

# BIPARTISAN POLICY REVIEW

MAY 2020 EDITION

## TREADING ON THE CENTER AISLE

*Hon. Steve Israel*

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## THE REAL ACT

*Rep. Danny K. Davis (D-IL), Rep. Jim Banks (R-IN), Rep. French Hill (R-AR), and Rep. Barbara Lee (D-CA)*

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## CONGRESS SHOULD ACT TO PROTECT OUR ELECTIONS AND DEFEND OUR DEMOCRACY

*Rep. Derek Kilmer (D-WA) and Rep. Jaime Herrera Beutler (R-WA)*

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## WHEN IT COMES TO WAR, IT'S TIME FOR CONGRESS TO DO ITS JOB AGAIN

*Rep. Josh Gottheimer (D-NJ) and Rep. Tom Reed (R-NY)*

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## OUR SHARED FIGHT: RECAPTURING THE PUBLIC'S TRUST

*Rep. John Sarbanes (D-MD) and Rep. Connie Morella (R-MD)*

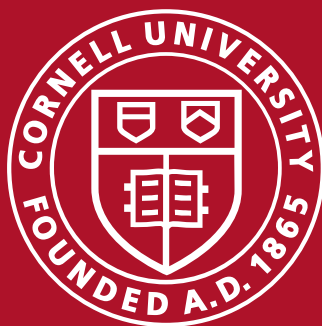
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## A STATEN-ISLAND STORY: FIGHTING BACK TOGETHER AGAINST THE DRUG EPIDEMIC

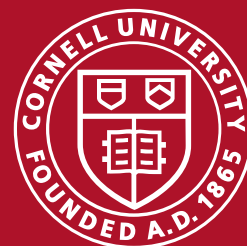
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*Hon. Steve Israel, Director of the Institute of Politics and Global Affairs at Cornell University*

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## TREADING ON THE CENTER AISLE

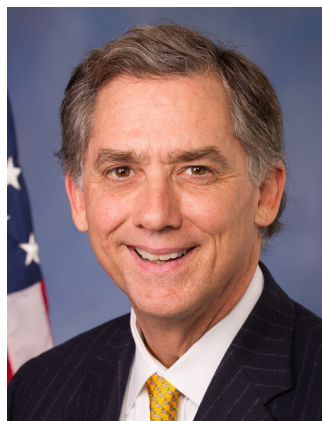
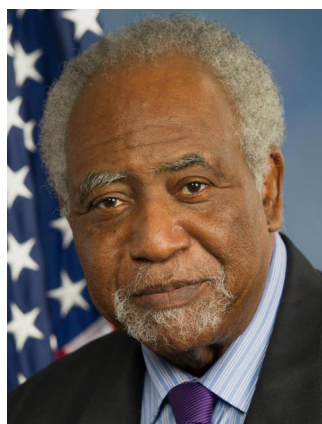
Steve Israel, a Democrat and the Director of the Institute of Politics and Global Affairs at Cornell University, served as a U.S. Representative for New York from 2000-2017. He has published two critically acclaimed satires of Washington—*The Global War on Morris* (2014) and *Big Guns* (2018)—and his work is regularly featured in *The Hill*, *The New York Times*, *The Atlantic*, *The Washington Post*, and *The Wall Street Journal*.



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## THE REAL ACT

Danny K. Davis, a Democrat, serves as U.S. Representative for Illinois's 7th congressional district, Jim Banks, a Republican, serves as U.S. Representative for Indiana's 3rd congressional district, French Hill, a Republican, serves as U.S. Representative for Arkansas's 2nd congressional district, and Barbara Lee, a Democrat, serves as U.S. Representative for California's 13th congressional district. In "The REAL Act," this bipartisan group of representatives lay out a case for expanding educational opportunities for incarcerated individuals through the restoration of Pell Grants.



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## CONGRESS SHOULD ACT TO PROTECT OUR ELECTIONS AND DEFEND OUR DEMOCRACY

Representative Derek Kilmer, a Democrat, serves as the U.S. Representative for Washington's 6th congressional district and Representative Jaime Herrera Beutler, a Republican, serves as the U.S. Representative for Washington's 3rd congressional district. In "Congress Should Act to Protect Our Elections and Defend Our Democracy," Reps. Kilmer and Herrera Beutler argue Congress needs to increase transparency and accountability for online political ads in order to improve democracy and national security.





# CONTRIBUTORS

## **WHEN IT COMES TO WAR, IT'S TIME FOR CONGRESS TO DO ITS JOB AGAIN**

Josh Gottheimer, a Democrat, serves as the U.S. Representative for New Jersey's 5th congressional district and Tom Reed, a Republican, serves as the U.S. Representative for New York's 23rd congressional district. Together, they co-chair the bipartisan Problem Solvers Caucus, a group of 24 Democratic and 24 Republican members of Congress. In "When It Comes to War, It's Time for Congress to Do Its Job Again," Reps. Reed and Gottheimer argue that Congress needs to revisit legislation passed in 2001 and update it for today's climate.



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## **SIGNIFICANT CHANGES SHOULD BE MADE TO NEW YORK'S BAIL ELIMINATION ACT**

Jeffrey Murphy, a Republican, is a sheriff in Washington County, New York and Dr. Errol D. Toulon Jr., a Democrat, is a sheriff in Suffolk County, New York. In "Significant Changes Should Be Made to New York's Bail Elimination Act," Murphy and Toulon Jr. make a case for reconsidering New York's swiftly-passed Bail Elimination Act, arguing that it negatively impacts public safety in New York.



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## **OUR SHARED FIGHT: RECAPTURING THE PUBLIC'S TRUST**

Connie Morella, a Republican, served as the U.S. Representative for Maryland's 8th congressional district and John Sarbanes, a Democrat, serves as the U.S. Representative for Maryland's 3rd congressional district. "In Our Shared Fight: Recapturing the Public's Trust," Reps. Sarbanes and Morella argue that implementation of HR 1 would lessen the impact of dark money in politics, returning power back to American citizens.



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## **A STATEN-ISLAND STORY: FIGHTING BACK TOGETHER AGAINST THE DRUG EPIDEMIC**

Michael E. McMahon, a Democrat, serves as District Attorney of Richmond County and James Oddo, a Republican, serves as Borough President of Staten Island. In "A Staten-Island Story: Fighting Back Together Against the Drug Epidemic," McMahon and Oddo argue for a unified approach to combatting the opioid epidemic, proposing educational initiatives, legal reform, and treatment options for victims.





# MESSAGE FROM THE DIRECTOR

THE INSTITUTE OF POLITICS AND GLOBAL AFFAIRS AT CORNELL UNIVERSITY IS THE ONLY ACADEMICALLY BASED INSTITUTE OF POLITICS AND GLOBAL AFFAIRS LOCATED IN THE NEW YORK METROPOLITAN AREA.



*Steve Israel*  
*Director, Institute of Politics and Global Affairs*  
*Member of Congress (2001-2017)*

In Congress, one of the lessons I learned was that nothing seems to matter until the military gives it an acronym. The U.S. Army War College has described the state of the world, the nation, our communities and politics as “VUCA”—volatile, uncertain, complex and ambiguous. Today, politics is more volatile, uncertain, complex and ambiguous than it has been, yet we continue applying the salve of soundbites.

The mission of the Institute of Politics and Global Affairs at Cornell University is to raise the discourse and deepen people’s understanding of both domestic and international affairs

The institute hosts world-class programs—in New York City, Ithaca, Washington, and international locales—with nonpartisan leaders from the United States and abroad. These programs provide opportunities for enriched understanding of political content in our contemporary societies and create opportunities for our members to meet with foreign leaders abroad.

The institute seeks to engage several core constituencies in its activities: Cornell students, faculty and alumni; institute supporters and members; and the general public.

We look forward to your participation in our efforts.

*By Rep. Steve Israel (D-NY)*

Welcome to *The Bipartisan Policy Review*. In these pages you will find content that is both unique and refreshing: agreement on important issues from Democrats and Republicans.

The BPR seeks to break through partisan static with clear and collaborative ideas offered by leaders of both political parties. We will consider any and all submissions—so long as they are co-authored by Republicans and Democrats.

My own contributions will provide historical context, giving insight into moments in our history when bipartisanship failed – and worked.

So join me in 2005, when a slashed shoe created the Center Aisle Caucus.

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If you want to understand one reason for the breakdown of civility in the Capitol Building, stand in the parking plaza after the very last vote of the week, when hundreds of members of Congress rush out the doors, stampede down the steps, and pile into vehicles to race to the airport and get back to their districts.

On a particular Thursday, I was in a rush to make a flight to LaGuardia so that I could give a speech on Long Island. I stationed myself at the back of the House Chamber, slipped my voting card into a machine, pressed “YES” and raced to the door. Unfortunately, one of my colleagues was moving too slow for my own taste, so I reached around him and pushed against the heavy bomb-resistant door. The corner of the door caught his shoe, cutting a gash in it. He winced.

As a good New Yorker, I kept going.

A few weeks later, I was working out in the gym. The guy on the elliptical next to me said, “You don’t remember me, do you?”

“I’m sorry, I don’t.”

“I’m Tim Johnson. From Springfield, Illinois. You ruined my shoe.”

“You should buy better shoes,” I joked.

Congressman Johnson and I noticed something about the gym. Republicans and Democrats competed at basketball, handball, and other athletics with respect and civility. But often as soon as we walked onto the House floor, we sounded like raucous teenagers at a school assembly.

So we tried an experiment. We called it the House Center Aisle Caucus. Rep. Johnson invited a bunch of Republicans and I invited a bunch of Democrats. We met on Monday nights at a local Chinese restaurant.

Steve Israel, a Democrat and the Director of the Institute of Politics and Global Affairs at Cornell University, served as a U.S. Representative for New York from 2000-2017. He has published two critically acclaimed satires of Washington—*The Global War on Morris* (2014) and *Big Guns* (2018)—and his work is regularly featured in *The Hill*, *The New York Times*, *The Atlantic*, *The Washington Post*, and *The Wall Street Journal*. In “Treading on the Center Aisle,” Israel proposes avenues for using collaboration between Democrats and Republicans to cut through partisan static.

Instead of yelling about our disagreements, we searched for commonality.

Here’s the lesson I learned: Democrats and Republicans will disagree on significant issues about 70 percent of the time. There’s a reason I’m a Democrat and Tim Johnson is a Republican. That’s fine. The problem is that we are so busy beating each other up on the 70 percent of issues where we can’t agree that we forget we can pass the 30 percent that’s left.

The House Center Aisle Caucus was a liberating experience. I learned that some of the Republicans I saw frothing in ten-second soundbites on Fox had reasonable ideas on issues like the War Powers Act, poverty, and food security. And I think they had similar takeaways about me.

Sadly, the angry and vituperative 2010 Tea Party tide claimed the Center Aisle Caucus, and collaboration began to turn on our members. Even the slightest cooperation became heavy political baggage. Rep. Johnson left the House (shoes intact) and the Caucus folded.

Fortunately, the Problem Solvers Caucus is pursuing the goals of our original group, along with the elected officials who have contributed to this inaugural issue of the *Bipartisan Policy Review*.



*By Rep. Danny K. Davis (D-IL), Rep. Jim Banks (R-IN), Rep. French Hill (R-AR), and Rep. Barbara Lee (D-CA)*

As liberals and conservatives, we united to lead the Restoring Education and Learning (REAL) Act, which will expand educational opportunities for incarcerated individuals. Companion legislation is led in the Senate by Senators Brian Schatz (D-HI) and Mike Lee (R-UT). This landmark legislation has the support of over ninety progressive and conservative organizations. It will strengthen successful reentry and economic growth by restoring Pell Grant eligibility for incarcerated individuals, which research shows has tremendous effectiveness and saves taxpayer dollars.

A recent report from the Vera Institute of Justice and the Georgetown University Center on Poverty and Inequality, "Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison," found that:

- Between 2012 and 2014, 64 percent of people ages 18-74 who were incarcerated in federal and state prison had, at most, a high-school degree or equivalent;
- A majority of incarcerated people are academically eligible to advance to post-secondary level courses;
- According to estimates, expanding access to education in prison would result in a \$45.3 million increase in combined earnings for formerly-incarcerated workers during the first year after release; and
- More access to education is proven to result in decreased recidivism rates, saving states a combined \$365.8 million per year on incarceration costs.

Restoring Pell Grants to the incarcerated is a bipartisan effort because it strengthens communities, improves reentry, promotes economic wellbeing, increases labor-force participation, and meets workforce demands. Permanent restoration of Pell Grant eligibility for the incarcerated is a federal investment that makes communities safer and our country stronger while reducing taxpayer costs.

The vast majority of prisoners will eventually be released. Our society is better and safer if we equip inmates with the resources necessary to become productive citizens and not re-enter the criminal justice system. This bipartisan effort will reduce crime, grow jobs and save taxpayers' money. We are proud to be a part of it.

To ensure that formerly incarcerated individuals have the tools they need to be productive members of society, we must see education as an investment that can create a path to a better life for them. Our society is better and safer if we equip inmates with the resources necessary to become productive citizens and not re-enter the criminal justice system.

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Federal Pell Grants were created to ensure that all Americans have the ability to better themselves through educational opportunities. Giving incarcerated individuals the chance to choose an educational path will benefit communities across the country: from Chicago, Illinois, to central Arkansas and from northeastern Indiana to Oakland, California. We see education as a tool to break the cycle of crime in low-income communities.

We serve in the People's House. Enacting laws is a complex process that requires legislators from diverse political perspectives to agree on what is important for our country. Despite our differences in other policy areas, we strongly believe that restoring Pell Grant eligibility for the incarcerated strengthens our nation by improving education, reducing crime, increasing economic wellbeing, and saving taxpayer dollars. These are the reasons we champion the REAL Act.



*By Rep. Derek Kilmer (D-WA) and  
Rep. Jaime Herrera Beutler (R-WA)*

We've all chuckled at the tagline at the end of a political ad on television: "I'm candidate X and I approve this message." But that line – and others like it, including "Organization Y is responsible for the content of this ad" – can provide important details about the folks behind the messages we hear during campaign season.

The "Stand by Your Ad" language that we hear on our televisions and radios is one of several valuable resource that help voters understand who is trying to influence the outcome of an election. Broadcast stations are also required to keep a public file where interested parties can see who is purchasing political ads and how much they are buying. But those legal requirements critical to election transparency are missing in one big arena – the Internet.

Why is that a problem?

First, more and more political spending is migrating online. In fact, according to [opensecrets.org](http://opensecrets.org), presidential candidates spent over \$100 million on digital ads before the calendar turned to 2020.

Second, there is clear evidence that foreign actors have sought to influence American elections through online political spending.

In January, a research report from the Brennan Center for Justice, a nonpartisan law and policy institute, noted that Russian-affiliated groups spent at least \$400,000 on political advertising in the lead-up to the 2016 election in the United States. But that spending didn't happen on television and radio where transparency requirements are part of the law. Rather, it happened across platforms like Facebook, Twitter, and YouTube.

While \$400,000 might not sound like a lot amidst an American Presidential election poised to become the most expensive in history, it had a real impact on the US political system.

For example, as the Brennan Center noted, Facebook posts submitted by agents of the Kremlin were promoted by paid advertising and shared by other unsuspecting Americans, reaching a total of 126 million Facebook users in the lead-up to the election. These same operatives were able to post more than 131,000 messages on Twitter and more than 1,000 videos on YouTube, deeply influencing multiple platforms.

In the wake of the 2016 election, countless intelligence assessments confirmed vulnerabilities in the American election system and the ability of foreign adversaries to play an active role in influencing American voters. And in congressional hearings and multiple intelligence assessments, it has become clear that the core mission of the Kremlin-backed efforts was to polarize the American public, spread disinformation, and sow discord among the American people.

Last year, the American government took action, with the US special counsel indicting 13 Russian individuals linked to the Internet Research Agency, a Kremlin-

Derek Kilmer, a Democrat, serves as the U.S. Representative for Washington's 6th congressional district. Representative Jaime Herrera Beutler, a Republican, serves as the U.S. Representative for Washington's 3rd congressional district.

backed online troll farm. The indictment claims the group "engaged in operations to interfere in elections and political processes," adding that they "posted derogatory information about a number of candidates."

In addition to holding past offenders accountable, there's more that can be done to ensure that moving forward, American citizens know who is paying for the digital ads they are seeing.

That's why we've introduced the Honest Ads Act, a bipartisan, bicameral bill to ensure online political advertisements are better monitored by the Federal Election Commission (FEC) and to enable the FEC to enact rules for online advertising similar to those in place for television, radio, and satellite ads.

The Honest Ads Act will improve our democracy and national security by increasing transparency and accountability for online political ads so that voters, law enforcement, journalists, and watchdog groups can better detect and investigate foreign involvement in our elections. It does this by requiring digital ads meet the same disclaimer requirements as print or broadcast ads, as well as by subjecting the largest online platforms to similar transparency and reporting obligations required by broadcast, cable, and satellite providers that sell political ads. Such transparency shouldn't be at the discretion of tech companies. Rather, as is the case with television and radio ads, these requirements should be the law.

Importantly, unlike many legislative efforts in Washington, this bill is truly bipartisan. In fact, it's co-sponsored by 18 Democrats and 18 Republicans in the House of Representatives. Additionally, Senator Lindsey Graham (R-SC), Chairman of the Senate Judiciary Committee; Senator Mark Warner (D-VA), Vice Chairman of the Select Committee on Intelligence; and Senator Amy Klobuchar (D-MN), Ranking Member of the Senate Rules Committee, have introduced companion legislation in the US Senate.

We are firm believers that foreign interests shouldn't be able to influence American elections – period.

Digital providers like Facebook, Twitter, Google, and YouTube have an immense amount of influence compared to their counterparts in print, television, and radio, and face far fewer regulations when it comes to transparency and accountability for digital ads. That needs to change.

With another election just around the corner, Congress should pass this bipartisan legislation to ensure that our laws are up to date with the latest technology and make it harder for foreign actors to use the Internet to attack our democracy.

*By Rep. Josh Gottheimer (D-NJ) and  
Rep. Tom Reed (R-NY)*

Believe it or not, our brave men and women are still in harm's way in Iraq, Afghanistan, and other terrorist hotbeds around the world. They remain there because of congressional authorizations for military force dating back nearly 20 years. Multiple administrations, including Presidents George W. Bush, Barack Obama, and now Donald Trump, have continued to use and stretch two pieces of legislation. One dates back to 2001 when it was passed in the aftermath of the terrorist attacks of September 11th, but has since been used to carry out an estimated 41 operations in 19 countries. Congress passed another, in October 2002 to authorize the President to use force against Iraq, which began the following year. It's still law, even though today's Iraqi government is no longer an enemy as it was under Saddam Hussein, and even though it is now a strategic partner of the United States and an ally in the fight against ISIS.

Whose responsibility is it to fix these out-of-date laws and provide our armed forces with the tools they need to fight terror in 2020? Under Article I of the Constitution, it's up to Congress to do its job – to consult with the Administration and the military, and pass a new authorization for the use of military force, or AUMF, tailored to today's threats.

The Problem Solvers Caucus, which we co-chair, recently launched a bipartisan working group to do just that—to develop a new AUMF, working closely with national security experts, the Senate, and the Administration.

We need a new framework that addresses today's security threats from terrorist organizations without enabling perpetual conflicts. This legislation should be more narrowly tailored than in the past, but with enough flexibility to account for changing conditions and emerging threats.

Our Constitution assigns different responsibilities to our branches of government. The President of the United States is the Commander in Chief. As such, the President rightfully maintains significant constitutional authority to utilize our military to defend our national security and respond to imminent threats of harm to our people, our military, and other national security interests. But, regardless of who is in the Oval Office, the Framers gave Congress the sole and solemn responsibility to decide whether to commit brave Americans to war. It's time to revive Congress's war powers authority.

In theory, any significant military deployment should require a debate, a vote, and regular oversight. But, in practice, Congress has neglected our constitutional responsibility to define clear limits on the use of force. Both parties share responsibility for this failure. But the consequences of this inaction go far beyond Congress's collective political cowardice. Today, we remain at war

Josh Gottheimer, a Democrat, serves as the U.S. Representative for New Jersey's 5th congressional district. Tom Reed, a Republican, serves as the U.S. Representative for New York's 23rd congressional district. They co-chair the bipartisan Problem Solvers Caucus, a group of 24 Democrat and 24 Republican Members of Congress.

in Afghanistan more than 18 years after the initial US engagement, with seemingly diminishing returns. And the American public will likely continue to bear the enormous costs associated with these perpetual conflicts for as long as Congress fails to act.

It is not enough for lawmakers to complain about the problem. We believe we need a new solution.

First, we believe Congress must draft a revised, bipartisan authorization for the use of military force (AUMF) and be required to regularly debate existing authorizations, no matter who is President. Second, while the War Powers Act requires Presidents to notify Congress within 48 hours of committing armed forces to action, Congress should amend the law to require them to disclose more details about the expected scale, nature, and scope of the engagement. Third, Congress and the Administration should forge consensus on clear and definable successful outcomes for existing conflicts, winding down those we agree are no longer critical to our national security. Finally, we must be mindful of the intent of the Framers, ensuring a President's constitutional authority as Commander in Chief is respected.

Is such a compromise possible? We have reason to believe so. In 2018, Senators Bob Corker (R-TN) and Tim Kaine (D-VA) led a bipartisan group of colleagues in introducing legislation to update the authorities for fighting terrorism abroad. Their bill would force a congressional floor debate at least every four years, and targets specific terrorist groups while establishing a process for the President to add additional groups with input from Congress.

The enduring questions about when and how we use force will not be answered overnight. Not all Americans will agree on how best to respond to Iranian aggression; not all Americans will agree on how many US troops should remain in Afghanistan. But they deserve to have their elected representatives publicly debate these issues and be held accountable for their decisions. That will only happen when Congress sets aside the partisan divide and begins to reclaim our authority over war powers.

*By Dr. Errol D. Toulon Jr., sheriff in Suffolk County, NY (NY-D) and Jeffrey Murphy, sheriff in Washington County, NY (NY-R)*

New York's Bail Elimination Act was swiftly passed into law during the 2019 state budget, a legislative maneuver that nearly ensured that key stakeholders would have limited say in the most significant changes to New York's justice system in decades. We now face a rigid structure that does not give enough discretion to police, prosecutors, judges, and, most importantly, witnesses and victims. Without significant revisions, we believe bail reform will negatively impact public safety for all New Yorkers.

Reform activists in New York have long called for changes to the state's bail system, which, prior to the passage of the Bail Elimination Act, allowed people who could afford to pay to remain in the community while their criminal cases were pending. The principal intents of bail reform were to ensure equal justice for poor criminal defendants – and the presumption of innocence – and to address the disproportionate amount of minorities in prisons in New York State.

We share the concerns of many who are calling for a fairer and more just legal system for all, but the rushed passage of this law, with minimal input from victims' groups and the law-enforcement community, has resulted in many serious public-safety issues. Under New York's new law, more than 400 crimes now require mandatory release, and while bail reform proponents often defend the new system by stating that it only applies to misdemeanors and non-violent felonies, this is simply not the case. Iterations of certain violent felonies, like burglary and robbery, are specifically exempt from being considered a qualifying offense for bail. The majority of drug felonies are also exempt, even if they are A-level felonies.

While most other states permit judges to consider a defendant's threat to public safety in determining pre-trial detention, New York's version does not allow a judge to weigh a defendant's prior criminal history or previous failures to appear in court. Instead the law requires a presumption of release under terms that we believe are too lenient. Moreover, the law does not provide funding for, or the establishment of, a system for pretrial services or risk assessment tools to determine underlying criminogenic factors, like substance abuse and mental-health problems. This has led to many defendants re-offending and acquiring new criminal charges upon their release from court. Following the passage of bail reform, crime rates are rising in some major metropolitan areas like New York City and Buffalo after many years of decline.

Criminal defendants have also been empowered by new expedited discovery rules intended to reduce plea deals that can sometimes be disadvantageous for

Dr. Errol D. Toulon Jr., a Democrat, is a sheriff in Suffolk County, New York. Jeffrey Murphy, a Republican, is a sheriff in Washington County, New York.

those who can't afford private legal counsel. The law allows defendants to inspect crime scenes and receive identifying information about victims and witnesses within a short 15-day timeframe. The automatic disclosure of victim and witness information may have unintended consequences by dissuading people to report crimes. Many defendants seek to find out details about victims and witnesses in order to target and intimidate those who may have incriminating information. Witness intimidation is often cited as a primary reason why people recant statements at trials.

We urge lawmakers to consider the potential impact of this law on children, especially African-American children and immigrant children, who are more likely than white children to be crime victims. Black youth are victims of violent crime at significantly higher rates than their white peers and are more likely to be victims of child abuse, robberies, and homicides. Children who witness and are victims of violence are more likely to internalize trauma and engage in the types of risky behaviors that can lead them into criminal involvement.

As sheriffs, we have encountered thousands of justice-involved individuals. Many are poor and undereducated, have substance-abuse and mental-health problems, and often feel hopeless. Without appropriate intervention to address the underlying criminogenic factors, these individuals will be intermittently incarcerated throughout their lives – and bail reform will do nothing to address the root of their contact with the criminal-justice system.

If we are truly serious about reforming the criminal-justice system, we must do a better job of tackling the complex human service needs of the poor – and especially those with mental illnesses. The millions of public tax dollars that will fund the changes required for New York's bail reform law might be better spent on crime prevention and mentorship initiatives, homeless housing, investments in substance-abuse and mental-health treatment, and funding for our schools in poor and underserved communities.

In the interim, significant changes should be made to New York's Bail Elimination Act to ensure that the balance of the scale of justice protects the people, while also ensuring that poor criminal defendants have fair and equal treatment under the law.



*Rep. John Sarbanes (D-MD) and  
Rep. Connie Morella (R-MD)*

Political polarization has reached new heights in recent years.<sup>1</sup> It seems that on every issue of national importance, we are a divided nation. But there is one exception: nearly all Americans want to cleanse our democracy of political corruption.<sup>2</sup>

In the decade since the US Supreme Court's now-infamous *Citizens United* ruling, Americans – Republicans, Democrats, and independents alike – have grown ever more cynical about our democratic institutions.<sup>3</sup> They have watched helplessly as special interests weaponized billions in campaign contributions and dark-money spending seized greater access and influence over the public-policy machinery.

Research on the topic of money in politics shows that the public's cynicism is well-founded. Martin Gilens and Benjamin Page have tracked longitudinal policy preferences of the public sorted by socio-economic standing, as well as the policy preferences of mass-based interest groups and organizations representing business. The scholars compared those views to Congress's policy actions and concluded that, in their words, "[e]conomic elites and organized groups representing business interests have substantial independent impacts on US government policy, while mass-based interest groups and average citizens have little or no independent influence."<sup>4</sup> Put another way, our government too often works for the narrow few, at the expense of many.

The authors identified a chief culprit: concentrated money in politics. "[W]hile politicians need votes while in office, they need money to obtain and retain office. So they need to balance the activities that will benefit them in terms of money with the activities that'll benefit them in terms of votes."<sup>5</sup>

Speaking on the subject nearly 40 years prior, former Senate Minority Leader and Republican Presidential nominee Robert Dole (R-KS) put it another way: "When these political action committees give money, they expect something in return other than good government."<sup>6</sup> Senator Dole uttered those prophetic words in 1983. Back then, the average cost of a Senate race was a mere \$2 million.<sup>7</sup> In 2016, the average cost swelled to approximately \$10 million, with multiple races costing well over \$20 million per candidate. In 2018, the Texas Senate race saw a record \$124 million spent between the two major party general election candidates.<sup>8</sup> And that's just the direct candidate spending. Outside spending in elections has exponentially increased in recent years, much of it spurred by the *Citizens United* case. In 2002, outside organizations spent \$27 million in the congressional midterm elections. In 2018, outside organizations – many spending without any meaningful disclosure – exhausted nearly \$1.1 billion. That is an increase of nearly 4000 percent.<sup>9</sup>

John Sarbanes, a Democrat, serves as the U.S. Representative for Maryland's 3rd congressional district. Connie Morella, a Republican, served as the U.S. Representative for Maryland's 8th congressional district.

With money flooding our politics and Americans convinced that outside spending deprives them of fair representation, it is no wonder that survey after survey points to the public's appetite for reform. A recent study of competitive House congressional districts, for example, found that the number one issue for voters was "cracking down on political corruption." White non-college voters, especially independents, those over 50 years of age, and women were especially likely to cite fighting corruption as a top priority – a likely explanation for the anti-establishment fervor that continues to roil our politics.<sup>10</sup>

A similar study of the entire US public a few years earlier found that 96 percent of Americans agreed that the influence of money in politics is a serious problem in need of a solution. Sadly, though, the same study found that 91 percent of respondents thought there was nothing that could be done about it.<sup>11</sup> Our shared responsibility – Republicans, Democrats, and independents alike – is to prove otherwise. We can and must regain the public's trust.

In the last congressional midterms, that effort began in earnest.

In 2018, a new generation of reform-minded candidates ran for Congress on a platform of fighting corruption and rebuilding our democratic institutions. These candidates appealed to a broad swath of the electorate, driving the highest midterm election turnout in more than 35 years and sending the most diverse freshman class in history to serve in the US House of Representatives. Anger runs deep, but voters increasingly recognize that the solution to anger comes not from indulging destructive impulses, but from rebuilding democratic institutions to better respond to the will of the people.

While it is true that the 2018 reform candidates came out of the Democratic corner, their message proved decidedly cross-partisan. Fighting corruption, reducing the role of money in politics, and returning power to everyday Americans were unifying themes that found resonance in blue districts, yes – but also purple districts and even deep-red districts. Once in office, these newly-elected reformers followed through on their campaign promise by introducing and passing HR 1, the For the People Act, the most sweeping anti-corruption and clean elections legislation since Watergate.

This omnibus package was premised on a simple proposition: lawmakers must respond to the public's demand for more transparency, more accountability, and more democratic participation. Across three divisions – campaign finance, voting rights, and ethics – the bill puts the everyday voter at the center of the reform agenda.<sup>12</sup>

The For the People Act unmask dark money in our political system, requiring all political organizations and donors to disclose their identities, and gives voters the information they need to evaluate political speech effectively.<sup>13</sup> It establishes common-sense disclosure standards for political advertisements on social media and harmonizes online rules with existing broadcast standards. At the same time, the bill puts a cop on the beat to enforce our nation's anti-corruption laws, revamping the Federal Election Commission by unwinding its partisan construction to ensure fair and effective enforcement.<sup>14</sup> Importantly, given the public's frustration that Washington insiders call the shots, HR 1 would reorder the power dynamic in politics by creating a multiple matching system for small donations to congressional and Presidential campaigns.<sup>15</sup> This model will bring new donors into our political system and enable new candidates to run for, and win, office. Critically, rather than relying on taxpayer money as was the case with past "public financing" proposals, the reformed system would be paid for by a small surcharge on criminal and civil fines, fees, or settlements owed to the federal government.<sup>16 17</sup>

Taking aim at partisan gerrymandering, HR 1 establishes a national requirement that states adopt independent redistricting commissions. This critical reform will make sure voters choose their politicians – and not the other way around.<sup>18</sup> The legislation also includes a suite of ethics reforms across all three branches of government, ensuring public officials work to advance the public interest, not their own personal or financial interest.<sup>19</sup>

Responding to the foreign intrusions in our elections in the 2016 election, the bill includes critical reforms to make sure Americans and Americans alone decide our elections, countering foreign misinformation and providing states with the resources and best practices needed to protect the sovereignty of our democracy.<sup>20</sup> It also includes a set of common-sense changes to promote the integrity of the vote and expand voters' access to the ballot box.<sup>21</sup>

HR 1 offers a clear path forward to restore trust, transparency, and integrity in Washington. Key elements of the bill enjoy strong backing by Americans of all political stripes, with notable intensity among independents. Recent polling has found that 86 percent of American voters support strengthening election security and curbing foreign interference in our democracy, 83 percent favor stronger ethics rules for public officials, 82 percent want to pull back the curtain on secret money in our politics and improve disclosure requirements for political donations, and 72 percent support automatic voter registration.<sup>22</sup> And demonstrating the public's appetite to compete with the big-money players, 81 percent of voters support the small-donor matching system to power federal campaigns.<sup>23</sup> These levels of

support are reflected in reform initiatives at state and local levels. In both blue states and red states, measures to change redistricting, adopt cleaner campaign-finance systems, and improve ethics have taken hold.<sup>24</sup>

Our founders envisioned a government of the many, not the money. HR 1 would bring us closer to that founding vision by loosening the stranglehold that wealthy donors and well-connected special interests have on our government. It would protect the right to vote, crack down on lobbyists, ensure that public officials serve the public interest, and return power back to the American people with clean, citizen-owned elections.

There is a deep and abiding appetite in the country for these critical democracy reforms. Republicans, Democrats, and independents alike are demanding that Washington restore the integrity of our democratic institutions. Lawmakers in the House of Representatives have answered that call, but Americans need the Senate and the White House to show the same sense of urgency – to deliver on the promise of a government of, by, and for the people. Regardless of party affiliation, our shared responsibility is to recapture the public's trust.

<sup>13</sup><https://news.gallup.com/poll/283910/trump-third-year-sets-new-standard-party-polarization.aspx> (needs preferred citation formatting)

<sup>14</sup><https://endcitizensunited.org/wp-content/uploads/2019/01/ECU-Post-Elect-Public-Memo-FINAL-112018.pdf> (needs preferred citation formatting)

<sup>15</sup><https://www.pewresearch.org/fact-tank/2019/07/22/key-findings-about-americans-declining-trust-in-government-and-each-other/> (needs preferred citation formatting)

<sup>16</sup>See Martin Gilens & Benjamin I. Page, Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens, 12 *PERSP. ON POL.* 564, 564–77 (2014).

<sup>17</sup>*Id.*

<sup>18</sup>Robert B. Kaiser, So Much Damn Money: The Triumph of Lobbying and the Corrosion of American Government 148 (2010).

<sup>19</sup><https://www.nytimes.com/1984/10/26/us/senate-campaign-costs-for-1984-likely-to-double-the-1978-total.html> (needs preferred citation formatting)

<sup>20</sup><https://www.opensecrets.org/races/summary?cycle=2018&id=TXS2> (needs preferred citation formatting)

<sup>21</sup><https://www.opensecrets.org/news/2019/01/citizens-united/> (needs preferred citation formatting)

<sup>22</sup>ECU/Anzalone Liszt Grove Poll (Oct. 2019). <https://endcitizensunited.org/wp-content/uploads/2019/11/RaR-103019-PRESENTATION-FINAL.pdf>

<sup>23</sup>Global Strategy Grp., Fund for the Republic Survey (Dec. 2013), [http://images.politico.com/global/2014/02/09/fund\\_for\\_the\\_republic\\_survey\\_topline.pdf](http://images.politico.com/global/2014/02/09/fund_for_the_republic_survey_topline.pdf) [<http://perma.cc/8SJQ-G9UM>].

<sup>24</sup>For the People Act of 2019, H.R.1, 116th Cong. § 5114 (2019); Congressional Budget Office, *H.R. 1, For the People Act of 2019*.

<sup>13</sup>*Id.*

<sup>14</sup>*Id.*

<sup>15</sup>*Id.*

<sup>16</sup>"Understanding H.R.1's Public Financing Provisions." By Gareth Fowler and Daniel Weiner. The Brennan Center for Justice. September 20, 2019. (needs preferred citation formatting)

<sup>17</sup>See Congressional Budget Office, H.R. 1, For the People Act of 2019. For the first 10 years of operation (2020–2029), the CBO estimates that H.R.1 will produce \$1.73 billion in net revenue and that small donor matching for Congressional elections will cost \$1.55 billion.

<sup>18</sup>For the People Act of 2019, H.R.1, *supra* note 12.

<sup>19</sup>*Id.*

<sup>20</sup>*Id.*

<sup>21</sup>*Id.*

*By District Attorney Michael E. McMahon (NY-D) and Borough President James Oddo (NY-R)*

The death rate from fatal opioid overdoses raged to over 32 per 100,000 residents on Staten Island, New York in 2016. Non-fatal overdose rates, along with the 2016 death rate, were the highest in New York City, amongst the highest in New York State, and close to the highest per-county overdose rates in the nation. In a truly purple swing county, what consensus could be reached by political leaders known more for contentious, barn-burner elections than for unified consensus? To fully appreciate the remarkable strides we have made in combatting the county's most existential public-safety and public-health crisis, one must first see our hometown in context.

Staten Island is a unique borough because our demographics, core values, and politics more closely mirror the suburbs of middle-America than our more ideologically-minded neighbors who make up large swaths of Manhattan, Brooklyn, Queens, and the Bronx. As Staten Islanders – no matter our politics – we all possess a common bond over being labeled as the “forgotten borough,” a characteristic that has often empowered our fellow residents and local elected leaders to stand up together to demand our fair share of resources from city, state, and federal governments. This has not always been an easy fight to win, especially while representing a borough that has the smallest population in New York City by a wide margin, and as a result, is often overlooked when it comes to basic amenities such as public-transportation, public safety and public health resources, and other services most New Yorkers take for granted.

We have repeatedly demonstrated our ability to come together in a bipartisan manner and deliver results for Staten Island. Throughout our history, Staten Islanders have shown that we are greater than the sum of our parts. This has been particularly true during times of tragedy—such as the terrorist attacks on September 11, 2001, which disproportionately impacted our borough's first responders, police, firefighters, and the hundreds of everyday Staten Islanders killed at their place of work, or the havoc and widespread destruction we faced in 2012 as Hurricane Sandy pummeled our communities along the East Shore. Unfortunately, citywide media and reality television rarely portray this ability to work together to face our shared challenges.

Still, since the mid-2000s, there has been no issue responsible for causing more death, pain, and suffering than our ongoing opioid epidemic. It has plagued every corner and crevice of our borough. Though every community, demographic, and zip code has been impacted by the drug crisis in some tragic way, Staten Islanders from all backgrounds and walks of life have rallied together to combat a common enemy that knows no boundaries, just as we have with every hardship we have faced in the past.

Thankfully, the collective efforts of our offices and a myriad

Michael E. McMahon, a Democrat, serves as District Attorney of Richmond County. James Oddo, a Republican, serves as Borough President of Staten Island.

of nonpartisan initiatives have made a real difference in the lives of countless individuals and their families, who continue to battle the scourge of substance abuse. As elected representatives serving the entire borough – both through the office of the District Attorney and the office of the Borough President – we have been able to work together with our partners across law enforcement, the health community, and our fellow elected leaders from both sides of the aisle to combat this issue. We have found success through a multi-pronged approach that addresses both the addiction crisis and the proliferation of deadly drugs in our communities.

To better understand how we drove down the overdose rate, it is important to reflect on how Staten Islanders first arrived at our current crisis. It is a complicated journey, but we believe it relates to the many different facets of our shared traumas.

On 9/11, for example, nearly ten percent – or over 275 people – of those who perished were Staten Islanders. This percent age is five times more than our share of the greater metropolitan area. The secondhand impact that the attacks and their aftermath had on our borough cannot be overstated; thousands upon thousands still deal with the trauma of having lost someone dear to them that day. A large portion of those who died, or suffer from 9/11-related illnesses, are from Staten Island as well. In 2012, Hurricane Sandy roared ashore, destroying hundreds of homes, forever changing neighborhoods, and tragically claiming the lives of 24 Staten Islanders. Seven years have passed since that storm, and some families are still fighting red tape to get back into their homes.

We believe these two tragedies explain in part why the drug epidemic has had such a devastating impact on our borough. We know that hundreds of our neighbors turned to substance use in order to cope with the impact of the aforementioned events. We have seen similar stories play out in states like Ohio and West Virginia, particularly in communities impacted by the loss of industry. But as tragic as these events were to the community of Staten Island, they do not tell the whole story.

Staten Island is home to a large number of civil servants: teachers, police officers, firefighters, bus drivers, sanitation workers, and many more. These hard-working public servants have one thing in common: access to high-quality healthcare and prescription medication. According to National Geographic's *Drugs, Inc.*, which aired an episode in 2015 titled “Heroin Island” that focused on Staten Island, “In 2010, one in three Staten Islanders had a prescription for an opioid painkiller, more than twice the statewide average.” That staggering figure translates to



millions of opioid pills on the streets of Staten Island, many of which were being abused by those who had a legitimate prescription as well as those who obtained the medication illegally or through a friend or family member.

It should come as no surprise that these factors coalesced to have a devastating impact on our island. In 2010, 46 Staten Islanders died of a drug overdose. That number exploded to 69 in 2011, 74 in 2012, and 64 in 2013. It became clear that Staten Island was fast becoming the epicenter of the drug epidemic racing across the nation.

Yet, in the midst of this initial rise in fatal overdoses, Staten Island's penchant for bipartisanship brought forth a major legislative accomplishment: the Internet System for Tracking Over-Prescribing Act, or I-STOP, sponsored by Staten Island's own Assembly Member Michael Cusick (D) and Senator Andrew Lanza (R), and signed into law in 2012 by Governor Andrew Cuomo (D).

The lynchpin of the law was the establishment of a real-time prescription-monitoring registry to track how many prescriptions New Yorkers had for controlled substances, as well as mandating that physicians consult the registry before writing any new prescriptions for controlled substances. Further, it required that prescriptions be transmitted electronically instead of on paper, an action that ended the practice of "doctor shopping," forging prescriptions, and stealing physicians' prescription books to write fraudulent scripts for these deadly drugs.

The law had an immediate impact: the number of prescriptions written for controlled substances declined. However, thousands of Staten Islanders were already in the throes of addiction caused by the initial wave of opioids, and for many, their supply had now been essentially cut off. It became exceedingly difficult to obtain prescription pills, and the price on the street went up exponentially. This proved to be the perfect storm for another opioid to enter the market: heroin.

By 2014, heroin was responsible for more fatal overdoses than prescription pills. Making matters worse, we soon saw a spike in the presence of a synthetic opioid: fentanyl. Fentanyl can be 50 to 100 times more potent than heroin, and is deadly in the smallest quantities. From 2010 to 2015, due in large part to fentanyl, Staten Island lost nearly 400 lives to drug overdoses.

Nearly every Staten Islander knows someone whose life has been impacted by substance abuse—we elected officials are no different. As the crisis grew worse, both of our personal experiences with the drug epidemic came into play as we thought about what our individual offices could do to stem the tide that had engulfed our borough.

In November 2015, when co-author McMahon came into office as District Attorney, the epidemic had grown into a full-blown plague. Shortly after Election Day, a young man who had grown up in DA McMahon's neighborhood fatally overdosed on his parents' front lawn. When McMahon took office in January, he asked for the file with the investigation

into his death. The response was shocking: "There is no file." Overdoses were treated as accidental deaths, and once officials determined the victim died of an overdose, there would be no criminal investigation.

The District Attorney quickly recognized that this was a tremendous missed opportunity to turn a tragedy into valuable intelligence for bringing drug dealers to justice and providing supportive services to the victims' grieving families. After working closely with the NYPD, the Overdose Response Initiative (ORI) was born, whereby each and every overdose is investigated as a crime. Evidence is gathered from the scene, including the victim's cell phone with the family's permission. Critically, investigating each overdose as it happens also provides a real-time look at the drug epidemic.

ORI was an unmitigated success and was quickly adopted by the other boroughs across New York City. ORI investigations on Staten Island led to the first-ever conviction for manslaughter in a "death-by-dealer" case in the history of New York City, as well as several large-scale takedowns that crippled drug-dealing rings that operated with impunity across Staten Island. However, ORI also revealed just how deadly Staten Island's drug epidemic had become, because we were receiving "real-time" data. At the end of 2016, ORI revealed 116 people had died of a drug overdose in our borough, an increase of 68 percent in one year. Additionally, we began to track overdose saves as well, and they were in the hundreds. The numbers were staggering, and made crystal clear that more had to be done, and quickly. While we were successful going after the supply, we knew we had to do more to stanch the demand.

When we examined the sentences given to those arrested for low-level drug offenses, many were simply seeing a judge, pleading guilty, and being handed short jail sentences or released on probation. There was no connection to treatment or recovery services, and we were seeing the same defendants re-arrested over and over again. Tragically, many were also losing their lives to overdoses. There had to be a better way, because the revolving door of justice was failing.

Our offices came together to convene a working group with the goal of developing a program to divert low-level drug offenders out of the criminal-justice system and into treatment and recovery services. We had months of meetings, not only with our offices, but also with the Health Department, the NYPD, Staten Island's Performer Providing System, the Mayor's Office of Criminal Justice, the State Office of Addiction Services and Supports (OASAS), local treatment providers, and critically, the Legal Aid Society, which represents the majority of eligible defendants. Finally, the Heroin Overdose Prevention and Education ("HOPE") program was launched on Martin Luther King Day in 2017.

The HOPE Program is yet another innovative approach to combat the raging drug epidemic in our borough.

Those with a limited criminal history who are arrested for misdemeanor drug possession and eligible for a Desk Appearance Ticket would be met at the precinct by a peer recovery coach (someone in recovery from addiction themselves), who would train them in naloxone and provide them with a naloxone kit. They would then offer the accused a choice: proceed forward with your criminal case as normal, or enter the HOPE program, in which the participant would go to a recovery center within seven days for an assessment, and then in the following 30 days “meaningfully engage” with the individualized plan that the service provider has designed with the participant. If they choose the latter path, the DA’s Office would decline to prosecute their case, the arrest would be sealed, and the participant would avoid a criminal record and never have to appear in court. Further, we worked together to open three 24/7 resource and recovery centers, fully staffed to conduct an assessment and direct those in need to help immediately following their arrest. These centers now serve all Staten Islanders, not only those involved with the criminal-justice system.

The results have spoken for themselves. Since its inception, over 700 people have benefited from HOPE. Hundreds have begun outpatient and inpatient treatment for the first time in their lives. Dozens more were referred directly to a detox program. Turning misdemeanor arrests into meaningful outcomes such as these was nothing short of revolutionary, and once again, the HOPE program was the inspiration for similar programs in New York’s other four boroughs and beyond.

Just as the District Attorney, I (co-author Oddo), as the Staten Island Borough President, have forged a comprehensive, all-hands-on-deck approach to the drug epidemic facing our borough. Soon after taking office, I launched an opioid task force, bringing together a diverse group of stakeholders to develop solutions to the crisis. While much of the work being done at the time focused on treating those in immediate need, I turned my attention to the lack of effective education in our local schools to prevent substance abuse.

In 2015, after zealous advocacy and persistence, our office identified and launched the evidence-based “Too Good For Drugs” curriculum in fifth-, seventh-, and ninth-grade classrooms across Staten Island. The program, co-taught by a schoolteacher and a police officer, is designed to teach our young people how to combat peer pressure, while instilling self-confidence and decision-making skills. While “Too Good For Drugs” has made a strong impact on Staten Island’s younger generations, there remains no comprehensive evidence-based curriculum in New York City schools around drug awareness, making “Too Good For Drugs” even more crucial for young Staten Islanders. I have also used the Borough President’s Office to reach out to the general public for innovative assistance in solving the opioid crisis. In 2018, we partnered with Johns Hopkins University to accelerate the borough’s response

to the alarming rate of overdose deaths. The outcome was a report that identified the 15 “North Star Measures” that would align all of the important work being done to save lives around a set of clear, quantifiable measures. Moreover, Governor Cuomo’s interest in our effort yielded an additional \$1 million to expand the prevention curriculum in the borough’s elementary schools and fund a public opioid “hack-a-thon” held at Columbia University later that year. Education and innovation have been Borough Hall’s most effective tools to change the trajectory of the opioid crisis.

To be sure, no telling of the Staten-Island story is complete without reflecting on the tremendous contributions made by our Staten Island Performing Provider System (PPS), an alliance of clinical and social-service providers focused on improving the quality of care and overall health of Staten Island’s Medicaid and uninsured population. Thanks to the PPS’s leadership, over 2,200 Staten Islanders have engaged with medically assisted treatment to assist their recovery from substance-use disorder, a five-fold increase compared to 2015. Simultaneously, PPS enabled dozens of physicians to prescribe buprenorphine, a medication that manages withdrawal symptoms, making effective treatment available for more Staten Islanders in need. Additionally, in March 2019, we joined with the PPS and over 300 physicians who took the “Safe Prescriber Pledge,” a commitment to responsibly prescribe controlled substances and to be a partner in our shared mission of preventing substance abuse.

While Staten Islanders are all too familiar with our status as residents of the so-called “forgotten borough,” our elected officials, community leaders, healthcare professionals, and not-for-profit leaders never forget their neighbors. With just 6 percent of the population of New York City, it often feels as if City Hall, Albany, and Washington, DC look over the needs of our communities. However, this frustration has birthed a wave of innovative solutions to our shared problems, especially the drug epidemic. Together, we changed the narrative around addiction from a moral failing to a treatable illness, developing innovative solutions to the crisis that have been replicated across New York City and beyond.

The results of all these efforts have been encouraging: from a high of 116 fatal overdoses in 2016, preliminary numbers tracked through ORI show a significant decline in overdose deaths during 2019. While we are by no means rid of the scourge of addiction, working together as Staten Islanders, for Staten Islanders – regardless of partisan labels – has been the key in reversing years of pain and suffering for our borough. As we have proven time and time again, these tragedies unify us against a common enemy, which we can only defeat by setting aside our differences and working together.

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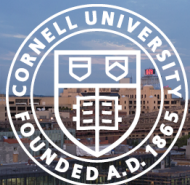
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## **Inside Congress: Speaker of the House Nancy Pelosi**

NEW YORK CITY

Speaker of the House Nancy Pelosi discussed the latest news, as well as priorities for the House Democratic Caucus, with former Congressman Steve Israel, director of the institute.

OCTOBER 17, 2019



## **Inside the White House: A Conversation with Reince Priebus**

Former White House Chief of Staff (2017) and chairman of Republican National Committee (2011-2017) discusses the state of the current administration and other current political news with former Congressman Steve Israel, director of the institute.

JULY 15, 2019



## **Congressional Peace Games**

WASHINGTON, DC

A bipartisan group of Members of Congress participated in the 'Congressional Peace Games', hosted at the U.S. Institute of Peace. These Representatives were presented the complexity of international crises, the variety of policy choices and considerations confronting a President, and the range of instruments available in the event a President decided some kind of U.S. action to be necessary.

NOVEMBER 19, 2019



## **Election 2020 - State of Play: One Year and Counting**

Keynote Analysis by Charlie Cook, followed by a panel discussion between S.E. Cupp, political commentator and host of CNN's "SE Cupp Unfiltered," Basil Smikle Jr., former executive director of the New York State Democratic Party and a frequent guest on CNN and MSNBC, and Emily Tisch Sussman, a progressive strategist, host of podcast "Your Primary Playlist", and frequent commentator on MSNBC, CNN and Fox News. This event was moderated by Steve Israel, director of the institute.

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