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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have revealed that commitment is the key to opening the floodgate for the inflow of Your Spirit. Repeatedly, You have responded to our unreserved commitment to You when faced with challenges and problems. You have provided us with clarity of thought and ingenious solutions. Unexpected blessings happen; serendipitous events occur; people respond; and the tangled mess of details is untangled. Amazed, we look back and realize that it was the moment when we gave up, You took over; when we let go, You took hold; when we rested in You, our strength was replenished.

Today, we prayerfully personalize the assurance of the psalmist: "We commit our way to You, Lord. We also trust in You, and You will bring Your plans to pass. We rest in You, and wait patiently for You."—Psalm 37:5,7.

Lord, help us to commit our lives, our work, this Senate, and our hopes and dreams for our beloved Nation to You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, the Chair will announce very shortly that we will begin a period of morning business. That time will extend until 10:40 a.m., with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee.

At 10:40, the Senators will proceed to the House Chamber for the joint meeting with the Australian Prime Minister. The Senate will stand in recess at 10:40 until 12:30.

At 12:30, the Senate will resume consideration of the estate tax bill. We expect an amendment to be laid down at that time by Senator DORGAN. That will take approximately 2 hours, after which time we will vote on that amendment and the underlying Conrad amendment.

At approximately 3 or 3:15, Senator GRAMM is going to lay down his amendment, which is a duplicate of the House measure, to repeal the estate tax. That will be debated for 2 hours.

We hope to complete debate around 5:30 this evening and go to some other legislative matter. Therefore, we expect to complete action on the estate tax legislation today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:40 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from North Carolina is recognized.

REINVENTING PROBATION AND PAROLE

Mr. EDWARDS. Mr. President, I yield myself 17 minutes.

Today I would like to speak for a few minutes about the fight against crime in America. We have made tremendous progress over the last 10 years, largely by putting more police officers on the street. But there are some troubling signs that the tide is turning against us. In 2000, the drop in the national crime rate was the smallest since 1991. And just yesterday, we learned that crime in North Carolina actually went up last year, for the first time since 1995.

So now is not the time to rest on the laurels of our victories against crime. It is time to bring the fight to the stubbornest pockets of criminality and the toughest problems in the justice system.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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In my view, the number one problem in our criminal justice system today is the early release system—sometimes called probation, sometimes parole, sometimes intensive supervision. But whatever you call it, it doesn't work. It is overburdened, understaffed, inconsistent, and almost completely unsuccessful.

There are about 4½ million people on probation and parole today, and most of them will break the law again and end up back in prison. According to a Justice Department study reported in the New York Times last week, two out of three inmates released from prison in 1994 were arrested again within 3 years. And that just counts the people who got caught. People on parole make up less than 1 percent of the American population, but they account for over 35 percent of the people entering prison each year.

When criminals commit crime after crime after crime, we all suffer, and the poorest among us suffer the most. People leaving prison usually go back to the same tough neighborhoods they came from. In Winston-Salem, NC, 80 percent of the prisoners go back to 40 percent of the city. And when they return home to return to crime, it's the very last thing their struggling neighborhood needs.

We need to put an end to this. And we can put an end to it—if we follow the example of successful efforts in states and communities across the country, including a new effort in Winston-Salem. I want to name three principles culled from these successful efforts.

First, we must make it clear that parole is a simple bargain—obey the law or suffer the consequences.

Second, we need a system that has the resources to monitor the enormous number of offenders and the methods to monitor them effectively.

Finally, we need to give those offenders who are truly ready to become law-abiding citizens the chance to succeed.

Let me explain each of these principles a little further.

First and foremost, we need real punishments for people who commit real violations of probation and parole. Today we have the opposite. We have a system where at one extreme, people can violate probation or parole 10 times before anything actually happens to them. Nearly half the people in the probation system have violated the terms of probation, but only one in five gets sent back to jail for doing it. At the other extreme we have some people who miss an appointment and go back to jail for years. It just doesn't make sense.

Let me give an example. We know that many people commit crimes to feed their drug habits. Almost half of the crimes in many big cities are committed by drug users. So if we are going to cut crime, we have to get people on probation and parole off of drugs.

Now, it's true that right now, we say you have to remain drug-free while

you're on probation or parole. But too often, that requirement only exists on paper. Drug tests are few and far between—maybe once a month and maybe less, so if a guy is using, he can hide it. If he does get caught, his parole officer has to negotiate with a bureaucracy to get the guy punished, so a lot of the time the officer doesn't bother. And if he does bother, the judge may choose not to impose the only punishment that's available, which may be years in jail.

The result of all this is that drug users on probation or parole know they're not likely to get caught, and so they use again and again and again. As they return to addiction, they commit more crimes.

We can do better. A rational probation and parole system would deter crime before it happens, using two basic elements. First, we would have strict supervision focused on the conduct that leads to crime. Instead of just rules against drug use, we would have frequent drug testing, like twice-a-week testing.

Second—and this is critical—we would have automatic punishments for people who break the rules. Those punishments would be swift and certain and graduated. You test positive for drugs, you get punished. You test positive a second time, you get punished more severely. Automatic, no exceptions; simple, swift punishment. Here in the District of Columbia, the system is moving in this direction, and research shows that it is helping in the fight against crime. It is time for more places to do the same.

By the way, the system ought to be the same for other violations of probation and parole besides drug abuse. Set real rules that focus on conduct connected with crime. If you break those rules, you suffer the consequences. That simple.

No. 2: We need to get probation and parole officers out of their offices and on the streets. Right now, a lot of probation and parole officers sit in their offices and wait for trouble to come to them. A typical probation officer has two 15-minute meetings with each probationer every month. That is no way to keep tabs on anybody.

What needs to happen in probation and parole today is not all that different from what needed to happen in police work 20 years ago. Twenty years ago, cops spent their time in squad cars responding to crimes. They caught some bad guys, but they did not stop crime before it happened.

Some innovative police chiefs went back to the method of policing they had learned when they first came on the force. They moved police officers out of the cars and back onto the beat, where they got to know the neighborhood; got to know the shopkeepers, the pastors, the principals; got to learn from the many good folks in every community who the handful of trouble-makers were. And this kind of police work, community policing supported

by the COPS program, has helped to cut crime rates across America.

It is time for the same revolution in probation and parole: Officers need to know the communities, not just the criminals. It has worked in Winston-Salem, where teams of probation and police, working with the clergy and the community, helped cut juvenile violence by 35 percent in the last year. That effort drew on a success in Boston where a team effort called Operation Nightlight helped cut youth homicides by 65 percent.

Getting probation officers back on the streets will not be easy. For one thing, it will be impossible until we cut the massive burdens on these officers. The average probation officer had over five times as many cases in the late 1990s as in the early 1970s—sometimes 200 cases. Under these conditions, even the most dedicated public servant cannot get the job done. So we have to both change the bureaucratic culture and cut the caseloads in these departments. That may mean increasing the number of officers, it may mean holding managers more accountable, it may mean increasing competition for the work. But it is something we have to do.

No. 3, We need to make sure offenders who are ready to turn their lives around have a real chance to do it.

A convict's debt to society does not end with his prison term. Men who have left prison have a responsibility to obey the law, stay off drugs, and stop victimizing their community. They have another responsibility as well—a responsibility to become productive members of our society who work hard, pay taxes, and support their children. If they are willing to fulfill those responsibilities, we have to be willing to help them and keep an eye on them while they do.

This is not about what society owes to prisoners, but we have to face the reality that we will never build enough prisons to keep people behind bars forever, and we would not want to be a society that did. Except for a tiny minority, they all come back to our communities.

This is about what society owes vulnerable communities. The last thing they need is an influx of people who are addicted to drugs and do not have jobs and do not have supervision. Far too often, that is what our prisons are churning out today.

We know that drug treatment helps prisoners get straight, but the share of prisoners receiving treatment dropped from 25 percent at the beginning of the 1990s to just 10 percent at the end. We know that prisoners who learn to read and write are less likely to commit new crimes, but we have cut prison literacy programs. We know that when somebody leaves jail, giving him a sweatshirt and sending him to the bus station in the dead of night is not the way to give him a fresh start. Too often, though, that is all we do when we release people from prison.

We need to recognize that enabling prisoners to reintegrate into our communities as lawful and productive citizens is good for everybody. We should support proven efforts that get former prisoners to beat addictions and stay at work. And we should support the efforts of community leaders, especially religious leaders, to keep a stern eye on former offenders, while also lending them a helping hand. This is something that is beginning to work in Winston-Salem thanks to the Center for Community Safety at Winston-Salem State University. It is beginning to work in places like Maryland and Ohio. It is something that needs to work across America.

That is the challenge: First, develop real and automatic punishments for real violations of probation and parole. Second, enable probation and parole officers to get out of their offices and onto the streets. Third, make sure offenders who are ready to turn their lives around have the chance to do it.

Meeting that challenge will not be easy. Every State has different probation and parole systems. Some States have differences within their systems. While the truth is that a lot of these systems are not working, some of them are. Every reform I have described is already working someplace in America today. Our job in Washington will be to spread the things that work. I know there is legislation in conference right now that will help do that in a limited way.

I believe we should think bigger, on the model of the COPS Program, a program that not only helped police departments hire over 100,000 more cops, but that also helped change the way police departments do business. We need the same kind of effort when it comes to transforming probation and parole into an effective, accountable system for reducing crime.

It may be that this administration will oppose this effort. Their current budget has already proposed gutting the COPS Program. This administration seems to think that permanent tax cuts for the very wealthiest Americans are more important than cutting crime in the very poorest communities. I see it differently.

ESTATE TAX

Mr. EDWARDS. Mr. President, I also wish to say a few words about the estate tax debate we are having right now.

With all due respect for my colleagues, I think this debate shows that a lot of people in Washington are totally out of touch with regular people back at home. I think we should step back and take stock of where we are right now.

No. 1, as all of us know, we are in the middle of fighting a war against terrorism, and we do not know when that war will end. Our young men and women are in harm's way overseas as I speak.

Here at home, we have very serious homeland security needs that the administration is struggling to meet. It is no exaggeration to say that Americans' lives depend on the success of those efforts. That is No. 1.

No. 2: We have a whole raft of serious needs in our country. I have been talking about the rising crime rate, but that is just the beginning. We have seniors who cannot pay for the medicine they need to live. We have parents who cannot afford to send their kids to college. We have children who go to school every day in crowded classrooms with leaky roofs, even as this administration cuts funding for education. That list goes on and on.

No. 3: We have a coming challenge in Social Security. We are going to have baby boomers retiring in huge numbers, and we are going to have to find a way to keep our social contract with them.

No. 1, we have a costly war against terrorism to fight abroad and at home. No. 2, we have deep problems with crime and education and health care that we are not addressing. No. 3, we have a coming crisis in Social Security.

And here is No. 4. Right now we cannot afford to address a lot of our serious needs—and in fact, our economy continues to sputter after a decade of extraordinary growth—because the country has gone from a multitrillion dollar surplus to a deficit in barely a year. That is very largely because of the tax cuts targeted to the wealthy this Congress already passed. It is a breathtaking fiscal turnaround.

With terrorism, with crime and education and health care needs, with a Social Security crisis, with massive fiscal hemorrhaging, what are we talking about here today?

We are not talking about reforming the estate tax to eliminate unfair burdens on farmers and small businesses, something I support. I very strongly believe that farmers and small businesses have to be protected from estate taxes.

We are talking about whether to blow another massive hole in the budget to pay for a tax cut that mostly benefits about 3,000 of the wealthiest families each year. In a country of over 275 million people, many of them struggling to pay their mortgages and send their kids to college, we are talking about multimillion dollar windfalls for about three thousand fortunate families.

I have only one question. Is this really why the American people send us here, to massively cut taxes on a very fortunate few while we are fighting terrorism and Social Security is in trouble and millions of middle class people are struggling? I do not think that is why people send us here.

What my colleagues are trying to do today on the estate tax is wrong from a national security perspective. It is wrong from a Social Security perspective. It is wrong from an economic per-

spective. And most important of all, it is wrong from a moral perspective.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I commend the Senator from North Carolina for his remarks with regard to his views on probation and the deteriorating situation with regard to how we are moving and progressing with regard to crime. I am also glad to hear the Senator from North Carolina speak about estate tax in the context of Social Security. In fact, I will be speaking in a minute with regard to the Social Security issue.

It seems inconceivable to me that the roughly 3,000 people the Senator is talking about in our Nation, those who have benefited most from the power and the success of our Nation economically and done so well, should put at jeopardy the universal program that is such an important part of retirement security for so many Americans. It does not seem right in the context of the national security, but truly it seems misplaced when one thinks about Social Security for the breadth of Americans.

So I commend the Senator for his remarks, and particularly the tying together and juxtaposition of those efforts.

SOCIAL SECURITY

Mr. CORZINE. Mr. President, as many of my colleagues know, I have over the last few weeks been speaking regularly with regard to Social Security and proposals to privatize Social Security. I think this is one of the most important debates we as the Senate and Americans need to have. It needs to be done before elections, not afterwards, because I think we need to hear from the American people about what it is they want.

To many Americans, certainly to whom I talk, and many of my constituents in the State of New Jersey—and I certainly hear it from my colleagues, and I feel strongly—these proposals that are circulating with regard to private takings of Social Security are not the mindset of most Americans. That is particularly true when people become aware that they will involve deep cuts in guaranteed benefits and that, by implication, is going to force many Americans to work longer, delay their retirement, and develop a level of insecurity in a program that was really designed to promote security among senior citizens in our Nation.

The fact is that we have seen developing an undermining of retirement security for a whole host of reasons, whether it is the diminishment of the number of Americans who are covered by defined benefit programs or the insecurity of 401(k)s which we have seen in light of some of the elements that have come out of Enron. It is very hard for me and for most of the people with