

It was a slave-labor enclave 50 miles away that I heard the silence of night torn by powerful explosions. Fellow inmates with military experience thought it sounded like artillery. Within hours, we were lined up to be evacuated, ahead of the "enemy advance." These forbidden words, never before heard, and even names of "enemy" commanders—Zhukov, Montgomery, Patton—were now openly murmured.

I was beside myself with excitement. Who are these merciful saviors—Russians? British? American? Salvation seemed so near, and yet so far away.

Just as the hope of pulling through became more real, the danger increased. We were headed back to Dachau, which meant that at the last moment our torturers would destroy us. The final solution must be completed, the witnesses of the crime wiped out.

The death march, through winding back roads, continued day and night, halting only for meager rations of bread and water. At dawn, on the third day, of squadron of Allied fighter planes, mistaking our column for Wehrmacht troops, swooped down low to strafe us.

As the SS-men hit the dirt, their machine gun blazing in all directions, someone near me shouted "run for it!" A group of us kicked off our wooden clogs and made a clumsy, uncoordinated sprint for the trees. The fire caught most of us. Only I and five others made it into the forest alive.

We ran and ran, gasping for breath, until we were sure there was no pursuit. After nightfall we began to move toward the Western front. When we came close we decided to lie low, until the German retreat had passed us by.

One bucolic afternoon, holed up in the hayloft of an abandoned Bavarian barn, I became aware of a hum, like a swarm of bees, only louder, metallic, unearthly. I peeped through a crack in the wooded slats. Straight ahead, across the field, a huge tank leading a long, armored convoy lumbered my way.

From somewhere to one side I could hear the sound of exploding mortars. The tank's long cannon lifted its round head, turned slowly and let loose a deafening blast. The firing stopped. The tank resumed its cautious advance.

Automatically, I looked for the hateful swastika, but there was none. Instead I saw an unfamiliar emblem—a five-pointed white star.

In an instant the unimaginable flooded my mind and my soul. After four years in the pit of the inferno, I, convict No. B-1713, also known as Samuel Pizar, son of a loving family that has been wiped off the earth, have actually survived to behold the glorious insignia of the United States Army.

My skull seemed to burst. With a wild roar I stormed outside and darted toward the wondrous vision. I was still running, waving my arms, when suddenly the hatch of an armored vehicle opened, and black face, shielded by helmet and goggles, emerged, swearing at me unintelligibly.

Having dodged death daily for so long, at the awesome moment I felt immortal, though to the G.I. my condition, at the heart of a battlefield, must have seemed desperate. Pistol in hand, he jumped to the ground to examine me more closely, as if to make sure the kid was not booby-trapped.

To signal that I was a friend, and in need of help, I fell at his feet, summoned the few English words my mother used to sigh while dreaming of our deliverance, and yelled: "God Bless America!"

With an unmistakable gesture, the tall American motioned me to get up, and lifted me through the hatch—into the womb of freedom.

On V-E Day 1995, my gratitude to this blessed land, never trampled by tyrants or invaders, is as intense as it was 50 years ago, on that German battlefield. So is my conviction that the five-pointed star, which brought me life and freedom, must remain a symbol of hope to all victims of ethnic hatred, religious intolerance and terrorist violence.

V-E DAY—A VICTORY FOR AMERICAN VALUES

Mr. PRESSLER. Mr. President, today I join my fellow Americans and millions of freedom-loving people around the world in celebrating the 50th anniversary of Victory in Europe Day.

I am enormously proud of the South Dakotans who answered their Nation's call to free Europe from Nazi terror. The 34th Infantry Division—the first American division to serve in the European theater—included three South Dakota National Guard units: the 109th Engineer Battalion, the 109th Quartermaster Regiment, and the 132d Engineer Regiment. South Dakotans were with Eisenhower, Patton, and Bradley when they invaded North Africa in 1942 and Italy in 1943.

More than 2,200 South Dakota National Guardsmen served on active duty. More than 41,000 South Dakotans between the ages of 21 and 36 were called into military service through the draft and 23,192 South Dakotans enlisted. Hundreds more served as State guardsmen to respond to civil and military emergencies at home.

South Dakota was a temporary home to many of our brave soldiers in training. The Sioux Falls Training Base provided technical instruction to 45,000 servicemen. Pierre and Rapid City were sites for airbases. The latter would ultimately become Ellsworth Air Force Base. Watertown and Mitchell served as subbases for the Army. Provo was the site of the Black Hills or Igloo Ordnance Depot. And an area in the Badlands, known as the Gunnery Range, was used for bombing practice by the military.

I join with all Americans in saluting the enormous contributions of our native Americans from South Dakota in the war effort. Congressman Ben Reifel—born on the Rosebud Reservation—was in the Army Reserve when called to active duty in 1942. He served in Europe. Reifel reached the rank of lieutenant colonel by the time of his discharge after the war.

The Lakota and Dakota code talkers' contributions deserve special recognition. Their service back then was invaluable. Their story is still legendary and a source of pride to all Americans.

My former colleague and dear friend Senator George McGovern was a World War II veteran and hero. As an Army Air Corps pilot, Senator McGovern flew 35 bombing missions over Europe in a 6-month period. He also received the Distinguished Flying Cross for safely crash-landing his B-24 bomber—the *Dakota Queen*—on an island in the Adriatic Sea.

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South Dakotans know well the heroism of Msgr. Francis Sampson, known as the Jumping Padre. Monsignor Sampson was a paratrooper—one of the first American liberators in the 82d and 101st Airbornes to set foot on European soil on D-Day. He was captured by the Nazi Army, escaped and was captured again, spending the rest of the war in a German prison camp.

Mr. President, the greatest share of gratitude and tribute we owe to our American and Allied veterans—living and dead. For it is they who put their lives on the line so that their children and grandchildren could live in a world free of Nazi terror. From the shores of Normandy to the forests of the Ardennes, American veterans pruned open Hitler's tyrannical stranglehold over Europe. But we must not forget Americans at home. It was just as much a Victory in America as it was a Victory in Europe.

South Dakotans will never forget the tremendous service of Governors Harlan J. Bushfield and M.Q. Sharpe, who met the enormous challenges of raising the State's National Guard and organizing civil defense drills and bond drives throughout the war years.

South Dakotans volunteered and raised funds for eight United Service Organization [USO] clubs in South Dakota. These USO clubs were much needed to boost morale among the troops stationed in our State.

South Dakotans young and old dug deep into their pockets and piggy banks to keep American troops armed, fed, and clothed. During eight national fund-raising campaigns, South Dakota exceeded its quotas. South Dakota consistently ranked first or second in the per capita sale of the Series "E" war bonds, known as people's bonds. In total, South Dakotans raised \$111.5 million from the sale of people's bonds—that's \$173 for every South Dakotan adult and child. Some South Dakotans even sacrificed their homes and property for the war effort.

South Dakotans worked overtime in the fields and factories of our State growing the food and building the supplies for our troops. Workers in the K.O. Lee Co. of Aberdeen made grinders and keyless drill chucks. The Dakota Sash and Door Company, also of Aberdeen, constructed wooden shell boxes. The Nichols Co., located in Spencer, manufactured leather carbine scabbards for jeeps.

Mr. President, I could go on and on to note the tremendous accomplishments of my State to the war effort. It is a story that each one of my colleagues could echo. Each State, each American had a hand in the victory. Our hearts and minds were with our courageous American forces overseas. They answered the call. They stood face to face with Hitler's machine of hate and oppression. They turned the tide of Nazi aggression.

But we could not have won on the European front without a victory on the home front. Our American forces in Europe were the best trained, best fed, and best supplied liberating force ever constructed on the planet. They were the best ever abroad because we were the best ever at home.

Let there be no mistake. The twisted power and oppression of Nazi terror, hatred, and Holocaust were no match for the collective powers of freedom, of democracy, of individual initiative—the very essence of America. Today, we honor the 50th anniversary of that victory. We honor that victory every day so long as we continue to stand for these values at home and abroad.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Nevada.

Mr. REID. Mr. President, what is the issue now before the body?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 956, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gorton Amendment No. 596, in the nature of a substitute.

Coverdell/Dole amendment No. 690 (to Amendment No. 596), in the nature of a substitute.

Mr. REID. Mr. President, in the State of Nevada, and particularly in Las Vegas, we have some great illusionists. The most famous are two men by the name of Siegfried and Roy. Every night, twice a night, they are sold out. Presently, they are at the Mirage Hotel and have been there for the last 4 or 5 years.

These illusionists, as great as they are, should be taking lessons from what is going on in the Congress today and during the past several weeks. We are talking about things that are really illusionary. For example, there has been a hue and cry that everything should be turned back to the States, that the States should make the decisions on their own destiny. All we hear is that we should leave them alone and let the States decide what is best for them.

In the so-called Contract With America, that is what they talk about—returning as much back to the States as they could. But here we are, Mr. President, now talking about tort reform and standing that issue on its head. Instead of returning everything back to

the States, we are saying in this area that we do not want the States to prevail, we want to have a national standard, which is really unusual to me to find out how people could reason that way.

For example, Mr. President, the State of Washington does not allow punitive damages. I think the State of Washington is wrong. But that is a decision they made with their State legislature and the Governor.

Would it not be wrong, Mr. President, if all States had to follow the same law as it relates to innkeepers, that we have in the State of Nevada. In the State of Nevada we have over—in Las Vegas alone—over 100,000 rooms, more rooms in Las Vegas than any other city in the world.

The State of Nevada basically is a resort State. Would it not be wrong for the laws of the State of Alabama as it relates to innkeepers to be the same as the State of Nevada? Of course, it would. We have special problems with tort law as it relates to innkeepers. Therefore, the State of Nevada should be left alone. We should be able to decide on our own what the law, as it relates to innkeepers, should be for the residents of the State of Nevada.

The legislation that is before this body is a bill that usurps and destabilizes well-established State law and principles as it relates to seller liability.

The legislature of the State of Nevada is meeting as we speak. They are talking about tort reform in Nevada as this debate is taking place.

I would much rather rely on what the State legislature does regarding tort reform for Nevada than what we decide back here should be the standard in Nevada.

The State of Nevada has carefully established rules as it relates to product liability. We have a strict liability standard for most products that are sold defectively. We are not unusual in that regard. There are 45 other States that have, through their courts or legislatures, adopted some form of strict liability as it relates to products.

Only a handful of States have chosen to remove product liability from this general rule. Should not that handful of States be left alone?

This bill would undo the law in at least two-thirds of the States. Contrary to nearly 200 years of State tort law, this bill would virtually immunize people who sold defective products.

Another troubling matter, Mr. President, is that this bill overreaches in its efforts to protect small businesses by placing a restrictive cap on punitive damages, or any "entity or organization with fewer than 25 full-time employees." This overlybroad language extends the protections of this bill well beyond the so-called small businesses. This cap, for example, would completely take away the right that we have in most States to allow punitive damages against drunk drivers, against child molesters, perpetrators of hate

crimes, and even by those who sell drugs to children.

I have, for more than a week, listened to this debate. Prior to coming here, I was a trial lawyer. I have tried scores of cases before juries—almost 100 jury trials. I believe that the jury system, Mr. President, is one of the things that we should be very proud of as a country.

We ought to reflect on the value of the Magna Carta. It was signed in a meadow of England, in a place called Runnymede. King John could not write his name. He had to put a mark for his name. The Magna Carta was the beginning of the English common law that we adopted when we became a country. One of the things that we brought over the water and now have and have had for over 200 years is a jury system, where wrongs that are perpetrated can be brought before a group of people and they can adjudge the wrong, if in fact, there were any.

My experience in the jury system, Mr. President, is that most of the time the juries arrive at the right decision. I would say that about 90 percent of the time, they arrive at the right decision. Not always for the right reason, but the right decision. I think it is something that other countries have looked on with awe and respect—our jury system.

Again, this bill would take away and undermine the jury system and places arbitrary caps on damages. The substitute arbitrarily caps punitive damages at two times other damages for all punitive damages cases. In order to have any deterrent impact, punitive damages should be based on conduct that is willful and wanton.

We have heard so much about the McDonald's case. But what was the McDonald's case? Let me explain, Mr. President, what the McDonald's case was. A grandmother took her grandchild to baseball practice. She wanted a cup of coffee. She drove to McDonald's. She got a cup of coffee. She put the cup of coffee between her legs, and as she removed the lid from the cup of coffee, it spilled. She had third-degree burns over her body. Her genitals were burned. She had to undergo numerous painful skin grafts.

A person might say, why should she be awarded for putting a cup of coffee between her legs? The fact of the matter is the reason the jury reacted in the way they did in this case is the fact that McDonald's had had 700 other burn cases where people had been burned with coffee. They had been warned and warned and warned that they served their coffee too hot—190 degrees is the temperature they served their coffee.

Mr. President, if a person buys a coffeemaker and plugs it in at home, and makes his or her own coffee, it comes out at about 135 degrees—something like that. McDonald's served their coffee at 180 to 190 degrees that if accidentally spilled could result in third-degree burns in a matter of 2 or 3 seconds.