

Mr. President, putting police officers on the street really pumps well. Let's do another 30,000 to 50,000." That is how they came to the conclusion. They did not have any hearings or even look at the program they have in place because if they had looked at the program they had in place, they would have realized that of the 100,000 officers we put the money on the table for—the Congress did our work to pay for them—the administration has only been able to hire 60,000. They are still 40,000 short of the initial 100,000. But they want to go out and hire another 30,000. They can't do it physically because they haven't been able to hire these offerers. It takes 12 months to do the program. They are not going to get the 100,000 in next year. So they can't possibly do another 30,000 to 50,000.

Equally ironic, where did they find the money in their budget to fund the additional 30,000 to 50,000 officers? Remember, these are local police officers in towns that you and I live in across America. These aren't Federal police officers; these aren't FBI agents or even police officers in this Capitol. These are local police officers. Where did they find the money? They took the money out of the funds we were going to use to fund 1,000 extra Border Patrol agents.

What is the responsibility of the Federal Government? What is our responsibility? It is to protect our borders. Those are Federal agents. Those aren't local agents. Instead of funding the 3,000 new agents who were supposed to be funded and on whom we agreed, for whom we had authorized and appropriated, we were going to appropriate the last 1,000 this year. The administration said: No, we are not going to hire the extra 1,000 Border Patrol agents; we will take the money from that program and put it into hiring an additional 30,000 to 50,000 local police officers for a program that cannot even fulfill its first tranche of police officers, which was supposed to be 100,000.

That is an interesting priority. Think about it. What this administration is saying is, we don't care about the borders as much as we care about putting out a political statement which happens to poll well, which we know has no substantive effect because we know we can't hire the officers. Maybe they didn't know it; they should have. All they had to do was ask the people at the Justice Department. Assume they knew it—putting out a political statement on which we know they cannot fulfill the specifics. They knew, going into this proposal, they could not hire an additional 30,000 to 50,000 officers because they had not even hired the first 100,000 officers. They were 40,000 short, and it takes 12 months to put the officers on the books and bring them on board.

This instead of hiring the Border Patrol personnel to improve our southern borders from being the sieve they are where tens of thousands of illegal aliens come across on a weekly basis. I

think it was in the Douglas area of Arizona they arrested nearly 40,000 people in a week. Unbelievable numbers of illegal aliens are coming across the border, placing huge demands on our society in the area of health care, in the area of law enforcement, in the area of schooling. These are huge cost demands on our society, policing those borders so legal immigrants can come across, legal workers can come across. Instead, illegal people are breaking the law to get into this country.

Instead of doing that which happens to be a primary function of the Federal Government, they took the money and used it to set up this specious statement that they were going to add another 30,000 to 50,000 police officers. Now they insist on it. The irony is, they insist on it as part of the budget process wrap-up. They are insisting on adding the extra police officers when they cannot even hire them. Why? PR. It is that simple. It polls well.

The class size statement polls well. On the polling statement, the substance is so fundamentally flawed. They are taking control of local school districts and saying local school districts don't know whether they need a new teacher; we will tell them they need a new schoolteacher. Although they may know they don't need a new teacher, they need to train the teachers better. That philosophy is fundamentally flawed.

The statement to reduce class size is great polling. We will administer cops on the street. Great polling. They are holding up the entire budget of the Government of the United States, which happens to include a lot of other important things.

For example, in my bill, which involves the police officers, we have the funding for the FBI, the funding for the DEA, funding for the INS, funding for the FTC, which is very involved in trying to keep seniors from being fraudulently attacked on the Internet with scams. We have the funding for the FEC, obviously very involved in the different issues of how we manage this e-commerce marketplace in which we are functioning today. We have the funding for the State Department; We have funding for the whole Justice Department, funding for the whole judicial system. All of that is being held up because this administration wants to put out a political statement—not a substantive statement, because they can't do it, as I just pointed out. They cannot accomplish what they claim they will do. They know it. They want a political statement. Then they want to put forward a horrendous policy on class size because it polls well. They are holding up the budget to do that. It is another example of the superficiality of the way this administration approaches issues.

Time and time again for 7 years, we have seen issues put forward not for the purposes of resolving a plan but for the purposes of scoring a political point by this White House. Now they

are willing to put at risk the functioning of the entire law enforcement structure of the Federal Government for all intents and purposes over what is basically a political issue, a political statement. It has no substance at all. It has no purpose and can accomplish nothing because it can't be accomplished in this next year. Maybe 2 years from now, when they catch up to doing the full 40,000 officers they still have to do, they can come forward and reasonably say we need another 30,000 officers. That may be true.

Once again, we see the shallowness of this administration is only exceeded by their brazenness. Unfortunately, a number of Federal agencies and the American people will suffer as a result of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from New Hampshire.

I have to imagine how different the needs of the school district in Wyoming are compared to Philadelphia. I certainly subscribe to the idea we ought to help with the resources, but let the local school districts decide for themselves what it is they need. The basic class size in Wyoming happens to be less than 18.

I am very pleased to have on the floor of the Senate the Senator from Idaho, another western Senator, who is also chairman of our policy committee.

I yield as much time as he desires.

Mr. CRAIG. Mr. President, I thank my colleague from Wyoming for allowing me time this morning.

#### MICROSOFT

Mr. CRAIG. Mr. President, I have listened to the Senator from New Hampshire speak in what I call the common sense of New Hampshire. I think all Members have been frustrated by this administration running a flag up the pole every morning at the White House to see which way the wind is blowing and then not only attempting to shift Government policy but oftentimes bringing Government to an entire halt until they can determine if the direction in which they are heading is the right direction.

Another example of a misdirected effort by this administration was announced on Friday. I think all Members were paying attention to some degree and were anxious to hear how a Federal judge could decide to run the technological world in which we are living better than the marketplace itself. Sure enough, on Friday, Thomas Penfield Jackson, the judge down at the Justice Department who examined the ins and outs of Microsoft and the marketplace, has determined that Microsoft is a predatory monopoly.

I am no expert in this field, and I am not going to hold myself out on the floor this morning to be so. I ask unanimous consent to have printed in the RECORD two editorials.

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

U.S. DEPARTMENT OF MICROSOFT?

At its highest levels, the educational system is still capable of giving its money's worth, and taxpayers certainly spent enough to educate Thomas Penfield Jackson on Microsoft's struggle to manage what it pleased the judge Friday to call the company's "monopoly" in computer operating systems. We guess now the government is going to have to run Microsoft.

We also see the failure of Microsoft's strategy, which was to deny the meaning of its own actions, lest those actions retroactively be found illegal because the court pins the label "monopoly" on it. That was unfortunate. Microsoft had a strong case to make that it had behaved in the only way any rational competitor could have.

Microsoft should have argued that we have a monopoly because our customers want us to have one. There is a great deal more software in the world than there would otherwise be, because software designers can invest in creating products knowing there is an installed base of compatible operating systems that won't soon be displaced. And consumers know that they can lay out a thousand bucks or more for a PC without taking a Betamax-vs.-VHS gamble that their investment will be rendered obsolete.

What benefits our consumers is a barrier to our competitors, but as Judge Jackson points out, our real competitor is not "another product within the same software category, but rather a technological advance that renders the boundaries defining the category obsolete." What the judge calls our attempts to maintain our "applications barrier is entry" is simply our way of making sure our investment in Windows—and our customers' investment—remains viable in the face of these technological advances. Take our behavior toward Netscape. Browsing the web has become the central purpose of the PC for millions of users. If we had not aggressively promoted our browser, it would have been tantamount to helping Netscape cannibalize our business, using our own platform to render us obsolete while we stood by watching.

If Microsoft cannot act rationally in its own interest, the alternative is a government administrator to take over the business and run it for the benefit of Microsoft's competitors. Outside a Nader thought-bubble, there can't be many people who don't see this cure as worse than the disease. Northwest University Law Professor Larry Downes, writing in USA Today, notes a "precedent for a remedy of doing nothing; that is, for finding Microsoft guilty but recognizing that there was no court-administered solution that could solve the problem any better than letting the market try to work it out on its own."

What makes this less than academic is that, even without the government turning Microsoft into a public utility, the paradigm shift is happening and everybody in the business knows it. A host of new developments has already shrunk Microsoft's control over cyberspace, and events are on the way to delivering new forms of web computing that won't even require Windows.

Judge Jackson has deferred the question of whether Microsoft violated the law for a later ruling, but he hasn't left much to the imagination. If he takes his arguments and the incoherent assumptions of antitrust seriously, the only remedy is to turn Windows into a regulated utility, possibly breaking the company up.

No wonder he has repeatedly hinted he would be relieved if the parties would settle.

An appeals court would likely overturn any draconian verdict against Microsoft—if a post-Clinton Justice Department hadn't already settled the case. Microsoft has mounted such a lame effort partly because it's relying on the federal circuit court of appeals. On Friday, in a significant ruling related to a private antitrust lawsuit against Intel, that court noted the "Sherman act does not convert all harsh commercial actions into antitrust violations."

By the time Microsoft reaches the appellate level, the computing world will have moved on and historians will have to be summoned to remind us what the argument was all about. Judge Jackson will have sat through the antitrust "case of the century" only to see it waddle off and expire with a whimper behind some shrub. He can't have that, so he's banging the pots and pans and trying to scare Bill Gates into settling. How much more splendid to be this generation's Judge Greene, tinkering with future releases of Windows the way Judge Green spent 10 years tinkering with AT&T and the baby bells.

But let's get to the real bottom line. Washington's crusade against Microsoft has fulfilled its purpose, serving as a great lever to pry open the wallets of Silicon Valley. Where three years ago the technology plutocrats spent their surplus income on racing yachts and Ferraris and charity, now they patriotically send donations to Washington to support the fixer class and its retinue in the style to which it would like to become accustomed. Steve Case of AOL likes to say the future of technology will be decided in the political arena rather than the marketplace. Be careful what you wish for.

PUNISHING MICROSOFT

(By Robert A. Levy)

Here's the lesson that high-tech companies can glean from Judge Thomas Penfield Jackson's findings in the Microsoft case: If you're sufficiently ambitious, competent, and hard-working; if you're willing to risk your time and fortune; if you succeed at rising above your competition by serving customers with better products; then watch out, because our government will come down on your neck with the force and effect of a guillotine. Judge Jackson's knee-jerk recitation of the Justice Department's line is a mockery of objectivity, scornful of the facts, and congenial only to those who prefer a sterile marketplace in which vigorous competition becomes legally actionable.

Let's start with the judge's big picture: an industry crippled because Microsoft's competitors are unable to innovate. Yet how to explain Netscape's 410 billion price tag, or continued market leadership by Microsoft arch-rivals Oracle, Intuit, AOL, Sun Microsystems, and Real-Networks? How to explain Apple's growth in both sales and profits? Indeed, if Microsoft's "prodigious market power" and "immense profits" have been used to stifle innovation, then how to explain the incredible success of Linux, which now runs more Web sites than any other server operating system?

In an unguarded moment, Sun's CEO, Scott McNealy, recently crowed that "Windows is dead" when it comes to new software applications. Mr. McNealy may be right. Despite Judge Jackson's snapshot view of the software market, the Internet has profoundly and permanently altered the dynamics. Will Microsoft lose out to consumer electronics products? Mr. McNealy doesn't know, and neither does Judge Jackson. But those products are out there, they're selling well, and they are competition.

What about Web-based software—probably the most formidable threat to Microsoft's

dominance? Instead of buying and selling applications like word processors and spreadsheets, users can rent the same functions from Internet services—or get them free if they sit through advertising.

The only essential user program is a Web browser. As the Wall Street Journal put it: "If users don't need PCs with Microsoft's Windows operating system or Intel chips—the vaunted market power of the duo called WinTel doesn't seem so unshakable."

The important points is this: Many desktop machines that access Web-based servers are "Windows-less" products, and Microsoft's major OEM customers are climbing on the band wagon. Gateway is building a line with no Microsoft software at all, and may jointly market it with AOL, which is a major Gateway investor. Dell also plans to bring out a line of Internet computers, some without Microsoft software. Compaq's chief executive observes that its new generation of products will "redefine Internet access."

Another industry executive stated that "the Internet gives people a platform to do most of the things they need to do on a PC without a cumbersome and expensive operating system."

Judge Jackson, infinitely wiser about such matters now that he knows how to use his computer, has an astonishing two fold response to the emergence of Web-based servers. First, he contends that "Windows has retarded, and perhaps altogether extinguished" the server threat. That contention has a surreal quality: Judge Jackson describes an event that never actually happened but, if it had happened, it would have crippled competition. The same dialectic creeps into his anecdotal chronicle of Microsoft's persecution of Intel, Apple, and Compaq, as well as Microsoft's supposed market-splitting with Netscape. "OK, so this thing Microsoft tried to do never did materialize. The other guy never agreed to it and ultimately he did what he wanted. But what a hobbling impact on innovation if things had gone otherwise." Judge Jackson's second justification for discounting Web-based servers is even stranger. He claims that viable competition from server-based applications "is not imminent for at least the next few years." His projection is surely too conservative.

Venture capitalists report that they haven't seen a business plan for conventional packaged software in more than six months. Mr. McNealy predicts that fewer than 50 percent of the devices accessing the Internet will be Windows-equipped PCs by the year 2002, just a little over two years from now. Mr. McNealy has put Sun Micro systems' money where his mouth is—acquiring Star Division so he can convert its Star Office product into a free, Internet-based service that can be run directly by any user with any Web browser.

But more important, Judge Jackson's "not imminent for a few years" forecast has to be placed in context. He plans on issuing his conclusions of law in this case early next year. Then a hearing on remedies in the spring, with a possible summer decision. Then we can expect a year or so before the United States Court of Appeals finishes its review. Then another year for the Supreme Court's deliberations. Finally, even if Microsoft loses at each stage and remedies are imposed, they will not be effective overnight. In other words, the market will certainly have obviated any remedies before they can have an impact.

Meanwhile, Microsoft behaves not like a monopolist but like a company whose every survival is at stake. Its prices are down and its technology is struggling to keep pace with an explosion of fresh software products. Facing competition from new operating systems, consumer electronics, and Web-based

servers, Microsoft now operates in a world where anyone running a browser will soon have the same capabilities as today's Window users. That is why the government should keep it's hands off.

Mr. CRAIG. Mr. President, one editorial is by Robert Levy, a senior fellow of constitutional studies at the CATO Institute. He starts his op-ed piece:

Here's the lesson that high-tech companies can glean from Judge Thomas Penfield Jackson's findings in the Microsoft case: If you're sufficiently ambitious, competent, and hard-working; if you're willing to risk your time and fortune; if you succeed at rising above your competition by serving customers with better products; then watch out, because our government will come down on your neck with the force and effect of a guillotine.

The editorial in the Wall Street Journal probably sums it up best of all. There is no question my colleagues from the other side of the aisle—or should I say their political machinery as expressed by—I don't want to call them outbursts, but certainly the expressions of our Attorney General, Janet Reno, are best summed up when they discussed the Microsoft case this morning in the Wall Street Journal. Here is their concluding paragraph:

But let's get to the real bottom line. Washington's crusade against Microsoft has fulfilled its purpose, serving as a great lever to pry open the wallets of the Silicon Valley. Where three years ago the technological plutocrats spent their surplus income on racing yachts and Ferraris and charity, now they patriotically send donations to Washington to support the fixer class and its retinue in the style to which it would like to become accustomed.

Steve Case of AOL, who happens to be on the other side of this issue, recognizes the problem, though. He says the future of technology will be decided in the political arena rather than the marketplace. My guess is, if that is true, your computers will not be working as well tomorrow as they are working today.

I came to the floor this morning to join with my colleague from Wyoming, not to discuss the Microsoft case; that is going to get played out over time, and I think we are going to have a Federal judge who will try to run the technology business of this country. Maybe we need to decide to start a new agency of our Federal Government called U.S. Department of Microsoft. If it is as profitable as Microsoft, maybe we can make a lot more money without taxing the American public to allow our Democrat colleagues on the other side of the aisle to spend it.

Certainly Microsoft is now making as much as \$1 billion a month in cash to spend. It is obvious somebody else wants their hands on that or wants to break up that very profitable business.

#### VIOLENCE IN AMERICA

Mr. CRAIG. Mr. President, what I came to the floor to talk about is a combination of issues that come together in the issue of violence. We watched the great tragedy as a fellow

entered a workplace in Hawaii the week before last and killed some of his coworkers. Last week in Seattle, another man went into a business and shot and killed individuals. All of us, as Americans, are tremendously frustrated by this expression of violence or people seeming to want to solve their personal problems by acting in a very violent fashion. The Washington Post poll on Sunday showed that the No. 2 issue among Republicans was violence in the schools; the No. 4 issue among Democrats, violence in the schools; the No. 2 issue among Independents in America was violence, violence in the schools.

Our President last week suggested we live in a very violent society, when in fact violence is down substantially in our country. It is true that it is. We have come off a very violent year, but over the last 7 years the average rate of acts of violence is dropping, in the broad sense. Yet we have had some of these tremendously public-attention-gathering events that caused the American public to be concerned, as they are.

Of course, the issue I want to speak briefly about this morning is the question of how we fix this violent expression in our society. Last week, the President, Janet Reno, and AL GORE said there is a quick and easy way to fix it: We just need to pass a few more laws; gun laws, that is. We need to add to the 25,000 to 30,000 gun laws that are already on the books. If we do that, we will make America a safer place in which to live. Or at least we will say, politically, to meet the polls the Washington Post presented to us on Sunday, that if we pass the laws, the public at least will think America is a safer place in which to live. By that, we will be able to curry their political favor in the next election.

If gun laws make America a safer place, then what happened in Hawaii should not have happened; what happened in Seattle should not have happened; what happened in Littleton, CO, at Columbine High School, should not have happened—because there are laws to stop that. Mr. President, 13 laws were violated, tragically, by those two young men who later took their lives at Columbine High School in Littleton, CO, after they had killed so many of their classmates. But there was a law to stop them. Then why did it happen?

I do not know the answer to why it happened. I do know they broke a lot of laws to cause it to happen. Yet our President last week, and the Vice President, and the Attorney General said give us more laws and the world will be a safer place. We have all been on this floor discussing, for well over a year, our frustrations with problems with our culture, problems with our public schools. People are acting out their frustrations in violent ways by taking other people's lives. My guess is, you cannot legislate a fix on that one.

There are other problems within our society that have to be addressed. So

let me focus for just a moment on Hawaii. There, we all know what happened. The fellow has been caught. We all know now he probably, during that act, was mentally incompetent, mentally in trouble, mentally deranged. But his actions cost lives.

His actions happened in a unique environment, though. Hawaii has more gun laws, to control gun ownership and gun usage, than any other State in the United States. So would logic not follow, at least the logic of the President and the Vice President and the Attorney General, if that were so, Hawaii should have been a terribly safe place? Hawaii is the only State in the Nation where you not only register every gun you have with the local and State authorities, you also register the bullets—you register the ammunition. Somehow, politicians in the State legislature in Hawaii thought that would make Hawaii a safe place—the only State in the Nation.

It just so happens, Janet Reno and AL GORE and the President want us to do the same in this country. But it did not stop the individual who killed his colleagues in Hawaii.

How about a permit to purchase? Of course, that is exactly what some of our colleagues would want here. Hawaii requires a permit to purchase any kind of gun—not just one permit for multiple purchases but a permit for every purchase—and a full background check, and the requirement that you must be at least 21 years of age to own a gun.

What about assault pistols and Saturday night specials and all those kinds of buzzwords about guns that have become villains here on the floor for political purposes? All of those are outlawed in Hawaii. It is against the law to own them. It is against the law to have them. All of that is the law in Hawaii. The man who did the killings in Hawaii had met all of the requirements of the law. Yet the law did not protect the citizens whose families now mourn their death.

How about high-capacity magazines? That was a fully debated issue here on the floor of the Senate this past year. I was on the floor with Senator HATCH and Senator LAUTENBERG on that issue after Littleton. It is against the law in Hawaii.

Then there are the restrictions on places of possession, where you simply cannot have a gun: A business; you can't travel with one, only in the owner's home and in very restricted places; or if you are traveling from the home to the firing range or the pistol range for target practice, you may have a gun on your person. Those are tough laws in Hawaii. Yet people are dead. Of course, I mentioned transportation and the restriction on transportation. All of those are parts of the laws that guard citizens against the violent acts of others with the use of a firearm in the State of Hawaii.

The President, the Vice President, and the Attorney General seem not to understand that or, if they do, they are