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, student 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 industries spawned by the new telecommunications law have stolen our eye from the land rush now under way in Radioland. A vast consolidation of ownership has begun among America's 10,000 commercial stations. Just two months after passage of the law erased the limits on the number of radio stations a single owner may acquire, a station-buying blowout is justifying critics' fears that the law is not spurring competition, but monopoly. An industry that once had to base its license renewals on service to a station's community has been let off the hook by Congress and the president.

Rita Zanella, a media analyst at Gruntal & Co. in New York, predicts that eight or 10 big station groups will eventually control the entire broadcasting industry. ''You control pricing,'' she told the Chicago Tribune. ''You eliminate your competition and have greater control over what you can charge.''

To cite just a few examples of the radio land rush, Jacor Communications Inc. of Cincinnati spent nearly a billion dollars in February to acquire 26 radio stations and two television stations. Jacor now controls 62 percent of the radio revenues in the Cincinnati, market, nearly half the Denver market, 30 percent of the Tampa market, and a quarter of the radio business in Portland, OR. In a single deal worth $1.2 billion, announced earlier this month, the Sinclair Broadcasting Group of Baltimore acquired 34 radio stations in 27 markets, along with a group of television stations, becoming a miniconglomerate in a single bound.

With the purchase of three stations in March, Citadel Communications Corporation now owns seven of the most powerful AM and FM stations in Albuquerque's 36-station radio market. That includes KKOB, which blankets much of the southwest, and the city's only classical music station, KHFM. Arthur Schreiber, a former manager of KKOB and a veteran of the radio wars, predicts that Albuquerque's classical-music listeners will soon find themselves without choice on the air. ''It's hard for me to believe that Citadel can meet its debt service by continuing to play classical music on a station that cost it $5.6 million,'' says Mr. Schreiber.

The federal government is essentially licensing the drive to bigness. Station brokers predict that 1996 will be the most lucrative year ever for station trades. I a deregulatory environment, small, aggressive companies such as Jacor and Citadel can become mass-comm players in a single bound, with lenders anxious to supply cheap money.

But radio isn't just any business. Radio is an essential part of our civic capital. It speaks over publicly licensed frequencies to millions of listeners, at home, at work, and on the road. In the past stations were more than juke boxes. They provided breaking news and weather bulletins, specialized information for farmers, investors, community organizations, local governments, and emergency services. Before the start of deregulation in the 1980s, owners were limited to seven AM and seven FM stations, to ensure diverse voices and dispersed power.

The new barons of radio are absentee owners who convert their stations from local presences into cash cows for instant milking, their values ballooned for trading to the next buyer. The name of the game is to avoid being the ''last sucker'' stuck with debt if recession hits.

Radio, once the most trusted news source in America, has increasingly abandoned the role of local service-provider. Newsrooms in many stations have been cut to the bone—one or two readers, Schreiber says, ''ripping and reading'' news and weather supplied to all clients by a single news source, the Associated Press.

there is teeth-gritting sameness in the music they play, as dial-twisters who have traveled long distances in a car can testify—various shades of rock and country music.

Before deregulation, the Federal Communications Commission required buyers to hold their stations for at least three years before resale, to ensure local commitment. In the new environment, a wheeler-dealer can theoretically turn his station over as soon as the FCC approves the purchase. Media writer Ken Auletta was told by the head of a station ownership group: ''It's commodity trading to us. We don't know [our] community. We're short-term players.''

The fundamental question is unavoidable: Is mass communications solely a growth game for entrepreneurs, banks, and Wall Street, or is it also a social partner that justifies its existence by living up to its civic obligations? The late Donald H. McGannon, a respected industry leader of the 1950s and '60s as chairman of the Group W (Westinghouse) Stations, was a businessman with a vision who told his staff: ''If we do the right thing in our cities and towns, the money comes.'' They did—and it did.

The times have changed. But not the relevance of McGannon's vision. Undoing the damage of the Telecommunications Act of 1996 will be difficult, but it will have to happen.●

SUBMISSION OF CBO SCORING FOR INTELLIGENCE AUTHORIZATION BILL (S. 1718)

● Mr. SPECTER. Mr. President, on April 30, 1996, the Select Committee on Intelligence reported S. 1718, the Intelligence Authorization Act for Fiscal Year 1997 from committee. Knowing that this would be a relatively short legislative year and that the Armed Services Committee would take our bill on referral for up to 30 days of session—as it does every year, the committee marked up this bill at the earliest possible date. The Congressional Budget Office was not able to complete its scoring of our bill before we filed the report. We have now received the report of the Congressional Budget Office and I ask that it be printed in the RECORD so that Members will have an opportunity to review it before the Intelligence bill comes up for consideration by the full Senate.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 22, 1996.

Hon. ARLEN SPECTER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1718, the Intelligence Authorization Act for Fiscal Year 1997, as reported by the Senate Select Committee on Intelligence on April 30, 1996.

The bill would affect direct spending and receipts, and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1718.

2. Bill title: Intelligence Authorization Act for Fiscal Year 1997.

3. Bill status: As reported by the Senate Select Committee on Intelligence on April 30, 1996.

4. Bill purpose: This bill would authorize appropriations for fiscal year 1997 for intelligence activities of the United States government, the Community Management Staff of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System.

5. Estimated cost to the Federal Government: Table 1 summarizes the budgetary effects of the unclassified sections of the bill on direct spending, revenues, and authorizations of appropriations for 1997. CBO could not obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances now held by CBO employees.

6. Basis of estimate: The estimate assumes that S. 1718 will be enacted by October 1, 1996, and that the full amounts authorized will be appropriated. CBO used historical spending rates for estimating outlays.

DIRECT SPENDING AND REVENUES

Title V of S. 1718 defines economic espionage and contains provisions governing fines and forfeitures that would affect direct spending and revenues. Although the bill would provide for penalties that could accumulate to be in the millions of dollars in any one year, CBO cannot predict the frequency of successful prosecutions for economic espionage or the amounts of the fines that would be levied and collected. Nevertheless, the only net budgetary impact would stem from civil fines.

TABLE 1.—ESTIMATED COST TO THE FEDERAL GOVERNMENT OF THE UNCLASSIFIED SECTIONS OF S. 1718

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
DIRECT SPENDING AND REVENUES							
Direct spending:							
Estimated budget authority	0	([1])	([1])	([1])	([1])	([1])	([1])
Estimated outlays	0	([1])	([1])	([1])	([1])	([1])	([1])
Revenues	0	([1])	([1])	([1])	([1])	([1])	([1])
SPENDING SUBJECT TO APPROPRIATIONS ACTION							
Spending under current law:							
Budget authority [2]	305	0	0	0	0	0	0
Estimated outlays	350	39	19	5	0	0	0
Proposed changes:							
Estimated authorization level	0	282	1	0	0	0	0
Estimated outlays	0	239	25	14	5	0	0
Spending under the bill:							
Estimated authorization level [2]	305	282	1	0	0	0	0
Estimated outlays	350	278	44	19	5	0	0

[1] CBO cannot estimate the direct spending and revenue impacts of the bill. Title V would affect both spending and revenues through fines and forefeitures associated with economic espionage. Over time, these effects would be offsetting except for civil fines as described in the text.

[2] The 1996 figure is the amount already appropriated.

Fines.—The imposition of new civil and criminal fines in S. 1718 could cause governmental receipts to increase. Civil fines would be deposited into the general fund of the Treasury. Criminal fines would be deposited in the Crime Victims Fund and would be spent in the following year; thus, direct spending from the fund would match the increase in revenues from criminal fines with a one-year lag.

Forfeiture.—A new forfeiture provision in S. 1718 could lead to more assets seized and forfeited to the United States as a result of economic espionage. Proceeds from the sale of any such assets would be deposited as revenues into the Assets Forfeiture Fund of the Department of Justice and spent out of the fund in the same year. Thus, direct spending from the Assets Forfeiture Fund would match any increase in revenues.