

# Senate Blocks Damages Limit In Civil Suits

## Republicans Vow To Pursue Options

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By Helen Dewar  
Washington Post Staff Writer

A rebellious Senate yesterday blocked passage of legislation to limit punitive damages in all civil lawsuits, dealing a stunning blow to Republican efforts to overhaul the nation's civil litigation system.

Republicans vowed to salvage at least some of the bill but conceded they may have to settle for curbs on product liability awards, as originally proposed before they expanded the legislation to cover all civil litigation.

In an embarrassing defeat for Majority Leader Robert J. Dole (R-Kan.), Republicans fell 14 votes short of the 60 needed to cut off debate on the measure and force a vote on final passage. They failed even to get a majority, losing by votes of 46 to 53 and 47 to 52 in back-to-back roll calls.

The votes came shortly after President Clinton issued a strongly worded statement, saying the bill might be called the "Drunk Drivers Protection Act" and vowing to veto it unless major changes are made. "At the least, it [the Senate] should remove damage caps on lawsuits involving drunk drivers, murderers, rapists and abusers of women and children, despoilers of the environment like the Exxon Valdez and perpetrators of terrorist acts and hate crimes," Clinton said.

The president said he favored "product liability reform at the federal level" but said it "must fairly balance the interests of consumers with those of manufacturers and sellers."

Republicans denied Clinton's statement influenced the vote but

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acknowledged he scored some political points.

The House has approved comprehensive legislation, as promised by the GOP "Contract With America," that went farther than anything attempted by Senate Republicans, including putting limits on pain-and-suffering awards. Yesterday's vote appeared to reinforce expectations that many of the most controversial contract items face serious trouble in the Senate.

The Senate has rejected the House-approved constitutional amendment to force a balanced budget and is divided over other is-

sues, ranging from easing government regulation to cutting taxes.

As originally introduced, the bill, cosponsored by Sens. Slade Gorton (R-Wash.) and John D. "Jay" Rockefeller IV (D-W.Va.), proposed only to limit punitive damages in cases against manufacturers of faulty and dangerous products, a goal pursued by many lawmakers over the past decade.

But it was broadened in several ways during two weeks of debate, including approval Wednesday of a proposal by Dole to limit punitive damages in all civil cases to twice the level of other awards, including lost wages, medical bills and pain and suffering.

Dole's proposal, which had been approved by only 51 to 49 on Wednesday, was among the most likely casualties of yesterday's vote.

Several Republicans said Dole's proposal would be among the first to go. Asked if Dole's would survive, Majority Whip Trent Lott (R-Miss.) said, "I doubt it." Dole appeared no more optimistic. "Mine is not at the top of the list" for survival, he quipped to reporters.

The outlook for limits on medical malpractice awards was only slightly better. Some Republicans predicted malpractice limits would survive in some form; others were less optimistic.

Asked what might garner the nec-

essary 60 votes to end debate, Sen. Mitch McConnell (R-Ky.), who led the fight for limits on medical malpractice awards, said, "My guess is that not much beyond products will get that—if that." Lott said, "It will be product liability plus a little."

Yesterday's debacle appeared to bear out Rockefeller's prediction that the measure would sink of its own weight if Republicans overloaded it with controversial provisions. "This is the way you get back to product liability," he said after yesterday's vote.

Outside groups who opposed the legislation were less diplomatic. "They had a greed problem; it oozes out of the pores of the bill," said Joan

Claybrook, president of Ralph Nader's Public Citizen, a lobbying group.

Nader said special interest groups overreached in pressing for protection in the bill and are now pitted against each other as the legislation is pared back to get the needed 60 votes. "The sharks are now circling one another," he said.

Key GOP backers of the bill drew a different message, blaming defeat on what some called "forces of the status quo." Sen. Paul Coverdell (R-Ga.) said a majority of senators approved the litigation curbs, only to be foiled by Senate rules requiring 60 votes to cut off filibusters. "Our strategy is driven by what the Amer-

ican people are asking us to do, not what a handful of inside-the-Beltway contortionists" wants, he said.

In the first vote yesterday, 10 Republicans joined all but two Democrats in voting against cloture to shut off debate. In the second vote, Sen. Strom Thurmond (R-S.C.), who had voted against cloture the first time, switched and voted for it. Among Washington area senators, only John W. Warner (R-Va.) voted for cloture.

Dole announced last night that a substitute proposal would be ready for submission to the Senate today and that further attempts to get the needed 60 votes will be made Monday and Tuesday.