

## GUN POSSESSION

Mr. LAUTENBERG. Mr. President, I want to talk about a piece of legislation that I have proposed that was approved here in this body by a vote of 97 to 2. They approved an amendment that I sponsored to ban wife beaters and child abusers from owning guns, from possessing guns. Yet, over the past couple of days, behind closed doors, there has been a determined effort to gut my proposal and to expose the battered woman and the abused child to an enraged man with a gun in his hand.

As I explained yesterday, there has been an attempt to undermine the proposal in four primary ways:

First, some sought to exclude child abusers from the ban by limiting its application only to "intimate partners."

Second, they sought to effectively give a waiver to every wife beater and child abuser who was convicted before this legislation goes into effect.

Third, they sought to render the ban entirely ineffective in the future by excusing anyone who did not get notice of the firearm ban when they were originally charged. So that includes all of those who committed domestic abuse, beat up their wives, beat up their kids who weren't told in advance there may be a serious penalty to take away their guns. What a pity. Instead, what they want to do, realistically, is make it prospective only. For those who didn't get notice, they can perhaps dodge out of a charge by saying, well, I did not get effective notice. It is a pity. Under my proposal—the language was in there very specifically, and we are going to insist it be retained.

Fourth, the watered-down language would excuse from the firearm ban anyone who was convicted in a trial heard by a judge only, as opposed to a jury. Now, this also, by itself, would render the gun ban largely meaningless, since most domestic violence cases are heard by judges and not juries.

Mr. President, faced with public criticism, opponents of a real ban have apparently retreated on one of these gutting provisions. They have agreed to language that ostensibly would put child abusers back within the ban.

Mr. President, it is critical to understand that this latest change is merely a figleaf. It is designed to obscure the fact that the watered-down proposal would leave virtually all wife beaters and child abusers with the ability to legally possess guns. It is purely a legislative sham, and no one should be fooled into believing otherwise.

Let me tell those who are within earshot what this sham is all about. First, under their proposed modifications of my legislation, no wife beater or child abuser would be prohibited from having firearms unless they had been told about the ban when they were originally charged. What a device for a clever defense—well, he didn't hear it, he didn't understand it, or his language wasn't up to snuff. My goodness.

The first effect of this language, Mr. President, is to completely excuse every wife beater and child abuser who has been convicted until this time. They would all be off the hook completely. We didn't know, we weren't aware, we weren't told; so, therefore, forget it. OK, be careful next time you hit your wife. Next time, don't have a gun present. They would all be off the hook completely. All of their battered wives and abused children would remain at risk of gun violence.

Mr. President, it would be bad enough if this extreme proposal only grandfathered in all currently convicted wife beaters and child abusers. But this notification language goes much further. It would also, in effect, leave most future wife beaters and child abusers free to have guns.

There is nothing in the watered-down language that requires anyone to tell the accused wife beaters and child abuser that they could lose their guns. As a matter of fact, with a wink of the eye, they can say, "He isn't a bad guy." As a practical matter, most abusers are unlikely to get such advance notice. Under this latest proposal, they would, thus, remain entirely free to keep their guns.

Nor is there any reason to limit the ban to those who get advance notice, Mr. President. After all, we do not make a requirement for anyone else accused of a crime to have previous knowledge of the prospective penalty. Felons are prohibited from having guns, regardless of whether they have been officially given notice or not. For them, ignorance of the law is no excuse. But under this latest proposal, it would be an excuse for a wife beater.

Mr. President, in essence, what has happened here is we proposed that no wife beater, no child abuser, whether retrospectively, retroactively, or in the future, ought to be able to have a gun, because we learned one thing—that the difference between a murdered wife and a battered wife is often the presence of a gun. In the couple of million cases every year that are reported about domestic abuse, in 150,000 cases that we are aware of, a gun was present, a gun was held to the temple of a battered wife or perhaps a child. And if that isn't trauma enough, the prospect of the pulled trigger could finally complete the task.

So, Mr. President, when we proposed this, and it was voted 97 to 2 favorably on this floor, and a couple of months before, in July, it had gone through here 100 to 0. It was unanimous, and it was a voice vote.

I hope those who would defeat this legislation are willing to face the American public and tell the truth of what they are about. They are supporting the NRA, and not the families of America.

I thank the Chair.

CIVIL JUSTICE REFORM: STILL  
DESPERATELY NEEDED

Mr. HATCH. Mr. President, I rise today to speak about civil justice reform. Many of us had high hopes for tort reform in the 104th Congress, which has been desperately needed for so many years. Unfortunately, President Clinton has blocked our litigation reform efforts with his stubborn defense of the status quo.

I was deeply disappointed with President Clinton's decisions to veto the securities litigation reform bill and then the product liability reform bill. Fortunately, Congress was able to override the securities veto and those important reforms became law over the President's tenacious opposition.

That was not the case with product liability reform. Despite over 15 years of bipartisan work in the Congress and despite the tireless efforts of Democrats like Senators ROCKEFELLER and LIEBERMAN, along with Republicans like Senators GORTON and PRESSLER, we have not been able to make one iota of progress in addressing the product liability crisis facing Americans.

Unfortunately, we have learned that President Clinton is unalterably opposed to tort reform and other litigation reform measures, no matter how badly needed they may be and no matter how much litigation is costing American consumers.

We should all be very clear about what happens here: Each time President Clinton sides with America's extremely powerful trial lawyers, America's consumers lose. And once again, President Clinton's rhetoric dismally fails to match his actions.

Litigation reforms are no less needed now than at the start of the 104th Congress. We simply have got to take some steps forward to alleviate the litigation tax that burdens American consumers, workers, small businesses, and others who ultimately pay the price imposed by high-cost lawsuits.

Litigation reform continues to be supported by the overwhelming majority of Americans. They have indicated their frustration over crazy lawsuits, outrageous punitive damage awards, and abusive litigation. They want change from a status quo that has been unfair and that has encouraged irresponsible litigation in this country. But because of the President's actions, they will not get the meaningful litigation relief they need from this Congress.

The costs of lawsuits in this country are extreme and are eating up valuable resources. These costs are passed along to consumers in the form of higher prices and higher insurance premiums. They are passed along to workers in the form of fewer job opportunities, and fewer and lesser pay and benefit increases. They are passed along to shareholders in the form of lesser dividends. These costs stifle the development of new products. Everyone in America pays a steep price for President Clinton's stubborn defense of a