

**Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee
Hearing On Oversight Of The Drug Enforcement Administration
April 30, 2014**

I welcome Administrator Michele Leonhart of the Drug Enforcement Administration to the Senate Judiciary Committee. In recent years, the Committee has held numerous hearings exploring issues related to drug abuse and drug-related crimes, but today marks the first appearance by Administrator Leonhart before this Committee.

This hearing comes at an important time. Our nation continues to struggle with an old and persistent problem – the seemingly unrelenting addiction to powerful controlled substances. Yet much about this problem is changing. The drugs of choice are evolving, along with the path to addiction for many Americans. Prescription drug abuse has reached epidemic levels, and overdoses from prescription opioids now account for more than half of all drug-related deaths.

State laws are evolving, too. After decades of treating marijuana the same as cocaine and heroin, some states have sought solutions that reach beyond the criminal justice system. Vermont has decided to allow the use of marijuana by patients with debilitating conditions, like cancer and multiple sclerosis. Vermont also has decriminalized marijuana, imposing civil fines on users instead of criminal sanctions and jail. Other states have gone further.

Around the country, law enforcement is now demonstrating a strong commitment to creative approaches to combating drug abuse and addiction. No one questions that disrupting trafficking networks is necessary to reduce the flow of illegal drugs. But we have seen that enforcement alone is not enough. No amount of arrests or seized drugs can truly break America's drug habit. Despite our efforts, supply relentlessly chases demand. A comprehensive approach is needed – one that includes prevention, treatment, and reentry services.

A month ago I brought the Senate Judiciary Committee to Rutland, Vermont. Rutland, like rural towns across the country, has seen a surge in addiction to heroin and other opioids. But the community has come together to respond in remarkable ways. The police department almost functions as a community organizer, helping to shape community-driven strategies through Project VISION. They partner with early intervention coordinators, social workers, and even building inspectors, to address addiction from every angle and to send a clear message that drugs will not be tolerated. Communities in Vermont have also developed successful diversion programs to keep offenders out of the criminal justice system when the underlying issue is a treatable addiction.

I am encouraged to see that the Justice Department is similarly committed to a comprehensive approach. Through its "Smart on Crime" initiative, the Department is supporting prevention and reentry efforts and promoting fairer sentences for low-level offenders. Smart on crime does not mean weak on crime – serious offenders still deserve serious punishment. But it does mean ensuring that finite resources are devoted to law enforcement priorities that are proven effective.

The DEA, too, is committed to addressing drug abuse through prevention. The DEA has long supported educational programs and community-based initiatives that aim to reduce demand for drugs. I view in the same light the Office of Diversion Control, which controls the distribution of prescription drugs. Time and again, we have seen Americans slide into addiction after using powerful prescription opioids. Some even turn to heroin. Heroin has now crept into rural communities once thought unimaginable, and my home state of Vermont has not been spared.

The Office of Diversion Control must maintain a watchful eye over the distribution process and prescribing practices and encourage responsible disposal of unused prescription drugs through drug take-back initiatives. I was pleased to see that, in conjunction with the DEA, authorities in Vermont last Saturday recovered over 3,300 pounds of unused prescription drugs through a take-back event. That means hundreds of thousands of unwanted pills are no longer sitting on shelves and susceptible to abuse. Effective diversion control means effective addiction prevention. As powerful new prescription opioids continue to enter our markets, this work is more important than ever, and I am committed to supporting the DEA's efforts in this regard.

I also believe that the DEA's traditional criminal enforcement authorities still play an essential role. The DEA has enjoyed great success targeting those who profit from the illegal drug trade. There was no bigger target than the Mexican drug kingpin known as "El Chapo." His recent arrest was the result of an extraordinary investigation and pursuit by the DEA and our counterparts in Mexico. And just last week, the Mexican drug trafficker who ordered the 2010 murders of a U.S. consulate employee and her husband was sentenced to life in prison. Much closer to home, I have seen how effective the collaboration is between the DEA and the Vermont Drug Task Force. The Task Force has been able to break up significant trafficking rings that might otherwise have gone undetected.

While the DEA is doing critically important work in many areas, I do want to raise with the Administrator today my concerns about some of its tactics.

I have concerns about some of the DEA Special Operation Division's investigative techniques. Given the sensitivity of these matters, I have raised these concerns privately. But this is an area where additional oversight is needed, and I trust that the Administrator will ensure the DEA's cooperation with this oversight.

I also have repeatedly sought answers regarding the DEA's involvement in a 2012 counter-narcotics operation in Honduras, in which four Honduran civilians were killed including a 14-year-old boy, and in which others were severely injured. I am disappointed that I have only just this week received a response to a letter I sent in October on this matter. I remain concerned about factual inconsistencies in the DEA's description of the operation. In addition, the DEA must make changes to ensure this type of tragedy does not happen again. If not, I will have difficulty supporting DEA's participation in such operations in the future.

Thank you, Administrator Leonhart, for your testimony today. I am eager to hear your ideas for how the DEA can best approach drug policy in a careful, comprehensive way.

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