

tyrant was saying the only way we can prevail and continue this tyranny is to get the lawyers because they are the only ones that understand and know and stand in our way of freedom, and we can continue this tyranny. So it was not a pejorative saying of "kill all the lawyers."

We can go through to the Founding Fathers who were all lawyers and drew the Constitution and worked at it overnight. We can come right on down the line with respect to the lawyers in the history of this land, whether it be President Lincoln in the days during the Civil War, or most recently here, in civil rights cases, Thurgood Marshall and others. If they had not had those lawyers, I can tell you now, having been at the local level over the many years, had Thurgood Marshall not succeeded in *Brown versus Board of Education*, you would not have found the advancements made.

Advancements were not made as a result of the Civil Rights Act of 1964 so much as the advancement made in the 1954 *Brown versus Board of Education* decision by the U.S. Supreme Court, brought by the trial lawyer for the NAACP, Thurgood Marshall.

I will bring the cases, when we have time, to the attention of my colleagues. The hour is late and I want to yield to others to be heard on this.

Since it has just come up, I have represented to the distinguished manager of the bill, it is not our intent to delay. We will survey colleagues on this side of the aisle and see what amendments they want to present. I want to see if there are those who want to talk on this particular measure before we vote. And pending that, Mr. President, I yield the floor. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOLLINGS. Mr. President, my staff brought to my attention—I wish we had billable hours for Senators. We could make a living up here. Maybe that is the next amendment we will have if they insist on this amendment, Mr. President.

Pending that, we have the Model Rules of Professional Conduct and the Code of Judicial Conduct by the American Bar Association.

I look at rule 1.4, "Communication" and I read:

A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

That is the American Bar Association Model Rule that we all are governed by.

With respect to the fees themselves, rule 1.5:

(A) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to a client, that the acceptance of the particular employment will preclude other employment by the lawyer;

I take that, Mr. President, to be no conflict of interest.

(3) the fee customarily charged in the locality with similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(6) the nature and length of the professional relationship with the client;

(7) the experience, reputation, and the ability of the lawyer or lawyers performing the services;

(8) where the fee is fixed, whether the fee is fixed or contingent.

It goes on in detail on the basis of the rate of fee, the terms of payment, and all the necessary things—the divisions of fee, how to settle if there is a dispute about the fee, all are matters of disclosure.

What they are really coming with on product liability is an assault against the bar. I know the former distinguished Vice President of the United States thought it was good politics, and he brought up about lawyers at the American Bar Association.

If a person practices law, they are under the rule and guidelines. It is still a profession. Just like I have resisted actually the TV coverage of the proceedings here of the U.S. Senate because we could get a lot more work done and we did a lot more work and we got things done.

I also have resisted the so-called advertisement by attorneys with the neon sign "Divorces, divorces," or "If you think you are hurt," or, "We get more money in our claims than anybody else." I think that is unethical. I hate to see that coming about with the particular profession.

If we take the television out of the O.J. Simpson courtroom, that case could be handled in the next 3 weeks. But it will take the next 3 months at least with TV there. The idea is to get justice and not to amuse the public generally.

I hope we get the television out of this body, the television out of the courtroom, and get back to some economic sense, go to work for the people of America, and certainly not take what never has been recognized as a national problem, except with respect to the American Bar Association and its code of conduct which it has over the many, many years. It has never made a national problem to be legislated upon.

I know what they have in mind, and I think that my amendment will help them get at the 60,000 billable hour

lawyers, and not the trial lawyers. They really go after the trial lawyers and product liability.

I want to talk about the corporate lawyers and that billable hour crowd that extends out. I have heard my colleague from West Virginia. He does not have any understanding of the law practice. He says, why, at the State level it is very difficult to get product liability reform. False. We have it in 46 of the 50 States in the last 15 years.

He says one of the reasons we cannot get it are these trial lawyers holding things up because they like to extend their cases and get more money. Extend more cases, I get more expenses.

I am paid on a contingency basis. I am not paid by a billable hour. The fellow who gets more money is the insurance company lawyer, the corporate lawyer. They love it. They try to stretch it out, get continuances, make more motions and everything else. I got 10 or 15 good cases in the office that I have taken for seriously injured clients. I have hundreds of thousands of dollars in time and costs wrapped up. I am really having to carry and finance, which we do. I have done it in my private practice.

We know how it is in corporate law. They have the mahogany desks and the Persian rugs, and they sit down there with the paneled walls and just answer the phone and everything. Answer the phone and say, by the way, charge him that I talked to him on the phone. I never heard of a contingency fee lawyer say I talked to somebody and charged so much. They charge so much per telephone call, so much per letter, so much per hour, so much per this. There is more per fees in the practice than we could ever contemplate.

Heavens, let us not write this bureaucracy into the law.

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

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

Mr. DASCHLE. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for 10 minutes.

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

IN MEMORY OF SENATOR JOHN C. STENNIS

Mr. DASCHLE. Mr. President, I would like to take a few minutes to discuss the life and career of Senator John C. Stennis, who passed away earlier this week.

Senator Stennis served in this Chamber for 41 years. His work here included

serving as chairman of the Senate Armed Services and the Senate Appropriations Committees and as President pro tempore of this body.

Among his legislative achievements was his ability to bend and flow with the times. Once a staunch segregationist, Senator Stennis cast his vote for the Voting Rights Act of 1982.

One area in which he never changed, however, was in upholding the safety and security of this great country. Senator Stennis warned against overextending our military capacity. He also warned against wasteful defense spending. But he never wavered in his support of the country's national defense and ensuring that it maintained the military capacity to guarantee our freedoms and our liberties.

During his four decades in the U.S. Senate, Senator Stennis was always an abiding example of integrity and fortitude. His respect for the institution of the Senate and the law of the United States made him an early opponent of the excesses and abuses of Senator Joe McCarthy. As a result, he and Senator Sam Ervin were named as the two Democratic members on the Watkins committee that investigated the recklessness of Senator McCarthy and led to his censorship.

In July 1965, the Senate created the Select Committee on Standards and Conduct, the forerunner of our current Select Committee on Ethics. This was a controversial creation, and everyone knew that whoever chaired it would be in a difficult position. The Senate had traditionally relied upon the voters of a State to discipline a Senator for improper behavior, and institutional discipline is a painful problem in an institution that depends on the collegiality of its Members. The only logical choice for this important and difficult leadership position was Senator Stennis. The Mississippi Senator became so successful and so respected in this position that the committee quickly became known as the "Stennis Committee."

Mr. President, the career of Senator John C. Stennis was marked, not only with legislative triumphs, but with numerous personal triumphs over personal adversity.

In 1973, he was shot by robbers in front of his house and left for dead.

In 1983, his beloved wife of 52 years, Coy Hines Stennis passed away.

In 1984, a battle with cancer resulted in the loss of one of his legs and confined him to a wheelchair. While in the hospital recuperating from the surgery, he was visited by the President of the United States, Ronald Reagan. President Reagan later said that he had dreaded going to the hospital that day, for he feared the impact such a life-altering operation would have on a fiercely independent man like Senator Stennis. But the President explained, "when I left, it was I who had been strengthened."

He had been strengthened by the Senator's confidence, his faith, and his optimism.

Those qualities defined Senator Stennis' outlook on life. On his Senate desk he kept a plaque that simply read: "Look Ahead."

"That's my philosophy," he explained. Don't waste time lamenting the past. "You have got to look ahead. I realize that life's not altogether what you make it. But that's part of it, what you make it yourself."

Senator Stennis made for himself a wonderful life, and the Senate and the country can be grateful for it.

When he retired from the Senate in January 1989, Senate Majority Leader ROBERT BYRD called it "the end of an era." And indeed it was.

Perhaps a greater compliment came from a Republican Member of Congress from Mississippi, who said, "We'll miss him. Even if he's a Democrat, he's a great man."

As the Senate Democratic leader, I say that is a great statement, even from a Republican.

In 1988, Congress established the John C. Stennis Center for Public Service Training at Mississippi State University. The center covers a range of historical projects, including an excellent oral history program. When a congressional historian approached him about an oral history of his own life and career, Senator Stennis initially opposed the idea, saying it would be too self-aggrandizing. The historian proceeded to explain that it was not only an honor, it was his duty to record for posterity his personal account of the historic events and decisions in which he had been involved.

"Well, sir," responded Senator Stennis, "If you say it's my duty, then I must do it, because I've always done my duty."

Indeed he did.

It was not only his legislative accomplishments—and they were many—for which we so loved and remember him, it was also his commitment to God and country.

No person who has ever served in the U.S. Senate was ever quicker to tell you what was wrong with this country. But no person was ever quicker to tell you what was right about it, either.

Mr. President, Linda and I extend our most heartfelt condolences to the family of John C. Stennis: we share their grief and their loss. But we also thank them for sharing him with us, and I thank the people of Mississippi for selecting him to serve in the Senate for seven terms.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

SENATOR JOHN C. STENNIS

Mr. COCHRAN. Mr. President, I first want to commend the distinguished Democratic leader for his comments about our departed colleague and my good friend, Senator John C. Stennis. Today, there was a very appropriate editorial published in the Clarion-Ledger, in Jackson, MS, describing the effect that Senator Stennis had, by vir-

tue of his service in the Senate, on the State of Mississippi.

I commend the editor for such a fine article and I ask unanimous consent that it be printed in the RECORD.

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

[From the Clarion-Ledger, Apr. 25, 1995]

JOHN C. STENNIS: INTEGRITY SET STANDARD FOR CONGRESS

The accomplishments of former U.S. Sen. John C. Stennis could fill pages.

Stennis' long and full life ended Sunday at age 93, and during the next few days, Mississippians, will hear many of the senator's accomplishments recounted.

His long and distinguished career in government left his mark on many of the policies of the United States, especially in military matters. There are many institutions that bear his name, even an aircraft carrier.

Mississippi is a much different place, and a much better place, because of the policies and economic development projects he brought to the state.

But, all of the political achievements, the things that most politicians are measured by, fall short when it comes to Sen. Stennis.

Stennis was, above all else, a man of integrity, a true statesman, whose adherence to honor and code of conduct made him legendary in the U.S. Senate, which he loved so dearly.

That is indeed a rare quality, especially in the mean-spirited politics of today.

Sen. Stennis' reputation for fairness made him a trusted colleague and confidant of presidents of both parties. He was known as the "conscience of the Senate" because of his high ethical standards and respect for the institution.

Throughout his long career, integrity and service were watchwords. It is appropriate that, of the institutions that bear his name, the Stennis Center for Public Service at Mississippi State University seeks to encourage young people to public service careers.

In his 1947 campaign, Stennis stated a simple creed: "I want to plow a straight furrow right down to the end of my row."

Sen. John C. Stennis succeeded with that pledge.

Mr. COCHRAN. Mr. President, I want to invite the attention of the Senate to a couple of points that are made in this fine tribute. After talking about many of the things that Senator Stennis did for the State the editorial writer then says:

But, all of the political achievements, the things that most politicians are measured by, fall short when it comes to Senator Stennis.

Stennis was, above all else, a man of integrity, a true statesman, whose adherence to honor and code of conduct made him legendary in the U.S. Senate, which he loved so dearly.

Mr. President, as I was beginning to think about putting this in the RECORD for the information of Senators, I realized that I sit at the desk that was occupied by Senator Stennis during the time he served in the Senate.

As you know, there is a tradition here to put your name in the desk drawer like schoolboys used to. Senator Stennis' name is in this desk drawer which he wrote in there and put the date that he began service, 1947, and a dash, and never did, of course,