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Folder Title:
Waukesha County Picnic 9/6/92 [OA 5812] [1]

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The only other point I want to make is that this is Labor Day, and to those hard workers across this country, don't let anybody tell you we are a Nation in decline. We're a Nation on the rise. Our workers are the most productive anyplace in the entire world.

So the big question is, how do we get this country moving so everybody that wants a job has one? And the answer is to spend a little less Government money, tax a little bit less, and stimulate the economy and get it going. And we're going to do that.

Thanks for a great welcome. And I just can't tell you how much we're looking forward to this walk. We'll set a good pace. And I plan to set that pace in November. We need you. Many, many thanks for your support.

Now let's go. We're off. Thank you all.

Note: The President spoke at 7:04 a.m. A tape was not available for verification of the content of these remarks.

**Remarks at the Republican Party
Labor Day Picnic in Waukesha,
Wisconsin**

September 7, 1992

Thank you so much. What a marvelous turnout. Waukesha knows how to do it. Thank you all very much. Barbara and I are delighted to be here. May I thank our great United States Senator Bob Kasten and say how lucky we are to have him and Eva in Washington, DC, two of the best. Please get out there and work hard in November. We've got to get more like him in the Senate. Of course, you heard from one of the great Governors in this country, Tommy Thompson, your own. I salute him and Sue Ann. I don't believe I've got a better supporter out there than Tommy Thompson.

May I greet Jim Sensenbrenner. If we had more like him in the Congress you wouldn't have everybody yelling, "Clean House." He's right. Most of them are wrong. We do need to clean House. That brings me to Joe Cook. I'd like to see him elected to the Congress. And then of course, John MacIver, an old friend who has been in these political trenches with me and Tommy and Bob Kasten for

a long time; we salute him. Here's a guy who rolls up his sleeves, like so many of you, and just goes to work for what he believes. It's a great part of American politics. I salute him and every other volunteer out there doing the Lord's work. We are going to win because of all of you.

Barbara and I started this morning up at the Mackinac Bridge in Michigan. With us today, incidentally, is Michigan's Governor John Engler over there, another great Republican, John. We had a brisk 50-minute walk across that magnificent Mackinac Bridge. So when we say it's great to be at a picnic, we know what we're talking about. It's nice to be here, no more walks.

Now, this Labor Day we gather at a triumphant moment in history. I can stand before you this morning and can say something no other President could ever say: The cold war is over, and freedom finished first.

But America is not a Nation that brags, not a Nation that looks behind. We are loyal only to the future. So this Labor Day we must rededicate ourselves to the future of all who punch the time clock, pay the bills, sweat it out at tax time. Our number one priority must be to build economic security for the working men and women of this great country of ours.

Today is the kickoff day for these campaigns. I think the American people feel this one has been going on about 10 months too long, and so do I. But nevertheless, this is the official kickoff day. My opponent will kick off his campaign with a message of fear, telling us that our country is in decline. But I ask you to look beneath the rhetoric and look at the facts.

Governor Clinton will tell you that we're a Nation in decline, slipping past Germany, headed south toward Sri Lanka, to use his words. Wrong, absolutely wrong, Governor Clinton. The world's most productive workers are not in Germany. They are not in Japan. They are right here in the United States of America. A lot of them right here today in Wisconsin.

Governor Clinton will tell you that American wages are slipping. And he doesn't mention that since 1985, our workers have earned bigger paychecks and benefits than any other workers in the world. I want to see them even

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better. Governor Clinton says that people are working harder for less. He won't mention that adjusted personal income is higher than it was 4 years ago. That's because inflation, the thief of the middle class, has been securely locked away.

Now, does this mean all is fine in America? Of course not. But at a time of uncertainty, a time of wrenching global challenge, Governor Clinton wants to scare American workers so that he can slip into office with the failed tax-and-spend policies of the past. Last night, I don't know if any of you heard that Tom Brokaw show, but last night the Governor appeared on the Brokaw show, and the first words out of his mouth were, "I have advocated a tax increase." Well, Governor, that is the wrong prescription for America.

He offers a treasure trove of new Government programs that will cost at least \$220 billion more of your money. I say you already give too much to the tax man. He wants to raise taxes by \$150 billion just to start; that's just for openers. I want to cut them and get the economy started in high gear.

You heard what Bob Kasten said; he's right. We've been trying to get through this gridlocked Congress some incentives that he and I believe in, locked because of the old thinking of the Democratic leadership that's been in power for 38 years.

So as this campaign gets into full swing, I make one promise. I will talk about real ideas: of making health care available to the poorest of the poor, controlling what you pay when you go to a doctor; about reforming welfare; giving our kids what they deserve, the world's very best schools. My policies will strengthen the most important institution in our Nation, and I am talking about the American family. The liberals are trying to back us away from discussing how to strengthen the family, and we are going to stay with it. America knows that the family is slipping, and we want to help strengthen it by child care and by support for these school choice and whatever it is, welfare reform. So let's keep talking about what America needs: strengthening the American family.

But today, as Governor Thompson said, I want to talk about another roadblock in the way of you and your families' economic security: our crazy, out-of-control legal system.

Don't just ask me about what's wrong with our legal system. Check the opinion of that famous enforcer of American justice. I'm not talking about Oliver Wendell Holmes or John Marshall. I mean someone even more famous than that: Hulk Hogan. My grandkids tell me that in his movie last year, Hulk Hogan was confronted with the predictable crop of bad guys, only the bad guys refused to fight. Instead they said, "This is the nineties; we're not going to fight you. We are going to sue you." [Laughter]

Well, I believe that one statement sums up a lot of what is wrong in America today. You pick up the newspaper, and the stories roll on out at you. Like the story, true story, about a basketball referee who made a controversial call at the buzzer of a Purdue-Iowa basketball game. Purdue won, and an Iowa souvenir company was suddenly left with a lot of victory souvenirs that weren't in all that much demand. So what did the company do? They sued the referee. Sound crazy? Well, it took 2 years and a lot of money before the case was dismissed by the State supreme court.

Now, understand, law is a noble and honorable profession; but most good lawyers will tell you that the system is out of control. In the past 20 years, the number of civil lawsuits filed in Federal courts has more than doubled. Today the average case takes almost a year to be resolved, and in the past year alone the number of cases were pending for 3 years increased by nearly 15 percent. That means you can file a suit, have time to enroll in a law school, study 3 years, graduate, pass the bar, and then represent yourself in court on the day the decision is handed down. Now, come on.

The NAM, the National Association of Manufacturers, has just finished looking at what this litigation explosion costs our economy. According to a soon-to-be-released study, American consumers and companies will spend up to \$200 billion on legal services this year, 200 billion dollars! American businesses now spend more on insurance and legal fees than on training and preparing our workers for the new economy. And that is crazy. As a Nation, I believe it's high time that we started suing each other less and caring for each other more. I have proposed a

comprehensive plan to reform our civil justice system.

And we reform our product liability laws. These laws allow people to be compensated for harm caused by a defective product. People ought to receive fair compensation when a product is defective and they get hurt. But like so much of our civil justice system, product liability has careened out of control.

Let me give you just one example. The Will-Burt Corporation of Orville, Ohio, stopped making parts for ladders and scaffolds and aircraft because they couldn't afford the liability insurance. That was bad news for the company's owners, but worse news for the 80 employees, all of whom got pink slips.

Here is the problem. The product liability laws vary from State to State, and the rules have encouraged these crazy lawsuits and outrageous awards. And the cost of insurance keeps going right out through the roof, keeps skyrocketing. Big deal, right? So companies have to pay extra for a few lawyers. But it's not just companies who foot the bill; we all pay higher prices for everything from medicine to stepladders. We never get to see a lot of good products because companies are afraid of excessive lawsuits.

Get this. Almost half of all the money paid out in these kinds of cases goes not to the injured party, but to the lawyers. I don't want to see only lawyers getting rich; I want to see American workers getting rich. And that's the problem. Our product liability system is killing our economic competitiveness, costing Americans secure jobs that you deserve. Our liability costs are many times greater than in Japan and in Europe. Every dollar we spend all around the courtroom is a dollar we won't spending on training, education, research, investment. It could be the difference between no jobs for our kids and good jobs for our kids.

Now, we have to do something about this. Luckily, your great Senator Bob Kasten understands this. He has been fighting to change the system. And he has put forth a plan, which I am for, working with him on, to speed the legal process, settle more cases out of court, and bring some rationality to the product liability system. Once again, a Wisconsin man is in the lead. Our plan is

proconsumer, probusiness, prosafety, and projobs. The day my pen signs Senator Kasten's bill is the day we stop undermining the American worker that we salute today on Labor Day.

So why then, if we have all these problems, do we face this crisis? Bob Kasten will tell you in three words, the gridlocked Congress. And that's why I'm here today.

Forty-four years ago next month, another incumbent President came through Waukesha. His name was Harry S Truman. Now, I admit it; Harry and I don't have everything in common. He believed in bigger Government; I don't share that view. But quite frankly, I voted against Truman that year. But still there are some similarities between us.

I've just read that fascinating book, this big, fat book on Truman, a marvelous biography. Harry Truman ran a small business. He knew what it was to meet a payroll, to work for a living in the private sector. And so do I. Harry Truman wanted to join the military and fight for his country. So do I, and I did. Harry Truman ran as an underdog, just as I am. And he liked it, and so do I. Harry Truman admitted when he made a mistake. And God knows I've done the same thing, and I've admitted it.

But most of all, Harry Truman was frustrated by what he called the do-nothing Congress. Listen to Truman's very own words from right here in this very town 44 years ago: "When I say do-nothing, I mean they"—meaning Congress—"have done nothing for the people. They have not listened to the people's demands."

Now, the gridlocked Congress hasn't listened to people either. One example: I favor a balanced budget amendment. So do you. The Congressman from this very district sponsored the balanced budget amendment and then turned around and voted against his own amendment on the House floor. That's what I mean when I say "gridlocked Congress." Clean House.

For years, Americans have complained about this crazy legal system, but once again the gridlocked Congress has refused to act on my reforms, or on Bob Kasten's reforms. Later this week, we finally get a Senate vote on the product liability reform. My message

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to the gridlocked Congress is simple: Either fix our legal system, stop undermining our workers, or we're going to take a broom and do some spring cleaning in November, because we are going to clean House.

Send me some good leaders who will listen to the people, the way this Senator does. Elect Joe Cook to the House of Representatives. Help clean House. That's the message. They talk about change, change the one institution that hasn't budged for 38 years. Change the House.

Well we're going to clean House, not just so companies spend less time paying lawyers, more time creating jobs, not just so moms and dads can coach Little League without fear of some crazy lawsuit. We're going to clean House so we bring down health care costs, so we improve our schools, we take back our streets from the criminals, and we start backing up our law enforcement officials more and more.

Now before I finish, it's worth mentioning that while I'm in Waukesha this morning, my opponent, guess where he is, he's in Harry Truman's hometown in Independence, Missouri. So let's just have some plain speaking about Bill Clinton, Governor Bill Clinton, and Harry Truman.

Harry Truman never engaged in double-speak. He told people the truth, not merely what they wanted to hear. Compare that to Governor Clinton's position on reforming our legal system. The head of the lawyers, the head of the trial lawyers in Arkansas, Trial Lawyers Association, said Governor Clinton has, and I quote, "always done what is right for the trial lawyers." I bet Harry Truman would have done what is right for the American people, not for the trial lawyers.

Whether it was the Soviet blockade of Berlin or the invasion of Korea, Harry Truman never flinched from the tough decision. Now, contrast that with Governor Clinton's waffling and wavering about whether he would have followed my lead and stood up to Saddam Hussein and his naked aggression.

Harry Truman prided himself on his own military service, and he frequently visited veterans associations and spoke with great pride about his service to his country.

Last but not least, Harry Truman believed America could not turn our back on the rest of the world, even despite the challenges here at home. Governor Clinton virtually ignores foreign policy and flirts with the dangerous idea of sticking America's head in protectionist sands.

Harry Truman said, "The buck stops here." On issue after issue, Governor Clinton says, "First, let's blame George Bush," and then, "I'll get back to you later with an answer." I'll tell you, if the bucks stops there, then Governor Clinton is offering devalued currency.

Harry Truman was a man of decisiveness, not equivocation. He'd find little in common with Governor Clinton, a man who hedges or ducks on almost every tough issue, a man who seems to feel strongly on both sides of almost every issue that are before this great Nation. I found out something in the Oval Office: You can't have it both ways. You've got to call it as you see it. You have to make the tough decision and then pay the consequences or get the credit. But you can't be on every side of every issue, waffling around, and call that leadership. That is not leadership.

You know, many people thought Harry Truman would lose in 1948. But he said what was on his mind. He didn't worry about the press. And he never lost faith in the United States of America.

I stand before you with the same passion and that same faith. I will talk about ideas for the next 57 days, ideas that matter, ideas that can deal with the real challenges facing this country, ideas that won't make everyone happy but that will be right for the United States of America.

And like Harry Truman, I believe a new age of America beckons and that we can reap the benefits. With your help, come November we will match our global victory with economic security here at home.

Thank you all for being here. And may God bless the United States of America on this very, very special day. Thank you all.

Note: The President spoke at 10:16 a.m. at the Waukesha County Exposition Grounds. In his remarks, he referred to John MacIver, Wisconsin Bush-Quayle campaign chairman.

A tape was not available for verification of the content of these remarks.

Remarks to the Community in Hamtramck, Michigan

September 7, 1992

Thank you, Paul. And thank you, Governor Engler. Thank you very, very much. I love this sign, of all the signs out there: "These are the Poles that count." You are the Poles that count.

Early this morning the Governor and his wife, Michelle, and Barbara and I all joined about 80,000 for a walk across the bridge up in northern Michigan. He didn't mention it, but I beat the Governor across the bridge. But he says he was just being polite and hanging back with the First Lady.

Today I don't want to talk about politics. I want to talk about something else, something that's near and dear to the hearts of everybody: freedom. May I recognize some of the outstanding leaders who are with us today: Monsignor Milewski; your great Mayor, Robert Kozaren; my friend the president of the Polish General Council who introduced me, Paul Odrobina; parade chairman Ted Koltowicz; and the grand marshal, Walter Budweil. Thank you all very much.

My fellow Americans, this past Independence Day I traveled to the heartland of Poland to bury a treasure. In the crypt of an ancient cathedral, I stood with President Walesa as the remains of the great patriot and artist Ignacy Paderewski were finally laid to rest in the rich and free Polish soil that conceived and sustained him. And the ripples from that moment, as his remains were consecrated to the earth on that warm summer day in Warsaw, are passing through this crowd here and now. Sons and daughters of Hamtramck, your forebearers came to this great country because they too could not countenance a Poland shackled by repression. Rather than cling to native soil bled dry by empty promises, they chose instead to flourish free on foreign soil and to make it their own. Today you are part of the great family that is America.

Fellow Americans, I am proud to be with you in Hamtramck on Labor Day. You are the blood and bone of Copernicus and Chopin and Curie. You are the sweat and sinew that built this city and this industry. And you are the voice and vision of your parents who struggled to be heard and won that struggle, that labor's voice may be heard always, always. You are the inspiration for Americans who watched and prayed and cheered through recent years as the great nation of Poland, racked by the rhythms of war and oppression, rose like a phoenix, a free nation once again.

We watched this new force, not pushing down from a tyrant but up from the people. We prayed for the nation of Poland, reborn, brimming with a new and different fluid of life, inspired by a Pope and by a passion for freedom, for freedom at last. We cheered a Gdansk electrician who electrified the world with the charge that all people should be free and be heard. We stood proud as American labor took to the forefront during the struggle, standing with Solidarity in its darkest hour, firm in the belief that the dream was real.

I stood before you right here in Hamtramck, right here 3 years ago, with this message: Communism has left an ugly scar on Poland. It will heal, but with pain, the pain of insecurity and insolvency. I pledged America's help. Today I return to you to say that this country and our allies have responded forcefully.

First, our concern for Poland's security. On that day here 3 years ago, I called for an end to the cold war. Thank God, the cold war has ended, and thank God, freedom won. America will do what's right to make certain Poland never again braves the chilling tomb of communism.

And second, our concern for Polish solvency. It's been said that communism is not a form of economics, it's the death of economics. So 3 years ago, I called for all to rally 'round with economic efforts to help pull Poland from an economic grave. I called for giving Poland preferred trade treatment so she can reach out to the world through exports. I called for reducing Poland's debt to ease her burden. I called for investors to help unleash the explosive entrepreneurial

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MESSAGE NO. 58 CLASSIFICATION UNCLASS PAGES 22
FROM J BUNTON 7750 111.5
(Name) (Phone Number) (Room No.)

MESSAGE DESCRIPTION STARTING COMMENTS FROM
JUSTICE DEPT. AND BOYDEN GRAY

LOCATION
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AF 1

DELIVER TO
STEVE PROVED
CHRISTINA MARTIN

REMARKS:

Here you go! Hope the next
event is DRY!
JTB

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE COVER SHEET

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DATE: 9/4

TRANSMITTED TO:

White House Speechwriting

TELEPHONE NUMBER: 202-456-2930

FAX NUMBER: 202-456-6218

TRANSMITTED FROM:

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PAGES BEING SENT (EXCLUDING COVER SHEET): 9

MESSAGE/COMMENT:



Office of the Attorney General
Washington, D. C. 20530

September 4, 1992

MEMORANDUM TO: PAUL KORFONTA
FROM: EUGENE SCALIA *ES*
SUBJECT: WISCONSIN PRODUCTS LIABILITY SPEECH

I am faxing pages on which the Justice Department has comments. Explanations follow. Some of the substantive changes carry great significance. Bear in mind that the bar has been aggressive in attacking the numbers used in this argument.

Page 3: We cannot verify the comparison of law students to others.

We have no reliable report that the average case takes a year. (We have a median at 9 months.) I have proposed a fudge, but recognize its weakness.

Bottom of page 4: Delete reference to accountant suits because the surge is due to suits arising out of the S & L mess, with a very high portion being brought by the federal government.

Page 5: The "individual legal crisis," and the defendants you place in it, are new to me. The distinction you are drawing is between procedural and substantive problems: how about, "The first is that the rules governing lawsuits in this country need drastic overhaul."

Our legislative proposal is to experiment, in certain federal cases, with the English Rule. I think we can be made to squirm if we do not leave this out for ourselves, and instead call for a universal English Rule.

The last two paragraphs are hard to follow. I've proposed changes but I'm not sure what was intended.

Page 6: The system does not protect consumers "not at all." Similarly, it is not credible that we would be safer without product liability law, or that only lawyers benefit. (If so, no one would bring suits!) Whoppers this big the President will get called on.

We can't verify lawyers' take in products liability cases heard by juries. We can suggest: "Nearly half [42 percent] of the legal fees and expenses in tort cases end up in the pockets of lawyers."

We cannot verify the liability cost figures. We can offer: "Tort costs in the U.S. take a bite out of our GNP six times as big as their effect on Japan's, and 5 times as big as the effect of tort costs on Britain's GNP."

Page 7: We do not want one product liability law. Such a broad statement by the President will be quoted on the floor of the Senate, and will hurt us.

We cannot verify that only U.S. and Britain have punitive damages; I doubt it (Australia?).

Page 8: No one here believes that a product liability bill has passed the House -- check this statement carefully.

These stories may make us chuckle, but they make me worry. Worry that our nation is in the grips of a litigation explosion - and it's impact is being felt everywhere.

Let me be clear -- I have nothing against lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. But lets consider a few facts.

The number of lawyers has almost doubled in the past 20 years. Would you believe the U.S. has more lawyers than West Germany, Canada, England, Wales, Japan, Switzerland and France combined? Well, we don't. We have ^{more than} twice as many lawyers as all these countries. (And this year, more people will graduate from law school than from engineering, medicine and computer programs combined.)

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What do all these lawyers do? Lots of things. But primarily, they sue. In the past 20 years, the number of lawsuits filed in federal courts ^{more than} has doubled. Today, the average case ^{often} takes a year to be resolved -- and in the past year alone -- the number of cases that were pending for 1 year, increased by ^{nearly} 15 percent.

Civil
Take all

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, and represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, the National Association of Manufacturers has just finished looking at that question. According to a soon to be released

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The White House-

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study, American companies spend \$200 billion dollars on direct costs to lawyers. Keep in mind, that doesn't even count the lawyers on their own payrolls, or the money they end up paying in court settlements.

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.)

Now, all these numbers and stories are impressive, but you might ask -- what does it mean to me? If you look around ~~Waukesha and Wisconsin~~, you'll see examples -- of how the legal crisis has crept into every crevice of our lives.

Ask Jack Perry, coach of football Spartans -- at East Brookfield High school.// Today, I'm told Jack and his team pay about \$150 bucks for every football helmet -- ten years ago they paid about a third of that. Why the price increase? Because 18 companies in 18 years have stopped selling helmets, because they can't afford the insurance. (Before this is over, we may go back to the days of Jim Thorpe -- when people played football without helmets. We will call that -- "progress.")

dit ~~Or ask Mike Yaktus of Madison. Mike is a CPA, and he says that so many people now sue accountants at the drop of a number, that this year four out of ten accountants in Wisconsin are going without insurance. The rest? They just pass the extra cost on to you -- their customers.~~

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You know the legal crisis has touched everyone -- when it becomes a topic of discussion for one of the noted commentators on the American scene. I'm not talking about Mike Royko or Ted Keppel. I'm talking about Hulk Hogan.

My grandkids tell me that in a movie last year -- Hulk Hogan asks the bad guys if they are going to beat him up. And the bad guys say -- "No, this is the nineties. We are going to sue you!"

What is America coming to? As a nation -- isn't it time that we sue each other less -- and care for each other more?//

We are up against two problems really. The first is the individual legal crisis -- crazy lawsuits against volunteers, teachers, doctors, coaches.

I've put forward a comprehensive reform of our Civil Justice System -- complete with specific proposals to solve disputes outside of the courthouse, to speed the ^{discovery} legal process, to control the use of ~~expert witnesses~~ ^{so-called experts in pseudo [or junk] sciences}, to control outrageous punitive damages. And I believe we should ~~copy~~ ^{end experiment with} practice from our friends in Britain -- and make the loser pay the winner's court fees. I have a feeling that would put a stop to people who just use the courts as harassment -- an expensive equivalent of a car horn.

But an equally important problem is what we call ^{product} liability ^{and} the insurance businesses must pay ^{as a result} to protect against damages caused by their products and services.

You might think ~~we~~ ^{that ability} need that protection, and you're right -- but the system is out of control.

wards

next suits

Told expert witness + "copy" ?

Don't sell suits support base dh

Our current product liability system often harms consumers.

Does our current product liability system protect the consumer's interests. Not all at all. Instead, we pay higher prices for everything from medicine to step ladders -- and companies get discouraged from even coming up with new products - for fear they'll get sued because the new products are safer than the old ones.

Well, what about people who are injured by a faulty product, and get a court award -- don't they benefit? Some do. But, more than half of all jury awards in product liability cases, ends up in the pockets of lawyers, not regular people.

Well, at least ~~product liability laws~~ keep us safer, right? Again, the answer is no. In Europe, Volvo offers parents a built-in child safety seat. You can't buy it here in the U.S. The company doesn't want to deal with our laws.

Our current product liability system is expensive, unsafe, and it only benefits lawyers. But we could still afford this mess -- if we were back the 1950's -- and our workers and companies faced no foreign competition.

Today, we don't have the luxury. Liability costs are 15 times greater than that in Japan, and 20 times greater than that in Europe. Our businesses -- especially our small businesses -- are staggering under a weight our competitors don't even carry.

The money we spend on legal explosion, is money we don't spend on training, education, research, investment. It means the difference between no jobs for our kids -- and good jobs for our kids.

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We have got to do something about this.

We have ideas to speed the legal process -- and settle more cases out of court -- which will help everyone.

And we want to have one national product liability law -- instead of the confusing 50 (ones) we have today. We want to put a cap on punitive damages -- which don't even exist outside the U.S. and Great Britain. We ^{want} ~~want~~ to make it tougher for people to sue everyone involved with a product for all the damages. We want to bring some rationality to the system.

Boyd's version

on essential matters regardless of actual fault.

The plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The experts agree with us.

So what's the problem? Why do we still face this crisis? In a term, the Gridlock Congress.

I know you are sick of the blame-game in Washington, but keep this in mind. Many members of Congress were once trial lawyers. (Being a radio D.J. is about the only better training you can find.)

Like my opponent, Governor Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. So in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasseled loafers.

That's why product liability reform has been blocked. Not just for my three and a half years in office, but for almost a decade.

? |

| ?

8

But this week, we have a chance -- to make our workers more competitive with the Japanese and the Germans.

Out
Product liability reform will be up before the U.S. Senate. ~~It's passed the House --~~ and we believe we have the votes -- to pass the Senate.

But there's a catch -- something called "cloture." Now cloture sounds like something a doctor would give you to keep a wound shut. But it's not. It's the number of votes it takes -- to stop debate in the U.S. Congress. (As you can imagine, getting Congress to stop talking requires a little effort.)

We're not sure we have the votes for cloture. And here's the irony -- Congress may be able to stop the greatest legal reform in a decade -- by using a legal loophole.

I need your help. I need a labor day present for the American economy, and for the jobs of the future.

I need you to get on the phone and let Congress know, the American people are tired of reading about crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of losing jobs to the Europeans and the Japanese.//

What troubles me so about our litigation crisis, is that it is so at odds with the true nature of America.

By suing each other for every insult every incrimination, every injury -- we naively attempt to rid our world of risk. Yes, we should not be reckless, but risk is part of life, part of America.

*John
Tucker
up
An
now
attuned*

9

Think about it. As a nation we bring together people of every color and every creed -- but all of us have the same background in this respect. At some time, as our ancestors looked at their lives and said -- lets take a risk, take a chance on something else.

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903, had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

Thank you for listening. God bless Michigan. God Bless the United States of America.

Wisconsin

lets take it

• • •

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/4/92 **77 SEP 4 P8:31** ACTION/CONCURRENCE/COMMENT DUE BY: TODAY, 9/4 5:00 PM

SUBJECT: PRESIDENTIAL REMARKS: WAUKESHA COUNTY PICNIC
WAUKESHA, WISCONSIN - SUNDAY, 9/6

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCBRIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOORE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MULLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PETERSMEYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BATES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BRADY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PROVOST	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BROMLEY	<input type="checkbox"/>	<input type="checkbox"/>	ROSS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTWILER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ZOELICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>KAUFMAN</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>MCGROARTY</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HORNER	<input type="checkbox"/>	<input type="checkbox"/>	<u>BOSKIN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REMARKS:
Please forward your comments directly to Dan McGroarty, Rm. 122, x2930, no later than 5:00 p.m., TODAY, FRI. SEPT. 4, with a copy to this office. Thank you.

RESPONSE:
*Comments attached
the changes on pp. 5-7 are*

PHILLIP D. BRADY
Assistant to the President
and Staff Secretary
Ext. 2700

Provost/Bunton

2 SEP 4 P2:18

Presidential Remarks
Waukesha County Picnic
Waukesha Wisconsin
Sunday, Sept. 6, 1992

Thank you Governor Tommy Thompson.

Today is Labor Day -- and it is traditional to give a flowery oration -- full of praise of all those who punch a clock for a living.

But I'm not going to do that today. This is an uncertain time for all our American workers. Our economy is undergoing a global transition -- and we are feeling the impact in our workplaces -- in our homes.

You deserve more than talk from your political leaders, you need answers. Answers to the most pressing question before America today -- how can we guarantee that we will remain not just a military superpower -- but an export superpower, and an economic superpower //

I have an agenda for action to win the global economic competition -- the same way we won the Cold War.// We need to revolutionize our schools, fix our health care system, provide incentives for saving and investment, strengthen the American family, and give you relief from a government that spends too much -- and takes too much of your money //

2

But this afternoon, I want to have a serious discussion -- about another roadblock that must be cleared from the path of America's economic progress.

This roadblock is made not of granite and stone, but paper -- legal memos and briefs and decisions -- piled so high that they block our efforts to create new jobs for you and our kids.

Now, if you're like me, one of the first things you do every morning is sit down and read the newspaper. (When you work in politics, you start with Garfield, then work your way to the other stuff up front).

Like you -- I'll occasionally see a story that makes me stop and say -- "huh?"

Like the woman who was on an Eastern Airline flight, when the pilot came over the intercom, warning passengers to prepare for a possible crash landing. The pilot landed the jet safely, but the woman sued the airlines for millions of dollars anyway. She claimed the mere warning of a crash had caused her -- and I quote -- "psychic agony."

Or maybe some of you remember the story about the basketball referee, who made a controversial call at the buzzer of a Purdue-Iowa basketball game. Purdue won the game, and an Iowa souvenir company was suddenly left with victory T-shirts that weren't in all that high demand. So what did the company do? They sued the referee. Sound absurd? The case ended up before the State Supreme Court.

These stories may make us chuckle, but they make me worry. Worry that our nation is in the grips of a litigation explosion - - and its impact is being felt everywhere.

Let me be clear -- I have nothing against lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. But let's consider a few facts.

The number of lawyers has almost doubled in the past 20 years. Would you believe the U.S. has more lawyers than West Germany, Canada, England, Wales, Japan, Switzerland and France combined? Well, we don't. We have twice as many lawyers as all those countries. And this year, more people will graduate from law school than from engineering, medicine and computer programs combined.

What do all these lawyers do? Lots of things. But primarily, they sue. In the past 20 years, the number of lawsuits (filed in federal courts?) has doubled. Today, the average case takes a year to be resolved -- and in the past year alone -- the number of cases that were pending for 3 years, increased by 15 percent.

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, and represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, the National Association of Manufacturers has just finished looking at that question. According to a soon to be released

OVP (Solon should have the answer)

[Handwritten mark]

[Handwritten mark]

4

study, American companies spend \$200 billion dollars on direct costs to lawyers. Keep in mind, that doesn't even count the lawyers on their own payrolls, or the money they end up paying in court settlements.

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.)

Now, all these numbers and stories are impressive, but you might ask -- what does it mean to me? If you look around Waukesha and Wisconsin, you'll see examples -- of how the legal crisis has crept into every crevice of our lives.

Ask Jack Perry, Coach of football Spartans, -- at East Brookfield High school. // Today, I'm told Jack and his team pay about \$150 bucks for every football helmet -- ten years ago they paid about a third of that. Why the price increase? Because 18 companies in 18 years have stopped selling helmets, because they can't afford the insurance. (Before this is over, we may go back to the days of Jim Thorpe -- when people played football without helmets. We will call that -- "progress.")

Or ask Mike Yaktus of Madison. Mike is a CPA, and he says that so many people now sue accountants at the drop of a number, that this year four out of ten accountants in Wisconsin are going without insurance. The rest? They just pass the extra cost on to you -- their customers.

Football fear
Johel

You know the legal crisis has touched everyone -- when it becomes a topic of discussion for one of the noted commentators on the American scene. I'm not talking about Mike Royko or Ted Koppel. I'm talking about Hulk Hogan.

My grandkids tell me that in a movie last year -- Hulk Hogan asks the bad guys if they are going to beat him up. And the bad guys say -- "No, this is the nineties. We are going to sue you!"

What is America coming to? As a nation -- isn't it time that we sue each other less -- and care for each other more?//

We are up against two problems really. The first is the individual legal crisis -- crazy lawsuits against volunteers, teachers, doctors, coaches.

I've put forward a comprehensive reform of our Civil Justice System -- complete with specific proposals to solve disputes outside of the courthouse, to speed the legal process, to control the use of expert witnesses, to control outrageous punitive damages. And I believe we should copy a practice from our friends in Britain -- and make the loser pay the winner's court fees. I have a feeling that would put a stop to people who just use the courts as harassment -- ^{as} ~~an expensive~~ ^{substitute for} ~~equivalent of a car~~ horn.

Out
Out

Fohl
Fohl

~~insurance~~ count awards that
But an equally important problem is what we call -- product liability -- ~~the insurance~~ ^{for} ~~businesses must pay to protect against~~ damages caused by their products and services.

You might think -- we need that protection, and you're right -- but the system is out of control.

even as a joke, ~~you~~
cavalier, and I'm not sure
people will get it.

The reality of our ~~current~~ product liability system is that

Out

~~Does our current product liability system protect the~~ *we*
~~consumer's interests. Not all at all. Instead, we pay higher~~
prices for everything from medicine to step ladders -- and *jobs*
companies get discouraged from even coming up with new products -
- for fear they'll get sued, ~~because the new products are safer~~
~~than the old ones.~~

Well, what about people who are injured by a faulty product, *again the reality is that*
and get a court award -- don't they benefit? Some do. But, *more*
~~than half~~ of all jury awards in product liability cases, *go into half*
~~ends up~~
in the pockets of lawyers, not regular people. *jobs*

Well, at least product liability laws keep us safer, right?
Again, the answer is no. In Europe, Volvo offers parents a
built-in child safety seat. You can't buy it here in the U.S.
The company doesn't want to deal with our laws.

Out

Our current product liability system is expensive, unsafe,
and it only benefits lawyers. But we could still afford this
mess -- if we were back the 1950's *and* our workers and
companies faced no foreign competition. *jobs*

Today, we don't have the luxury. Liability costs are 15
times greater than ~~that~~ in Japan, and 20 times greater than ~~that~~
in Europe. Our businesses -- especially our small businesses --
are staggering under a weight our competitors don't even carry. *jobs*

Out The money we spend on legal ~~explosion~~ *costs* is money we don't
spend on training, education, research, investment. It means the
difference between no jobs for our kids -- and good jobs for our
kids. *jobs*

We have got to do something about this.

We have ideas to speed the legal process -- and settle more cases out of court -- which will help everyone.

And we want to have ~~one~~ ^a national product liability law ~~for~~ ^{that}

~~instead of the confusing 50 (ones) we have today. We want to put~~

a cap on punitive damages -- which ~~don't~~ ^{don't} even exist outside the

U.S. and Great Britain. ~~We want to make it tougher for people~~

~~to sue everyone involved with a product, for all the damages. We~~

want to bring some rationality to the system.

The plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The experts agree with us.

So what's the problem? Why do we still face this crisis?

In a ~~term~~ ^{word}, the Gridlock Congress.

I know you are sick of the blame-game in Washington, but keep this in mind. Many members of Congress were once trial lawyers. (Being a radio D.J. is about the only better training you can find.)

Like my opponent, Governor Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. So in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers.

That's why product liability reform has been blocked. Not just for my three and a half years in office, but for almost a decade.

verbally don't put a joke

my knowledge, we have never proposed legislation into prod. sub laws not curbing their excesses.

Point and several liability is a concept Conroy a spec

Phase out

boke

Think about it. As a nation we bring together people of every color and every creed -- but all of us have the same background in this respect. At some time, as our ancestors looked at their lives ^{they} ~~and~~ said -- let's take a risk, take a chance on something else.

Ship ✓

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903 had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

✓

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

Thank you for listening. God bless ^{Wisconsin} Michigan. God Bless the United States of America.

Agree
let's
take
eh

#

5 Sept. 1992\

TO STEVE PROVOST
somewhere on the campaign trail, USA
FROM JBunton

Steve:

Here's a great example to illustrate --- "Dad's won't coach little league anymore" language --- here's why:

"In 1982 a Little League Coach in Runnemede, NJ was sued by the family of a child hit in the eye by a misjudged flyball. Lawyers for the family argued that the 10-year-old was a natural shortstop, and the coach had been negligent in repositioning him to the outfield. After 2 years of haggling, the case was settled for \$25,000."

From article: "A Thousand Points of Fright" -- reprinted in Feb. 91 Insurance Review. by David O. Weber

Also here is legal reform as went to Zoellick -- with your edits and info you request I find and add

JOSH BOLTEN just phoned to say "This year GORE voted against product liability twice -- once in committee and again on Senate floor. Also suggested Oppo should look into how much Gore got from trial lawyers for his re-election campaigns.....

ONE MORE TIME -
IN CASE YOU
DIDN'T GET THIS
YET
JB

PLCC Product Liability Coordinating Committee

1001 Nineteenth Street North
Suite 800
Arlington, Virginia 22209
(703) 276-5045
Fax (703) 276-5024

Committed to Fair Federal Product Liability Reform

John J. Castellani, Chairman
William D. Foy, Executive Director

OK THIS

HIGHLIGHTS OF TESTIMONY BEFORE THE SENATE SMALL BUSINESS COMPETITION SUBCOMMITTEE

NOVEMBER 7, 1991

*Small biz.
Prod.
liability
amend*

"The tangled web of 50 different laws on product liability threatens this innovative spirit among small business owners. There is too much uncertainty for businesses operating in or attempting to break into the national marketplace. Potential liability is unpredictable once a product enters interstate commerce."

"...the Will-Burt Corporation of Orville, Ohio was forced to close plants and lay off 80 workers because the company stopped making parts for ladders, scaffolds, and aircraft -- products that encountered potential liability costs...the Chief Executive Officer of the Will-Burt Corporation...emphasized to me that product liability reform is not just a good idea for the purposes of increasing small business profits -- it's a necessity for small business survival."

"The threat of liability cannot be underestimated...what it will do is make further innovation in a product line less appealing."

R. Wendell Moore
Acting Chief Counsel for Advocacy
U.S. Small Business Administration

"Small businesses are active suppliers to the lead firms in the automobile, aircraft, and pharmaceutical industries...to the extent that lead companies are harmed by liability problems, then the supplier firms to these industries, which are largely small firms, are definitely injured."

w/ DM Edits

9/5
2:30 pm

From: Dan McGrath / Staff Secretary
Pls get to Steve Provost on AFI
This
LBJ

Provost/Bunton
Sept. 5, 1992 / 12:30 p.m.

Presidential Remarks
Waukesha County Picnic
Waukesha, Wisconsin
Sunday, Sept. 6, 1992 - 10:00AM
Mon 7

Thank you Governor Tommy Thompson.

Today is Labor Day -- the day we honor American workers --
the most productive men and women in the entire world.

So today, I want to talk to you about a problem that affects
you and every other worker -- our crazy, out-of control - legal
system.

A serious discussion about legal reform may seem a little
odd as a topic for a picnic. But I think you deserve more than
talk from your political leaders -- you need answers. Answers to
the most pressing question before America today -- how can we
guarantee that we will remain not just a military superpower --
but an export superpower, and an economic superpower./.

As I see it, our current legal system is a roadblock that
must be cleared from the path of America's economic progress.

Let me start by talking about a famous American enforcer of
justice. I don't mean Oliver Wendell Holmes or John Marshall.
I mean someone more famous than that. I mean -- Hulk Hogan./.

My grandkids tell me that in his movie last year -- Hulk
Hogan was confronted with the predictable crop of bad guys. Only
the bad guys refused to fight Hulk. Instead they said, "this is

the nineties -- we're not going to fight you. We are going to sue you."

I fear that one statement, sums up a lot of what is troubling America today.

Pick up the newspaper, the stories roll out at you.

Like by the now famous story about the basketball referee, who made a controversial call at the buzzer of a Purdue-Iowa basketball game. Purdue won the game, and an Iowa souvenir company was suddenly left with victory T-shirts that weren't in all that much demand. So what did the company do? They sued the referee. Sound crazy? It took two years, and a lot of money, before the case was dismissed by the State Supreme Court.

Are these crazy legal stories just intended to give us something to make our friends chuckle at backyard barbecues. I don't think so. It's much more serious than that.

Look around here in Wisconsin, right here in Waukesha.

Anybody here cheer for the football Spartans -- of East Brookfield High School?// I'm told Coach Jack Perry and his team now pay almost \$150 bucks for every football helmet -- 10 years ago they paid about a third of that. Why the price increase? Because over the past 18 years, 18 American companies have stopped selling football helmets -- because they can't afford the insurance. (Before this is over, we may go back to the days of Jim Thorpe -- when people played football without helmets. Is that progress?)

Ross

Now, Waukesha and Wisconsin aren't unique -- except in their physical beauty. This kind of thing is happening every day in every town across America. And we are all paying the price.

Now understand, this is not a criticism of lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. But the good lawyers will tell you, the system is out of control.

In the past 20 years, the number of lawsuits (filed in federal courts) has doubled. Today, the average case takes a year to be resolved -- and in the past year alone -- the number of cases that were pending for 3 years, increased by 15 percent.

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, pass the bar, and then represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, the National Association of Manufacturers has just finished looking at that question. According to a soon to be released study, Americans spend \$200 billion dollars on ^{legal services} ~~direct costs to~~ ~~lawyers~~. Keep in mind, that doesn't even count the lawyers on ^{company} ~~their own~~ payrolls, or the money they end up paying in court settlements. Spencer

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.) To me that's crazy. As a nation, I believe it's high Parker

time, that we started suing each other less, and caring for each other more.//

That is why I have sent Congress a comprehensive legislation to reform our Civil Justice System. It is complete with specific proposals. We want to solve more disputes early -- before they get dragged into the courtroom.// We want to speed the legal process -- there is no reason anyone can go through law school faster than it takes a court to reach a verdict. We want to put a lid on outrageous punitive damages, that strike terror into every mom and dad who wants to coach their kids football team.// And here's one big idea. I believe we should ^{adopt} ~~copy~~ a practice from our friends in Britain -- and ^{in appropriate cases} make the loser pay the winner's court fees. You think that T-shirt company would have sued that referee -- if they'd known they'd end up footing his legal bills?//

CHK
Agreement
Porter

This is one part of the crisis in our civil justice system - - what we call civil justice. But we also need change in our product liability laws. These are the laws that are supposed to allow people to be compensated for harm caused to them by a defective product. That's an important right and I am all for it. People ought to receive fair compensation when a product is defective and they get hurt.

But like so much of our civil justice system, product liability has careened out of control.

Let me give you an example of what I'm talking about: The Will-Burt Corporation of Orville, Ohio stopped making parts for

New
- not
revised

ladders, scaffolds, and aircraft -- because the products encountered potential liability costs. But the workers paid an even higher price -- the company was forced to close plants and lay off 80 employees.

in
Staffing

Here's the problem. The product liability laws vary from state to state and the rules have encouraged crazy lawsuits, and outrageous awards. The cost of defending these lawsuits has escalated. A lot of trial lawyers bring lawsuits, knowing that it is cheaper for companies to settle the case than to pay their own lawyers to defend them through trial. And the cost of insurance keeps skyrocketing.

Big deal, right? So companies have to pay extra for a few lawyers. But it's not just companies who foot the bill, we all pay higher prices -- for everything from medicine to step ladders.

It's worse than that. We've never seen a lot of good products -- because companies are afraid of ^(the) liability.

In Europe, for example, Volvo offers parents a car seat -- built right in the car. You can't buy one in the U.S. today -- and may never be able to. No company wants to deal with our laws.

And if you're in Europe, and you suffer from AIDS, you can get medical treatment you can't get in the United States. Medical companies are afraid of the liability.

Not
in
Staffing

But it's all worth it right, because when someone does get hurt, they can a big settlement? Again, that's not what's

happening. More than half of all the money awarded by juries in product liability cases, goes not to the injured party, but to the lawyers. Think about that. More than half of all the awards -- ends up in the pockets of ~~Brooks Brothers suits~~ lawyers.

McGrath
Confidential

But here's the real problem. Our product liability system is killing our economic competitiveness.

Liability costs are 15 times greater than that in Japan, and 20 times greater than that in Europe. Our businesses -- especially our small businesses -- are staggering under a weight our competitors don't even carry.

Every dollar we spend around a courtroom, is a dollar we won't spend on training, education, research, investment. It will be the difference between no jobs for our kids -- and good jobs for our kids.

We have to do something about this -- if we want our kids to have job. Luckily, Senator Bob Kasten understands this. He has been the fighter to change the system.

Bob has put forth a plan -- which I have endorsed -- to speed the legal process -- and settle more cases out of court -- which will help everyone.

Counsel

Counsel

We want ^{greater} uniformity in product liability law ^{AAA} instead of the confusing 51 separate standards we have today, We want ^{similar} ~~the same~~ rules for damages from one state to the next. We want to bring some rationality to the system.

These changes were made by phone w/ Counsel on Saturday @ 3:45 p.m. (McGrath)

Don
 The plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The day my pen signs Senator Kasten's bill -- is the day our workers get a leg up on other workers.

So what's the problem? Why do we still face this crisis? Bob Kasten will tell you the problem. The Gridlock Congress.

I know you are sick of the blame-game in Washington, but we can't ignore the facts.

Like my opponent, Mr. Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. Here's what one Arkansas trial lawyer wrote about ~~him~~^{my opponent} -- trying to raise money for the Clinton campaign: "I can never remember an occasion where he failed to do what was right where we trial lawyers are concerned." So ^{in my opponent's} in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers with a check in hand.

That's why product liability reform has been blocked, for almost two decades. In fact, trial lawyers' money has prevented product liability from ever ^{even} coming to a full vote.

But this very week, we have a chance -- to stop undermining our American workers.

Product liability reform will be up before the U.S. Senate. We believe we have the votes -- to pass the Senate.

But there's a ^{legal} catch -- something called "cloture." Now cloture sounds like something a doctor would give you after you cut your knee. But it's not. It's the number of votes it takes --to stop long-winded debate in the U.S. Congress. (As you can

of the trial lawyers

imagine, getting Congress to stop talking about anything requires some effort. In fact, it takes more votes to get them to stop talking -- than to pass a bill.)

While we have a majority of the Senate, we're not sure we have the extra votes for cloture. ^{So} here's the irony -- Congress may be able to stop the most-needed legal reform in a decade -- by using a legal loophole.

on our side + your side

Bob Kasten doesn't want that to happen -- and neither do I. I'll be ~~wrap up~~ ^{wrap up} I need a Labor Day present ^{for} the American economy, and for the jobs of the future.

I need you to get on the phone and let Congress know, the American people are tired of paying for crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of losing jobs to foreign competitors.//

10
11-2-7

What troubles me so about our litigation crisis, is that it is so at odds with the true nature of America.

[Revised conclusion]

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903, had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

Thank you for listening. God bless Wisconsin. God bless
the United States of America.

#

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR RON KAUFMAN

FROM: WALTER WHITE

SUBJECT: WAUKESHA COUNTY GOP PICNIC

You should be aware of the fact that while you have the dais participants list, there are a host of VIP's in the audience who you might want the President to know about.

- 1) Lt. Governor Scott McCallum
- 2) State Treasurer Cate Zueske
- 3) GOP State Chairman David Opitz
- 4) National Committeeman Mike Grebe
- 5) National Committeewoman Mary Buestra

- 6) Waukesha County GOP Chairman Margaret Olson
- 7) Waukesha County B/Q Chairman Mary Posko

- 8) Mr. Joe Cook, Candidate for Congress 4th District

September 4, 1992

WISCONSIN GOP WAUKESHA COUNTY PICNIC

DATE: Monday, September 7, 1992
TIME: 10:00 a.m.
LOCATION: Waukesha County Exposition Grounds
FROM: Ronald C. Kaufman

I. PURPOSE

To greet and thank supporters from Waukesha County and southeastern Wisconsin.

II. BACKGROUND

Approximately 5,000 Republican supporters are expected to be in attendance at this picnic which is sponsored by the Waukesha County Republican Party. Supporters have gathered from Waukesha County and the surrounding area.

This picnic will have a host of entertainment including a country western band, a barbershop quartet, square dancers and the St. John's Academy Military Band.

Waukesha County is one of the most Republican counties in the state. It is predominately agricultural with a slight mixture of manufacturing.

III. PARTICIPANTS

The President
Mrs. Bush
Senator Bob Kasten
Governor Tommy Thompson
Congressman Jim Sensenbrenner
Former Governor Lee Sherman Dreyfus, Master of Ceremonies
Approximately 5,000 local Republican supporters.

IV. SEQUENCE OF EVENTS

See Advance Office Schedule for details.

V. PRESS PLAN

Open.

VI. REMARKS

OH:

Martha Moore, NATIONAL COMMITTEEWOMAN

Bob Bennett, State chairman

Mike DeWine, Lt. Gov.

Bob Gardner, Cant for CONGRESS.

PAINESVILLE, OHIO

Bob Bennett, State Party Chairman

LOUISVILLE, KENTUCKY

Senator Mitch McConnell
Congressman Jim Bunning
Congressman Hall Rogers

David Williams, Candidate for U.S. Senate
Susan Stokes, Candidate for Congress (CD3)
Bob Gable, State party Chairman

MEMORADNUM FOR DAN MCGRORARTY

FROM: WALTER WHITE

SUBJECT: ACKNOWLEDGEMENTS FOR LABOR DAY TOUR

To the best of our understand, the following individuals will be present at the following events for acknowledgements should you choose to include them.

HAMTRAMCK LABOR DAY POLISH PARADE
HAMTRAMCK, MICHIGAN

Mayor Robert Kozaran, Mayor of Hamtramck
Governor John Engler
Paul Odrobina, President, President, Polish American Congress
Michigan Division

Mr. Ted Koltowicz, Parade Chairman
Mr. Walter Budweil, Grand Marshal

Mr. Donald Horkey, Master of Ceremonies
Dave Doyle, State Chairman, Michigan GOP

MACKINAC BRIDGE REMARKS

Governor John Engler
Lt. Governor Connie Binsfeld
Dave Doyle, State GOP Chairman
Mr. Phil Ruppe, Candidate for Congress
St. Senator George McManus
Shannon Brower, Candidate for St. Rep.

Mayor of St. Ignac....
Mayor of Mackinac City....

CHICAGO, ILLINOIS

Secretary of Veteran's Affairs Edward Derwinski
Governor Jim Edgar
Rich and Jane Williamson
Jack O'Malley, Cook County State's Attorney
Lou Kasper, City of Chicago Republican Chairman

George Ryan----not in attendnace.
No Congressman present.

WHITE HOUSE
SITUATION ROOM

PRECEDENCE: **IMMEDIATE**
PRIORITY
ROUTINE

RELEASER: *[Signature]*
DTG: 051059Z

MESSAGE NO. 10 CLASSIFICATION UNCLASS PAGES 11
FROM J BUNTON 7750 111.5
(Name) (Phone Number) (Room No.)
MESSAGE DESCRIPTION LEGAL REFORM WAUKESHA

LOCATION GREENVILLE DELIVER TO STEVE PROBST
CHRISTINA MARTIN

Photocopy-Preservation

REMARKS: READ MEMO AND
CITATION OF PROD. LIABILITY
IMPACT ON SM. BIS -
ATTACHED - LATER *B*

READ

5 Sept. 1992\

TO STEVE PROVOST
somewhere on the campaign trail, USA
FROM JBunton

Steve:

Here's a great example to illustrate --- "Dad's won't coach little league anymore" language --- here's why:

"in 1982 a Little League Coach in Runnemede, NJ was sued by the family of a child hit in the eye by a misjudged flyball. Lawyers for the family argued that the 10-year-old was a natural shortstop, and the coach had been negligent in repositioning him to the outfield. After 2 years of haggling, the case was settled for \$25,000."

From article: "A Thousand Points of Fright" -- reprinted in Feb. 91 Insurance Review. by David O. Weber

Also here is legal reform as went to Zoellick -- with your edits and info you request I find and add

JOSH BOLTEN just phoned to say "This year GORE voted against product liability twice -- once in committee and again on Senate floor. Also suggested Oppo should look into how much Gore got from trial lawyers for his re-election campaigns.....

Provost/Bunton
Sept. 5, 1992 / 12:30 p.m.

Presidential Remarks
Waukesha County Picnic
Waukesha, Wisconsin
Sunday, Sept. 6, 1992

Thank you Governor Tommy Thompson.

Today is Labor Day -- the day we honor American workers -- the most productive men and women in the entire world.

So today, I want to talk to you about a problem that affects you and every other worker -- our crazy, out-of control - legal system.

A serious discussion about legal reform may seem a little odd as a topic for a picnic. But I think you deserve more than talk from your political leaders -- you need answers. Answers to the most pressing question before America today -- how can we guarantee that we will remain not just a military superpower -- but an export superpower, and an economic superpower?

As I see it, our current legal system is a roadblock that must be cleared from the path of America's economic progress.

Let me start by talking about a famous American enforcer of justice. I don't mean Oliver Wendell Holmes or John Marshall. I mean someone more famous than that. I mean -- Hulk Hogan.//

My grandkids tell me that in his movie last year -- Hulk Hogan was confronted with the predictable crop of bad guys. Only the bad guys refused to fight Hulk. Instead they said, "this is

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the nineties -- we're not going to fight you. We are going to sue you."

I fear that one statement, sums up a lot of what is troubling America today.

Pick up the newspaper, the stories roll out at you.

Like by the now famous story about the basketball referee, who made a controversial call at the buzzer of a Purdue-Iowa basketball game. Purdue won the game, and an Iowa souvenir company was suddenly left with victory T-shirts that weren't in all that much demand. So what did the company do? They sued the referee. Sound crazy? It took two years, and a lot of money, before the case was dismissed by the State Supreme Court.

Are these crazy legal stories just intended to give us something to make our friends chuckle at backyard barbecues. I don't think so. It's much more serious than that.

Look around here in Wisconsin, right here in Waukesha.

Anybody here cheer for the football Spartans -- of East Brookfield High School?// I'm told Coach Jack Perry and his team now pay almost \$150 bucks for every football helmet -- 10 years ago they paid about a third of that. Why the price increase? Because over the past 18 years, 18 American companies have stopped selling football helmets -- because they can't afford the insurance. (Before this is over, we may go back to the days of Jim Thorpe -- when people played football without helmets. Is that progress?)

3

Now, Waukesha and Wisconsin aren't unique -- except in their physical beauty. This kind of thing is happening every day in every town across America. And we are all paying the price.

Now understand, this is not a criticism of lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. But the good lawyers will tell you, the system is out of control.

In the past 20 years, the number of lawsuits (filed in federal courts) has doubled. Today, the average case takes a year to be resolved -- and in the past year alone -- the number of cases that were pending for 3 years, increased by 15 percent.

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, pass the bar, and then represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, the National Association of Manufacturers has just finished looking at that question. According to a soon to be released study, Americans spend \$200 billion dollars on direct costs to lawyers. Keep in mind, that doesn't even count the lawyers on their own payrolls, or the money they end up paying in court settlements.

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.) To me that's crazy. As a nation, I believe it's high

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time, that we started suing each other less, and caring for each other more.//

That is why I have sent Congress a comprehensive legislation to reform our Civil Justice System. It is complete with specific proposals. We want to solve more disputes early -- before they get dragged into the courtroom.// We want to speed the legal process -- there is no reason anyone can go through law school faster than it takes a court to reach a verdict. We want to put a lid on outrageous punitive damages, that strike terror into every mom and dad who wants to coach their kids football team.// And here's one big idea. I believe we should copy a practice from our friends in Britain -- and make the loser pay the winner's court fees. You think that T-shirt company would have sued that referee -- if they'd known they'd end up footing his legal bills?//

This is one part of the crisis in our civil justice system - - what we call civil justice. But we also need change in our product liability laws. These are the laws that are supposed to allow people to be compensated for harm caused to them by a defective product. That's an important right and I am all for it. People ought to receive fair compensation when a product is defective and they get hurt.

But like so much of our civil justice system, product liability has careened out of control.

Let me give you an example of what I'm talking about: The Will-Burt Corporation of Orville, Ohio stopped making parts for

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ladders, scaffolds, and aircraft -- because the products encountered potential liability costs. But the workers paid an even higher price -- the company was forced to close plants and lay off 50 employees.

Here's the problem. The product liability laws vary from state to state and the rules have encouraged crazy lawsuits, and outrageous awards. The cost of defending these lawsuits has escalated. A lot of trial lawyers bring lawsuits, knowing that it is cheaper for companies to settle the case than to pay their own lawyers to defend them through trial. And the cost of insurance keeps skyrocketing.

Big deal, right? So companies have to pay extra for a few lawyers. But it's not just companies who foot the bill, we all pay higher prices -- for everything from medicine to step ladders.

It's worse than that. We've never seen a lot of good products -- because companies are afraid of liability.

In Europe, for example, Volvo offers parents a car seat -- built right in the car. You can't buy one in the U.S. today -- and may never be able to. No company wants to deal with our laws.

And if you're in Europe, and you suffer from AIDS, you can get medical treatment you can't get in the United States. Medical companies are afraid of the liability.

But it's all worth it right, because when someone does get hurt, they can a big settlement? Again, that's not what's

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happening. More than half of all the money awarded by juries in product liability cases, goes not to the injured party, but to the lawyers. Think about that. More than half of all the awards -- ends up in the pockets of Brooks Brothers suits.

But here's the real problem. Our product liability system is killing our economic competitiveness.

Liability costs are 15 times greater than that in Japan, and 20 times greater than that in Europe. Our businesses -- especially our small businesses -- are staggering under a weight our competitors don't even carry.

Every dollar we spend around a courtroom, is a dollar we won't spend on training, education, research, investment. It will be the difference between no jobs for our kids -- and good jobs for our kids.

We have to do something about this -- if we want our kids to have job. Luckily, Senator Bob Kasten understands this. He has been the fighter to change the system.

Bob has put forth a plan -- which I have endorsed -- to speed the legal process -- and settle more cases out of court -- which will help everyone.

We want uniformity in product liability law -- instead of the confusing 51 separate standards we have today. We want to have the same rules for damages from one state to the next. We want to bring some rationality to the system.

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The plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The day my pen signs Senator Kasten's bill -- is the day our workers get a leg up on other workers.

So what's the problem? Why do we still face this crisis? Bob Kasten will tell you the problem. The Gridlock Congress.

I know you are sick of the blame-game in Washington, but we can't ignore the facts.

Like my opponent, Mr. Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. Here's what one Arkansas trial lawyer wrote about him -- trying to raise money for the Clinton campaign: "I can never remember an occasion where he failed to do what was right where we trial lawyers are concerned." So in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers with a check in hand.

That's why product liability reform has been blocked, for almost two decades. In fact, trial lawyers' money has prevented product liability from ever coming to a full vote.

But this very week, we have a chance -- to stop undermining our American workers.

Product liability reform will be up before the U.S. Senate. We believe we have the votes -- to pass the Senate.

But there's a catch -- something called "cloture." Now cloture sounds like something a doctor would give you after you cut your knee. But it's not. It's the number of votes it takes --to stop long-winded debate in the U.S. Congress. (As you can

8

Imagine, getting Congress to stop talking about anything requires some effort. In fact, it takes more votes to get them to stop talking -- than to pass a bill.)

While we have a majority of the Senate, we're not sure we have the extra votes for cloture. And here's the irony -- Congress may be able to stop the most-needed legal reform in a decade -- by using a legal loophole.

Bob Rasten doesn't want that to happen -- and neither do I. I need a Labor Day present for the American economy, and for the jobs of the future.

I need you to get on the phone and let Congress know, the American people are tired of paying for crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of losing jobs to foreign competitors.//

What troubles me so about our litigation crisis, is that it is so at odds with the true nature of America.

[Revised conclusion]

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903, had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

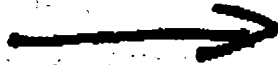
9

Thank you for listening. God bless Wisconsin. God bless
the United States of America.

* * *

PLCC**Product Liability Coordinating Committee**1001 Nineteenth Street North
Suite 800
Arlington, Virginia 22209
(703) 276-5045
Fax (703) 276-5024

Committed to Fair Federal Product Liability Reform

John J. Castellani, Chairman
William D. Fay, Executive Director**HIGHLIGHTS OF TESTIMONY BEFORE THE
SENATE SMALL BUSINESS COMPETITION SUBCOMMITTEE****NOVEMBER 7, 1991****SMALL BUS
ANEC DOTE**

"The tangled web of 50 different laws on product liability threatens this innovative spirit among small business owners. There is too much uncertainty for businesses operating in or attempting to break into the national marketplace. Potential liability is unpredictable once a product enters interstate commerce."

"...the Will-Burt Corporation of Orville, Ohio was forced to close plants and lay off 80 workers because the company stopped making parts for ladders, scaffolds, and aircraft -- products that encountered potential liability costs...the Chief Executive Officer of the Will-Burt Corporation...emphasized to me that product liability reform is not just a good idea for the purposes of increasing small business profits -- it's a necessity for small business survival."

"The threat of liability cannot be underestimated...what it will do is make further innovation in a product line less appealing."

R. Wendell Moore
Acting Chief Counsel for Advocacy
U.S. Small Business Administration

"Small businesses are active suppliers to the lead firms in the automobile, aircraft, and pharmaceutical industries...to the extent that lead companies are harmed by liability problems, then the supplier firms to these industries, which are largely small firms, are definitely injured."

WHITE HOUSE
SITUATION ROOM

PRECEDENCE: IMMEDIATE
PRIORITY
ROUTINE

RELEASER: *[Signature]*

DTG: 06 1750 SEP 92

64

MESSAGE NO. X CLASSIFICATION UNCLASS PAGES 5

FROM J BUNTON 7750 111.5
(Name) (Phone Number) (Room No.)

MESSAGE DESCRIPTION STUFF FOR WAKESHA

LOCATION AF 1

DELIVER TO CHRISTINA MARTIN

Photocopy-Preservation

REMARKS: SO DID YOU GET THE GAME BALL? SEE YOU ROUND LIKE A DONUT IF YOU DONT THEN SQUAD. HEY TO MELLILD HEAD - JB

6 SEPTEMBER 1992 // 1:30 PM

MEMORANDUM FOR CHRISTINA MARTIN

FROM: JEANNIE BUNTON 

SUBJECT: LEGAL REFORM / STATUS FROM THIS END

-----//

GENE SCALIA NOT AROUND // J. SCHMITZ ASKED MARK PAOLETTA TO LOOK OVER DRAFT.

MARK ASKED FOR COPIES OF AND I HAVE PROVIDED:

LATEST VERSION OF SPEECH [I GAVE HIM A COPY OF VERSION SENT TO ME THROUGH SIT ROOM.]

SCALIA'S STAFFING COMMENTS

MASTER FACT CHANGE

MARK IS WORKING WITH POC AT DOJ. I WILL BE HERE 'TIL. MARK OR I WILL SEND HIS CHANGES TO YOU AND PHIL ON THE ROAD.

ALSO ATTACHED ARE COLOR AND TRIVIA FOR WAUKESHA AND TRUMAN'S REMARKS WHEN HE VISITED THERE.....

MAIL US SOME FROZEN CHICAGO STYLE PIZZA!!! WE'LL NEED IT FOR THESE LONG CAMPAIGN NIGHTS -- IN FACT I'M HUNGRY NOW! WILL LOOK FOR YOU ON TV TOMORROW. SO SMILE.

OK w/changes.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/4/92

92 SEP 8 9:55

ACTION/CONCURRENCE/COMMENT DUE BY: TODAY, 9/4 5:00pm!!!

PRESIDENTIAL REMARKS: WAUKESHA COUNTY PICNIC

SUBJECT: WAUKESHA, WISCONSIN - SUNDAY, 9/6

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCBRIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOORE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MULLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PETERSMEYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BATES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BRADY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PROVOST	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BROMLEY	<input type="checkbox"/>	<input type="checkbox"/>	ROSS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTWILER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ZOELICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KAUFMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MCGROARTY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HORNER	<input type="checkbox"/>	<input type="checkbox"/>	BOSKIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward your comments directly to Dan McGroarty, Rm. 122, x2930, no later than 5:00 p.m., TODAY, FRI. SEPT. 4, with a copy to this office. Thank you.

92 SEP 8 9:55

RESPONSE:

PHILLIP D. BRADY
Assistant to the President
and Staff Secretary
Ext. 2702

Provost/Bunton

12 SEP 4 P2:18

Presidential Remarks
Waukesha County Picnic
Waukesha Wisconsin
Sunday, Sept. 6, 1992


Thank you Governor Tommy Thompson.

Today is Labor Day -- and it is traditional to give a flowery oration -- full of praise of all those who punch a clock for a living.

But I'm not going to do that today. This is an uncertain time for all our American workers. Our economy is undergoing a global transition -- and we are feeling the impact in our workplaces -- in our homes.

You deserve more than talk from your political leaders, you need answers. Answers to the most pressing question before America today -- how can we guarantee that we will remain not just a military superpower -- but an export superpower, and an economic superpower.//

I have ~~an agenda~~ ^{a strong blueprint} for action to win the global economic competition -- the same way we won the Cold War.// We need to revolutionize our schools, fix our health care system, provide incentives for saving and investment, strengthen the American family, and give you relief from a government that spends too much -- and takes too much of your money.//



But this afternoon, I want to have a serious discussion -- about another roadblock that must be cleared from the path of America's economic progress.

This roadblock is made not of granite and stone, but paper -- legal memos and briefs and decisions -- piled so high that they block our efforts to create new jobs for you and our kids.

Now, if you're like me, one of the first things you do every morning is sit down and read the newspaper. ~~(When you work in politics, you start with Garfield, then work your way to the other stuff up front).~~

Doesn't work.

Like you -- I'll occasionally see a story that makes me stop and say -- "huh?"

Like the woman who was on an Eastern Airline flight, when the pilot came over the intercom, warning passengers to prepare for a possible crash landing. The pilot landed the jet safely, but the woman sued the airlines for millions of dollars anyway. She claimed the mere warning of a crash had caused her -- and I quote -- "psychic agony."

Or maybe some of you remember the story about the basketball referee, who made a controversial call at the buzzer of a Purdue-Iowa basketball game. Purdue won the game, and an Iowa souvenir company was suddenly left with victory T-shirts that weren't in all that high demand. So what did the company do? They sued the referee. Sound absurd? The case ended up before the State Supreme Court.

These stories may make us chuckle, but they make me worry. Worry that our nation is in the grips of a litigation explosion - - and it's impact is being felt everywhere.

Let me be clear -- I have nothing against lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. But let's consider a few facts.

The number of lawyers has almost doubled in the past 20 years. Would you believe the U.S. has more lawyers than West Germany, Canada, England, Wales, Japan, Switzerland and France combined? Well, we don't. We have twice as many lawyers as all those countries. And this year, more people will graduate from law school than from engineering, medicine and computer programs combined.

What do all these lawyers do? Lots of things. But primarily, they sue. In the past 20 years, the number of lawsuits (filed in federal courts?) has doubled. Today, the average case takes a year to be resolved -- and in the past year alone -- the number of cases that were pending for 3 years, increased by 15 percent.

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, and represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, the National Association of Manufacturers has just finished looking at that question. According to a soon to be released

Grant!
[Signature]

study, American companies spend \$200 billion dollars on direct costs to lawyers. Keep in mind, that doesn't even count the lawyers on their own payrolls, or the money they end up paying in court settlements.

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.)

Good

Now, all these numbers and stories are impressive, but you might ask -- what does it mean to me? If you look around Waukesha and Wisconsin, you'll see examples -- of how the legal crisis has crept into every crevice of our lives.

Ask Jack Perry, Coach of football Spartans -- at East Brookfield High school.// Today, I'm told Jack and his team pay about \$150 bucks for every football helmet -- ten years ago they paid about a third of that. Why the price increase? Because 18 companies in 18 years have stopped selling helmets, because they can't afford the insurance. (~~Before this is over, we may go back to the days of Jim Thorpe -- when people played football without helmets. We will call that -- "progress."~~)

ND-

Or ask Mike Yaktus of Madison. Mike is a CPA, and he says that so many people now sue accountants at the drop of a number, that this year four out of ten accountants in Wisconsin are going without insurance. The rest? They just pass the extra cost on to you -- their customers.

You know the legal crisis has touched everyone -- when it becomes a topic of discussion for one of the noted commentators on the American scene. I'm not talking about Mike Royko or Ted Koppel. I'm talking about Hulk Hogan.

My grandkids tell me that in a movie last year -- Hulk Hogan asks the bad guys if they are going to beat him up. And the bad guys say -- "No, this is the nineties. We are going to sue you!"

What is America coming to? As a nation -- isn't it time that we sue each other less -- and care for each other more?//

We are up against two problems really. The first is the individual legal crisis -- crazy lawsuits against volunteers, teachers, doctors, coaches.

I've put forward a comprehensive reform of our Civil Justice System -- complete with specific proposals to solve disputes outside of the courthouse, to speed the legal process, to control the use of expert witnesses, to control outrageous punitive damages. And I believe we should copy a practice from our friends in Britain -- and make the loser pay the winner's court fees. I have a feeling that would put a stop to people who just use the courts as harassment -- an expensive equivalent of a car horn.

But an equally important problem is what we call -- product liability -- the insurance businesses must pay to protect against damages caused by their products and services.

You might think -- we need that protection, and you're right -- but the system is out of control.

Does our current product liability system protect the consumer's interests. Not all at all. Instead, we pay higher prices for everything from medicine to step ladders -- and companies get discouraged from even coming up with new products - - for fear they'll get sued because the new products are safer than the old ones.

Well, what about people who are injured by a faulty product, and get a court award -- don't they benefit? Some do. But, more than half of all jury awards in product liability cases, ends up in the pockets of lawyers, not regular people.

Well, at least product liability laws keep us safer, right? Again, the answer is no. In Europe, Volvo offers parents a built-in child safety seat. You can't buy it here in the U.S. The company doesn't want to deal with our laws.

Our current product liability system is expensive, unsafe, and it only benefits lawyers. But we could still afford this mess -- if we were back the 1950's -- and our workers and companies faced no foreign competition.

Today, we don't have the luxury. Liability costs are 15 times greater than that in Japan, and 20 times greater than that in Europe. Our businesses -- especially our small businesses -- are staggering under a weight our competitors don't even carry.

The money we spend on legal explosion, is money we don't spend on training, education, research, investment. It means the difference between no jobs for our kids -- and good jobs for our kids.

We have got to do something about this.

We have ideas to speed the legal process -- and settle more cases out of court -- which will help everyone.

And we want to have one national product liability law -- instead of the confusing 50 ~~laws~~ ^{state laws} we have today. We want to put a cap on punitive damages -- which don't even exist outside the U.S. and Great Britain. We won't to make it tougher for people to sue everyone involved with a product for all the damages. We want to bring some rationality to the system. ✓

The plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The experts agree with us.

So what's the problem? Why do we still face this crisis? In a term, the Gridlock Congress.

I know you are sick of the blame-game in Washington, but keep this in mind. Many members of Congress were once trial lawyers. (Being a radio D.J. is about the only better training you can find.)

Like my opponent, Governor Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. So in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers.

That's why product liability reform has been blocked. Not just for my three and a half years in office, but for almost a decade.

But this week, we have a chance -- to make our workers more competitive with the Japanese and the Germans.

Product liability reform will be up before the U.S. Senate. It's passed the House -- and we believe we have the votes -- to pass the Senate.

But there's a catch -- something called "cloture." Now cloture sounds like something a doctor would give you to keep a wound shut. But it's not. It's the number of votes it takes -- to stop debate in the U.S. Congress. (As you can imagine, getting Congress to stop talking requires a little effort.)

We're not sure we have the votes for cloture. And here's the irony -- Congress may be able to stop the greatest legal reform in a decade -- by using a legal loophole.

I need your help. I need a labor day present for the American economy, and for the jobs of the future.

I need you to get on the phone and let Congress know, the American people are tired of reading about crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of losing jobs to the Europeans and the Japanese.//

What troubles me so about our litigation crisis, is that it is so at odds with the true nature of America.

By suing each other for every insult every incrimination, every injury -- we naively attempt to rid our world of risk. Yes, we should not be reckless, but risk is part of life, part of America.

Think about it. As a nation we bring together people of every color and every creed -- but all of us have the same background in this respect. At some time, as our ancestors looked at their lives and said -- lets take a risk, take a chance on something else.

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903, had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

Thank you for listening. God bless Michigan. God Bless the United States of America.

#

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/4/92 ACTION/CONCURRENCE/COMMENT DUE BY: TODAY, 9/4 5:00pm!!!

PRESIDENTIAL REMARKS: WAUKESHA COUNTY PICNIC
 SUBJECT: WAUKESHA, WISCONSIN - SUNDAY, 9/6

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCBRIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	x MOORE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	x MULLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PETERSMEYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BATES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BRADY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	x PROVOST	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BROMLEY	<input type="checkbox"/>	<input type="checkbox"/>	ROSS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTWILER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	x ZOELICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KAUFMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MCGROARTY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HORNER	<input type="checkbox"/>	<input type="checkbox"/>	BOSKIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward your comments directly to Dan McGroarty, Rm. 122, x2930, no later than 5:00 p.m., TODAY, FRI. SEPT. 4, with a copy to this office. Thank you.

RESPONSE:

Called 4:15

PHILLIP D. BRADY
 Assistant to the President
 and Staff Secretary
 Ext. 2702

Provost/Bunton

Presidential Remarks
Waukesha County Picnic
Waukesha Wisconsin
Sunday, Sept. 6, 1992

Thank you Governor Tommy Thompson.

Today is Labor Day -- and it is traditional to give a flowery oration -- full of praise of all those who punch a clock for a living.

But I'm not going to do that today. This is an uncertain time for all our American workers. Our economy is undergoing a global transition -- and we are feeling the impact in our workplaces -- in our homes.

You deserve more than talk from your political leaders, you need answers. Answers to the most pressing question before America today -- how can we guarantee that we will remain not just a military superpower -- but an export superpower, and an economic superpower.//

I have an agenda for action to win the global economic competition -- the same way we won the Cold War.// We need to revolutionize our schools, fix our health care system, provide incentives for saving and investment, strengthen the American family, and give you relief from a government that spends too much -- and takes too much of your money.//

But this afternoon, I want to have a serious discussion -- about another roadblock that must be cleared from the path of America's economic progress.

This roadblock is made not of granite and stone, but paper -- legal memos and briefs and decisions -- piled so high that they block our efforts to create new jobs for you and our kids.

Now, if you're like me, one of the first things you do every morning is sit down and read the newspaper. (When you work in politics, you start with Garfield, then work your way to the other stuff up front).

Like you -- I'll occasionally see a story that makes me stop and say -- "huh?"

Like the woman who was on an Eastern Airline flight, when the pilot came over the intercom, warning passengers to prepare for a possible crash landing. The pilot landed the jet safely, but the woman sued the airlines for millions of dollars anyway. She claimed the mere warning of a crash had caused her -- and I quote -- "psychic agony."

Or maybe some of you remember the story about the basketball referee, who made a controversial call at the buzzer of a Purdue-Iowa basketball game. Purdue won the game, and an Iowa souvenir company was suddenly left with victory T-shirts that weren't in all that high demand. So what did the company do? They sued the referee. Sound absurd? The case ended up before the State Supreme Court.

These stories may make us chuckle, but they make me worry. Worry that our nation is in the grips of a litigation explosion - - and it's impact is being felt everywhere.

Let me be clear -- I have nothing against lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. But lets consider a few facts.

The number of lawyers has almost doubled in the past 20 years. Would you believe the U.S. has more lawyers than West Germany, Canada, England, Wales, Japan, Switzerland and France combined? Well, we don't. We have twice as many lawyers as all those countries. And this year, more people will graduate from law school than from engineering, medicine and computer programs combined.

What do all these lawyers do? Lots of things. But primarily, they sue. In the past 20 years, the number of lawsuits (filed in federal courts?) has doubled. Today, the average case takes a year to be resolved -- and in the past year alone -- the number of cases that were pending for 3 years, increased by 15 percent.

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, and represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, the National Association of Manufacturers has just finished looking at that question. According to a soon to be released

study, American companies spend \$200 billion dollars on direct costs to lawyers. Keep in mind, that doesn't even count the lawyers on their own payrolls, or the money they end up paying in court settlements.

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.)

Now, all these numbers and stories are impressive, but you might ask -- what does it mean to me? If you look around Waukesha and Wisconsin, you'll see examples -- of how the legal crisis has crept into every crevice of our lives.

Ask Jack Perry, Coach of football Spartans -- at East Brookfield High school.// Today, I'm told Jack and his team pay about \$150 bucks for every football helmet -- ten years ago they paid about a third of that. Why the price increase? Because 18 companies in 18 years have stopped selling helmets, because they can't afford the insurance. (Before this is over, we may go back to the days of Jim Thorpe -- when people played football without helmets. We will call that -- "progress.")

Or ask Mike Yaktus of Madison. Mike is a CPA, and he says that so many people now sue accountants at the drop of a number, that this year four out of ten accountants in Wisconsin are going without insurance. The rest? They just pass the extra cost on to you -- their customers.

You know the legal crisis has touched everyone -- when it becomes a topic of discussion for one of the noted commentators on the American scene. I'm not talking about Mike Royko or Ted Koppel. I'm talking about Hulk Hogan.

My grandkids tell me that in a movie last year -- Hulk Hogan asks the bad guys if they are going to beat him up. And the bad guys say -- "No, this is the nineties. We are going to sue you!"

What is America coming to? As a nation -- isn't it time that we sue each other less -- and care for each other more?//

We are up against two problems really. The first is the individual legal crisis -- crazy lawsuits against volunteers, teachers, doctors, coaches.

I've put forward a comprehensive reform of our Civil Justice System -- complete with specific proposals to solve disputes outside of the courthouse, to speed the legal process, to control the use of expert witnesses, to control outrageous punitive damages. And I believe we should copy a practice from our friends in Britain -- and make the loser pay the winner's court fees. I have a feeling that would put a stop to people who just use the courts as harassment -- an expensive equivalent of a car horn.

But an equally important problem is what we call -- product liability -- the insurance businesses must pay to protect against damages caused by their products and services.

You might think -- we need that protection, and you're right -- but the system is out of control.

Does our current product liability system protect the consumer's interests. Not all at all. Instead, we pay higher prices for everything from medicine to step ladders -- and companies get discouraged from even coming up with new products - - for fear they'll get sued because the new products are safer than the old ones.

Well, what about people who are injured by a faulty product, and get a court award -- don't they benefit? Some do. But, more than half of all jury awards in product liability cases, ends up in the pockets of lawyers, not regular people.

Well, at least product liability laws keep us safer, right? Again, the answer is no. In Europe, Volvo offers parents a built-in child safety seat. You can't buy it here in the U.S. The company doesn't want to deal with our laws.

Our current product liability system is expensive, unsafe, and it only benefits lawyers. But we could still afford this mess -- if we were back the 1950's -- and our workers and companies faced no foreign competition.

Today, we don't have the luxury. Liability costs are 15 times greater than that in Japan, and 20 times greater than that in Europe. Our businesses -- especially our small businesses -- are staggering under a weight our competitors don't even carry.

The money we spend on legal explosion, is money we don't spend on training, education, research, investment. It means the difference between no jobs for our kids -- and good jobs for our kids.

We have got to do something about this.

We have ideas to speed the legal process -- and settle more cases out of court -- which will help everyone.

And we want to have one national product liability law -- instead of the confusing 50 (ones) we have today. We want to put a cap on punitive damages -- which don't even exist outside the U.S. and Great Britain. We won't to make it tougher for people to sue everyone involved with a product for all the damages. We want to bring some rationality to the system.

The plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The experts agree with us.

So what's the problem? Why do we still face this crisis? In a term, the Gridlock Congress.

I know you are sick of the blame-game in Washington, but keep this in mind. Many members of Congress were once trial lawyers. (Being a radio D.J. is about the only better training you can find.)

Like my opponent, Governor Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. So in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers.

That's why product liability reform has been blocked. Not just for my three and a half years in office, but for almost a decade.

But this week, we have a chance -- to make our workers more competitive with the Japanese and the Germans.

Product liability reform will be up before the U.S. Senate. It's passed the House -- and we believe we have the votes -- to pass the Senate.

But there's a catch -- something called "cloture." Now cloture sounds like something a doctor would give you to keep a wound shut. But it's not. It's the number of votes it takes -- to stop debate in the U.S. Congress. (As you can imagine, getting Congress to stop talking requires a little effort.)

We're not sure we have the votes for cloture. And here's the irony -- Congress may be able to stop the greatest legal reform in a decade -- by using a legal loophole.

I need your help. I need a labor day present for the American economy, and for the jobs of the future.

I need you to get on the phone and let Congress know, the American people are tired of reading about crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of loosing jobs to the Europeans and the Japanese.//

What troubles me so about our litigation crisis, is that it is so at odds with the true nature of America.

By suing each other for every insult every incrimination, every injury -- we naively attempt to rid our world of risk. Yes, we should not be reckless, but risk is part of life, part of America.

Think about it. As a nation we bring together people of every color and every creed -- but all of us have the same background in this respect. At some time, as our ancestors looked at their lives and said -- lets take a risk, take a chance on something else.

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903, had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

Thank you for listening. God bless Michigan. God Bless the United States of America.

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9/5

2:30 pm

For: Dan McGraw / Staff Secretary

✓ Pls get to Steve Provost re AFI

Thks

RBZ

Changes made
BI-sync to L'ville
Call by JF
9/5/92
4pm

Provost/Bunton
Sept. 5, 1992 / 12:30 p.m.

Presidential Remarks
Waukesha County Picnic
Waukesha, Wisconsin
Sunday, Sept. 6, 1992

Thank you Governor Tommy Thompson.

Today is Labor Day -- the day we honor American workers -- the most productive men and women in the entire world.

So today, I want to talk to you about a problem that affects you and every other worker -- our crazy, out-of control - legal system.

A serious discussion about legal reform may seem a little odd as a topic for a picnic. But I think you deserve more than talk from your political leaders -- you need answers. Answers to the most pressing question before America today -- how can we guarantee that we will remain not just a military superpower -- but an export superpower, and an economic superpower //

As I see it, our current legal system is a roadblock that must be cleared from the path of America's economic progress.

Let me start by talking about a famous American enforcer of justice. I don't mean Oliver Wendell Holmes or John Marshall. I mean someone more famous than that. I mean -- Hulk Hogan //

My grandkids tell me that in his movie last year -- Hulk Hogan was confronted with the predictable crop of bad guys. Only the bad guys refused to fight Hulk. Instead they said, "this is

the nineties -- we're not going to fight you. We are going to sue you."

I fear that one statement, sums up a lot of what is troubling America today.

Pick up the newspaper, the stories roll out at you.

Like by the now famous story about the basketball referee, who made a controversial call at the buzzer of a Purdue-Iowa basketball game. Purdue won the game, and an Iowa souvenir company was suddenly left with victory T-shirts that weren't in all that much demand. So what did the company do? They sued the referee. Sound crazy? It took two years, and a lot of money, before the case was dismissed by the State Supreme Court.

Are these crazy legal stories just intended to give us something to make our friends chuckle at backyard barbecues. I don't think so. It's much more serious than that.

Look around here in Wisconsin, right here in Waukesha.

Anybody here cheer for the football Spartans -- of East Brookfield High School?// I'm told Coach Jack Perry and his team now pay almost \$150 bucks for every football helmet -- 10 years ago they paid about a third of that. Why the price increase? Because over the past 18 years, 18 American companies have stopped selling football helmets -- because they can't afford the insurance. (Before this is over, we may go back to the days of Jim Thorpe -- when people played football without helmets. Is that progress?)

Now, Waukesha and Wisconsin aren't unique -- except in their physical beauty. This kind of thing is happening every day in every town across America. And we are all paying the price.

Now understand, this is not a criticism of lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. But the good lawyers will tell you, the system is out of control.

In the past 20 years, the number of lawsuits (filed in federal courts) has doubled. Today, the average case takes a year to be resolved -- and in the past year alone -- the number of cases that were pending for 3 years, increased by 15 percent.

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, pass the bar, and then represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, the National Association of Manufacturers has just finished looking at that question. According to a soon to be released study, Americans spend \$200 billion dollars on direct costs to lawyers. Keep in mind, that doesn't even count the lawyers on their own payrolls, or the money they end up paying in court settlements.

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.) To me that's crazy. As a nation, I believe it's high

time, that we started suing each other less, and caring for each other more.//

That is why I have sent Congress a comprehensive legislation to reform our Civil Justice System. It is complete with specific proposals. We want to solve more disputes early -- before they get dragged into the courtroom.// We want to speed the legal process -- there is no reason anyone can go through law school faster than it takes a court to reach a verdict. We want to put a lid on outrageous punitive damages, that strike terror into every mom and dad who wants to coach their kids football team.// And here's one big idea. I believe we should copy a practice from our friends in Britain -- and make the loser pay the winner's court fees. You think that T-shirt company would have sued that referee -- if they'd known they'd end up footing his legal bills?//

This is one part of the crisis in our civil justice system -
 - what we call civil justice. But we also need change in our product liability laws. These are the laws that are supposed to allow people to be compensated for harm caused to them by a defective product. That's an important right and I am all for it. People ought to receive fair compensation when a product is defective and they get hurt.

But like so much of our civil justice system, product liability has careened out of control.

Let me give you an example of what I'm talking about: The Will-Burt Corporation of Orville, Ohio stopped making parts for

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Do you
 Need?

ladders, scaffolds, and aircraft -- because the products encountered potential liability costs. But the workers paid an even higher price -- the company was forced to close plants and lay off 80 employees.

Here's the problem. The product liability laws vary from state to state and the rules have encouraged crazy lawsuits, and outrageous awards. The cost of defending these lawsuits has escalated. A lot of trial lawyers bring lawsuits, knowing that it is cheaper for companies to settle the case than to pay their own lawyers to defend them through trial. And the cost of insurance keeps skyrocketing.

Big deal, right? So companies have to pay extra for a few lawyers. But it's not just companies who foot the bill, we all pay higher prices -- for everything from medicine to step ladders.

It's worse than that. We've never seen a lot of good products -- because companies are afraid of liability.

In Europe, for example, Volvo offers parents a car seat -- built right in the car. You can't buy one in the U.S. today -- and may never be able to. No company wants to deal with our laws.

And if you're in Europe, and you suffer from AIDS, you can get medical treatment you can't get in the United States. Medical companies are afraid of the liability.

But it's all worth it right, because when someone does get hurt, they can a big settlement? Again, that's not what's

happening. More than half of all the money awarded by juries in product liability cases, goes not to the injured party, but to the lawyers. Think about that. More than half of all the awards -- ends up in the pockets of Brooks Brothers suits.

But here's the real problem. Our product liability system is killing our economic competitiveness.

Liability costs are 15 times greater than that in Japan, and 20 times greater than that in Europe. Our businesses -- especially our small businesses -- are staggering under a weight our competitors don't even carry.

Every dollar we spend around a courtroom, is a dollar we won't spend on training, education, research, investment. It will be the difference between no jobs for our kids -- and good jobs for our kids.

We have to do something about this -- if we want our kids to have job. Luckily, Senator Bob Kasten understands this. He has been the fighter to change the system.

Bob has put forth a plan -- which I have endorsed -- to speed the legal process -- and settle more cases out of court -- which will help everyone.

We want uniformity in product liability law -- instead of the confusing 51 separate standards we have today. We want to have the same rules for damages from one state to the next. We want to bring some rationality to the system.

Om
 The plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The day my pen signs Senator Kasten's bill -- is the day our workers get a leg up on other workers.

So what's the problem? Why do we still face this crisis? Bob Kasten will tell you the problem. The Gridlock Congress.

I know you are sick of the blame-game in Washington, but we can't ignore the facts.

Like my opponent, Mr. Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. Here's what one Arkansas trial lawyer wrote about ~~him~~ ^{my opponent} -- trying to raise money for the Clinton campaign: "I can never remember an occasion where he failed to do what was right where we trial lawyers are concerned." So ^{for my opponent} in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers with a check in hand.

That's why product liability reform has been blocked, for almost two decades. In fact, trial lawyers' money has prevented product liability from ever ^{even} coming to a full vote.

But this very week, we have a chance -- to stop undermining our American workers.

Product liability reform will be up before the U.S. Senate. We believe we have the votes -- to pass the Senate.

But there's a ^{legal} catch -- something called "cloture." Now cloture sounds like something a doctor would give you after you cut your knee. But it's not. It's the number of votes it takes -- to stop long-winded debate in the U.S. Congress. (As you can

of the trial lawyers

imagine, getting Congress to stop talking about anything requires some effort. In fact, it takes more votes to get them to stop talking -- than to pass a bill.)

While we have a majority of the Senate, we're not sure we have the extra votes for cloture. ^{So} ~~And~~ here's the irony -- Congress may be able to stop the most-needed legal reform in a decade -- by using a legal loophole.

on our side of your side,

Bob Kasten doesn't want that to happen -- and neither do I. ^{I'd like to wrap up} I need a Labor Day present ^{let} for the American economy, and for the jobs of the future.

Too messy

I need you to get on the phone and let Congress know, the American people are tired of paying for crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of losing jobs to foreign competitors.//

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[Revised conclusion]

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903, had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

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Thank you for listening. God bless Wisconsin. God bless
the United States of America.

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9/5

2:30 pm

For: Don McGrath / Staff Secretary

Pls get to Steve Provost on AFI

Thks

RBZ

Provost/Bunton
Sept. 5, 1992 / 12:30 p.m.

Presidential Remarks
Waukesha County Picnic
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Like my opponent, Mr. Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. Here's what one Arkansas trial lawyer wrote about ~~him~~ ^{my opponent} -- trying to raise money for the Clinton campaign: "I can never remember an occasion where he failed to do what was right where we trial lawyers are concerned." So ^{for my opponent} in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers with a check in hand.

That's why product liability reform has been blocked, for almost two decades. In fact, trial lawyers' money has prevented product liability from ever ^{even} coming to a full vote.

But this very week, we have a chance -- to stop undermining our American workers.

Product liability reform will be up before the U.S. Senate. We believe we have the votes -- to pass the Senate.

But there's a ^{legal} catch -- something called "cloture." Now cloture sounds like something a doctor would give you after you cut your knee. But it's not. It's the number of votes it takes -- to stop long-winded debate in the U.S. Congress. (As you can

of the trial lawyers

imagine, getting Congress to stop talking about anything requires some effort. In fact, it takes more votes to get them to stop talking -- than to pass a bill.)

While we have a majority of the Senate, we're not sure we have the extra votes for cloture. ^{So} ~~And~~ here's the irony -- Congress may be able to stop the most-needed legal reform in a decade -- by using a legal loophole.

on our side of your side,

Bob Kasten doesn't want that to happen -- and neither do I. *I'd like to wrap up*
~~I need~~ a Labor Day present ^{for} the American economy, and for the jobs of the future.

Bob Kasten

I need you to get on the phone and let Congress know, the American people are tired of paying for crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of losing jobs to foreign competitors.//

What troubles me so about our litigation crisis, is that it is so at odds with the true nature of America.

[Revised conclusion]

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903, had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

Thank you for listening. God bless Wisconsin. God bless
the United States of America.

#

THE WHITE HOUSE
WASHINGTON

9/6/92

9 pm
through sit room.

All found to T and
Phil Brady in Mi.

@ 8:30 pm / on Sunday
6 Sept. 1992

w/ note telling to
pick up previous
Net changes from marked faxed
last pm —

JS

September 6, 1992

MEMORANDUM FOR CHRISTINA MARTIN

FROM:

MARK PAOLETTA 

SUBJECT:

Fact changes to Legal Reform Speech

Change must be made:

Bottom page 5 through top of page 6:

Strike entire paragraph and replace with:

But it all ought to be worth it, right? Because when someone does get hurt, they can get fairly compensated for their injury. But that's not what's happening. About 1/2 of all money paid out in tort cases ends up in the pockets of lawyers.

page 6:

Add underline

Liability costs are a multiple of what they are in Japan and Europe.

stats must be struck!

PAOLETTA & SCAUA CHANGES
9/6/92
8:30PM

Provost/Bunton
Sept. 5, 1992 / 8:15 p.m.

Presidential Remarks
Waukesha County Picnic
Waukesha, Wisconsin
Monday, Sept. 7, 1992

Thank you Governor Tommy Thompson.

Today is Labor Day -- the day we honor American workers -- the most productive men and women in the entire world.

So today, I want to talk to you about a problem that affects you and every other worker -- our crazy, out-of control -- legal system.

A serious discussion about legal reform may seem a little odd as a topic for a picnic. But I think you deserve more than talk from your political leaders -- you need answers. Answers to the most pressing question before America today -- how can we guarantee that we will remain not just a military superpower -- but an export superpower, and an economic superpower./

As I see it, our current legal system is a roadblock that must be cleared from the path of America's economic progress.

Let me start by talking about a famous American enforcer of justice. I don't mean Oliver Wendell Holmes or John Marshall. I mean someone more famous than that. I mean -- Hulk Hogan./

My grandkids tell me that in his movie last year -- Hulk Hogan was confronted with the predictable crop of bad guys. Only the bad guys refused to fight Hulk. Instead they said, "this is

2

the nineties -- we're not going to fight you. We are going to sue you."

I fear that one statement, sums up a lot of what is troubling America today.

Pick up the newspaper, the stories roll out at you.

(SCALLA) DOJ
Like ~~by~~ the now famous story about the basketball referee, who made a controversial call at the buzzer of a Purdue-Iowa basketball game. Purdue won the game, and an Iowa souvenir company was suddenly left with victory T-shirts that weren't in all that much demand. So what did the company do? They sued the referee. Sound crazy? It took two years, and a lot of money, before the case was dismissed by the State Supreme Court.

Are these crazy legal stories just intended to give us something to make our friends chuckle at backyard barbecues. I don't think so. It's much more serious than that.

Look around here in Wisconsin, right here in Waukesha.

Anybody here cheer for the Spartans football team -- of East Brookfield High School?// I'm told Coach Jack Perry and his team now pay almost \$150 bucks for every football helmet -- 10 years ago they paid about a third of that. Why the price increase? Because over the past 18 years, 18 American companies have stopped selling football helmets -- because they can't afford the insurance. (Before this is over, we may go back to the days when people played football without helmets. Is that progress?)

3

Now, Waukesha and Wisconsin aren't unique -- except in their physical beauty. This kind of thing is happening every day in every town across America. And we are all paying the price.

Now understand, this is not a criticism of lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. ~~But the good~~ ^{MOST (SCALIA) DOJ} lawyers will tell you, the system is out of control.

In the past 20 years, the number of civil lawsuits filed in federal courts has more than doubled. Today, the average case ^{ACTUALLY - MEDIAN IS 9 MONTHS - WE CAN FUDGE - BUT MAY DRAW FIRE (SCALIA) DOJ} (often) takes a year to be resolved -- and in the past year alone - the number of cases that were pending for 3 years, increased by nearly 15 percent.

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, pass the bar, and then represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, ^{SCALIA SAID HE HAS NOT SEEN THIS STUDY} (the National Association of Manufacturers has just finished) looking at that question. According to a soon to be released ^{2 *} study, Americans spend \$200 billion dollars on legal services. Keep in mind, that doesn't even count the lawyers on company payrolls, or the money they end up paying in court settlements.

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.) To me that's crazy. As a nation, I believe it's high

^{1 *} MEDIAN IS 9 MONTHS (FUDGE A LITTLE)
^{2 *} JUSTICE HAS BEEN USING A STUDY THAT GROSS COSTS OF TORT SYSTEM = \$117 BILLION IN ONE YR.

→ SCALIA SAID ^{NOT} ALL THE COMPONENTS ARE LEGISLATION - NEED TO BE GENERAL
4

time, that we started suing each other less, and caring for each other more.//

That is why I have ~~sent Congress~~ ^{(SCALIA DOJ) PROPOSED A (SCALIA DOJ) PLAN (SCALIA) DOJ} comprehensive ~~legislation~~ to reform our Civil Justice System. It is complete with specific proposals. We want to solve more disputes early -- before they get dragged into the courtroom.// We want to speed the discovery process -- ~~there is no reason anyone~~ ^{YOU (SCALIA) DOJ} can go through law school faster than it takes a court to reach a verdict. We want to put a lid on outrageous punitive damages, that strike terror into every mom and dad who wants to coach their kid's football team.// And here's one big idea. I believe we should adopt a practice from our friends in Britain -- and in appropriate cases make the loser pay the winner's court fees. You think that T-shirt company would have sued that referee -- if they'd known they'd end up footing his legal bills?//

This is one part of the crisis in our civil justice system. But we also need change in our product liability laws. These are the laws that are supposed to allow people to be compensated for harm caused to them by a defective product. That's an important right, and I am all for it. People ought to receive fair compensation when a product is defective and they get hurt.

But like so much of our civil justice system, product liability has careened out of control.

Let me give you an example of what I'm talking about: The Will-Burt Corporation of Orville, Ohio stopped making parts for ladders, scaffolds, and aircraft -- because the products

5

encountered potential liability costs. But the workers paid an even higher price -- the company was forced to close plants and lay off 80 employees.

Here's the problem. The product liability laws vary from state to state and the rules have encouraged crazy lawsuits, and outrageous awards. The cost of defending these lawsuits has escalated. A lot of trial lawyers bring lawsuits, knowing that it is cheaper for companies to settle the case than to pay their own lawyers to defend them through trial. And the cost of insurance keeps skyrocketing.

Big deal, right? So companies have to pay extra for a few lawyers. But it's not just companies who foot the bill, we all pay higher prices -- for everything from medicine to step ladders.

It's worse than that. We've never seen a lot of good products -- because companies are afraid of excessive lawsuits.

In Europe, for example, Volvo offers parents a car seat -- built right in the car. You can't buy one in the U.S. today -- and may never be able to. No company wants to deal with our laws.

And if you're in Europe, and you suffer from AIDS, you can get medical treatment you can't get in the United States. Medical companies are afraid of the liability.

But it's all worth it right, because when someone does get hurt, they can get a big settlement? Again, that's not what's happening. Almost half of all the money awarded by juries in

DELETE GRAPH ALL OF IT - REPLACE WITH
SUBSTITUTE LANGUAGE IN PAOLETTA MEMO. *

(DOJ)
 * SCALIA SAID ACCORDING TO THE RAND STUDY - 43% OF MONEY SPENT IN TORT CASES ENDED UP IN PLAINTIFFS' POCKETS; THIS EXCLUDES AUTO TORTS WHERE PLAINTIFFS GOT 52%.

6

product liability cases, goes not to the injured party, but to the lawyers. Think about that. * Nearly half of all the awards - goes into the pockets of lawyers.

But here's the real problem. Our product liability system is killing our economic competitiveness.

PAOLETTA EMPHASIZED YOU CAN NOT USE THE NUMBERS - BE VAGUE

(PAOLETTA) A MULTIPLE OF WHAT THEY ARE IN JAPAN Liability costs are 15 times greater than in Japan, and 20 times greater than that in Europe. Our businesses -- especially our small businesses -- are staggering under a weight our competitors don't even carry.

(DOJ) SCALIA CANNOT VERIFY SUGGESTS USING THE LANGUAGE HE PROVIDED IN HIS STAFFING MEMO

Every dollar we spend around a courtroom, is a dollar we won't spend on training, education, research, investment. It will be the difference between no jobs for our kids -- and good jobs for our kids.

We have to do something about this -- if we want our kids to have jobs. Luckily, Senator Bob Kasten understands this. He has been the fighter to change the system.

Bob has put forth a plan -- which I have endorsed -- to speed the legal process -- and settle more cases out of court -- which will help everyone.

We want greater uniformity in our product liability laws. Instead of the confusing 50 separate standards we have today. We want similar rules for damages from one state to the next. We want to bring some rationality to the system.

Our plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The day my pen signs Senator Kasten's bill -- is the day our workers get a leg up on other workers.

7

So what's the problem? Why do we still face this crisis? Bob Kasten will tell you the problem. The Gridlock Congress.

I know you are sick of the blame-game in Washington, but we can't ignore the facts.

Like my opponent, Mr. Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. Here's what one Arkansas trial lawyer wrote about my opponent -- trying to raise money for the Clinton campaign: "I can never remember an occasion where he failed to do what was right where we trial lawyers are concerned." So for my opponent and in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers with a check in hand.

That's why product liability reform has been blocked, for almost two decades. In fact, trial lawyers' money has prevented product liability reform from ever even coming to a full vote.

But this very week, we have a chance -- to stop undermining our American workers.

Product liability reform will be up before the U.S. Senate. We believe we have the votes to pass the Senate.

But there's a legal catch -- something called "cloture." Now cloture sounds like something a doctor would give you after you cut your knee. But it's not. It's the number of votes it takes to stop long-winded debate in the U.S. Congress. (As you can imagine, getting Congress to stop talking about anything

8

requires some effort. In fact, it takes more votes to get them to stop talking -- than to pass a bill.)

While we have a majority of the Senate on our side and your side, we're not sure we have the extra votes for cloture. So here's the irony -- Congress and the trial lawyers may be able to stop the most-needed legal reform in a decade -- by using a legal loophole.

Bob Kasten doesn't want that to happen -- and neither do I. I'd like to wrap up a Labor Day present for the American economy, and for the jobs of the future.

I need you to get on the phone and let Congress know, the American people are tired of paying for crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of losing jobs to foreign competitors.//

What troubles me so about our litigation crisis, is that it is so at odds with the true nature of America.

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903 had tried to win pain and suffering damages -- because the slippery floor on Ellis Island had caused them to hurt their backs?

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

Thank you for listening. God bless Wisconsin. God bless the United States of America.

Unclas

CLASSIFICATION

CIRCLE ONE BELOW

MODE

PAGES 8

IMMEDIATE

SECURE FAX # 05

DTG 061320Z Sep92

PRIORITY

ADMIN FAX # _____

RELEASE# _____

ROUTINE

RECORD # _____

FROM/LOCATION

1. Christina Martin

TO/LOCATION/TIME OF RECEIPT

1. Jeannie Bunton

2. X7750

TOR: 061329Z SEP 92

INFORMATION ADDRESSES/LOCATION/TIME OF RECEIPT

WHITE HOUSE
SITUATION ROOM
1992 SEP - 6 AM 9: 57

SPECIAL INSTRUCTIONS/REMARKS:

Please give a copy to Counsel's office

↓
Fact check

COPIES DELIVERED
- TO G. SCHERR AND
- J. HOWARD BY ME
JTB
9/6/92 11AM

Unclas

WHITE HOUSE
SITUATION ROOM

PRECEDENCE **IMMEDIATE**
PRIORITY
ROUTINE

RELEASER: _____
DTG: _____

MESSAGE NO. _____ CLASSIFICATION **UNCLASS** PAGES **15**
FROM **J BUNTON** **7750** **111.5**
(Name) (Phone Number) (Room No.)
MESSAGE DESCRIPTION **LEGAL REFORM**

LOCATION	DELIVER TO
AF 1	CHRISTINA MARTIN
AF 1	STEVE PROVOST

REMARKS: I'VE MADE A FEW NOTES - STILL WORKING ON FACTS I CAN'T VERIFY AT THIS TIME. I WAS TOLD SEN. KASTEN WOULD INTRO PONS.
JB

▲ IF I REMEMBER CORRECTLY - HARRY TRUMAN NEVER CALLED HIS OPPONENT BY HIS NAME. HE MERELY SAID "MY OPPONENT."

BUNTON RE-THROUGH
9/7/92 6AM-

Provost/Bunton
Sept. 6, 1992 / 10:15 p.m.

Presidential Remarks
Waukesha County Picnic
Waukesha, Wisconsin
Monday, Sept. 7, 1992

SENATOR KRSTEN
Thank you ~~Governor Tommy Thompson~~

This Labor Day we gather at a triumphant moment in history. I can stand before you this morning and can say something no other President could ever say. The Cold War is over -- Freedom Finished First.//

But America is not a nation that brags, not a nation that looks behind -- we are loyal only to the future. So this Labor Day, we must rededicate ourselves to the future of all who punch the timeclock, pay the bills and sweat it out at tax time. Our number one priority must be to build economic security -- for the working men and women of America.//

My opponent will kick off his campaign -- with a message of fear. But I encourage you to look beneath the rhetoric -- look at the facts.

Governor Clinton will tell you that we are a nation in decline, slipping past Germany, headed south somewhere toward Sri Lanka. On this Labor Day, you won't hear him say that the world's most productive workers aren't in Germany aren't in Japan -- they are right here -- in the United States of America.//

I CAN'T VERIFY THIS (DID COME FROM ANOTHER OF TODAY'S SPEECHES?)

Governor Clinton will tell you that American wages are slipping -- he doesn't mention that since 1985, our workers have earned bigger paychecks and benefits -- than any other in the world.//

Ok/ John Schall Chief of Staff & Labor

I CAN'T VERIFY THIS / IS IT FROM ANOTHER OF TODAY'S SPEECHES?

Governor Clinton says that people are working harder for less. He won't mention that adjusted personal income is higher than it was four years ago. That's because inflation -- the thief of the middle-class -- has been securely locked away.//

ok John Schall DoV Chief of Staff

Does this mean that all is fine in America? Of course not. But at a time of uncertainty, a time of wrenching global change, Governor Clinton wants to scare American workers -- so that he can slip into office -- with the failed tax-and-spend policies of the past. I'm not going to let that happen.//

Governor Clinton offers a treasure trove of new government programs -- that will cost at least \$220 billion more of you money. I say -- you already give too much to the tax man.//

* IN ALEC SPEECH WE SAID 200 BILLION



Governor Clinton wants to raise taxes by \$150 billion -- just to start. I want to cut taxes -- to get this economy started in high gear.//

Dept. Labor Chief of Staff

So as this campaign gets into full swing, I make one promise. I will talk about real ideas -- about cutting health care costs, reforming welfare, and giving our kids what they deserve -- the world's very best schools.// And today, I'd like to talk about a roadblock in the way of your economic security - our crazy, out-of-control legal system.

* B/Q ISSUES BACKGROUNDER (8/10/92) "CLINTON'S PLAN WILL CAUSE A MASSIVE INCREASE IN FEDERAL SPENDING -- AN INCREASE OF AT LEAST \$219 BILLION."

3

Don't just ask me about what's wrong with our legal system. Ask that famous enforcer of American justice. I'm not talking about Oliver Wendell Holmes or John Marshall. I mean someone more famous than that. Hulk Hogan..//

My grandkids tell me that in his movie last year -- Hulk Hogan was confronted with the predictable crop of bad guys. Only the bad guys refused to fight. Instead they said, "this is the nineties -- we're not going to fight you. We are going to sue you."

I believe that one statement -- sums up a lot of what is wrong in America today.

Pick up the newspaper, the stories roll out at you.

→ Like ~~by~~ the story about the basketball referee, who made a controversial call at the busser of a Purdue-Iowa basketball game. Purdue won, and an Iowa souvenir company was suddenly left with victory souvenirs that weren't in all that much demand. So what did the company do? They sued the referee. Sound crazy? Well, it took two years, and a lot of money, before the case was dismissed by the State Supreme Court.

Now, I know people love to pick on lawyers. I believe law can be a noble and honorable impression. But most good lawyers will tell you -- that the system is out-of-control.

In the past 20 years, the number of civil lawsuits filed in federal courts ^(SRAHA @ DOJ MADE THIS SINGULAR IN HIS STAFFING COMMENTS) has more than doubled. Today, the average case takes almost a year to be resolved -- and in the past year alone

4

-- the number of cases that were pending for 3 years -- increased by nearly 15 percent.

(That means you can file a suit, and have time to enroll in law school, study three years, graduate, pass the bar, and then represent yourself in court on the day the decision is reached.)

Now, the National Association of Manufacturers has just finished looking at what this litigation explosion costs our economy. According to a soon to be released study, American consumers and customers will spend up to \$200 billion dollars on legal services this year. \$200 billion dollars!

American businesses now spend more on insurance and legal fees -- than on training to prepare our workers for the new economy. I don't know about you -- but I think that's crazy. As a nation -- I believe it's high time that we started suing each other less -- and caring for each other more.//

I have proposed a comprehensive plan -- to reform our civil justice system. And I also want to reform our product liability laws.

These laws are supposed to allow people to be compensated for harm caused by a defective product. People ought to receive fair compensation when a product is defective and they get hurt. But like so much of our civil justice system, product liability has careened out of control.

Let me give you one example. The Will-Burt Corporation of Orville, Ohio stopped making parts for ladders, scaffolds, and aircraft -- they couldn't afford the liability insurance. That

change/
John
Howard
corp
counsel

5

was bad news for the company's owners. But worse news for the 80 employees -- who got pink slips.

Here's the problem. The product liability laws vary from state to state and the rules have encouraged crazy lawsuits, and outrageous awards. And the cost of insurance keeps skyrocketing.

Big deal, right? So companies have to pay extra for a few lawyers. But it's not just companies who foot the bill, we all pay higher prices -- for everything from medicine to step ladders.

We never get to see a lot of good products -- because companies are afraid of excessive lawsuits.

* Get this. Almost half of all the money paid out in these kind of cases, goes not to the injured party, but to lawyers.

Our product liability system is killing our economic competitiveness -- costing Americans secure jobs -- that you deserve. Our liability costs are many times greater than in Japan, and far greater than that in Europe.

Every dollar we spend around a courtroom, is a dollar we won't spend on training, education, research, investment. It could be the difference between no jobs for our kids -- and good jobs for our kids.

We have to do something about this. Luckily, your Senator, Bob Kasten, understands this. He has been fighting to change the system.

* LAST P.M. MARK PADOLETTA INSISTED THAT HIS PROPOSED LANGUAGE BE USED VERBATIM -- YOU HAVE NOT DONE THAT. PLEASE LOOK AT MARK'S MEMO/ LANGUAGE. -- HE SAID BUT YOU COULD STILL END WITH "IN THE POCKETS OF BROOKS BROTHERS SUITS!"

6

Bob has put forth a plan -- which I am fighting for -- to speed the legal process -- settle more cases out of court --and bring some rationality to the product liability system.

Our plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The day my pen signs Senator Kasten's bill -- is the day we stop undermining the American worker.//

So why do we still face this crisis? Bob Kasten will tell you in three words -- The Gridlock Congress. And that's why I'm here today.

You see, 44 years ago next month, another incumbent President came through Waukesha (WOK-ah-sha). His name was Harry S. Truman. (America was victorious around the world, but still there were uncertainties at home.)

Now, I admit -- Harry Truman and I don't have everything in common. He believed in bigger government -- I don't share that view. Harry Truman started out as a haberdasher -- he knew everything about clothes and ties and shoes. Barbara will tell you -- no one's ever accused me of being a clothes horse.

But I hope you will see some similarities between us.

Harry Truman ran as an underdog -- so am I.

Harry Truman admitted when he made a mistake -- I have done the same.

But most of all -- Harry Truman was frustrated -- by what he called -- the "do-nothing" Congress.

Listen to Truman's very own words -- from right here in this same town, 44 years ago.

IF TALKING ABOUT WW2, THAT WAS 3 YRS. EARLIER - 1948 WAS AT THE BEGINNING OF THE COLD WAR

7

"When I say do-nothing, I mean they (meaning Congress) have done nothing for the people.

Today I say, the Gridlock Congress hasn't listened to the people either. For years, Americans have complained about this crazy legal system, but the Gridlock Congress has refused to act on my reforms.

I CAN'T VERIFY THIS DATE:-
MAY
change John
Howard our counsel

This week -- ~~this Thursday~~ -- we finally get a senate vote on product liability reform. My message to the Gridlock Congress is simple. Either fix our legal system -- either stop undermining our workers -- or we're going to take a broom and do some spring cleaning in November. We're going to -- Clean House://

We're going to Clean House -- not just so companies spend less time paying lawyers, and more time creating jobs. Not just so moms and dads can coach Little League without fear of lawsuits. We're going to Clean House so we bring down health care costs, and improve our schools, and take back our streets from the criminals.//

Now, before I finish, it is worth mentioning, that while I'm in Waukesha this morning, my opponent is in Harry Truman's hometown -- Independence, Missouri.

Let's just have some plain speaking about Bill Clinton and Harry Truman.

When the military called, Harry Truman was proud to serve his country. No need to say anymore.

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Harry Truman never engaged in double-speak. He told people the truth, not merely what they wanted to hear.

My opponent says one thing one day, another the next. On most issues -- he's turned up in more places than Elvis Presley. //

Whether it was the Soviet blockade of Berlin, or the invasion of Korea, Harry Truman never flinched from the tough decision. Contrast that with Governor Clinton's waffling and wavering -- about whether he would have followed my lead -- and stood up to Saddam Hussein and his naked aggression.//

Harry Truman prided himself on his own military service, he frequently visited veterans associations, and spoke with great pride of his service for his country.

Last but not least, Harry Truman believed America could not turn our back on the rest of the world, even despite challenges at home. Governor Clinton virtually ignores foreign policy, and flirts with the dangerous idea of sticking America's head in protectionist sands.//

Harry Truman was a man of decisiveness, not equivocation. I doubt he would find little in common with Governor Clinton, a man who hedges or ducks on almost every tough question, a man who seems to feel strongly on both sides of almost every issue before this great nation.//

Many, many people thought Harry Truman would lose in 1948. But he said what was in on his mind, and he never lost faith in America.

I stand before you with the same passion, the same faith.

INCLUDING TODAY - THE ELECTION IS 57 DAYS AWAY;
IT IS 57 DAYS UNTIL THE ELECTION DAY IS 58 DAYS AWAY.

9

I will talk about ideas for the next 58 days. Ideas that matter. Ideas that can deal with our real challenges. Ideas that won't make everyone happy, but that will be right for America.

Like Harry Truman, I believe a new age of America beckons, and that we can reap the benefits. With your help, like Harry Truman, come November, we will match our global victory, with economic security here at home. Thank you for listening. God bless Wisconsin. God bless the United States of America.

#

1ST STORY of Level 1 printed in FULL format.

Copyright 1992 The Atlanta Constitution
 The Atlanta Journal and Constitution

August 26, 1992

SECTION: EDITORIAL; Section A; Page 10

LENGTH: 419 words

HEADLINE: Harry Truman's 1948 victory inspires Bush

BYLINE: Donald Lambro

KEYWORD: presidents; elections; politics; campaigns; george/bush; history; public; opinion

BODY:

WASHINGTON - George Bush really believes that this year's campaign will be like 1948 when Harry Truman defeated New York Gov. Thomas Dewey in one of the greatest come-from-behind presidential victories in history.

Then, as now, an unpopular incumbent was challenged by an attractive governor who had shot ahead in the polls. And everyone was predicting, just as they are now, that Truman would be defeated.

Bush not only identifies himself with Truman's legendary feat, he seems to actually relish the prospect of being forced to run the grueling gauntlet that now lies before him.

Indeed, the president admits that when he read David McCullough's best seller on Truman, he flipped ahead to the chapter on the '48 campaign first.

Then, as now, my colleagues in the media seem to be unanimous that Bush has already lost this election. But these were the same whiners who underestimated him in 1988 and who believed in July of that year that Michael Dukakis would clean his clock. Yet, just like Truman, Bush not only knows most of these pundits, he doesn't think much of their political intelligence.

A close Bush associate says that one of the president's favorite stories in McCullough's chapter on the '48 campaign is the one in which Truman saw his adviser Clark Clifford picking up the latest copy of Newsweek during a whistle-stop trip through Indiana. It was just three weeks before the election, and everyone knew that the magazine was going to run the results of a poll of 50 of the nation's most respected political writers.

"Of the writers polled, not one thought Truman would win," McCullough wrote.

As the train pulled out, Clifford hid the magazine. As he walked past the president, Truman said, "What does it say?" Clifford pretended he did not know what Truman was talking about, until Truman made it clear that he had seen him buy a copy.

"So I handed it to him," Clifford related. "And he turned the page and looked at it (and) he said, 'I know every one of these 50 fellows. There isn't one of them has enough sense to pound sand in a rat hole.'"

Truman proved the pundits wrong by doing two things extremely well: He relentlessly pounded home his message and he raised doubts in the minds of voters about what would happen to the country if the opposition party took over the entire government.

That is Bush's task if he wants to replicate Truman's victory.- (c1992.)

Donald Lambro is syndicated by the United Feature Syndicate. His column appears in The Journal occasionally.

2ND STORY of Level 1 printed in FULL format.

Copyright 1992 News World Communications, Inc.
The Washington Times

August 20, 1992, Thursday, Final Edition

SECTION: Part E; COMMENTARY; Pg. E1

LENGTH: 866 words

HEADLINE: Reaching for a stunner ;
A cue from Truman

BYLINE: Donald Lambro; THE WASHINGTON TIMES

BODY:

George Bush really believes that this year's campaign will be like 1948 when Harry Truman defeated New York Gov. Thomas Dewey in one of the greatest come-from-behind presidential victories in American history.

Then, as now, an unpopular incumbent president was being challenged by an attractive, articulate governor who had shot ahead in the polls. And virtually everyone was predicting, just as they are now, that Truman would be defeated.

Mr. Bush not only enthusiastically identifies himself with Truman's legendary political feat, the former World War II fighter pilot seems to actually relish the prospect of being forced to run the grueling gauntlet that now lies before him.

Indeed, the president admits that when he read David McCullough's best seller on Truman, he flipped ahead to the chapter on the '48 campaign first. It obviously has had an enormous impact on him, judging from the new, combative spirit he has shown in Houston.

In fact, both in tone and substance, Mr. Bush, like Truman, seems to have turned his misfortunes into a test of his strength of character, his endurance and his ability to enter combat under fire and emerge victorious.

Then, as now, my colleagues in the news media seem to be unanimous that Mr. Bush has already lost this election. But these were the same whiners who underestimated him in 1988 and who really believed in July of that year that Michael Dukakis would clean his clock.

Yet, just like Harry Truman, Mr. Bush not only knows most of these political pundits; he doesn't think much of their political intelligence.

A close Bush associate says one of the president's favorite stories in McCullough's chapter on the '48 campaign is the one in which Truman saw his trusted adviser Clark Clifford picking up the latest copy of Newsweek magazine during a whistle-stop train trip through Indiana.

It was the morning of Oct. 12, just three weeks before the election, and everyone knew that the magazine was going to run the results of a poll of 50 of the nation's most respected political writers.

"Of the writers polled, not one thought Truman would win," Mr. McCullough wrote.

"The landslide for Dewey will sweep the country," Newsweek predicted.

As the train was leaving the platform, Mr. Clifford hid the magazine under his coat as he entered Truman's car. As he tried to walk past the president, Truman said, "What does it say?" Mr. Clifford pretended he did not know what Truman was talking about, until the president made it clear that he had seen him get off and walk into the station to buy a copy, adding that he was pretty sure "you may have it under your jacket there."

"So I handed it to him," Mr. Clifford related. "And he turned the page and looked at it . . . [and] he said, 'I know every one of these 50 fellows. There isn't one of them has enough sense to pound sand in a rat hole.'"

"Truman put the magazine aside and made no further mention of it," Mr. McCullough writes. "It just seemed to bounce right off of him," Mr. Clifford remembered.

Truman proved the pundits wrong by doing two things extremely well in that famous campaign: He relentlessly and unambiguously pounded home his political message for change and he raised substantial doubts in the minds of the voters about what would happen to the country if the opposition party took over the entire government.

That is Mr. Bush's considerable task if he wants to replicate Truman's victory. And both he and his party showed this week that they have not forgotten how to mount an effective and withering counteroffensive.

Despite the media's predictable trashing of one of the most conservative party platforms in modern memory, Mr. Bush's forces did one very important thing at this week's convention with that document: It helped them glue back their party's once-fractured conservative base by reminding them why they had backed George Bush in 1988.

Whatever differences he may have with it around the edges, Mr. Bush embraces the core economic, cultural and national defense principles of his party's dominant right wing and they, in turn, have gathered around him again to repel the Democrats' renewed assault on 12 years of Republican rule.

Meantime, Pat Buchanan, the GOP's fiercest conservative warrior, delivered the kind of political red meat against Mr. Clinton's candidacy that helped to pump up the party's rank-and-file for the fight ahead. Ronald Reagan, the godfather of the American right, pulled off another eloquent, last hurrah to summon his party once more to follow his hand-picked heir into the political breach.

But now it is for Mr. Bush alone to chart the course of his campaign, define his opponent and persuade Americans to follow his agenda for change. Like Truman, he is not an eloquent speaker, but like the man from Missouri he is a gutsy fighter who has known both military and political combat from which he has come from behind before.



6TH STORY of Level 1 printed in FULL format.

The Associated Press

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October 27, 1988, Thursday, AM cycle

SECTION: Political News

LENGTH: 654 words

HEADLINE: Another 1948 Not Likely Say Those Who Were There

BYLINE: By CHRISTOPHER CONNELL, Associated Press Writer

DATELINE: WASHINGTON

KEYWORD: Upset of '48

BODY:

Graying veterans of Harry Truman's 1948 presidential campaign celebrated anew the triumph the experts said was impossible, but offered scant hope to Democrats looking for a repeat in 1988.

They were wild about Harry all over again at Wednesday night's reunion at the National Press Club, where they gathered to watch a public television documentary on "The Great Upset of '48."

The show will air nationally Tuesday night.

Thomas E. Dewey, the governor of New York, was so confident of victory and so far ahead in the polls he didn't begin campaigning until Sept. 19. He skirted issues, prompting reporters to speculate that his middle initial stood for "Elusibert J. Donovan, who covered the race for the New York Herald Tribune.

Truman, the onetime haberdasher from Missouri, had inherited the Oval Office when Franklin D. Roosevelt died in 1945, but the Democratic Party was splintered, with Henry Wallace running on Truman's left and Dixiecrat Strom Thurmond, then governor of South Carolina, on his right.

The incumbent's campaign got off to a hapless start, with Truman addressing a half-empty hall in Omaha, Neb., dedicating an airport in Idaho to the wrong person and pronouncing Josef Stalin "a decent fellow" in Oregon.

But Truman also relentlessly pummeled the "do-nothing" Republican Congress, vetoed the Taft-Hartley bill to shore up labor support, appealed to farmers and stood fast for civil rights.

Truman picked up an endorsement from a movie actor named Ronald Reagan, president of the Screen Actors Guild, who said in a radio ad he was "more than a little impatient with those promises the Republicans made before they got control of Congress a couple of years ago."

The Associated Press, October 27, 1988

So daunting was Dewey's lead that the Roper organization did not bother to survey after early September.

"The polls were completely wrong," said Eric Sevareid, then a CBS Radio reporter, who recalls the big crowds that turned out as Truman's train, the Ferdinand Magellan, covered 31,000 miles across America.

"We began to think, 'Something is going on here,' but none of us had enough guts to go bet even at 9-1," said Sevareid.

Clark Clifford, Truman's counsel, recalled that if someone didn't spontaneously shout "Give 'em hell, Harry" in the first minute of Truman's speeches, the campaign staff would dispatch someone to do the job.

"It was called priming the pump," said Clifford.

After the severe-looking Dewey was ridiculed by tart-tongued Alice Roosevelt Longworth as "the little man on the wedding cake," campaign manager Herbert Brownell urged the New York governor to shave off his mustache.

But Mrs. Dewey said no. "She thought that was trimming his sails for political purposes," Brownell told the documentary-makers.

Newsweek magazine canvassed 50 top political writers, and every one picked Dewey. Truman laughed it off, saying he knew all 50 and "not one of them has enough sense to pound sand in a rat hole."

On election night, Nov. 2, 1948, legendary NBC Radio announcer H.V. Kaltenborn assured Americans that despite an early lead for Truman, Dewey would prevail "when the outlying districts are reported."

When editors at the Chicago Tribune heard that broadcast, they ordered the presses to roll with the headline, "DEWEY DEFEATS TRUMAN" - and created a collector's item that Truman held up in jubilation the next day after his 2 million-vote victory.

Is there a lesson in all this for the 1988 race, when most polls now point to a big lead for George Bush over Michael Dukakis?

If Truman were alive, "he'd be giving hell to both candidates for waging one of the sorriest campaigns of this century," said Paul Duke, the narrator of the documentary and host of public television's "Washington Week in Review."

Donovan observed, "The trouble from Dukakis' point of view is that Bush knows the Dewey story, too. A lot of people have learned a big lesson from Tom Dewey. George Bush is one of them."

WHITE HOUSE
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CHRISTINA MARTIN

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- 1. JEANNIE BUNTON
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JB - PLS FACT CHECK /
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MESSAGE NO. _____	CLASSIFICATION <u>UNCLASS</u>	PAGES <u>2</u>
FROM <u>J BUNTON</u> (Name)	<u>7750</u> (Phone Number)	<u>111.5</u> (Room No.)
MESSAGE DESCRIPTION <u>TRUMAN QUOTE AND CONTEXT AS IT APPEARS IN MCCULLOUGH'S BOOK</u>		
LOCATION	DELIVER TO	
<u>AF 1</u>	<u>CHRISTINA MARTIN</u>	
<u>AF 1</u>	<u>STEVE PROVOST</u>	

REMARKS: BE SURE TO READ PASSAGES I'VE NOTED, FOR ACCURACY OF AND CONTEXT OF TRUMAN'S QUOTE ABOUT THE PRESS.

JB

DAVID McCULLOUGH "TRUMAN"

TRUMAN

sand, in what was reported in the national press as "the biggest political show in the city's history," everyone "cheering wildly" as Truman passed. The Akron Armory was packed. It was the perfect, grand finale for the day and Truman was radiant.

"I have lived a long time—64 years—and I have traveled a lot," he told the crowd, "but I have never seen such turnouts as I have seen all over this great country of ours. . . . The Republicans have the propaganda and the money, but we have the people, and the people have the votes. That's why we're going to win!"

Reporters traveling with Truman agreed it had been one of if not his best day of the campaign. By conservative estimates, the day's crowds totaled 100,000 people, even before Akron.

By eleven that night he was back on the train and heading west again. At 8:00 A.M. the next morning, at Richmond, Indiana, he was out on the rear platform ready to start another day.

It had been known for some while that *Newsweek* magazine was taking a poll of fifty highly regarded political writers, to ask which candidate they thought would win the election. And since several of the fifty had been on the train with Truman during the course of the campaign—Marquis Childs, Robert Albright of the *Washington Post*, Bert Andrews of the *New York Herald-Tribune*—there had been a good deal of speculation about the poll. It appeared in *Newsweek* in the issue dated October 11, and on the morning of Tuesday, October 12, three weeks before election day, at one of the first stops in Indiana, Clark Clifford slipped off the train to try to find a copy before anyone else. The woman at the station newsstand pointed to a bundle wrapped in brown paper, telling him to help himself. "And there it was!" remembered Clifford years afterward.

Of the writers polled, not one thought Truman would win. The vote was unanimous, 50 for Dewey, 0 for Truman. "The landslide for Dewey will sweep the country," the magazine announced. Further, the Republicans would keep control in the Senate and increase their majority in the House. The election was as good as over.

Returning to the train, Clifford hid the magazine under his coat. With the train about to leave, the only door still open was on the rear platform.

So I walked in. President Truman was sitting there, and so I cheerily said, "Good morning, Mr. President." He said, "Good morning, Clark." And I said, "Another busy day ahead." "Yes," he said. . . . So I walked off . . . and I got almost by him when he said, "What does it say?" And I

CONTEXT

MR. PRESIDENT

said, "What's that, Mr. President?" He said, "What does it say?" And I said, "Now what does what . . . ?" He said, "I saw you get off and go into the station. I think you probably went in there to see if they had a copy of *Newsweek* magazine." And he said, "I think it is possible that you may have it under your jacket there, the way you're holding your arm." Well, I said, "Yes, sir."

So I handed it to him. . . . And he turned the page and looked at it . . . [and] he said, "I know every one of these 50 fellows. There isn't one of them has enough sense to pound sand in a rat hole."

Truman put the magazine aside and made no further mention of it. "It just seemed to bounce right off of him," Clifford remembered.

There were three stops in Indiana, four crossing Illinois, where farmers on tractors waved small flags or held up hand-lettered "Vote for Truman" signs.

"I was with Truman in the central part of the state," wrote Paul Douglas, Democratic candidate for the Senate. "There was great applause, and there were constant shouts of 'Give 'em hell, Harry' . . . and he was at home with the crowd . . . he was simple, unaffected, and determined. We were proud of him."

At Springfield after dark, old-time campaign flares burned, the streets were filled with people. No one could come to Springfield without thinking of Abraham Lincoln, Truman said in his speech.

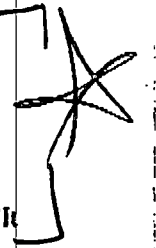
"I just wonder tonight, as I have wondered many times in the past, what Lincoln would say if he could see how far the Republican party has departed from the fundamental principles in which he so deeply believed. Lincoln came from the plain people and he always believed in them. . . ."

He crossed into Wisconsin and Minnesota. At Duluth, where he rode in an open car with Hubert Humphrey, fully half the population, some sixty thousand people, lined Superior Street for two miles, crowding so close in places that the car brushed their clothes.

At St. Paul, an overflow crowd at Municipal Auditorium whistled, stamped, and shouted as he delivered one of the best fighting speeches of the campaign.

Now, I call on all liberals and progressives to stand up and be counted for democracy in this great battle. . . . This is one fight you must get in, and get in with every ounce of strength you have. After

THE QUOTE



David McCullough

TRUMAN

David McCullough
The White House
7/28/92

SIMON & SCHUSTER

New York London Toronto Sydney Tokyo Singapore

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE COVER SHEET

92 SEP 4 11:00

*Changes noted
on 9/5/92
3:30pm 2nd edit
second edit verri
JH*

DATE: 9/4

TRANSMITTED TO: White House Speechwriting

TELEPHONE NUMBER: 202-456- 2930

FAX NUMBER: 202-456- 6218

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TRANSMITTED FROM:

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PAGES BEING SENT (EXCLUDING COVER SHEET): 9

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MESSAGE/COMMENT: _____

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Office of the Attorney General
Washington, D. C. 20530

September 4, 1992

MEMORANDUM TO: PAUL KORFONTA
FROM: EUGENE SCALIA *ES*
SUBJECT: WISCONSIN PRODUCTS LIABILITY SPEECH

I am faxing pages on which the Justice Department has comments. Explanations follow. Some of the substantive changes carry great significance. Bear in mind that the bar has been aggressive in attacking the numbers used in this argument.

DELETED

Page 3: We cannot verify the comparison of law students to others.

✓ We have no reliable report that the average case takes a year. (We have a median at 9 months.) I have proposed a fudge, but recognize its weakness.

① Bottom of page 4: Delete reference to accountant suits because the surge is due to suits arising out of the S & L mess, with a very high portion being brought by the federal government.

RE-WRITTEN

Page 5: The "individual legal crisis," and the defendants you place in it, are new to me. The distinction you are drawing is between procedural and substantive problems: how about, "The first is that the rules governing lawsuits in this country need drastic overhaul."

RE-WRITTEN ✓

Our legislative proposal is to experiment, in certain federal cases, with the English Rule. I think we can be made to squirm if we do not leave this out for ourselves, and instead call for a universal English Rule.

RE-WRITTEN

The last two paragraphs are hard to follow. I've proposed changes but I'm not sure what was intended.

Page 6: The system does not protect consumers "not at all." Similarly, it is not credible that we would be safer without product liability law, or that only lawyers benefit. (If so, no one would bring suits!) Whoppers this big the President will get called on.

GRAPH IS OUT

We can't verify lawyers' take in products liability cases heard by juries. We can suggest: "Nearly half [42 percent] of the legal fees and expenses in tort cases end up in the pockets of lawyers."

✓

We cannot verify the liability cost figures. We can offer: "Tort costs in the U.S. take a bite out of our GNP six times as big as their effect on Japan's, and 5 times as big as the effect of tort costs on Britain's GNP."

△

From PLCC study May 92

Page 7: We do not want one product liability law. Such a broad statement by the President will be quoted on the floor of the Senate, and will hurt us.

GRAPH RE-WRITTEN

We cannot verify that only U.S. and Britain have punitive damages; I doubt it (Australia?).

RE-WRITTEN

Page 8: No one here believes that a product liability bill has passed the House -- check this statement carefully.

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OPD-
The White House-

202 514 0468:# 4
OPD:# 4

These stories may make us chuckle, but they make me worry. Worry that our nation is in the grips of a litigation explosion - and it's impact is being felt everywhere.

Let me be clear -- I have nothing against lawyers. They are an essential part of our society -- and the majority of legal professionals work with integrity and honor. But lets consider a few facts.

The number of lawyers has almost doubled in the past 20 years. Would you believe the U.S. has more lawyers than West Germany, Canada, England, Wales, Japan, Switzerland and France combined? Well, we don't. We have ^{more than} twice as many lawyers as all these countries. And this year, more people will graduate from law school than from engineering, medicine and computer programs combined.

WAS DELETED

Can't verify

What do all these lawyers do? Lots of things. But primarily, they sue. In the past 20 years, the number of civil lawsuits ^{more than} filed in federal courts ^{often} has doubled. Today, the average case ^{often} takes a year to be resolved -- and in the past year alone -- the ^{nearly} number of cases that were pending for 3 years, increased by 15 percent.

✓
✓
✓
✓

(Think about what that means. You can file a suit, and have time to enroll in law school, study three years, graduate, and represent yourself in court on the day the decision is reached.)

What does this litigation explosion cost our economy? Well, the National Association of Manufacturers has just finished looking at that question. According to a soon to be released

study, American companies spend \$200 billion dollars on direct costs to lawyers. Keep in mind, that doesn't even count the lawyers on their own payrolls, or the money they end up paying in court settlements.

(\$200 billion sounds like a lot of money -- and believe me, it is. American businesses now spend more on insurance, lawyers and legal fees -- than on training our workers for the new economy.)

Now, all these numbers and stories are impressive, but you might ask -- what does it mean to me? If you look around Waukesha and Wisconsin, you'll see examples -- of how the legal crisis has crept into every crevice of our lives.

Ask Jack Perry, Coach of football Spartans -- at East Brookfield High school.// Today, I'm told Jack and his team pay about \$150 bucks for every football helmet -- ten years ago they paid about a third of that. Why the price increase? Because 18 companies in 18 years have stopped selling helmets, because they can't afford the insurance. (Before this is over, we may go back to the days of Jim Thorpe -- when people played football without helmets. We will call that -- "progress.")

Or ask Mike Yaktus of Madison. Mike is a CPA, and he says that so many people now sue accountants at the drop of a number, that this year four out of ten accountants in Wisconsin are going without insurance. The rest? They just pass the extra cost on to you -- their customers.

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OPD-
The White House

202 514 0468: # 6
OPD: # 8

5

You know the legal crisis has touched everyone -- when it becomes a topic of discussion for one of the noted commentators on the American scene. I'm not talking about Mike Royko or Ted Koppel. I'm talking about Hulk Hogan.

My grandkids tell me that in a movie last year -- Hulk Hogan asks the bad guys if they are going to beat him up. And the bad guys say -- "No, this is the nineties. We are going to sue you!"

What is America coming to? As a nation -- isn't it time that we sue each other less -- and care for each other more?//

We are up against two problems really. The first is the individual legal crisis -- crazy lawsuits against volunteers, teachers, doctors, coaches.

I've put forward a comprehensive reform of our Civil Justice System -- complete with specific proposals to solve disputes outside of the courthouse, to speed the ^{discovery} legal process, to control the use of ^{50-called experts in pseudo [or junk] sciences,} ~~expert witnesses,~~ to ~~control~~ ^{outrageous punitive} damages. And I believe we should ~~copy~~ ^{learn} a practice from our friends in Britain -- and make the loser pay the winner's court fees. I have a feeling that would put a stop to people who just use the courts as harassment -- an expensive equivalent of a car horn.

SENTENCE DELETED

wards

1 ?

this was re-drafted

But an equally important problem is what we call -- product liability ^{and} the insurance businesses must pay ^{as a result} to protect against damages caused by their products and services.

You might think ~~we need that protection,~~ and you're right -- but the system is out of control.

suits supposedly based on

suits

to be able to sue in case of injuries from products

Our current product liability system often harms consumers.

6

Does our current product liability system protect the consumer's interests. Not all at all. Instead, we pay higher prices for everything from medicine to step ladders -- and companies get discouraged from even coming up with new products - for fear they'll get sued because the new products are safer than the old ones.

deleted and or re-written

changed their innovation

because

Well, what about people who are injured by a faulty product, and get a court award -- don't they benefit? Some do. But, more

can't verify

than half of all jury awards in product liability cases, ends up in the pockets of lawyers, not regular people.

See bullet p. 2 of memo from Scalia @ DOJ

Well, at least ~~product liability laws~~ keep us safer, right?

Again, the answer is no. In Europe, Volvo offers parents a built-in child safety seat. You can't buy it here in the U.S. The company doesn't want to deal with our laws.

Our current product liability system is expensive, unsafe, and it only benefits lawyers. But we could still afford this mess -- if we were back the 1950's -- and our workers and companies faced no foreign competition.

and of benefit principally to

Today, we don't have the luxury. Liability costs are 15 times greater than that in Japan, and 20 times greater than that in Europe. Our businesses -- especially our small businesses -- are staggering under a weight our competitors don't even carry.

can't verify

The money we spend on legal explosion, is money we don't spend on training, education, research, investment. It means the difference between no jobs for our kids -- and good jobs for our kids.

7

We have got to do something about this.

We have ideas to speed the legal process -- and settle more cases out of court -- which will help everyone.

And we want to have one national product liability law instead of the confusing 50 (ones) we have today. We want to put a cap on punitive damages -- which don't even exist outside the U.S. and Great Britain. We ^{want} ~~want~~ to make it tougher for people to sue everyone involved with a product for all the damages. We want to bring some rationality to the system.

on
essential
matters

regardless
of
actual
fault.

The plan is pro-consumer, pro-business, pro-safety, and pro-jobs. The experts agree with us.

So what's the problem? Why do we still face this crisis? In a term, the Gridlock Congress.

I knew you are sick of the blame-game in Washington, but keep this in mind. Many members of Congress were once trial lawyers. (Being a radio D.J. is about the only better training you can find.)

Like my opponent, Governor Clinton -- many members of Congress get their campaign funds from trial lawyer organizations. So in many Congressional offices -- the only thing that gathers more attention than a TV camera -- is a lawyer in tasselled loafers.

That's why product liability reform has been blocked. Not just for my three and a half years in office, but for almost a decade.

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OPD→

202 514 0468: # 9

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The White House→

OPD: # 0

8

But this week, we have a chance -- to make our workers more competitive with the Japanese and the Germans.

Product liability reform will be up before the U.S. Senate.

~~It's passed the House -- and we believe we have the votes -- to pass the Senate.~~

But there's a catch -- something called "cloture." Now cloture sounds like something a doctor would give you to keep a wound shut. But it's not. It's the number of votes it takes -- to stop debate in the U.S. Congress. (As you can imagine, getting Congress to stop talking requires a little effort.)

We're not sure we have the votes for cloture. And here's the irony -- Congress may be able to stop the greatest legal reform in a decade -- by using a legal loophole.

I need your help. I need a labor day present for the American economy, and for the jobs of the future.

I need you to get on the phone and let Congress know, the American people are tired of reading about crazy lawsuits. Tired of high prices. Tired of unsafe products. Most of all, we're tired of losing jobs to the Europeans and the Japanese.//

What troubles me so about our litigation crisis, is that it is so at odds with the true nature of America.

By suing each other for every insult every incrimination, every injury -- we naively attempt to rid our world of risk. Yes, we should not be reckless, but risk is part of life, part of America.

And
^

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The White House202 514 0468;#10
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9

Think about it. As a nation we bring together people of every color and every creed -- but all of us have the same background in this respect. At some time, as our ancestors looked at their lives and said -- lets take a risk, take a chance on something else.

But what would have happened -- if Columbus had sued the sailmakers of the Santa Maria? What if immigrants in 1903, had tried to win pain and suffering damages -- because the floor on Ellis Island had hurt their backs?

We cannot rid our world of risk, nor do we want to. Today, I appeal to the common sense of the American people -- to take a stand for America's values, and give our workers a chance to compete in the world economy.

Thank you for listening. God bless Michigan. God Bless the United States of America.

Wisconsin

#