

firms in the market are acting in collusion. In highly concentrated markets, outright conspiracies and collusion between the market participants are totally unnecessary to develop concerted action. When there are few firms in a market, these firms can easily track and follow each other's behavior. In reality, the only way to demonstrate collusion in a concentrated market is through circumstantial evidence.

We found numerous instances of parallel pricing within the gasoline industry. At certain times in certain markets, all of the major brands went up and down together, and stayed at a constant differential with respect to each other. Although parallel pricing in and of itself does not necessarily indicate collusion, I believe that additional circumstantial evidence should be considered by a jury in determining whether in fact such collusion exists in concentrated markets.

I therefore support the standard set forth in *In re Coordinated Pretrial Proceedings in Petroleum Products Antitrust Litigation*, 906 F.2d 432 (9th Cir. 1990), cert denied, 500 U.S. 959 (1991), in determining whether the plaintiff's circumstantial evidence of collusion can be presented to the jury.

IMPORTANCE OF INDEPENDENTS IN GASOLINE MARKETS

Numerous studies have demonstrated the importance of independent gasoline refiners and dealers in preserving competition in the gasoline wholesale and retail markets. For example, in one of the most rigorous studies to date, which is cited in the Subcommittee's report, Professor Hastings documented how the loss of one independent retail chain in Southern California led to across-the-board price increases at the pump in the areas previously served by the chain. In addition, the Subcommittee's investigation found a number of industry analyses indicating that the greater the presence of non-majors in a specific market, the lower the retail price.

The continuing decline of independents nationwide and in a number of markets presents a significant concern that prices in the affected markets will rise above purely competitive levels. In your reviews of proposed mergers I urge you to carefully examine the effect of the proposed merger upon the presence of independents in the market. Not only are large retail chains necessary to present effective competition for other large retail chains, but a healthy independent sector is necessary to maintain true price competition.

In this context, I urge you or the FTC staff to meet with the Association of Merger Dealers and seriously consider their proposal for the purchase of up to 17 Mobil-branded retail sites currently owned by Phillips/Tosco, which were acquired by Tosco under the consent decree in the Exxon-Mobil merger. In my opinion, it would be worthwhile for the FTC to consider this proposal as a test case to see whether the divestiture of gasoline stations owned by major brands to the dealers rather than to other major brands can be an effective way to inject competition into markets where a proposed merger would be detrimental to competition.

In closing, I would like to thank you and the FTC staff for the support provided to the Subcommittee during this investigation. Our extensive requests for documents were responded to in a timely manner, and the FTC personnel were readily available to answer the Subcommittee's questions. I look forward to continuing our productive working relationship in this and other issues.

Should you have comments regarding this letter, please feel free to contact me or have your staff contact Dan Berkovitz or Laura

Stuber, Counsels to the Subcommittee, at 224-9505. Again, thank you for your time and consideration.

Sincerely,

CARL LEVIN,
*Chairman, Permanent
Subcommittee on Investigations.*

ADDITIONAL STATEMENTS

HONORING MELISSA BYERS OF LEAWOOD, KS

• Mr. ROBERTS. Mr. President, today I am pleased to honor Melissa Byers of Leawood, KS, for her impressive essay, "Determining the Role of Peacekeeping in a Global Age." This essay won first place in a State-level competition in the 15th Annual National Peace Essay Contest sponsored by the United States Institute of Peace. She received a \$1,000 college scholarship, and is competing for national awards of up to \$10,000. Melissa is a high school student at Blue Valley North High School in Overland Park, KS.

Melissa sets an incredible example for all students in our country. Melissa came into my office and I met with her to extend my congratulations on her accomplishments. I would like to submit her essay into the RECORD and recognize her fine work.

The United States Institute of Peace is an organization created and funded by Congress to promote research, education, and training on the resolution of international conflicts. This National Peace Essay Contest is one of the Institute's oldest activities to promote civic education on international peace for students across the United States. I would like to commend the Institute of Peace and Melissa Byers for their participation.

Mr. President, I ask that Melissa's essay be printed in the RECORD.

The essay follows:

DETERMINING THE ROLE OF PEACEKEEPING IN A GLOBAL AGE

(By Melissa Byers)

Throughout the history of the United States, we have adapted foreign policy to meet the unique challenges of the times. Past US foreign policies of imperialism, expansionism, and isolationism were adapted in ways representing a narrow national interest. But global conflicts such as those moderated by the current United Nations missions to the Central Africa Republic, Sierra Leone, and Kosovo, not withstanding the huge ramifications of September 11, require a new foreign policy perspective. The collapse of the Soviet Union effectively ended the Cold War, bringing with it the possibility and the necessity of recognizing that the old order is past and a new order is required. By examining the traditional roles of the military and exploring several case studies, the issues surrounding national policy come more clearly into focus, and we can better begin to formulate and redefine a new way of thinking about the peacekeeping role of the United States military and our national interest.

Much has been written about the traditional role of the military, and protecting the homeland is a foundational context in defining the role of the military. Erwin A.

Schmidl, a historian for the Austrian Ministry of Defense defines five types of peacetime military operations (1) frontier operations, (2) colonial interventions and counterinsurgency, (3) occupational duties, (4) peacekeeping military operations, and (5) multinational operations (Sismanidis 1). This theory can certainly be applied to U.S. history. In frontier operations, the presence of US military was a stabilizing influence in fulfillment of Manifest Destiny. The US military in putting down the Filipino insurrection of 1901 was an example of colonial interventions and counterinsurgency operations, and the US post-WW II occupation of Germany and Japan in deterring the rise of militant forces was an example of occupational duties. The presence of forces in Haiti in trying to maintain political and economic stability is an example of peacekeeping military operations, and the recent NATO interventions in the old Yugoslavia in preventing ethnic cleansing and genocide is an example of multinational operations. The common thread of national protectionism underpins all five roles, formulating the traditional groundwork for the post-WW II definition of peacekeeping.

The timeliness of this essay is evident in the ashes and aftermath of September 11. With the physical destruction of the two World Trade Towers also came down the ideological pillars of an inviolable and invincible United States. Traditionally, wars have been fought between known enemies and specific military targets. The profile of the enemy was defined. But with the fall of the United Soviet Socialist Republic came a new set of variables that changed foreign policy. The profile of the "enemy" is not obscured. In many modern conflicts, violence often occurs between subtle ideological or ethnic enemies. The role of modern peacekeepers is evolving around these global human and economic conflicts. On the evening of September 11th, President George W. Bush's address to the nation articulated a shift in peacekeeping policy as it relates to national security and foreign relations, "America and our friends and allies join with all those who want peace and security in the world and we stand together to win the war against terrorism" (Bush Sept 11). In the evolving new foreign policy, definitions are broadened, national security is equated with international security, and American interests are linked with global interests.

The current evolution of the U.S. military's peacekeeping role stems from United Nations mandates that peacekeepers should maintain international peace and security. As published on the United Nations Website, the role of the peacekeeper is divided into three categories. (1) Cease-fire peacekeeping, in which conflicting countries can pull back, creating a more conducive environment for negotiations. (2) Multi-dimensional peacekeeping, in which experts inspire major political, social and economic change, strengthening national institutions. (3) Humanitarian peacekeeping, in which massive human suffering is relieved, delivering needed support and supplies (What is Peacekeeping?).

In the last six months, the role of U.S. peacekeepers has been drastically redefined to include these roles. In response to the threat of global terrorism, the U.S. has broadened homeland defense to include global interests. In a speech, marking the 100-day anniversary of September 11, Bush declared, "American power will be used against all terrorists of global reach" (Bush Dec. 20). The U.S. has now begun to build coalitions, attack terrorist networks, employ economic sanctions against those supporting and harboring terrorism, and condemn terrorist attacks wherever they occur. More funds have

been made available the military's role, from not only eliminating terrorist targets, but also to providing 2.5 million humanitarian rations inside Afghanistan (Bush Dec. 20).

One positive example of U.S. military involvement in peacekeeping happened during the 1999 Kosovo campaign to stop the ethnic cleaning entire of the Albanian community (U.S. White House 41-42). The presence of NATO peacekeepers provided for surrender of Slobodan Milosevic, repatriation of Albanian refugees, and withdrawal of Serbian forces from contested soils (U.S. White House 41-52). The success of the peacekeepers' involvement in Kosovo in promoting democratic principles also increased the security and stability of Europe. In October 2000, the world watched as Kosovo held its first free and open municipal election, and its positive result increased public confidence that peacekeeping efforts could be successful.

Negative examples of U.S. military involvement in peacekeeping occurred during operations in Lebanon and Somalia, failing due to a lack of US focus and resolve. During the Lebanese civil turmoil in the eighties, several thousand American, French, British, and Italian peacekeepers intervened to stop bloodshed, yet terrorism and flagging public support forced the peacemakers to withdraw without finding a peaceful solution (Magnuson 54). During the Somali Conflict in 1992, 30,000 U.S. military troops attempted to open supply routes and disarm local militias, but horrific images of the bodies of U.S. soldiers being drug through the streets of Mogadisu helped to break U.S. national resolve (Carpenter). Both missions were designed to decrease localized violence and civilian suffering, with limited international involvement, but in each, American uniforms because the target of heavily armed local militias. While these failed attempts at peacekeeping diminished U.S. international prestige, the most negative result was public disillusionment. Unsuccessful interventions in the civil matters of others countries, compounded by costs of American lives and resources, drastically limits the public resolve to intervene.

The tragedy of Rwanda is an example of the negative implications of restricting U.S. military involvement abroad. When the UN Security Council withdrew most of its peacekeepers from Rwanda, it created a deathly vacuum, resulting in the slaughter of 800,000 Tutsis in three months (Kuperman 105). Four months later the UN reversed its decision (Carnegie 4). In part, due to the Somalia experience, the U.S. continued to be reluctant to intervene (Nye 32). Experts project that the timely intervention of 6,000 U.S. troops could have prevented 275,000 Tutsi deaths (Kuperman 100). Lack of U.S. military action partially resulted in the human tragedy of Rwandan genocide, while the guilt of the nations grew and the national consciences appeared to numb.

Vietnam is an example of the positive implications of restricting U.S. military involvement abroad. For decades, France and Vietnam had been embroiled in military conflict. When France withdrew, the Americans entered in a peacekeeping role, fearing the domino effect. By 1955, American peacekeepers began advising military and political leaders against the communist forces lead by Ho Chi Minh (Bailey 916-917). Eventually, peacekeeping forces became military troops, escalating U.S. involvement, distracting the U.S. from its goal of peace, and entangling the U.S. in a long protracted war. Thus, public support decreased. What started out as a peacekeeping effort resulted in 47,355 American casualties, over one million Vietnamese casualties, and at a cost of 352 billion dollars (Bailey A34). The extent of such losses makes for a strong argument in limiting U.S. military engagement abroad.

Over the next decade, there is no doubt that the American military must play a leading part in insuring international peace and security. The old order, including the narrow traditional role of the military, is obsolete, and a new order, including a broadened innovative role of military, is required. Experiences in Kosovo, Lebanon and Somalia, Rwanda, and Vietnam testify that it is in our national interest to formulate and re-define broader peacekeeping roles for the United States military. As in the case of Kosovo, the U.S. needs to be bold enough to commit the forces needed to resolve the situation. As seen in Lebanon and Somalia, military objectives need to be well defined in order to avoid escalating entanglement and unnecessary loss of life. To prevent another Rwanda, the U.S. military policy needs to defend human rights violations wherever they occur, yet, move with enough caution and insight to prevent another Vietnam imbroglio. The lessons of September 11 call us to the openness and flexibility of preventative peacekeeping. The United States must realize that it has a vested interest in what goes on outside its borders, and that the best way to protect our national interests is to defend personal and economic rights worldwide.

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ALCOA'S MASSENA OPERATIONS

● Mrs. CLINTON. Mr. President, I would like to acknowledge the contribution to this nation provided by the workers and management of Alcoa's Massena, New York Operations. The Massena Operations make aluminum ingot—which is the raw material that is used in a variety of applications—and fabricated aluminum products.

I hope many of my colleagues will have the chance to visit the town of Massena, NY, because it is a wonderful community. Massena is located on the St. Lawrence River in St. Lawrence County, serving as a gateway to America's Fourth Coast, including the St. Lawrence Seaway, the Thousand Islands and the Great Lakes.

This year, Massena is celebrating its 200th birthday, and along with it a century of Alcoa involvement in the community. Alcoa is celebrating an incredible 100 years of aluminum production at its Massena location. As part of its celebration, Alcoa will establish the Massena Operations Memorial Park. Earlier this year, Alcoa-Massena officials also announced their contribution of \$100,000 to the Massena Bicentennial.

The history of Alcoa's Massena Operations is a true American success story. A century ago, the Pittsburgh Reduction Company, a predecessor of Alcoa, built a smelting plant at Massena. The products manufactured at Massena have included wire and electric transmission cable. Consumer products with aluminum components made in Massena have harnessed the power of electricity for the home. The Massena Operations have also made significant contributions to our Nation's military and aerospace efforts.

For a century, Alcoa's Massena Operations has upheld the proud American tradition of quality manufacturing. I wish to thank you for the opportunity to highlight their fine work and the important role that Alcoa's Massena Operations plays in their community in New York.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 12, 2001, in Boston, MA. Three teenagers, claiming they wanted to "get back at Arabs," threw three Molotov cocktails onto a convenience store the day after the September 11 terrorist attacks. The teenagers thought that the store was owned by an Arab. The owner of the store, Aswin Patel, an Indian man, escaped unharmed. The three perpetrators face Federal hate crimes charges and have been charged with assault with intent to murder and arson.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

CONGRATULATING INDIANAPOLIS ON BECOMING DIGITAL TELEVISION ZONE

● Mr. BAYH. Mr. President, I rise today to congratulate the city of Indianapolis on its recent designation as a "Digital Television Zone." Viewers in Indianapolis are fortunate to be served by local television broadcast stations that have been and continue to be leaders in the digital television transition. These stations are: WTHR, a dispatch broadcast-owned NBC affiliate; WISH-TV, a LIN television-owned CBS affiliate; WRTV, a dispatch broadcast-owned ABC affiliate; and WXIN, a tribune broadcast-owned FOX affiliate.

As the broadcast industry undertakes its transition to digital television, I am proud to say that our local Indianapolis affiliates are already fully on the air in digital.

For those not familiar with digital television, it is the next step in the evolution of television. Those of us old enough, remember the move from black and white to color. Now, the next exciting step in the process is digital. Just as the other communications mediums are moving from an analog to a digital world, so too is television.

This past spring, Indianapolis' local CBS station, WISH-TV, granted the wish of many of my constituents. Through digital television, the station was able to simultaneously broadcast four NCAA basketball tournament games. Our local ABC affiliate, WRTV, has expanded its primetime digital line up. Today, Indianapolis viewers can watch popular programs such as "Drew Carey," "Alias," and "NYPD Blue"—all in high definition. The local NBC affiliate, WTHR, airs "Crossing Jordan" and "The Tonight Show" in high-definition nightly. This year, they broadcast the Olympics' opening ceremonies in digital. It is compelling programming like this that will propel the transition forward and encourage consumers to invest in digital technology—like their local broadcasters have done already.

In January, Indianapolis earned the distinction of being named a "Digital

TV Zone." As Mayor Bart Peterson said at the ribbon cutting ceremony, "Our designation as a Digital TV Zone—being one of only a handful of cities to have all local network affiliates broadcasting in digital—is evidence that Indianapolis is where it needs to be to compete in the digital world."

Through the Digital TV Zone Program, Indianapolis broadcasters pooled their resources over the past year to educate Indianapolis consumers—my constituents—about digital TV technology and its benefits.

The local stations cooperated with electronics manufacturers and retailers to post digital sets in high traffic areas throughout the city. If you walked through Indianapolis International Airport, or if you went to Conseco field house, or the NCAA Hall of Champions over the last 5 months, you would have seen the local Indianapolis stations in digital being displayed on high-definition digital television sets.

Clearly, Indianapolis broadcasters are doing their part to launch the digital television future. All of these different activities are designed to educate my constituents about the promise of this new technology.

There will, of course, be many challenges before all consumers can fully benefit from digital television. Despite any outstanding issues, I am proud to say that Indianapolis broadcasters are leading the charge into the digital television future and giving local viewers the opportunity to experience digital television now.●

LETTER TO HARVEY PITT, CHAIRMAN, SECURITIES AND EXCHANGE COMMISSION

● Mr. SMITH of Oregon. Mr. President, I ask that a letter, sent today, to the Chairman of the Securities and Exchange Commission, Harvey Pitt, from Senator BREAUX and myself be printed in the RECORD.

The letter follows:

U.S. SENATE,

Washington, DC, June 28, 2002.

Hon. HARVEY L. PITT,
Chairman, Securities and Exchange Commission, Washington, DC.

DEAR CHAIRMAN PITT: We are writing out of deep concern regarding recent reports about a variety of abuses in corporate accounting scandals by companies and corporate executives. In particular, the accounting practices at WorldCom that led to an error of more than \$3.5 billion is unforgivable and inexcusable.

We are pleased to have taken steps to investigate several recent disturbing disclosures and encourage you to pursue initiatives to improve corporate responsibility and shareholder protections. We fear that these reports of corporate fraud may just be the tip of the iceberg, and the need to improve accountability in America's public companies is imminent.

American business is built upon an integrity and trust in business relationships that bolster our currency and provide a shining face of transparency that supports western values and spreads capitalism and corporate