

Senate adopts Dole proposal to limit lawsuit awards

By MARCY GORDON
The Associated Press

WASHINGTON — The Senate on Wednesday narrowly approved a far-ranging proposal by Majority Leader Bob Dole to limit punitive damage awards in all civil lawsuits in federal and state courts.

Opponents said the provision, which resembles a House version passed in March, could scuttle Senate passage of the overall product-liability bill written by Sens. Slade Gorton, R-Wash., and Jay Rockefeller, D-W.Va. Some senators have been pushing

proposals to revamp faulty-product laws for 13 years.

Senate Minority Leader Tom Daschle, D-S.D., said the Republicans won a battle Tuesday with passage of limits on medical malpractice awards, but they may lose the final war by having broadened the faulty-products bill.

"The more it's loaded up, the more problematic this issue could become," Daschle told reporters. The Republicans' "lives are complicated with each new issue that's added to this bill," he said.

But Dole said his amendment was needed "because our nation desper-

ately needs broadly based relief from lawsuit abuse."

The amendment significantly broadens the bill by capping punitive damages in all civil litigation — not just those involving faulty products — at twice a claimant's compensatory damages. Those are the combined total of economic damages, such as lost salary and medical bills, and less tangible non-economic damages to compensate patients for loss of an eye or limb and for pain and suffering.

The 51-49 vote, mostly along party lines, including Kansas Sen. Nancy Kassebaum's vote, brought the Senate legislation in line with a comprehen-

sive package to overhaul the civil justice system that was passed by the House as part of the GOP's "Contract With America."

The House package includes a punitive damages cap in all civil lawsuits of \$250,000 or three times economic damages, whichever is greater.

The Clinton administration has expressed opposition to some provisions of the House legislation but has not explicitly threatened to veto it.

White House spokeswoman Ginny Terzano said Wednesday the administration views the Dole provision in the same light as the House package and has similar objections.



Dole Foster

Dole says he'll meet Foster

The Associated Press

WASHINGTON — Senate Majority Leader Bob Dole promised Sunday to meet with Dr. Henry Foster before making a decision on whether to bring his nomination as surgeon general to the Senate floor for a vote.

"I want to sit down before anything happens and visit with Dr. Foster," the Kansas Republican said on CBS' "Face the Nation." "He's entitled to that."

Dole's comments were welcomed by White House Chief of Staff Leon Panetta. "It sounds like he at least is trying to give Dr. Foster, I think, the fair shake that he deserves after that hearing," Panetta said on CNN's "Late Edition."

But Dole again defended his option of keeping the nomination from a final vote, arguing that Democrats often did that when they controlled Congress and a Republican was in the White House.

Foster's nomination has been fiercely opposed by Republicans because of the Tennessee physician's record in performing abortions. His opponents have said the nomination lacks credibility because of conflicting statements from Foster and administration officials about the number of abortions he performed.

Dole said he still has some serious questions about the nomination, which he said was "very sloppily handled." President Clinton "used it to divide America on abortion. It's not a question of abortion. It's a question of credibility."

At the same time, he played down the importance of the surgeon general's functions, saying the position is basically a public relations job with a staff of six and a budget of about \$850,000.

"It's not some key critical job that has to be filled," he said. The surgeon general's main task is to represent the administration's views on health issues.

Senate stalls GOP bid for tort reform

Dole unable to muster votes on bill to limit damage awards

By Helen Dewar
Los Angeles Times/
Washington Post Service

WASHINGTON — A rebellious Senate on Thursday blocked passage of legislation to limit punitive damages in all civil lawsuits, dealing a stunning blow to Republican efforts to overhaul the nation's civil litigation system.

Republicans vowed to salvage at least some of the bill but conceded they may have to settle for curbs on product-liability awards, as originally proposed before they expanded the legislation to cover all civil litigation.

In an embarrassing defeat for Senate Majority Leader Bob Dole, Republicans fell 14 votes short of the 60 needed to cut off debate on the measure and force a vote on final passage. They failed even to get a majority, losing by votes of 46-53 and 47-52 in back-to-back roll-calls.

The votes came shortly after President Clinton issued a strongly worded statement, saying the bill might be called the "Drunk Drivers Protection Act" and vowing to veto it unless major changes are made. "At the least, it (the Senate) should remove damage caps on lawsuits involving drunk drivers, mur-

derers, rapists and abusers of women and children, despoilers of the environment like the Exxon Valdez and perpetrators of terrorist acts and hate crimes," Clinton said.

The president said he favored "product-liability reform at the federal level" but said it "must fairly balance the interests of consumers with those of manufacturers and sellers."

Republicans denied that Clinton's statement influenced the vote but acknowledged he scored some political points.

The House has approved sweeping legislation, as promised by the GOP Contract With America, that went even further than anything attempted by Senate Republicans, including putting limits on pain-and-suffering awards. Thursday's vote appeared to reinforce expectations that many of the most controversial contract items face serious trouble in the Senate.

The Senate has rejected the House-approved constitutional amendment to force a balanced budget and is divided over other issues, ranging from easing government regulation to cutting taxes. As originally introduced, the bill,

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cosponsored by Sens. Slade Gorton, R-Wash., and John D. Rockefeller IV, D-W.Va., proposed only to limit punitive damages in cases against manufacturers of faulty and dangerous products, a goal pursued by many lawmakers over the past decade.

But it was broadened in several ways during two weeks of debate, including approval Wednesday of a proposal by Dole to limit punitive damages in all civil cases to twice the level of other awards, including lost wages, medical bills and pain-and-suffering.

The Kansas Republican's proposal, which had been approved by a margin of only 51-49 on Wednesday, was among the most likely casualties of Thursday's vote.

Several Republicans said Dole's

proposal would be among the first to go.

Asked what might garner the necessary 60 votes to end debate, Sen. Mitch McConnell, R-Ky., who led the fight for limits on medical-malpractice awards, said: "My guess is that not much beyond products will get that — if that." Majority Whip Trent Lott, R-Miss., said, "It will be product liability plus a little."

Thursday's debacle appeared to bear out Rockefeller's prediction that the measure would sink of its own weight if Republicans overloaded it with controversial provisions. "This is the way you get back to product liability," he said after Thursday's vote.

Dole announced Thursday night that a substitute proposal would be ready for submission to the Senate today and that further attempts to get the needed 60 votes will be made Monday and Tuesday.

Dole's test: Juggling Senate duties, candidate status

By John King
AP Political Writer

WASHINGTON — Legal reform was the subject at hand when Bob Dole strolled onto the Senate floor Friday to rebut President Clinton's latest criticism of the GOP agenda. Accusing the president of scare tactics, Dole said tersely, "This is about politics, not policy."

But Dole is well aware just about every debate these days is about both.

As both majority leader and the early front-runner for the Republi-

can presidential nomination, Dole finds himself in a delicate position on a daily if not hourly basis, trying to juggle Senate duties that are inclined to deal-making with the need to establish his principles clearly as a presidential candidate.

Last week offered some telling glimpses of this daunting challenge. Dole tried, unsuccessfully so far, to get the Senate to approve a major overhaul of the civil legal system. The House has already passed a sweeping version, and this is just one issue on which Dole is

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under pressure to get the Senate to closely follow the script written by the more conservative House. He'll try again this week, but Democrats say he still is short votes.

Dole has also made no secret of his opposition to Clinton's nomination of Dr. Henry Foster to be surgeon general and kept close tabs on confirmation hearings at which both sides agree Foster made no major missteps.

In the old days, that would be enough for Foster to win confirmation; Dole has repeatedly said over the years that presidents deserve a lot of leeway in nominations.

But these aren't the old days. Dole's biggest concern as a presidential candidate is a challenge from the right.

"I think Dole is doing an expert job behind the scenes" so far to thwart Foster's confirmation, said Ralph Reed, executive director of the Christian Coalition. "I think he may well pull it off."

And if that proves wishful thinking, and Foster wins confirmation?

"Then we are going to have it out on the abortion issue," said Pat Buchanan, another GOP presidential candidate. "If the Republican Party provides the margin of victory for an abortionist to become surgeon general, then the right-to-life issue goes to the top of the agenda."

As the Foster debate plays out this week, Dole also will have a budget battle to worry about.

The Senate Budget Committee is

beginning to draft its legislation, and Dole's longtime advocacy of deficit reduction as a senator is competing with his pledge as a presidential candidate to get the Senate behind tax cuts.

Then comes welfare reform. In that debate, Dole the presidential candidate has called for refusing additional benefits to mothers who have children while on welfare. Earlier this year, however, Dole said he doubted such a proposal could pass the Senate.

Dole scales back tort-reform proposals

The Washington Post

WASHINGTON — Senate Majority Leader Robert J. Dole, R-Kan., Friday drastically stripped back proposed legislation to overhaul the nation's civil litigation system in hopes of picking up enough votes to win passage of the measure next week.



Dole

But it was not clear whether the new proposal — which stops far short of the earlier goal of limiting punitive damages in all civil litigation — will pick up the 60 votes necessary to cut off debate and get

a final vote. Further modifications may be required, sources in both parties said.

Dole's salvage operation was forced when the Senate failed Thursday even to muster a majority vote for forcing final action on broad legislation aimed at moving the Senate toward the sweeping litigation curbs approved by the House as part of the GOP "Contract With America." Efforts to cut off debate failed by successive votes of 46 to 53 and 47 to 52.

Senate Minority Leader Thomas A. Daschle, D-S.D., interpreted the vote as a "message to the House that some of the extraordinarily extreme measures that the House has passed have no chance" in the Senate.

Dole, who is running for the GOP

presidential nomination next year, coupled his new proposal with a slashing attack on President Clinton for criticizing Republicans' legal reform proposals Thursday and threatening to veto the bill unless major modifications are made. In what appeared to offer a whiff of the upcoming campaign, Dole assailed Clinton for saying Dole's bill "might be called the 'Drunk Drivers Protection Act of 1995'" because it would limit their liability for punitive damages.

"I've been here for a while, but I must say that I rarely have seen such an offensive twisting of the truth," Dole said. "President Clinton knows better and he should be ashamed of engaging in such tactics."

Dole then accused Clinton of all-

ying himself with trial lawyers, who Dole said raised "millions of dollars" for Clinton in 1992, along with \$25 million for Democratic House and Senate candidates between 1989 and 1994. "Reform won't happen unless the Democrats put the interests of the American people ahead of the interests of the trial lawyers and their huge financial stake in the Democratic Party," Dole said.

The new scaled-back version of the Senate Republican bill would not go far beyond the legislation originally introduced by Sens. Slade Gorton, R-Wash., and John D. "Jay" Rockefeller IV, D-W.Va., before Dole and other Republicans started adding to it. The Gorton-Rockefeller legislation sought to limit punitive damages only in

product liability cases.

The only major GOP addition that would be retained is a proposal to limit punitive damages in all suits — not just those arising out of manufacturing — involving businesses with less than 25 employees or individuals with less than \$500,000 net worth.

Punitive damages in product liability suits would be limited to twice the level of other damages, including lost wages, medical bills and pain and suffering. For small businesses and individuals, the limit would be put at \$250,000 or twice the level of other damages.

The new version, as introduced by Dole and Sen. Paul Coverdell, R-Ga., drops Dole's earlier proposal to limit punitive damages in all civil cases.