

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^d CONGRESS
FIRST SESSION

VOLUME 117—PART 2

FEBRUARY 2, 1971, TO FEBRUARY 11, 1971

(PAGES 1339 TO 2740)

It reports only 31 students on a 200-acre campus in Mexico, and it is in the process of disposing of its 500-acre campus in England and purchasing another tract of land. But even when it was in operation, it reported only 107 students.

Should Adair be entrusted to a university with such a record of developing new campuses?

The Gazette-Times, in supporting the USIU application, opines, "A bird in the hand is worth two in the bush." But before accepting a bird in the hand, you have every reason to look at the previous habit patterns of the bird.

[From the Oregon Statesman, Salem, Oreg., Feb. 6, 1971]

ADAIR QUESTIONS UNANSWERED

Doubts that the public's interest is being safeguarded were affirmed by the incredible decision to give the valuable Adair Air Station land to United States International University without answering the serious questions raised by Sen. Mark Hatfield.

As the result of his own and this paper's lengthy investigation of USIU, Sen. Hatfield presented Sec. of Health, Education and Welfare Elliot Richardson with a substantial list of questions and information on Friday, Jan. 22.

HEW had tentatively decided to turn Adair over to USIU. A "hold" had been placed on that decision pending the presentation of Sen. Hatfield's material.

Upon receiving it, Sec. Richardson said, "This is all new information to me." The Statesman, through its investigative reporter Allen (Bud) Morrison, had spent months in helping assemble that information.

Only a long and thorough investigation—something obviously not done by HEW up to that time—could possibly answer the questions and resolve the doubts.

Instead, a little over a week later HEW notified Sen. Hatfield that the transaction with USIU is being completed without the courtesy of answering a single question which Sen. Hatfield raised.

Sec. Richardson had left the matter in the hands of Asst. Sec. Sol Elson who refers to USIU President William Rust as "my personal friend."

President Rust, incidentally, had an excellent opportunity to provide details on his plan for using Adair when he gave the Corvallis First Citizen banquet speech last week. Instead, he never mentioned the subject.

The past record of USIU in acquiring public land amply demonstrates the effectiveness of USIU's special department which is devoted to making such acquisitions.

USIU has discovered that by relying upon its reputation, it can avoid providing the federal government with the specific information on applications which is required of other applicants.

A study of the applications submitted by USIU for public land in San Diego, Sundance Air Force Base, Wyoming, and Adair shows that in no case has it been necessary for USIU to provide the detailed financial information requested.

USIU repeatedly replied in generalities to the specific requests for demonstration of financial ability to develop its campuses. It repeatedly ignored requests for audits. A USIU audit belatedly arrived at the HEW office on the afternoon before the Adair transfer was made. Obviously there was no thorough study of investigation made of the facts reported in that document.

The argument that USIU should be given the property because no better use can be found for it at this time is without merit. Far better to wait a while longer than to turn over this valuable public tract to a university with a clear record of campus underdevelopment and with serious questions unanswered concerning USIU's financial capability and control.

Although the Oregon Legislature and state officials do not have the power of decision in the Adair case, they share in the responsibility for protecting the public interest. They, too, should not be satisfied until the questions raised by this investigation have been answered satisfactorily.

[From the Capital Journal, Feb. 4, 1971]

BETTER USE?

There's not much doubt that better use could have been made of Adair Air Station land than deeding it to United States International University.

The trouble is that nobody who suggested other uses came up with a plan and the money to finance it that could be acted on quickly. And the federal government wanted it dumped.

The Corvallis Gazette-Times, in endorsing the decision to give it to the university, made the point that some use ought to be made of the property and that USIU suited the newspaper, and Corvallis, just fine.

If the ball was dropped, and we think it was, it was by those who opposed the transfer to USIU but failed to propose anything better than talk.

But there are a couple of left-over thoughts that bother us.

USIU is a strange operation, with more land than students and more brochures than money. It has an administrative organization that allows plenty of room for wheeling and dealing.

The U.S. Department of Health, Education and Welfare, which approved the transfer, did a superficial investigation. It failed to check out the multitude of questions raised by the Oregon Statesman or answer all the questions asked by Oregon's congressional delegation.

We'll join many others in watching USIU's use of Adair with interest.

[From the Oregon Journal, Feb. 4, 1971]

UNANSWERED QUESTIONS ON ADAIR

Serious questions have been raised recently about the transfer of the unused military base, Camp Adair, to the United States International University.

The rush to sign over the deed to the San Diego-based collection of institutions without clearing the questions was unwise. That action is bound to add to the doubts that already exist as a result of investigations by Sen. Mark Hatfield, R-Ore., and the Oregon Statesman.

Both the Salem newspaper and the senator expressed dissatisfaction with financial information about USIU, the power of its officers and its operations on some of its campuses. The Statesman wondered whether USIU really is more of a real estate company than an institution of higher education.

The findings, if nothing else, suggested a go-slow approach and further investigation into the university's intentions and ability to carry out its announced plans.

But another question also should have been considered. Even if USIU does develop a liberal arts college on the surplus base near Corvallis, is there a need for another private college in Oregon, especially at a time when many of the existing schools are facing financial difficulties that threaten their existence?

It is understandable that the Corvallis community is eager to see the Adair facility returned to productive use. But whether turning it over to USIU is the best long-term use is in serious doubt. It should have been cleared up before the property was transferred.

[From the Eugene Register Guard, Feb. 5, 1971]

THIS ADAIR TRANSFER DOESN'T MAKE SENSE

The federal government's decision to give \$2.5 million worth of land and buildings of the former Camp Adair Air Force base near

Corvallis to a San Diego-based private university looks like a mistake.

The public policy implications of this transfer just don't make sense.

Oregon now has 13 private colleges. All but two or three are in such financial straits that their current income won't meet their current expenses. The governor is proposing and the Legislature is considering means to help these hard-pressed institutions with money from a public treasury that cannot adequately support the public colleges for which the state is already responsible.

The handwriting in fluorescent ink says that some of the private colleges in Oregon—and many across the country—are going to be forced to merge or close.

In the face of this situation, the state would have cause to be unhappy about the establishment of any new private college here, even though that institution were standing on its own feet and paying its own way.

But in the transfer of Adair property to United States International University, the federal government in effect is offering a \$2.5-million subsidy to entice this college to set up a new campus in Oregon.

It would make as much sense for the government to go to West Virginia and set a new coal mining firm up in business next to a dozen others that are going broke.

Even if this were not the case, and if Oregon had some reason to desire the establishment of more private colleges, there is reason to wonder whether it would choose the one that seems destined to get the Adair property.

The most recent and most extensive public examination of this school was conducted by Allen J. Morrison of the Oregon Statesman. Morrison wrote a troubling series of articles for his Salem newspaper.

Based on what he found, Morrison told an Oregon legislative committee in a hearing Wednesday that USIU appears to be more of a "giant real estate holding company than a university . . . they have an incredible number of bank accounts and an incredible amount of land, but no students."

USIU, according to Morrison's research, has seven "campuses" with a total of 3,827 students. But these gross figures include a 200-acre campus in Mexico with 31 students; an 80-acre campus in Colorado with 79 students; a 500-acre "picturesque" campus in England with 107 students. An operation in Kenya, Africa, has 200 students, but they are high school rather than college level. The main 200-acre campus in San Diego has 2,425 students.

What kind of educational program can be supported on so small a student base?

Moreover, the school seems inordinately successful in picking up surplus federal land from abandoned military bases. It got 400 acres of an abandoned Marine base in San Diego in 1965. It plans to open new campuses this fall on 55 acres of a former Air Force base in Wyoming in addition to the 257 acres it expects now at Adair. There is nothing inherently wrong in this. Yet it doesn't seem reasonable for a university whose land holdings already far exceed its needs as gauged by present or prospective enrollment to be the recipient of so much surplus federal land.

Land grants are a historically honorable form of government inducement for private development that is in the public interest. The Adair equivalent of a land grant to this institution does not appear to meet that test.

IN SUPPORT OF A COUNCIL ON SOCIAL ADVISERS

Mr. MONDALE. Mr. President, last year the Senate passed S. 5 of the 91st Congress, a bill to create a Council of Social Advisers and to advance both the art and the use of social indicators.

I very much regret that the measure was not passed by the House of Representatives, but I am hopeful that the Senate will again, in this Congress, see the wisdom of providing both Congress and the administration with the kind of vital social statistics we need in order to govern better the America of the 1970's.

I was pleased with an editorial published in the St. Paul Dispatch of January 11, supporting this Council and urging that a renewed effort be made in this Congress to enact this legislation. I fully intend to make this renewed effort.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the St. Paul Dispatch, Jan. 11, 1971]

SOCIAL ADVISERS COUNCIL

Since 1967 Sen. Walter Mondale has advocated establishment of a National Council of Social Advisers patterned after the Council of Economic Advisers, which was created in 1946. He plans to renew his advocacy of this proposal in the current Congress.

Each year it becomes more evident that America's multitudinous, uncoordinated and often overlapping and conflicting programs intended to promote "social progress" are not achieving the desired results. Billions of dollars of public funds are spent annually on these efforts, but the problems remain unsolved.

As Mondale puts it: "The gulf between those who participate in the promise of America and those who cannot participate cries out for a bridge, but we still do not know how long a bridge we need, or what it must be built of, or how to anchor it on either side of the abyss."

His proposal is to have Congress establish a three-member Council of Social Advisers with an adequate staff, which would make an annual "social report" to the nation. He also urges that a new joint congressional committee be formed to deal with issues raised by the Council. This organizational structure would correspond to that of the present Council of Economic Advisers and the Joint Committee on Economics of the House and Senate.

The Council of Economic Advisers, says Mondale, "has provided a forum where economists, Presidents, members of Congress, academicians and leaders of business and labor can speak and be heard on questions of our economic health. We can hope for similar results in social analysis, reporting and discussion from the establishment of a Council of Social Advisers."

Both Congress and the Executive Department now approach social problems on a piecemeal basis. The inter-relationships of various programs are often ignored. Results can be beneficial in one direction but disastrous in another. Highway construction and urban renewal projects have brought benefits for some, but also have produced tragic consequences for others through relocations, displacements and loss of housing and employment opportunities where they formerly existed.

It would be the duty of a Council of Social Advisers to try to bring about greater coordination of programs and to measure results in terms of actual human betterments, as well as to make recommendations for specific actions.

The Council of Economic Advisers of course has not been able to resolve all the nation's economic problems and it does not have authority to decide government policy. Decisions are left to the legislative and executive machinery. The same would be true for a Council of Social Advisers. But the Economic

Advisers have contributed significantly to improvement of government policy in this field. Comparable benefits could be expected from a Council of Social Advisers.

Congress would advance social progress by adopting the Mondale proposal.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the time for morning business has expired.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. CHILES). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FANNIN. Mr. President, every 2 years when the Senate discusses its rules, we are reminded that without unrestrained debate in the Senate, Arizona would not be a sovereign State. Arizona would be a part of the State of New Mexico.

In 1906, and again in 1911, it was the Senate which insisted on statehood for Arizona. Had it been easy to stifle debate in the Senate, the land that now is Arizona would have been gobbled up by the neighboring State of New Mexico. And this would have been against the will of the vast majority of the people of Arizona.

Even today the rule requiring a two-thirds vote to cut off debate is protection of the rights of Arizonans.

Unlimited debate protects the rights of minorities. A majority of the Senate is not necessarily always right, and extensive debate can prevent hasty actions that are not in the best interest of our people.

The Senate is the only forum on Government guaranteeing full discussion of the important issues. We must preserve this forum.

Filibusters can be halted when there is a truly pressing need for legislation. When the issues are great enough, when legislation must be passed, it is not difficult to get a two-thirds vote of the Senate. I have confidence in my fellow Senators. I do not think that one-third of

them would fail to see the urgency of passing legislation vital to our national interest.

Now, Mr. President, some people are suggesting that three-fifths should be used as the cutoff figure, rather than two-thirds. We could argue from here to eternity about the relative merits of these fractions. Three-fifths, of course, makes a nice even percentage—60 percent. Two-thirds is in a sense a bit more cumbersome, it is true. It amounts to 66⅔ percent. However, I do not think this really has caused too much of a problem in our mathematical calculations.

Our Founding Fathers were not concerned about the matter of even percentages.

They decided that it should take two-thirds of the Senate to ratify a treaty.

They decided that it should take two-thirds of the Senate, and of the House, to override a Presidential veto.

They decided that it should take two-thirds of the Senate, and of the House, to propose a constitutional amendment.

They decided it should take two-thirds of the Senate to convict on impeachment.

Mr. President, I have just touched on some of these matters. They should be explored in much more depth. There also are other facets of this problem that we should delve into.

CHECKS AND BALANCES

Mr. President, we pride ourselves on the fact that we have a government of checks and balances. This is a guarantee that one portion of our Government will not get carried away and take hasty, unwise actions that are against the best interest of the people of our country.

There is one quotation which has been heard in these Chambers often before, and will be heard again. And for good reason. It is a warning issued by the great French statesman and author, Alexis de Tocqueville. This message is as timely now as it was when it was written in the 19th century. This is what he said in "Democracy in America":

If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority. . . . Of all the political institutions, the legislature is the one that is most easily swayed by the will of the majority. . . . I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny.

Mr. President, the rule guaranteeing unlimited debate in the Senate is one security against tyranny. It is a safeguard that we should keep. I do not see the virtue in reducing this safeguard by any amount, even as little as the 6⅔ percent that would be accomplished by changing from a two-thirds to a three-fifths vote.

We have discussed what a French expert on political systems had to say about the American system of government. Another foreign expert drew similar conclusions in more recent times.

Prof. Ernst Fraenkel of the Free University of Berlin made note of the major difference in the House and Senate