

The Chicago Tribune had an editorial recently titled, "A Case Against Independent Counsel."

Their conclusion is that we should simply do away with the law.

I reluctantly believe their conclusion is correct.

But it will be correct only to the extent that we assure the American public that the Attorney General is of an independent bent. It may even be that we should appoint an Attorney General for a period of 10 years, subject to removal from office under conditions that are carefully spelled out in the law prior to ending that 10-year period.

But the Chicago Tribune editorial contains words that we should reflect on.

Mr. President, I ask that the article from the Chicago Tribune be printed in the RECORD.

The article follows:

#### A CASE AGAINST INDEPENDENT COUNSEL

Remember Sam Pierce?

That's OK. Ronald Reagan didn't remember him either, even when Pierce was serving in his cabinet as secretary of Housing and Urban Development. (Reagan once greeted him in a receiving line as "Mr. Mayor").

Pierce and Reagan have been gone from Washington for almost eight years, but the effects of their presence continue to be felt. In Pierce's case, they are felt less in policy than in the work of an independent counsel, or special prosecutor, who is said to be tidying up loose ends in a probe of abuses and mismanagement in Pierce's agency during the Reagan years.

As of the end of March, this investigation had resulted in 17 convictions of former high-level officials and the associates to whom they steered contracts or directed favors. The most prominent of those convicted was James Watt, the blunt former secretary of the Interior in the Reagan administration, who in January pleaded guilty to attempting to mislead the grand jury in the HUD investigation. He was sentenced to five years of probation, 500 hours of community service and a \$5,000 fine.

To obtain these results, the independent counsel has run up a tab of almost \$21 million—an average of \$1.2 million per conviction. That's offset somewhat by the \$2 million in fines and \$10 million in recovered HUD funds. But even so, the pursuit of justice in the HUD case has been an extremely costly affair.

The HUD probe is not even the most expensive by an independent counsel. Lawrence Walsh's Iran-contra investigation cost more than \$40 million. Kenneth Starr's Whitewater probe bids fair to become the most expensive ever—by one estimate it already has cost \$25 million. Altogether, special counsels have cost the taxpayers \$100 million over the last 10 years.

This mounting expense, for results whose value more and more members of Congress consider dubious at best, has inspired a questioning of the independent counsel law that arguments from principle could not.

The logic behind the law (formally, the Ethics in Government Act) is simple and seems unassailable: When high-level officials in an administration are accused of serious breaches of the public trust, it takes an independent outsider to conduct a credible investigation. There is a built-in conflict of interest that makes it impossible for the normal Justice Department processes to work. Without a law, the president cannot be counted on to permit an independent investigation of his administration.

The only problem with this logic is that in the long scope of U.S. history, it has not been shown to be true. Most Justice Department officials and prosecutors behave honorably. In the one great historical instance in which the Justice Department's integrity was in serious question—Watergate—overwhelming political pressure forced President Richard Nixon to yield and accept an independent counsel.

An independent counsel law is a source of permanent temptation to political mischief. The Democrats in Congress used it to bludgeon the Reagan and Bush administrations. Now—after the Democrats insisted on renewing the law in Bill Clinton's first year in office—the Republicans are using it to bludgeon the Clinton administration. No fewer than four independent counsels are at work investigating issues from Whitewater to whether Henry Cisneros lied to the FBI about how much money he gave his former mistress.

As the figures on the HUD investigation suggest, independent counsels operate with none of the budget constraints that fetter ordinary prosecutors. And they can pursue their quarry indefinitely, meaning that individuals can remain under threat of prosecution for years, with devastating effects on their families, fortunes, careers and psyches. That's not fair.

Rep. Henry Hyde (R-Ill.) and Rep. Jay Dickey (R-Ark.) each have proposed legislation to reduce the powers of independent counsels and make them more accountable to Congress.

Better that they should simply do away with the law. As the Nixon case demonstrates, when a president's behavior threatens the very constitutional order, the public will demand an independent counsel. Absent such an outrage, it's best to let normal legal processes work. •

#### TRIBUTE TO COOPER TOOLS/ NICHOLSON FILE

Mr. HEFLIN. Mr. President, the National Association of State Directors of Vocational Technical Education Consortium recently recognized Cooper Tools/Nicholson File of Cullman, AL, for their commitment to vocational education. I, too, would like to commend Cooper Tools/Nicholson File for their exemplary contributions to the community of Cullman, AL, in regards to vocational training. If I may, Mr. President, I would like to briefly outline some of the innovative projects Cooper Tools/Nicholson File has initiated.

In 1985, Nicholson File helped the Cullman County Area Vocational Center take a giant leap toward educational excellence by adopting the school as its partner. As the first step, the company donated to the school hand tools and power equipment worth more than \$254,000.

In addition, Nicholson File began a scholarship program for vocational students to attend Wallace State Community College. To date, 24 students have attended the college, using gifts totaling \$48,000.

In 1986, Cooper Tools initiated Project PACE—Partnership To Aid Career Education. Project PACE gave selected vocational schools an unrestricted grant of \$10,000 each for teacher development and recognition, stu-

dent incentives and recognition, curriculum improvement or new technology, or community outreach. A national panel chose three schools to receive additional PACEsetter Awards totaling \$50,000. Cullman County Area Vocational Center won an additional grant of \$25,000 for a student recognition/scholarship program. In 1995, the school won a \$20,000 award for curriculum improvement.

ComSAVE, another collaborative venture between the school and Nicholson File was instrumental in the implementation of the tech prep initiative in Cullman County. Other efforts have led to new programs, including CAD and Computer Electronics.

As you can see, Mr. President, Cooper Tools/Nicholson File has taken a very proactive approach in regards to vocational education. Cooper Tools/Nicholson File is setting a standard which I hope others will emulate.

#### THE RUSH TO GULP U.S. RADIO STATIONS

Mr. SIMON. Mr. President, some of my colleagues may remember that when the new telecommunications law was before the Senate, I offered an amendment to limit the expansion of radio station ownership by any one corporation or any one individual.

That amendment was tabled by a vote of 64 to 34.

The other day I read an article by Prof. Jerry Landay, former broadcast journalist, who now teaches at the University of Illinois. The article appeared in the Christian Science Monitor under the title, "The Rush To Gulp U.S. Radio Stations."

I ended up voting against the bill even though I know there were some good things in it.

But diversity in ownership is good for all the media. I don't like the concentration of ownership that is taking place in newspapers, but that is not a federally regulated entity.

Radio stations and television stations are federally regulated, and we have every right to demand diversity of ownership and not monopolistic or oligarchical practices.

I ask that the Jerry Landay article be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, May 7, 1996]

#### THE RUSH TO GULP US RADIO STATIONS

(By Jerry M. Landay)

The surface glamour faded long ago from radio. But Americans keep as many as five or six sets in the house and use them regularly. Don Imus, Rush Limbaugh, and Garrison Keillor remind us that television hasn't stripped all the glory from the medium or its revenues—Totaling \$11.5 billion in 1995.

The radio stations that CBS owns—39 of them—grossed a half-billion dollars last year. Like the printing presses in the Federal Mint, commercial radio stations in America churn out cash in prodigious amounts. Returns of 40 to 50 percent yearly are not uncommon.

Multibillion-dollar mergers and acquisitions in the telephone and television-based