

many of us have been complaining about for years—cut it down to one page, allowed many needy people to skip over all those bureaucratic hurdles to be able to be eligible for Medicaid. It has been a lifesaver for a lot of our New York families.

We will not be able to continue that without some additional help. I think, actually, this program is a very good model we ought to look at in the future when we try to think of some permanent ways to provide more Medicaid assistance. But certainly this streamlined post-crisis process really did a tremendous job filling a breach that would have otherwise caused a tremendous amount of backlog and uninsured people not being given the health care they deserve to have.

Yesterday, Congressman PETER KING from New York, along with some House colleagues, introduced legislation on the House side to hold States harmless if they were slated for what is called an FMAP decrease—in other words, the match they get from the Federal Government—and provide an additional two point increase to all States, with an additional 2.5 percent available to States with unemployment rates higher than the average across States nationwide.

I think this is a good short-term solution. It is also a good stimulus, if you can get money into the hands of people who need to spend it, as people who have health care needs have to spend it. But it is the right thing to do as well.

I urge my colleagues to support the kind of cobbled together approach that would give COBRA premium subsidies, would provide an increase in the FMAP, at least temporarily, to help out our States that are facing such revenue shortfalls, provide a Medicaid option for non-COBRA-eligible workers which will be not only important for our States and for our economy and our health care system but absolutely essential to so many of the workers who, since September 11, have been not only out of work but out of health insurance as well.

I thank my colleague, the ranking member of the Agriculture Committee, for his indulgence, in being able to address this critical issue that will come before us sometime in the next few days. I appreciate greatly the attention that can be paid to making sure we provide the kind of health care support that is needed at this time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that at 12 noon, Thursday, December 6, the motion to proceed to S. 1731, the farm bill, be agreed to and the motion to reconsider be laid on the table; that the Senate then proceed to the consideration of Calendar No. 254, H.R. 3338, the Department of Defense appropriations bill, provided, further that no amendments be in order to S. 1731 prior to Tuesday, December 11.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the two managers of the bill, Senators HARKIN and LUGAR, are two of the prizes we have in the Senate. The debate has been very civil, and they really look forward to going back to this bill. Debate on the bill should be one of the better debates we have had this year. I hope everyone who has concerns will get their amendments ready so we can finish this bill before the end of the year.

Mr. HARKIN. Mr. President, if the Senator will yield, I thank the Senator for working out this agreement and for getting us to cloture on this bill so we can proceed to the farm bill.

As my good friend from Nevada knows, people in rural America need this bill. They need it now.

The Presiding Officer also knows that his farmers in Georgia, and especially farmers around the South, are going to have to go to their banks pretty soon after the first of the year to get loans ready for planting their crops. Their bank is going to say: What are you looking at? What are you going to have next year? They will not know. Many farmers will be right behind them in about February and March. They will be going to their banks.

That is why it is so important to get this farm bill finished. As I said earlier today, and I say to my good friend from Nevada, right now we are facing over 54 percent less net farm income today than we had in 1995. We can't afford to wait any longer. We have a good bill. It is a balanced bill. We have worked out all of our agreements.

This is a good bill for all Americans. It is a good bill for farmers all over this country. It is a good bill for people who live in our small towns and communities.

I want to personally thank my good friend from Nevada, the assistant majority leader, for all of his help in getting this bill to the floor and for making sure we get this bill finished before we go home for Christmas. We are going to do that. We are going to finish this bill. We are going to have it out of here, and we are going to let the farmers of America know what they can count on for next year.

I thank my friend.

Mr. REID. Mr. President, the majority leader asked me to also announce that when we go to the Defense appropriations bill, we are going to complete

it this week. He will certainly have more to say about this tomorrow. But this is something we have to do. People who serve in the Senate want to be out of here by a week from Friday, and we have to finish this bill so it can be taken to conference over the weekend and the conference report brought back prior to next Friday. I hope everyone will understand that.

As he said—I am speaking for the majority leader—we may have to work through the weekend. But if people have any hope of getting out of here by next Friday, they are going to have to really work with us and move this legislation.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 532; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

#### EXECUTIVE OFFICE OF THE PRESIDENT

John P. Walters, of Michigan, to be Director of National Drug Control Policy.

Mr. LEAHY. Mr. President, all of us have a strong desire to confront and conquer the scourge of drug abuse and the ways it ravages American lives, especially young American lives. The debate on how best to prevail in this struggle is well under way in communities and at kitchen tables across the nation. The President's nomination of John Walters to head the Office of National Drug Control Policy has been the most recent catalyst for this debate.

I voted against Mr. Walters' nomination in committee. In light of that, I would like to share some of my concerns about Mr. Walters in the hope that he will take them to heart, and that he will greatly exceed my expectations and the expectations of the other Senators who voted against him in committee.

I believe Mr. Walters was the wrong choice for this job, and that his sharply partisan approach to drug policy issues provides an imperfect fit for an era of growing bipartisan consensus about drugs. Indeed, his ideological bent is a hindrance when our efforts to prevent drug abuse call for cooperation and pragmatism. Until his confirmation hearings, most of the little he had said and written about drug treatment was deeply skeptical. He has focused primarily on the need to reduce the supply of drugs, too rarely focusing on the neglected demand side of the drug equation. He has also dismissed concerns about the racial impact of our

current drug policies and the utility of mandatory minimum sentences. In short, Mr. Walters' public record does not inspire confidence in those of us who think Congress has occasionally made the wrong decisions in our attempts to prevent drug abuse.

I do not doubt Mr. Walters' intellect or the depth of his concern about our nation's drug problems. I simply believe that he is not the best person to coordinate our anti-drug efforts. We all agree that the fight against drug abuse is vitally important. We disagree only in the methods we choose to achieve our shared goal of a drug-free America.

We have worked hard on the Judiciary Committee to ensure a speedy and fair hearing for the Bush administration's executive branch nominees. Within days of the Senate's reorganization this summer and my becoming chairman, I noticed a hearing on Asa Hutchinson's nomination to head the Drug Enforcement Administration. After we had the hearing, I expedited the process to provide a quick committee vote, and then worked to secure a vote on the floor so that Mr. Hutchinson's nomination could be approved before the August recess. I similarly expedited the process for the nominations of Robert Mueller to head the Federal Bureau of Investigation and of James Ziglar to head the Immigration and Naturalization Service, among others.

I scheduled John Walters' nomination hearing for the first full week following our August recess. That hearing was set for the morning of September 11, and was, of course, postponed as a result of the terrorist attacks in New York and near Washington. I made every effort to reschedule the hearing as soon as possible, consistent with our obligations to consider the anti-terrorism legislation that the Administration proposed shortly after the attacks. I believed strongly that drug abuse was still a vital problem for this nation and that we needed to continue to pay attention to our domestic priorities even as we engaged in our necessary response to terrorism. The committee considered the nomination on October 10.

After that hearing, the work of the Judiciary Committee was made more difficult by the anthrax concerns that led to the closing of the Senate office buildings and the displacement of Members and their staffs. Considering these delays, and the controversy that Mr. Walters engendered, I think it is a tribute to the committee that we voted on his nomination as quickly as we did, within a month of his confirmation hearing.

Law enforcements is and will remain indispensable in reducing drug abuse. Indeed, we all agree that we must severely punish those who traffic in and sell drugs. More than anyone, however, law enforcement officers know that improving drug treatment and taking other measures to reduce the demand for drugs will greatly assist their ef-

orts. The White House also understands this. President Bush has said that "[t]he most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America," and has promised that his administration will concentrate "unprecedented attention" on the demand for drugs. In the Senate, I have joined with Senator HATCH, Senator BIDEN, and others in introducing S. 304, the Drug Abuse Education, Prevention, and Treatment Act. That legislation would increase the federal focus on treatment programs, with targeted programs to increase the availability and effectiveness of drug treatment programs in rural areas, provide additional treatment opportunities for mothers who are addicted to drugs, and more.

Although Mr. Walters testified at his confirmation hearing and wrote in his responses to written questions that he supports drug treatment efforts, his previous record casts doubt on the strength of this support. Mr. Walters has criticized the concept that addiction is a disease, referring to that concept as an "ideology," even though it is held widely, if not universally, by government and private experts. He has written that "the culture of victimhood lies at the core of the therapeutic worldview." He has said that he supports "good" treatment but sharply criticized existing treatment providers, aside from faith-based providers. These and other statements by Mr. Walters have caused great concern among many of these who care about treating drug addiction. For example, the president of the Betty Ford Center wrote to the Judiciary Committee on October 9 that: "Mrs. Ford and I are convinced that Mr. Walters may not have the confidence in the treatment and prevention strategies that we believe are necessary for the creation and implementation of a balanced and thoughtful approach to U.S. drug policy."

As I have said repeatedly, we cannot reduce drug abuse without punishing drug offenders, and in particular without ensuring that those who traffic in and sell drugs are incarcerated for substantial periods of time. At the same time, many of us—Democrats and Republicans—have come to question our reliance on mandatory minimum sentences for a wide variety of drug offenses, as well as the 100:1 disparity under current law between sentences for crack and powder cocaine. In his writings and statements, Mr. Walters has been hostile to reconsideration of these policy choices Congress made during the 1980s. For example, he wrote as recently as March that the arguments that we are imprisoning too many people for merely possessing illegal drugs and that criminal sentences are too long or harsh were "among the great urban myths of our time." This statement flies in the face of the widespread dissatisfaction with mandatory minimum sentences among policy-makers and federal judges. Indeed,

Chief Justice Rehnquist and the Judicial Conferences composed of representatives from all 12 U.S. circuits have called for the repeal of federal mandatory minimum sentences. Mr. Walters has said he would conduct a review of the current sentencing structure, but given his past views, I do not believe that he is the best person to undertake that task.

Between 1983 and 1998, drug admissions to State and Federal prisons increased almost 16-fold, from over 10,000 drug admissions in 1983 to almost 167,000 new prison entries for drug offenses in 1998. During this time, white drug admissions increased more than 7-fold, Hispanic drug admissions increased 18-fold, and black drug admissions increased more than 26-fold. The disparity in sentences for crack and powder cocaine has contributed significantly to this disproportionate imprisonment of African Americans. Under current law, it takes only 1 percent as much crack cocaine to trigger equal mandatory minimum penalties with powder cocaine. This disparity has a severe racial impact, as African Americans are much more likely than white Americans to be sentenced for crack offenses. For example, in FY 1999, blacks accounted for 84.7 percent of those sentenced for crack offenses and whites accounted for just 5.4 percent. There is also reason to doubt the logic of the crack-powder distinction on law enforcement grounds. Since cocaine is imported and distributed in powder form, and only manufactured into crack at the retail level, those persons at the highest end of the drug distribution chain are rarely affected by the increased crack penalties. In other words, the harshest sentences are reserved for less-culpable offenders.

Despite these troubling facts, Mr. Walters has referred to the racial impact of the sentencing disparity as a "perceived racial injustice" and urged Congress in 1996 testimony to "[b]lock lower crack sentences" and to strip the U.S. Sentencing Commission of authority even to propose changes in criminal penalties where Congress has adopted mandatory minimums. His position on this issue undoubtedly has played a role in the decision by 21 members of the Congressional Black Caucus, including the ranking Democratic member of the House Judiciary Committee, Mr. JOHN CONYERS, to oppose this nomination. Considering that Mr. CONYERS was such a strong supporter of Asa Hutchinson's nomination to head the Drug Enforcement Administration that he took the time to write me about it, I take his strong opposition to this nomination seriously.

Mr. Walters' reaction to popular and legislative judgments by various States to allow limited use of marijuana for medical purposes also concerns me. Numerous states have considered and passed medical marijuana initiatives, some by substantial majorities. Mr. Walters has responded to this trend by advocating that the federal government use the Controlled Substances

Act to take away the federal licenses from any physician who prescribes marijuana to a patient in states that permit the practice. Such a step would prevent these doctors from prescribing or possessing any medication that is federally controlled, basically making the practice of medicine impossible. In addition to running roughshod over any federalism concerns whatsoever, Mr. Walters' draconian response raises questions about his sense of proportion. Although shutting down the process as he has suggested may be effective in rendering these State-passed initiatives meaningless, his proposal is a very blunt instrument, to say the least.

Mr. Walters' response to written questions on this issue did not alleviate my concerns. I asked him whether the Federal government should make it a priority to prosecute people who distribute marijuana to ill people in States that have approved medical marijuana initiatives. He answered that he supports "enforcing the law," and then briefly discussed the relatively small size of the DEA, without addressing whether medical marijuana cases should be a priority. I am all the more disappointed by the insufficiency of this answer in light of last month's DEA raid on a California center that provided marijuana to the ill in accordance with California law. It is absurd that such a matter has become a government priority, given our growing problems with heroin, methamphetamine, and other far more powerful and dangerous drugs. I asked Mr. Walters recently about this raid, but he said he believed it would be inappropriate to make any substantive comment prior to his confirmation.

Mr. Walters has been a prominent spokesman for active interdiction efforts in Latin America, and I fear he would seek to have the United States overextend its anti-drug role in Latin America. Prior to the development of Plan Colombia, he said that "we need to do more in Latin America" in "[f]ighting drugs at the source." He has also been a consistent supporter of increasing the U.S. military's role in preventing drugs from entering the United States. I agree that reducing the supply of drugs would have tremendous benefits for our nation. At the same time, I agree with President Bush that the reason that so many drugs find their way to our shores is because there is substantial demand for them. The costs—both financial and political—of our involvement in the internal affairs of Latin American nations require close scrutiny. I have been skeptical about many elements of the ill-considered Plan Colombia, and we should be extremely cautious of additional proposals of that nature.

In addition, Mr. Walters has been sharply critical of Mexico, calling it a "narco state" and a "safe haven" for the illegal drug industry. Although these comments were made about predecessor governments to the Fox admin-

istration, they cannot help Mr. Walters' efforts to implement the Bush administration's appropriate policy of strengthening our ties with Mexico.

Mr. Walters has forcefully expressed his positions on drug-related and other issues for the better part of two decades, both in and out of government. He is a staunch advocate for interdiction and punishment, but his record has not demonstrated a commitment to a comprehensive approach to our drug problems. When the Judiciary Committee held its confirmation hearing for this nominee, I said that I feared that Mr. Walters had a hard-line law enforcement answer to every question about drug policy, at the expense of the balanced approach that we need to succeed in the struggle against drug abuse. I still hold those fears, but I hope that Mr. Walters exceeds my expectations in office.

Mr. HATCH. Mr. President, on behalf of all parents and grandparents, teachers, clergy, mentors, agents of law enforcement, treatment and prevention professionals, and all the others who work every day to prevent illegal drug use from destroying the lives of our young people, I rise to support the nomination of John Walters, the President's nominee to be our nation's next Drug Czar. The confirmation of this important nominee is long overdue. Mr. Walters' nomination has languished in the Senate for almost six months, but with his confirmation, the President's cabinet will finally be complete.

Mr. Walters will begin his tenure as Drug Czar at a very precarious time, but I know he is the right person for this challenge. He will need to work closely with law enforcement, intelligence, and military authorities to prevent drugs from being trafficked into America from abroad and to prevent the manufacturing and sale of drugs for the purpose of funding terrorist activities. Mr. Walters is eminently qualified to carry out this task, and, as I have previously stated, I am confident that he will be a first-rate Director. After all, having served at the Office of National Drug Control Policy and the Department of Education with Bill Bennett, he learned from the person widely regarded—by Republicans and Democrats alike—as the most talented and effective drug czar we have had in this country.

I want to highlight once more how John Walters' career in public service has prepared him well for this office. He has worked tirelessly over the last two decades helping to formulate and improve comprehensive policies designed to keep drugs away from our children. By virtue of this experience, he truly has unparalleled knowledge and experience in all facets of drug control policy. Lest there be any doubt that Mr. Walters' past efforts were successful, let me point out that during his tenure at the Department of Education and ONDCP, drug use in America fell to its lowest level at any time

in the past 25 years, and drug use by teens plunged over 50 percent. Even after leaving ONDCP in 1993, Mr. Walters has remained a vocal advocate for curbing illegal drug use. Tragically, as illegal drug use edged upward under the previous administration, his voice went unheeded.

John Walters enjoys widespread support from distinguished members of the law enforcement community, including the Fraternal Order of Police and the National Troopers Coalition. His nomination is also supported by some of the most prominent members of the prevention and treatment communities, including the National Association of Drug Court Professionals, the American Methadone Treatment Association, the Partnership for Drug Free America, National Families in Action, and the Community Anti-Drug Coalitions of America. All of these organizations agree that if we are to win the war on drugs in America, we need a comprehensive policy aimed at reducing both the demand for and supply of drugs. Mr. Walters' accomplished record demonstrates that he, too, has always believed in such a comprehensive approach. As he stated before Congress in 1993, an effective anti-drug strategy must "integrate efforts to reduce the supply of as well as the demand for illegal drugs."

Despite this groundswell of support, ever since Mr. Walters was first mentioned almost seven months ago to be the next Drug Czar, several interested individuals and groups have attacked his nomination with a barrage of unfounded criticisms. Because these untruths helped delay his confirmation until today, I feel compelled to respond once more to some of these gross distortions.

Some have charged that John Walters is hostile to drug treatment. Once again, I want to state for the record that this criticism is categorically false. He has a long, documented history of supporting drug treatment as an integral component of a balanced national drug control policy. You do not have to take my word on this. You need only look at the numbers.

During Mr. Walters' tenure at ONDCP, treatment funding increased 74 percent. This compares with an increase over eight years for the Clinton Administration of a mere 17 percent. This commitment to expanding treatment explains why John Walters has such broad support from the treatment community. It is simply inconceivable that the prominent groups supporting Mr. Walters would do so if they believed he was hostile to treatment.

Another recurring criticism is that Mr. Walters doesn't support a balanced drug control policy that incorporates both supply and demand reduction programs. This criticism, too, is flat wrong and again belied by his record. For example, in testimony given before this Committee in 1991, Mr. Walters, then acting Director of ONDCP, laid out a national drug control strategy

that included the following guiding principles: educating our citizens about the dangers of drug use; placing more addicts in effective treatment programs; expanding the number and quality of treatment programs; reducing the supply and availability of drugs on our streets; and dismantling trafficking organizations through tough law enforcement and interdiction measures.

Mr. Walters' firm support of prevention programs is equally evident. His commitment to prevention became clear during his tenure at the Department of Education during the Reagan Administration. He drafted the Department's first drug prevention guide for parents and teachers—titled "Schools Without Drugs," created the Department's first prevention advertising campaign, and implemented the Drug-Free Schools grant program.

These are not the words or actions of an ideologue who is hostile to prevention and treatment, but rather, represent the firmly held beliefs of a man of conviction who has fought hard to include effective prevention and treatment programs in the fight against drug abuse.

Some have also criticized Mr. Walters because he doesn't buy into the oft-repeated liberal shibboleth that too many low-level, "non-violent" drug offenders are being arrested, prosecuted, and jailed. I, too, plead guilty to this charge, but the facts prove we are right. Data from the Bureau of Justice Statistics reveals that 67.4 percent of federal defendants convicted of simple possession had prior arrest records, and 54 percent had prior convictions. Moreover, prison sentences handed down for possession offenses amount to just 1 percent of Federal prison sentences. Thus, it is patently false that a significant proportion of our federal prison population consists of individuals who have done nothing other than possess illegal drugs for their personal consumption.

The drug legalization camp exaggerates the rate at which defendants are jailed solely for simple possession. This camp also wants us to view those who sell drugs as "nonviolent offenders." Mr. Walters, to his credit, has had the courage to publicly refute these misleading statistics and claims. I want to join him in making one point perfectly clear. Those who sell drugs, whatever type and whatever quantity, are not, to this father and grandfather, "non-violent offenders." Not when each pill, each joint, each line, and each needle can and often does destroy a young person's life.

I am committed 100 percent to expanding and improving drug abuse education, prevention, and treatment programs, and I know that John Walters is my ally in this effort. Last week, the Judiciary Committee voted out S. 304, the "Drug Abuse Education, Prevention, and Treatment Act of 2001," a bipartisan bill I drafted with Senators LEAHY, BIDEN, DEWINE, THURMOND,

FEINSTEIN, and GRASSLEY. This legislation will dramatically increase prevention and treatment efforts, and I remain confident that it will become law this Congress. As I have stated many times, I solicited Mr. Walters' expert advice in drafting S. 304. I know, and his record clearly reflects, that he agrees with me and my colleagues that prevention and treatment must remain integral components of our national drug control strategy.

We need to shore up our support for demand reduction programs if we are to reduce illegal drug use in America. This commitment is bipartisan. Our President believes in it. Our Attorney General believes in it. Our Democratic leader in the Senate believes in it. My Republican colleagues believe in it. And most importantly, John Walters believes in it.

Finally, Mr. President, now that Mr. Walters is about to be confirmed, I want to urge the Senate not to let this session end without holding hearings for and acting on the deputy positions at ONDCP. Mr. Walters needs his team in place. I look forward to working with my Senate Republican and Democratic colleagues and the Administration to carry forward our fight against drug trafficking and terrorism.

Mr. KENNEDY. Mr. President, I oppose this nomination. We have a real opportunity to strengthen the nation's efforts against substance abuse, and we ought to take advantage of it. We rely heavily today on police, prosecutors, and prisons to handle this problem. There's too little emphasis on prevention and treatment. Spending for prevention and treatment has never exceeded one-third of the federal drug-control budget.

This unacceptable situation continues, in spite of overwhelming evidence that drug treatment works.

In 1994, a landmark study, the California Drug and Alcohol Treatment Assessment, found that every dollar spent on treatment saves taxpayers \$7 in future costs for crime and health care.

A 1997 study by the Rand Corporation found that treatment for heavy cocaine users is three times more effective at reducing cocaine consumption than mandatory minimum sentences, and 11 times more effective than interdiction.

A study by the Institute of Medicine showed that treatment was effective in reducing criminal activity and emergency-room visits, and in increasing rates of employment.

In 1997, the Department of Justice reported that offenders who complete drug-court programs are only one-third as likely to be arrested for new drug offenses or felonies compared to other offenders, and only one-fourth as likely to violate probation or parole.

Now more than ever, Americans support prevention and treatment. They understand that we cannot stop substance abuse without reducing the demand for drugs. In the nation's efforts against substance abuse, prevention and treatment must become equal

partners with incarceration and interdiction.

To his credit, President Bush has called for closing the treatment gap. He has stated that "the most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America."

Thanks to the leadership of Senator LEAHY, Senator HATCH, and Senator BIDEN, the Judiciary Committee passed a bill last week to increase federal funding for drug education, prevention, and treatment. There is much more, however, that we must do to see that all Americans understand that drug use is harmful, and that effective treatment is available to every addict who wants it.

The nomination of John Walters sends exactly the opposite signal. As a longtime critic of drug treatment, he's the wrong man for the job. In 1996, he ridiculed President Clinton's proposal to provide drug treatment to chronic users as "the latest manifestation of the liberals' commitment to a 'therapeutic state' in which government serves as the agent of personal rehabilitation." Last March, Mr. Walters described the view that addiction is a disease of the brain as an "ideology" promulgated by the "therapy-only lobby."

Mr. Walters has emphasized punishment and prisons as the primary solution to the problem of drugs. He has criticized attempts to reform mandatory-minimum sentences for non-violent drug offenses. The United States now has the highest per capita incarceration rate in the world. Yet Mr. Walters recently declared that "[t]he war on crime and drugs is rapidly losing ground to the war on punishment and prisons."

In his response to the Judiciary Committee's questionnaire, Mr. Walters said that during the first Bush administration, he was "a principal author of a new drug strategy and federal spending plan that targeted more resources for treatment than any administration before or after." But as Mr. Walters has admitted, the Clinton administration spent substantially more—not less—on drug treatment. As for the increases that did occur during the Bush administration, Mr. Walters fought them all the way.

At his nomination hearing on October 10, I pressed Mr. Walters on whether he would try to balance federal spending for demand-reduction and supply-control efforts. Saying only that he was not "notionally" opposed to equal spending, he refused to give an answer.

Before the hearing, the president of the Betty Ford Center wrote that he and Mrs. Ford questioned whether Mr. Walters has "the confidence in the treatment and prevention strategies that . . . are necessary for the creation and implementation of a balanced and thoughtful approach to U.S. drug policy."

Mr. Walters' comments on race are also troubling. In 1997, he criticized

General Barry McCaffrey for sending "the wrong message" when he expressed concern about the high percentage of African-Americans being imprisoned for drug offenses. Earlier this year, he categorically dismissed the view that the criminal justice system unjustly punishes African-American men as one of "the great urban myths of our time."

Racial discrimination is offensive and unacceptable in all its aspects. The need to eliminate it continues to be one of the nation's important challenges. It is undisputed that even though blacks and whites use illegal drugs at the same rate, blacks are incarcerated for drug offenses at a much higher rate. Mr. Walters was asked to justify his "urban myth" statement, but he only cited unrelated statistics on murder rates. We need a Drug Czar who has, at the very least, an open mind about the possibility of racial bias in drug sentencing.

Mr. Walters' supporters contend that despite his longstanding opposition to increased treatment funding, and his very recent criticism of drug therapy, he is the right choice to revitalize our drug-control efforts and close the country's treatment gap. I hope that they are right, and that those of us who oppose him are wrong. I am concerned, however, that by approving this nomination today, we are losing our best opportunity to develop a more balanced and more effective national strategy on drug abuse.

Mr. DURBIN. Mr. President, I join with several of my colleagues in opposing the nomination of John P. Walters to be Director of the Office of National Drug Control Policy—the Nation's Drug Czar.

As much as anyone here, I am mindful of the need to unify behind the President during these times. Let me emphasize that I share the President's goals in combating the problem of drug abuse, and I applaud his commitment of greater resources to drug treatment and prevention efforts. My fear, however, is that Mr. Walters is not the person to meet these goals.

John Walters is a seasoned veteran of the Drug War, someone with a long and established track record on many controversial issues. Too often in the past, he has adopted divisive stances on these issues. His views, and his certitude in advocating them, send a fair warning to this body as it debates his nomination. His controversial and often incendiary writings on drug-related issues have been red meat for the right-wing of the Republican Party.

Let me focus on a couple topics. Like many of my colleagues, I am very troubled by the considerable evidence that our prosecution of the drug war disproportionately targets racial and ethnic minorities. African-Americans represent 12 percent of the U.S. population, 11 percent of current drug users, but 35 percent of those arrested for drug violations, 53 percent of those convicted in state courts, and 58 per-

cent of those currently incarcerated in state prisons. In my home State of Illinois, African-American men end up in State prisons on drug charges at a rate 57 times greater than white men. These disparities, whatever their cause, demand the attention of the Nation's Drug Czar. Aside from the injustice of this situation, there is stark evidence that drug offenders who are not minorities escape the same scrutiny and enforcement as those who are. Our war on drugs must be fair and balanced.

With the exception of the last few weeks, Mr. Walters has spent most of his career being dismissive of the subject of racial disparities in drug enforcement. As recently as this April, he characterized as "urban myth" the sincere concern of many, including myself, that young black men receive excessive prison terms under the current sentencing regime. He has accused the nonpartisan federal Sentencing Commission of being "irresponsible" for proposing adjustments to the 100-1 disparity between federal prison terms for crack cocaine and powder cocaine offenses, offenses which divide starkly along color lines.

It has become a cliché for public officials to lament racial profiling in law enforcement. What matters is action, not words. But even now, when Mr. Walters has experienced a "change of heart" on many issues, he will only concede that there is a "perception" of disparate treatment in the criminal justice system. As someone committed to using the Drug Czar's office to promote criminal law initiatives, he has exhibited little sensitivity for the role that race plays in the criminal justice system. Given the important law enforcement role filled by the Drug Czar, I cannot overlook this weakness.

Another source of real concern is the nominee's record on drug treatment and prevention. Early in my congressional career, I worked to pass legislation to improve substance abuse treatment programs for pregnant and postpartum women. We know that treatment programs can work. A study by the RAND Corporation a few years ago found that for every dollar that we invest in substance abuse treatment, the American taxpayers save \$7.46 in miscellaneous societal costs.

The Nation's drug crisis demands that we supplement law enforcement efforts with effective treatment and prevention programs. While Mr. Walters has voiced his support for a balanced and coordinated approach, his long paper trail belies his real intentions. He has a long record of hostility towards, as he put it, the "notoriously under-performing drug treatment system," and towards those who implement it. He has criticized those who approach drug addiction as a disease as "ideologues." He has condemned the Drug-Free Schools Act, which created many of the same types of prevention programs he takes credit for now.

Let me say a few brief words about the John Walters who came to visit the

Senate Judiciary Committee. Judging by his answers to the Committee's questions, he has been doing a lot of reflection lately. He now believes that "the consideration of addiction as a disease has wide application." A man who once defended harsh mandatory minimum sentences today professes support for "second and third chances" and tempering justice with mercy. A harsh partisan critic of President Clinton now wishes to "transcend traditional political and party boundaries." The same person who wrote "[t]here is no question that supply fosters demand" stands beside President Bush's pledge that "[t]he most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America."

Mr. Walters assured the Committee that he has not undergone what we refer to as a "confirmation conversion." That is precisely what concerns me—that he has not moderated his views at all, but has merely rethought his public relations strategy. Over the course of his career, Mr. Walters has made a conscious choice to polarize rather than advance the public debate. Accordingly, I cannot provide my support for his nomination.

#### ADDITIONAL STATEMENTS

##### LIFE AS AN AMERICAN

• Mr. DURBIN. Mr. President, I rise today to share with you and the rest of my colleagues the thoughts of one of my younger constituents, for I think they are noteworthy for their insight, their honesty and their prescience.

Stephanie Kaplan, who lives in Highland Park, IL, is a junior at Highland Park High School. Stephanie recently submitted her writing to the Jewish Press in Omaha, NE, in response to their request for essays about patriotism. Out of all the responses that arrived at the newspaper, the editors deemed Stephanie's the best among them.

Perhaps most remarkable is that this essay, in which Stephanie explains what life as an American means to her, was written in August, before Osama bin Laden became a household name and when the top news stories did not mention Afghanistan.

Our enemies have attacked us for who we are and what we believe. The very freedoms we love inspire their hatred. As our freedoms are the source of this conflict, we cannot allow them to become its casualties.

Stephanie's writing is a timely reminder of what it is we value and what it is we are defending.

Her essay follows:

WHAT BEING AN AMERICAN MEANS TO ME  
(by Stephanie Kaplan)

Ice cream for dinner. Sitting on the bleachers through a muggy afternoon, cheering heartily for a favored team or player. An early-morning walk, as the trees that line the street wave their green leaves in the