

someone in the White House that really understands that? You need somebody that understands the future. It's going to be here before you know it.

And the last thing I'll say—it's what you already know or you wouldn't be here—this is the most diverse, interesting country we've ever had. We're going out into a world that's more and more interdependent, where we have obligations to people around the world that we must fulfill if we want to do well ourselves. And I want someone in the White House that will take us all along for the ride, and he will.

Thank you, and God bless you.

NOTE: The President spoke at 2:30 p.m. at the 437 Rush Restaurant. In his remarks, he referred to Richard H. Middleton, Jr., president, Fred Baron, president-elect, Leo Boyle, vice president, and Anthony Tarricone, member, board of governors, Association of Trial Lawyers of America; U.S. senatorial candidates Deborah Senn of Washington, Ed Bernstein of Nevada, and Brian Schweitzer of Montana; Republican Presidential candidate Gov. George W. Bush of Texas and Vice Presidential candidate Dick Cheney; and Wayne LaPierre, executive vice president, National Rifle Association.

### Remarks to the Association of Trial Lawyers of America in Chicago

July 30, 2000

President Middleton, after your remarks, if I had any sense, I wouldn't say anything. I'd just sit down. [*Laughter*] I want to thank you, and thank you, Fred Baron, my longtime friend, for inviting me here. There are so many of you here that I've had the honor of working with over the last 7½ years, sometimes even longer.

I am proud of the fact that this organization and its members have been standing up for the rights of wronged and injured Americans since 1946. Now, that was before we had the EPA or the Consumer Product Safety Commission, the Occupational Safety and Health Administration, or the Clean Air or Clean Water Act. It's important to remember that those protections and many others were written into the law after years of lawsuits that highlighted the problems we faced and wrongs that were done.

What is the lesson of all this? That the public interest requires both reasonable access to the courts and responsible action by Congress. We have done what we could in the last 7½ years to move toward accountability in the courts on three issues—tobacco, guns, and patients' rights—and to keep the American people's availability of a civil justice system alive and well.

But only Congress can pass laws that will hold tobacco companies, gun manufacturers, and health plans accountable for the choices they make and the consequences of those choices. So I hope Congress will also help us because I know that everybody in this room agrees that an ounce of prevention in law is worth a million dollars in curative lawsuits.

We've worked for 7½ years now to protect our children from the dangers of tobacco, thanks in large measure to the leadership of Vice President Gore, and Senator Dick Durbin from Illinois, who has been with me through much of this day. Now the Justice Department is leading our efforts to get tobacco companies to repay the Government for the costs of tobacco-related illnesses. But the Supreme Court has told Congress the ball is in its court. It must act to give FDA tobacco regulations the force of law.

I have asked Congress to do that and to support, not undermine, the Justice Department's lawsuit. I hope that the Congress, and especially the Republicans in Congress, will be able to break an addiction to the tobacco lobby and meet their responsibilities to the American people.

I am grateful beyond measure that the crime rate has dropped in this country to a 25-year low, that gun crime is down by 35 percent over the last 7½ years, but I don't think anybody in America believes that we're safe enough as a nation or that there's not more we can do—more we can do to put more police on the street in dangerous neighborhoods; more we can do to keep our kids off the streets in after-school programs, summer school programs, summer job programs, mentoring programs; and more we can do to keep guns out the hands of criminals and children.

I've asked Congress to give us common-sense gun legislation, measures to close the

gun show loophole and the Brady background check law, to require child safety locks for all handguns, to ban the importation of large capacity ammunition clips. I've also endorsed requiring people who buy handguns to get a photo ID license, just like a driver's license, showing that you passed the background check and you know how to use the gun safely. So far, no action in Congress, even on the first three measures.

We reached a historic agreement with the Smith & Wesson company to build safer guns, a truly astonishing step forward and a brave thing for them to do. But the rest of the industry and the gun lobby are trying to destroy them for doing it, and they're working hard to make sure that they can't keep up their end of the bargain.

I hope all of them will think again about where their responsibility really lies. After all, who honestly has an interest in selling a gun to somebody with a criminal record? Who has an interest in selling a gun that's not protected when it will be put in some place where a little child can find it and cause an accidental death? I hope that we'll see a change in attitude there, too, and I hope the American people will have the opportunity to make their position on these matters crystal clear in November.

Wherever I go, I heard heartbreaking stories about patients turned away from the closest emergency room. The other day I was in Missouri with the Governor of that State who signed one of the strongest patients' bill of rights in the country at the State level, and they still have about a million people in their State who aren't covered because of the way the Federal law works.

And there was this emergency room nurse speaking with us there—or it was an emergency nurse who had been also an emergency medical technician. It was a man who must have weighed 225 pounds and looked like he could bench-press me on a cold day. And this big old burly guy got up and practically started crying, talking about someone that he had just seen die because they were not permitted to go to the nearest emergency room.

I had a guy the other day tell me a story about getting hit by a car and saying that this health plan wouldn't approve his going to the nearest emergency room because he

hadn't called for permission first. He said, "I was unconscious at the time. I didn't know how to make the phone call." [Laughter]

Now, all of you know these are—if you practice in this area, you know that this is not just some set of isolated anecdotes. And I believe that health care decisions should be made by health care professionals. I believe people ought to be able to go to the nearest emergency room. I don't believe that people should be forced to change physicians in the middle of a treatment, whether it's chemotherapy or having a baby. And I think if people get hurt, they ought to have the right to seek redress in our courts. That's what the Patients' Bill of Rights does.

Let me say, as I have said over and over again, this is not a partisan issue. Survey after survey after survey has shown that more than 70 percent of the American people, whether they identify themselves as Republicans or Democrats or independents, support the passage of a strong, enforceable Patients' Bill of Rights. This is not a partisan issue. This is a special interest issue.

We passed with a bipartisan vote—a good number of Republicans voted for a bill called the Norwood-Dingel bill in the House of Representatives, and I am profoundly grateful to everyone who voted for that bill in both parties. And then, in the Senate, we came within a vote, really, of passing it. We lost it 51–49, and if it had gotten 50 votes, then the Vice President could have broken the tie. And as he never tires of saying, whenever he votes, we win. [Laughter] He always kids me that he has a much better record of legislative success than I do. He never loses. Whenever he votes, we win.

And so I have some hope that we can do this. But this is a huge deal, and it goes to the core of what kind of people we are. And I feel that I have the right to speak passionately about this because I actually have always supported managed care in general. Let me remind you of something.

Your president was telling you about what things were like in 1992. In 1992, and for several years before that, health care costs had been going up at 3 times the rate of inflation. We were then and are now spending about 4 percent more of our national income, which is a huge chunk of change, on health

care than any other country in the world; about 6 percent more than virtually all other advanced countries—Canada is 4 percent lower than we are—and yet we were the only one that basically had tens of millions of people without any health insurance.

So it was obvious that we needed to manage the system better because a lot of the money was just getting away from us. Having said that, you cannot allow the management of the system to overcome its fundamental purpose, which is to help people get healthy or stay healthy or deal with them when they're injured or sick.

Let me just emphasize, I've talked to a lot of people about this. I've talked to a lot of nurses and doctors and people who work in insurance companies. I've talked to the 14 representatives of the 14 HMO's that endorsed our Patients' Bill of Rights, because they desperately want to do this, but they don't want to be disadvantaged by having all their competitors able to run off and leave them and follow a different set of rules.

And the fundamental problem is, in a lot of these cases, particularly on specialist care, is that you have to go through three levels before a final decision is made, and the people at the first two levels know they'll never get in trouble for saying no. And whenever you have a system where someone never gets in trouble for saying no and not get in trouble for saying yes, even if yes is plainly the right answer, then there needs to be some way people can get redress if they get hurt in a system like that. That's the issue. So a right without a remedy is just a suggestion. And I think we all know that.

So we've got to keep working. We might get there this year. We're chipping away at it. If we turn one or maybe two to be safe in the Senate, we'll be home.

Now, let me just say one other thing. I couldn't appear before an audience of lawyers without mentioning what I consider to be another threat to our system of equal justice under law, and that is the Senate's slowdown in consideration and confirmation of my nominees to our courts, especially to our appellate courts.

The judges I have appointed have the highest ratings the American Bar Association has given out in 40 years. They are also the

most diverse group ever appointed to the Federal bench. We've shattered the myth that diversity and quality don't go hand in hand.

I also have bent over backwards not to appoint people just because I thought that every single ruling would agree with me. And I've probably appointed a person or two that some of you didn't like. But I've tried to find mainstream judges that would follow the Constitution and be faithful to the interest of individual litigants who have rights under the law and Constitution of the United States and to be fair and balanced to both sides. That's what I have tried to do.

Now, it is, therefore—because of that record, and there have been lots of legal analyses by respected, totally nonpolitical writers saying how I have changed the thrust of the court appointments, especially appellate court appointments, and my appointees are far less ideological, one way or the other, than those of the last two administrations. Now, a blue ribbon panel, however, recently found that during the 105th Congress, the nominations of women and minorities tended to take 2 months—2 months—longer to be considered than those of white males, and though they were just as qualified, according to the ABA, they tended to be rejected twice as often. I'll give you just exhibit A. I've talked about this all over America.

I nominated a man named Enrique Moreno, a highly regarded trial lawyer from El Paso, to the fifth circuit. The Texas State judges said he was one of the three best trial lawyers in the region. The ABA unanimously rated him well-qualified. He had broad support from local law enforcement officials and from local Republicans and Democrats. Again, it was not a partisan issue. The guy came up out of El Paso, went to Harvard, made great grades, made something of himself. Everybody said he was qualified—everybody except the two Senators from Texas who said he wasn't qualified, no matter what the ABA said, no matter what the Texas State judges said, no matter what the local Republicans and Democrats said; he's not qualified. Nineteen years in practice isn't enough to qualify to make the kind of judgments they have to make. And regrettably, none of the other leading Republicans in Texas would

even ask for him to have a hearing. And so he sits in limbo.

Look at the fourth circuit in the southeast United States. The largest percentage of African-Americans in any Federal circuit are in the fourth circuit; 25 percent of the judge-ships are vacant. I've been trying for 7 years to put an African-American on that court because there has never been one in the district with the largest number of African-Americans in the entire country. I think it's wrong. And they have worked so hard to keep me from doing it that they're willing to tolerate a 25 percent vacancy rate.

Now, keep in mind I never sent anybody up there that wasn't qualified. We now have two fine, well-qualified African-Americans pending for that circuit, Judge James Wynn of North Carolina and Roger Gregory of Virginia. Neither has even gotten a hearing.

The Senate has 37 nominations before it now, and 29 of those folks have never gotten a hearing. Fifteen have been nominated to fill empty seats that the U.S. courts consider judicial emergencies, places where our legal business simply isn't being done; 13 of them, including well-respected litigators like Dolly Gee and first-rate jurists like Lagrome Davis, have been waiting more than a year. Judge Helene White has been waiting for 3 years.

Now, if we want our courts to function properly, the Senate ought to vote these folks up or down. If they don't like them, vote them down. But is the question, can they be competent; will they run a fair and effective court if there are criminal trials; will the civil cases be tried promptly and fairly; do they believe justice delayed is justice denied; or is the problem that they are not sufficiently ideologically predictable?

This is a big issue and a serious precedent. We all want justice to be blind, but we know when we have diversity in our courts, just as in other aspects of our society, it sharpens our vision and makes us a stronger nation. That is a goal ATLA has always set.

Now, I was told that no President had ever addressed the full ATLA convention before, and since you were born in the same year I was, I thought I'd show up. [*Laughter*] I thank you from the bottom of my heart for the kindness so many of you have shown me, the support that so many of you have given

to our initiatives, to defending the civil courts and defending the Constitution. This is a year in which the American people will be given a chance to chart the course of the future for a long time to come. They'll elect a new President, a new Vice President, Senators, and Members of Congress. In the course of that, if all the predictions are true, they will also be shaping a new Supreme Court because the next President, in all probability, will make between two and four appointments to the Supreme Court. Choices will be made and those choices will have consequences.

I think it is very important that you make up your mind what you think the choices are and what the consequences will be, and that you share them with others. The last time a President, nearly as I can tell from my research, talked to any ATLA group was when President Johnson appeared before your board of directors in 1964. And so I want to tell you a little story about 1964 to emphasize why I think this year is so important to all of us as Americans.

In 1964 I graduated from high school, and I, therefore, have a very clear recollection of that year. All of us were still profoundly sad over the death of President Kennedy, but fundamentally optimistic. America was then in the full flow of what was until now the longest economic expansion in history. Vietnam had not yet blown up, and no one really thought it would get as big as it did or claim as many lives as it did or divide the country the way it did.

There were—then we had about 10 years of vigorous activism in civil rights, but most people believed, given the White House and the composition of the Congress, that the civil rights problems of this country would be solved in the Congress and in the courts, not in the streets. And nearly everybody thought the economy was on automatic, and you couldn't mess it up if you tried. We took low unemployment and high growth and low inflation for granted. And I was one of those bright-eyed idealistic kids that felt just that way.

Two years later we had riots in the streets. Four years later, when I graduated from Georgetown, it was 9 weeks after President Johnson said he couldn't run for President

again because the country was so divided over Vietnam, 8 weeks after Martin Luther King was killed in Memphis, 2 days after Senator Kennedy was killed in Los Angeles. The next election had a different outcome. Within a few months, the previous longest economic expansion in history itself was history.

What's the point of all this? I don't know when we'll ever have a time like this again, where we have so much economic prosperity and all the social indicators from crime to welfare to teen pregnancy, you name it, they're all going in the right direction; where our country is in a position to be a force for peace and freedom and decency from the Middle East to Northern Ireland to the Balkans to Africa and Latin America; where we have the chance to build the future of our dreams for our children and protect the fundamental essence of American citizenship and constitutional liberty, even as we build a more united community amidst all of our diversity.

And I'm old enough now to know that nothing stays the same, and things change. And I say this to you more as a citizen than as a President, because I'm not a candidate this year. But I think it is profoundly important that the American people make up their mind what to do with this moment—this magic moment in our history. And I think we will not ever forgive ourselves if we let it get away from us.

In 1964, when LBJ came here, we let it get away from us. But the problems were deep and imponderable and difficult to move away from—the problem of Vietnam and the problem of civil rights. We are not burdened to the extent that time was by anything of that magnitude. But we know what's coming down the pike. We know we have to deal with the retirement of the baby boomers. We know we're not giving every kid in this country a world-class education. We know that we have not done what we should do in terms of safe streets and health care. We know we're going to have to deal with the problems of climate change. We know this explosion in biotechnology that the human genome project exemplifies will change things forever and require us to rethink our whole notion of health and retirement. We know that we

have responsibilities to people around the world if we want Americans to do as well as they can at home.

And at the core of it all is, what is our fundamental notion about what it means to be a citizen of this country, to have rights in the courts and on the streets and in our daily lives?—yes, but also to have responsibilities to one another and to our country and to the future.

I want you all to think about that. I've done everything I knew to turn this country around, to try to get things going in the right direction. And now all the great stuff is still out there just waiting for us to build a future of our dreams for our kids. That's all that matters, not the politics, not the injuries, not the hurts, not the barbs, not the bragging, not the plaudits.

There's an old Italian proverb that says, "After the game, the king and the pawn go back into the same box." It's well to remember. All we really have is our common humanity. But once in a great long while, we get an unbelievable opportunity to make the most of it. You've got it now, and I hope you will.

Thank you, and God bless you.

NOTE: The President spoke at 3:25 p.m. at the Hyatt Regency Hotel. In his remarks, he referred to Richard H. Middleton, Jr., president, and Fred Baron, president-elect, Association of Trial Lawyers of America; and Gov. Mel Carnahan of Missouri.

## **Statement on the Gun Buyback Initiative**

*July 30, 2000*

I am pleased that Secretary Cuomo and the Department of Housing and Urban Development (HUD) are moving forward with their successful gun buyback initiative. By teaming up law enforcement, local authorities, and citizens in the fight to reduce gun violence, the HUD gun buyback program has already helped remove over 17,000 guns from our communities. Today's announcement that BuyBack America will continue will ensure the removal of thousands more guns, preventing an untold number of gun accidents, suicides, and crimes. Despite