

three Justices—Justice Souter, Justice O'Connor, and Justice Anthony Kennedy, all nominated by Republican Presidents.

So it seemed to me curious, to say the least, that there should be a call for his defeat because he had performed abortions, a medical procedure authorized by the Constitution of the United States.

Then issues were cited about character, about what representations Dr. Foster had made as to how many abortions he had performed. It then came to light that there had been an indication from the White House about some misinformation. Then other issues arose in a variety of contexts.

I believe that the hearings last week have laid all of those issues to rest. Dr. Foster was a compelling witness, a forceful witness on his own behalf and he answered all of the outstanding questions, so that there is no doubt about his good character or about his excellent service as a physician, or about his care for the poor and downtrodden, and about his excellent work as a doctor over many years.

I had occasion to meet personally with Dr. Foster and discuss at some length his own background and the issues which had been raised about him. It seemed to me at that time at that meeting, which was in early February, that his nomination certainly ought to go forward. I did not state at that time support for his nomination because it seemed appropriate to me that we await the hearings by the committee to see what would occur at that time. After reviewing the hearings and what occurred at the hearings, today I am confident that Dr. Foster ought to be confirmed as Surgeon General of the United States and, therefore, announce my intention to vote for him.

I was encouraged to see the media reports that our distinguished majority leader will meet with Dr. Foster, and I am hopeful that that meeting will produce a result that Dr. Foster's nomination will come to the floor.

I note the comments of the distinguished chairman of the committee, Senator KASSEBAUM, that Dr. Foster's nomination ought to come to the floor and ought to be voted upon, although I do not believe at this stage that Senator KASSEBAUM has stated whether her intention is to vote "aye" or "nay" on the nomination itself.

I am hopeful that there will not be a filibuster, as has been mentioned, on Dr. Foster. Any Senator has the right to handle that in any way that any Senator pleases, and any Senator has a right, as I now express my right to say that I hope that we will not be confronted by a filibuster.

But if we are, Mr. President, it is my sense of the Senate—and this is only one Senator speaking—that a filibuster will be defeated and that even Senators who think that Dr. Foster ought not to be confirmed as Surgeon General of the United States will not support a filibuster; that as a matter of fairness to

Dr. Foster, he ought to get his day in court, his day in the Senate for a "yes" or "no" vote; and that he ought not to have been railroaded out of town, as some have suggested, even without a hearing before the committee; and that he ought not to be railroaded out of town without the matter coming to the floor of the U.S. Senate; and that he ought not to be railroaded, or have his fate decided, without having the Senators vote "yes" or "no" on his confirmation.

So I am pleased to be in a position today, Mr. President, to say what I sensed when I met with Dr. Foster in early February, that he is truly a man who merits being confirmed as Surgeon General of the United States.

I think that it is time that we put to rest the issue of what is the law of the land of the United States of America with respect to a woman's right to choose. I personally am very much opposed to abortion, but I do not believe that it is a matter that can be controlled by the Government. I believe it is a matter for the woman's choice, it is a matter for the family, it is a matter for priests, rabbis, and ministers, and it is not to be determined by the Government of the United States. When we have decisions of the Supreme Court separated from 1992 back to 1973 and the law of the land stated in *Casey v. Planned Parenthood*, a decision written by three Justices for a majority of the Court, Justices appointed by Presidents Reagan and Bush, that that is the law of the land, we ought not to reject a nominee because he is performing medical procedures which are authorized by the Constitution.

I think it is time that the Senate of the United States faced up to that proposition squarely. I hope it will be done by having the nomination reported to the Senate floor and by having an up-or-down vote. I intend to vote "aye," and it is my prediction that Dr. Foster will be confirmed.

I thank the Chair and yield the floor. Mrs. FEINSTEIN addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California is recognized to speak up to 15 minutes.

#### A LOOK BACK AND A LOOK FORWARD

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, today, May 8, is V-E Day, which stands for Victory in Europe, and it marks the end of one front of the most disastrous event in modern human history.

The war in Europe was one in which 50 million civilians and military personnel alike died. It was not only a war, but a major crime against humanity.

Two out of three Jews in Europe were scientifically exterminated—a total of 6 million—along with 5 million other victims. In the Soviet Union, 27 million

people lost their lives. I visited Lenin-grad where you see 25,000 people in one mass grave, and these are plot after plot after plot. No country lost as much as did the people of the former Soviet Union.

The war spread death across six of the seven continents and all over the world's oceans. In the end, much of the heart of Western civilization lay in ruins.

Sixteen million one hundred twelve thousand Americans served in the U.S. Armed Forces during World War II, and they knew the ravages of war. Of these, more than 1 million were Californians; 408,000 Americans never came home. To these Californians and these Americans, I want to say you have my deepest respect, and I know I join with all of my Senate colleagues in saying thank you.

For me, I was one of the lucky ones: I was 11 years old, a girl, living in a flat in the Marina District of San Francisco. I remember the blackout shades, the submarine nets under the Golden Gate Bridge, troops shipping out from Fort Mason 6 blocks from my home and the Nike gun emplacements on the marina headlands and in the Presidio. As a lucky one in the land of the free and the home of the brave, for me there was no Auschwitz or Bergen-Belsen.

V-E Day represents a victory over fascism, paranoia and the most devastating war in history, all sparked and guided by one man. Probably the most infamous demagog the world has ever seen, Hitler was described by one of his early associates, Otto Streser, as a speaker "who touches each private wound on the raw, liberating the unconscious, exposing its innermost aspirations, telling it most what it wants to hear."

Jews and Slavs were referred to as "untermenschen," subhumans. Moscow, Leningrad, and Warsaw were hard hit, their industries left in ruins.

In "Mein Kampf," Hitler described what history has shown to be correct. He said:

The masses more readily fall victim to the big lie than the small lie, since they themselves often tell small lies \* \* \* it would never come into their heads to fabricate colossal untruths, and they would not believe that others have the impudence to distort the truth so infamously.

Millions, indeed, did fall victim to the big lie. Fanatical in his quest for personal power, Hitler withdrew Germany from the League of Nations, proclaiming that the European powers will "never act \* \* \* they'll just protest \* \* \* and they will always be too late."

In fact, the West's hesitance in the face of this evil has sullied the word "appeasement" for all time.

By 1943, Hitler held the power of life and death over 80 million Germans and more than twice that number of vanquished people.

After Hitler took his own life on April 30, 1945, and the end of the war

was in sight, devoted followers professed their determination to continue.

A Nazi-controlled newspaper said at the time:

The heart which beat only for us, the will which blazed only for us, the creative genius which thought and acted only for us, the voice which so often galvanized us—all this no longer exists! However low fate has brought events, Hitler's achievements will illuminate, far into the distant future, the epoch which began with him.

Now, 50 years later, these words offer an ominous warning. Modern-day paranoia, built upon elaborate conspiracy theories and fears, I am sorry to say, is still very much alive today.

For several years, we have seen an escalation in fundamentalist-inspired killings in Egypt and Algeria, the rise of neo-Nazism in Germany, nationalistic fervor in former Communist States, severe anti-immigrant backlash in France, and poison gas attacks in Japan.

The rise of fanaticism and the terrorism it spawns is ever increasing right here in the United States as well.

I think no event embodies this more than the Oklahoma City bombing.

Whatever the final outcome of the investigation into the bombing, a new—and, I believe eye-opening—look at the growing trend of extremism is taking place across the world.

In this country, so-called militias are growing in numbers, stockpiling vast arsenals, preaching hate and violence against this Government.

Here are some examples:

The Federal Emergency Management Agency has orders for Hispanics and African-Americans to be "rounded up and detained" in the event of a State of domestic national emergency.

That is false.

They say tax protesters, demonstrators against Government military intervention outside United States borders, and people who maintain weapons in their homes are the next targets.

That is false.

They say that FEMA advocates "the rounding up and transfer to 'assembly centers or relocation camps' of at least 21 million American Negroes."

That is false.

They say there are black helicopters with no markings spying on citizens. They say police officers were met by "armed men in black uniforms," reportedly from the Federal Government.

That is false.

They say U.N. troops are training to suppress America's people.

That is false.

They say Somalia was simply a practice run for occupying the United States.

That is false.

They point out that Russian trucks and personnel carriers are being imported as well as "100-car trains filled with United Nations equipment."

That is false.

They even say that Crips and Bloods—gangs that dominate some urban areas—are being trained to serve

as something called "shock troops" and "cannon fodder" for house-to-house searches conducted by "New World Order officers."

That is false.

So theories about black helicopters, modern day concentration camps, and mass raids abound, we find, throughout this land of the free and home of the brave. Even on Internet, this system is used to spread conspiracy theories across our land. Even a terrorist handbook is run on the Internet on how to build a bomb. I read this handbook, and they tell you how to break into university chemical labs, how to find the chemicals you need, and how to steal those chemicals.

Finally, we see neo-Nazism, even signs popping up here and there saying "whites only," and on and on and on.

One must ask the question on this very special day: Will the threats, the fear mongering, and the paranoia eventually fuel major bloodshed? Was it responsible for encouraging the terrible Oklahoma City bombing?

Two years ago, militia members warned about U.N. troops poised along the United States-Canadian border, ready for invasion. Thirty years ago, the John Birch Society warned of Chinese troops in box cars along the Mexican border. Fifty years ago, the most deadly of all wars ended.

History can teach us lessons if we want to learn. Or we can be doomed to repeat history time and time again.

We all pray that the Oklahoma City bombing is a one-time-only event.

Yet, as a country, this is a time for us to come together, to heal, to begin anew, to straighten with truth vicious lies, to look for what unites us and strengthens us as a people, an American people, to strengthen these bonds, rather than to seek what divides us.

The wounds of the past can guide us in the future. We simply need the determination and the political will to fight the fear and the paranoia that is still so strong in our society.

V-E Day is a chance to celebrate the conclusion of one of the darkest eras in our history. It is a chance to say thank you to those who gave their lives so that we might remain a free people.

Let us use this day to also look deeply at America as it exists today. There is a great deal of work to do to sort it out, to pull this country together before fear and intolerance rips us apart.

It is with the loving memory of the millions and millions of victims of World War II—and the hundreds of victims of the Oklahoma bombing—that I make these remarks today. And I give thanks to those who fought and died in Europe so that we may know freedom.

I thank the Chair and yield the floor.

Mr. GRAMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota [Mr. GRAMS], is recognized.

## PRODUCT LIABILITY

Mr. GRAMS. Mr. President, for the last 2 weeks we have had a serious debate over our Nation's broken liability system.

We have heard stores from supporters of the plaintiff's bar who claim that manufacturers are putting products on the market with little regard for consumer safety.

And we have also heard from supporters of manufacturers who have anecdotes of honest individuals who were sued for multimillion-dollar awards and settled out of court to avoid more costly legal fees, even when they were innocent.

Later today or tomorrow, there will be an effort by supporters of product liability reform to end debate, but before we do that, I wanted to make sure this body heard comments from a few of my constituents

An all-too-familiar story from America's small businesses is exemplified in a letter from Trade Mart Furniture's Jerry Johnson, a constituent from Rochester, MN.

Jerry writes:

I've experienced firsthand the effects of a frivolous lawsuit. After two years of court appearances, legal fees and countless hours, I won. It cost almost \$10,000 to defend myself. I thought the legal system was created to protect the citizen, not the profiteer.

Ann Hartman of Hartman Tree Farms in Victoria, MN, states, "I am tired of seeing lawyers make so much money off the tragedies of others."

And a couple from Menahga, MN, who own Burkel Turkey Farms writes:

The system now is a free-for-all for the money-hungry and the lawyers. There are far too many people out there that feel the system owes them something.

We are at the mercy of dishonest people who are only out for a buck. It's different if a person has a legitimate claim, but something must be done to maintain a fair legal system for the honest people of this world.

Mr. President, these are just a few of the comments I have received throughout my tenure as a representative from Minnesota, and as a small businessman myself, I understand the effects of the threat of a potential lawsuit.

The fact is that almost 90 percent of all U.S. companies can expect to be named in a product liability lawsuit. The present liability system costs Americans \$300 billion a year and like most Americans, my Minnesota constituents are concerned about the devastating effects the liability system has on them.

Recent polls continue to show strong support for liability reform: 83 percent believe the present liability system has problems and should be improved, while 89 percent believe that "too many lawsuits are being filed in America today."

Our current system benefits the lawyers and the dishonest. It treats both plaintiffs and defendants unfairly. Inconsistent laws force both sides to sacrifice time and money on unpredictable