

really this is the way we ought to go on legislation on taxation.

When I discussed this matter with our majority leader, he said to me that there would be legislation coming down the pike soon where there would be an opportunity for the flat tax to be considered. We informally agreed that we would have a brief colloquy on that. I yield to Senator LOTT, again without losing my right to the floor, for the balance of 10 minutes.

Mr. LOTT. Mr. President, let me say to the distinguished Senator from Pennsylvania that we have discussed this on two or three occasions, and he is absolutely correct; he has been cooperative and has not insisted on offering this important amendment on a couple of bills where he could have done that, because at the time it would have caused problems with those bills and made it more difficult for us to finish them in a timely way. This is the Senate and I think the Senator is entitled to be able to offer his amendment soon. Frankly, it is an amendment that I find very attractive, personally. So I would like to be able to be on record having voted for it. So I will work with the Senator to find a vehicle and a time that he is comfortable with later on this month, or in June, where this amendment can be offered and we can have a reasonable discussion and a vote.

Mr. SPECTER. I thank the majority leader for those comments.

SENATOR SANTORUM'S 40TH BIRTHDAY

Mr. SPECTER. This Sunday, May 10, 1998, the U.S. Senate will lose its last 30-something Member—that is someone who is in the thirties—because our colleague, Senator RICK SANTORUM will turn 40.

Already, in a few short years, Senator SANTORUM has distinguished himself by building a solid record of legislative achievement in both the House of Representatives and in the U.S. Senate.

As Senator SANTORUM passes this personal milestone, I would like to make a comment or two about him. He was born on May 10, 1958, in Winchester, VA, the son of an Italian immigrant. In 1965, the family moved to Butler, PA.

He had a distinguished career at Penn State, worked for Senator John Heinz, then moved on to the University of Pittsburgh where he earned his M.B.A., and then to the Dickinson School of Law where he earned a J.D.

He served six years as a top aide in the Pennsylvania State Senate, and then worked four years as an associate at the Pittsburgh law firm of Kirkpatrick and Lockhart.

In 1990, Senator SANTORUM took on a campaign for the Congress and defeated a seventh-term incumbent at the age of 32. Then in the House his legislation was very noteworthy on fiscal responsibility, health care, creative medical

savings accounts, which was incorporated as a pilot project in the Health Insurance Portability and Accountability Act of 1996. He has distinguished himself in the U.S. Senate with important legislation on welfare reform, managing debate on legislation based largely on a bill which he had introduced in the House of Representatives.

I have worked very closely with Senator SANTORUM on a personal basis. The Pittsburgh Post-Gazette wrote that when Senator SANTORUM won election in November of 1994 he "cautiously" invited me to accompany him on a victory swing the next day in Scranton and Philadelphia.

The Pittsburgh Post-Gazette reported accurately, "If you want me to go, Rick, I'll be there." And then the Post-Gazette noted, "It was just another display of what has become one of the more unusual U.S. Senate alliances and odd pairing of politicians from opposite poles in the Republican Party . . ."

Senator SANTORUM and I have more in common than one might imagine.

We are both children of immigrants. We both appreciated the value of education, and have been able to participate in the American dream because of our education. We agree on many, many items. We both support welfare reform, the balanced budget, the line-item veto, and the death penalty. On the issue of pro-choice and pro-life, Senator SANTORUM and I try to find ways to bring people together.

It is a pleasure for me to salute Senator SANTORUM on one of the last remaining days of his 39 years. He will not be able to say, like Jack Benny, very much longer that he is 39.

One of the items, in closing, that I would like to note is that the sky is the limit for Senator SANTORUM, and if he decides to stay in the U.S. Senate, he could be elected in the year 2000, the year 2006, the year 2012, the year 2018, the year 2024, the year 2030, the year 2036, the year 2042, and the year 2048 and at that point would be just as old as our distinguished President pro tempore, Senator STROM THURMOND, is today.

I thank the Chair and yield the floor. Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

MICROSOFT AND THE DEPARTMENT OF JUSTICE

Mrs. MURRAY. Mr. President, I am compelled to address the Senate this evening because one of our country's most dynamic, innovative, and successful companies, Microsoft, has been the subject of an unfair and prejudicial target by anonymous sources in the Department of Justice.

I am concerned that every time I pick up a newspaper I am informed of new information about the ongoing, supposedly confidential proceedings involving Microsoft and the Department of Justice. I ask only for fairness and that whatever verdict is derived, is ar-

gued through proper judicial channels and not played out through our nation's media.

Some of you in this Chamber may say that Microsoft can speak for itself, that it has a voice loud enough to be heard. To that, I answer that no single voice is ever enough to speak over the Department of Justice and those anonymous few employees who are seemingly abusing its formidable power. When the integrity of such a profound legal proceeding is in jeopardy, however, no one should remain silent.

In the Antitrust Division's extended, intense scrutiny of Microsoft, the company has faithfully worked to comply with each of the Division's request. Microsoft has fully cooperated with the seemingly endless requests for documents and depositions of top executives. Microsoft has operated under the assumption that if it works with the Justice Department in a fair manner and complies with its requests, then the Justice Department will proceed with its investigation fairly. But, I question whether the Justice Department is indeed playing fair.

Over the past several months, the Antitrust Division appears to have repeatedly and continually disclosed to the media information uncovered during its investigation, and floated anonymous opinions regarding the likelihood of a new government antitrust case against the company.

To me, putting America's technological leader on trial in the press—before the prosecutor even decides if a trial in our court system should proceed—is wholly unfair.

The Justice Department's own ethics manual says that, I quote: "It is the policy of the DOJ and the Antitrust Division that public out-of-court statements regarding investigations, indictment, ongoing litigation, and other activities should be minimal, consistent with the Department's responsibility to keep the public informed. Because charges that result in an indictment or a civil action should be argued and proved in court, and not in a newspaper or broadcast, public comment on such charges should be limited out of fairness to the rights of individuals and corporations and to minimize the possibility of prejudicial pre-trial publicity."

Based on their comments to the media, however, attorneys at the Justice Department apparently disagree with their own ethics manual. For example in a February 9, 1998 New York Times article entitled "Microsoft Case May Be Prelude to Wider Antitrust Battle" a "senior Justice Department official" who "spoke on condition that he not be identified" said, "licensing arrangements and the pricing of deals that Microsoft strikes . . . for placement on the front screen of its Windows operating system or its Internet Explorer browser" are an "area of antitrust concern" for the Antitrust Division.

The Wall Street Journal has apparently been given similar exclusive insight into a possible case. On April 6, 1998, the Wall Street Journal published an article entitled "U.S. Closes in on Microsoft; Officials Think Evidence Supports a Broad Charge on Extending Monopoly." In it, the author quotes "people close to the probe" who stated that "investigators believe they have enough evidence to bring a new antitrust case against Microsoft." Those sources are so familiar with the investigation that they told the reporter that an antitrust complaint would "repeat an existing charge that Microsoft violated a 1995 antitrust settlement . . . extending to Windows 98 last fall's charge that Microsoft uses Windows as a weapon against business rivals."

I regret to say this, and sincerely hope I turn out to be wrong, but I expect that the Justice Department will deny that one of its own lawyers is the source "close to the probe." I say "expect" because Attorney General Reno does not appear to be looking into this matter, nor has she informed me that the matter has been resolved. In fact, the Practising Law Institute has advertised that a senior Justice Department counsel would speak about "[the Antitrust Division position . . . on the ongoing Microsoft matter]" at an upcoming Intellectual Property Antitrust conference currently scheduled for July 22-23, 1998.

Mr. President, how does this public speaking engagement by a DOJ attorney square with the Department of Justice's own ethics manual, which states, and I quote again, "public out-of-court statements regarding investigations, indictments, ongoing litigation, and other activities should be minimal?" How does it square with the ethics policy that says, "public comment on . . . charges should be limited out of fairness to the rights of individuals and corporations and to minimize the possibility of prejudicial pre-trial publicity." I sincerely hope that DOJ staff has been advised against this by Attorney General Reno, but I cannot be sure.

Just yesterday, I learned that on May 8th, Business Week plans to publish on its website an article with the quote, "sources familiar with the Justice Department case have laid out a detailed plan of attack against [Microsoft]." Who would be able to lay out such a detailed plan about the Department's expected action in the case other than the DOJ itself?

It is of utmost importance that the Justice Department end this media trial of Microsoft, and restore a thorough and fair process. Today, I have again asked the Attorney General to explain her failure to resolve this matter.

Microsoft's innovations benefit thousands of companies, employees, shareholders and millions of consumers. With so much innovation and economic growth, and with so many jobs lying in the balance, the least the Department

of Justice can do if it proceeds with its investigation is to do so in a fair, professional and ethical manner.

Mr. President, I yield the floor.

IRS REFORM

Mr. LAUTENBERG. Mr. President, first just a brief commentary, if I might, to say that Senator ROTH and Senator KERREY did the country a wonderful service by the reform measure that was put through to try to assure the public that Congress listens, the Government listens, that people should be treated fairly at all times; that there is no excuse for rudeness and inappropriate pressure on those people who pay their taxes. They are the constituents and we are here to serve them. I commend both Senators, the managers on both sides, Senators ROTH and KERREY, for a job well done.

UNITED STATES-ISRAEL RELATIONS

Mr. LAUTENBERG. Mr. President, I rise to discuss a matter that is triggered by something I read in the newspaper this morning. I saw it in the Washington Post and I saw it in the New York Times, a statement that House Speaker GINGRICH made when he held a press conference in which he criticized the Clinton administration's handling of the peace process.

Now, he, like any one of us in the Congress, has a right to disagree with the administration on policy, but I think it is dangerous, destructive, certainly demagogic, to say that "America's strong-arm tactics would send a clear signal to the supporters of terrorism that their murderous actions are an effective tool in forcing concessions from Israel."

That is an outrageous statement to make because it accuses President Clinton. Further in his statement, and I quote him here:

Now it's become the Clinton administration and Arafat against Israel, Gingrich said at a Capitol news conference. He also released a letter he sent to President Clinton saying that "Israel must be able to decide her own security needs and set her own conditions for negotiations without facing coercion from the United States." As Israel celebrates its 50th anniversary, Speaker Gingrich said the Clinton administration says, "Happy birthday. Let us blackmail you on behalf of Arafat."

In his letter he gave the quote that I just read about America's strong-arm tactics, sending "a clear message that terrorism was an acceptable tool in forcing concessions from Israel."

Mr. President, I know Israel very well. I had the good fortune over a 3-year period to serve as chairman of the United Jewish Appeal. That is the fundraising arm that helps local institutions within the Jewish community, as well as Israel. This was over 20 years ago when Israel was getting on its feet. I know lots of people there. I know many people who have lost a son, lost

a daughter. I know many people who visit in the hospitals regularly where their children or their friends or their loved ones are in a condition that keeps them hospitalized because of wounds they received during the wars.

I was able to visit Israel within a couple of days after the 1973 war was concluded while they were still searching for bodies on both sides, Egypt and Israel, in the Sinai desert, and I talked to people who regret so much that they are forced at times to inflict pain on their neighbors to protect themselves.

The Israelis have lost some 20,000 soldiers in wars since that country was founded—50 years. That is a short period of time. In the whole of the 20th century, the United States will have lost less than 400,000 soldiers in combat. I was in Europe during the war. I served in the Army in World War II. Mr. President, 20,000 Israelis is the equivalent of 1 million soldiers, 1 million fighters lost in the United States on a comparative basis—1 million. Could you imagine the heartbreak in this country that would exist if we lost a million soldiers in a period of 50 years? It would tear us apart.

Mr. President, I make this point. I served here under President Reagan, I served here under President Bush, and I knew President Carter very well because I had tried to help them at times when I was running a company in the computer business. They have been good friends to Israel because Israel and the United States have many common interests—the strength of a democracy, the ability to withstand adversity and come up providing freedom at all times for their citizens. But there has never been a better friend in the White House among the four Presidents I just mentioned than President Clinton. President Clinton has approached Israel from the mind as well as the heart. He understands what the relationship of Israel to the civilized world, to the democratic world, means. And he insists that they be permitted to negotiate on their own.

But as the President and the administration and the State Department tried to permit the Israelis and the Palestinians to negotiate their own terms, we were called back; we were called in to act as a go-between. I don't even want to use the term "as a negotiator" because it is up to the parties to negotiate. But we have been called on to try to facilitate the negotiations. And that has been the mission.

And so, Mr. President, I think it is outrageous that President Clinton, that this administration be declared as someone alongside terrorists, encouraging Arafat, encouraging those who would destroy Israelis. It is an outrage, it is demagoguery at its worst, and I don't think that kind of debate ought to be used, whether it is to gain votes or whatever else one can gain from those kinds of statements. It doesn't further the cause of peace, and it doesn't help our friendship with any of the countries in the area. It is the wrong way to go.