Union. There is a healthy logic to putting together specific alliances in specific areas of the world, so that peacekeeping is carried out with some geographical relationship. Such missions would be strengthened by the political determination of neighbors—who could be affected should a war spread—to see that peace is the only result.

There are successful models that should be considered. One such case involved the United States, Israel, and Egypt, who, in the 1979 Camp David Accords, jointly established a private, United States-led peacekeeping operation in the Sinai peninsula—the Multinational Force and Observers [MFO]. This successful mission, undertaken without U.N. involvement, goes on to this day. It might serve as a model for other missions.

I have little doubt that the value of the United Nations to the international community and the United States will continue to grow. The United States simply does not have the support of its people, nor the resources, to assume the role of world-caretaker for the settlement of all disputes. The recognition of this fact will always bring people back to the conclusion that the United Nations is the best institution we have for dealing in a collective way with problems that affect the security of the United States and others.

Therefore, the United States has an obligation to work with the United Nations—not against it—to improve it, strengthen it, and make it more successful. With U.S. leadership, U.N. peacekeeping can indeed become more effective, better defined, and more realistically employed.●

TRIBUTE TO VAN VANCE

● Mr. MCCONNELL. Mr. President, I stand today to pay tribute to Van Vance, the ''Voice of the Cards.'' Van Vance has kept University of Louisville basketball and football fans tuned in on WHAS radio since the 1981–82 seasons. And today, I'm saddened to announce that one of the biggest Cardinals fans is giving up two of his true loves; play-by-play for U of L basketball and his ''Sportstalk'' radio show.

Van's voice will surely be missed by U of L basketball fans next season. He will also be missed by his old buddy and cohost, Jock Sutherland. For Cardinal fans, Jock and Vance are like the Siskel and Ebert of basketball, they have been inseparable for the past 13 seasons. Jock describes Van as ''an absolute total professional.'' In a recent article in Louisville's Courier Journal Jock called Van ''the Walter Cronkite of Louisville Sports. They can replace you and replace you with a good man, but there'll only be one Walter Cronkite.''

Van's love for basketball started at an early age. He earned the nickname ''Hawkeye'' while playing basketball at Park City High School. He lead the team in scoring during the 1951–52 season, and even though his career high was 39 points, Van most remembers a 34-point performance that included a perfect 18 of 18 from the free throw line. Those are just several reasons Van earned letters in four sports and an athletic scholarship to Western Kentucky University.

His first job in radio came after a station manager in Glasgow, KY, heard his delivery of an ''I Speak for Democracy'' speech. He wasted no time getting to work, he started the job just hours after his last basketball game at Park City High in 1952. Van still had ''Hoop Dreams.'' He went to play basketball for legendary Ed Diddle at Western Kentucky, but when the coach made him choose between basketball and radio, Van gave up the courts for the studio.

After several radio jobs, Van finally landed at WHAS–AM in Louisville. He started as a staff announcer in 1957, and then joined the sports staff in 1970. That same year, WHAS acquired the rights to broadcast the Kentucky Colonels' games of the American Basketball Association. Van did play-by-play for the Colonels until the franchise disbanded in 1976. Then in 1981, WHAS–AM was awarded the rights to U of L football and basketball games, and Van Vance was back on the air. The rest is Cardinals sports history.

Mr. President, I ask you and my fellow colleagues to pay tribute to the career of Van Vance. It has been a memorable one, highlights include; doing play-by-play for the Louisville victory over Duke in the 1986 NCAA championship, the Kentucky Colonels' victory in the 1975 ABA championship, the first basketball ''Dream Game'' between U of L and UK, and the football Cardinals big win in the 1991 Fiesta Bowl. A recent quote from Van sums it up best: ''I've always said a play-by-play announcer is like a surfer—the better the team, the better the game, the better announcer you can be. If you have a good wave, just ride it.'' Let's hope Van catches the ''Big Kahuna'' and the ''Voice of the Cards'' lives on in the hearts of cardinal fans young and old.●

ORDER OF BUSINESS

DEPARTMENT OF JUSTICE AND THE INFORMATION AGE

Mr. DOLE. Mr. President, 2 weeks ago the Senate took a dramatic step toward transforming our telecommunications laws for the 21st century.

CONGRESS SETS TELECOM POLICY

There were many important issues addressed in that debate. But today, I would want to hit on one of the bill's main themes. It is simple, but important—Congress will not play second fiddle to the courts, or any other branch of Government, when it comes to establishing telecommunications policy. Despite heavy opposition by the White House, I believe the final vote of 81 to 18 clearly demonstrated that Congress is now in charge.

This is not just a simple turf battle. Although, I seem to recall, that legislating is a function of Congress, sometimes the courts have forgotten this constitutional separation of powers.

No other branch has greater accountability than ours. Voters have the power to elect us, and they have the power to send us home. We serve at their pleasure.

So in effect, when Congress sets policy, it is set by the people. Neither the courts nor the executive branch can make that claim.

That is why I found it so troubling when the courts usurped Congress' authority to set telecommunications policy in the early 1980's. Instead of the voices of 535 Members of Congress, any judge in the country could unilaterally set telecommunications policy. And they have done so often, sending conflicting signals.

EXPANDING DOJ'S ROLE

The reason I raise this point is some Members of this body wanted to give the Department of Justice the same decisionmaking role as the courts. Under existing antitrust statutes, the Department of Justice prepares an analysis that it must defend and prove in court. In effect, it is the prosecutor. What DOJ wanted in the telecommunications bill, however, was to be both prosecutor and judge. Sort of one-stop shopping.

Mr. President, I did not support this expansion of power. To me, this was not an issue of whether you were pro-Bell or pro-long distance. Instead, I thought it set bad precedent. If we expanded DOJ's authority over Bell companies, someone could legitimately ask: ''Why shouldn't this so-called one-stop shopping be extended to the entire telecommunications industry? And why stop there. Maybe we should give DOJ such authority over all sectors of our economy.''

I do not believe that was the intent of my colleagues who supported giving the Department of Justice a decisionmaking role, but what I did hear, however, was that many colleagues believed that current antitrust standards were not sufficient.

AN OVERZEALOUS DOJ

Mr. President, antitrust standards are not only sufficient, but it seems to me that the current Department of Justice is overzealous in its use of these statutes.

Just take a look at an article entitled, ''Microsoft Corporation Broadly Attacks Antitrust Unit'' that appeared in the June 27 edition of the Wall Street Journal. It outlines Microsoft's latest problem with the Department of Justice's antitrust division.

More importantly, it sheds some light on how the Department of Justice intends to use its antitrust authority to regulate the information age. And to me it is frightening.

The article chronicles Microsoft's latest run-in with the Department of Justice and reports that DOJ is considering blocking Microsoft's efforts to

give customers package deals on certain Microsoft products. The specific products involved are Microsoft's updated windows software package and its new on-line service.

Let us understand what is going on here. A company develops a new product. A product that consumers want. But now the Government steps in and is in effect attempting to dictate the terms on which that product can be marketed and sold. Pinch me, but I thought we were still in America.

If somebody makes something and somebody wants it, you sell it. You do not have to go to the Department of Justice to get their approval.

Unfortunately, DOJ does not stop there. According to the article, and I quote, ''One of the [DOJ] document requests asks the company to produce 'all strategic plans prepared by or for Microsoft by any party and any documents provided by or to the board or top executives of Microsoft concerning predictions as to the future of computers and computer technology.' ''

If this report is accurate, DOJ is out of control.

Let us not forget, however, Justice has gone after Microsoft more than once this year. First, there was the accord reached between Microsoft and DOJ that Judge Sporkin opposed until the case was taken away from him.

Then there was Microsoft's efforts to purchase Intuit, a maker of personal banking software. This fell through after DOJ sued to block the deal. According to the Wall Street Journal, before DOJ took Microsoft to court, the company had complied with two DOJ subpoenas which involved producing 772 boxes of paper and a ''foot-high stack of answers'' to DOJ questions. That is right, 772 boxes of paper. Bureaucrats gone wild. Imagine all the time and money, not to mention a forest or two, wasted on complying with Justice's requests.

DOJ: AN EQUAL OPPORTUNITY MEDDLER

And it is not just Microsoft that DOJ has been eyeing lately. For instance, earlier this year this same Antitrust Division declared that a new cellular company by the name of Air Touch was a regional Bell operating company. As a result, it would carry all the restrictions of a Baby Bell company.

True enough, Air Touch was a spin-off from the Baby Bell company called Pactel. But let us not forget the facts.

Fact No. 1. Air Touch is not a subsidiary of Pactel, it is a separate company.

Fact No. 2. Air Touch was purchased with money not connected with Pactel.

Fact No. 3. Cellular or wireless services were not restricted under Judge Greene's break-up of Ma Bell. As Air Touch is a wireless company, how can it have restrictions placed upon it that are not even applicable to a real Bell company? It just does not make any sense.

Now DOJ may believe that Air Touch is a Bell company because it is composed of former Bell property. I guess that makes Bell companies the modern day equivalent of King Midas—anything they touch turns into a Bell company.

Unfortunately, that line of logic creates a new problem. Bell companies have been off-loading all sorts of property to different companies in the last decade. Does that make all of these buyer companies a Bell company, too?

The bottom line is that DOJ cannot and has not justified its actions.

BIG GOVERNMENT: DOJ'S EXPERTISE

Ironically, this is the same Department of Justice that wanted us to give them a key role to play in telecommunications policy, because, get this, they have greater expertise than the FCC. I read articles like the Wall Street Journal's and I am left wondering: ''Greater expertise in what?'' Maybe it's in big government micromanaging business. Or maybe it's that they have greater expertise in scuttling new services and products. Whatever it is, America does not need that type of expertise.

CONCLUSION

Mr. President, if DOJ is able to be this meddlesome under current law, just imagine if we had increased its authority under the telecommunication bill. Unlike Congress, they have little or no accountability.

That is why Congress—not the executive or judiciary branches—should set telecommunications policy.

Mr. President, I ask unanimous consent that the article which appeared in the June 27 Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, June 27, 1995]

MICROSOFT CORP. BROADLY ATTACKS ANTITRUST UNIT

ACTING TO QUASH SUBPOENA, FIRM SAYS IT'S FACING APPARENT ''HARASSMENT''

(By Viveca Novak and Don Clark)

Microsoft Corp., trying to quash a government subpoena related to its new on-line information service, launched a broad attack on the Justice Department's antitrust division.

In its unusual challenge to the subpoena, the Redmond, Wash., software giant lashed out against the department and belittled the legal theories the agency might use to block the company from bundling access to the Microsoft Network with Windows 95, the much-promoted operating system due for release in late August.

Microsoft says it ''has been subjected to a series of burdensome document demands . . . that shows no sign of abating.'' The antitrust division ''seems to be doing its level best to hinder Microsoft's efforts,'' it says, and it calls the subpoena ''the latest salvo in what increasingly appears to be a campaign of harassment directed against Microsoft.''

Microsoft's petition, filed Friday in federal court in the Southern District of New York, asks that the subpoena be set aside. The Justice Department responded yesterday with a motion to strike the petition, setting forth a different version of circumstances surrounding last week's subpoena. The subpoena gave the company only a few days to respond to 33 sets of questions and 16 requests for documents, some of them sweeping.

For example, one of the document requests asks the company to produce ''all strategic plans prepared by or for Microsoft by any party and any documents provided by or to the board or top executives of Microsoft concerning predictions as to the future of computers and computer technology.''

The two sides even disagree about the date the subpoena was issued; Microsoft said it was Wednesday, while the government asserts Microsoft was given a ''courtesy copy'' two days earlier, with slight modifications on Wednesday.

William Neukom, Microsoft's general counsel, said that filing the petition was simply a matter of ''protecting ourselves against the consequences'' of missing the government's deadline, since Microsoft didn't comply with Wednesday's subpoena. The government could have asked a judge to impose sanctions on the company.

Mr. Neukom said Microsoft filed the petition in New York because it was convenient to the company's outside law firm and because courts in New York ''have a history of dealing with fast-moving, complicated business transactions.'' Antitrust experts speculated that Microsoft didn't want to file in Washington because the company might draw Judge Stanley Sporkin, whose sharply critical decision against a separate antitrust accord involving Microsoft was recently overturned.

For its part, the Justice Department contends it was still in negotiations with Microsoft on the scope and timing of delivering the documents when Assistant Attorney General Anne Bingaman received a Friday-morning call from Microsoft's outside counsel ''stating that he was standing in the chambers'' of a district court judge and had moved to quash the subpoena.

Microsoft acted in bad faith, the department's motion defending the subpoena states, by abruptly terminating ''an established negotiating process.'' Microsoft and a Justice Department lawyer had been negotiating Thursday to narrow the scope of the subpoena, and talks hadn't broken off. The motion asserts that Microsoft's petition concerns a matter that should be worked out between the parties. Microsoft's petition is a ''tempest in a teapot,'' the department says.

If the Justice Department were to file suit to force Microsoft to remove software for tapping into its new on-line service from Windows 95, Microsoft may have trouble meeting its Aug. 24 deadline to release the product.

Microsoft is taking an unusual step in filing a copy of the latest Justice Department subpoena with its petition. Many targets of antitrust probes attempt to keep such information requests from becoming part of the public record, since the documents sometimes contain confidential company data or give unflattering hints about areas the agency is investigating. In this case, Microsoft apparently hopes to use the sheer breadth of the department's latest subpoena to bolster the company's case that it is being treated unfairly.

Microsoft isn't the only company receiving subpoenas with short turnaround times. The department also has issued such subpoenas to competing on-line services, software suppliers and companies that plan to supply content for the Microsoft Network, also known as MSN.

One major focus of Wednesday's subpoena is the relationship between the MSN and independent companies that will sell goods or information over the new network. That suggests the agency is examining whether the company is competing unfairly with other on-line services in wooing ''content'' suppliers.

The subpoena asks for the ''full consideration'' paid by Microsoft to each content

company, for example, and whether Microsoft has exclusive rights to their content. Microsoft has said content companies get a standard split of revenues for their services, and are not required to sign exclusive contracts.

Another focus is on Microsoft software, dubbed Blackbird, for developing new content offerings, and on whether companies that use Blackbird can develop content for other on-line services. The subpoena also asks for extensive data on projected sales and expenses tied to MSN and other Microsoft products, including Windows 95.

Last Week, the agency intensified its search for data that might bolster a case that Microsoft's new network might attain market dominance quickly.

One previously undisclosed source is Pipeline Communications Inc. Among other things, the Atlanta company works for on-line services, offering a speedy way for new PC users to try out those services soon after they turn on their machines for the first time. The Justice Department approached Pipeline early last week.

According to Pipeline's data, about 60% of the people offered these trial memberships subscribed, said Matt Thompson, Pipeline's president. If that experience carried over to the huge number of Windows 95 users, MSN could quickly dwarf other on-line services, some industry executives said. Dataquest Inc. expects Windows 95 to sell 30 million copies in just its first six months on the market.

Microsoft's petition seems at least partly a bid to elicit sympathy by portraying itself as the victim of intensive and unfairly focused antitrust-division scrutiny since August 1993. That's when Ms. Bingaman, the division's head, reopened a Federal Trade Commission investigation begun in 1990 and closed after commissioners deadlocked on whether to bring a case.

In large part, the petition catalogs Justice Department requests for information. For example, when Microsoft sought last fall to buy Intuit Inc., a maker of popular personal-finance software, it gave the department 37 boxes of documents in response to its first subpoena, the petition said. A second department request produced 735 more boxes of papers, plus a foot-high stack of answers to questions, after the request was narrowed in negotiations, according to the petition. The Justice Department sued to block the Intuit acquisition, and Microsoft dropped the deal.

The subpoena being challenged is the second issued to Microsoft in connection with the current investigation. Another was issued June 5 and demanded a response by June 9, but the department agreed to extend the deadline. Mr. Neukom was in Washington to meet with Ms. Bingaman last week when he learned the department wanted more data.

TRIBUTE TO EDWARD BANKS

Mr. DOLE. Mr. President, at the end of this month, the Senate will be losing one of our most distinguished employees when Edward Banks retires.

Currently the assistant supervisor of the material facility warehouse section of the U.S. Senate Service Department, Edward has served the Senate with loyalty and dedication for over 36 years.

When Edward served as a messenger in the 1970's and 1980's, he was fondly known throughout the Senate as the ''wagon master''—hailing back to the days of the 1800's when documents, materials, and equipment were delivered by horse and wagon on the Capitol grounds.

Edward carried this affectionate title with pride and great distinction.

I know I speak for all the Senate when I thank Edward Banks for his 3½ decades of distinguished service, and wish him a happy and healthy retirement.

TRIBUTE TO FLORENCE NOLAND

Mr. DOLE. Mr. President, with the August retirement of Florence Nolan, customer service and records specialist in the U.S. Senate Service Department, the Senate will be losing the services of an employee who truly has mastered the nuts and bolts operations of this Chamber.

Florence began her Senate service in the Senate restaurant in 1959. In 1970, she accepted a position with the Sergeant-at-Arms in the service department, where she has worked in a variety of positions ever since.

She is an extremely competent and loyal employee who has made a difference wherever she has served.

I join with all my colleagues in thanking Florence Nolan for her many years of service, and in sending our best wishes for her retirement.

TRIBUTE TO CLAIRE CRIM

Mr. DOLE. Mr. President, for 37 years, Senators, staffers, and members of the public who have dealt with the Senate Services Department have come into contact with Claire Crim.

It is Claire who has welcomed staff and visitors, routed phone calls, filed work orders, and entered computer data. She has fulfilled all these duties and more with a great degree of skill and professionalism.

Claire is retiring from her position as customer service/records specialist at the end of the month, and I join with all my colleagues in thanking her for her nearly four decades of services, and in wishing her a happy and healthy retirement.

SALUTE TO ERIK WEIHENMAYER AND AFB HIGHSIGHTS '95

Mr. DOLE. Mr. President, on Tuesday evening Erik Weihenmayer and his climbing partners reached the summit of Mount McKinley, 20,320 feet into the Alaskan sky and the highest point in North America. Mount McKinley is called ''Denali''—the Great One—by Native Alaskans.

Under the best of circumstances, Mount McKinley is one of the toughest climbs in the world. Average daytime temperatures are a bonechilling 20 degrees below zero, dipping to 40 below at the summit. The National Park Service reports that the success rate for reaching the top is just 47 percent. Since 1913, 79 climbers have died on the mountain. Six died earlier this year.

Mount McKinley is the ultimate challenge for any serious climber. But it is a unique challenge for Erik Weihenmayer, who is blind. Erik was born with limited vision, and lost all his sight by age 13.

Most of the time, Erik is a 26-year old fifth-grade teacher and wrestling coach in Phoenix, AZ. About 10 years ago he took up mountain climbing. He uses two ski poles to locate the footprints of the hiker ahead of him, and then steps in the same tracks. To maintain balance and direction, Erik hangs on to a taut rope tied to his partner. Other than that, he carries the same gear and equipment as other team members.

As Erik has said, ''I may do things a little different, but I achieve the same process * * * . There's very little my team has to do to accommodate me.''

Over the past 10 years, Erik had trekked the Inca Trail in the Andes of South America, the Rockies in Colorado, and other demanding spots around the world.

On June 9, under the sponsorship of the American Foundation for the Blind, Erik and four others set out to conquer the summit of Mount McKinley. The other members of the AFB HIGHSIGHTS '95 team are Sam Epstein, of Tempe, AZ; Ryan Ludwig of Laramie, WY; and Jeff Evans and Jamie Bloomquist of Boulder, CO.

The AFB HIGHSIGHTS '95 team prepared for this climb for 8 months, with rigorous training. Since January, the team also climbed Humphrey's Peak near Flagstaff, AZ; Long's Peak in Colorado; and Mount Rainier in Washington State, all in blizzard-like conditions.

Mr. President, the American Foundation for the Blind deserves great credit for making this climb possible. Founded in 1921, AFB is one of the Nation's leading advocates for the blind.

AFB's motto is ''We help those who cannot see live like those who do.'' Erik exemplifies this spirit. Early on, he decided that ''Blindness would often be a nuisance, would always make my life more challenging, but would never be a barrier in my path.''

Mr. President, the message of AFB HIGHSIGHTS '95 is universal, extending well beyond blindness. It inspires all of us to realize our potential rather than focusing on our limitations.

Coincidentally, Tuesday also marked the 115th anniversary of the birth of Helen Keller. For 40 years, Helen Keller was AFB's Ambassador of Goodwill. At the age of 74, on an around the world flight, she said, ''It is wonderful to climb the liquid mountains of the sky. Behind me and before me is God and I have no fears.'' I imagine that Erik and the AFB HIGHSIGHTS '95 team have been similarly inspired.

Mr. President, let us wish Erik Weihenmayer and his climbing partners Godspeed and a safe return.

CHANGE OF VOTES

Mr. AKAKA. Mr. President, I ask unanimous consent that I be allowed to