforcement, and to little more than two years before they look preferable to treatment. Hence, longer sentences for typical drug dealers appear cost-effective only to the highly myopic.

More generally, large departures from the assumptions underlying the analysis are re-

quired for mandatory minimums to be the most cost-effective approach. Figure 3, for example, displays departures from two key assumptions underlying the results in Figure 1: that it costs the federal government \$20,000 to arrest a dealer and that a dealer wants additional drug sales income amounting to \$85,000 for risking an additional year of imprisonment. These two assumed values are depicted by the star in Figure 3. The bounded areas and labels indicate which program is the most cost-effective for any combination of substitutes for those two numbers. As the figure shows, mandatory minimums would be the most cost-effective alternative only if arrest cost were to exceed \$30,000 and a dealer were to value his time at over \$250,000 per year. Such figures would typify only those dealers who are both unusually difficult to arrest and at a fairly high level in the cocaine trade. For dealers costing less than \$30,000 to arrest, cocaine control dollars would be better spent on further conventional enforcement. For dealers demanding less than \$250,000 compensation for imprisonment risk, the money would be better spent treating heavy users.

Long sentences could thus be a smart strategy if selectively applied. Unfortunately, because mandatory minimum sentences are triggered by quantity of drug possessed, they are not selectively applied to the highest-level dealers. Such dealers often do not physically possess the drugs they own and control; they hire others to carry the drugs and incur the associated risk.

#### CONCLUSION

Long sentences for serious crimes have intuitive appeal. They respond to deeply held beliefs about punishment for evil actions, and in many cases they ensure that, by removing a criminal from the streets, further crimes that would have been committed will not be. But in the case of black-market crimes like drug dealing, a jailed supplier is often replaced by another supplier. Limited cocaine control resources can, however, be profitably directed toward other important objectives—reducing cocaine consumption and the violence and theft that accompany the cocaine market. If those are the goals, more can be achieved by spending additional money arresting, prosecuting, and sentencing dealers to standard prison terms than by spending it sentencing fewer dealers to longer, mandatory terms. The DPRC researchers found an exception in the case of the highest-level dealers, where sentences of mandatory minimum length appear to be the most cost-effective approach. However, it is difficult to identify those dealers solely by quantity of drug possessed. It might be easier to identify them if, in passing sentence, the criminal justice system could consider additional factors, e.g., evidence regarding a dealer's position in the distribution hierarchy. Such factors, ignored by mandatory minimums, can be taken into account by judges working under discretionary sentencing.

#### FOOTNOTES

<sup>1</sup>All cost calculations in this brief are in 1992 dollars. To convert costs in 1992 dollars to 1996 dollars (the latest year for which inflation data are available), multiply by 1.119. To convert kilograms of cocaine consumption reduced per million 1992 dollars spent to kilograms reduced per million 1996 dollars, divide by 1.119.

<sup>2</sup>Data on quantities possessed by convicted dealers are not readily available below the federal level, so for typical dealers, the researchers assessed, in lieu of the true mandatory minimums, a program applying longer sentences to all who were convicted.

<sup>3</sup>As shown in earlier RAND research, treatment is more cost-effective than enforcement, even though the great majority of users revert to their cocaine habit following treatment. Treatment is so much cheaper than enforcement that many more users can be targeted for the same amount of money—so many

more that the sum of the small individual effects expected are larger than the effects expected from enforcement.

STATEMENTS BY KRISTEN GARNER, SHYLA BLAIR, AND SHELLY OUELLETTE, REGARDING SAME SEX MARRIAGE

#### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Proctor, VT, who were speaking at my recent town meeting on issues facing young people.

Ms. BLAIR. Recently in December Hawaii ruled that the state must recognize single-sex marriages. Judge Kevin Chang based his ruling on the fact that there's no legal reason against it. He also ruled on the theory that sexual orientation is fixed at birth and denying them the right to marry is sexual discrimination. Because of this ruling about 20 states have passed laws restricting homosexual marriages. We intend to prove that there is no legal argument against it and that there are only moral arguments based on prejudice.

Ms. GARNER. Some people think of homosexuals as promiscuous or abnormally sexually active, but that has nothing to do with sexual preference. Homosexuals are very committed to their partners. A 1992 study showed that 55.5 percent of all gay men and 71.2 percent of lesbians are in a steady relationship. There are between 1 million and 5 million lesbian mothers and between 1 million and 3 million gay fathers in the United States today. Although the majority of children come from previous homosexual marriages, homosexuals are still acting as active parents. Homosexuals who have not been in a heterosexual relationship in which to have children have many options. Adoption, foster parenting or artificial insemination are also ways of becoming parents.

Some people think that homosexuals will influence their children to become homosexuals, but 35 different studies have showed that the children of gay and lesbians are no more likely to be homosexual than the children of homosexual parents.

Ms. OUELLETTE. Homosexuals have good reasons for wanting to marry. They don't want to marry just to make people mad or start an argument. Homosexuals want to marry for the same reasons heterosexuals want to marry: Love, companionship, shared interests, common goals, emotional and financial security and to raise a family. If we deny homosexuals the right to marry, they will not have the automatic right to medical, legal or financial decisions on behalf of their partner. They can be denied access to visit their partner in the intensive care unit or other hospital departments.

Homosexuals want to feel emotionally and financially safe just like heterosexuals. Homosexuals can attain some benefits of legal marriage when many homosexuals do not have the time or money it takes to get legal aid. Until the United States allows same sex couples to marry, homosexuals will not have rights and benefits that heterosexuals have. By not letting homosexuals marry, we are denying them rights every person should have.

Ms. GARNER. Prejudice is a common threat that people of minorities and different opinions face every day. Homosexuals are a large