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JUDICIARY SUBCOMMITTEE HEARING ON THE JUSTICE DEPARTMENT

Topic: The Justice Department

Witness: Attorney General Janet Reno

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ATTORNEY GENERAL JANET RENO: I appreciate the opportunity to be here, and Senator, you're right, I come in at a time when the burdens of the office stagger the imagination and convert vanity to prayer. I thought I would talk to you today in terms of an approach that I want to take with respect to the Department of Justice. I obviously don't know all the details of the budget at this point and I'm learning them fast because it has always been a priority for me.

But I come from a state that prohibits deficits. I come from a state where you have to balance your budget and where about three years ago as chief prosecutor in the largest state attorney's office in Florida, Florida was hit by dramatic revenue shortfalls, we had to figure out how to cut. So I know how to cut and I know how to get more for a dollar. And I know how dedicated people are who work for government who care. And so I come to the Department of Justice knowing that there are limited dollars throughout America, that there are many priorities, and I want to do everything I can to work with you to see that we get the best return on our dollars, by avoiding duplication, by coordinating our efforts, by making sure that we spend it wisely.

In that connection, though, I think it's important that we develop a coherent reasoned approach to the duties of the Department of Justice. To sentencing, to charging, to how we handle the matter of crime in America between state and federal governments.

And in that regard I look first at the charging issue. Many questions are asked me of what should be a federal crime and what should be a state crime.

What I hope to do is to do a principled review of what is best handled in state court, what is best handled in federal court, and enunciate the reasons and try to develop guidelines that would provide an approach for U.S. attorneys and the department throughout the nation in terms of what should be filed federally and what should be filed in the state.

With respect to sentencing I think there should be one goal, and that is to prevent further crime, to do everything possible to prevent crime.

Now there are some who I think must be incapacitated, sentenced,

. sentenced for very long times, and kept there for the length of time of their sentences.

These are the violent and dangerous offenders, the violent recidivist, the drug traffickers, the major white collar people who may not have guns but they steal as much from others as anybody else. And those who are guilty of violating their trust to the people they serve through public corruption.

I want to make sure that we have enough prison cells to put those kinds of people away for as long as we can get them away, and as importantly, that we keep them away.

I come from a state that established an approach some 10 years ago that enacted more minimum mandatory sentences, enacted tougher sentences but didn't balance that with provision for additional prison cells, and so we are in gridlock now with some dangerous offenders being released from prison prematurely.

I don't want that to happen. I want to send a message to those who traffic and distribute in human misery. The violent recidivist-- I want to send them a message, that these sentences are going to mean what they say and they're going to be tough sentences.

But there are other categories of offenders who should go to prison but who will be returning to the community sooner rather than later. To take them from prison and dump them back into the community without addressing what might have caused the problem in the first place and without ensuring an orderly transition back to the community only forecast (brief audio drop) commission of additional crime.

And so we would like to develop incentives for job training and placement if drug treatment is necessary, for drug treatment, but that we bring them back into the community in an orderly way as soon as consistent with the need for an appropriate sanction.

There should be diversion and alternative sentences. There are some people that don't need to go to prison, that they can learn their lesson without it, and in this time of very limited dollars, where we want to see the bad people really put away, we've got to design alternatives that can address those individuals.

I think one of the most important things that we can undertake in this day and time when there is so much to be done in the communities throughout America is the concept of community service.

I think well-run community service programs can serve as a very vital sanction and make--and yet give to these offenders who will be back on our streets a sense of participating in the community.

But again, the sentences of our courts have got to mean what they say. When a mother threatens a son and says she's going to spank him if he does something, and then she doesn't do it, he's going to think he can get away with it.

And we have got to, when we say we're sending somebody to prison for 10 years, be able to provide those prison cells. I want to work with you and the other members of Congress in forecasting prison admissions, in looking at the number of beds that are going to be necessary to house those people for the length of time that judges are sentencing them, the cost of operating

these prisons, because what we saw in Florida were prisons standing vacant because we didn't have the operating expenses.

And I'd like to work with Congress to make sure that as we approach this problem, we approach it in a fiscally responsible way, developing sentences that mean what they say.

One of the concerns that I have--I was shocked when I started reviewing with Dr. Hawk (phonetic), who was in our prisons, and I found that 26 percent of the inmates in federal prisons are aliens. I want to--

SENATOR: (Off-mike).

ATTORNEY GENERAL RENO: 26 percent. I have real concern about the American people having to pay for something like that and would like to work with everyone concerned, and working through the Immigration and Naturalization Service, see if we can develop a principled approach that combines a sanction that deters these people from coming back to this country, but gets them back to their country so that they are not a burden on the American people.

ATTORNEY GENERAL RENO (continuing): INS is a priority of my office. I have told senators during my confirmation hearing that if they at any time thought that I had forgotten that priority, since they indicated that attorneys general had done so in the past, that they were to pick up the phone and call me.

And I hope that you do the same, because I think that immigration and the balance between maintaining the traditions of America as a nation of immigrants versus the burdens that immigration can place on communities, and place on government, just as we see here, where we're housing, where they represent 26 percent of our prison population, I think that is going to be one of the most difficult tasks we face. But if we work together, I think it is something that can be addressed.

One of my concerns, though, is that as we talk about suggesting that there are cases better prosecuted in state court. As we develop that balance, I don't ever want to be in the position of dumping on state and local government. For a long time I was told, you've got to do it because the federal government has said the states have got to do it, without really consulting. I have met with the National Association of State Attorneys General. I look forward to meeting with other representatives of law enforcement agencies to develop a partnership so that we understand how things are done.

We have systems now where relatively low level offenders in the federal system are spending ten years in prison, while a murderer can get out in 20 to 30 percent of their sentence in states where federal courts have established prison caps.

I think if we work together to see who's in our prisons, to recognize that the American people care more about doing something about violence than anything else, that if we work

together in a constructive partnership to make sure that we have enough prison cells for the dangerous offenders, the violent offenders, the drug traffickers who create this misery, we can have some impact.

But we have got to remember those priorities. And I want to make it very clear to anybody who would think that the Clinton administration would back down from vigorous enforcement against major traffickers, or these violent offenders, the white collar thugs, as I call them, or those that violate the public trust, that we're going to be as vigorous as we possibly can.

But in terms of priorities, there is something troubling to me. I look at where crime comes from, and I have been on the streets of the communities in America, and I have seen the 14 and 15 year old kids who become the thugs that we lock up in Operator Trigger Lock. And I see steps that could have been taken when they were 11 and 12 that could have prevented it, because they weren't bad kids. I want to work with state and local governments to do everything the federal government can to develop a sensible, coherent approach to juvenile justice.

With all these, we need to make sure that our police efforts are coordinated. I look at Dade County, my home jurisdiction. There are 26 different cities, and then a sheriff's office. There are a number of federal law enforcement agencies. We work together, but there's no real coordinated plan as to who does what. I think if we had approached World War II, and Dwight Eisenhower had gone into Normandy with the fragmentation and the divisions that we have in terms of law enforcement, we wouldn't have been as successful.

I think we can avoid turf battles. I think we can work together. I think we can eliminate duplication, and I think we can develop, again, a principled approach that says we've got limited resources in the federal government now. Everybody understands that. And we can use our dollars wisely and soundly.

But I come back again to what I think is probably the single greatest crime problem in America. It is a problem that is best handled locally. But I think the resources of this nation have got to focus on youth violence, on this thirteen and fourteen year old who's putting a gun to somebody's head at a traffic light, who's committing offenses that we never dreamed kids could think about committing, and I think we've got to understand that we need to develop appropriate and reasoned sanctions, but at the same time we can do a lot in terms of prevention.

You, the Congress, have taken the lead with the prior administration in developing the Weed and Seed Program. I don't like that name, and I'm welcoming any suggestions anybody has for coming up with a name that can give people in the communities a positive sense. But I want to carry out the thought of that program.

I used to go to a meeting at a community project, where we had a team composed of a hard-nosed police officer, a social worker, a public health nurse, working together in one housing development. They had so reduced crime in the first six months of

the operation that the police wanted to develop the program.

Agencies started coming to them, they wanted to participate.

There was somebody from HUD, and then there was somebody from Jacksonville HUD. And then there was somebody that came down from the secretary's office. And then there was somebody from the Department of Education. And Agriculture was there because of Food Stamps. And then there was somebody from HHS. And then there were state and local groups. And nobody knew what the other was doing, and there was no coordinated plan for providing services for people that would enable them to be self-sufficient.

I think--and I would like to work with Congress in trying to develop an approach to a new named Weed and Seed that would say to all the U.S. attorneys, regardless of whether there was funding, first of all we've got to develop a plan consulting with the communities. Communities oftentimes know far better than Washington what needs to be done. Develop a coherent plan working together, use the resources we've got in the wisest and most coordinated fashion possible, and then start taking dollars where there are gaps in services that exist, and show through the use of these dollars, the expenditure of these dollars what can be done in terms of developing prevention programs in our communities.

As part of this, we've got to address the problem of drug treatment. Some people say that drug treatment doesn't work, but I think almost every single American now knows a recovering addict, where treatment has at least lengthened the time between relapse and in many instances has left them permanently recovering. It makes no sense to have a mother calling me saying Ms. Reno, you've got to help me. My son has hit rock bottom, he's desperately in need of treatment, he doesn't have insurance, he's just going to commit another crime unless you do something right now. We've got to develop that balanced approach.

That's the general approach I'm taking in these first days in office, Mr. Chairman, and I look forward to working with you in terms of trying to provide specifics that follow through on this approach.

SENATOR ERNEST HOLLINGS (D-South Carolina): Well, very good. You've got an excellent feel for law enforcement, and I'm refreshed and I welcome it. And I think Senator Gramm, I had the same question. And I know Senator Bumpers will want to know about Waco. Let's just open it up for the subcommittee and let's have your statement on Waco and what follow-up steps you're taking right now, so we can then get back to the appropriation and the principal interest, of course, of the subcommittee.

Tell us about Waco and what you're doing now.

ATTORNEY GENERAL RENO: What we want to do is to review everything that we did with as much detail as possible, to work with Congress in every way possible, to answer every question, to be as available as we can. And we want to look to the future,

.recognizing that this problem can recur again.

I want to find the best experts that I can who are credible and reliable on the issue of cults to see what can be done in terms of improving negotiation techniques if it's possible, in terms of trying to develop plans and strategies for dealing with the recurrence of this situation that led to this horrible tragedy.

I want to again review with the police experts, every police expert that I can find on what is an appropriate means of trying to relieve such a stand-off as existed here, to make sure that we consider every possible angle.

I want to investigate at this point--I know a lot has been done, but investigate to see just what the state of the art is on improved, nonlethal means of ending something like this. I kept wishing that there was some magic weapon, as we developed this plan, as to how best to proceed. ,

I want everyone to review what we did. I plan to meet--Chairman Brooks has called me. I plan to meet with him. I've told Senator Biden that as soon as we've collected all the information, I would like to meet with his committee, to respond, to have people review what we've done, to answer questions and to understand exactly what, if anything, can be done to prevent such tragedies in the future.

SENATOR HOLLINGS: Good. Senator Gramm?

SENATOR PHIL GRAMM (R-Texas): Mr. Chairman, first of all, I want to thank you for holding the hearing.

My basic position is very similar to yours. I don't think we're going to achieve very much by trying to point fingers at people, trying to say who is guilty of what here. I think what we've got to do, in light of the disaster that occurred as a result of the fact that we had four law enforcement officials killed, as a result of the fact that dozens of people lost their lives, it seems to me that we've got to do is go back and look at the strategy, to look at the tactics, to look at what we can learn from this disaster to try to see that we don't replicate it somewhere else.

And I think we would be very foolish not to go back and do a very thorough review, and I think the review ought to include the Justice Department, Alcohol, Tobacco and Firearms, state and local law enforcement officials. And I think again, that the best thing that could come out of this would be a new body of knowledge as to what was done right and what was done wrong and what we learned from this whole process to be sure that we don't see it replicated somewhere else.

ATTORNEY GENERAL RENO: I look forward to working with you, Senator, in that regard, and any suggestions as this process unfolds, because I want to be absolutely as exhaustive as I can.

If you or your staff come across anything or hear anything, if you would let me know, please, sir, I'd like to follow up on it.

SENATOR GRAMM: Mr. Chairman, should I hold up and let people talk about this issue?

SENATOR HOLLINGS: Yes, let's get this one cleared first by all the interested senators and then I want to get into the appropriations myself.

Let me comment to the effect that there's definitely a question about the very initial stage of this particular operation by ATU. When we hear that we've got the only expert crowd with respect to handling a situation of this kind in the FBI, that tells me we did not have that expert crowd in the alcohol and tax division, and getting four officers killed. Now, once they're killed, they're murderers. And it's our duty and responsibility as law enforcers to apprehend those folks. And with respect to 51 days, that was a gracious plenty of time.

Having been chief law enforcement officer for four years and having had a record of no one seriously hurt, the only governor in the South that had no one seriously hurt or life lost, I pride myself on working very closely, as I can tell from your testimony already, that you pride yourself on working very closely with law enforcement.

I think maybe something could have been done in the original stage of this with the alcohol and tax unit group. Otherwise, those who are lamenting and moaning and groaning at the present time, I don't hold much cape with those because 51 days to apprehend murderers, and everything else of that kind, in that particular thing--why, you can't change people's religion. I think busting in the building perhaps could have occurred long before 51 days, and from what you had and the knowledge you had coming on board, I think you acted in an outstanding fashion and I commend you for it. Senator Bumpers?

SENATOR DALE BUMPERS (D-Arkansas): I'd like to echo your last statement, Mr. Chairman. But General Reno, one of the things that I've been curious about, do you have an estimate or does the FBI have an estimate as to how long they could have held out 85 people in that compound, or however many there were there?

ATTORNEY GENERAL RENO: You mean--

SENATOR BUMPERS: Food, water--

ATTORNEY GENERAL RENO: Yes, we were told that they had a supply that could last indefinitely. I mean, the figures that I heard about was for as long as a year, based on what we had heard.

One of the things that I reviewed very carefully, asked them to go back and just wondered, because we had heard information

concerning the use of water, to double-check to determine the extent of the water supply, thinking that that might be a way of really putting pressure on them. But as they checked, it seemed that they had some type of pumping mechanism that could keep them supplied with water.

So the information furnished to us is that they could have held out indefinitely.

SENATOR BUMPERS: Second question. Have you done a computation of what it was costing the government to maintain that siege?

ATTORNEY GENERAL RENO: I have received those computations. I do not recall it specifically and I would like for (inaudible) answer that.

SENATOR BUMPERS: On a daily basis would probably be a more relevant question. How much was it costing us a day to maintain that siege?

ATTORNEY GENERAL RENO: Senator, what I would like to do, because I think it's important in a tragedy such as this that we don't throw around numbers, I'd like to get that back to you as soon as possible.

SENATOR BUMPERS: You don't have an accurate figure?

ATTORNEY GENERAL RENO: I think we can compute a very accurate figure here and I have been given what I was led to believe was an accurate figure. I'd like to present that to you. It was expensive.

SENATOR BUMPERS: Third question: when it comes to second-guessing, you quite often hear people on the street saying well, why didn't they just catch this guy in a grocery store and arrest him? Now, I think that's probably a relevant question and I'm not going to--that's probably a more relevant question for the Judiciary Committee to get into, which I'm sure they will.

But I was wondering about the ATF's search warrant, or what authority did they have? Did they have a search warrant or did they have a warrant for his arrest?

ATTORNEY GENERAL RENO: I would refer you to ATF so that I don't speak--really, I think that should be handled by Treasury officials.

SENATOR BUMPERS: Were there any agents of the FBI there at the time of the initial assault?

ATTORNEY GENERAL RENO: No, sir.

SENATOR BUMPERS: It was all an ATF operation.

SENATOR GRAMM: Mr. Chairman, would you yield? I think one of the things we clearly need to look at is since ATF is taking such an active role in law enforcement, I think one of the things that the Senate needs to look at, and I think, Mr. Chairman, there would be some debate about jurisdiction among our committees--I don't know that the American people care about jurisdiction among committees, but I think it is a relevant question of whether or not we ought to have a major law enforcement agency in the Treasury Department or whether we ought to have a unified law enforcement entity where we can combine the resources we have, where if there is going to be a forced entry into a compound like this and the real experts are in one law enforcement agency, we don't end up not having them there because the agency involved is part of the Treasury Department and the agency that has the expertise is part of the Justice Department.

And it seems to me, and I guess the administration may, after a review, make a recommendation, but ultimately Congress has got to decide this: I think the question is this. Do we want to maintain this division within the law enforcement community in the federal government? I wouldn't want to prejudge it based on being an expert who has watched much of this on television in his own state, with a great deal of concern for everybody involved, but it seems to me that it is a very relevant question as to whether the current structure is a good one and whether or not it ought to be changed.

SENATOR HOLLINGS: As you know, Senator, this committee is already combining the training, and I think we're headed in the right direction and I agree with the senator. Senator Kerry?

SENATOR ROBERT KERREY (D-Nebraska): I'll just say, General Reno, I think the vast majority of Americans support the president's explanation of what happened and are enthusiastically supportive of the way you handled the situation. Grief-struck in particular at the loss of life of children, and I'd just say, Mr. Chairman, that my questioning will be about what do we do in America to protect the children of this country, and what do we do, frankly, to deal with rising levels of violence amongst teenagers, as well, and I look forward to that line of questioning.

SENATOR PETE DOMENICI (R-New Mexico): I don't have any questions. I'll just make an observation and then I'm finished with Waco. I didn't come here intending to ask the attorney general questions about Waco. I thought it was a hearing on our budget year. But I think eventually not only the attorney general but a lot of other people are going to have to help us define how this might have been handled differently and do we, in the Congress, have some responsibility to consolidate functions, as raised by Senator Gramm? And I know you've had a longstanding attempt, Mr. Chairman, to consolidate.

Having said that, let me say to you, I very much appreciate the forthrightness that you have exhibited immediately after this incident. I compliment you for putting it clearly before the American people that it was your responsibility to pass on this plan and you did so, and I have great respect for you and anyone who will say I approved it, obviously I bear responsibility for saying it's okay to do it.

That doesn't mean that those who put it together are immune. They'll have to be looked at at some point. But I join Senator Kerrey in my understanding of our people, both in my state and in this country, is that they're not trying to make you or the ATF or anybody else the bad people in this incident. They clearly understand they were bad people that ran this show, including the cultist leader. If my understanding of the American people is right, we ought to proceed with investigations to find out how we might do things better, but the sooner we put this to rest, the better. I thank you for your forthrightness and integrity.

ATTORNEY GENERAL RENO: Senator, I appreciate that, and I'd just like to share because I think it's so important and just repeat that we're going to do exactly that. We're going to try to consult with the best experts, most creditable experts on cults, on how to end sieges, on what could have been. I mean, I am dedicated to try and do that because I think we're going to see something like this recur in the future, and we want to be as prepared as we can.

And as I told Senator Gramm, I would welcome any ideas you or your staff may have issues that should be pursued.

SENATOR HOLLINGS: Very good. And then we can move on to the appropriation itself. And my first question, General Reno, is where would you cut the \$390 million? And you say, Why do you ask that? And this is a bizarre operation, our budgetary process here at the Washington level. And I don't expect you to have an immediate answer, but that's the important question that the committee will be faced with because herein, in the back of the president's budget, we have a Department of Justice with additions to the budget that we've already passed in the Congress or \$390 million more.

Now we worked in this budget process with the White House and the best information we had and the president's priorities and mine, and three readings in the House, three in the Senate, and

now we've got a concurrent budget resolution. And, of course, the White House had this in mind, obviously, when they submitted this last week because they didn't want to eliminate anything we included. But what they did was not good budgeteering, I'm confident, that Bob Wright took over from Leon Panetta. Leon knows better. And they wanted to get credit, and this is bad budgeteering.

They wanted to get credit for saying we were all of these things-- all you wanted and all we wanted--but you find the money. And we're going to find it because in the back, he has a little proviso after they included the \$390 million under the Department of Justice, is the amounts provided blahblahblah on which says you've got to maintain the caps. So we can't go the 390 over the caps. Therefore, we've got to find a 390 within the caps. And that's why I asked the first question, and you can comment, but I take if you've got the answer, then we're going to make you president.

But you see the problem here. I mean, this is monkeyshines that we thought we'd get rid of. And I know Panetta. I've been working with him years in the budget process, and Senator Gramm has--we all know this.

SENATOR GRAMM: It's the job that corrupts, Mr. Chairman. These are perfect people we're dealing with.

SENATOR GRAMM: The former chairman of the budget committee knows better than all of us. So do you have a comment on that?

ATTORNEY GENERAL RENO: Yes, sir. It goes back to my original comment that I come from a state that prohibited deficit funding. We got zapped bad, very suddenly, too. I mean, I have asked my staff to give me a list of cuts that can be made. I'm going to review them. I'm going to do everything I can to make sure that we get our best return on the dollars. And I think, Senator Gramm, I don't want to look to other departments yet, because that gets into turf battle. But I want to look at the Department of Justice and do everything I can to prevent duplication, to prevent redundancy, and I think we can work out something that addresses this problem.

SENATOR HOLLINGS: Well, we'd like to have your priorities, obviously. Otherwise, with respect to the U.S. attorney resources, you came in with an executive order that you couldn't hire any U.S. attorneys, and I got a long list of those who want to be hired, so you've helped me. However, have we helped law enforcement? Like, down in Florida, you're going to eliminate 27 full-time staff or U.S. attorneys or top staffers. I'd have to eliminate eight in South Carolina. And have you looked at that closely? And we can still have good law enforcement here as we eliminate these positions?

ATTORNEY GENERAL RENO: I think what we have to do, Mr. Chairman, is to look at what's being handled by federal prosecutors, go back to the issue of the balance, make sure our priorities are established. And I come from an office that had six U.S. attorneys hired away from us at an average salary increase of \$20,000. So I think somehow or other, I think we can work together to make sure that the resources in the U.S. attorneys' offices are used in the wisest fashion possible.

SENATOR HOLLINGS: Well, that's what the White House is doing to me now--hiring away my staff.

ATTORNEY GENERAL RENO: By the way, Mr. Strom is very impressive.

SENATOR HOLLINGS: Thank you. He's been in vineyards like yourself, and I think that's very important.

I'll just ask--I like this attendance here and I want to yield to the colleagues--with respect to the matter of the prison. I have that right at the top here--yeah, 43 percent increase in prison population by 1997. In other words, they've got just over 26,000 and it's going to over 75,000. And working in this committee for over 20 years, we've got prisons coming out of our ears. I take Olympic facilities up at Lake Placid. When the athletes leave, we put bars in the window. We look at every closing of a federal installation, military installation, and make that a temporary prison facility or halfway house or whatever.

And we just are billing \$497 million in prisons and not any schools. And we've got both responsibilities. We're on the labor, health and education subcommittee of appropriations. We can't find the money for education, but we seem to come over here and find a half a billion for prisons, and we can't even bill them fast enough.

Do you have a comment on an approach to this particular problem?

ATTORNEY GENERAL RENO: Yes, sir. That's the approach that I've discussed with you. And it is an approach that tries to look at crime. And, frankly, I look forward to working with you.

My first experience on the judiciary committee, I want to make it as non-partisan as possible and look at crime, because I don't think anybody disagrees that we've got to send the bad people away for as long as we can get them. We've got to have enough prisons to make sure that we've got the cells that can house them for that length of time. We've got to send the major traffickers and distributors away--those people that are cool, calculated, mean guys that will traffic in the misery. And I'm dedicated to doing that.

But there are a whole bunch of people in prison now--I've got calls as state attorney because they know how to get in touch

with me: "My husband is in federal prison. He just got involved with the wrong guys and tried to help somebody one afternoon, and I've got three children. He's been dedicated. He was a carpenter. Can't you get him out?" I check; he's on a minimum mandatory.

That man doesn't have to be there for ten years because I don't think he'll ever do it again. And we've got to, working together, develop a really commonsense approach to crime and the limited dollars we have.

SENATOR HOLLINGS: I presented some guidelines. What is your comment about that, with respect to your experience? You've just touched on a sensitive point with me because I think the judges, there were a few extreme cases where they take a real drug kingpin and we spend three years in catching him and millions of dollars. And the next thing you know, as we said in law practice, "give him a hand"--the judge would pat him on the back, give him a hand, a little bit of probation, and it was outrageous. And I think that calls for sentencing guidelines.

But as a result now, we've got so many guidelines--we've got the bureaucracy for the guidelines, the cost, the waste, the delay of the guidelines--that I'd rather use the judgment of the trial judge. But I want to give you a chance to comment.

ATTORNEY GENERAL RENO: I think we can carefully craft some minimum mandatories that go after--if you've got a guy with three armed robberies and he's charged with a fourth armed robbery, he should go away and just stay away, as far as I'm concerned. And we ought to make sure that we got enough prison cells, and anybody in that category, just get him out of here.

But you've got others, and we could put a minimum mandatory so that if some judge thought this person could be rehabbed, we'd tell him, no, this guy is in. Then you could develop sentencing guidelines that gave judges some discretion but held them--

I mean, I think there could be, as we have in Florida with our sentencing guidelines that were established about five years before the federal system, where the judges have the opportunity to depart but they have to spell it out on the record and we can perhaps develop some procedures to review this.

But I think we can do so much if we approach this from a common sense point of view, understanding we've got to get the bad guys out of here, understanding that we've got limited dollars, that for punishment to be effective, it's got to mean what it says:

when you threaten, you've got to be able to carry it out--and that means you've got to have the financial plan to carry it out over a period of time. And that's what I'm dedicated to trying to do.

There will be two appointments to the sentencing commission that will be made shortly, two more in November. And those appointments will be critical in terms of trying to reflect what I think the administration's philosophy is--get the bad guys away and let's make sure they don't come back.

And let's understand that the others are coming back to the community sooner or later, and let's do it an orderly way that will get back in the community with the least chance that they're going to commit another crime.

SENATOR HOLLINGS: All right. Let me yield to ranking member, Senator Domenici.

SENATOR PETE DOMENICI (R-NM): Thank you very much, Mr. Chairman.

I think that Senator Hollings raised an issue that is going to haunt us. And I don't know that it's responsibility, but, clearly, I don't think there's any question that the administration has to be helpful or we're going to be in a terrible mess.

Three hundred ninety million dollars is carried in this budget as the investment desired by the president. The problem is that all of that exceeds the legal requirement for a valid budget. So if you were to take that 309 and we were to put it in our appropriation process and all the other investments in that \$5.2 billion in outlays in '94 and 12.7 in '95, the bills would be subject to points of order because we are violating the already established caps.

So I'm very disturbed; and the reason I am is because of the nature of some of the funds that are put in this investment fund.

And I think you should be worried about that.

Let me just give you a couple of examples. In this so-called investment portion, here's what much of that money is for. It says that \$100 million is for new federal-state partnerships, including community policing, 163 INS inspectors. Two-hundred and thirty-nine million, Madam Attorney General, of it that is for both federal prison operations and reimbursements to state and local governments for holding federal prisoners.

Now I can't for the life of me understand why that's investment.

I mean, that's the ongoing heart of our maintaining our federal penal system. I'm just going to give you my estimate and then my evaluation. And I hope you'll look into it, and perhaps you have an answer already.

But if we don't enact some way or find some way to cut elsewhere within--within your budget perhaps or other budgets--sufficient to cover these things, here's what's going to happen. The Bureau of Prisons will not be able to open and operate recently constructed prisons in Allenwood, Pennsylvania, in Miami, Florida, Atlanta, Georgia, Fort Worth, Texas, Fort Dix, New Jersey. I mean, they are requiring funds to go on with the reason we build them, to carry it out. There isn't going to be any money because this is called an investment in the president's budget which our chairman alluded to.

Now again, I want to say this is surely not your fault. But I think our good friend the OMB director, when he announced this to the public at large must have had some real way of controlling the smile on his face because he knows better. This just isn't

going to work. I mean, which are we going to give you? Are we going to give you the operation and maintenance of five new prisons? Or are we going to not give you that because we have a budget that fills the cap in its entirety? And I think that's the big question.

SENATOR HOLLINGS: Yes, let the general answer that. And then I want to get into that police part, if you'd yield on that. Excuse me, gentlemen.

SENATOR DOMENICI: Maybe you have an answer, an observation, General?

ATTORNEY GENERAL RENO: I want to make sure that those prisons that are about to open, open so that we can again carry through on our desire to get the bad people put away and kept away. But at the same time, I think, Mr. Chairman, when I first paid a visit to him, the first thing he handed me before--he's such a gentleman--he said "hello" first and he welcomed me, and then he handed me the article from Forbes.

So one of the things that I have to do, using the experience that I've had in a state that prohibits deficits, is to sit down and make sure that the dollars at the Department of Justice are spent as wisely as they can; and when they're not spent wisely, cut those to ensure the investment in America's future.

SENATOR HOLLINGS: Well, on that particular point--

SENATOR DOMENICI: Could I just make this one observation, Fritz? Right off, it seems to me that this \$100 million in this so-called investment fund for new federal-state partnerships, I mean, I don't know how in the world we can afford that when we can't man the prisons, which is really our responsibility.

So I hope you will be looking at those kinds of trade-offs. And I think, Mr. Chairman, we've got to get OMB to help us, or we're not going to be able to produce an appropriations bill.

SENATOR HOLLINGS: Well, it's even worse. General, here's what really counts. If you look on this page--and you just note it down--1234 at the top of the page, Appendix 1234, the budget--it talks about, it calls for local police.

Now, on hiring new police officers, HUD was going to have it under the stimulus program. Now, under the present budget, you've got \$500 million in there for labor, health and human resources. However, in your budget, it says come next year, the police in the street program will be supplemented in 1995 from within this account and will provide grants to the states and local units of government to assist in hiring new police

. offices.

So we've got the three-way budgeteering under your own budget. And that's bad. If we're going to have it in law enforcement and you're going to be in charge, then, just like the ATF proposition that we're now faced with, we're going to repeat it all over again. First, the HUD has got it; and then Labor, Health and Human Resources has it. And then, by the way, next year, you're going to take it over.

I think if we're going to have it, let's take it over in the original instance or give it all to somebody else. There's no jurisdictional jealousy here. It's just a budgeteering thing for new police officers. Where they're going to put it under Labor, Health and Human Resources is beyond me.

ATTORNEY GENERAL RENO: I will certainly talk with Mr. Panetta about that. But my approach to this--and I don't know whether you saw him on television Sunday morning--but listening to Chief Willie Williams in Los Angeles, it was interesting. He spoke of the effect of police officers on the streets.

America desperately wants to be safe. It's sick and fed up with violence. I think violence is its first priority. I think they want to do everything they can to control it.

Now one police officer on the streets isn't going to make any difference. But you can develop innovative and creative programs with community policing. The program that I described where we had a hard-nosed police officer, a social worker and a public health nurse working together as a team had been so successful in addressing the problems in a public housing development. And they weren't added. I mean, these were people we just brought together and coordinated them better than had been done when they worked separately.

They so reduced juvenile delinquency, had so many inroads on this youth gang that was there, that the police were wanting to put it into other communities. That's an example again of what we can do getting police officers to the streets, broadening the coordination, letting them work with juvenile courts and adult facilities.

ATTORNEY GENERAL RENO (continuing): One of the questions the sheriffs asked me: okay, if you put 100,000 police officers on the streets, what's going to happen to all the people you arrest?

Crime was reduced there. Crime was reduced there. Crime was reduced in Los Angeles over that weekend.

If we work it right, we can make a difference. But I don't want it to be smoke and mirrors. The one thing I've tried all my life in public service to do is to avoid false promises. And what I'm trying to do--and I'll be talking with Mr. Panetta--is to figure out what it means, put myself a benchmark and work it out to try to make it happen.

SENATOR DOMENICI: I have some other questions, but I'll wait

.until the second round.

SENATOR PHIL GRAMM (R-TX): Mr. Chairman, thank you. General Reno, first of all, let me congratulate you on excellent testimony today. I appreciate everything that I've heard you say. I've heard many good things about you from people from Miami and from Florida.

Let me express my frustrations about the president's budget. Now I believe that we underinvest in providing a legal and law enforcement system in America. Obviously, as part of an administration, one of the things you've got to do is be a team member, and if the president says that we are actually going to end up reducing the appropriated account in the Justice Department and we're going to spend that money in a myriad of other areas, in a budget where there are no net new cuts for three years, where you've got all of this current services growth, and where the actual increase in outlays is pretty substantial--

If the administration says in the Justice Department, we're not going to have--we're going to basically be taking real dollars away from it and giving it to other things, obviously you are constrained. But those of those in the Congress are not.

And I believe--and I rejoiced in hearing you talk about false promises because I believe that nowhere in the president's budget is there a greater gap between the rhetoric being used and the reality of the proposal than in the Justice Department. I'll give you an example.

When the president gave the State of the Union address, I stood and applauded 14 times. One of those times that I applauded was when the president came out for a strong crime bill--something that I have been working to pass in the Congress for the last four or five years--and talked about putting criminals in prison.

Then I came back to my office. And later that night when the president's budget was delivered, I found that not only was the president not building these prisons to put people in, but that he was proposing reducing prison construction by \$580 million.

As Senator Domenici has mentioned, the president took money out of the Justice Department for all of these new goals and investments with high-sounding names like partnerships. But the problem is that we're shooting with real bullets here: we're appropriating money. And the bottom line is that we are going to have to--with the allocation that we get through the appropriations committee--we're going to have to put together a budget, and I'm very much alarmed when the president keeps talking about tough law enforcement, keeps talking about putting people in prison, but he proposes a \$580 million cut in the prison construction budget. And when I look at the allocation of money out of the general Justice Department allocation to things like partnerships when we've got real concern concerning the ability to operate prisons, I'm beginning to get alarmed that these numbers are not going to add up. And I want to thank you for your commitment to talk to Leon Panetta about the very real problem we have.

I think if there's one area that the American people want to see

the government focus its resources on, it's the area of tough, committed law enforcement. And I want to urge you to pursue that vigorously.

ATTORNEY GENERAL RENO: Senator, that's exactly what we're doing because I think the people of the United States are fed up when they see somebody languish in prison for ten years for a non-violent crime. And then they see murderers, robbers out in no time flat. When they see young people get into crime because there are not enough resources, because you don't have police officers on the streets--and I think what the American people want more than anything else are police officers on the streets who are sensitive, community-friendly, tough, hard-nosed, and that's what we're trying to do.

SENATOR GRAMM: Well, let me give you these figures on that prison construction reduction.

I'd like to ask a couple other quick questions, Mr. Chairman, and I'll finish up. I have long supported what I call a three-time loser provision in the federal statute. I looked last year, Madam Attorney General, on the studies that were done on what I call predator criminals. And as I recall the statistics, basically what these studies found was that a very small number of violent people commit the great preponderance of violent crime that your kinfolks and my kinfolks worry most about.

And I'm very much committed to the principle that we have got to have tough, minimum, mandatory sentencing for repeat offenders. I have proposed now, at least for the last five congresses, that we have a three-time loser provision which says if someone is convicted of a violent crime or a drug felony--not once, not twice, but three times--that they ought to get a mandatory life imprisonment sentence and we ought to protect society from them.

Now I'm not saying that approach is magic. But one of the things that I think this administration could do that would be very helpful is to support some provision related to that to get rid of these--or at least to protect society from these predator criminals. Now we want to build prisons to put them in. Some people are going to say that it's expensive. But I think it is a lot less expensive than to have these people brutalizing our citizens. And I hope that the administration, when you get settled in, when you get beyond all this current crisis and we start looking toward this crime bill, that this is one of the provisions that we can end up agreeing on.

ATTORNEY GENERAL RENO: Well, we have tried to utilize Triggerlock in every way possible for that category of offender--three violent offenses, and number four, get them put away and kept away.

I frankly don't know if you've got a man that's going to live to be 90 years old and he's 25 where you have to pay for him for the

rest of his life, I don't think you'd want to pay for him sitting off in an expensive prison when he's 80 years old or 70 years old.

And so I'm not sure that life is the answer.

But if we approach it, Senator, from the point of view of looking at what's happened, rather than just saying we've got to throw the key away and say, okay, what does history show us is the crime producing portion of a person's life? And most experts will say maybe 55 or 60--at least get him put away till he's 60. Then I would support that for that type of offender.

But I'd like to do it in a reasoned way that says let's get these people off the streets.

SENATOR GRAMM: Well, let me say, Madam Attorney General, I look forward to working with that on that.

Finally, let me say something about illegal immigration, and let me begin by saying that Republicans did not deal with this problem when they were in the White House. So I'm not talking about partisan criticism.

One of the reasons we have so many illegal aliens in our prisons is because when we simply deport them, they normally--if we deport them back to, say, Mexico or some Central American country--they are back in the United States before the federal official that was at the hearing is back in Washington, D.C. So we've either got to keep them in prison or we're going to have to gain control of our own borders. I cannot understand why we don't commit the resources to do that.

And I'm not one of these people that wants to tear down the Statue of Liberty. Far from it. I'm a strong supporter of vigorous, legal immigration. America's got plenty of room for new people with new vision, new inspiration. But when 7 million people are waiting to come here legally, I don't know why we allow millions to come illegally.

First of all, I want to commit to you my support for trying to gain control of our borders. Secondly, if we don't do that, simply sending these people back home is the revolving door that's everybody's opposed to. Finally, I would wonder if, for example, we have a person from Mexico who comes up here and kills somebody, would it be constitutional to have a contract with Mexico to send them back to Mexico and have them serve out their time in Mexican prison? I can assure you that would rehabilitate a lot of violent criminals because, in Mexico, they don't exactly kiss these people on the mouth when they've got them in prison.

ATTORNEY GENERAL RENO: That is exactly--

SENATOR: "Kiss them on the mouth?" Is that another issue we're bringing up here?

(Laughter)

SENATOR GRAMM: Not in my caucus.

ATTORNEY GENERAL RENO: Senator, with respect to this, that's exactly the issue I addressed on that 26 percent of the population, because there's got to be a sanction that deters them from coming back.

I'm working with Dr. Hawk to see just what can be done to explore the opportunity to have them serve their sentences in the country in which they're citizens. I don't have the answers. The whole problem is a critical problem. I come from a state with over 600 miles of coastline, a lot of which is mangroves. I'm not sure that in this day of high-speed transportation and the like, we can ever ultimately control our borders.

But the key to doing it and to dealing with immigration is to give as much support as possible to a service that is soundly managed, that is a partner with the Department of State, with law enforcement agencies in addressing this critical problem. One of the first things I did after I became attorney general was to go out and visit the service here, just to see what steps have been taken over the last 19 months after efforts were made to upgrade the management.

And I am so impressed with what people are doing out there in very difficult circumstances. They have a lot more to do, but they are really impressive, and I'm just going to do everything I can to support that effort.

SENATOR DOMENICI: Would you yield, Senator?

ATTORNEY GENERAL RENO: Border Patrol and Immigration and Naturalization Service.

SENATOR DOMENICI: Well, could I just say on a very mundane but important part of this, I agree on the big issues that Senator Gramm raised with reference to immigration. But let me suggest, it is very, very inconsistent for the administration to have cut the Border Patrol \$7.1 million, reducing the slots for the border patrol by '93. And I don't know if you're aware of that or not, but that seems to us, many of us really worked, Attorney General, your predecessor hard on the issue of the southwestern United States having almost--it's almost more deficient in terms of border patrol than 10 or 15 years ago.

So they put in 300 new border patrols in the southwest, patrol people. Now we're going to cut 93 in this budget to save \$7.1 million. I think you really have to give us some answers on that.

I don't think that's going to work.

ATTORNEY GENERAL RENO: I think the answers like first in making sure you spend your dollars wisely and looking at how the border

patrol and other agencies can be coordinated to make sure that they don't duplicate along the border.

And all of these issues are issues that we address first to see how we can spend our dollars more wisely, considering that there are border patrol and other services along that border, and considering all the border implications of this country.

SENATOR HOLLINGS: Very good. Thank you. Senator Bumpers.

SENATOR DALE BUMPERS (D-ARK): General Reno, I want you to know that you've been present when, for the first time, Senator Gramm and I agreed on something. And that's on immigration.

I had written down notes to say precisely what Senator Gramm has just gotten through saying. When I pick up the paper and I see about these people who bomb the World Trade Center--Salam Salami, or whatever his name is, and all the others--I want to say, Who is this guy? You know, how did he get in here? And what's he doing still here? And every one of those people fit into the same pattern.

Now, like Senator Gramm, I don't want to tear down the Statue of Liberty, but I consider this one of the biggest problems we're facing in this country. And I don't know whether you have a suggestion or an idea about how we can amend our immigration laws, but when we allow people into this country willy-nilly because they say they're subject to political oppression back home, we're headed for big trouble. We're already seeing the results of it. You just about 26 percent of the inmates--

ATTORNEY GENERAL RENO: Remember where I come from.

SENATOR BUMPERS: Yeah. You're a minority in Dade County.

ATTORNEY GENERAL RENO: And all I can tell you is that I know better than probably you two, being from border states, but I understand all the burdens. I had a wonderful public hospital that gets knocked to its knees. I have a school system that has faced so many crises and gets knocked to its knees by problems associated with immigration.

I think and I have said and the reason I went out to Immigration is that this is probably going to be the single most critical long-range problem I deal with during the time I'm the attorney general. And I don't have ready answers for you yet. I'm spending a lot of time with the president in terms of trying to choose the very best commissioner to reflect our concerns and what needs to be done. And we're addressing proposed legislation. I don't want to be premature on that because I don't want to just react because of a particular situation. I want to make sure that we respond quickly but that it's informed, thoughtful, deliberate and not just a kneejerk response on our part.

SENATOR BUMPERS: Well, we could sit here, I guess, and discuss, what shall I say, sort of a philosophical discussion of the crime rate in this country. But I think that we simply cannot let up on prison construction. And incidentally, you have one ready to break ground in my state, and believe it or not, the people there are tickled to death to get it.

SENATOR HOLLINGS: Let me correct that because you can look on page 93 of attorney general's summary, and actually new construction for prisons is 141 million. I mean, it's not the cut that some may have gotten the inference.

SENATOR BUMPERS: Well, no, I know it isn't. If the attorney general would hand me that paper back, this is the president's budget and just basically, this is a reduction relative to what is currently programmed into current services. The budget, which is the way we do budgeting, that it's 580 million cut from what is currently in process.

SENATOR HOLLINGS: Well, it's an increase in this particular 94 budget, I can tell you, of 141 million for new construction.

SENATOR BUMPERS: Phil, are you saying that a 500 million cut in prison construction?

SENATOR GRAMM: I'm saying that the Congressional Budget Office, in assessing the president's budget, when you add up the five years that he's required by law to submit a budget, says, relative to what is currently programmed, we're going to be spending \$580 million--

SENATOR BUMPERS: That's over a five-year period.

SENATOR GRAMM: Yeah, and so that basically, that is counting as spending reduction, and of course that money's being spent somewhere else on some other priority.

ATTORNEY GENERAL RENO: Let me--

SENATOR BUMPERS: Well, as I--excuse me, General.

ATTORNEY GENERAL RENO: Let me just address that first. I think

there is nothing in America that is of more concern to people than safety on the streets and in their homes in their children's schools and on the streets of Mt. Pleasant and Columbia Heights.

I went out to the school there. Community people were there.

That's the concern. You can build more prisons and put more lower level people in those prisons, in federal prisons, and those lower level people won't begin to match the armed robber, the rapist, the murderer that's going to state prisons throughout this nation that's not serving the full time because the states are overwhelmed and underfunded.

And what I'm suggesting is that we have got to develop a coordinated approach. I don't think you were when I presented the way I'm trying to approach it. Look in a principled way as to what's best in principles of federalism and common sense handled by states and then by the federal government. Look at sentencing policies and compare not just what we're doing with federal funds, but look at the policies of America in terms of everybody agreeing that that violent guy that should go away is the person we want off the streets. And let's make sure that we work as a partnership to get police to the streets, to get those violent offenders put away, to provide those--a coherent plan because I don't think anybody at this table disagrees about what we ultimately want to do. And what we've got to figure out is how we do it, how we do it in an informed and careful way.

And I'm dedicated to working with you all to try to do that.

SENATOR BUMPERS: General Reno, what is the potential and what have you done, if you've studied it, what is the potential for using some of these closed military bases as temporary facilities?

ATTORNEY GENERAL RENO: Much of that has been explored because we explored it in Florida and there is potential for it, but your problem then becomes the operating expenses. And we've got--

SENATOR BUMPERS: The building and maintenance of prisons is not your big item, then?

ATTORNEY GENERAL RENO: It's easy to appropriate the money. I saw it happen in Florida. Here we'll do it and it's appropriated, and I can remember sitting in the Florida legislature waiting for my time to come up in the next agenda item as they tried to figure out where they were to get the operating expense money to open prisons that were there. And so all I am suggesting is we have got to plan it in a coordinated way, and as much as possible, to really--and Mike just points out Fort Dix will be activated in 1993 with 1600 beds, and Fort Devins in '93 with 494 beds.

But again, when you're talking long range, you're talking operating--

SENATOR BUMPERS: What are the costs of operating that prison compared to a regular facility, do you know?

ATTORNEY GENERAL RENO: Dr. Hawk?

HAWK: Operating costs would be basically the same, whether it be a prison on a military base--

SENATOR BUMPERS: Same number of guards, food, all that sort of thing.

HAWK: Right. What varies is what security level it is, and most of the military bases that we've moved onto so far, we've made them a low or medium security, which is obviously a little less expensive than maximum security (inaudible) never be built to be maximum. The operating--the startup costs are a little less, but the operating costs are basically the same as a regular facility.

SENATOR BUMPERS: Well, you know, we have to take these people off the streets. You're right. The people of this country are really becoming agitated about the level of violence in the country.

And of course, with 200 million guns, I don't have to tell you how I feel about that, with 200 million guns floating around, I don't see how you're going to reduce it.

But you know, you don't have to be a rocket scientist. Listen to these statistics, Mr. Chairman. Children born in 1980, 12 years, 13 years ago, 23 percent of the white children and 83 percent of the black children born in 1980 are going to be applying for welfare by the time they're 18. And do you know, 22 to 24 percent of the children in this country right now live below the poverty line. Who's committing the crimes? It's unwanted children. Children growing up with no hope, nothing but despair, often single parents, roaming the streets.

People who make 30, 40 thousand dollars a year aren't committing crime, people with college education aren't committing crimes.

And you can put somebody in federal prison for 10 years and you spend \$340,000 on them, 17, 18 thousand dollars a year today.

Now, you're talking about skewed priorities.

ATTORNEY GENERAL RENO: Senator, I don't know whether--

SENATOR BUMPERS: So while I'm for taking these people off the street and locking them up, I'm just saying we continue in this country and have for as long as I can remember to hack away at the branches instead of the roots.

ATTORNEY GENERAL RENO: Senator, I think you're setting me up, because for the last 10 years in Dade County and then before the Senate Judiciary Committee, and in speeches--a speech I gave this past Sunday, I think it's imperative that this nation develop a national agenda for children. And I've called for it, with the first step being to really focus on teen pregnancy and to reduce it, to make sure that people are old enough, wise enough and financially able enough to take care of their children.

Children want it desperately, and I'm going to take just a little bit of time to tell you a story I will never forget as long as I live. I spoke to a high school auditorium in the inner city one week and then a middle school auditorium, similar, in the inner city. The kids asked me all sorts of questions about crime and what would happen and innocence, but I also did child support enforcement in Dade County. And they wrote a rap song about me doing that, so the kids knew.

And so they asked questions about child support--What happens if he wastes it and such? And I answered all the questions, but in both those auditoriums, I concluded by saying, you don't have children until you're old enough, wise enough and financially able enough. And both auditoriums spontaneously broke into loud, cheering, stomping applause. Children understand that better than anybody.

Secondly, we've got to make sure that every pregnant woman in America has prenatal care. Now, why do you think the chief law enforcement of the country is talking about prenatal care?

Because the doctors, when I was studying what to do about crack moms and whether to prosecute them or what to do, took me to Jackson to see crack babies, started telling me about child development, and said the single best investment we can make in a person's future is in ensuring prenatal care, that for every dollar spent in prenatal care, you'll save three dollars at Jackson Memorial Hospital, our large public health hospital--our large public hospital in causes related to low birth weight and the like.

Every child in America should have minimal health care. You don't know what it's like to have a lady call you, say that she has been told since she's lost her insurance benefits, that she's ineligible for Medicaid because she makes too much money.

She's going to have to put her daughter in the hospital, who has a severe, long-term, crippling disease. She doesn't have anybody to take care of her. So they suggest she quit work so she can be eligible for Medicaid. She could stay home and take care of that child far better, we could save far more in dollars.

The Carnegie Foundation has just come out with an extraordinary report called "Non-School Time: the Opportunities and the Risk," and it shows the children of America that are on our streets after school, during the summer, in the evenings, and what we could do if we organized good, constructive--a variety of programs for them.

Midnight basketball, I don't know whether any of you've ever

heard of it, but it's a great program. And we could do so much.

The police officers we get to the streets, that police officer in the team that I was talking to you about takes the kids fishing. I mean, it's just incredible what you can do if you start working together as a community.

There are violence-reduction programs in many public schools in this country. I have met with Secretary Shalala, talked with Governor Kunin and the Department of Education in terms of trying to develop an initiative that focuses on youth violence when that kid is 8, when he starts to be truant for the 15 days in the first 45--and do something then before he holds a gun at somebody's head when he's 13.

As you say, you can tell them, they're coming through--you can almost spot them. If we take these resources and take so many-- one of the reasons that I get concerned is I sat around those tables where there were all these programs and these people didn't know how to access them because the regulations were so confused. If we could get the U.S. attorney together with representatives from HUD and Department of Education and HHS and start really developing coherent community plans without Washington saying this is the way you do it, but the community saying this is the way we'd like to do it and we want your support, we can do so much. But that kid has also got to know that there are sanctions, that there is literally no excuse by the way you were raised for putting a gun to somebody's head. They've got to understand that there are sanctions and that those sanctions will be carried out.

So I think you set me up.

SENATOR GRAMM: Mr. Chairman, could I say two things about immigration. I want to thank you for the final point, General Reno. I agree with you and I agree with the distinguished colleague from Arkansas that poverty and ignorance are breeding grounds for these problems, but they are certainly no excuse.

Millions of Americans have been born and grown up and gone on to make great contributions to the nation from that environment, and we clearly, in trying to help, in trying to change it, we can never make it an excuse for it.

I want to say two things about immigration. First of all, I want to urge you to look at what is happening in New York where people are getting on airlines, flying to New York, eating their Visa paper or flushing it down the toilet on the planes, stepping off the plane and asking for asylum. We could stop that very quickly by automatically denying asylum to anybody that shows up without papers. We at least should detain these people.

And the purpose of my story is to give you an example of where something works. We had a crisis in Texas with people coming from Nicaragua into the state, asking for the ability to stay, saying that they were being persecuted in their home country. And what was happening is is they were going, they were asking for the asylum; they were being given a date when they were supposed to show up for their hearing, and they were gone.

We got to the point where we were up to 20 and 30 thousand a week.

It was an absolute crisis. I finally convinced the Justice Department to pitch tents and to detain people. In a fairly short period of time we were down to 20 or 30 a week. Once it became apparent that they were going to be detained and there was going to be prompt hearing and that they were then going to be sent back, it stopped. It's amazing what a communication system exists among people that are coming to the country illegally.

And we're not talking about huge resources on many of these things, just some simple changes in procedure. In New York, if we simply detain people, take this naval base up there we're getting ready to close--put them out there, detain them--in a very short period of time people would quit wasting their money getting on one of these 747s coming to New York.

Just little changes like that, but what we've got to have and what we have not had in 30 years in this country was a government that really paid enough attention to it to care about it.

ATTORNEY GENERAL RENO: Well, as I say, I care about it, and I went out, and Chris Sale has given me a good education in terms of what needs to be done. I don't profess to be the expert yet. And Mr. Sale can supplement what I say or tell me I'm all wrong, but I think we can do much in terms of pre-inspection at the source country so you don't have to pay for them to stay in a naval base or whatever you detain them in. He's developing proposals for that. I think we can do far more of that, and I think we can make a big difference. We're reviewing exclusion legislation to determine what meets constitutional muster and what can be done in a fair way.

I don't want to really address the issues specifically now because I don't like to talk about what I don't know what I'm talking about yet. But we are headed in the same direction, Senator.

SENATOR GRAMM: Well, count on--there's a lot of support on this committee from people who are very concerned about these issues. These are not partisan issues, and I hope that you will work with all of us who really want to do something about it. We might start measuring you for a monument if you deal with some of these problems.

Thank you, Mr. Chairman.

SENATOR HOLLINGS: Well, thank you. Let me get and correct some of these figures. One, General, what really happened--and we might as well make a public record of it one more time, that in 1990 they engaged in a conspiracy to get by the 1992 election. It didn't work for some. I resisted it. One of the principal reasons I voted against it of course was because it repealed Gramm-Rudman-Hollings, and they got into a fanciful--rather than having deficit targets, they finessed and said they had savings. And that's like my wife coming home and, how much did you pay for that dress? You know, 247? Yes, it was on the rack for

600. You know, we saved 300 and some bucks. And I've been through that.

So I really said, wait a minute here--with all of these savings, we're going to end up--rather than President Bush said of \$500 billion in five years, we increase the deficit \$400 billion this year.

That's what we're running at right now--at a \$400 billion deficit.

Now part and parcel of that summit agreement was to end the out-years so we could get by '91, '92, '93 would be worked out and approved before the election of '92 to really put the cuts out in '94 and '95. And that's where you come to town. And they cut exactly \$5 billion below current services in the 1990 summit agreement. And it cuts you almost \$1.9 billion below current services in the Department of Justice. So now we bring that into focus and begin to understand where the cuts were found. They are not from General Reno. They were from the 1990 summit agreement of a \$900 million cut--almost a billion. And otherwise, you can go to the actual figure--and I had it down here on a sheet of paper but they removed it--but 339 is the exactly figure for this year for new prison construction. And if you subtract 141, yes, you've saved or you've cut 200. But that isn't the case.

The truth of the matter is that you do have some \$141 million for new construction of prisons, and that's an order. I think we're got to cut back. We can't go to the 339 level with these mandated caps or mandated overall cut to be put into the summit agreement, and let me get to the little children.

I had to write a book on hunger because I had to sell the Rotary Club in my own state. And I work with Dr. Myron Winnig, Dr. Nevin Scrimshaw at Harvard that you know because I've been up and talked to his courses, Dr. Travioto down in Mexico who got the siblings and could actually measure brain cells and its developments. And you've got \$13 billion and I've got \$13, and give have developed, \$10 billion to develop the first five months in the mother's womb.

There is as much as 20 percent less cellular development in that first five months due to a lack of synthesis of those nerve cells, a lack of protein. And that child then comes in addled, confused, lack of ability to concentrate. It takes the first grade and then physically, after a couple of years, to the second grade, and still not really in order. And it's back down in the ghetto and into the mischief and then into crime.

And I found over 20--some years ago, 30 years ago, it was cheaper to feed the child than it was to jail the mail. And I got my friend Hubie-Dubie, Senator Humphrey, when he came back from the vice presidency as a senator, and we put in Women's, Infants' and Children's feeding. Now that begins with that expectant mother getting the proper proteins and supplements. And her pregnancy, whereby as you have measured it, if they come in as low birthweight infants, they're on that incubator. Their average stay is 30 days. A thousand a day is \$30,000 versus \$297 for WIC.

So the government saves money, but we're only 50 percent funded.

So we need more money in it. We need more money. We save for Head Start. There's some dispute but we can doctor it, clean it up, if

there are deficiencies. But generally speaking, it pays off because we save \$4.50 for every dollar we spend in Head Start.

And then coming right on down, we get right into Weed and Seed.

I'm curious by your not liking that name, what happens is, we did exactly what you just described. We let that local law enforcement officer get in charge of it and take all the different agencies. That's why they all come--from HUD, they come from Agriculture, they come from all the different departments because they find something working, and they want to say, ooh, I want to be part of that.

And I've been out to those weed and seeds and one particularly in my backyard and everything else like that with such great enthusiasm in Charleston, North Charleston demanded one. And now everybody wants one because we've taken all of these kids, we've got soccer teams going--they're winning championships and everything else of that kind. And it's a police officer who's cutting through the bureaucracy in doing it--just exactly what you're describing.

What's a better name for "Weed and Seed?" What's wrong with it? I can tell you it's working.

ATTORNEY GENERAL RENO: Weed and Seed is wonderful, but--

SENATOR HOLLINGS: We want to weed out, you know, criminals and crime and the despair and plant in the seeds of hope, you know.

ATTORNEY GENERAL RENO: Every time you refer to weeds, people think you're calling them weeds. And most of the people in the community are not weeds.

SENATOR HOLLINGS: No, I know. Well, we're weeding out the criminals and everything else, getting them cleared, putting them away, as you described. But then seed the ones of hope.

The ones that we've got identify themselves on the right side of that as being seeded and given hope and given help. But we are weeding out the troublemakers and those who are committing the crimes and everything else of that kind. But we'll take your name and we'll change it. Suits me fine. But the program is working; I can tell you that.

ATTORNEY GENERAL RENO: I'm not stuck on names. I think the program is wonderful, and I like it in every community in America.

SENATOR HOLLINGS: With respect to that border patrol, that's why you had to cut the border patrol because you had the overall cut below services, below current services, that border patrol. And you got to coordinate somehow.

I just recently talked with a former consul general down there below San Diego at Tijuana. There are 4500 coming across a day, we catch about 1500. The rest walk down the middle of the highway. I can go into the description. There are institutional organizations that actually you pay so much to get across and everything like that, get lost in a group and go get lawyers to represent you and they bollix up the cases and they're into California and they're gone. That's got to be done.

We know about the 2,000-mile border. We're with General Chapman. I guess he wanted a Maginot Line, a Marine general, and take the metal stripping from war time air bases that you put down for a landing and erect them in a perpendicular fashion and just put a metal fence and a Maginot Line--and we've been through this for 20 years, Pete, as you well know. We've tried everything, but at least you can go down to Tijuana where they are just flowing in--you all, come, sooeey, pig. Whereas you are spending all this money on law enforcement trying to catch them and put them into jail and that kind of thing.

So let's work on that. I think plenty of comments have been made with respect to the Weed and Seed program.

I wanted to ask, winding up here, the National Advocacy Center.

Now, General Thornburgh did come to that, General Barr did come with it even further, embellished it. I headed it off from going to the beach, if they want to know my particular participation.

They were talking about going to Myrtle Beach. We had to coordinate it with the law school and with the dean down there, and where they could be located have some of the federal judges participate, and the rooms for trial rooms and those kind of things, getting them started.

And we know good and well, I've got a former governor friend that couldn't find a room at the Madison--this was this week right now. And, if you could, \$300, \$400 rooms and everything like that. That's different in Columbia, South Carolina.

I want to know your view of the National Advocacy Center and its status and what you think of it.

ATTORNEY GENERAL RENO: I support it, because when I came to Washington to be interviewed about this job, I was appalled at how much it cost to stay in a hotel here and how difficult it was to find a place. I think it's an excellent idea. We have had local training programs, programs on ethics and other issues of common concern. And I think for state and local, and federal prosecutors to get together to have the opportunity to train together is vital, and I think this center can do so much to provide coordinated training.

Prosecution is one of the most changing areas of the law. You have to constantly be up on the latest developments. Now we're getting into technology, into all sorts of issues, into intelligence issues. The complexity of this area of the law is really incredible, and I think that programs that this center can establish in a joint effort are just very important.

SENATOR HOLLINGS: Very good. On the duplication--and Senator Gramm was touching on it--look at the DEA and the FBI, just working with I happen to finally gotten good relations working in South Carolina between the DEA and the FBI and the local--and, you know, you and I have had it with the country and the city and everybody jealous of who made the bust and who's going to get a proportion of the money, and that kind of thing. Perhaps why a separate Drug Enforcement Administration and an FBI. Now, I'm back in the days when they wouldn't let an FBI get into a drug case, when they handled bank robbers. Now, we got rid of--we been getting rid of responsibilities under some administrations; now we're taking them back on.

But it could be from your particular experience standpoint a merger of those two, and get one direction and one training and one operation, because drug enforcement goes into all the other elements of crime, fraud and abuse and what have you. Do you have a comment about that?

ATTORNEY GENERAL RENO: Yes, sir. I don't have any preconceived notions. I approach this and I want to look at the issue as objectively and as thoroughly as I possibly can with two or three common principles underlying my analysis. First, I don't want to do anything to deter law enforcement efforts against traffickers and the drug problem in America. I'm one of those that thinks that we have got to have a balanced approach that focuses vigorously on law enforcement but also has the balance of education, prevention and treatment. And I want to do what I can to ensure that balance.

The second thing, in this time of sorely limited resources we've got to do absolutely everything we can to avoid duplication, that's not needed.

And, third, we have got to develop a comprehensive strategy. It makes no sense to take one law enforcement initiative if you haven't planned on what's going to happen as a result. I think we have got to develop that. With those three principles running through my analysis, that would be something that I would look at as objectively as possible.

SENATOR HOLLINGS: Senator Domenici.

SENATOR DOMENICI: General, let me just say that I'm going to submit a question to you on the prison systems budget and what's going to happen if we don't adequately fund it in terms of the United States government's prisons remaining overcrowded. And I think I've got the right numbers and all; I'd just like your observations in writing as to if we don't do certain things, are my conclusions right? I believe we're going to end up with a huge overcrowding problem in our own, nothing to compare with some of our states, I understand.

On personnel reductions, I'm just going to ask you to answer a question there, too. I don't know how we can quite help your

Now, I wonder if you have any thoughts on it, but, frankly, I believe it's time in my opinion for some very, very bold leadership in that regard. This is not an issue of constitutional rights, because nobody is going to be able to order this to be stopped--and I don't seek to do that. But I think it is time for leadership to suggest in a very broad-based collective way that we don't want this to continue, and there are a lot of different volunteer ways to make it effective.

Now, television people don't like to hear this talk, and they didn't like to hear that speech and they didn't like to hear what I had to say in another community about violence and bringing up children.

But how do you assess that kind of thing?

ATTORNEY GENERAL RENO: My mother wouldn't let us have a television as we were growing up because she said it contributed to mind rot, and I think if she had seen television programs she would have also added that it contributed to violence. I walk into a living room of an American room now and watch what--I mean, too often people will barely turn and say hello although they have invited you over, because they're looking spellbound at some awful violence. I'm familiar with the report.

I never thought I would have such a position to discuss it with advertisers, with the American people. It's something that I want to pursue. But I think you touch on something even deeper, Senator--and Senator Moynihan has touched on it. We've just got to say throughout all America that we're fed up with violence and we're not going to tolerate it any more, and we're going to expect more of our youngsters, we're going to expect more of our families in terms of controlling our youngsters.

It was so heart-warming to me to go out to Columbia Heights the other day before that man was apprehended to talk to two different classes. Little children, wonderful little children, saying when am I going to be able to walk home and not be afraid?

And then to go down to another room and talk to their parents.

Most of America wants to do this. And if we work together I think in terms of bringing appropriate pressure and letting people know: we're not going to watch your television program if you have this violence, we're not going to participate in this effort if there is such violence. I think we can do so much, and I think America is prepared to do it now.

SENATOR DOMENICI: Well, I tell you, General, I'm prepared to join you, join whoever wants to do it. I think it's time some of us start talking about it boldly in the Senate.

SENATOR HOLLINGS: We got to get on it with the FCC.

SENATOR DOMENICI: They want to be critical of us and say that it's none of our business, it's just too bad--it is our business.

SENATOR HOLLINGS: They glamorize violence, they glamorize it-- and you got to get at the advertisers, those paying for it, because they say, look, that's what the public wants. That's what they're being fed, you're exactly right. And I'm glad you brought it up because we're going to do something in the Commerce Committee where we've got the Federal Communications Commission, but then start a general feel amongst you, me and everyone else that we're just not going to contribute and support the sponsors of those who sponsor the violent programs.

SENATOR DOMENICI: I have one specific that I want to call to mind, and I wouldn't expect you to have an answer. But we've had a very, very serious rash of DWI deaths in New Mexico; I mean, around Christmas time we had a mother and three children, the youngest being two and a half and the oldest being seven, wiped out in a head-on collision with a drunk driver driving 75, 80 miles an hour on the wrong side of the road. Followed sequentially--it seemed like it started a trend--we just had another one recently, and we've had four or five similar ones.

In our state people are so--rightfully, I believe--upset about drunk driving that they're asking the state to do a lot more. But I'm asking in a little bill that I introduced to allow states to use a portion of their formula fund grants to prosecute and enforce DWI in their courts. That wouldn't increase the dollar amounts available but just add another item to what they might use.

I think it's a good idea, but I would appreciate it if you would have your people look at it and see if there's something that does not make sense about it--I would like to know.

ATTORNEY GENERAL RENO: I will certainly do that, Senator. Let me stress one thing, because we have tried to focus on DUI--I keep saying "we"--when I was a prosecutor in Dade County we established a stable DUI unit so that we could put some of our best young prosecutors up against others. One of the studies that we indicated--that indicated to us as to what is the best deterrent is the expectation of arrest.

And that has to be consistent, and so it goes to law enforcement training as well. And then you get into a whole range of issues on what type of testing and what you need to get the tester into court, and police overtime in coordinating issues. We can do so much in that area. And so I don't know whether your bill addresses it. It's not just prosecution, but the threat of arrest--somebody says maybe I can beat it afterwards, but it's getting arrested, the embarrassment of it, that has significant deterrence, too.

SENATOR DOMENICI: Mine is merely to allow, from a litany of things the states can use this grant money for, to just add

another one if they have a plan to add on to their prosecution in upgrading their system, that they could choose to use it for that. And I think when you see it--it's much more simple than the notion of having some broad effect on it. The state of New Mexico is putting a lot of other things into effect, like you're speaking of.

SENATOR HOLLINGS: And, again, we have as responsibility over in that Commerce Committee now, working there--and I got the MADD award, finally after three years of random testing in transportation, truck, bus, airlines, and particularly the railroads, that started years back out here in Maryland.

But now we got--and it's as tragic thing--but Senator Thurmond and Senator Simon put in a bill about advertising with respect to the print advertising on TV on alcoholic beverages--hard liquors don't, but beer does--and that was put in on March the 31st, and he lost his daughter a couple of weeks later. We're going to have hearings not only on that, but that will be reported out of our committee. And I think that's going to help materially getting right back to what you're talking about--not just the law enforcement end--that's what you and I on this subcommittee are interested in; but otherwise you and I on the other committee got to get way more education going, control that advertising and everything else of that kind that's encouraging, in my opinion, no doubt about it, the consumption and everything else of that kind.

SENATOR DOMENICI: Well, Senator, let me see on your Committee of Commerce, which I am not privileged to be on--and obviously you have as myriad of good jurisdiction areas, but I cite one. You know about five years ago a number of us started asking the major networks about why they weren't getting together and talking about the effect of violence on the American people, in particular the young people. Believe it or not, Mr. Chairman, the answer was it's against the anti-trust laws of the nation for us to do that. Some of us agreed with that. And so we changed the anti-trust laws--Paul Simon did a little rider on a bill that said for this you can sit down and talk.

Well, that's been passed for a couple of years. I think it might be interested for you all--I'm not trying to tell you what to do--but maybe you could get them in and see what they really have done since then. It would be kind of interesting.

SENATOR HOLLINGS: About 10 years ago they had a series of hearings, and they cut way back on it--and they went to the studios and showed how they were cutting out bloody scenes and everything of that kind. That's not enough; we got to get them back in again.

SENATOR DOMENICI: Great, thank you.

SENATOR HOLLINGS: General Reno, you done good.

ATTORNEY GENERAL RENO: Thank you, Senator.

SENATOR HOLLINGS: We're proud of you, and we thank you very much for your appearance. The committee will be in recess till next Tuesday.

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