

However, if they have a grievance with the issue that addresses the sales through catalogs, then that issue should be separated and settled independent of the Internet, and that issue should be settled first before we move into the Internet. They should not use taxation of transactions over the Internet as an attempt to leverage the issue of taxing catalog sales across the country, and that is basically what the goal of the Governors was here. They obviously cared about the Internet tax policy, but they were more interested in trying to get the catalog sale issue, which is a much bigger item right now—maybe not in the future, but right now—for these States.

But in trying to do that, the Governors have, unfortunately—and speaking as a former Governor, I say that with genuine regret—pursued a policy which is wrong. Added taxes are not a good idea in most instances anyway, but added taxes which would be assessed across this country in all sorts of different varieties against the Internet transactions would undermine, as I mentioned, one of the great entrepreneurial issues, certainly in the latter half of this century and potentially as we go into the next century, for the beginning of the next century.

I congratulate the White House for its decision to send up to the Congress a moratorium on any taxes which might be assessed by States against the Internet. I will strongly support that moratorium. I look forward to prompt action on it.

I yield back my time and make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. DORGAN. Mr. President, I am relieved, as are many of my colleagues, that the highway reauthorization bill is now on the floor of the Senate. I compliment the Senate majority leader, Senator LOTT, for bringing this piece of legislation, which is so important to this country, to the floor for debate. Not only do I compliment and thank the Senate majority leader, I thank publicly the Senator from Virginia, Mr. WARNER, Senator BAUCUS from Montana, Senator BYRD from West Virginia, Senator GRAMM from Texas, and so many others who have come to the floor of the Senate and who, prior to that time, have worked in the committees and subcommittees to produce a piece of legislation that I think is a very good and very important for this country.

Again, I express my appreciation to all of those folks who I think have crafted a bill that continues to understand that roads and highways represent a national priority and represent a national need.

There are some things in this country that we don't describe as a national need or a national priority. We decide that these are things that State and local governments make decisions on individually around the country. But there are some things that are national in scope. We decided some long while ago that if we were to be a world-class economy, we must have a first-class infrastructure, and we must have a nationwide network of roads over which we can move commerce and trade back and forth across the country. Roads that we can be proud of, roads that we keep maintained through the investment that we make in legislation like this.

The difficulty that we have had over the years in constructing a highway program has been a disagreement among the various States about who should get what, and how much money should go to one State versus another for the investment in the infrastructure of roads and bridges.

In the Senate, we have now constructed a piece of legislation that I think has an awfully good formula. It is a compromise, a compromise that has been worked out by not only Senator WARNER and Senator BAUCUS, but Senator CHAFEE and so many others. This compromise, in my judgment, is fair and makes a great deal of sense for this country.

It is my hope that the Senate, now having this piece of legislation on the floor, will move expeditiously to offer amendments, to consider amendments and get final passage. And then, hopefully, persuade the other body to do the same so that we can get to a conference and finally adopt a conference report on this important legislation.

I am going to be offering an amendment, perhaps two amendments. I will not offer them at this moment, but I want to describe one of the amendments that I will offer to this piece of legislation.

Not only is it important that we have good highways and good roads in this country, it is important that the roads be safe. This legislation deals with safety standards; it deals with highway safety programs and the investment necessary to educate the American people and to provide assistance to the States in that education process.

One of the issues of safety in our country is the issue of drinking and driving. It is interesting that if you ask the question, "Have you been touched or affected, do you have a relative or an acquaintance that you know who has been killed by a drunk driver?" almost every American will raise their hand and say, "Yes, I know someone who has been killed by a drunk driver."

Every 30 minutes in this country someone else dies on this Nation's

roads because of a drunk driver. Someone who took a drink, and then took a car out on a public highway and caused a death. Every 30 minutes another American dies on our roads because of drunk driving.

My family has experienced that tragedy twice. The call that I received, like the calls that so many other Americans have received, to tell me that my mother had been killed by a drunk driver is a moment that I will never forget.

My mother was driving home from a hospital at 9 o'clock in the evening in Bismarck, ND, traveling at about 25 miles an hour, about 4 blocks from home, and a drunk driver in a pickup truck, being pursued by the police, according to eyewitnesses, at about 80 to 100 miles per hour, on a city street, hit my mother's car. She was killed instantly.

It took a long, long time for me to overcome the anger that I felt about that. I still today think of not only what a tragedy it was for our family to lose such a wonderful woman, but every time I pick up a newspaper and read a story or watch the television or listen to the radio news about another death on our highways caused by drunk drivers, stop when I hear it and understand again what a tragic, tragic thing it is. This not some mysterious disease for which we do not have a cure. We understand what causes these deaths. And we understand how to stop it.

This country does not, regrettably, view drunk driving as do some other countries in the world. In Europe, if you drink and drive and are picked up under the influence of alcohol, the penalties are so severe that you don't want to think about them. So almost inevitably in Europe, whenever several people are out drinking, one person is not drinking because that is the person who drives. You cannot afford to drink and drive in some European countries.

In this country, regrettably, for a long while, when someone was picked up for drunk driving, someone else would give them a knowing grin and a slap on the back, and say, "That's OK, Charlie." Well, it is not OK. Organizations have developed in this country—Mothers Against Drunk Driving, and others—who began to raise an awareness, State by State, on these issues, that the carnage on American roads does not have to continue.

But do you know that, despite all of the work that has been done and despite all of the efforts in the States, in the cities, and here in the U.S. Congress; do you know that there are States in this country where you can put one hand on the neck of a whiskey bottle and you can put your other hand on a set of car keys? You can slip behind the wheel of that car, put the key in, start the engine and drive off and drink from that whiskey bottle, and you are still perfectly legal?

There are still States in this country, nearly a half a dozen of them, that do not prohibit drinking and driving. It is

unforgivable, in my judgment, that anywhere in this country someone can legally drink alcohol while they drive down the roads. I do not want it to be legal for someone to be driving a vehicle and drinking.

There are a couple of ways to stop that. One simple way is to describe, as a matter of Federal policy, with the incentives to make it stick, that there shall not be open containers of alcohol in vehicles anywhere in this country.

I come from a State that already prohibits open containers of alcohol in vehicles. Most States do that. But many States do not. In fact, nearly half a dozen States not only allow open containers; they allow the driver to drink. I intend to offer an amendment to this piece of legislation that complements an amendment offered by the Senator from West Virginia and others. That amendment would establish a .08 national uniform standard for determining who is under the influence of alcohol.

I intend to offer a complementary amendment that says: In addition to that, in no State in this country shall we allow drivers to drink and drive at the same time and be perfectly legal. That ought not to exist on any road or at any intersection in this country's road system.

Now, having said that, Mr. President, that is one issue that I obviously feel very strongly about. I feel strongly about that, not only because—

Mr. WARNER. Mr. President, will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WARNER. Mr. President, that is the first time I ever heard a rendition of these facts in some States. As one of the floor managers of this legislation, I assure the Senator that that amendment will be given most careful consideration.

I thank the Senator for coming to the floor and sharing with us that personal experience because that is the true essence of our legislative process where those here in the Senate or the House or in any of the legislatures across this country bring their own life's experiences to help prepare legislation that will make it a better world for others to live in.

Mr. President, I thank the Senator for yielding.

Mr. DORGAN. Mr. President, I very much appreciate the kind words of the Senator from Virginia. I know that my experience is not any different than the experience of so many other families in this country who have suffered the tragedy of death as a result of drunk drivers.

I have worked for some long while, not only supporting the efforts of Mothers Against Drunk Driving all across this country, but worked to see if we cannot, in some way, effect public policy to say to the American people: "When you drink and drive, you can turn a vehicle into an instrument of murder. And we cannot allow that to continue to happen."

I just read the other day of someone in my State, regrettably, who was picked up for drunk driving for, I believe, the 13th or 14th time—14th time. The fact is, we must decide as a country that we will not tolerate drunk driving. It is not an insignificant event. It is not an infraction and is something to be considered seriously. It is in all too many instances something that causes the loss of life for someone else in this country. And we can do something about it.

The important thing is to understand this is not some mysterious ailment for which there is no cure. We understand what happens on our highways, and during the period that I am standing on the floor, if averages hold up, another American will have been killed because some other American was drinking and got in a vehicle.

Not only has the Senator from West Virginia, Mr. BYRD, spoken a great deal about this, but Senator BUMPERS, who lost his parents to a drunk driver, and others who have come to the floor when we have discussed this in the past understand the human toll and the tragedy of drunk driving.

The legislation that comes to the floor now is a wonderful piece of legislation that not only contains much needed investments in our country's infrastructure and jobs and economic growth, but it also includes very important highway safety issues, which I know the Senator from Virginia and others have worked very hard on. Those safety issues are a critically important component of this piece of legislation.

I will be happy to yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate the Senator for speaking on this subject. We have developed a strong moral sense of outrage against smoking. We have talked about the effects of smoking on health. The administration has picked it up, and there has been a great crusade in this country against smoking. There have been laws passed against smoking. And there have been bills passed against this or that aspect of smoking.

Tobacco is a very unwelcome—we have a good many tobacco farmers in West Virginia. We have tobacco farmers in many States that make their living farming tobacco. I am not opposed to this crusade against smoking. I am not opposed to that at all. But why not have an equally strong crusade against drinking?

When I am called upon to participate in any program before Christmas or before any holiday or before school graduations in which the thrust of the message is: "Don't drink and drive," I do not say it that way. I say, "Don't drink, period."

When is the country going to develop a sense of moral indignation and outrage at drinking? Those who smoke may injure their own health. I hear a great deal about secondhand smoke. I do not know how much of that can be

proved. But drinking alcohol injures the health of the person who drinks. All of us can say, "Well, our granddaddies or great granddaddies drank a little toddy each morning, put a little whiskey in the coffee, and so on." But that is as far as it went.

We have conducted a great war against drugs in this country, illegal drugs. The most popular drug in this country is alcohol. When are we going to say, "Stop it"? When are we going to teach our young people not to drink? It is not good for them. It will get them into trouble. It has been the cause of unemployment for tens of thousands of men and women in this country. It causes men who drink to go home and beat up on their wives and to mistreat their children.

Not only does it injure the health of those who drink, but it also constitutes a threat to others. The person who drinks may pick up a club and beat you to death. He may pull out a gun and shoot you. He may get behind that automobile wheel, because he is already inebriated. But if he had been taught, if it had been ingrained into him by his parents in the home to "Stay away from that drug. Stay away from it. There is nothing good in it, nothing!" If he had been taught to stay away from it, he would not be drunk when he gets behind the wheel of an automobile.

When is a sense of moral outrage and indignation going to rise in this country to the point that people will teach their children not to touch it? "Stay away from it. Don't drink."

I would be very happy to see this administration, and other administrations in our party and other parties, join in a crusade against strong drink—against alcoholic beverages. But there is no sense of outrage, no sense of outrage about this drug.

It is a drug. And it is habit forming. And there is no good in it. When one gets on that path, it has an unfortunate end. It costs money. It costs jobs. It breaks up families. It destroys homes. It destroys marriages. And it kills people. And many times, the people who are killed are the innocent people—the wives, the children—who are out there going to the grocery store or going home from school or going to the child-care center. And they are killed by a drunk driver.

We talk about people who have been charged with drunk driving 13, 14, 15 times. That is outrageous!

When are we going to have judges and people who enforce the law in this country throw the book at them? We should simply not tolerate this drug. I don't want to be an extremist about anything, and I'm not one who would see harm in an old person that takes a little "toddy" as we say, a little whiskey, but we don't look at it that way. We look at it with an attitude that there is nothing wrong with drinking alcohol, it is the thing to do, it is the "in thing."

How many students at the universities around this country have lost

their lives, who have committed suicide or died in automobile accidents as a result of binge drinking? We have read about it in the papers—the University of Virginia and other universities. It is bad. When are we going to teach our children that it is bad? Don't follow the crowd. It is not the "in thing" to do. It is a drug that kills. It may kill you. It may kill someone else. You will have the blood of that person's life on your hands.

Why don't the legislators of this country get up and talk about it? Talk about booze, booze that kills people. They don't want to talk about it. We would not hear anything about drunk driving if people would teach their children not to drink. There wouldn't then be any problem with drunk driving. It is not the "in thing." It is a drug that kills, and it is America's most popular drug.

So count me as one who feels that we ought to have a crusade against booze—not just a crusade against smoking, but also a crusade against booze. I hope my fellow legislators will rise and stand with me. It may not be a very popular thing to say but it is right. I'm right in saying that. I'm not right in everything I say, but alcohol is destructive. The sooner we teach our young people by our own example not to drink, the sooner we won't have as many drunk drivers.

I smoke a cigar, and have been smoking cigars for more than 35 years, but I am supportive of the crusade against smoking. It is not good for one's health, but neither is alcohol. I will be happy to have others join me in cracking down on drinking and in really, really making it tough on drunk drivers. Why should they be allowed to continue to drive an automobile if they are going to drive while drunk? Why not take that driver's license away? Why not put them in jail, too? And if they insist on driving while under the influence of intoxicating liquors, put them in jail, fine them. Make it tough on them—the tougher the better. Just stop them from driving at all. If they kill other people, they might as well have had a pistol. I might as well carry a pistol around, just pull it out, shoot anywhere, just let the bullets fly in any direction and kill somebody—I ought to go to jail. Let the drunk drivers go to jail. Put them in jail and keep them there until they dry out.

Let's try in our churches to create that moral indignation against drinking.

I cannot compliment the distinguished Senator too highly for what he has said on the floor today. He has a story that all people ought to hear and I commend him for what he has said.

Now, with respect to the bill, the bill is a good bill but it doesn't go far enough. Those who have joined with me in offering the Byrd-Gramm-Baucus-Warner amendment are saying let's take that money the people pay as a tax when they buy gasoline, and spend it on highways and mass transit. We

are not doing that. The American people, I think, are very supportive. I know they are. Our amendment would do just that. It would provide that the 4.3 cent per gallon gas tax go for highways and mass transit. I have no doubt the American people want it to be that way. That is the purpose of our amendment.

So it is a good bill but we are trying to make it better. I hope we will have the support of all our colleagues.

I thank the Senator for yielding.

Mr. DORGAN. Mr. President, I thank very much the Senator from West Virginia for his generous statement.

The Senator from Rhode Island was not in the Chamber when I complimented him for his work on the piece of legislation that is before the Senate, and I appreciate very much the work he has done.

Let me finish the discussion for a moment on the drunk driving issue and the legislation that I will intend to offer. There are a couple of statistics that I think are important about this. The Senator from West Virginia described the circumstances with young people in this country. Drunk driving is killing a disproportionate number of young adults and youth in this country. In 1995, over 25,000 children under the age of 21 were injured because of drinking and driving. In 1995, while 30 percent of the driving population was between the age of 21 and 34, 50 percent of the fatalities and 50 percent of the drunk driving injuries were in that same group. That amounts to 6,760 deaths and 95,800 injuries. A couple of other statistics. Hard-core drunk drivers cost us thousands of lives and billions of dollars. Fifty-five percent of the drunk driving offenders, an estimated 790,000 each year, are repeat offenders. An estimated \$33 billion in economic costs can be attributed to hard-core drunk drivers involved in alcohol-related traffic fatalities in 1995.

I mentioned earlier, there are five States in which it is still legal to drink and drive at the same time. There are 22 States in which there are no open container restrictions. So there are nearly half of the States in this country that say it is just fine to have booze in your car, just go ahead and have some whiskey or beer and drive down the road, and it is just fine. That ought not to exist anywhere in this country. You ought to be able to drive on any road, any place in this country, at any time of the day, and not worry about whether the car you are meeting is going to cross the intersection has a passenger or a driver that is involved in drinking alcohol. You ought not to have to worry about that on any road in this country. We ought to be able to have some sort of uniform standard on this kind of issue.

In 1996, the last year for which I have data from DOT, there were 17,272 alcohol-related traffic fatalities. One every half-hour. Now, we have made some progress. I mentioned Mothers Against Drunk Driving, an organization for

which I have great respect. There has been much greater awareness of the drunk driving problem all across the country, and organizations like Mothers Against Drunk Driving and others have pressed for tougher laws. The fact is fatalities have come down, but they are far too high all over this country.

I mentioned a moment ago a North Dakota driver that the Bismarck Tribune, on the 13th of February of this year had an article, "Driver Tops North Dakota's 10 worst drunk drivers according to the Department of Transportation information."

It says, Bismarck man fails to appear on the 11th drunk driving charge because he is in a South Dakota jail awaiting trial on the 12th drunk driving charge. A Bismarck man labeled the worst driver in North Dakota by driver's license officials missed trial Thursday on his 10th and 11th drunk driving charges. Why? He is in South Dakota, in jail, on another DUI arrest.

Some might smile at that. This man, if he hasn't already, will kill someone. He will get drunk, get in a car, meet a family on the road and there will be dead people in his wake. Then no one will smile and everyone will understand the tragedy of it and ask why wasn't he prevented from being on the road. Why didn't someone lock this person up?

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. BYRD. And the chances are that the drunk driving escape with only a few bruises.

Mr. DORGAN. That is all too often the case.

Let me read to you a letter that I received a while back from a woman named Brenda Olmsted from North Dakota. I mentioned my family's circumstances, the experience that we have had, the tragedy of death from a drunk driver. It has happened in family after family across this country.

This young woman wrote to me, and I just want to read a portion of her letter.

My name is Brenda Olmsted, and my life as well as many others was dramatically changed. My father and mother had just picked up my brother and myself from college and we were returning home to Watford City, ND. Our happiness of being reunited was shattered in an instant when we were struck by a drunk driver. My father was killed and my mother left in critical condition. . . . my brother and I were injured. This event took place just over a year ago but its memories are still very vivid and the effects are continuing. My mother is slowly recovering from a broken back that we have been told will never fully heal and bulging disks in her neck and various other serious injuries. She is slowly learning to cope with the permanent brain damage that has slowed down her thinking process. My brother is slowly struggling to overcome some traumas

to the head as well as the terrors of the vivid memories of that night. My father was a pastor, which meant his job provided us with a house. With his death we not only lost a father (which hurts more than words can tell) but we also lost our home.

I write this by no means to ask for a hand out but instead to ask that you do all you can to make the penalties against drunk driving as strict as possible.

Most of us have seen the public service advertisements on television about drunk driving, and most of the advertisements we see these days from non-profit organizations are of some wonderful people—in many instances children—on a video camera. Then we learn after 15 or 20 seconds of the video that this is a young child who was killed in a drunk driving accident.

Let me again reiterate that we can prevent many of these accidents if we as a country decide to treat drunk driving differently, if we get serious about dealing with this issue. One amendment which is going to be offered to this legislation deals with a national standard of .08 blood alcohol content. The other, I hope, will be a prohibition of open containers of alcohol in vehicles across this country.

Mr. President, I have spoken longer than I intended. I appreciate the contribution of the Senator from West Virginia, as well as the contribution of the Senator from Virginia, Senator WARNER. I look forward to coming back to the floor and offering my amendment. Again, I hope very much that we will move quickly with this piece of legislation.

Let me finish, as I started, by complimenting Senator LOTT, the majority leader, for bringing this legislation to the floor now. I commit, and I hope my colleagues will, as well, to work in a very serious way to move this legislation along as quickly as possible and get it to conference so we can finally pass a highway bill and provide some certainty about highway investment and safety programs in this country's future.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVOIDING WAR IN IRAQ

Mr. LEAHY. Mr. President, the agreement signed by UN Secretary General Kofi Annan and Iraqi Deputy Prime Minister Tariq Aziz has averted, for at least the time being, the use of military force against Iraq.

Contrary to the statements of some Members of Congress, I do not believe this signifies that the President of the

United States has subcontracted the nation's foreign policy to the United Nations. Rather, I believe the President, who has said he would use force as a last resort, had good reason, indeed an obligation, to delay while the Secretary General sought a diplomatic resolution of this crisis.

I also believe the agreement, while not perfect, deserves the support of the international community, including the United States, and I say that even if, as many predict, Saddam violates this agreement as he has every other agreement since the end of the Gulf War.

I have said repeatedly that force cannot be justified until every diplomatic option has been exhausted. The agreement obtained by the Secretary General shows that we have not yet reached that point.

Seven years ago the United States led a military coalition of Western and Arab nations to force Iraqi President Saddam Hussein to withdraw from Kuwait. The United States invested an enormous amount in the Gulf War. 246 American soldiers lost their lives. Since then, we have maintained the no-fly zone and provided humanitarian relief to Iraqi Kurds who have been brutalized repeatedly by Saddam Hussein's army.

The Gulf War ended when Iraq signed a cease-fire agreement, in which Iraq agreed to promptly disclose and destroy its entire arsenal of weapons of mass destruction. Shortly thereafter, the UN Security Council adopted Resolution 687, which clearly described Iraq's obligations under the cease-fire agreement. Those obligations have the force of international law. Subsequent resolutions have reaffirmed the need for complete Iraqi compliance.

Since that time, Saddam Hussein has systematically reneged on his commitments under the cease-fire agreement. He and his government have repeatedly denied the UN weapons inspectors access to sites they sought to inspect and which they have every right to inspect.

In his speech last Tuesday, President Clinton described the numerous instances that the Iraqis have lied about their chemical and biological weapons programs, and revised their reports describing what they possess only after their lies were exposed. Any number of times the inspectors have closed in on a suspicious site only to be refused access, or to see an Iraqi truck drive away in an obvious attempt to hide incriminating evidence.

If Saddam Hussein had nothing to hide, why would he have gone to such lengths to prevent the UN inspectors from doing their job, particularly since there is no way the UN sanctions will be lifted as long as the Iraqis fail to cooperate fully with the weapons inspectors? There is no doubt that since 1991, Saddam Hussein has squandered his country's resources to maintain his capacity to produce and stockpile chemical and biological weapons.

That history of deception is what brought us to the brink of war. The

agreement obtained by the Secretary General reaffirms, at least on paper, Iraq's obligations regarding the UN inspectors. It also gives Iraq some basis to hope that the sanctions could eventually be lifted.

Had the Secretary General failed, the missiles and bombs might already be raining down on Iraq. We would have had to expect American casualties. Out of hundreds or thousands of sorties, some American pilots may well have been shot down and taken prisoner. Iraqi civilian casualties were predicted to number in the thousands.

While there is no doubt that we can do tremendous damage to Iraq's military capabilities, war is fraught with uncertainties. Victory can be bitter sweet, and short-lived. Those who have taken the Secretary General to task should explain what gives them confidence that more would have been achieved through bombing. Do they really believe that the lives of thousands of innocent people are not worth the time it takes to test the agreement? Are they prepared to refight the Gulf War, with ground troops, to get rid of Saddam? I seriously doubt it.

I fully agree with the President that nothing short of free, full and unfettered access for UNSCOM must be our objective. I have been deeply concerned, however, that the use of military force would not achieve that objective, and that it might well cause the inspectors, who have been doing 90 percent of their job without interference, to be barred from Iraq entirely.

Then we would know even less about his arsenal of biological and chemical weapons, while Saddam Hussein emerges defiant and victorious in the Arab world for having successfully stood up to the military might of the United States. Damaging Iraq's facilities is a poor substitute for Iraq's compliance with the terms of the cease-fire agreement, if that can be achieved by other means.

Having said that, I am not against using force under any circumstances. Nor do I believe that we can achieve our objectives in Iraq without the credible threat of force, because it is the only thing Saddam Hussein understands. The Secretary General suggested as much himself, although he used the words of a diplomat. But if it is as likely as not that force will not coerce Saddam to permit full access for UNSCOM, and that it could even result in an end to inspections in addition to thousands of civilian casualties, and enhance Saddam's standing in the Arab world. This may show again that it would have been wrong to give up on diplomacy.

It is elementary that diplomacy requires flexibility, just as it requires creative thinking. Both, I am sad to say, have been in short supply during this crisis. I was not prepared to support the use of force against Iraq prior to the Secretary General's trip to Baghdad because I was not convinced