

TRIBUTE TO SENATOR BARRY  
GOLDWATER

Mr. THURMOND. Mr. President, I rise to speak a word or two about Senator Barry Goldwater. Senator Goldwater was a man of integrity, ability, and dedication. When he announced he was going to run for President, I changed parties that year because I wanted to support this particular man on account of the high principles for which he stood. I did support him. Whether he had a chance to be elected or not, I wanted to have a part in supporting a man who stood for values, who stood for America, and who stood for the good things of life.

Senator Goldwater served here for about 30 years. I enjoyed serving with him. On account of that opportunity to serve with him—I knew a good man when I saw one—that is the reason that I supported him for President. He carried my State, and he carried about five or six other States. I was sorry he was not elected. He would have made a great President of the United States.

I extend my deepest sympathy to his family in this time of grieving.

Thank you, Mr. President.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

I appreciate those remarks of the Senator from South Carolina who, of course, served with Senator Goldwater probably longer than anybody else in this body.

Senator Goldwater first came to the Senate in 1952 and completed his service in the U.S. Senate in 1987. And, of course, we recall the time-out when he ran for President of the United States. But the first thing about his service to this country, obviously, for us to note is his service as a U.S. Senator, serving right here on this floor.

Mr. President, I would like to talk about Senator Goldwater for just a few minutes this morning but focus on a couple of other aspects of his life.

It is clear that for many of us, particularly my generation, he was an inspiration for us to become involved in politics and to approach it from what he called a "commonsense conservative point of view."

I remember in 1960 meeting him when I was a student at the University of Arizona in Tucson, AZ. He cared a lot about young people and was always willing to come to the university and talk to us.

I had read the "Conscience of a Conservative" and was greatly impressed with its commonsense approach to politics at the time. Everywhere I have gone over the years—and when I have been with Senator Goldwater—I have been impressed with the fact that people from all over the country would come up to him and say, "Senator Goldwater, you're the reason I got involved in politics. Yours was the first campaign that I ever got involved in" or "It was your election that was the first time I voted."

He inspired Americans all over the country to become more involved in politics and, as I said, to approach politics from his commonsense conservative point of view.

For the United States as a whole, I think our history will reflect the fact that Senator Goldwater was one of the three people who really began the modern conservative movement in this country. I think he was the first, along with Bill Buckley, providing a lot of the intellectual stimulus for the conservative movement through his publication, the *National Review*. And, of course, Senator Goldwater paved the way later for Ronald Reagan to become elected by the American people and to serve two terms with the tremendous conservative mandate of the American people.

I think it is generally acknowledged that without Senator Goldwater's activity here in the U.S. Senate, and also in his activities as a Presidential candidate in 1964, that the ascendancy of the Ronald Reagan candidacy and his election by the American people would not have occurred.

So as a result, I think those of us here in the Senate reflect not only on his service here in the Senate as chairman of the Armed Services Committee, his service and very strong support for a strong national defense for the United States, but also for being part of the beginning of the conservative movement in this country. I find it interesting that today most people call themselves conservatives in the same way that Barry Goldwater did all the way back in 1958, 1960, when he first came here.

Let me talk just a little bit about Senator Goldwater in a different sense, not in the sense of a Senator in this body, not in the sense of a creator of the modern conservative movement in this country, but rather as the individual, because in Arizona a lot of people know Barry Goldwater a little bit differently, a lot of people whom no one else knows. They are not the big important people of the world, they are people who grew up with Senator Goldwater. They are Navajo Indians whom he got to know when he helped to run his family's trading post on the Navajo Indian reservation. They are people all over the State with whom he visited when he traveled the State, hiked it, and photographed it. There are veterans he visited with, people in the military all over the country, but particularly in Arizona, with whom he was very closely associated. These are the people Barry Goldwater would reminisce with me about when I went to his home and visited with him, long after his Government service came to an end.

In fact, when I went to his house to visit with him, I expected him to talk about Senate business and get advice from him about what we should be doing here. He didn't want to talk about that. He wanted to reminisce about people he had known way back

when—the people who really mattered to him most. They weren't kings, they weren't presidents, and they weren't Senators; they were regular folks from whom he took a great deal of learning.

If you read "Conscience of a Conservative" again, and even if you review the speech that he gave when he accepted the party's nomination in 1964 to run for President, you will see throughout a strong reference to the economic sense of people and the nature of people. He talked, in "Conscience of a Conservative," about the inherent nature of people, and he criticized some of his liberal friends for wanting to remake people in their image, basically, through Government action. His point was, look, people are the way God made them, for better or for worse; we should recognize that human nature and formulate Government policies to help permit people to live as they would as human beings, without trying to have Government make them into a particular type of person or to direct their activities in a particular way. That is why he became known as the great friend of freedom.

He was a person who did not believe Government should tell people what to do or even shouldn't tell people a great deal, because it would prevent them from helping to learn themselves. He understood human nature. How did he come to that understanding? Part of it is because he really liked people and he liked to be with people. He learned from them what it was that was the essence of the character of man.

I think a lot of that began, as I said, when he was living on the Navajo Indian reservation, tending to his family's trading post. The photographs he has taken, particularly in his early life, frequently are commented upon as remarkable for capturing something very special, some inner quality of the people he photographed. A lot of the people he photographed were on the Navajo Indian reservation and the Hopi Indian reservation. I have one of his photographs hanging in my office of a young Navajo girl. There is something very, very special about that. Every one of the photographs that he took of the people, you almost feel that you know that person, that it is a very special person. There is sort of an inner quality that comes out in his photographs.

How did he do that? He didn't have the greatest camera equipment at the time, although he has always been a fine photographer. He was somehow able to capture the essence of people through his photography. I think part of it is because he got to know the people and he would talk to them and ask them very nicely if they would mind being photographed. He was able, therefore, to capture that essence of humanity that I think most of us miss. We are all too busy, too busy with the big important things in life.

Barry Goldwater focused a lot on the little things in life, which is another reason he was such a great photographer of Arizona landscape. He found

beauty in places that many of us would have passed over because we were in a hurry. Now we reflect on those photographs and think, how could anyone have captured that the way he did? Some of which, incidentally, Mr. President, are very valuable because they show, for example, trips down the Grand Canyon in areas that are now dammed up and we will never see them the way he saw them and the way the photographs captured them.

My point here is that in recent years when I visited with Senator Goldwater, I learned a lot more from him about people than I did about political philosophy and what we should be doing with these great momentous decisions here that we debate on the Senate floor. In this respect, Senator Goldwater was a lot like my own father, who also had the privilege of serving in the U.S. Congress, representing the State of Iowa. He, too, is a great photographer. And he, too, sees that something special in people and in places that he has been able to photograph. He, too, thinks a great deal about individual people and what they meant. And he, too, likes to reminisce about people in his earlier years.

I suppose that happens to all of us when we get a little bit older, but part of it is because not only do we remember those people, but we reflect, now, upon an entire life and we understand what is important and what isn't. We understand that part of what is really important about life is the people we got to know and what we have learned from them. I learned a great deal from my father, just as I have from Senator Goldwater, about human nature. I think that knowledge is better for us as public servants than any other schooling we could get or any other studying we could do.

In reflecting on Senator Goldwater's life after he passed away on Friday, it just occurred to me that the things I want to share about him are these reflections about the individuals he knew and what he learned from them, something that probably will not be greatly commented upon by others who will reflect upon his service here in the Senate, his strong support for national defense, his creation of the modern conservative movement—as I said, his leading of that movement through much of the period of the 1960s. All of that was very, very important. That is why he will go down in the history books as a great American leader, as a great American patriot.

But as I said, he was also, to me, a teacher. One of the reasons for his greatness was the fact that he understood the importance of the little things in life, the little things that create beauty, the little things that make us all what we are. I think if more people understood that human nature as Senator Goldwater did, because he experienced it so much in his early life, that all of us in this body and in the other body would be much better representatives of the people for whom we

work, because we would better understand their desires, their hopes, their needs, and perhaps would better be able to reflect those hopes, needs, and desires in the kind of policy that we help to set here in Washington, DC.

A final point in closing, Mr. President. Senator Goldwater, of course, was very blunt and outspoken. I think a little bit of that would go a long way these days, too—to say what we really think, irrespective of the political consequences. Now, some have said he could afford to do that because in 1964 he was running a race that he couldn't win and so he had the luxury, in effect, of just saying what was on his mind. If you know Barry Goldwater, he didn't just limit it to the 1964 campaign; he said what was on his mind, regardless of the circumstances, when he was beginning in politics and all the way through to the day he died.

All of us, I think, could benefit by trying to be a little bit more candid in how we express ourselves. He and Ronald Reagan, I think, found the same thing. When you do that, it is surprising how appreciative people are and how politically popular, sometimes, you can be by simply saying what is on your mind. People understand when you are politicking versus when you are talking from the heart. It is not hard for people to see through what most of us say. That is why a lot of politicians do not have very good reputations. I think if more of us reflected on the way Barry Goldwater did it, we would find it is not only a more candid approach but it also can have very good benefits for people to see that all of us are willing to express ourselves in a very candid and a very open way.

So he has taught us a great deal. I think as people put the parts of his life together, it all fits together in a mosaic that created a unique individual. We will find additional lessons to take from his long and very productive life. I am looking forward, Mr. President, to visiting with other Members of this body to learn of their experiences with Senator Goldwater, because of course I didn't have the opportunity to serve with him.

In the time that he was here, Senator Goldwater, I think, represented Arizona in a way that permitted those of us in Arizona to refer to him as Mr. Arizona, a person who reflected really a great deal about our own State. Mr. President, it is from that standpoint that I approach, not with a great deal of sadness, but rather with some degree of celebration, the fact that he was able to serve in this body so long, to represent the State of Arizona for so long, to be really reflective of our State, and he will go down in the history books not as a great national and international figure, but probably as the most important and famous Arizonan, at least in my lifetime, and someone who I think all of us in Arizona were proud to have as a representative of our State.

I am looking forward to joining many of my colleagues Wednesday in Phoe-

nix at his funeral which, as his wife told me, will be more of a celebration of his life and of all of the things that he did, both for his State and for this country. I am sure we will hear a lot of stories and do a lot of laughing about Barry—and a lot of crying about the fact that he is gone. But the fact of the matter is that we have an opportunity to reflect on an individual who we have loved very much, and we want to make the most of that opportunity.

Mr. President, I wanted to come here this morning to give a few reflections, not in the usual vein of his political accomplishments and what he did as a Senator, but more what I saw in him, especially in his later years, as an individual who just wanted to be remembered as an honest man.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I gather that my colleague, Senator KYL, has taken some time to speak about Senator Goldwater.

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I only heard about his remarks. Let me thank my colleague from Arizona for coming to the floor to speak. I am sure we will hear from Senator MCCAIN as well, if we haven't already.

As a Senator, I suppose, on the other side of the ideological continuum—if that is, in fact, even relevant; sometimes I don't think it is. I don't think politics has that much to do with left to right to center; I think it has more to do with trying to do well for people, and we have all reached different conclusions about how to do that. But it is about public service. I just want to say to the Goldwater family that I think Barry Goldwater really set a standard, especially when it comes to personal integrity and intellectual integrity and political integrity. And I think people in our country really yearn for that. His outspokenness, and especially his courage, and especially in recent years his willingness to speak out, even after no longer being in office, to continue to serve our country I think really is inspiring for all of us.

I wish to add my words to the really fine words of the Senator from Arizona.

(The remarks of Mr. WELLSTONE pertaining to the submission of S. Res. 238 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

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

The PRESIDING OFFICER. (Mr. KYL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes as if in morning business.

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

#### PATIENTS' BILL OF RIGHTS

Mr. DORGAN. Mr. President, as we near the summer of this legislative session and discuss the agenda remaining for this Congress, I want to raise, as my colleagues and I have for many, many days in this Chamber, one of the pieces of legislation we want considered in the Senate during this session of the Senate. That legislation is the Patients' Bill of Rights.

About 160 million Americans are now enrolled in managed care organizations. HMOs—health maintenance organizations, one of the main types of managed care—can save money and they can improve care. But by the same token, managed health care organizations can cause real serious problems for many Americans. I want to describe just a few of them and describe why we believe a Patients' Bill of Rights should be enacted by this Congress.

To describe part of the problem with managed care organizations, let me tell the story of a woman who had just suffered a brain injury. As she was lying in an ambulance being hauled to a hospital, with her brain swelling, she advised the ambulance drivers that she wanted to be taken to the hospital that was farther away, rather than the nearest hospital.

She survived and was asked later why she issued directions to be taken to the hospital farther away. She said she had learned a lot about the hospital that was nearest to the ambulance at that point, and it was a hospital that by reputation had made health care a function of its profit and loss statement. She did not feel comfortable presenting herself to an emergency room where her care was going to be a function of someone else's profit and loss.

And that is something that concerns a lot of the American people these days, especially as health care moves more towards for-profit health care, more towards managed care. Let me give you another example.

This example, whose name is Wendy Connelly, a wife and mother from Sherwood, OR, is yet another reason why we need a Patients' Bill of Rights.

In 1994, Wendy Connelly experienced symptoms of what she feared was a heart attack, including heaviness in her chest and a heart that began beating wildly, at a rate approaching 150 beats per minute. She thought she was having a heart attack, so Wendy sought treatment at the local hospital emergency room, as one would likely

do in that situation. Fortunately for Wendy, the doctors on call treated her for what was not a heart attack, but rather, a previously undiagnosed thyroid imbalance. When she first began to fear the worst, Wendy had contacted her HMO's on-call physician for advice. Obviously, he was unable to make an over-the-phone diagnosis for her, and he told her to seek emergency room care if her symptoms did not subside. And so she did. But when the bill came due, the HMO denied payment of Wendy Connelly's claim. They said that her case was not deemed emergency care. The HMO was basing its decision on the final diagnosis, not the heart-attack like symptoms that sent her to the emergency room.

Wendy Connelly, to her credit, felt that the HMO was wrong in its denial, and so, for more than a year, she sent letters explaining what had happened. Even her doctors and the hospital that treated her urged the HMO to cover that claim. Finally, the HMO conceded and she was no longer liable for the costs that she incurred more than a year before. But she decided that she would help others in this situation who were being unfairly denied coverage, so she filed a complaint against the HMO with the Oregon Department of Insurance. It was found by the Department of Insurance that what had happened to Wendy Connelly was a routine practice for this insurer. If a person went to the emergency room but found that the final diagnosis is not something that would require emergency care, despite what the presenting symptoms were, then the claim was denied.

Here is what Wendy said:

I went to an emergency room (because) I thought I was having a heart attack. . . . I felt that if I went somewhere else or delayed longer, I would (have been) putting my life in jeopardy.

But all across the country now we discover these cases, time after time after time, of the managed care organizations deciding that they won't cover someone showing up in an emergency room. Or, in fact, some of them have clauses in their contracts with their doctors that say if a doctor's patient shows up in the emergency room, it comes out of the doctor's compensation for the managed care organization. You talk about a terrible incentive; you talk about a conflict of interest; that is it.

We have proposed a Patients' Bill of Rights, proposed by Democrats and Republicans, in the Congress. Let me go through, just for a moment, what some of these rights would be.

Patients in this country ought to have an opportunity to know all of the medical options available to treat their illness or disease—all of the medical options, not just the cheapest. A number of managed care organizations have gag rules in their contracts with their doctors. They will only allow their doctors to tell patients what they want the patients to know. If there are other treatments available, perhaps better

treatments, treatments that are more appropriate but perhaps more expensive, then they have no obligation to tell the patient that there are other treatment options. Many patients worry, and some investigations confirm, that often the patients learn not all of the treatments available but only those which are the cheapest.

You have a right to choose the doctor you want for the care you need, including specialty care. One person from my home state of North Dakota whose employer recently switched to a closed network health plan has a chronic heart condition. But his new health plan has refused to allow him to see the cardiologist who has been caring for him for his heart condition for a decade. This employee has no option to choose a health plan that will allow him to continue seeing his cardiologist, even though he says he is willing to pay for that right. So under the Patients' Bill of Rights, patients will have the right to choose the doctor they want for the care they need.

You have the right to emergency room care whenever and wherever you need it. In fact, a Missouri managed care organization plan sent all of its customers a letter saying a trip to the emergency room with a broken leg, or a baby running a high fever, should not generally be assumed to be covered. The letter read like this:

An emergency room visit for medical treatment is not automatically covered under your benefit plan.

An Arkansas woman suffered a broken neck in a car wreck and was rushed to the hospital. Her managed care company refused to pay for her emergency room care—this is a patient with a broken neck from a car accident—because she failed to get prior authorization. Managed care organizations think that the first thing to do when you break your neck in a car accident is to seek prior authorization to get to an emergency room? So, another of the patients' rights is the right to emergency room care whenever and wherever you need it.

You also have the right to a fair and speedy process for resolving disputes with your health care plan. You have the right to considerate, respectful care without discrimination. You have the right to keep your medical records confidential.

Why is it important that these rights be made available to patients? Because too many managed care organizations are denying those basic rights to American citizens and to those who are sick right now. We have a proposal that has been dealt with by the Senate, dealing with mastectomies. Why should the Senate be talking about the length of hospital stays available for a woman who has a mastectomy? Because managed care organizations are taking these women into hospitals for mastectomies, radical mastectomies, and 8, 10, 12 hours later, with tubes coming from their bodies, sending them home. And the same is true with