

extend to the troubling racial and regional disparities in the Federal system, as documented by the Department of Justice September 2000 report.

As my colleagues are aware, I oppose the death penalty. I have never made any bones about that. But this is not really about just being opposed to the death penalty. This is about bias-free justice in America. I am certain that not one of my colleagues in the Senate—not a single one—no matter how strong a proponent of the death penalty, would defend racial discrimination in the administration of that ultimate punishment. The most fundamental guarantee of our Constitution is equal justice under law, equal protection of the laws. To be true to that central precept of our national identity, we have to take extremely seriously allegations that the death penalty is being administered in a discriminatory fashion.

So I urge the Attorney General, in the strongest possible terms, to reconsider his actions and direct the National Institute of Justice to continue its study, with outside experts, of the racial and regional disparities in the Federal death penalty system. I also urge him to provide the NIJ whatever resources may be needed to complete this study. This is the only course consistent with the promises he made during his confirmation hearing.

Furthermore, with Mr. Garza's execution still scheduled to take place and the NIJ study at a standstill, I urge the Attorney General to postpone Mr. Garza's execution until these questions of fairness are fully answered. The case of Mr. Garza—a Hispanic and convicted in Federal court in Texas—implicates the very issues at the center of the unfairness reflected in the DOJ report. It would be wholly illogical and unjust to go forward with plans for the execution of Mr. Garza and subsequent executions until the NIJ's study is completed and fully reviewed. It would be a great travesty of justice, as well as a great diminution in the public's trust in the Federal criminal justice system, if the Federal Government executed Mr. Garza and the NIJ later completed its study, which corroborated racial or regional bias in the administration of the Federal death penalty.

The integrity of our system of justice demands no less.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### COMMENDING SENATOR FEINGOLD

Mr. REID. Before my friend from Wisconsin leaves the Chamber, I would like to say that I have always been very impressed with the Senator from Wisconsin. I may not always agree with him on the issues—but most of the time I do—but one reason I am so impressed with him is he is always so thorough and has such a conviction about the issue of which he speaks. Whether it is an issue dealing with for-

ign policy or a country the name of which most of us have trouble pronouncing, he understands what is going on in that country and the human rights violations that take place.

I never had the opportunity to say publicly to my friend from Wisconsin how impressed I am with his intellectual capabilities and his ability to express them in this Chamber. I do that now and congratulate him.

Mr. FEINGOLD. I thank the Senator very much.

#### SENATE PAGE RECOGNITION

Mr. LOTT. Madam President, this Friday is graduation day for the Senate pages. These young men and women are some of the hardest working employees of the Senate. They have a grueling schedule. Many people don't know that the pages go to school from 6:00 a.m. until the Senate opens, and are here even past the time the Senate gavels out. In the past few weeks we have had several late evenings, sometimes not leaving until after midnight. While most of the Senate employees go home and go to sleep, the pages do not. After work the pages have homework and studying to do. Their work is never done.

They do an invaluable service for the United States Senate and get little acclaim. However the experience is extraordinary and one they will remember for the rest of their lives.

Over the past semester the pages have been witness to several historical events. The State of the Union, the passing of the largest tax cut in history and being a part of an evenly divided Senate.

I would like to take this opportunity to recognize each page and the State that they represent.

Republicans: Kendall Fitch, South Carolina; Jackie Grave, Missouri; Elizabeth Hansen, Utah; Joshua Hanson, Indiana; JeNel Holt, Alaska; Adrian Howell, Mississippi; Eddie McGaffigan, Virginia; Mary Hunter (Mae) Morris, Alabama; Jennifer Ryan, Idaho; Megan Smith, Kentucky; O. Dillon Smith, Vermont; Garrett Young, New Hampshire;

Democrats: Libby Benton, Michigan; Steve Hoffman, Vermont; Alexis Gassenhuber, Wisconsin; Kelsey Walther, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Tristan Butterfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, Texas.

Congratulations to you all on a successful semester as a Senate page. We wish you the best of luck as you encounter all future challenges. Thank you for your patronage and service to the U.S. Senate.

#### IN HONOR OF MR. WILLIAM T. KOOT

Mr. REID. Madam President, I rise today to honor a distinguished Ne-

vadan, a good man, and a good friend, Mr. William T. Koot. On June 8, 2001, Bill will be retiring from the Clark County District Attorney's office after nearly 30 years of service.

When Chief Deputy District Attorney William T. Koot retires on Friday, the people of Clark County, NV, will lose a wonderful advocate.

Bill has been the heart and soul of the Clark County District Attorney's Office for decades. The leadership that he has provided, the examples that he has set, the standards of integrity that he has insisted upon for himself and for others, are immeasurable. He is a terrific trial lawyer, an outstanding legal scholar, a leader in the community, an effective prosecutor, and most importantly, a good friend.

Bill's legacy of service to the State of Nevada is long and remarkable. He joined the Office of the District Attorney in 1972, after having served 3 years in the United States Marine Corps and acquiring his law degree from the University of San Diego.

During his nearly 30 years of service, Bill has tried literally thousands of cases. Of his 132 jury trials, Bill has successfully prosecuted and obtained 93 guilty verdicts. He has supervised with distinction dozens of prosecutors, and during the past 6 years, he has headed the office's major violators unit.

As Clark County District Attorney Stewart Bell has said, Bill Koot will truly be missed. I extend to him my most sincere congratulations and the appreciation of all Nevadans for his good work on our behalf.

#### KIDS AND GUNS

Mr. LEVIN. Madam President, the June issue of the journal Pediatrics reports the results of a disturbing study on children and guns. A journal article describes an experiment conducted by researchers from Emory University School of Medicine and Children's Healthcare of Atlanta-Egleston Hospital. The researchers wanted to determine how sixty four eight to twelve year old boys would behave when they found a handgun in a presumably unthreatening environment.

Researchers placed groups of two or three boys in a room with a one way mirror. Two water pistols and an actual .380 caliber handgun were concealed in separate drawers in the room. When left alone for a mere 15 minutes, nearly three quarters of the groups found the handgun. Of those groups, more than three quarters handled the guns. And 16 boys—one out of every four in the study—actually pulled the trigger. And none of these boys knew that the gun was not loaded. Perhaps most distressing is the fact that more than 90 percent of those who handled the gun or pulled the trigger had some form of gun safety instruction.

Despite this study and countless other examples of the potentially lethal implications of mixing kids and guns, the National Rifle Association

has not strayed from its mantra. When asked about the Emory study, an NRA spokesman was reported to have said simply "You can certainly assume that the findings are artificial."

But I think Emory's Dr. Arthur Kellermann, a co-author of the study, had it right. Dr Kellerman said, "Since we can't make kids gun proof, why can't we make guns kid proof?" That makes sense to me. So while the NRA is free to bury its head in the sand, we are not. We in the Congress have a moral responsibility to stand up for what's right, close the loopholes in our gun laws, and make our nation a little safer for our children and our grandchildren.

#### THE OKLAHOMA CITY BOMBING CASE

Mr. LEAHY. Madam President, we are all familiar with the recent developments in the Oklahoma City bombing case. Last month, just 6 days before Timothy McVeigh was to be executed, we learned that the FBI had withheld thousands of pages of documents from McVeigh's defense team. The execution was then postponed until June 11 to give McVeigh and his lawyers time to review the evidence that should have been provided to them before the trial began.

The bombing of the Oklahoma City Federal Building 6 years ago left 168 people dead and hundreds more injured.

The Federal Government spent millions investigating and prosecuting McVeigh, and millions more on his defense. The prosecution and the courts bent over backwards to ensure that he got a fair trial—one in whose outcome all Americans would have confidence. A member of the prosecution team once called McVeigh's trial "a shining example . . . of how the criminal justice system should work."

I have great respect for the dedicated team of prosecutors and law enforcement agents who worked on the Oklahoma City bombing case. I honor their commitment and I commend their accomplishments. But I agree with the trial judge that the FBI's belated discovery of thousands of pages of documents that were not turned over to the defense was "shocking." And I believe that this shocking incident holds some lessons for us about our criminal justice system.

First, something we all know, even if we do not want to admit: Mistakes happen. Even in the highest of high profile cases, where the world is watching every step of the way, and even when the government devotes its most talented personnel and spares no expense, you cannot eliminate the possibility of human error or, as appears to be the case here, an unreliable computer system.

That should tell us something about other less infamous cases. The average case, even the average death penalty case, does not get the benefit of intense media scrutiny, and is not litigated by

the best lawyers in the land. In the average death penalty case in Alabama, for example, the defense does not get millions of public dollars. Sometimes, defense lawyers are paid less than the minimum wage for defending a man's life. Too often, in the average death penalty case, corners are cut.

We saw what comes of corner cutting last month, when Jeffrey Pierce was released from prison in Oklahoma. He served 15 years of a 65-year sentence for a rape he did not commit, because a police chemist claimed his hair was "microscopically consistent" with hair found at the crime scene. Turns out it was someone else's hair. Whoops: Mistakes happen.

The second lesson to be learned from the McVeigh case is this: Process matters. The new documents that the FBI discovered may have no bearing on McVeigh's guilt or sentence, but that does not excuse the FBI's initial oversight in failing to produce them.

The right to a fair trial is not some arcane legal technicality. It is the bedrock constitutional guarantee that protects us all against wrongful convictions. The fair trial violation in Jeffrey Pierce's case did have a bearing on his guilt or innocence, and cost an innocent man 15 years of his life.

Finally, the McVeigh case reminds us that however much we may long for finality and closure in criminal cases, our first duty must always be to the truth. While I am dismayed by the FBI's failure to produce evidence 6 years ago, I would be far more troubled if it had tried to cover up its mistake. It appears that the FBI and the Department of Justice acted responsibly under the circumstances, by turning over the materials in an orderly manner and giving McVeigh time to consider his response. The Government's willingness to acknowledge its mistake and uphold the rule of law was proper and commendable.

It also stands in sharp contrast to the actions of certain State and local authorities. The sad truth is that in America in the 21st Century, with the most sophisticated law enforcement and truth-detection technologies that the world has ever seen, there are still some law enforcers who would rather keep out critical evidence, and hide the system's potential mistakes from the public, than make sure of the truth. There are still people playing "tough on crime" politics with people's lives, at the expense of truth and justice.

A prosecutor's duty is to the truth, the whole truth, and nothing but the truth. That duty does not end just because the defendant has been convicted. As Attorney General Ashcroft said in announcing the postponement of McVeigh's execution: "If any questions or doubts remain about this case, it would cast a permanent cloud over justice, diminishing its value and questioning its integrity."

One cannot think of the Oklahoma bombing case without thinking of the hundreds of victims whose lives that

bomb shattered. We as a society cannot give the families back their loved ones, but we can and should give them closure. As the Attorney General acknowledged, you cannot have real closure without a fair and complete legal process that ensures that all of the evidence has been properly examined.

We cannot achieve infallibility in our criminal justice system, and we cannot spend millions of dollars on every trial. No one suggests that we should. But if we want real justice for those defendants, like Jeffrey Pierce, who happen to be innocent, and real closure for victims of violent crime, we must ensure that we as a society do not cut corners in the administration of criminal justice. That requires, at a minimum, that we provide competent counsel to capital defendants and make DNA testing available in all cases where it could demonstrate the defendant's innocence.

Process matters, for victims and defendants alike, and I hope that we will take real action in this Congress to pass the Innocence Protection Act and stop cutting the corners.

I ask unanimous consent to print in the RECORD a recent Wall Street Journal article discussing the growing support for stronger protections against wrongful executions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### DESPITE MCVEIGH CASE, CURBS ON EXECUTIONS ARE GAINING SUPPORT

(By John Harwood)

WASHINGTON.—Americans last year elected an enthusiastic proponent of capital punishment to the White House. And they're applauding the resumption of federal executions next month, when mass murderer Timothy McVeigh is scheduled to die by lethal injection.

Yet, paradoxically, the dawn of George W. Bush's presidency is bringing a swing in the pendulum away from executions in America. Though most Americans continue to back capital punishment, support has been dropping in recent years in tandem with declining rates of violent crime. Advances in DNA testing and scandals involving the prosecution of major offenses have underscored the fallibility of evidence in capital cases.

One state, Illinois, has placed a moratorium on the death penalty. Others, including Arkansas and North Carolina, have indirectly curbed its application by beefing up standards or taxpayer funds for the representation of indigent defendants. The number of people annually sentenced to death in the U.S. has fallen in three of the last four years for which statistics are available, to 272, in 1999, since peaking at 319 in 1994 and 1995.

Just last week, the Texas House voted to create the state's first standards for court-appointed lawyers. The Texas Senate had already passed similar legislation. The Supreme Court this fall is scheduled to revisit whether to bar the execution of mentally retarded inmates. In the Republican-controlled Congress, support is building for stronger protections against the execution of defendants who may be innocent.

#### SHIFT IN OKLAHOMA

The pendulum swing is occurring even in Oklahoma City, where Mr. McVeigh bombed the Alfred P. Murrah Federal Building six years ago, killing 168 people. There is early evidence that Oklahoma convicts are receiving fewer death sentences in the wake of the