

more than \$5 million. So did Colin Gouley hit the jackpot with a \$5 million verdict if he has a lifetime of being in a wheelchair because of medical malpractice? Is this "jackpot justice"?

Kim Jones, 30 years old, went in for a simple tubal ligation and ended up in a comatose state in a nursing home for the rest of her life. Is an award in her case a jackpot? Did she hit it big if they gave her enough money for someone to care for her the rest of her life? Frankly, she will never be able to care for her daughter again.

Or Alan Cronin, 42 years of age, who went into a hospital in California for a routine hernia surgery and ended up with an infection so serious that it led to gangrene in all of his limbs and amputation of both arms and legs—Alan Cronin, would he be the winner of a jackpot if those who were responsible for his losing his arms and his legs had to pay and compensate him not only for his medical bills and lost wages but also for his pain and suffering?

That is the part of the calculation which those who bring the bill to the floor have not spoken of. They talked about the challenges facing doctors. We conceded that. In some areas of the country, malpractice insurance is too high. Don't overlook what this bill does. It closes the door and removes the jury from the decision about fair compensation for people who have been injured through no fault of their own.

That is why I think those who are pushing this bill will probably be unsuccessful tomorrow. People on this side of the aisle, and Republicans as well, believe this bill, S. 11, goes too far. This is excessive. This is not setting out to simply solve the problem. This is setting out to make a political point—that we are going to go after those who would be so bold as to file a lawsuit.

In the pages of this bill, you will see a limitation on what attorneys can be paid if they represent one of these clients or one of these patients I have mentioned—people who have lost their limbs, people who are no longer able to function as normal human beings. If they go to hire a lawyer to represent them in a case of malpractice, this law will restrict how much their lawyer can be paid.

If you believe in justice, wouldn't you also argue that those who defend the doctors and defend the hospitals should have their attorney's fees limited as well? Wouldn't that be fair? Isn't that justice with a blindfold? No. The blindfold is raised on one side. It is a wink and a nod to the defense industry representing the doctors and the hospitals. But when it comes to these poor people with limited economic resources fighting for compensation for injuries that are no fault of their own, this bill limits the amount of money that can be paid to those lawyers.

I will tell you that without the contingency fee system, most of these poor people I have described today will never ever have their day in court. No

attorney will be able to represent them.

Do you recall not too many months ago that sad story in North Carolina, I believe at a major university, where there was supposed to be a heart-lung transplant and they mistakenly brought the wrong blood and tissue type organs to be transplanted and a mistake was made? It was clearly not the mistake of the family or the little girl who was involved. Discovering this error, they tried to implant an additional set of organs—heart and lung—to save her after this serious mistake was made.

I can tell you that this little girl, who sadly died because of that malpractice, would have recovered little or nothing for that wrongful death under this legislation.

Where do you point to in terms of lost wages for a little girl who died during the course of the surgery? Where is the pain and suffering in a wrongful death lawsuit? Yet that is what it comes down to.

Those sponsors of this bill are prepared to close the courthouse door and say that for her family, they do not have the opportunity to get a lawyer because the contingency fee is limited, and once they have that lawyer there is little or nothing they can recover despite clear evidence of medical malpractice.

That isn't fair. It isn't American. It isn't just. We are talking about rewarding people who have been seriously and egregiously injured.

I hope my colleagues will join me tomorrow in voting against the motion for cloture. We should not proceed to this bill. This bill should proceed to a committee. It should go to a committee for a long period of study of compromise, of amendment, of a good-faith effort on both sides involving the medical profession, and the insurance industry which gets a windfall from this bill, as they do virtually every bill that comes through here, as well as the legal profession; and a bill that will end up in a resolution of the problems facing our doctors and medical providers whom we value very much, but I don't believe they would stand behind such a product that is so fundamentally unfair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

#### ADDITIONAL STATEMENTS

##### A TRIBUTE TO ROZ WYMAN

• Mrs. FEINSTEIN. Mr. President, 50 years ago today a young and dynamic woman was elected as a member of the Los Angeles City Council. She was just 22 years old, making her the youngest council member in the city's history.

The fact that such a record has been held for so long is in itself remarkable. But then again, we are talking about a truly remarkable woman, Rosalind Wyman.

For many years now, Roz has worked tirelessly, for her family and friends, for the city she loves, for the State of California, for the Democratic Party, and for women everywhere.

There is a wonderful photo of Roz when she was only 2 years old, smiling up at a portrait of Franklin Roosevelt. Her mother, Sarah, was a precinct captain for FDR's first Presidential campaign, running the operation out of the family's drugstore on 9th Street and Western Avenue in Los Angeles.

Roz's father, Oscar, worried that such a partisan stance would cost them customers, but Sarah believed that electing Roosevelt was much more important.

Small wonder, then, that Roz developed a deep and abiding passion for political activism and the Democratic Party. Her first campaign was working on behalf of Congresswoman Helen Gahagan Douglas, in her ill-fated 1950 Senate race against Richard Nixon, when he unfairly portrayed her as "the Pink Lady."

Then, 2 years later, Roz made history by becoming the youngest person ever elected to the L.A. City Council, and only its second woman member. She went on to serve in that body for the next 12 years, on the finance and budget committees, and eventually becoming president pro-tempore.

As another woman who entered California politics in the 1950s, I can assure you that it was quite a different world back then. It was still very much a male club. In both Los Angeles and San Francisco, one was hard-pressed to find a women's bathroom anywhere near the chambers.

Something else Roz inherited from her mother was a love for baseball. In fact, there is nowhere that Roz Wyman would rather be than at Dodger Stadium, at the home plate corner of the Dodger dugout, where she has had her seats for over 40 years now.

It is no exaggeration to say that the Dodgers would not have come to Los Angeles without the vision, fortitude, and sheer determination of Roz Wyman. Just ask Tommy Lasorda, who said: "What this lady did for baseball in this city, they should erect a monument to her."

Today, it is hard to believe how polarizing the effort was to bring the Dodgers from Brooklyn in the late 1950s. Yet Roz, believing that a professional sports team was just what L.A.

needed to cement its image as a major American city, braved death threats and earned many political enemies in order to see this come about.

One year after coming to L.A., however, the Dodgers went on to win the World Series, as they did again in 1963, 1965, 1981, and 1988, along with three National League Championships in the 1970s. No one today could imagine the city without one of baseball's greatest franchises.

One of the other defining moments in the modern history of Los Angeles, which placed the city firmly on the map as one of America's premier cities, was when it hosted the Democratic Convention in 1960.

And here, too, Roz Wyman played a vital, even pivotal role. She was an ardent Kennedy supporter, having supported him in 1956, in his unsuccessful bid for the Vice Presidential nomination.

She understood the natural connection between Hollywood and Washington, and before many others recognized Kennedy's enormous charisma and appeal, along with the growing importance of television to electoral politics.

And with her late husband, Eugene, who served as chairman of the California Democratic Party, they proved to be extraordinarily effective fundraisers and campaigners. They were responsible for enlisting the likes of Frank Sinatra to sing by the swimming pool, as Kennedy worked his political magic with the delegates.

It is easy to forget that back then, party conventions were not the largely scripted events that they are today. There was real drama—nothing was inevitable—and delegates could change their vote at the last minute.

Such was Roz's influence with the Kennedy campaign, that she was able to convince Robert Kennedy to change the venue for JFK's fabled "New Frontier" speech from the Sports Arena to the grander Memorial Coliseum next door.

She went on, 8 years later, to work closely on Robert Kennedy's bid for the White House, which ended so tragically in Los Angeles.

During the 1970s, both with her husband Gene and after his unexpected passing, Roz was a highly effective advocate for the Democratic Party, raising awareness on a wide array of issues.

I first met Roz when I was mayor of San Francisco and she served as convention chair and chief executive officer of the 1984 Democratic National Convention, the first woman—Democrat or Republican—ever selected to run a Presidential Convention. In that position she oversaw the entire planning and management of the convention and its \$13 million budget.

We soon became close friends, forming a bond that has grown ever stronger over the years. She was already a living legend, already a star of our party, and she did an absolutely stellar

job, not just for the Democratic Party but for the city of San Francisco.

President Clinton recognized Roz's contribution, back in 2000, when he said: "She reminds me of my ties to my roots. Her loyalty to our party and our candidates is something I hope I can emulate for the rest of my life."

I share President Clinton's sentiments—and I, too, hope that I can emulate Roz Wyman. A pioneering force in American politics, she is my Field Marshall, my trusted adviser, and most importantly to me, my very dear friend.●

#### LOCAL LAW ENFORCEMENT ACT OF 2003

● Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Tulsa, OK. On September 11, 2001, a 29-year-old Pakistani was hospitalized after he was badly beaten and kicked by three men. The racially motivated attack happened outside of a service station as the victim was visiting a friend who worked there. The victim suffered a broken jaw and lost several teeth during the attack. He was hospitalized for several days in a Tulsa hospital.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

#### HONORING STUDENT RECIPIENTS OF GATES MILLENNIUM SCHOLARSHIP

● Mr. NELSON of Nebraska. Mr. President, today it is my great honor to recognize three outstanding Nebraska students who recently were named Gates Millennium Scholars by the Bill and Melinda Gates Scholarship Foundation.

David Sanchez-Aparicio, from Oaxaca, Mexico, is the son of Benito and Juana Sanchez. Since he was a child, David's scholastic interest has been in computer technology. While a student at Lincoln High School in Lincoln, NE, David took part in the Information Technology Focus Program, specializing in computer programming, networking, and multimedia production. David played tennis and ran track, focusing on the 800-meter race. David also spent his time working at BryanLGH Medical Center in the cafeteria. In addition to rigorous coursework and extracurricular activities, David, whose mother passed away 2 years ago, has spent much of his high

school career helping his father care for his younger siblings. David's teachers note that he is a quiet, yet diligent student who is dedicated to his studies and his family. David will attend the University of Nebraska-Lincoln in the fall where he plans to major in computer engineering.

Codah Gatewood, 18, is the youngest of three children and a member of the Navaho, Omaha, and Santee Sioux tribes. His parents are Edison Gatewood and Belva Gatewood. Since he was a young boy, Codah's primary academic interest has been architecture. As a child, he would create intricate buildings with Legos; at Lincoln High School, he learned to use computer-aided-design, CAD, in technical design and architecture classes before tackling advanced architecture and engineering. Codah won an academic letter during his senior year of study for his mastery in pre-calculus, differentiated physics, advanced architecture, and applied economics. In his free time, Codah volunteers at the Indian Center of Lincoln, assisting in powwows and dinners. He also likes to experiment with mobile electronics on his car, frequently updating his own website with his success in modifications. Codah's teachers describe him as a self-reliant and high-ranking scholar. For his commitment to academic excellence, Codah has also earned a University of Nebraska Davis Scholarship, awarded to the most academically talented racial minority students. He will attend the university this fall.

Huong Le, 18, came to Lincoln from Long An, Vietnam, 11 years ago with her parents, Vinh Le and Luong Nguyen, and sisters and brother. Long An is a small province in the Mekong Delta of South Vietnam. Huong spoke very little English when she arrived in Lincoln, but began to master the language while a student at Everett Elementary School. Huong was nominated for the Gates scholarship by her Lincoln High School chemistry teacher, who taught her a rigorous advanced chemistry course and saw promise in her passion for science. The following summer, Huong participated in a sophisticated research project, coordinated by the University of Nebraska, involving organic and biochemical processes of insects. While at Lincoln High School, she also played tennis for 4 years and was a member of the Asian Caucus, Upward Bound, and Youth Leadership Lincoln. Huong has also volunteered at the Lincoln Buddhist Temple, Lincoln Action Program and United Way. Huong plans to take English composition and calculus classes as part of the Summer of Promising Scholars Program. Huong will pursue a degree in pharmacy from the University of Nebraska.

The Gates Millennium Scholarships aim to reduce the financial barriers for African-American, Hispanic, Native and Asian-Pacific students with high academic and leadership promise. They also increase representation of minority students in the targeted disciplines.