

floor on any given subject, but no other Member has that right? Which Member says that publicly? Now, which Member of Congress said a year ago, "If you are innocent, why not appoint an Independent Counsel and clear your name?"

Well, our Speaker said that a year ago in regard to the Whitewater investigation. But he does not want it applied to him. I think that all laws, all rules, should apply to all Members equally, and that what is good for the goose should be good for the gander, and I am asking that the Committee on Ethics proceed with appointing an independent counsel to remove this cloud of darkness that permeates this House, and do it right away.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

[Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PROBLEMS WITH COMMON SENSE LEGAL REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, the reason that I am opposing what is billed as the Common Sense Legal Reform Act or Tort Reform Act is not because I am opposed to all tort reform. I am not. I think what most people want is they want to see the courts that are clogged have that ended. They want to discourage frivolous lawsuits. In some cases they want to limit what they see as unfair recoveries and perhaps unfair attorney fees. They want to see the end to the occasional sensational judgment you read about.

The fact of the matter is this legislation this Congress has been considering does not do any of that, and it will not guarantee to any working West Virginian, any middle or low-income West Virginian, any lower insurance rate. It will not guarantee any better health care. It will not do that.

But what it will do besides is, it is going to say to the average West Virginian that you are not going to get any lower insurance rates, you are not going to get any lower health care rates, but you are going to have a lot harder time going to court when you have a legitimate grievance you need to litigate.

I wanted to be able to support the product liability, the securities limitation, and even in some cases the attorney's accountability act. but I cannot do it, for instance, when they completely change the way that there is compensation for the victim. I cannot do it, for instance, when they overrule 200 years of common law in this country to say that now the loser will pay. That has never been a concept in our

society. Instead of a contingency fee, the loser pays.

I cannot do it, for instance, when punitive damages are limited so strictly that that working family that is hit by a drunk driver on Route 9 in the eastern panhandle is sharply limited in the punitive damages they can recover, or the victim who has had their lives ruined by a sexual predator is limited strictly in the amount of punitive damages that they can recover.

What happened to the States rights that are so important, and indeed we hear so much about in this body today? What happened to that concept of States rights, when the Federal Government now moves in and says the State of West Virginia does not have the right to protect its citizens the same way it used to? And perhaps the State of West Virginia differs from Tennessee, California, or whatever. This litigation does nothing to stop frivolous lawsuits. This litigation does nothing to stop that attorney that many people worry about maybe filing suit after suit after suit in hopes of hitting the litigation lottery. In fact, there are existing sanctions you can already use on attorneys in the Rules of Civil Procedure. Indeed, there are means by which you can file counterclaims for attorneys fees if you think the other side is acting improperly. But this legislation does not do this.

There is no evidence that this legislation will lower anybody's insurance rates. In fact, there was an amendment defeated that would have made it possible for people to go and find out exactly what the impact of this legislation would be on insurance.

This legislation even added an amendment that limits pain and suffering, so-called noneconomic damages, to \$250,000 total. That may sound like a lot, unless you are the 20-year-old who is made a quadriplegic and live out the next 40 or 50 years with pain and suffering, for which you are going to receive an average of about \$5,000 or \$10,000 a year.

This legislation does not help accountants. That is one of the groups I was hoping in the securities litigation it would help. In fact, the bill that passed was even worse than last year's bill, which was a compromise version.

So, Mr. Speaker, I am going to wait until the Senate acts. This legislation goes to the Senate. I believe it will be tempered there. It is my hope it will be, it will come back, and then we will evaluate again. This is a case of reaching too far. There was a chance to get significant liability reform, product liability reform, but that did not happen.

I want to talk for just a second about the loser-pays provision. What that means is for the average West Virginia couple, the average West Virginian low- or middle-income person who has a serious litigation claim, whether it is personal injury, product liability, whatever it is, when they go to court, when they go to see their lawyer, the

lawyer will say, "I have to tell you even if you have a meritorious case, there is an excellent chance if a jury comes back against you, just by the thinnest of margins, you are going to end up paying the fees of the other side." You are going to end up paying the fees of the insurance company that is defending against you. That is quite a deterrent.

I want to speak for just a second about the securities litigation bill. That is one I thought I could vote for, but it, too, had the loser-pays provision in there. That is anathema to any serious tort reform. It also requires the plaintiff, the person filing the suit, the person alleging being defrauded, that they have to show intent by the securities firm. Not just recklessness, they have to show intent, which is an impossible standard. It does not separate accountants, as indeed we hoped it would, and indeed it keeps the loser pays.

Mr. Speaker, for all of those reasons, I oppose this legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE SYSTEMATIC ASSAULT ON CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, earlier this morning in the 1-minutes, several Members of the Republican Party came down and asked why Democrats were saying they are so harsh on children and why this would be true when in fact they have not hurt children at all in the rescissions and the budget cuts that they have already made and in the welfare bills and the nutrition bills that are coming to this House in the next couple of weeks.

The fact is when we analyze the Republicans' welfare bill, the Republicans' rescission bill, the Republicans' nutrition and school lunch bill, the Republicans' child care bill, and what we see is a systematic assault on children, and especially poor children in this Nation.

In the rescission bill that will be coming to the floor of the House next week, \$25 million has been cut by the Republicans for the Women, Infants and Children Program. This means about 100,000 pregnant women and newborn infants will not be served this fiscal year.

These are women and newborn infants who have been medically certified to be at high risk of having a pregnancy that is not normal or pregnancy that might not be carried to term or the birth of an infant that will be low birth weight and run a much,

much higher risk of needing all kinds of intensive medical care at the time of birth.

These are some of the most expensive babies born in America today. And yet for a few dollars a week with the Women, Infants and Children Program, we can dramatically reverse these pregnancies and the birth weight of the newborn infants and their lives there ever after. Because some 40 percent of these low birth weight babies with the complications that many of them encounter at that time come back to us in the need of special education, of therapies and other programs to help them. But this is preventable with the Women, Infants and Children Program. Yet at the earliest stages of life, when children are struggling to thrive and survive, when women are struggling to provide a normal pregnancy, a full-term pregnancy, resulting in a healthy baby, we see \$25 million taken out of this bipartisan program that has received universal praise and success in every study conducted. Whether in the universities, whether by government, whether by foundations, all of them praise the success in changing the outcome of these pregnancies.

When you consider in this country that 60 percent of all of the pregnancies in this country are unwanted, unintended, and that half of those are resolved by abortion, and now we put into the equation the likelihood of giving birth to a low birth weight baby with all of these complications, we create much more trauma around birth and the expectation of the birth of a child than there should be for these families. But the Republican budget cuts this program.

In the new nutrition program, \$7 billion cut from what it would take to maintain the children currently on the program in the next 5 years. In my district, the Mount Diablo School District, that is about half a million dollars. Fewer lunches for fewer children or smaller lunches. The Richmond School District, the same kind of choices. The State of California, \$1 billion in nutrition that goes to low-income working families and to poor families to feed their children.

The Food Stamp Program, same families, yet getting another cut, trying to provide nutrition for their children. The day care feeding program, family day care, where working parents leave their children for the hours they are at work, the nutrition program is being cut, raising the price of day care \$15 a week, maybe \$60 a month for people who are not working for all that high wages, trying to provide child care for their children.

The fact we see drug-free schools, programs started by Nancy Reagan, she was in town this last week testifying about the drug activity, and yet that program is being cut.

Summer youth employment: The greatest determinant of keeping children out of problems when they are adolescents and young people is to pro-

vide them employment, job experience, work experience. Half of the money for this program in most communities is put up by the private sector. That program is being zeroed out.

So you can see why the Republicans are so nervous about being anti-child, because on the facts, on the language of their bills, on the numbers of their cuts, and the impact on these programs, children are going to be hurt. This is not an abstract notion, ladies and gentlemen; these are the facts of the bills that will be coming to the floor this next week.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. WYNN] is recognized for 5 minutes.

[Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE GREATEST BATTLE OF WORLD WAR II

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, as I said a few moments ago in my 1-minute speech, I would be spending the better part of this next hour on America's most costly battle, the one that Winston Churchill said was the greatest battle in American history, the campaign in the Ardennes Forest of Europe. Churchill was correct. If we go by "killed in action and wounded in action," his words were true. His exact words were, "This is undoubtedly the greatest battle of the war, and will, I believe, be regarded as an ever famous American victory."

Before I do that, it is my desire, Mr. Speaker, to read slowly an article from the Washington Post on Wednesday that I believe is the great moral battle of our time. The unending death total of almost 4,500 Americans in their mother's wombs every single day. Still, a million and a half abortions every year. It is a death toll that is way past 30 million just since the Roe versus Wade decision, one of the most evil decisions by a court in all of recorded history, a decision based on a total lie.

Norma McCovey, who was named Jane Roe as her nom de guerre, her war title, war against the preborn, never did have an abortion. She tried to kill all three of her daughters that are still estranged from her. They are all in their middle twenties to early thirties now, and they are all saying when their mother is willing to apologize for having tried to kill them then they will reconcile with her.

She is on the road, not a very high IQ lady, on the road for Planned Parenthood and NARAL and other ferociously pro-abortion groups. And she is a sad figure, because she never was raped. And the whole case in Texas by a very

poorly prepared attorney general of Texas was based on a lie. She never was raped, I repeat, never did abort one of her three pregnancies. The three daughters live to this day. And on that lie, we did something as loathsome as keeping about four million Americans enslaved, Americans of African heritage, right up through the bloodiest conflict that America has ever known, 618,000 dead from all the American States on both sides, in a Nation that, including the non-free Americans, was only about 37 or 38 million people. And we killed off in their child bearing years through disease and combat, combat far less than those that died of diseases, 618,000 Americans. And here we are doubling that total every year with abortion alone.

□ 1330

This article is by a friend of mine who is an excellent actor. You can see him doing many commercials in any given year. He is a good character actor, but beyond that he teaches law at Pepperdine and he is an excellent philosopher, an observant individual, Benjamin J. Stein. And here is what he writes in Wednesday's Washington Post, one of America's three big liberal papers of record. The title of Ben's article is "Deep Sixed by the GOP."

"A bureaucrat is a Democrat who has a job that a Republican wants.' So said Eleanor Roosevelt in 1946 when she was helping to campaign against the Republican tide in Congress. It didn't help, but it made a valid point. There's no particular pride in coining phrases and slogans and in posturing after moral superiority if all you really want is a job," that someone else has, "and the pose of moral superiority is your pitch."

"This comes to mind because of a recent spate of back pedaling among Republicans about the right-to-life issue. From what I hear," says Ben Stein, "it's coming from across the board, in Congress and elsewhere," across our land, "and there is not a single GOP Presidential hopeful at this point who is in favor of a right-to-life amendment to the Constitution or of repealing Roe versus Wade in any way."

I might put in an important footnote at that point, Mr. Speaker. This Member, who aspires to the greatest office in this land or any other, I not only have a right-to-life amendment, and have had in every one of nine Congresses that I have been here, but I have always been for repealing Roe versus Wade, a repeal of the Supreme Court decision of infamous and heinous ill repute that was based on a lie.

And the lawyer, Sarah Weddington of Texas, knew it was a lie and told her client Norma McCovey, Jane Roe, to continue lying. She wasn't raped and has never been subjected to an abortion.

Back to Ben Stein. Now to some of us, abortion is the preeminent moral issue of the century. It's not a medical