

Now began the crucial action of the war, the time Washington had been waiting for with exquisite patience. A powerful French squadron under Admiral de Grasse arrived at the mouth of the Chesapeake from Haiti and gained temporary naval superiority off the Virginia coast. Under carefully coordinated plans, Washington and the French General Rochambeau marched south from New York to Annapolis, where De Grasse transported the allied army across Chesapeake Bay. At the same time, General the Marquis de Lafayette was ordered to march upon Yorktown from his position at Richmond.

By September 1781, Cornwallis and the main British forces in North America found themselves in a trap. French warships were at their rear. Regular forces—not the badly armed and untrained militia the British had pushed around on the battlefield for years—closed in on them from the front. By October 9, Washington's and Rochambeau's armies had dug extensive siege works all around Yorktown, so there could be no escape. Now the bombardment began. The greatest guerrilla war in history was coming to a classic close.

Murderous fire from 70 heavy guns began to destroy Yorktown, piece by piece.

As the bombardment commenced, signer Thomas Nelson of Virginia was at the front in command of the Virginia militia forces. In 1776 Nelson had been an immensely wealthy tobacco planter and merchant in partnership with a man named Reynolds. His home, a stately Georgian mansion, was in Yorktown. As the Revolution began, Nelson said, "I am a merchant of Yorktown, but I am a Virginian first. Let my trade perish. I call God to witness that if any British troops are landed in the County of York, of which I am lieutenant, I will wait for no orders, but will summon the militia and drive the invaders into the seas." Nelson succeeded Thomas Jefferson as Governor of Virginia, and was still Governor in 1781.

Lord Cornwallis and his staff had moved their headquarters into Nelson's home. This was reported by a relative who was allowed to pass through the lines. And while American cannon balls were making a shambles of the town, leaving the mangled bodies of British grenadiers and horses lying bleeding in the streets, the house of Governor Nelson remained untouched.

Nelson asked the gunners: "Why do you spare my house?"

"Sir, out of respect to you," a gunner replied.

"Give me the cannon," Nelson roared. At his insistence, the cannon fired on his magnificent house and smashed it.

After 8 days of horrendous bombardment, a British drummer boy and an officer in scarlet coats appeared behind a flag of truce on the British breastplates. The drum began to beat "The Parley."

Cornwallis was asking General Washington's terms.

On October 19, the British regulars marched out of Yorktown, their fifes wailing "The World Turned Upside Down." They marched through a mile-long column of French and Americans, stacked their arms, and marched on. It was, as Lord North was to say in England when he heard the news, all over.

But for Thomas Nelson the sacrifice was not quite over. He had raised \$2 million for the Revolutionary cause by pledging his own estates. The loans came due; a newer peacetime Congress refused to honor them, and Nelson's property was forfeit. He was never reimbursed.

He died a few years later at the age of 50 living with his large family in a small and modest house.

Another Virginia signer, Carter Braxton, was also ruined. His property, mainly con-

sisting of sailing ships, was seized and never recovered.

These were the men who were later to be called "reluctant" rebels. Most of them had not wanted trouble with the Crown. But when they were caught up in it, they had willingly pledged their lives, their fortunes, and their sacred honor for the sake of their country.

It was no idle pledge. Of the 56 who signed the Declaration of Independence, 9 died of wounds or hardships during the war.

Five were captured and imprisoned, in each case with brutal treatment.

Several lost wives, sons, or family. One lost his thirteen children. All were, at one time or another, the victims of manhunts, and driven from their homes.

Twelve signers had their houses burned. Seventeen lost everything they owned.

Not one defected or went back on his pledged word.

There honor and the Nation they did so much to create, is still intact.

But freedom, on that first Fourth of July, came high.

ELECTIONS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, I rise to congratulate the people of Zimbabwe on their participation in the historic elections that took place over the weekend. So often, events in Africa are only mentioned on this floor and in the press only in the event of crisis or tragedy. But only days ago, the people of Zimbabwe seized control of their collective destiny and gave the international community a reason to celebrate rather than lament conditions in Africa.

For twenty years, politics in Zimbabwe had been dominated by one party and indeed one man. President Mugabe had the support of all but three members of the 150-seat Parliament. Changes to Zimbabwe's constitution, even when rejected by voters as they were in February, could still be passed through this compliant legislature, enabling the executive to continue to shore up power and ignore the growing chorus of protest from citizens disgusted by corruption and distressed by mismanagement. But this week, the tide turned in Zimbabwe. Without access to the state-run media and without significant financing, opposition candidates still managed to win fifty-eight parliamentary seats and end the ruling party's stranglehold on the state.

Mr. President, the world's attention was focused on Zimbabwe over the weekend because of the disturbing events that led up to the balloting. Opposition candidates and supporters have been intimidated, beaten, and even, in more than 25 cases, killed. International assessment teams have indicated that given this violent preface, these elections were not free and fair.

But as we acknowledge these flaws, even as we recognize the poisoned environment in which citizens of Zimbabwe were called upon to make their choice, we must also appreciate the courage of the voters and the historic changes they have brought to their country.

Zimbabwe is still, without question, a country in crisis. But the people of Zimbabwe themselves have taken a decisive step toward resolving that crisis. In the face of violence and intimidation, a remarkable number of voters chose a peaceful and rule-governed expression of their will, and the power in their statement has fundamentally changed the nature of governance in Zimbabwe and silenced the pessimists who claimed that Zimbabwe was already hopeless and lost.

In the wake of these elections, many challenges remain in Zimbabwe. The next round of presidential elections must be conducted in a free, fair, and democratic manner. Genuine, rule-governed land reform must move forward. The economy must be repaired, step by step. Zimbabwe, along with the other African states that have troops in the Democratic Republic of the Congo, must extricate itself from the costly conflict. And perhaps most importantly, government and civil society alike must address the devastating AIDS crisis head-on.

International support and assistance will be critical to these efforts. The Zimbabwe Democracy Act, a bill introduced by Senator FRIST and of which I was an original co-sponsor, recognizes both the obvious need for more progress toward democracy and the rule of law in Zimbabwe, and the need for international support. I hope that the conditions laid out in that bill for resumption of a complete program of bilateral assistance will be met expeditiously. And I am glad that, in the meantime, the bill ensures that U.S. assistance will continue to bolster democratic governance and the rule of law, humanitarian efforts, and land reform programs being conducted outside the auspices of the government of Zimbabwe. This bill has passed the Senate, and I hope that the House will pass it soon, as it contains particularly timely provisions which will assist individuals and institutions who accrue costs of penalties in the pursuit of elective office or democratic reforms.

So again, I extend my congratulations to the people of Zimbabwe on their historic vote, and I urge my colleagues to take note of the potential for real change and real progress that exists within Zimbabwean society and indeed within many of the countries of Africa. Africa is not a hopeless continent. One cannot paint the entire region in the same depressing and fatalistic shades. And Mr. President, I intend to come to this floor to highlight the promise and the achievements of the diverse region in the remaining weeks of this session, in an effort to counter the lazy, misguided analysis that suggests we should wash our hands of engagement with this remarkable part of the world.

THE MICROSOFT CASE

Mr. CRAIG. Mr. President, Judge Learned Hand once observed: "The successful competitor, having been urged

to compete, must not be turned upon when he wins."

For Microsoft and the rest of our domestic high-tech industry, it may be too late to heed Judge Hand's warning.

Whatever justification the Justice Department used for its actions against Microsoft, the real measure of success in the Microsoft case is how it affects American consumers and the American economy.

From their perspective, the verdict is clear: The Justice Department's suit against Microsoft is bad for consumers, bad for high-tech markets, and bad for the country.

Mr. President, our anti-trust laws are unlike health and safety regulations. Their purpose isn't to protect the physical well being of citizens, but rather their pocketbooks.

Like other forms of economic regulation, a successful effort requires two conditions. First, there must exist a market failure. Second, the government must be in a position to fix that market failure.

The case against Microsoft fails both conditions. Our domestic computer markets are working just fine. For thirty years, they have been characterized by falling prices, rising performance, and increased choice:

According to the Commerce Department, quality-adjusted prices for computer memory chips have declined 20 percent per year since 1985;

A chip that sold for \$1778 in 1974 cost just 47 cents in 1996; and according to the CBO, software prices have been falling between 3 and 15 percent per year on average.

Meanwhile, new products are being introduced every day. There are currently over 25,000 applications designed to run on Windows, yet the fastest growing segment of the market includes so-called "Microsoft-Free" applications.

Mr. President, I am one of the most computer illiterate members of the United States Senate, but I can pull airline flight information off the internet faster than anybody here. I use my Palm Pilot to do it. The Palm Pilot doesn't have any Microsoft products in it. You can browse the internet with your cell phone too. Again, no Microsoft.

And just recently, Linux-based software writer Red Hat announced a partnership with Dell Computer to accelerate the commercial adoption of the Linux operating system. This new system would compete directly with Windows-based computers.

Lower prices, better performance, increased choice—Mr. President, there is no market failure in our domestic computer industry. To suggest otherwise doesn't pass the laugh test.

Nor does the suggestion that consumers are better off following Judge Jackson's ruling. All the evidence suggests just the opposite.

One unique aspect of today's economy is that America's consumers are also America's owners. Fully one-half

of American families own stock in American companies. Those families have been hurt by the Microsoft case.

On April 3, Judge Jackson issued his finding of law. That day, the Nasdaq stock index crashed. It fell a record 349 points. That's a loss to Americans of about \$450 billion—or about 5 percent of our national income.

Gone, in one day.

Mr. President, a basic premise of anti-trust action is to defend consumers. We want to protect competition, not competitors.

Yet, in the Microsoft case, it was the competition that pointed the finger. Actual consumers were notably absent. So how did the markets treat Microsoft's competition following Judge Jackson's ruling? Poorly.

Of the companies that testified against Microsoft—Intel, IBM, Compaq, Oracle, AOL, Sun Microsystems, Intuit, Apple, and Gateway—only one saw its stock rise in the month following the Judge's ruling. Every other stock had dropped, some by as much as 30 percent.

This decline is no coincidence. According to a study recently published in the *Journal of Financial Economics*, whenever the government's antitrust suit has scored a victory against Microsoft, an index of non-Microsoft computer stocks falls. When Microsoft wins a round, those computer stocks rise.

Judge Jackson may have ruled against Microsoft, but the markets have ruled against government interference in the New Economy.

Mr. President, the only monopoly consumers need to worry about in the Microsoft case is the monopoly government regulation has over private industry.

Having stood on the sidelines while American's high-tech community led the American economy into the twenty-first century, the government is now stepping in and telling those same corporations how to run their business.

Economic regulation used to be popular in Washington, DC. At one point in the late 1970s, the federal government controlled the pricing and market access of all our transportation industries—trucking, airlines, rail, and pipeline—as well as the energy industry.

Today, those regulations are gone, and we are all better off. The last twenty years of economic growth and prosperity demonstrates that those regulations did the economy more harm than good.

In many ways, our anti-trust laws are the last toe-hold of economic regulation in the federal code.

Unfortunately, it's a growing toe-hold. The number of investigations by the Justice Department under our anti-trust laws has exploded in recent years, rising from 134 in 1995 to 276 in 1997.

Which begs the question, who's next?

Now that the Justice Department has been turned loose, who are the other innovative companies that might want

to ensure that their lawyer's retainers are fully paid?

Intel: With a market share of 80 percent, Intel is by far the leader in sales of the microprocessor market for PCs. While this lead seems reasonable, since Intel invented the first microprocessor in 1971, innovation isn't a defense in anti-trust law. Intel's profit margins have exceeded 20 percent for the past five years.

AOL: With almost 25 million online subscribers, AOL is the clear worldwide leader in online services. Investor Research says: "The service has continued to make significant gains in the number of customers, despite charging a monthly fee of \$21.95 that is higher than the industry's standard fee of \$19.95." Do higher fees indicate monopoly rents?

Cisco: Cisco Systems is the world's largest supplier of high performance computer internetworking systems. It supplies the majority of networking gear used for the internet. According to Investor Research: "Demand for switches is being driven by a need for greater bandwidth by corporate users: Cisco dominates this market." Mr. President, the term dominates is bad in the anti-trust world.

EBAY: EBAY operates the world's largest person-to-person online trading community, with more than 10 million registered users and 3 million items listed for sale. You can purchase antiques, coins, collectibles, computers, memorabilia, stamps, and toys on EBAY from other individuals. Profit Margins: 70 percent plus. Seven Zero.

One irony in the Microsoft case is that Netscape, the frequently cited "victim" in the case against Microsoft, was in 1996 clearly a monopoly player in its own right, with over 80 percent of the browser market. Now, Netscape is owned by AOL, another monopoly-sized player.

America's high tech community used to shun government interference. They would be smart to continue to do so. The companies that encouraged the Microsoft lawsuit made a Faustian bargain. Now that the government has focused on this industry, it may be difficult to turn its attention elsewhere.

That's too bad. The case against Microsoft has hurt the high tech community where it counts—in its pocketbook. But the full cost of this ill-advised attack remains to be seen. Right now, America stands alone atop the New Economy. Increased government intervention is a good way to ensure that dominance doesn't last.

THE TRUTHFULNESS, RESPONSIBILITY AND ACCOUNTABILITY IN CONTRACTING ACT

Mr. ROBB. Mr. President, I am pleased to be joined by several of my colleagues in support of the Truthfulness, Responsibility and Accountability in Contracting Act, or the TRAC Act. We look forward to dropping our bill when the Senate returns from the July 4th recess.