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THE WHITE HOUSE  
WASHINGTON

February 5, 1985

NOTE TO FILE:

Bio and picture were sent to  
Nan Barrett. CT agrees to do  
this.

Sd.



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2136

**AMERICAN LEGISLATIVE EXCHANGE COUNCIL**

214 Massachusetts Avenue, N.E. Suite 400  
Washington, D.C. 20002  
(202) 547-4646

January 30, 1985

Dr. Carlton E. Turner, Ph.D.  
Special Assistant to the President  
for Drug Abuse Policy  
The White House  
Washington, D.C. 20500

Dear Dr. Turner:

I am writing to request your participation in the American Legislative Exchange Council's 1985-86 Source Book Speakers Bureau. The Bureau is being organized in conjunction with the publication of the **1985-86 Source Book of American State Legislation**.

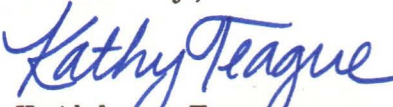
The **Source Book** (ALEC's sixth such volume) will showcase approximately 20 model bills either gleaned from individual state legislatures or developed by analysts in the private sector. When completed, it will be delivered to every State Legislator in the nation, prominent state officials, and all members of Congress. Enclosed please find the 1983-84 Speakers Bureau brochure and a tentative index for the forthcoming edition.

Members of the Speakers Bureau are experts in the subject of the legislation covered in the **Source Book**. Their purpose is to provide information and analyses on the topics themselves and not necessarily on the bills featured in the **Source Book**. They are free of course to negotiate their own honoraria for speaking requests or expenses for legislative hearings. The area which you would cover for the Speakers Bureau is asset forfeiture.

Should you be so kind as to agree to listing with the Bureau, we will need a brief biography and black and white photograph for the Bureau brochure.

Because of pressing publication deadlines, I need to hear from you as soon as possible. A phone call to either Nan Barrett or Brian Young would be most appreciated. Your participation in the 1985-86 Speakers Bureau will be a great benefit to legislators across the country.

Sincerely,

  
Kathleen Teague  
Executive Director

## 1985-86 SOURCE BOOK OF AMERICAN STATE LEGISLATION

The following bills will be included in the sixth edition of the ALEC Source Book series:

- Comprehensive Asset Forfeiture Act**--To permit the state to trace and seize assets obtained from the proceeds of crime.
- Computer Data Security Act**--To prohibit the "breaking and entering" of computer data systems.
- Consumer Choice in Finance Guidelines**--To permit greater deregulation of the financial services industry.
- Freedom of Workplace Act**--To allow employees, such as makers of clothing, to work at home.
- Summer Youth Wage Opportunity Act**--To provide summer jobs for teenagers by allowing a lower minimum wage to be paid to workers under 19.
- State Agenda for Exporting Guidelines**--To establish state programs to promote the export of products manufactured in the state.
- Public Works Cost Containment Act**--To eliminate "little Davis-Bacon acts" in the states.
- Public Officials' Accountability Act**--To provide for the recall of any state official, including legislators, for any reason.
- Continuity of Government Guidelines**--To establish orderly procedures for maintaining government functions in times of emergency.
- Minimum Legal Drinking Age Act**--To set the minimum drinking age at 21.
- Safety Belt Usage Act**--To require the use of safety belts in automobiles so as to avoid the federal imposition of air bags in cars.
- Child Support Enforcement Guidelines**--To provide guidance to states in establishing procedures for child support enforcement.
- Neighborhood Day Care Center Act**--To deregulate child care centers, except in areas of health and safety.
- Parental Consent for Abortion**--To require parental consent for abortions performed on unemancipated minors, in accordance with recent Supreme Court decisions.
- Ballots in English Resolution**--To ask Congress to repeal bilingual ballot requirements currently imposed on states and localities.
- Presidential Line Item Veto Resolution**--To memorialize Congress to adopt a line item veto for the President.
- High Frontier Resolution**--To urge Congress to adopt the High Frontier defense concept.

The following areas will be summarized in the Source Book as suggested topics for legislation:

- Bail Reform for Repeat Offenders
- Crime Victims' Rights
- Privatization of Prisons
- Overseas Voting Assistance
- Limiting Liability of Food Banks
- Limiting Bilingual Education Programs
- Making English the Official State Language
- Anesthetizing Fetuses During Abortions
- Prohibiting Aid to Draft Resisters & ZIP&



## THE 1983-84 SOURCE BOOK

The 1983-84 *Source Book of American State Legislation*, the fifth volume in ALEC's series of suggested state legislation, presents a broad spectrum of bills covering key issues. The book has been delivered to all 7400 State Legislators across the country, the 50 governors, all Members of Congress, state officers, and public policy officials.

For the first time, the *Source Book* features guest introductions to its bills. The introductions are written by some of the leading legislators in the nation, along with distinguished representatives of the State and Federal executive branches and the private sector.

Included in the book are bills to promote the flat rate tax, raise state revenues without raising taxes, reform the criminal insanity defense, and protect newborn infants. Other highlights are the updated measures on Enterprise Zones and Workfare, along with bills to establish prison work programs and permit state seizure of assets purchased with illicit drug profits.

## THE SPEAKERS BUREAU

In addition to the noted authors of the introductions to the bills, ALEC is pleased to present its Speakers Bureau of leading authorities on issues covered in the *Source Book*. Participants in the Speakers Bureau are experienced, articulate experts in their fields who will be valuable resources to legislators, community leaders, and civic organizations.

Speakers Bureau members are generally available for speaking engagements on topics covered by ALEC's suggested legislation. Their purpose is to provide information and analysis on the subjects themselves and not necessarily on the specific legislation featured in the *Source Book*.

**Requests for speakers must be made to the American Legislative Exchange Council, not to the speakers themselves. For scheduling information and additional speaker suggestions, contact ALEC's Director of Programs in Washington, D.C. (Telephone: 202/546-4640).**

All views expressed by Speakers Bureau participants do not necessarily reflect those of ALEC, its Board of Directors, or its members.

## FISCAL RESPONSIBILITY



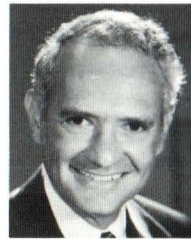
**Tom Boney, Jr.** is a Professional Staff Member with the Senate Committee on Agriculture, Nutrition, and Forestry chaired by Senator Jesse Helms (NC). Mr. Boney was instrumental in developing legislation enacted in 1981 that permits State and local governments to require Workfare participation for able-bodied food stamp recipients. He has over six years of Congressional staff experience, also having served as Legislative Assistant to Congressman Eldon Rudd (AZ).



**Peter Germanis** is a Schultz Fellow in Economics at the Heritage Foundation in Washington, D.C. Mr. Germanis has authored extensive studies on welfare policy, labor economics, and Social Security reform. He holds an M.A. in economics from the University of Pennsylvania.



**George Gilder** is the author of the best-selling and ground-breaking book, *Wealth and Poverty*. He has been actively involved in the formulation of supply side economics since the early 1970s as Chairman of the Lehrman Institute's Economic Roundtable and U.S. Program Director for the International Center for Economic Policy Studies in New York. He is a regular contributor to many national publications and lectures extensively throughout the United States and Europe. Mr. Gilder's speaking engagements are handled exclusively through the Leigh Bureau, 49-51 State Road, Princeton, New Jersey 08540 (Telephone: 609/921-6141).



## FISCAL RESPONSIBILITY (Continued)

**Leon H. Ginsberg, Ph.D.**, has served as West Virginia's Commissioner of the Department of Welfare since 1977. Having begun his professional career as a social work practitioner, he also has long experience in the academic world. During the six years prior to his 1977 appointment, Dr. Ginsberg was Dean of the School of Social Work at West Virginia University. Currently the President of the American Public Welfare Association, his duties for West Virginia include administration of that state's successful workfare program.



**Richard B. McKenzie, Ph.D.**, is Professor of Economics at Clemson University and Adjunct Scholar at the Heritage Foundation in Washington, D.C. He has written widely on the subject of plant closing restrictions including articles in the *New York Times* and *Wall Street Journal*. His books on the subject include *Plant Closings: Public or Private Choices?* (edited, 1982), and *Free to Close: The Economics and Politics of Private Disinvestment* (1983).

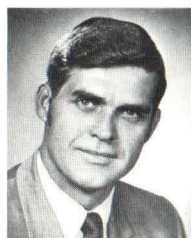


**Alvin Rabushka, Ph.D.**, is a Senior Fellow of the Hoover Institution at Stanford University, specializing in the areas of taxation, aging, and housing. He is the co-editor of the Hoover Institution's most extensive project, *The United States in the 1980s*, and the author of a number of books, including his latest, *The Tax Revolt*. Dr. Rabushka has consulted for and testified before the United States Senate, HUD, the Administration on Aging, and other government bodies. He is recognized as one of the leading experts on the proposed flat rate income tax.



**Walter E. Williams, Ph.D.**, is currently a Professor of Economics at George Mason University in Fairfax, Virginia. Dr. Williams is the recipient of numerous fellowships and awards for his work on economics and the welfare state. A noted lecturer and the author of many journals and national magazine articles, he serves on the advisory Board of the American Enterprise Institute, the National Tax Limitation Committee, and other national organizations.

## INTERNATIONAL TRADE



**State Senator Donald E. "Buz" Lukens**, a founder of ALEC, is currently ALEC's National Chairman. He has served in the Ohio State Senate since 1970 and is also a member of the President's Export Council. As a Member of Congress, he represented the President on trips abroad and was a Delegate to the Organization of American States. Senator Lukens' expertise extends to the private, as well as public, sector where he is an executive in business and consulting firms.



**Steven R. Saunders** is a specialist in trade and international public affairs, focusing on Japan, East Asia, and the Middle East. Prior to forming his own consulting firm, Saunders and Company, he served as Assistant U.S. Trade Representative in the Executive Office of the President. He has extensive federal, state, and local government experience and is currently a senior advisor on international economics to Gray and Company.

## CRIMINAL JUSTICE

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**Jill Gerstenfield** is General Counsel to the National Federation of Parents for Drug-Free Youth. Mrs. Gerstenfield co-authored the Maryland Drug Paraphernalia bill, and drafted an *amicus curiae* brief in the Federal District Court in Maryland defending the State bill. She testified at U.S. Senate hearings on drug abuse and drug paraphernalia and coordinated a White House meeting on national drug abuse policy.



**Paul D. Kamenar** is the Director of Litigation for the Washington Legal Foundation, a public interest law center which is conservative in orientation, promoting the free enterprise system, strong national defense, the rights of victims of crime, and combatting excessive government regulations. An expert in criminal justice issues, Mr. Kamenar has testified before the United States Senate and other organizations on the insanity defense.



**Lt. Gov. David H. Leroy** of Idaho is the author and moving force behind the nation's most extensive criminal insanity defense reform measure. In addition to having served as State Attorney General for four years, Lt. Governor Leroy has experience both as a criminal trial attorney with one of the nation's most prestigious firms and as a prosecuting attorney. He has published articles in law journals across the country and received numerous national honors.

## HEALTH AND SAFETY

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**Mildred F. Jefferson, M.D.**, is a nationally renowned leader of the Right-to-Life movement. A Harvard-educated surgeon, Dr. Jefferson is President of the National Right-to-Life Crusade and is a member of the Board of Americans United for Life. In 1974 and 1975, she served on the U.S. National Commission on Observance of World Population Year. She is on the Board of Trustees of St. Louis University and in 1980 was named Alumna of the Decade by Texas College.



**Daniel N. Myers** is the Vice President for Governmental Relations and General Counsel of the National LP-Gas Association, the national trade association for the liquified petroleum gas industry. A member of the Energy Task Force of the 1979-80 White House Conference on Small Business, Mr. Myers now serves by appointment of the Secretary of Transportation on the Federal Highway Administration's National Motor Carrier Advisory Committee.



**Herbert Ratner, M.D.**, is the editor of *Child and Family Quarterly* and is Visiting Professor of Community and Preventive Medicine at New York Medical College. A Public Health Officer for over 20 years, Dr. Ratner has lectured in countries around the world and testified before committees of the U.S. Senate on pregnancy and infant care. He is also a member of the Board of Academic Advisors of the American Family Institute.

## PRIVATIZATION OF THE PUBLIC SECTOR



**Ronnie Brooks**, currently the Manager of Community Development at Dayton Hudson Corporation, has long been active in city and state government affairs. Prior to joining Dayton Hudson, she maintained a private consulting practice specializing in strategic planning, economic development, government relations, and group process management for government and foundations. An author and lecturer, she is involved in exploring private and public sector development activities.



**Stuart M. Butler, Ph.D.**, famous for his pioneering efforts to promote Enterprise Zones, is the Director of Domestic and Policy Studies at the Heritage Foundation in Washington, D.C. A frequent guest on television and radio talk shows, the British-born economist has authored numerous studies on urban policy matters. Dr. Butler's published works include *Enterprise Zones: Pioneering in the Inner City* and *Enterprise Zones: Greenlining the Inner Cities*.



**Mark Frazier** is Executive Director of the Sabre Foundation, a Washington-based research organization specializing in Enterprise Zones and the privatization of government services. A former Fellow of the Lehrman Institute in New York, he has edited and written a number of publications on nongovernmental responses to urban problems, including the *Sourcebook on Enterprise Zones*, *More for Less* (an anthology of cost-cutting innovations in local government), and articles for periodicals ranging from *Policy Review* to *Reader's Digest*.



**Dexter D. MacBride**, author, lecturer and administrator, is nationally recognized for his experience and expertise in government management of surplus properties. As an attorney, he specialized in Eminent Domain; as a valuation expert, he served as Chief Appraiser, California Public Works. Currently Executive Vice President of the American Society of Appraisers (Washington, D.C.), MacBride also heads the ASA nationwide 75-member Technical Resources Team which was formed in 1982 to counsel Federal, State, City, and County governments in the identification, inventory, valuation, and disposal of real estate.



**Robert W. Poole, Jr.**, is President of the Reason Foundation, a non-profit educational organization, and also serves as editor-in-chief of the organization's monthly magazine on current affairs, *Reason*. A radio commentator and nationally syndicated columnist, Mr. Poole is a leading authority on innovations in public services and prison work programs. He has spent nine years consulting with local governments and has produced two books from his experience, *Cut Local Taxes—Without Reducing Essential Services* and *Cutting Back City Hall*.



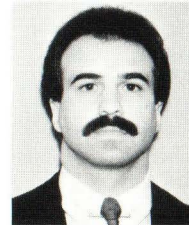
**E. S. Savas, Ph.D.**, is the Assistant Secretary for Policy Development and Research at the U.S. Department of Housing and Urban Development. He is the principal advisor to the Secretary of H.U.D. on overall departmental policy, program evaluation, and research. He has been a sought-after consultant for local governments throughout the United States and abroad on improving the performance and productivity of government services and has authored over 50 articles and 6 books on the subject.



## PRIVATIZATION OF THE PUBLIC SECTOR (Continued)

**Peter R. Stein** is Vice-President of the Trust for Public Land and directs a nationwide program to provide technical assistance in land acquisition and land management to community development groups as well as local public agencies. Mr. Stein is trained as an environmental planner and has written extensively on issues related to abandoned urban wastelands and private sector land preservation techniques.

## PRODUCT LIABILITY



**Nicholas B. Calio** is Litigation Counsel for the Washington Legal Foundation. Formerly in private practice, Mr. Calio has specialized in product liability and regulatory litigation and legislation. He is the author of several law review articles on product liability law and frequently appears before industry, trade, and consumer groups to speak about product liability issues and legislation.



**Neill Hollenshead** is Vice President and General Counsel of MaxiVisions, Inc., a Washington, D.C.-area information services firm dealing with high technology development. He has written and spoken extensively on both American and international product liability developments. Mr. Hollenshead is a coauthor of the Uniform Product Liability Act and was senior editor of a seven-volume product liability legal study commissioned by the U.S. Department of Commerce.



**Victor E. Schwartz** is a partner in the law firm of Crowell and Moring in Washington, D.C. and serves as Counsel to the Product Liability Alliance. Mr. Schwartz is coauthor of the most widely used torts casebook in the United States, Prosser, Wade and Schwartz's *Cases and Materials on Torts*. He was the principal drafter of the Uniform Product Liability Act and chaired the Working Task Force of the Federal Interagency Task Force on Product Liability, for which he was awarded the Secretary of Commerce's Special Medal.

## NATIONAL DEFENSE



**Philip S. Cox** is one of the leading spokesmen and writers for the American Security Council. He has written, lectured, and debated on such diverse national security issues as SALT III, U.S.-Soviet military balance, Department of Defense procurement policies, nuclear freeze proposals, and Command and Control systems. He is Managing Editor of ASC's newsletter, *Washington Report*, Executive Editor of the quarterly journal, *International Security Review*, and Treasurer of the American Foreign Policy Institute.



**Lt. Gen. Daniel O. Graham (Ret.)** is the Director of High Frontier, Inc., and is one of the country's most articulate experts on national defense issues. A veteran of extensive service with the U.S. Army, Central Intelligence Agency, and Defense Intelligence Agency, where he was Director, General Graham was Co-Chairman of the Coalition for Peace Through Strength from 1978-81. He is the author of three volumes on U.S. defense, including *High Frontier: A New National Strategy*.





**AMERICAN LEGISLATIVE EXCHANGE COUNCIL**

**J. Daniel Bray**  
Director of Research

418 C St., N.E.  
Washington, D.C. 20002

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# *The State Factor*

June, 1983

## **EDUCATION IN AMERICA: Part One of a Two Part Series**

This issue of the State Factor will critically examine the report of the National Commission on Excellence in Education entitled "A Nation At Risk: The Imperative For Educational Reform." Problems and myths of public Elementary and Secondary education will be considered and the Commission's recommendations discussed. Part two of this series will propose positive solutions to our educational problems.

### **Introduction**

"We report to the American people that....the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people."(1) With those words the National Commission on Excellence in Education succinctly summarized the crisis facing the nation.

The National Commission was created on August 26, 1981, by the Secretary of Education who directed it to report on the quality of education in America by April of 1983. The Secretary's action was a result of his concern about "the widespread public perception that something is seriously remiss in our educational system."(2) During the course of its deliberations the Commission, which primarily consisted of educators, listened to public testimony, met with administrators, parents, teachers, students, businessmen, and commissioned studies by various experts on educational issues. The report issued by the Commission, entitled "A Nation At Risk: The Imperative For Educational Reform", concluded that our educational system was indeed failing to educate our youth to function in an increasingly demanding and competitive world.

In its report, the National Commission on Excellence in Education cited many indicators of the failure of our academic system and made several recommendations for improvement. The Commission's suggestions have prompted calls from many sectors for dramatically increased federal intervention in education and corresponding increases in spending. Most notably, and predictably, the calls for increased spending have come from the largest teachers' union, the National Education Association, and liberal politicians, have called for an \$11 billion federal "Marshall Plan" for education.

All available evidence indicates that the Commission was correct in concluding that we face an educational crisis. Some of the recommendations of the Commission will, if implemented, help to correct problems in our schools. However, other recommendations, particularly those which prompted the calls for increased spending, ignore basic realities in our educational system. They should not be supported.

### THE COMMISSION'S FINDINGS

- \* International comparisons of student achievement, completed a decade ago, reveal that on 19 academic tests American students were never first or second and, in comparison with other industrialized nations, were last seven times.
- \* 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing, and comprehension.
- \* 13 percent of all seventeen-year-olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youths may run as high as 40%.
- \* Average achievement of high school students on most standardized tests is now lower than it was 26 years ago when Sputnik was launched.
- \* Over half the population of gifted students do not match their tested ability with comparable achievement in school.
- \* The College Board's Scholastic Aptitude Tests (SAT) demonstrate a virtually unbroken decline from 1963 to 1980. Average verbal scores fell over 50 points and average mathematics scores dropped nearly 40 points.
- \* Both the number and proportion of students demonstrating superior achievement on the SATs (i.e., those with scores of 650 or higher) have also dramatically declined.
- \* There was a steady decline in science achievement scores of U.S. seventeen-year-olds as measured by national assessments of science in 1969, 1973, and 1977.
- \* Between 1975 and 1980, remedial mathematics courses in public 4-year colleges increased by 72 percent and now constitute one-quarter of all mathematics courses taught in those institutions.(3)

The evidence of a decline in American education is so pervasive as to be indisputable. It portends a grave threat to American security and the future well-being of our people. Clearly, our children are not being properly trained. Worse, we are squandering what is perhaps our greatest national resource: the minds of our brightest children. These students are simply being neglected and allowed to drift along. In a world that promises to become increasingly more technological and competitive, the nation that does not educate its youth, particularly its gifted youth, will inevitably decline.

## THE COMMISSION'S RECOMMENDATIONS

The Commission made five major recommendations for improving education in America. These include:

1. Establishment of minimum standards for high school graduation which focus on the traditional subject areas of English, science and math. The suggested requirements are (a) 4 years of English; (b) 3 years of mathematics; (c) 3 years of science; (d) 3 years of social studies; (e) one-half year of computer science; and (f) 2 years of foreign language for college bound students.

This recommendation is a step in the right direction. However, it falls short of what the majority of Americans believe should be required of students. A 1982 Gallup poll of The Public's Attitude Toward the Public Schools revealed that a majority supported requiring four years in each of the disciplines of English, science, math and history/U.S. Government with an additional 50% also supporting a required 2 years each of foreign language and business or economics. Currently, only 80% of high school seniors complete 3 years of English, less than 40% complete 3 years of history or math, and less than 30% complete 3 years of science. It should be noted that the public expressed support for a requirement of History/U.S. Government, not "Social Studies," the latter having become a vaguely defined replacement for more traditional courses.

2. Establishment of rigorous and measurable standards for academic performance and student conduct.

Currently, one-fifth of all four-year public colleges in the U.S. must accept every high school graduate within the State regardless of the grades achieved or the program followed. Only one year of math is required in 35 states and only one year of science is required in 36 states. In 13 states 50% or more of the credits required for graduation may be chosen by the student.(4)

Additionally, the proliferation of "students' rights" in the 1970s has contributed to a breakdown in discipline. Student threats of physical violence are a daily occurrence for many teachers. Disciplinary actions such as suspensions and expulsions are only permitted well beyond the point where the student has disrupted the education of many others.

Clearly, an educational system which demands very little from its students will produce very little in academic achievement. Too, learning is impossible in an environment where effective discipline of students is obstructed. The Commission was right to recommend that strict standards for student achievement and conduct be established. The American Legislative Exchange Council published model legislation in 1977 (School Discipline Act) and 1978 (Student Proficiency Act) which would accomplish this goal.(5)

3. School Districts and State Legislatures should strongly consider 7-hour school days, as well as a 200 to 220 day school year.

This recommendation has been cited by the largest teachers' union in the country (the NEA) as a basis for their demand for greater public funding for education. It is a particularly misguided recommendation.

It may be the case that the American public, in their localities, would decide to increase the school day and the school year. Such decisions would be legitimate if based on local concerns. However, to suggest holding students for more hours as a remedy for a declining educational performance is to ignore the causes of the problem. Our educational system has not always failed to perform. It was not until the mid-Sixties that the decline in our schools began.

The average length of the school term has remained relatively constant since 1940. In that year it was 175 days. In 1960 it was 178 days. In 1980 the average length of the school year was 178.8 days.(6) Our students are spending as much time in the classroom as they were when our schools were the pride of the nation. It is not the length of the year with which we need to be concerned, but rather what we are doing to our students during that year. It is reasonable to surmise that changes that have been made in what occurs during school semesters have contributed to the decline of our educational system. Until we identify those changes, any lengthening of the school year will at best constitute a squandering of resources. Worse, it may aggravate existing flaws in the framework of our nation's schools.

4. Salaries for the teaching profession should be increased and should be professionally competitive, market-sensitive and performance based. Salary, promotion, tenure, and retention decisions should be tied to an effective evaluation system that includes peer review so that superior teachers can be rewarded, average ones encouraged, and poor ones either improved or terminated.

This recommendation is multi-faceted and contains both good and bad elements. Again, this is one recommendation that has been cited as evidence of the need for increased spending on education. The NEA heartily endorses the call for increased salaries for teachers yet condemns the suggestion for performance-based salaries.

There is a widespread misconception that teachers are greatly underpaid. In fact, teachers earn more than the average annual income for a full-time employee working for wages or salary. In the 1961-62 school year, the year before the educational decline began, the average salary for members of instructional staffs was 15% greater than the average annual earnings of full-time employees in all industries. If those salaries are translated into 1981-82 purchasing power, teacher salaries averaged \$16,418 while the average for all industries was \$14,194. Approximately the same ratio held true for the 1981-82 school year. In that year average salaries for members of instructional staffs were \$18,409 versus \$16,050 for all workers. The teacher salaries were 14% more than the average annual earnings of full-time employees for all industries.(7)

The relative compensation for teachers has remained essentially constant from the time before our educational decline began until the present day. It must be pointed out however, that the salaries for some teachers have declined relative to their market value. Technically trained persons, particularly those with skills in mathematics or science, are in great demand. This demand is not reflected in math and science teachers' salaries, thus there is a severe shortage of instructors in these disciplines. A market-based compensation system would respond to this problem by offering more to the most-needed and competent teachers. This system is opposed by the NEA.

Recently in Boston, the teachers' union obstructed a plan by the Bank of New England to offer cash rewards totalling \$350,000 over five years to outstanding teachers. The National Education Association has consistently opposed any effort to establish merit pay systems, teacher competency tests or performance based promotion systems. So long as militant teachers' unions are unopposed by parents and the general public these important reforms are unlikely to occur.

### **FACTORS AFFECTING EDUCATION**

Secondary and elementary education in the United States is a complex amalgamation of elements: state, federal and local financing; course requirements; student attitudes; and a myriad other components. Some of these factors can be quantified, others cannot. Following is an examination of some of the measurable factors affecting education in America.

For the past twenty years education has been the single largest budget item for state and local governments. Frequently, educational expenditures account for as much as 65% or more of a local jurisdiction's budget. This indicates the general public commitment to providing the best possible education for our youth. However, there is an increasing disillusionment with the results produced by the enormous sums spent on education. This disillusionment results in frustration that causes backlashes against higher taxes to pay for increased educational expenditures. There is good reason for this reluctance to pour even more money into public education when there is no evidence that doing so will improve the performance of our students.

America's financial commitment to education has been steadily expanding in real terms throughout the twenty year decline in educational performance. Since 1960, the total expenditures per pupil has increased by 528%, more than double the increase in the Consumer Price Index of 278%.(8) Since 1970, the per pupil spending has increased 261% or 23% more than the Consumer Price Index.(9) Clearly the decline in educational performance is not a result of the total financial commitment to education. However, an examination of education finance does reveal some significant trends.

During the period 1961-1980 the federal share of education financing increased by 123% and the state share increased by 21%. The local share decreased 23.7%. During the same general period the percent of educational funds spent on instruction declined 5.29% while the percent spent on administration increased 12.8%.(10) These figures suggest that there has been a redirection of the money spent on education away from classroom teaching and into administration at the same time that there has been a move away from local control of the educational process. This is supported by an examination of the change in staff positions.

As reflected by standardized test scores, the decline in education in America began approximately in 1963. From 1960 to 1980 the student population in public elementary and secondary schools increased approximately 20%. Our expenditures during that time more than doubled, but clearly the extra funds were not directed in proper proportion to improving classroom teaching. A disproportionate amount was dedicated to swelling the army of supervisors, guidance counselors and psychological personnel whose contribution to the education effort is dubious at best.

INCREASES IN STAFF SIZE FOR PUBLIC  
SECONDARY AND ELEMENTARY SCHOOLS  
(In Percent)

	1960-1980	1968-1980	1974-1980
Total Instructional Staff	74.9	23.4	5.3
Supervisors	150.0	N/A	N/A
Principals	69.8	25.1	7.0
Classroom Teachers	61.1	17.4	1.3
Library Specialists	203.8	42.0	8.6
Guidance Counselors	388.5	53.5	14.9
Psychological Personnel	600.0	200.4	50.0
Other Personnel	15,433.3	828.3	417.8

\* Source: U.S. Department of Education

### TEACHERS' UNIONS AND EDUCATIONAL PERFORMANCE

One final ingredient in the educational mix which must be considered is the influence of the teachers' unions on the educational system. There is ample evidence to indicate that the rise of unionism in the ranks of teachers and administrators is linked with a decline in educational performance. According to a study done by the Public Service Research Foundation there is a remarkable correlation between the size of the teachers' unions and the academic achievement of our students.

Critique (the PSRF's report) tracked student scores on the two most widely administered standard achievement tests from 1952 through 1982 and the number of teachers belonging to a national teacher union each year over the same 31 year period.

The two tests used were the Scholastic Aptitude Test (SAT) and the American College Testing (ACT) examination. Each test is administered to about a million college-bound high school graduates each year. Both are widely accepted as indicators of how much students are learning in the nation's schools.

Teacher union membership was based on membership in the country's two largest teacher unions - the National Education Association (NEA) and the American Federation of Teachers (AFT).

The period 1952 to 1962 may be characterized as the "calm before the storm." It was a period of minimal and nearly constant teacher union membership and test scores fluctuated very little.

From 1952 through 1961, teacher union membership hovered between 42,00 and 57,000 - less than 5% of all teachers. In 1962 it jumped to more than 71,000. That was the membership of the AFT, a militant teacher union that has advocated collective bargaining since 1913. Members of the NEA were not counted among

teacher unions then since the NEA did not advocate collective bargaining until 1962. Prior to that time the group restricted itself to "professional and educational" concerns.

During this same period, school years 1951-52 to 1962-63, student test scores remained relatively constant and relatively high.

In 1962, with the NEA's advocacy of collective bargaining, the number of teachers counted among union membership grew dramatically. One year later student test scores began a sustained decline.

Over the next twelve years - until 1976 - teacher unions grew rapidly. By 1974, they claimed 72.4% of all public school teachers as members. By 1976 the NEA and the AFT had a combined membership of 2.2 million. During this 13 year period ACT scores declined from 20.4 to 18.3 - the lowest ever. At the same time SAT scores continued a nearly constant decline. In those 13 years, SAT math scores dropped from 502 to 472 and verbal scores from 478 to 431.

Union growth began to decrease in 1976. In 1977 alone, the NEA and the AFT together lost 100,000 members. By 1981 they had lost 10% of their membership. That year marked the turning point for student test scores as well. The ACT scores took a sudden turn upward in the 1976-77 school year and the SAT scores began to level off their 13 year decline.(11)

The decline of our educational achievement cannot be blamed solely on the unionization of teachers. Clearly, however, there is a correlation between membership in the NEA and AFT and academic failure. Some of this correlation can be explained by the fact that, since the NEA began advocating collective bargaining there have been more than 2,500 teacher union strikes. For whatever reasons, the fact that the rise in teacher union membership has corresponded with a decline in academic achievement cannot be denied.

## CONCLUSION

The educational system in America is facing a crisis situation. It is not preparing students for a world where, "Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world." In many cases it does not even teach our students to read and write.

The breakdown of our educational system cannot be explained with the charge of inadequate funding. We are spending more and accomplishing less than ever before in our history. The cause of our educational failure lies in our having "lost sight of the basic purposes of schooling, and of the high expectations and disciplined effort needed to attain them." The enormous amounts of money that have been poured into education have been absorbed by a mushrooming force of supervisors, psychological personnel, guidance counselors, and "other personnel" who do everything imaginable but teach students the basics. Valuable and irreplaceable class time has been spent on "personal services and development" courses while math, science, English and history have been neglected. Immature students who need to be trained to cope with an increasingly technical and demanding world have been left to choose from a smorgasbord of useless courses with only the guidance of counselors who have no standards from which to guide.



The failure of our school system has been the result of a movement away from parental and local control of the schools. Both the state and federal portions of educational finance, and therefore control, have increased; the local share has decreased. This movement has been advocated by the teacher unions which lobbied heavily for the creation of the Department of Education. These liberal educators believe that they have a better method than parents, who have the moral and legal responsibility for their children. Their "better method" has proven to be a fraud. With decreasing birth rates there are now comparatively more teachers with more resources teaching comparatively fewer students and accomplishing less. This amounts to a national scandal. The solution is not to pour more money into the hands of those who have created the disaster. The solution is to return control of the schools back to the parents and local communities which have long expressed the desire to institute tougher curricula and sterner discipline.

Bibliography

1. "A Nation At Risk: The Imperative For Educational Reform", National Commission on Excellence in Education, U.S. Department of Education, Washington, D.C. 20202
2. Ibid
3. Ibid
4. Ibid
5. The Source Book of American State Legislation, 1977 and 1978 editions, The American Legislative Exchange Council, 418 C Street, N.E., Washington, D.C., 20002
6. Digest of Education Statistics, U.S. Department of Education, Washington, D.C. 20202
7. "Survey of Current Business" and "National Income and Private Accounts", U.S. Department of Commerce, Washington, D.C.
8. Digest of Education Statistics, U.S. Department of Education, Washington, D.C. 20202
9. "Survey of Current Business" and "National Income and Private Accounts", U.S. Department of Commerce, Washington, D.C.
10. Digest of Education Statistics, U.S. Department of Education, Washington, D.C. 20202
11. The Government Union Critique, Vol.5 #13, Public Service Research Foundation, 8330 Old Courthouse Road, Suite 600, Vienna, Virginia 22180

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The views expressed herein are solely those of the author, J. Daniel Bray (Legislative Analyst, ALEC), and do not necessarily reflect the opinions of the Chairman, Officers, or Members of the American Legislative Exchange Council. This report is prepared solely for informational purposes and should not be construed as an attempt to aid or hinder passage of any bill pending before Congress or the State Legislatures. ALEC is a non-profit, non-partisan tax exempt research and education foundation serving State Legislators and Members of Congress. The State Factor is copyrighted by the American Legislative Exchange Council.

# ALEC

**AMERICAN LEGISLATIVE EXCHANGE COUNCIL**

418 C Street, N.E.  
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(202) 547-4646

## AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Exclusive Washington Briefing

January 27-28, 1983 -- Tentative Schedule

Thursday, January 27

Quality Inn on Capitol Hill

1.00 p.m.

Welcome by Ohio State Senator  
Donald E. "Buz" Lukens, ALEC  
National Chairman

1:15 p.m.

CONGRESSIONAL BRIEFING  
Presentations, followed by discussion

Congressman Dan D. Rostenkowski, Illinois  
Chairman, Ways and Means Committee

Congressman Trent Lott, Mississippi  
House Minority Whip

Congressman Jack Kemp, New York  
Chairman, House Republican Conference

Senator Pete V. Domenici, New Mexico  
Chairman, Senate Budget Committee

Senator Robert W. Kasten, Wisconsin  
Member, Appropriations; Budget, Commerce, Science  
and Transportation Committees

Senator William L. Armstrong, Colorado  
Member, Finance; Budget; Banking, Housing and  
Urban Affairs Committees

4:30-6:30 p.m.

RECEPTION Dirksen Senate Office Building,  
Room 430

To celebrate the publication of ALEC's 1983-84  
Source Book of American State Legislation

Friday, January 28

8:00 a.m.

White House Briefing  
President Ronald Reagan  
Richard S. Williamson, Assistant to the President  
for Intergovernmental Affairs

9:00 a.m.

CABINET BRIEFING

The Honorable Malcolm Baldrige  
Secretary, U. S. Department of Commerce

The Honorable Anne Gorsuch  
Administrator, Environmental Protection Agency

The Honorable Raymond J. Donovan  
Secretary, U. S. Department of Labor

The Honorable Donald T. Regan  
Secretary, U. S. Department of Treasury

12:30 p.m.

LUNCHEON

The Honorable William Brock  
United States Trade Representative

CONCLUSION

# ALEC

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## ALEC CONGRESSIONAL AND CABINET BRIEFING

Dear Kathy and Buz:

\_\_\_\_\_ Yes, I will attend the ALEC Congressional and Cabinet Briefing,  
on January 27 and 28 in Washington, D.C.

\_\_\_\_\_ No, I will not be able to attend.

NAME \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE: HOME \_\_\_\_\_ BUSINESS \_\_\_\_\_ LEG. \_\_\_\_\_

### \*\*\*\*\*FOR ATTENDEES ONLY\*\*\*\*\*

I plan to arrive in Washington on (date) \_\_\_\_\_ TIME \_\_\_\_\_

I plan to depart Washington (date) \_\_\_\_\_ TIME \_\_\_\_\_

I would like a \_\_\_\_\_ single \_\_\_\_\_ double room for \_\_\_\_\_ nights.

PLEASE RETURN THIS FORM IMMEDIATELY TO THE ALEC NATIONAL OFFICE  
418 C Street, NE Washington, D.C. 20002 (202)547-4646

# ALEC

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15 JAN 1983

Somebody  
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January 13, 1983

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Senator Donald L. Totten  
Illinois

Dr. Carlton Turner  
Director  
Drug Abuse Policy Office  
The White House  
Washington, D.C. 20500

Dear Carlton:

It is a great pleasure to invite you, as a contributor to the 1983-84 Committee on Suggested State Legislation, to join us at a special two-day program for state legislative leaders and ALEC's Business Policy Board of corporate contributors on January 27-28, 1983, in Washington, D.C.

We will announce the publication of our 1983-84 Source Book of American State Legislation at a press conference on the morning of January 27th. The Source Book Committee and contributors to the book will be honored at a reception that evening. In addition, the briefing will provide an opportunity for you to meet the ALEC Board of Directors, ALEC State Chairmen, and other legislative leaders from around the country. A tentative agenda is enclosed for you.

We hope you will make plans to attend not only the celebration of our publication of ALEC's fifth volume of suggested state legislation and the reception, but the entire briefing as well. We would like to hear from you as soon as possible about your plans, particularly if you can attend both the reception and the press conference.

Please let us know your response by completing the enclosed reply form. We are looking forward to celebrating together with you the completion of ALEC's Source Book.

Most Sincerely,

Buz

Sen. Donald E. "Buz" Lukens  
Ohio State Senate  
ALEC National Chairman

Kathy Teague

Kathleen Teague  
ALEC Executive Director

KT/ds

Enclosures: tentative agenda, reply form and envelope

THE WHITE HOUSE

WASHINGTON

January 25, 1983


Dear Senator Lukens:

Thank you for the letter of invitation to attend the two-day program for state legislative leaders and the American Legislative Exchange Council's Business Policy Board, on January 27-28, 1983. Tentatively, I am very pleased to accept the invitation.

If, however, a conflict of schedule should arise, someone will be there to represent the Drug Abuse Policy Office.

Again, thank you for the invitation. We are appreciative of the efforts ALEC has contributed to the fight against drug abuse.

Sincerely,



Carlton E. Turner, Ph.D.  
Director  
Drug Abuse Policy Office

The Honorable Donald E. Lukens  
Ohio State Senate  
ALEC National Chairman  
American Legislative Exchange Council  
418 C Street, N.E.  
Washington, D.C. 20002

*P.S. sorry about the delay in correspondence*

# ALEC

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

418 C Street, N.E.  
Washington, D.C. 20002  
(202) 547-4646

October 21, 1982

Dr. Carlton E. Turner, Ph.D.  
Director  
Drug Abuse Policy Office  
The White House  
Washington, D.C. 20500

Dear Dr. Turner:

The American Legislative Exchange Council will soon publish the 1983-84 Source Book of American State Legislation (ALEC's fifth such volume). The book will showcase approximately 24 model bills either gleaned from individual state legislatures or developed by analysts in the private sector. When completed, the Source Book will be delivered to every state legislator in the nation, prominent state officials, and all members of Congress. Enclosed please find a copy of ALEC's 1981-82 Source Book along with a tentative index for the forthcoming edition.

I am writing to invite your participation in the Source Book as the author of the section introducing the Illegal Asset Forfeiture Act. As you know, this is a measure authorizing the confiscation of property and interests obtained through profits made from the illegal drug trade. We are planning to use the Illinois statute (copy enclosed) as the model bill. If you feel there is a better piece of legislation, please let me know. As a recognized expert in this area, your assistance with this portion of the Source Book would lend immeasurable credibility to this important bill.

As I know you are extremely busy, I am also enclosing a draft introduction, should you be so kind as to accept our offer. Please feel free to make any changes or completely discard it.

Because of publishing deadlines, I would appreciate a response as soon as possible. Final copies of introductions will be due in mid-November. Your contribution to the 1983-84 Source Book will be a great benefit to legislators across the country. I look forward to hearing from you.

Sincerely,

*Brian Young*

Brian Young  
Legislative Analyst

547-4640

P.A. 82-940

HB 2450

1 AN ACT to prohibit narcotics racketeering, to provide for  
2 civil and criminal sanctions against such racketeering, and  
3 to amend an Act herein named.

4 Be it enacted by the People of the State of Illinois,  
5 represented in the General Assembly:

6 Section 1. This Act shall be known and may be cited as  
7 the Narcotics Profit Forfeiture Act.

8 Section 2. Legislative Declaration. Narcotics  
9 racketeering is a far-reaching and extremely profitable  
10 criminal enterprise. Racketeering schemes persist despite the  
11 threat of prosecution and the actual prosecution and  
12 imprisonment of individual participants because existing  
13 sanctions do not effectively reach the money and other assets  
14 generated by such schemes. It is therefore necessary to  
15 supplement existing sanctions by mandating forfeiture of  
16 money and other assets generated by narcotics racketeering  
17 activities. Forfeiture diminishes the financial incentives  
18 which encourage and sustain narcotics racketeering, and  
19 secures for the People of the State of Illinois assets to be  
20 used for enforcement of laws governing narcotics activity.

21 Section 3. Definitions. (a) "Narcotics activity" means:  
22 1. Any conduct punishable as a felony under the Cannabis  
23 Control Act or the Illinois Controlled Substances Act, or  
24 2. Any conduct punishable, by imprisonment for more than  
25 one year, as an offense against the law of the United States  
26 or any State, concerning narcotics, controlled substances,  
27 dangerous drugs, or any substance or things scheduled or  
28 listed under the Cannabis Control Act or the Illinois  
29 Controlled Substances Act.

30 (b) "Pattern of narcotics activity" means 2 or more acts  
31 of narcotics activity of which at least 2 such acts were  
32 committed within 5 years of each other. At least one of those  
33 acts of narcotics activity must have been committed after the



1 effective date of this Act and at least one of such acts 83  
 2 shall be or shall have been punishable as a Class X, Class 1  
 3 or Class 2 felony.

4 (c) "Person" includes any individual or entity capable 85  
 5 of holding a legal or beneficial interest in property. 86

6 (d) "Enterprise" includes any individual, partnership, 88  
 7 corporation, association, or other entity, or group of 89  
 8 individuals associated in fact, although not a legal entity. 90

9 Section 4. A person commits narcotics racketeering when 92  
 10 he:

11 (a) Receives income knowing such income to be derived, 94  
 12 directly or indirectly, from a pattern of narcotics activity 95  
 13 in which he participated, or for which he is accountable 96  
 14 under Section 5-2 of the Criminal Code of 1961; or

15 (b) Receives income, knowing such income to be derived, 98  
 16 directly or indirectly, from a pattern of narcotics activity 99  
 17 in which he participated, or for which he is accountable 100  
 18 under Section 5-2 of the Criminal Code of 1961, and he uses 101  
 19 or invests, directly or indirectly, any part of such income,  
 20 or the proceeds of such income, in acquisition of any 102  
 21 interest in, or the establishment or operation of, any 103  
 22 enterprise doing business in the State of Illinois; or

23 (c) Knowingly, through a pattern of narcotics activity 105  
 24 in which he participated, or for which he is accountable 106  
 25 under Section 5-2 of the Criminal Code of 1961, acquires or 107  
 26 maintains, directly or indirectly, any interest in or 108  
 27 contract of any enterprise which is engaged in, or the  
 28 activities of which affect, business in the State of 109  
 29 Illinois; or

30 (d) Being a person employed by or associated with any 111  
 31 enterprise doing business in the State of Illinois, he 112  
 32 knowingly conducts or participates, directly or indirectly, 113  
 33 in the conduct of such enterprise's affairs through a pattern 114  
 34 of narcotics activity in which he participated, or for which  
 35 he is accountable under Section 5-2 of the Criminal Code of 115

1 1961.

2 Section 5. (a) A person who commits the offense of  
3 narcotics racketeering shall:

4 (1) Be guilty of a Class I felony; and

5 (2) Be subject to a fine of up to \$100,000; and

6 (3) Forfeit to the State of Illinois: (A) any profits or  
7 proceeds and any interest or property he has acquired or  
8 maintained in violation of this Act that the sentencing court  
9 determines, after a forfeiture hearing, to have been acquired  
10 or maintained as a result of narcotics racketeering; and (B)  
11 any interest in, security of, claim against, or property or  
12 contractual right of any kind affording a source of influence  
13 over, any enterprise which he has established, operated,  
14 controlled, conducted, or participated in the conduct of, in  
15 violation of this Act, that the sentencing court determines,  
16 after a forfeiture hearing, to have been acquired or  
17 maintained as a result of narcotics racketeering.

18 (b) The court shall, upon petition by the Attorney  
19 General or State's Attorney at any time following sentencing,  
20 conduct a hearing to determine whether any property or  
21 property interest is subject to forfeiture under this Act. At  
22 the forfeiture hearing the people shall have the burden of  
23 establishing, by a preponderance of the evidence, that  
24 property or property interests are subject to forfeiture  
25 under this Act.

26 (c) In any action brought by the People of the State of  
27 Illinois under this Act, the circuit courts of Illinois shall  
28 have jurisdiction to enter such restraining orders,  
29 injunctions or prohibitions, or to take such other actions,  
30 in connection with any property, real, personal or mixed, or  
31 other interest, subject to forfeiture under this Act, as they  
32 shall deem proper.

33 (d) Prosecution under this Act may be commenced by the  
34 Attorney General or a State's Attorney.

35 (e) Upon conviction of a person under this Act, the

1 court shall authorize the Attorney General to seize all 151  
 2 property or other interest declared forfeited under this Act 152  
 3 upon such terms and conditions as the court shall deem  
 4 proper.

5 (f) The Attorney General is authorized to sell all 154  
 6 property forfeited and seized pursuant to this Act, unless 155  
 7 such property is required by law to be destroyed or is 156  
 8 harmful to the public, and, after the deduction of all 157  
 9 requisite expenses of administration and sale, shall  
 10 distribute the proceeds of such sale, along with any moneys 158  
 11 forfeited or seized, in accordance with subsection (g) 159  
 12 hereof.

13 (g) All monies and the sale proceeds of all other 161  
 14 property forfeited and seized pursuant to this Act shall, 162  
 15 after payment of expenses of administration and sale and 163  
 16 after reimbursement to the General Revenue Fund of all moneys  
 17 appropriated therefrom for fiscal year 1983 and subsequent 164  
 18 years for the funding of Metropolitan Enforcement Groups 165  
 19 created pursuant to the Intergovernmental Drug Laws 166  
 20 Enforcement Act, be distributed as follows:

21 (1) 50% shall be distributed to the unit of local 168  
 22 government whose officers or employees conducted the 169  
 23 investigation into narcotics racketeering and caused the 170  
 24 arrest or arrests and prosecution leading to the forfeiture.  
 25 Amounts distributed to units of local government shall be 171  
 26 used for enforcement of laws governing narcotics activity. In 172  
 27 the event, however, that the investigation, arrest or arrests 173  
 28 and prosecution leading to the forfeiture were undertaken 174  
 29 solely by a State agency, the portion provided hereunder  
 30 shall be paid into the Drug Traffic Prevention Fund in the 175  
 31 State treasury to be used for enforcement of laws governing 176  
 32 narcotics activity.

33 (2) (i) 12.5% shall be distributed to the county in 177  
 34 which the prosecution resulting in the forfeiture was 178  
 35 instituted, deposited in a special fund in the county 179

1 treasury and appropriated to the State's Attorney for use in 181  
2 the enforcement of laws governing narcotics activity.

3 (ii) 12.5% shall be distributed to the State's Attorneys 183  
4 Appellate Service Commission and deposited in the Narcotics 184  
5 Profit Forfeiture Fund, which is hereby created in the State 185  
6 treasury, to be used by the State's Attorneys Appellate 186  
7 Service Commission for additional expenses incurred in 187  
8 prosecuting appeals arising under this Act. Any amounts 188  
9 remaining in the Fund after all additional expenses have been 189  
10 paid shall be used by the Commission to reduce the 190  
11 participating county contributions to the Commission on a 191  
12 pro-rated basis as determined by the Commission based on the 192  
13 populations of the participating counties.

14 (3) 25% shall be paid into the Drug Traffic Prevention 193  
15 Fund in the State treasury to be used by the Department of 194  
16 Law Enforcement for funding Metropolitan Enforcement Groups 195  
17 created pursuant to the Intergovernmental Drug Laws 196  
18 Enforcement Act. Any amounts remaining in the Fund after 197  
19 full funding of Metropolitan Enforcement Groups shall be used 198  
20 for enforcement, by the State or any unit of local 199  
21 government, of laws governing narcotics activity.

22 (h) All monies deposited pursuant to this Act in the 200  
23 Drug Traffic Prevention Fund established under Section 201  
24 5-9-1.2 of the Unified Code of Corrections are appropriated, 202  
25 on a continuing basis, to the Department of Law Enforcement 203  
26 to be used for funding Metropolitan Enforcement Groups 204  
27 created pursuant to the Intergovernmental Drug Laws 205  
28 Enforcement Act or otherwise for the enforcement of laws 206  
29 governing narcotics activity.

30 Section 6. (a) The circuit courts of the State shall 207  
31 have jurisdiction to prevent and restrain violations of this 208  
32 Act by issuing appropriate orders, including, but not limited 209  
33 to: ordering any person to divest himself of any interest, 210  
34 direct or indirect, in any enterprise; imposing reasonable 211  
35 restriction on the future activities or investment of any

1 person, including, but not limited to, prohibiting any person 212  
 2 from engaging in the same type of endeavor as the enterprise 213  
 3 engaged in, the activities of which affect business in the 214  
 4 State of Illinois; or ordering dissolution or reorganization  
 5 of any enterprise, making due provisions for the rights of 215  
 6 innocent persons.

7 (b) The Attorney General or the State's Attorney may 217  
 8 institute proceedings under this Section. In any action 218  
 9 brought by the State of Illinois under this Section, the 219  
 10 court shall proceed as soon as practicable to the hearing and 220  
 11 determination thereof. Pending that determination thereof,  
 12 the court may at any time enter such restraining orders, 221  
 13 injunctions, or prohibitions, or take such other actions 222  
 14 including the acceptance of satisfactory performance bonds by 223  
 15 a defendant, as it shall deem proper.

16 (c) Any person injured in his business, person or 225  
 17 property by reason of a violation of this Act may sue the 226  
 18 violator therefor in any appropriate circuit court and shall 227  
 19 recover threefold the damages he sustains and the cost of the 228  
 20 suit, including a reasonable attorney's fee.

21 (d) A final judgment or decree rendered in favor of the 230  
 22 People of the State of Illinois in any criminal proceeding 231  
 23 brought under this Act shall estop the defendant in the 232  
 24 criminal case from denying the essential allegations of the 233  
 25 criminal offense in any subsequent civil proceeding brought  
 26 under this Act.

27 Section 7. Any civil action or proceeding under this Act 235  
 28 against any person may be instituted in the circuit court for 236  
 29 any county in which such person resides, is found, has an 237  
 30 agent, transacts his affairs, or in which property that is 238  
 31 the subject of these proceedings is located.

32 Section 8. It is the intent of the General Assembly that 240  
 33 this Act be liberally construed so as to effect the purposes 24  
 34 of this Act and be construed in accordance with similar 24  
 35 provisions contained in Title IX of the Organized Crime

1 Control Act of 1970, as amended (18 U.S.C. 1961-1968). 243

2 Section 9. If any provision of this Act or the 245  
3 application thereof to any person or circumstance is invalid, 246  
4 such invalidation shall not affect other provisions or 247  
5 applications of the Act which can be given effect without the 248  
6 invalid provision or application, and to this end the  
7 provisions of this Act are declared to be severable. 249

8 Section 10. Section 4.01 of the "State's Attorneys 251  
9 Appellate Service Commission Act", approved December 3, 1977, 252  
10 as amended, is amended to read as follows:

(Ch. 14, par. 204.01) 254

11 Sec. 4.01. The Commission and all attorneys employed 256  
12 thereby may represent the People of the State of Illinois on 257  
13 appeal in criminal cases, juvenile cases, paternity cases, 258  
14 and cases arising under the Mental Health and Developmental 259  
15 Disabilities Code and cases arising under the Narcotics 260  
16 Profit Forfeiture Act, which cases emanate from a district 261  
17 containing less than 3,000,000 inhabitants, when requested to 262  
18 do so and at the direction of the State's Attorney, otherwise 263  
19 responsible for prosecuting the appeal, and may, with the 264  
20 advice and consent of the State's Attorney prepare, file and 265  
21 argue such criminal appellate briefs in the Illinois  
22 Appellate Court. The Commission may also assist County 266  
23 State's Attorneys in the trial and appeal of tax objections, 267  
24 and the counties which use such service shall reimburse the 268  
25 Commission on pro-rated shares as determined by the 269  
26 Commission based upon the population and number of cases of  
27 the participating counties.

28 Section 11. This Act takes effect upon becoming law. 27

## FORFEITURE OF DRUG PROFITS ACT

Legislatures have been attempting, with mixed success, to control the use of dangerous drugs for the past 100 years. The prime target of much of their activity has been the organized drug distributor. The rationale is that if the pusher of the drugs is eliminated, the problem will disappear.

Criminals who deal in illicit drugs have proved resilient, however. They are hard to contain. Tireless law enforcement officers achieve arrests and convictions, yet drug distributors maintain their power through organizational structures. The profiteers are temporarily jailed, but their profits continue to earn additional money. The structures of criminal organizations are built on illegally obtained assets and as long as these assets remain untouched, drug racketeering will remain a powerful and lucrative industry.

To curtail the distribution of drugs, the economic base of those who are involved in narcotics traffic must be eroded. The Illegal Asset Forfeiture Act provides the legal basis to attack the supporting structure of the illegal drug market in the states today.

In most states, legislatures have given law officers the authority to seize the actual equipment and vehicles used unlawfully to produce, transport, and distribute controlled substances. This property is forfeited to the state with no compensation to the criminal. The money the criminal earned from his death-dealing activities, as well as the goods and investments obtained from this ill-gotten gain, remain the property of the offender.

A solution is on the horizon, though. Some states, including Illinois and Maryland, have adopted civil statutes to permit the seizure of all monies used in, and all assets acquired from, the illegal drug trade.

The statutes authorize civil proceedings to be brought by the state against those convicted and sentenced for violations of criminal drug laws. Remedies include restraining orders, injunctions, or prohibitions, with the state Attorney General seizing all property or other interests declared forfeited by the court.

Property taken by the state is then sold (unless required by law to be destroyed) with the resulting income being distributed to cover the costs of enforcement proceedings and/or used to enhance local law enforcement efforts against drug law violators.

The potential for income received through the Illegal Asset Forfeiture Act is tremendous. With the illegal narcotics industry in the multi-billion dollar range, states could certainly find seizure of illegal assets not only an effective tool against the cancer of drug trade, but also a source of revenue with which to fund greater anti-drug activity.

An example of this is found at the federal level. The Congress passed a civil seizure provision in 1978 enabling federal drug agents to take all money used in, and all assets acquired from, the illegal drug trade. In 1979-80, the Drug Enforcement Administration seized assets totaling nearly one-half its annual budget. The Department of Justice states that drug enforcement, through the use of forfeiture, has the potential of producing more income than it spends.

With tightening fiscal budgets, no legislature can really afford to ignore an effective enforcement tool such as the Illegal Asset Forfeiture Act especially when it also secures significant income for the state treasury. Until the illegal drug trade's structure is attacked, the job of eliminating illicit narcotics traffic will continue to grow more difficult. Stripping criminals of the fruits of their poisonous labor is a way to depopularize what is now a deadly growth industry.



## 1983-84 SOURCE BOOK OF AMERICAN STATE LEGISLATION

### Tentative Table of Contents

#### FISCAL RESPONSIBILITY

TAX EQUITY AND SIMPLIFICATION ACT -- replaces state progressive tax structure with a uniform, flat-rate income tax rate.

UNEMPLOYMENT INSURANCE SOLVENCY ACT -- insures stability of unemployment insurance fund, but places a threshold on the amount business can be taxed to maintain the fund.

REGULATORY COST CONTAINMENT ACT -- provides state legislatures with oversight of regulatory agencies and requires a "regulatory budget" which estimates costs of new regulations.

STATE LIABILITY RETRIEVAL ACT -- establishes a more effective procedure for collection of outstanding or delinquent debts owed to the state.

UNION COMMUNITY RESPONSIBILITY ACT -- a response to "plant closure" laws, it requires unions to provide employers with advance notice of any intention to strike.

WORKFARE ACT UPDATE -- revises ALEC model workfare legislation to establish new guidelines for implementing programs to require welfare recipients to perform useful community services in return for their benefits.

#### PRIVATIZING THE PUBLIC SECTOR

CASH MANAGEMENT REFORM ACT -- updates state cash management procedures to permit competitive bidding among financial institutions seeking to manage public funds.

UTILIZATION OF PUBLIC ASSETS ACT -- authorizes government agencies to sell unused public property at current market value to provide revenue to the state and expand the tax base.

PUBLIC SERVICE EFFICIENCY AND ECONOMY ACT -- mandates the privatization of services for which the government presently competes with the private sector.

ENTERPRISE ZONE ACT UPDATE -- revises ALEC model enterprise zone bill, originally published in 1980.

## CRIMINAL JUSTICE REFORM

INSANITY DEFENSE REFORM ACT -- establishes guidelines for strict revision of the insanity defense in criminal trials.

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PRISON WORK OPPORTUNITY ACT -- encourages industry cooperation with prisons to establish work programs for inmates.

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GOOD SAMARITAN ACT -- gives limited liability protection to hazardous waste experts who voluntarily assist in emergencies or accidents involving dangerous waste products.

PRODUCTS LIABILITY ACT -- clarifies guidelines and limits damages for litigation involving defective products.

INFANT PROTECTION ACT -- prohibits doctors or other persons from withholding nutrients or medical treatment from newborn infants with the intent to cause or allow death (does not require artificial life-support or "heroic" efforts to save a child's life).

EFFECTIVE HEALTH CARE DELIVERY ACT -- establishes framework for low-cost, efficient health care services for the indigent and medically needy.

ACCESS TO TREATMENT ACT -- removes costly, bureaucratic restrictions on FDA-approved prescription drugs used in state Medicaid programs.

## INTERNATIONAL TRADE

TRADE EXPANSION ACT -- stimulates state economies by creating an export bank to promote and finance trade by local businesses in foreign markets.

COOPERATIVE ENTERPRISE COMPACT -- enhances business opportunities by establishing a reciprocal enterprise relationship between a state and a foreign nation.

JOB INVESTMENT ACT -- amends state tax code to encourage foreign investment in business ventures within the state.

## RESOLUTIONS

PEACE THROUGH STRENGTH RESOLUTION -- memorializes Congress to adopt a national defense strategy of peace through military preparedness.

UNIFORM TAX RATE RESOLUTION -- memorializes Congress to adopt a flat rate tax schedule for personal income.

## MODEL FORFEITURE OF DRUG PROFITS ACT

PREFATORY NOTE

Widespread drug abuse, particularly among children, teenagers and young adults, poses a serious threat to the well-being of our society. Drug trafficking organizations which cater to this abuse are composed of three elements: (1) contraband drugs, (2) people, and (3) money and other assets. As long as the assets remain untouched, seized drugs and arrested people can always be quickly replaced. Capital is at the heart of all businesses, both legal and illegal. Depriving drug traffickers of their assets, including their operating tools and their illegally accumulated profits, is an essential step in crippling these organizations.

The power to strike at the pocketbooks of organized crime exists in the ancient law of forfeiture. Forfeiture law allows the government to take property that has been illegally used or acquired, without compensating its owner. Forfeiture law has survived for thousands of years: it can be traced to the Book of Exodus in the Old Testament, and it is now an established part of American law. Yet, until recently, forfeiture has played an insignificant role in our struggle with crime.

In the past, state legislatures and the United States Congress have subjected the operating tools of criminals to seizure and forfeiture, but have left illegally accumulated profits intact. The civil forfeiture provisions of the Uniform Controlled Substances Act, for example, authorize the seizure and forfeiture of: (1) contraband drugs; (2) equipment and materials used to make, deliver or import contraband drugs; (3) containers for contraband drugs; (4) cars, boats and planes that transport contraband drugs; and (5) books and records connected with drug trafficking. U.C.S.A. 505(a). Neither the Uniform Act, nor the original federal law on which it was based, subject drug money or illegally accumulated drug profits to forfeiture.

This must be changed. On November 10, 1978, Congress amended the forfeiture provisions of federal law to permit the civil seizure of all moneys used in, and all assets acquired from, the illegal drug trade. 21 U.S.C. 881(a)(6). Federal drug agents now have a very powerful new weapon to strike at organized crime.

ALEC

THE WHITE HOUSE

WASHINGTON

November 12, 1982

Dear Mr. Young:

Thank you for the opportunity to author the introduction to the Forfeiture of Drug Profits Act section of ALEC's 1983-1984 Source Book of American State Legislation.

I would encourage you to use the Department of Justice Model Forfeiture of Drug Profits Act for the Source Book. I have attached a copy of the Model Act with my introduction.

The Illinois statute, which you are planning to use as the model bill, is not based on the Model Forfeiture of Drug Profits Act which was drafted by the Department of Justice in January 1981. While each state should be encouraged to develop whatever legislation it deems appropriate to its needs, I endorse the Department of Justice Model Act for two important reasons. First, the Model Act consists of amendments to the civil forfeiture section of the Uniform Controlled Substances Act which is already being enforced in 47 states. Secondly, a major priority of the nationwide campaign against drug abuse is cooperation and coordination at all levels of government. Our laws should be uniformly strong if we are to achieve the highest possible rate of conviction for drug traffickers, the seizure of their assets, and the ultimate destruction of their criminal organizations.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Carlton E. Turner, Ph.D.  
Director  
Drug Abuse Policy Office

Mr. Brian Young  
Legislative Analyst  
American Legislative Exchange Council  
418 C Street, N.E.  
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## FORFEITURE OF DRUG PROFITS ACT

Lawmakers have been attempting to control the abuse of illicit drugs since at least 1800 when the Emperor of China, concerned by opiate consumption, prohibited its importation and cultivation. In the 1900's, controls on narcotics and psychotropic substances have evolved from a patchwork of laws and agreements targeted at various segments of the drug supply chain, to complex international treaties and comprehensive federal and state legislation which address all aspects of drug supply and demand.

Among the primary targets of control efforts has been the drug trafficker, the critical link between producer and consumer. The illicit drug trade has proven resilient, however. The profits to be made are significant enough to have caused wars, corrupted governments and insulated major organized trafficking groups from justice.

The supply of illegal drugs within the United States has continued to grow and the effects of drug abuse now reach into every segment of society. More than 22 million Americans, two-thirds of whom are under 26 years of age, use marijuana, a drug which has been proven to present significant dangers to the brain, heart, lungs and reproductive system. Over 4 million

people, three-fourths of whom are under 26 years of age, are regular users of cocaine, a powerful reinforcing stimulant to the central nervous system. Approximately one-half million Americans are heroin addicts. Countless others are affected by the significant abuse problems which involve drugs manufactured in clandestine laboratories or diverted from legitimate pharmaceutical sources.

Drug abuse destroys lives. The individual user is not the only one who pays the price. Many non-drug users are the innocent victims of drug-related accidents or the high incidence of violent and property crime which accompanies the drug abuse problem. Drug abuse overloads the criminal justice system, drains productivity from the workplace, undermines the economy, weakens our military strength and erodes the family structure.

Individual drug trafficking organizations, in the meantime, count their profits in the millions. The money, which for the most part remains untaxed, is laundered through various means and invested in legitimate business, used to finance other criminal activities, and spent on property and luxury items.

The accepted cost of doing business for the drug trafficker is small compared to the profits to be made. Accepted costs include not only supplies and transportation but also loss of occasional drug shipments to enforcement action, payments for protection and, as the need arises, forfeited bail. The arrest

and conviction of a major trafficker, which requires a substantial investment of investigative and prosecutorial resources, is meaningless if the violator flees and continues operations as a fugitive. Incarceration, likewise, is meaningless if the financial assets upon which the organization depends remain intact. If a trafficking organization is actually immobilized, the financial enticements of the drug traffic are such that another organization is ready to take its place.

The power to take the profit out of drug trafficking, to turn the primary strength of the trafficker into a liability, exists in the ancient law of forfeiture. In the past, state legislatures and the United States Congress subjected the operating tools of criminals to seizure and forfeiture, but left illegally accumulated profits intact. On November 10, 1978, Congress amended the forfeiture provisions of the federal law, 21 U.S.C. 881 (a) (6), to permit the civil seizure of all moneys used in, and all assets acquired from, the illegal drug trade. Federal law enforcement officers now have a very powerful new weapon with which to strike at organized criminal activity.

Forfeitures also produce vast amounts of revenue. Although the federal law was in its infancy, in 1979-1980 the Drug Enforcement Administration seized assets totaling nearly one-half its annual budget. According to the Department of Justice, drug law enforcement has the potential, through forfeiture, to produce more income than it spends.

In January 1981, the Department of Justice drafted the Model Forfeiture of Drug Profits Act. The intent of the Model Act is to amend existing state laws to permit all states to seize, civilly forfeit and deposit in their treasuries: (1) all moneys and other assets used to buy contraband drugs; (2) all moneys used to facilitate any drug violation; and (3) all assets acquired from drug trafficking, regardless of their form. The Model Act consists of amendments to the civil forfeiture section of the Uniform Controlled Substances Act which has been enacted by 47 states.

No state can afford to ignore the modern potential of this ancient doctrine. In 1982, the effects of drug abuse are being felt in nearly every family and every community throughout the United States. Forfeitures provide an effective means by which federal and state governments can strip criminals of the fruits of their pernicious trade and ultimately destroy the criminal organizations responsible for supplying drugs to our citizens. Forfeiture laws can assign certain portions or all seized funds and properties to various state, and even local, agencies to be used for law enforcement, treatment, education and drug abuse prevention programs. In effect, it is time that the trafficker pay the cost of the havoc of drug abuse.

- November 12, 1982



MODEL FORFEITURE OF DRUG PROFITS ACT

Drafted by the

Drug Enforcement Administration

of the

United States Department of Justice

January, 1981

## COMMENT

The Model Act is based on Section 881(a)(6) of Title 21 of the United States Code. That federal drug enforcement provision subjects to civil forfeiture:

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this title, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this title, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by the owner to have been committed or omitted without the knowledge or consent of that owner.

The Model Act mirrors this law in intent and coverage. A rebuttable presumption has been added to assist state attorneys in prosecuting seized moneys. The language of the Model Act also eliminates certain redundancies and grammatically undesirable wording in the federal provision.

States should seriously consider allocating the moneys forfeited under this Act to drug enforcement, prevention and treatment agencies within their jurisdiction. Variations in the finance laws of the states preclude drafting a model provision dedicating forfeited property. Nevertheless, each state could amend its laws to devote a substantial portion of forfeited drug profits to the goal of drug law enforcement.

The Drug Enforcement Administration has just completed a text that explains all aspects of the law of forfeiture. The text, entitled Drug Agents' Guide to Forfeiture of Assets thoroughly discusses the federal statute on which the Model Act is based. It is approximately 350 pages long and contains over 600 legal citations to state and federal forfeiture cases. The Guide, which is now being printed, should be available in March, 1981 through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. States adopting the Model Forfeiture of Drug Profits Act will find the Guide invaluable in training officials in the enforcement of the law.

MODEL FORFEITURE OF DRUG PROFITS ACT

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SECTION (insert designation of the civil forfeiture section) of the Controlled Substances Act of this State is amended by adding the following paragraph after paragraph (insert designation of the last category of forfeitable property):

"( ) Everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of this Act (meaning the Controlled Substances Act of this State), all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of this Act; except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by him to have been committed or omitted without his knowledge or consent.

Rebuttable Presumption: All moneys, coin and currency found in close proximity to forfeitable controlled substances, to forfeitable drug manufacturing or distributing paraphernalia, or to forfeitable records of the importation, manufacture or distribution of controlled substances, are presumed to be forfeitable under this paragraph. The burden of proof is upon claimants of the property to rebut this presumption.

Forfeitures also produce vast amounts of revenue. Although the federal law is in its infancy, in 1979-1980 the Drug Enforcement Administration seized assets totaling nearly one-half its annual budget. Drug law enforcement has the potential, through forfeiture, of producing more income than it spends. With tax dollars becoming scarce, forfeiture holds the promise of improving drug law enforcement while profiting the public treasuries. The long range implications are enormous. No state can afford to ignore the modern potential of this ancient doctrine.

The intent of the Model Forfeiture of Drug Profits Act is to amend existing state laws to permit all states to seize, civilly forfeit and deposit in their treasuries: (1) all moneys and other assets used to buy contraband drugs; (2) all moneys used to facilitate any drug law violation; and (3) all assets acquired from drug trafficking, regardless of their form. The Model Act consists of amendments to the civil forfeiture section of the Uniform Controlled Substances Act, which has been enacted by forty-seven (47) states.