

I want our Vice President and their Prime Minister to know that I support their efforts to strengthen cooperation between our two countries. I believe here in the United States, despite our concerns about issues like Chechnya, Russia's continuing efforts to establish democracy and an open market economy actually merit our support. I believe that the American people want to engage the Russians constructively. We want to assist them with reform. Most of all, we want to prevent a return to the authoritarianism of the old Soviet regime.

One topic of conversation between the Vice President and the Prime Minister will be the future of United States aid to Russia. Some Senators have argued that the aid should be terminated, or at least substantially curtailed, and I do not agree.

Indeed, I find that after a slow start 3 years ago, the United States aid program to Russia is now making a significant contribution to advancing political and economic reform. I would like to just lay out a few examples.

The largest element of U.S. aid is to provide technical assistance to help the Russians privatize their state-owned enterprises. Think what we have here. We have people who have lived their entire lives in a centrally planned economy. They do not have any idea how to run a private enterprise. They have never had to sell their products. They have never had to worry about productivity. In fact, when the Berlin Wall fell, there probably were not more than 100 people in the Soviet Union who actually knew how to analyze an honest corporate profit-and-loss statement. They also did not have stock markets, banks or the legal system necessary to support private enterprise. You could not enter a contract in Moscow and have it enforced in St. Petersburg. You could not enter a contract in Moscow and have it enforced in other parts of Moscow.

I think it is in our national interest to help them acquire this know-how. Thanks in large part to our assistance, 50 percent—50 percent—of the Russian gross domestic product now comes from the private sector, and with United States help the Russians are drafting a commercial code, setting up stock markets, and training their police to fight the organized crime that could so easily stifle entrepreneurship.

I support this aid effort. I support the aid effort because I think that the more successful private enterprise Russia has, the more people are going to be resisting any attempt to reestablish Communist dictatorship.

I want to assure other Senators we are simply not shoveling money out the door to them. In fact, many aid dollars are going to Americans. We are sending Americans over to show people how to run a private enterprise economy.

More and more, we are leveraging our taxpayer dollars with contributions from the private sector. There are pri-

vate enterprises that are interested in participating in the assistance program as a part of an effort to sell products. There are also lots of volunteers. In fact, these enterprises and volunteers allow us to multiply what we do.

Another significant element is bringing Russians to the United States. Most of us remember the days of the Soviet Union. The Government prevented most Russians from seeing what life outside their country was like. Unless you held a special privileged position in academe or the government, you could not leave. Most people only had a vague notion of the advantage of living in an open society. I think that the more Russians actually visit the West, talk to Americans, see how we live, the more likely it is they will resist a return to totalitarianism.

Some have suggested that we suspend all aid to show our objections to the sale of nuclear reactors to Iran, or Russian actions in Chechnya. Of course, I am intensely concerned about what is happening in Chechnya. Russian military violence against civilians has far exceeded accepted standards of civilized behavior, regardless of what they claim was the provocation by Chechen separatists. Use of landmines aimed primarily at the civilian population is just one of the egregious things they have done.

By its actions in Chechnya over the last 6 months, the Russian Government shows it still has a lot to learn about democratic values and respect for human rights. I hope now with the current negotiations they are finally learning. In fact, that is why I joined with Senator MCCONNELL this spring in insisting on shifting some of our proposed aid to Russia to provide humanitarian assistance to the Chechens as a token of our disapproval.

Let us think about what we are talking about as far as aid to Russia is concerned. We are talking about \$200-\$300 million overall in aid. Think about what we spent in waging the cold war over the years with the former Soviet Union. This does not even cover the interest on what we used to spend. It is also a drop in the bucket compared to the Russian Government budget. If we cut the aid off, nobody in the central government in Russia is going to notice, because the amounts would not be that large. The people who will notice are those reformers and those entrepreneurs and those in the private sector in Russia who are pointing to the West and the United States especially as somebody who is helping them move to democracy. They will notice, because they are the ones who will find their voices not heard as well if aid is cut off.

And so, Mr. President, I support the Vice President's mission to Moscow. I believe that promoting democratization of the second greatest military power in the world enhances U.S. security. I know that the Vice President will convey forcefully to Prime Minister Chernomyrdin America's concerns

regarding Chechnya and the Iran reactor sale. I also know that he will work to strengthen dialog and cooperation between our two countries. And I do not know of any better way to promote world peace.

MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT

Mr. LEAHY. Mr. President, I note that we are approaching the end of June. We are approaching the July Fourth weekend. I must say, I hear staff and everybody else's sigh of relief, and I agree.

But as we approach the July Fourth weekend, we know the All Star game, featuring the finest major league baseball players, cannot be all that far behind. It looks like the All Star game will actually be played this year and the year-old dispute about player pension fund payments has now been resolved.

We should also note that this year the major league season did not begin until a Federal judge granted an injunction, and the owners and the players, who shut the game down last August and robbed the fans of pennant races and the World Series, finally declared a cease-fire in their ongoing hostilities. They then had to scramble to begin a shortened 144-game schedule.

Another unfair labor practice proceeding against the owners is still pending, although that hearing has now been postponed. I hope that this is a sign that the owners and the players will finally do the right thing, finally be responsible, finally get back to the bargaining table and reach a collective bargaining agreement that will remove the cloud that is hanging over the rest of the season and all of major league baseball.

I am not the only one who expresses that concern, Mr. President. Look at the fans. Interest in major league baseball is undeniably down. Attendance figures show it. They are down between 20 and 30 percent. I suspect the viewership figures show it and certainly advertising and merchandising revenue show it as well.

In fact, in another major blow to the grand old game this morning, both NBC and ABC have indicated that they are not even going to bid on broadcast rights for baseball in the future.

When I go to a baseball game this evening, I suspect for the first time in years I am going to see empty seats. I think that is really something we should all be concerned about, those who love baseball.

Older fans have been turned off, and the younger ones have decided to spend their time and attention on other pursuits.

Of course, injuries to some of the star players have not helped. Those injuries are not the cause of baseball's decline, however. Indeed, other players and teams are having outstanding seasons and major league rosters are full of bright, young, talented players.

The problems are anger, disillusionment, and disdain. As the season began, the acting commissioner was quoted as saying: "We knew there would be some fallout. It's very tough to assess, but there is a residue from the work stoppage, there's no question. There is a lot of anger out there."

Let me tell him, there is. At our February 15 hearing on legislation to end baseball's antitrust exemption, I asked the acting commissioner how fans get their voices heard. I will quote what I said at that time: "Fans are disgruntled; I mean, they are really ripped. Do they vote with their feet?"

I asked that question of the acting commissioner at that hearing. Unfortunately, that was in February. The strike dragged on, fans suffered through the owner's experiment with so-called replacement teams—and what a laugh that was—and the matter remains unsettled and unsettling.

Mr. Selig answered me last February by declaring he understood the frustration fans were feeling, but he observed that when the strike ended, there would be an enormous healing process. I told him back in February, "The longer you go, the harder that healing process is going to be."

I wish I had been wrong; I believe I was right. Because it is sad that for some, the wounds will not heal; for others, it will take a very long time; for still others, they will never have the attachment to the game that begins in childhood and binds generations and nurtures over time.

I do not think that those who are the game's current caretakers appreciate the damage they have done. I do not believe those who are running major league baseball today, with few exceptions, realize the enormous damage they have done to baseball. Slick advertising and discount tickets and special giveaway nights are not going to make up the difference. The last year has been disastrous. There are a lot of people who are more interested in their own egos and own pocketbooks than they were in the true interest of the fans.

What the fans are saying is, "You took us for granted, you hurt us, you insulted us, you disregarded us, you worried only about your own egos and your own pocketbooks, so now maybe we will let you know how we feel."

With broadcast networks, who were partners with the baseball owners in the baseball network, today indicating that they will be abandoning the game, fans across the country who had expected to follow their teams over free television will likely be forced to suffer another blow.

Nothing has been solved. The problems and differences persist, and things are getting worse. There is no collective bargaining agreement and, as far as the public is aware, no prospects of one any time soon. To borrow from an old baseball observer, "It ain't over."

Why should people return to the game or, as we are apparently viewed,

why should we patronize this commercial activity if the risk remains of having affections toyed with again and having hopes of a championship dashed—not by a better team but by competing economic interests?

So I believe the time has come for the Senate to act. The Senate Antitrust Subcommittee has reported a bill to the Judiciary Committee. This consensus bill, S. 627, is sponsored by Senators HATCH, THURMOND, MOYNIHAN, GRAHAM, and myself. It would cut back baseball's judicially created and aberrational antitrust exemption. Congress may not be able to solve every problem or heal baseball's self-inflicted wounds, but we can do this: We can pass legislation that will declare that professional baseball can no longer operate above the law. We can say the same laws that apply to every other business apply to baseball. The antitrust laws that apply to all other professional sports and commercial activity should apply to professional baseball, as well. Professional baseball has a very special exemption that no other business got. It was given to them with the trust and expectation that they would use it in the best interests of the game. They have violated that trust. They have had people testify before us who were less than candid with the Congress. And they turned their backs on the most important people—the hundreds of thousands, even millions, of fans throughout this country.

Along with the other members of the Judiciary Committee, I recently received a report of the section on antitrust law of the American Bar Association that examines the Hatch-Thurmond-Leahy, et al., bill. The antitrust section of the ABA reasons that professional baseball's antitrust exemption is not tailored to achieve well-defined, justified public goals. The antitrust section, therefore, "supports legislative repeal of the exemption of professional major league baseball from the Federal antitrust laws." Moreover, the report notes that putting professional baseball on an equal footing with other professional sports and business and having the antitrust laws apply "cannot fairly be criticized as 'taking sides'" in baseball's current labor-management battle.

I look forward to working with our Judiciary Committee chairman to have our bill, S. 627, considered by the Judiciary Committee at our earliest opportunity and then promptly by the Senate. It is time the Senate act and end this destructive aberration in our law. Then maybe when baseball is subject to the same laws as everybody else, when they are subject to the same laws as all other professional sports, as all other commercial activity, maybe they will realize that they are not above the law—just as I hope they begin to realize they are not above the fans' interests.

So, Mr. President, when I go to the baseball game this evening—something I will thoroughly enjoy doing with

friends and family—I hope I see more people than we have seen in the past. But I also hope I see owners and players coming together to put the interests of baseball above themselves.

Mr. President, I ask unanimous consent that the report of the ABA section on antitrust law be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT OF THE SECTION OF ANTITRUST LAW OF THE AMERICAN BAR ASSOCIATION ON THE PROPOSED MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT OF 1995—JUNE 9, 1995

These views are presented on behalf of the Section of Antitrust Law of the American Bar Association. They have not been approved by the Board of Governors or House of Delegates of the American Bar Association and, accordingly, should not be construed as representing the position of the Association.

INTRODUCTION

On March 27, 1995, Senators Hatch, Thurmond, Moynihan, Leahy and Graham introduced the Major League Baseball Antitrust Reform Act of 1995 (the "Baseball Antitrust Act").¹

The bill would amend the Clayton Act² to subject the business of professional major league baseball to the federal antitrust laws.

EXECUTIVE SUMMARY

The Senate is considering legislation to reverse major league professional baseball's judicial exemption from the antitrust laws. The exemption dates to a 1922 Supreme Court decision that the business of major league professional baseball was not engaged in interstate commerce.

Supreme Court decisions affirming the baseball exemption on the grounds of *stare decisis* in 1953 and 1972 indicate that judicial reversal of the exemption is highly unlikely. These decisions cite repeated Congressional consideration and inaction in support of the conclusion that it is up to Congress to repeal the exemption.

The American Bar Association disfavors any exemptions that are not narrowly tailored to achieve well-defined goals. The baseball exemption, rooted in a limited, long-since-abandoned, view of interstate commerce, does not meet this test. Accordingly, the Section of Antitrust Law of the American Bar Association (the "Section" or the "Antitrust Section") supports legislative repeal of the exemption of professional major league baseball from the federal antitrust laws.

Repeal of the baseball exemption can and should permit uniform development of antitrust law in the sports industry. The Supreme Court has ruled that other sports businesses are subject to the federal antitrust laws, giving rise to a substantial body of sports-related antitrust law, notably in connection with football and basketball. The very interest in uniform application and development of antitrust law that prompts support for repeal of baseball's anomalous exemption demands that Congressional consideration of any such provision be industry-wide rather than baseball-specific.

DISCUSSION

In 1922, the Supreme Court ruled that the business of professional baseball was not engaged in interstate commerce, and, consequently, was exempt from antitrust scrutiny.³ Both professional baseball and judicial interpretation of the commerce clause subsequently evolved. In 1953, the Court upheld

¹Footnotes at end of article.

the exemption in a *per curiam* opinion.⁴ By 1972, the Court, acknowledging that professional baseball was in fact a business engaged in interstate commerce,⁵ refused to overturn the exemption on the ground that Congressional failure to reverse it was tantamount to endorsement.⁶

The Court's adherence to precedent, in 1953 as well as 1972, was based on Congress' positive record of inaction. Removal of professional baseball's antitrust exemption has been the subject of various unsuccessful legislative efforts. At least one such effort, in the early 1950's, was abandoned in the belief that the Supreme Court would reverse its earlier position with respect to baseball.⁷ In baseball terms, the Supreme Court and Congress have been pointing to one another and shouting, "Yours" for decades.⁸

It has long been the position of the American Bar Association that any exceptions to antitrust regulation should be narrow and focused to achieve well-defined goals.⁹ Professional baseball's exemption is neither. Accordingly, we recommend that major league baseball should be made subject to the same antitrust laws generally applicable to all other American businesses in general and sports businesses in particular.¹⁰ To that end, we support the bill, S. 627, proposed by Senators Hatch, Thurmond, Leahy, Moynihan and Graham, to the extent that each reverses baseball's anomalous antitrust exemption and places professional baseball on the same footing as other professional sports.

The courts have readily acknowledged, and the Section agrees, that a certain level of cooperation among franchises is essential to the business of baseball and that this is an important difference from most other businesses. Although, for example, the Dodgers and Giants may want to dominate one another on the field, they do not want their rivals to go out of business. There is little dispute that sports businesses can agree on many matters, such as scheduling and rules of play, essential to the joint enterprise.¹¹

Accordingly, baseball owners may persuasively argue that they may lawfully enter into agreements as joint venturers that owners of other business could not. However, much the same can be said of other American sports businesses. While baseball owners particularly emphasize franchise relocation issues and their commitment to the minor leagues in support of the exemption, all professional sports leagues face franchise relocation issues and at least one, professional hockey, supports a minor league player development structure. With parity in circumstances should come parity in treatment under the law.

Arguments as to the alleged necessity of various trade restraints can and should be made in court. Like professional baseball and commerce clause interpretation, antitrust law has also evolved since 1922. The "rule of reason" standard of review, which has largely supplanted the labeling of various acts as *per se* antitrust violations, and which is routinely applied to antitrust cases involving sports,¹² will afford baseball ample opportunity to demonstrate that specific cooperative activities among its franchises do not unreasonably restrain competition. Any truly pro-competitive conduct should be adequately protected by proper application of the rule of reason. The existing baseball exemption is not based on any determination to the contrary; indeed, because of the exemption, there is essentially no judicial history upon which to base a contention that the rule of reason cannot be properly applied to professional baseball. Nor do fact-specific applications of the rule of reason in cases involving other sports support such a contention.

In addition, professional baseball cannot and should not be prevented from seeking explicit Congressional authority for internal governance of, for example, minor league player development or the location of major league franchises.¹³ The antitrust laws sanction legitimate efforts to petition the government for legislative action. While we take no position at this time on the need for any particular grant of such authority, we note that the current judicial exemption immunizes professional baseball from antitrust scrutiny without the factual predicate necessary for Congress to make an informed determination. Continuation of this exemption is therefore inconsistent with the goal of narrow, focused exceptions to antitrust principles and the status of the other major sports businesses that do not enjoy exemptions.

The proposed legislation would permit judicial determination of the proper application to baseball of the labor and antitrust laws. The non-statutory labor exemption, and the statutory labor exemption, embody the delicate and sometimes elusive balance between the oft-conflicting goals of antitrust law and labor law. Properly striking this balance is no small task, particularly in the context of professional sports. The contours of this body of law have been shaped by decisions rendered over more than half a century.¹⁴ The judicial process of resolving the proper application of the non-statutory exemption to professional sports is well under way,¹⁵ and the proposed legislation will further this process.

We neither endorse nor reject the major league player associations' argument that were professional baseball subject to antitrust laws, the non-statutory labor exemption would not exempt from antitrust scrutiny the owner's unilateral imposition of a salary cap.¹⁶ Such an argument should be made in court, so that it may be resolved in harmony with analogous cases. Similarly, the courts are also the proper forum for resolution of any dispute over whether and to what extent labor markets are a proper subject of antitrust regulation.

Putting professional baseball on an equal footing with other professional sports cannot fairly be criticized as "taking sides" in favor of players in baseball's current labor strife. Representatives of the baseball owners have repeatedly argued that baseball's current exemption is irrelevant to its bargaining relationship with major league players because the owners' conduct is protected by the labor laws and the non-statutory labor exemption.¹⁷ Repeal of the exemption will afford the owners the opportunity to prove this contention. Freeing them from the responsibility to do so, by Congressional inaction, would be "taking sides" in favor of the owners.

We look forward to working with the members of the Judiciary Committee on legislation to reverse major league baseball's exemption from the antitrust laws.

FOOTNOTES

¹A copy of the proposed legislation, S. 627, is appended hereto. Differing versions of legislation on this topic had been introduced by Senators Hatch, Moynihan and Graham (S. 415) and Senators Thurmond and Leahy (S. 416) earlier. Hearings on both of these bills were conducted by Senator Thurmond's Subcommittee on Antitrust, Business Rights and Competition on February 15, 1995.

²15 U.S.C. 12 *et seq.*

³*Federal Baseball Club of Baltimore v. National League of Professional Baseball Clubs*, 259 U.S. 200, 208-209 (1922).

⁴*Toolson v. New York Yankees*, 346 U.S. 356, 357 (1953); see also *United States v. Shubert*, 348 U.S. 222 (1955) (Commenting on *Toolson*: "Congress, although it had actively considered the [Federal Baseball] ruling, had not seen fit to reject it by amendatory legislation." 348 U.S. at 229.)

⁵*Flood v. Kuhn*, 407 U.S. 258, 282 (1972) (Respondent Baseball Commissioner Kuhn's Answer to Flood's Complaint included the admission that "under present concepts of interstate commerce defendants are engaged therein.") 407 U.S. at 291 (Marshall J., dissenting).

⁶"Remedial legislation has been introduced repeatedly in Congress but none has ever been enacted . . . [t]his, obviously, has been deemed to be something other than mere congressional silence and passivity." 407 U.S. at 283.

⁷Subcomm. on Study of Monopoly Power of the House Comm. on the Judiciary, *Organized Baseball*, H.R. Rep. No. 2002, 82d Cong., 2d Sess. (1952).

⁸"If there is any inconsistency or illogic in [baseball's retention of the exemption after Supreme Court rulings that other professional sports are subject to the antitrust laws], it is an inconsistency and illogic of long standing that is to be remedied by the Congress and not by this court." *Flood*, *supra*, at 284.

⁹See, e.g., McCarran-Ferguson Act Recommendations of ABA Commission to Improve Liability Insurance System (Feb. 1989).

¹⁰In every other instance in which a court has had to decide whether an organized sport is subject to the antitrust laws, the court has decided in the affirmative. *Radovich v. National Football League*, 352 U.S. 445 (1957) (professional football); *Haywood v. National Basketball Association*, 401 U.S. 1204 (1971) (professional basketball); *Nassau Sports v. Peters*, 352 F. Supp. 870 (E.D.N.Y. 1972) (professional hockey); *Deesen v. Professional Golfers' Ass'n of America*, 358 F.2d 165 (9th Cir.), *cert. denied*, 385 U.S. 846 (1966) (professional golf); *Washington State Bowling Proprietors Ass'n v. Pacific Lanes, Inc.*, 356 F.2d 371 (9th Cir.), *cert. denied*, 384 U.S. 963 (1966) (professional bowling); *Amateur Softball Ass'n of America v. United States*, 467 F.2d 312 (10th Cir. 1972) (amateur softball). Comm. on the Judiciary, H.R. Rep. No. 103-871, 103d Congress, 2d Sess. 15 n. 71 (1994).

¹¹*National Collegiate Athletic Ass'n v. Board of Regents of University of Oklahoma*, 468 U.S. 85 (1984).

¹²*National Collegiate Athletic Ass'n v. Board of Regents of University of Oklahoma*, 468 U.S. 85 (1984); *Los Angeles Mem. Coliseum Comm'n v. National Football League*, 726 F.2d 1381 (9th Cir. 1984), *cert. denied*, *sub. nom. National Football League v. Oakland Raiders*, 469 U.S. 990 (1984).

¹³The proposed legislation addresses both the minor league and franchise relocation issues, stating that nothing in the proposed legislation shall be construed to affect the applicability or non-applicability of the antitrust laws to minor league or franchise relocation issues. The legislation also would not affect the application of the Sports Broadcasting Act of 1961.

¹⁴*Apex Hosiery v. Leader*, 310 U.S. 469 (1940); *United States v. Hutcheson*, 312 U.S. 219 (1941); *Allen Bradley Co. v. Local Union No. 3, IBEW*, 325 U.S. 797 (1945); *United Mine Workers v. Pennington*, 381 U.S. 657 (1965); *Local Union No. 189, Amalgamated Meat Cutters v. Jewel Tea Co.*, 381 U.S. 676 (1965); *Connell Constr. Co. v. Plumbers & Steamfitters Local 100*, 421 U.S. 616 (1975).

¹⁵*Mackey v. National Football League*, 543 F.2d 606 (8th Cir. 1976), *cert. dismissed*, 434 U.S. 801 (1977); *McCourt v. California Sports, Inc.*, 600 F.2d 1193 (6th Cir. 1979); *Bridgeman v. National Basketball Ass'n*, 675 F. Supp. 960 (D.N.J. 1987); *Powell v. National Football League*, 930 F.2d 1293 (8th Cir. 1989), *cert. denied*, 498 U.S. 1040 (1991); *Brown v. Pro Football, Inc.*, 782 F. Supp. 125 (D.D.C. 1991); *appeals docketed*, Nos. 93-7165, 94-7071 (D.D.C. Sept. 27, 1993, Mar. 31, 1994); *National Basketball Ass'n v. Williams*, 857 F. Supp. 1069, 1071 (S.D.N.Y. 1994), *aff'd*, 1995 U.S. App. Lexis 1531 (2d Cir. Jan. 24, 1995).

¹⁶On February 15, 1995, Kevin J. Arquit, an attorney representing the Major League Baseball Players Association, testified before the Senate Subcommittee on Antitrust, Business Rights and Competition that "efforts by owners unilaterally to impose new conditions would not be protected by the labor exemption and would be subject to antitrust scrutiny if the baseball exemption were lifted." Statement of Kevin J. Arquit, at 8.

That same day, Major League Baseball Players Association executive director Donald Fehr testified that the provision of proposed S. 415 which states that the non-statutory labor exemption shall not apply to unilaterally imposed terms which differ substantially from the provisions of the basic agreement which expired on December 31, 1993 is "no more than a restatement of current law." Statement of Donald Fehr, at 10.

¹⁷For example, on February 15, 1995, the baseball's owners' attorney James Rill testified before the Senate Subcommittee on Antitrust, Business Rights and Competition that, "[t]he National Labor Relations Act governs the relationship between teams and players . . . Thus, the elimination of baseball's

antitrust exemption would have no effect on matters involving major league players' salaries or working conditions, the subjects of the current strike, now or in the future, so long as the players remain unionized" (p. 10).

That same day, acting baseball commissioner Allan Selig testified that, "because the Union would not bargain collectively with us on the overriding issue of the players' salaries . . . we have not been able to reach an agreement . . . [W]e will play the 1995 season, including spring training, with those players who want to come to work . . . None of that has a scintilla to do with the antitrust laws or the antitrust exemption enjoyed by Baseball. Our relationship with the players is governed by the federal labor laws" (pp. 3-4).

Mr. LEAHY. Mr. President, I note that the distinguished Senator from Ohio is on the floor.

I yield the floor.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AT-RISK YOUTH

Mr. DEWINE. Mr. President, this Congress and the American people are now engaged in a historic debate about welfare. I would like to talk this afternoon about the people we need to focus on in that debate.

Mr. President, when I was in Youngstown, OH, a couple of months ago, I visited a church that ran a program for what is termed "at-risk youth." The kids that I saw that evening were seated in a circle talking about their lives, talking about their problems. One of the teenagers was asked this question: "Why do you get up in the morning?" That is a simple question. This young man responded: "Because I don't want to be dead."

Mr. President, people that were there that evening thought he might have missed the meaning of the question and misunderstood it. So they asked him his goals for the rest of the day. He said, again, that he did not want to die.

That was his objective for an average day.

Mr. President, that teenager, that young man, is growing up in a different country from most of the rest of us—a country most of us would have a very difficult time recognizing.

Now, the sociologists call that teenager at risk. That is kind of a strange term. As parents, we know that, in a sense, all children are at risk at all times. But these children are at risk in a different sense, in a different way. They are in grave danger of living very sad, very unhappy, very tragic lives.

By the term "at-risk," we mean children who are not learning the skills they need to really participate at all in society; children who are more than a grade behind in school; children who drop out; children who are abused, assaulted and live in constant danger of violent crime; children who are homeless or who run away from home. By at-risk, we mean children who are having children, children who are juvenile offenders themselves, already experiencing the justice system because of the crimes that they have committed.

By at-risk, we mean children who live in neighborhoods where work is more the exception than the rule, children who do not have any responsible adults playing a meaningful role in their lives—no role models, no one to look up to, no one to trust.

These young people are growing up so far outside the mainstream that they are going to have really very little chance of ever joining what you and I know as the American community.

They will certainly have very little chance to ever participate in the American dream.

Mr. President, these young people do not share in the values of America. It is not so much that they reject our values. It is not that they are protesting against our values. Rather, they never learned these values to begin with. This group of young people is, unfortunately, tragically, growing.

Since 1965, the juvenile arrest rate for violent crime has tripled. Children are the fastest growing segment of the criminal population.

Mr. President, since 1975, homelessness has been on the rise, and it has increased faster among families with children than among any other group. Every year, nearly one million young people between the age of 12 and 19 are themselves victims of violent crime.

Mr. President, too many young people are not getting the education they need either. Since 1960, we have spent 200 percent more on public schools, in real dollars. But the quality of education is not improving. A 1988 study found that of all the nations tested, the United States finished dead last in science.

In my home State, the State of Ohio, the Ohio Department of Education says that they really do not have complete statistics on graduation. But the statistics they do have suggest that of the children who enter Ohio high schools, only 75 percent graduate 4 years later. But that statistic really sugarcoats the much more dismal reality in many of our cities. In Youngstown, OH, for example, the reported figure is that only 46 percent graduate after 4 years; in Columbus, only 44 percent; and in Toledo, only 37 percent. I suspect that these figures would not be different in any major city in this country today.

Mr. President, these children are really not being educated. We all know what not educating a young person leads to. According to the educational testing service, half of the heads of households on welfare are dropouts. That should not be a surprise. The Ohio Department of Rehabilitation and Corrections—our State prison system—reports that at least 25 percent of the inmates in Ohio prisons are dropouts.

I would say, Mr. President, based on my own experience as Lieutenant Governor in Ohio and being in charge of our prison system and working with the Governor in this area, that figure is probably a lot higher than that.

Mr. President, these young people are falling behind every day. They are fall-

ing behind too far and too fast. Almost 5 million children are growing up in neighborhoods where the majority of men are unemployed for most of the year.

And certainly too many children are having children. Since 1960, the rate of unmarried teenagers having children has increased almost 200 percent.

Since 1960, the percentage of families headed by single parents has also tripled. You hear a lot, of course, about single-parent families. But I feel that too many people really are missing the point. They are missing the point about why this is really an important issue and what all of the ramifications really are.

Let me point out for the Senate, Mr. President, one reason why that statistic, that figure, is so very important. It is important because children growing up in single-parent families are poorer than children, on the average, who live with two parents.

Children who do not have fathers around are five times more likely to be poor. They are also 10 times more likely to be extremely poor, to live in the kind of grinding poverty which is very hard to escape.

Mr. President, it is hard to escape this poverty because it is more than economic poverty. It is a poverty, really, of the spirit, the poverty especially of young men who are growing up with no role models.

It is a basic fact of human existence that when boys grow up without fathers, they become men without knowing what mature manhood really is supposed to be. That is really what fatherhood is all about, giving young people an adult male, a role model, to learn from. Young people need to have strong adult role models around if they are going to break out of the cycle of dysfunctional behavior.

All the social pathologies I talk about in this speech really reinforce each other. Only the involvement of strong, caring adults in children's lives can ever truly break this vicious cycle.

Consider another fact: 54 percent of all females who drop out of school are either pregnant at the time or already have children. Mr. President, the early, decisive intervention of a strong adult role model can certainly prevent a lot of problems. The young people I am talking about many times lack fathers. They lack role models, they lack education, they lack hope. That is why America today is losing these young people.

The class of young people I am talking about who are seriously at risk is growing, and it is heading toward an explosion, right in the middle of what is and what should remain the richest, greatest, the most powerful country in the world.

Mr. President, that is simply wrong. We, as a society, cannot afford to lose more and more young people to social trends that hurt people and destroy lives. We simply cannot let this problem continue to grow. We have to do