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BRIEF OF

ERIC E. STERLING  
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BEFORE THE

STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS  
HOUSE OF COMMONS  
PARLIAMENT OF CANADA

HON. ED FAST, CHAIR

REGARDING  
C-15, AN ACT TO AMEND THE CONTROLLED DRUGS AND SUBSTANCES ACT

May 11, 2009

Mr. Chairman, members of the Committee, thank you for the opportunity to testify before you regarding bill C-15. My name is Eric E. Sterling. I am the President of The Criminal Justice Policy Foundation, in Silver Spring, Maryland.

## Mandatory minimum sentences are *deja vu*

Today the Committee is considering a bill to create mandatory minimum sentences for various offenses that violate Canada's drug laws, and to expend drug treatment courts.

I feel a little bit of *deja vu*. In 1986 I was counsel to the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Crime. For the previous six years my responsibilities had been to oversee Federal drug law enforcement and related issues for the House Judiciary Committee. In the summer of 1986 the U.S. Congress hastily adopted mandatory minimum sentences that I helped write, and those laws have become among the most reviled Acts of Congress in recent years.

Your work is profoundly different from that experience in two important respects, and I want to commend you for those. First, in 1986, we did not take any evidence from the government, from the judiciary, or from any interested parties or experts. We wrote

the bill in three days in a politically frenzied environment. There were two primary drivers for the anti-drug legislation: First, to respond to the nationwide shock at the death of an extremely well known athlete, Maryland basketball star Len Bias, who died from a seizure from snorting cocaine the night he signed with the championship professional basketball team, the Boston Celtics. Second, to respond to the calculus of the Democratic Party leadership that a Democratic anti-drug initiative could lead to electoral victory in the November elections, a few months hence.

Second, I want to commend you for the modesty of your mandatory minimum sentences. In the United States, our mandatory minimums are terms of 5, 10, 15, 20 and more years in prison without the possibility of parole. Your mandatory minimum sentences of one, two or three years are not unconscionable as ours are.

Nevertheless I urge the Committee to reject the temptation of mandatory minimums, and I appreciate your invitation to share my experience and expertise with you on these matters.

#### The "message" of mandatory sentences

You have heard evidence about "sending the right message" and "sending the wrong message." Are we sending a tough message to the criminals or prospective criminals? Are we sending a message to our youth? These messages, even if explicit in your statements in the course of debate in the House of Commons, are rarely heard by the audience of criminals. Criminals do not read the reports of your debate. They barely read the newspaper accounts of your debate. They rarely watch the political news. Young people, most of them in school, are also not reading these speeches. The young people who are paying attention to the debates in Parliament are not the youth at risk of becoming drug traffickers.

Most criminals know what they are doing can result in punishment, but they are not deterred because they do not believe they will be caught. They are not long range planners. They are not careful analysts of risk. They do not calculate the difference between 1 year or 3 years or 10 years when acting upon the impulses that drive them to crime. In general, they don't believe they will be caught. They may be unrealistic in that sense, but unrealistic ideas characterize the psychology of criminal offenders. Many of them are learning disabled, many have low levels of intelligence, many of them are emotionally disturbed, and many of them are addicted to drugs. I am not saying that repeat offenders are ignorant of criminal procedure, but they are not deterred by the prospect of mandatory minimum sentences.

This is a population that is not paying close attention to your messages and is not paying attention to your laws. Generally they are not able to draw the conclusions you think a reasonable person ought to draw, and they have little capacity to conform their behavior to such good judgment. So don't waste your time thinking about the power of this message to drug users and addicted or small scale drug dealers.

### The message to the Judges of Canada

Consider for a moment the message that enactment of mandatory minimum sentences sends to the judges of Canada. Fundamentally, a mandatory minimum sentence enacted by a legislative body is a vote of "no confidence" in the intelligence and responsibility of the judges.

The enactment of mandatory minimum sentences says, "Judges of Canada, we don't trust you to impose an appropriate sentence upon the criminal who stands convicted before you. Judges of Canada, we don't trust you to weigh adequately the evidence of the seriousness of the crime, and the record of recidivism and impose a punishment that is adequate to the guilty offender who stands before you. Judges of Canada, we don't trust you to respect the safety of the public as you impose a sentence." That is a very damning message for this Parliament and the people of Canada to send to the Judges of Canada, and I think you ought to be quite certain that this is a message you want to send.

What is the message to the community, to the attorneys who practice in your courts, to the businesses that rely upon your courts to resolve their conflicts, to the police officers who testify before your courts, to your youth, as well as to the bench of enactment of a law such as this? Isn't the message, "We believe our judges lack the judgment to properly use the traditional discretion of a court to impose a just and appropriate sentence in larger drug cases." That is a terrible message to send.

### The message to the prosecutors

There is another audience and another message that you are sending when you create quantity-based or broad, fact-specific mandatory minimum sentences. You are telling Canada's prosecutors that you do not trust them to persuade the courts which cases deserve longer sentences and which cases do not. You are telling the prosecutors that you do not trust them to exercise their prosecutorial discretion appropriately in selecting the right cases to concentrate on. You are telling them that you do not trust them to effectively marshal the facts in a convincing manner – that is, that they cannot make the cases that they have been hired to make.

These offenses carry extremely long maximum sentences – in many cases up to life imprisonment. You are actually sending an illogical and inconsistent message. On one hand you say these cases deserve very long punishment of up to life, and on the other, they deserve only the comparatively minor punishment of a mandatory one, two or three years. Isn't this absurd?

One likely consequence is that, day to day, the prosecutors' challenge will be to convict the offenders who qualify to get over the low bar of the mandatory minimum sentence. This will ultimately distract the prosecutors from their focus on the high level offender who deserve a high level sentence. This has been the most egregious consequence of the U.S. experience.

In the United States, the mandatory minimum sentences have resulted in a grave distortion of law enforcement priorities. The quantity minimums have become the

targets. Take cocaine enforcement. According to the May 2007 report to Congress of the U.S. Sentencing Commission, in 2005, 57.1 percent of all federal cocaine prosecutions were of low-level offenders, and only 10.7 percent were high level offenders. This problem was a major criticism of Asa Hutchinson, Administrator of the U.S. Drug Enforcement Administration from 2001 to 2003, in his testimony on April 29, 2009 to the U.S. Senate Judiciary Committee Subcommittee on Crime and Drugs.

Mandatory minimum sentences send the wrong message.

### Mandatory Minimum Sentences Are Bad Policy

#### *Injustice*

Mandatory minimum sentences forbid judges from considering all the facts of the case and forbid them from imposing the appropriate sentences for persons who are minor offenders, notwithstanding the fact of drug quantity. Nor do you need mandatory minimum sentences to encourage drug addicts to enter treatment – almost any threat of incarceration is sufficient.

I do not know the collective opinion of the judges of Canada regarding mandatory minimum sentences, but I encourage you to find out. In the United States our judges strongly oppose mandatory minimum sentences: Quoting the resolution of the United States District Judges of the Fifth Circuit (Texas, Louisiana and Mississippi) at their judicial conference on May 6, 1991, "The proliferation of mandatory sentences distorts the rationality [of the sentencing system] because such sentences apply regardless of the defendant's role in the offense and of other factors historically found relevant to sentencings. **As a result, they also often require the imposition of sentences which are manifestly unjust.**" (emphasis added)

The U.S. Judges of the Seventh Circuit Judicial Council found that, "mandatory minimum sentences, however framed, do not result in advancing the cause of justice and fairness." The judges voted **unanimously** to urge Congress to "**repeal** all statutes that require the trial judge to impose a mandatory minimum sentence." (Quoted in Special Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System, August 1991, U.S. Sentencing Commission, p. G-19).

Every Federal Judicial Council has adopted a resolution calling upon Congress to reconsider the mandatory minimum sentences that they adopted. I urge you to find out what the judges of Canada think about bill C-15.

#### *Cost*

Mandatory minimum sentences are designed to impose longer sentences than are currently imposed. We completely underestimated the additional costs that would be created. In the United States, the federal prison population was 36,000 when we enacted our mandatory minimum sentences. The Congressional Budget Office reviewed the House of Representatives bill, H.R.5394, and reported its estimate of the

costs on September 2, 1986,

“The CBO estimates that H.R. 5394 [Narcotics Penalties and Enforcement Act] would not result in a significant increase in the costs of the Department of Justice’s investigations or prosecutions...This bill would result in increased costs to the federal government for incarceration of prisoners because of the bill’s mandatory sentencing provisions. The CBO estimates that these increased costs would be \$1.2 million in fiscal year 1987, rising to \$3.3 million in fiscal year 1988, \$7.3 million in fiscal year 1989, \$15.7 million in fiscal year 1990 and to \$27.7 million in fiscal year 1991. Costs would continue to increase in future years.” (H.Rept. 99-845, Part1, p.24).

In fact, Federal corrections expenditures grew much more rapidly.

<u>Fiscal Year</u>	<u>Corrections Expenditure</u>
1986	\$ 862,000,000
1987	994,000,000
1988	1,258,000,000
1989	1,418,000,000
1990	1,734,000,000
1991	2,122,000,000
1992	2,646,000,000
1993	2,690,000,000
	(Sourcebook of Criminal Justice Statistics, 1996, p.3)
2010	6,077,000,000 (requested)

As of March 28, 2009, the federal prison population stood at 203,692. 98,774 of those prisoners are serving drug sentences. Three-quarter of the federal prisoners are serving sentences of longer than five years.

I urge you to get a very careful estimate of what the bill's real costs are going to be.

### *Ineffective*

In 1973 New York State adopted mandatory minimum sentences for drug offenses. The Association of the Bar of the City of New York and the Drug Abuse Council, Inc. established a joint committee to evaluate the mandatory minimum sentences. They found that the 1973 law did not significantly deter prior felony offenders from committing additional crimes. (THE NATION'S TOUGHEST DRUG LAW: EVALUATING THE NEW YORK EXPERIENCE, Final Report of The Joint Committee on New York Drug Law Evaluation, 1977, p. 9). That report was not considered by the U.S. Congress in our haste.

Have the Federal mandatory minimum sentences adopted in 1986 been effective in deterring drug trafficking or dismantling drug trafficking organizations? No. Despite a

dramatic increase in the number of prosecutions, and a dramatic increase in sentence length, drugs are widely available to American youth according to our annual Monitoring the Future Survey.

In 2008, 83.9 percent of high school seniors report that marijuana is “fairly easy” or “very easy” to obtain. In 1979, the figure was at 90.1 percent. In 1986 it was 85.2 percent. In 1992, it was 82.7 percent, the historic low point. By 1998 it had climbed to 90.4 percent, the historic high point. The perception of easy availability has been slowly, but steadily, slipping since.

LSD availability in 2008 was exactly the same as it was in 1986, 28.5 percent.

Heroin availability is higher now, at 25.4 percent than it was in 1986 when it was 22.0 percent.

Cocaine availability is definitely less now, down to 42.4 percent from 51.5 percent in 1986. But this only means that now 4 out of 10 high school seniors say they can easily obtain cocaine compared with 5 out of 10 high school seniors when the mandatory minimum sentences were enacted.

Unfortunately the price of cocaine and heroin are substantially lower, and the average retail purity is much higher. These are the long term historical trends, even though there have been short-term deviations. DEA reports that cocaine’s price has increased recently, but that has not been the long term pattern.

The impact of the long mandatory minimum sentences imposed on tens of thousands of drug traffickers has been of no measurable benefit in the marketplace. The principal drugs of abuse are basically as widely available as always, but now generally of higher quality and at lower cost. In that respect the price-quality curves for these drugs look like the price-quality of curves for cell phones, personal computers, digital cameras, or most of the other high tech, high demand consumer products that characterize the modern economy. This drug market resistance to the intended purposes of mandatory minimums is amazing.

### *Counterproductive*

Some observers have suggested that the mandatory minimum sentences adopted by the Congress in 1986 resulted in drug trafficking organizations increasing their use of youth in the sale of illegal drugs. Drug traffickers adapted, not by quitting the drug business, but by changing their practices.

Persons who hire young people to sell drugs may run greater punishment risks if caught, but after you create across the board mandatory minimums, the increased risk is negligible.

Mandatory minimum sentencing increases the advantage of employing youth for the manager of a drug distribution organization. If the youthful employees are arrested,

their ability to provide usable information to prosecute a higher-up is limited. Young offenders are less likely to be deployed as informants, they are more easily rattled as witnesses in cross examination, and they are less likely to face the coercive threat of an adult mandatory minimum sentence.

You need to consider carefully the nature of the unintended consequences when legislating in this area.

*Are mandatory sentences warranted by widespread, inappropriate judicial leniency?*

Has there been an analysis of the sentences that are imposed by judges for the crimes you are concerned about? Is the public perception that judges are too lenient supported by an analysis of what judges are doing?

### Drug Treatment Courts

I think that drug treatment courts have been a very useful innovation in the United States. Offenders placed in them seem to have lower recidivism rates than probationers in typical programs.

In the United States, there is a high degree of variety regarding the features of drug treatment courts. Their principal feature is that a judge is directly involved in the supervision of an offender. Offenders get a variety of treatment services. The judge monitors progress along the treatment plan frequently. Because a judge is directly involved, the offender knows that his liberty is always at risk for any non-compliance.

The primary limitation of drug treatment courts is the question of scale. A drug court judge might have a docket of fifty offenders for six months or a year. In any jurisdiction, this is an infinitesimal fraction of the number of drug addicted offenders who come to the attention of a court. Even if every court in the country assigned a judge to serve as a drug court judge, the overwhelming majority of drug addicted offenders would never be subject to drug court supervision.

Adoption or expansion of drug courts must not be a substitute for expanding drug treatment capacity for the indigent. In the United States, drug treatment capacity for indigents is utterly inadequate for the demand. According to data compiled by the Office of National Drug Control Policy at The White House (ONDCP), in 2003, only 15 percent of those persons who needed drug treatment received it at a specialized drug treatment facility, and only 8.5 percent of youth aged 12 to 17.

Bill C-15 limits the admission to a drug court treatment program only to non-violent offenses. We should recognize that many persons who get into fights when drunk also have substance abuse problems. They are often persons who do not fight when sober. Traditional punishment may be less effective in preventing their recidivism than successful completion of a drug treatment court program. This blanket limitation ought to be reconsidered.

Bill C-15 limits the admission to a drug court treatment program only to persons

approved by the prosecutor. Such a provision can create greater public support for a program that the public may fear leads to the discounting of the seriousness of an offense. However, there may be value in providing that evaluation of potential drug court participants be conducted outside of the prosecutors office in order to encourage the consideration of psychological and counseling perspectives that could increase the likelihood of program success.

Measuring Addictiveness and the harmfulness of drugs

One of the key features of Bill C-15, as I understand it, is to increase penalties for the production and distribution of cannabis. The Legislative Summary to accompany C-15 from the Parliamentary Information and Research Service in describing drug use in Canada does not spell out much social harm as a consequence of cannabis use. It does not associate cannabis use with any particular social pathologies. In Canada, cannabis does not appear to be a “gateway” to the use of other illicit drugs. The finding of the 2004 Canadian Addiction Survey was very striking: merely 2.6 percent of cannabis users used any drug other than cannabis *in the year* prior to the survey. (LS-634E, 23 March 2009, p. 3). This suggests that cannabis could be more properly characterized as a “terminal drug” - the last illegal drug used by the overwhelming majority of illegal drug users.

Potential for abuse of a substance is usually equated with addictiveness or dependence. Experts have compared the addictiveness of common substances. *The New York Times* in 1994 reported the views of two leading scholars, below. I have not seen any more recent analyses or an analysis that challenges these conclusions.

Ratings of Addictiveness

by Dr. Jack E. Henningfield, National Institute on Drug Abuse and  
Dr. Neal L. Benowitz, University of California at San Francisco

1 = Most Serious    6 = Least Serious    \* equal value

HENNINGFIELD RATINGS

<u>Substance</u>	<u>Withdrawal</u>	<u>Reinforcement</u>	<u>Tolerance</u>	<u>Dependence</u>	<u>Intoxication</u>
NICOTINE	3	4	2	1	5
HEROIN	2	2	1	2	2
COCAINE	4	1	4	3	3
ALCOHOL	1	3	3	4	1
CAFFEINE	5	6	5	5	6
MARIJUANA	6	5	6	6	4

BENOWITZ RATINGS

<u>Substance</u>	<u>Withdrawal</u>	<u>Reinforcement</u>	<u>Tolerance</u>	<u>Dependence</u>	<u>Intoxication</u>
NICOTINE	3*	4	4*	1	6
HEROIN	2	2	2	2	2
COCAINE	3*	1	1	3	3
ALCOHOL	1	3	4*	4	1
CAFFEINE	4	5	3	5	5
MARIJUANA	5	6	5	6	4

The criteria are defined as follows:

**Withdrawal** – Presence and severity of characteristic withdrawal symptoms.

**Reinforcement** – A measure of the substance's ability, in human and animal tests, to get users to take it again and again, and in preference to other substances.

**Tolerance** – How much of the substance is needed to satisfy increasing cravings for it, and the level of stable need that is eventually reached.

**Dependence** – How difficult it is for the user to quit, the relapse rate, the percentage of people who eventually become dependent, the rating users give their own need for the substance and the degree to which the substance will be used in the face of evidence that it causes harm.

**Intoxication** – Though not usually counted as a measure of addiction in itself, the level of intoxication is associated with addiction and increases the personal and social damage a substance may do.

(Philip J. Hilts, "Is Nicotine Addictive? It Depends on Whose Criteria You Use," *The New York Times*, August 2, 1994, p. C3.)

This data demonstrates that compared to commonly used addictive compounds like coffee, cigarettes and alcohol, cannabis is much less addictive. And compared to hard drugs like cocaine and heroin, cannabis is very much less addictive.

#### Personal observations regarding cannabis.

Over the past 40 years I have met persons who appear to be heavy users of cannabis, and some of them seemed to me to be impaired or hurt by their cannabis use. However, this non-statistical observation is limited by not knowing much, if anything, about factors that may be the primary or major cause for their heavy cannabis use or their apparent dysfunction: underlying mental illness or impairments; underlying learning disabilities; family patterns, structures or abuse; or the impact of other drug use experiences. I have met persons who we could characterize as "burnouts." They seem immature, and often obsessed with marijuana.

I also know several persons who are in no way burnouts, but who have been or are addicted to marijuana. They have tried to quit their use, but could not. I have no doubt that marijuana can be addictive for some people, and that for them, treatment can be difficult. Because the features of marijuana addiction are more subtle and much less disabling than the common features of addiction to opiates or stimulants like cocaine and amphetamines, the addiction may be harder to recognize, and the case for treatment less compelling to the addict.

I also have known persons in Washington, DC who were addicted to work. Their obsession with work interfered in their family relationships and undermined their health with stress, related poor diets, and lack of any exercise. I have known persons addicted to forms of entertainment – watching television or sporting events. Again these addictions often resulted in or were associated with poor diets, undermined health, poor relationships, and lack of exercise. Addiction is tragic and may require a mental health intervention – but it does not, per se, require criminal justice attention or intervention.

I want to stress, however, that over the past 40 years, I have met a great many

more persons whose use of marijuana seems to be no more harmful to them or their families than their social use of alcohol. This includes many top students in college and law school, editors of law reviews, judges, top performing attorneys, business persons and artists. It is not inconsistent to note that while some persons have problems of marijuana, the overwhelming majority in my experience do not, and never have.

### Justification for State Punishment

As a non-Canadian, I beg your pardon for the temerity in pursuing the following arguments for two reasons. First, because the arguments I am about to make are not seriously considered in the U.S. by any of our legislatures. And second, because I have not had the opportunity to study the history of the adoption of the Canadian Charter of Rights and Liberties, or the opinions of the courts which have interpreted it.

In the context of studying the penalties for trafficking in cannabis, I respectfully ask each Member of the House of Commons to ask herself or himself, "As a person who writes the law, what are the principles that I articulate and follow in deciding what conduct deserves to be punished with imprisonment?" Regarding individual citizens, the Parliament has three major powers: the power to tax various activities, the power to spend those taxes in various ways, and the power to create punishments for conduct that is wrongful, such punishments most significantly being incarceration – the general suspension of liberty.

As a non-Canadian, I beg your pardon for presuming to ask you to consider the meaning of that wonderful phrase, "fundamental justice," in Clause 7 of the Canadian Charter of Rights and Freedoms. Our cultures permit the state to take the liberty away of a person who has acted wrongfully, that is, one who has injured another, who seriously risks injuring others, or who has failed in an important, universal duty such as paying taxes. These classes of acts pretty much describe the wrongful conduct that underlie the notion of what "fundamental justice" would consider to be punishable acts.

I suggest that there is no permanent duty of sobriety that a concept of "fundamental justice" would recognize. Of course, one cannot drive a vehicle while intoxicated, because the risk of injury to others is so great. But our common concept of liberty permits adults to become intoxicated. We know that there are risks in intoxication, and we use a variety of social controls to discourage frequent intoxication. But our cultures do not condemn intoxication at weddings or wakes, or at certain ball games, in taverns, in one's home, and in other circumstances.

Cannabis use is another form of intoxication. It is not openly integrated into any mainstream cultural rituals, but it is used clandestinely in most of them. In the absence of harming others, seriously risking harm to others, or failing in an accepted duty, I question whether, consistent with "fundamental justice," Parliament has the moral authority to punish with incarceration the use of cannabis,

I am trying to make a different argument than the argument that there is "a right" or "a freedom" to use cannabis as those terms are used in the Canadian Charter of Rights and Freedoms. I am suggesting that the extent of the Parliament's power to

punish which is implicit in the term, “fundamental justice,” constrains you from punishing the use of cannabis because the conduct is not wrongful.

It is unwise to drive without a seatbelt, but it is not wrongful. If one is in a collision while driving unprotected by a seatbelt, the injuries could be more extensive than otherwise, and society could incur dramatically increased costs of your medical care. Does the creation of such potential social costs constitute a social harm that is wrongful and therefore, punishable? No. If a person eats an unhealthy diet, fails to exercise, and otherwise increases the likelihood of the premature illness and mortality – and social expense – is this a social harm that fundamental justice would permit to be punished by incarceration? No. Would “fundamental justice” permit imprisoning a person who chronically refuses to wear a seat belt or wear a motorcycle helmet? No. It may be irrational to insist on refusing to comply with such a regulation, but does the society have the moral authority to suspend the liberty of a person who insists on not complying? No.

### Fear of crime

The public is afraid of crime. Crime sells advertising and newspapers. Violent crime is the basis of dozens of hours of prime-time television entertainment. Crime news draws viewers. Is it the case in Canada as it is in the United States, that during the evening a 15-second spot teases about the latest horrifying crime story, promising "details at eleven"? In the United States, the decision by advertising directors and programming managers of television stations to highlight news of crime is the leading factor in creating the false impression that America is getting more violent and that the crime rate is increasing, even as the crime rate is steadily falling.

The news may also feature the “outrages” of some judges. Every day thousands of sentences are handed down. Only one sentence per week that deviates from the shared sense of just punishment is sufficient to feed the news media-created perception that judges are recklessly lenient and out of control.

### Conclusion

When politicians vote for mandatory sentencing they are “doing something” when the public wants them to “do something” about what it is afraid of.

Members of Parliament can't arrest criminals like the police chief, flanked by the Mayor. Members of Parliament can't announce indictments like the Attorney General or the Crown Attorney. Members of Parliament can't announce a guilty verdict at a trial like a judge, or make a speech upon the imposition of sentence.

Only infrequently can legislators do anything about crime, as far as the public can tell. If they want to claim they are fighting crime, Members of Parliament can pass bills creating longer sentences -- even if the longer sentences may be unnecessary, ineffective, expensive, unjust, and counter-productive.

# # #

## BACKGROUND AND QUALIFICATIONS OF ERIC E. STERLING

From 1979 to 1989 I served as counsel to the U.S. House of Representatives Committee on the Judiciary, principally responsible for federal controlled substances law. On the staff of the Subcommittee on Criminal Justice, and then for eight years on the staff of the Subcommittee on Crime, I reviewed almost all of the bills introduced in the House of Representatives to amend the Controlled Substances Act, or to govern the operations of the Drug Enforcement Administration. From the 96<sup>th</sup> through the 100<sup>th</sup> Congress, I directly participated in the drafting of most of the bills enacted with respect to illegal drugs. I was also responsible for Federal laws regarding gun control, organized crime, money laundering, pornography, arson, and other issues. I have traveled to Mexico, Peru, Bolivia, Colombia and Jamaica to examine anti-narcotics programs first hand. I played a major role in drafting the Comprehensive Crime Control Act of 1984, the Firearms Owners Protection Act of 1986, the Anti-Drug Abuse Act of 1986, and the Anti-Drug Abuse Act of 1988. I received commendations for my work from two U.S. law enforcement agencies -- the Bureau of Alcohol, Tobacco and Firearms, and the Postal Inspection Service -- for my assistance to their law enforcement missions.

Since 1989, I have been the President of the Criminal Justice Policy Foundation, now based in Silver Spring, MD. I am regularly consulted by Members of Congress and state legislators from around the U.S.

In 2002, I was asked by Canada's Embassy to Washington to arrange a presentation to the House of Commons Special Committee on the Non-Medical Use of Drugs on the situation in the United States. Later I was asked to bring American experts to meet with law enforcement and public health leaders of Canada's anti-drug effort.

Locally, I have an appointment to the Alcohol and Other Drug Abuse Advisory Council by the Montgomery County, Maryland County Executive. The council oversees the substance abuse problems and programs of our county of about one million persons. Previously, I served on the Washington, D.C. Mayor's Advisory Committee on Drug Abuse and on the Baltimore, Maryland Mayor's Task Force on Drug Policy.

I am a member of the bar of the Supreme Court of the United States. For a decade I have been a participant of the Standing Committee on Substance Abuse of the American Bar Association, and one-time chair of the criminal justice committee of the ABA section of individual rights and responsibilities. I am also a member of the Drugs and the Law committee of the New York City Bar Association.

I currently am a part time lecturer in sociology and criminal justice in the Department of Sociology at The George Washington University. In the 1980s, I was an adjunct professorial lecturer in the School of Law, Justice and Society at The American University, Washington, DC.

In 1999 he was given the Justice Gerald LeDain Award for Achievement in the Field of Law by the Drug Policy Alliance. I received a Bachelor of Arts degree in 1973 from Haverford College (Pa.) where I majored in religion, and my Juris Doctor from Villanova University School of Law (Pa.) in 1976.