

Let's also look at how this relates to our past debates over tort reform. The motivation behind national tort reform is that our system of justice has been distorted by a group of trial lawyers who caused the litigation explosion in this country.

At a minimum, it is highly ironic that we are now talking about passing a national tobacco settlement bill that will handsomely reward the very same trial lawyers who have so badly corrupted our justice system.

None of us should turn a blind eye to the fact that the debate on tobacco settlement legislation, under the guise of protecting youth, is really a debate about the pot of gold that potentially awaits the trial bar.

And that's not to mention the "tax and spenders" who want to fund a host of social programs unrelated to tobacco. Not only are we standing here debating a huge tax increase on working men and women, we are simultaneously opening a can of worms.

We're talking about sanctioning a handful of attorneys' attempts to enrich themselves at the expense of the clients—in this case, taxpayers—they purport to represent. I urge all my colleagues to give this serious thought.

This tobacco bill is not a lottery. This is not "jackpot justice" for trial lawyers. The trial lawyers are playing "Wheel of Fortune" with the taxpayers money and it must be stopped.

I urge you to support my amendment.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15.

Thereupon, at 12:47 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCAIN. Mr. President, I ask unanimous consent that no second-degree amendments be in order to amendment No. 2421 prior to a motion to table to be made at 5 p.m. I further ask unanimous consent that if the amendment is not tabled, Senator HOLLINGS be recognized to offer a relevant second-degree amendment and that the time between now and 5 p.m. be equally divided.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2421

Mr. HOLLINGS. Mr. President, in response to my distinguished colleague from North Carolina, Senator FAIRCLOTH, as the saying goes around here—and it is genuine—I have the greatest respect and friendship for the distinguished Senator. He and I have known each other for a good 30, 40 years almost.

I really am a little dismayed and disappointed to see this assault on attorneys' fees in the context of what is ethical on behalf of trial lawyers. When they put a billboard up with respect to ethical practices and making millions—we will get the board, I guess, and have it displayed.

But let me say a word, Mr. President, about lawyers themselves. A lot has occurred over my few years of public service. In the early days, what we had in the State legislature was about 85 percent of the membership was practicing attorneys. Today, fewer than 15 percent are practicing attorneys. That has come about, in a sense, as a result of billable hours.

When we came out of the war and set up our practices, what really occurred was we had to do services for the client, whether it was in the field of real estate, whether it was in the field of a criminal charge, or whatever. It was an agreed-to fee or, in many instances, a contingent fee on winning the case. That is how I grew up as an attorney, which characterizes me now as a "trial lawyer"—I hope not an unethical one.

I was listening very closely to the Senator from North Carolina. The best I can tell is he used the expression "litigation explosion." We can get into that. We have debated that, and we found through various studies made by the Rand Corporation for corporate America that there is no litigation explosion.

"Corrupted our justice system." The nearest thing I could find out was the fee itself, and it was too large, as the distinguished Senator surmised, and that in itself was unethical.

We know that people make money. I understand that the fellow on *Headline News* today, William Gates, a very, very successful entrepreneur, never completed college, but he is a genius with a business worth some \$39 billion. He makes, doing nothing, just \$125,000. I know he has a modest salary, but it would only go to the tax folks. But he operates, and he operates very successfully. They have 21,000 employees there at that Microsoft entity. Every one of the 21,000 is a millionaire due to the leadership and accomplishment of Mr. Gates.

Now, that is what is to be considered when we talk about trial lawyers taking on a noncase and developing a case. That really nettles my corporate

friends. Incidentally, I should say this, that the corporate friends have been mine over the many, many years, as they well know from my votes here in the U.S. Senate. And we are very proud of the industrial development we have in South Carolina and the efforts of our Chamber of Commerce there. They are highly regarded, highly respected. But they had not gotten into this limbo, so to speak, of being unethical when you win a case.

Specifically speaking, going to lawyers generally, it is the genius of America that fashioned this great Republic. Lawyers, if you please, you can go back, Mr. President, to the earliest days. "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take, but as for me, give me liberty or give me death!"—a lawyer, Patrick Henry.

Or otherwise that 30-some-year-old, with quill in hand, seated at that table, "We hold these truths self-evident, that all men are created equal."—Thomas Jefferson, the lawyer.

The most applicable one, Mr. President, to this present day, "But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the greatest difficulty lies in this: you must first enable the government to control the governed and in the next place oblige it to control itself."—that is our problem now—James Madison, a lawyer.

Or the Emancipation Proclamation—Abraham Lincoln, a lawyer. Or in the darkest days of the Depression, bringing about not only economic revival, but equal justice under law, "All we have to fear is fear itself."—Franklin Roosevelt, a lawyer. Or giving substance to equal justice under law—Thurgood Marshall.

I know the abhorrence some have for my friend, Morris Dees, down there with the Southern Poverty Law Center, or with Ralph Nader keeping the conscience clear with respect to consumer safety in America. But these are lawyers who are out leading the way.

There is no question, Mr. President, that there is no higher calling for a profession than to eliminate itself. If the ministers could eliminate all sin and the doctors all disease, we lawyers are burdened with the challenge of trying to eliminate injury in cases. When I first came to the Senate that was really what was at hand, what you might call class actions.

Up there in Buffalo, NY, Love Canal, toxic fumes, poisonous air. And as a result of the class actions there, the next thing you know what we had was the Environmental Protection Agency, which in and of itself, despite those who criticize the bureaucracy of it, has