

mistake, everyone knew he could tell instantly whether the student had read the book. He was held in such respect that no one made the appointment without trepidation. Many could not sleep for days in advance. It was a brilliant way for him to teach and to know his students.

As a result of this exceptional teaching, I became a history major. Being a history major opened a broad world to me, a world that was exciting and inspiring. It allowed an already existing interest in government and politics to grow.

Dr. Chappell's freshman class, his upper level courses, and his friendship and advice over the years have played an important role in my life and career. For thousands of his respectful students, his teaching was equally formative. Small liberal arts colleges, like Huntingdon, with an emphasis on classical learning, respect for faith and philosophy, liberal in concepts and disciplines, and with love of country and region, have shaped for the better the lives of millions. The death of Dr. Chappell not long after the death of Mrs. Chappell, drives that fact home to me in a forceful way. Their lives, committed to faith, humanity and learning bloomed like beautiful flowers and enriched the lives of many young people.

As United Methodist minister, Dr. Charles C. Hays, Jr., a Huntingdon history major who was also a student and long time friend of Dr. Chappell, stated in his eulogy:

He was an architect of the psyche who, through the medium of history, shaped and molded the lives of countless hundreds of students.

Indeed he did. Though we have been sad, we should all remember that, at best, our lives are short—"like a vapor", the scripture says. Dr. Chappell's life, along with his beloved partner, Winn, was rich, full and long. He spent it doing what he loved and wonderfully enriched the lives of all he touched. What more can one ask.

He is survived by two exceptional children, Rick and Wendy. May God's comfort and blessing be with them at this sad time. Let us, out of this sadness, lift our heads and celebrate Dr. Chappell's beautiful life so well lived.

THE 100TH DEATH ROW INMATE EXONERATION

Mr. FEINGOLD. Mr. President, this Monday, Mr. Ray Krone walked out of an Arizona state prison a free man. In doing so, he became the 100th innocent person to be released from death row in the modern death penalty—era that is, since the Supreme Court found the death penalty unconstitutional in 1972.

At about 5 pm on Monday, Krone "traded his orange prison jumpsuit for blue jeans and a T-shirt," then walked away from a prison in Yuma, AZ, according to the Arizona Republic. Krone had spent the last 10 years of his life in prison for a crime it is now almost certain he did not commit.

In 1992, Krone was sentenced to death for the gruesome sexual assault and murder of Kim Acona, a cocktail waitress at a Phoenix lounge. After his conviction was overturned on a technicality, Krone received a re-trial but was convicted again in 1996 and, this time, sentenced to life in prison.

The key to his release was DNA testing that pointed not to Krone, but to Kenneth Phillips. It just so happens that Phillips is serving time in another Arizona prison for an unrelated sex crime. Prosecutors are now deciding whether to charge Phillips.

"There's tears in my eyes," Krone said upon his release. "Your heart's beating. You can't hardly talk."

At a press conference announcing that the prosecutor and Phoenix Police Chief would seek Krone's release, the prosecutor said, "[Krone] deserves an apology from us, that's for sure." He continued, "A mistake was made here. . . . what do you say to him? An injustice was done and we will try to do better. And we're sorry."

But, there is more that the American people can say to Krone. We can do more than just talk or apologize. An apology is the first step. But we can also act. We can act to ensure that not another innocent person faces execution. We can do so by conducting a thorough review of the death penalty system. And while this review is taking place, we can and should suspend executions.

Congress has the opportunity to do just that. We can act by passing my bill, the National Death Penalty Moratorium Act. Together we can say enough is enough. Together we can say that one mistake too many has been made. Together we can say let us pause and have an independent, top-to-bottom review of the administration of the ultimate punishment our society can exact, the death penalty. This review should include the death penalty systems of Arizona and all states that authorize the use of the death penalty, as well as the use of the death penalty by our Federal Government.

An innocent man, who at one time faced certain death at the hands of his government, today walks free. If we can call that luck, how many others in Mr. Krone's shoes have not been and will not be so lucky?

How many innocent Americans today sit in their prison cells wrongly accused, counting down the days until there are no more?

There have now been 100 exonerations and 766 executions since the early 1970s. In other words, for every seven to eight death row inmates executed by the States or Federal government, one has been found innocent and released from death row. Now, this does not bode well for the fairness and effectiveness of a government program.

Some have said that exonerations are proof that the system is working. But how can they be proof that the system is working when, in at least some cases, it is not the lawyers or judges,

but newspaper reporters and college students—people clearly outside the justice system—who have done the work of uncovering evidence of innocence? That is not proof the system is working. Quite the opposite. When the justice system must rely on outside actors, it is further, disturbing evidence that the system is broken.

I also fear that 100 exonerations is probably a conservative estimate. How many innocent people were not freed before being executed? How many mistakes did we miss? How many times were we too late to correct mistakes? I don't think anyone really has an answer to these questions. And that is precisely why we should have a pause and review. Before sending yet another person to the execution chamber, we should be sure that the system is fair, just and error-free.

The risk of errors is troubling to an increasing number of Americans. From Supreme Court Justice Sandra Day O'Connor, to Republican Illinois Governor George Ryan, to even Reverend Pat Robertson, a growing number of Americans are expressing grave concerns about the fairness of the administration of the death penalty.

And it is not just a question of access to modern DNA testing. A number of factors have resulted in unfair or even wrongful convictions. Incompetent counsel. Too many times, sleeping lawyers, drunk lawyers, or lawyers who are later suspended or disbarred are the lawyers representing people facing the death penalty. Sometimes there is prosecutorial or police misconduct—like failing to share evidence that might be helpful to the defendant's case or coerced confessions. These problems also plague the administration of the death penalty. We have also seen that testimony from jailhouse informants produce a high risk of unreliable convictions.

Now, Governor Ryan took a very important first step in 2000 when he had the courage to recognize these flaws, declared a moratorium on executions, and created a blue ribbon panel to review the fairness of the Illinois death penalty system. The results of the Illinois commission are set for release any day now.

If we are prepared to admit, as Illinois has, that there may be flaws with the death penalty system, it is then really unconscionable that we should continue with executions without a thorough, nationwide review.

Ray Krone's exoneration provides us all with another opportunity to take a moment and ask ourselves "what if?" What if we hadn't caught this mistake? What if an innocent man ate his final meal, took his last breath, said goodbye to his family and was put to death, alone, silenced by a failing system? The most important of these "what ifs," however, is this: What if we don't ask ourselves these questions? What if we could have saved a life and we didn't? What if we acknowledged that the system is unfair, and yet we didn't do anything about it at all?

One risk, one error, one mistake, is one too many. But 100 mistakes, proven mistakes, qualifies as a crisis. And a crisis calls for action.

My distinguished colleague and chairman of the Judiciary Committee, Senator LEAHY, has introduced the Innocence Protection Act. This bill would reduce the risk of executing the innocent by allowing for post-conviction DNA testing and establishing certain minimum competency standards for defense counsel. And I support this bill and hope the Senate acts on it without delay.

But I submit that Congress can and must do more. For, if we recognize that the system is broken, that innocent people have been freed based on DNA testing, then it is only logical and right that we suspend executions while these reforms can be implemented and while all steps are taken to conduct a top-to-bottom review of the death penalty system.

My bill would do just that. The National Death Penalty Moratorium Act would create a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the State and Federal levels. The bill would also suspend executions of Federal inmates and urges the States to do the same, while the commission does its work.

I am pleased that Senators LEVIN, WELLSTONE, CORZINE and DURBIN have joined me as cosponsors of this important legislation.

The expansion of the death penalty and increase in death penalty prosecutions during the last two decades have had literally life-or-death consequences. The people of Illinois have learned a serious lesson that the administration of the death penalty is plagued with errors. And as the events in Arizona just showed us, the people of Illinois are certainly not alone. But Illinois and Arizona account for only 19 of the 100 exonerations nationwide. The remaining 81 mistakes have occurred in other death penalty States. These 100 mistakes tell us, loudly and clearly, that it is past time for our Nation to have a thoughtful debate on capital punishment.

A commission, and pause in executions while the Commission does its work, is the only right and just response.

And, so, I urge my colleagues to join me in supporting the National Death Penalty Moratorium Act.

SNOW MACHINES IN NATIONAL PARKS

Mr. THOMAS. Mr. President, I rise to discuss an issue that is very important to those of us in Wyoming and to all of us who have an interest in national parks; that is, the winter use of snow machines in Yellowstone Park and Grand Teton Park.

As some of my colleagues may know, for a number of years we have had an opportunity in the wintertime for peo-

ple to go into the park, to engage in and tour the park in individual snow machines on a route that has been set forth. Of course, there has been a good deal of talk about it over the last several years and contentious debate over how that should be handled.

Some people believe we should not be in the park at all in the wintertime with snow machines. Others believe it ought to continue as it is.

We ended up about a year ago before the last administration moved out with a rule put into place that in 2 years the individual use of snow machines would be outlawed and eliminated.

That brought about a considerable response, particularly from people who live close to the park and have occasion to use it from time to time. The outcome was that we had an EIS underway. There was a suit brought, and we also passed in the Congress an extension of 1 year so we would have an opportunity for study. That has been underway, a supplemental EIS, to see how that could be handled and what could be done.

Of course, there are at least two primary missions of a national park; that is, to preserve the resource on the one hand, and then to let the owners enjoy it on the other hand. So we have to find some balance between protecting the resource and allowing people to enter the park and use it.

For a number of years, snow machines have been used. I don't think anyone suggests that they continue as they have in the past because there are some impacts both from noise and from exhaust.

One of the things that has changed and can change are improvements made to the machines. Some of them now go to four-cycle engines which are quieter, less exhaust oriented, and have been proven that way. In Jackson, WY, every year they have a contest to see who can improve the machines more. That has been a successful endeavor. We are in the process now of doing that.

I don't think anyone who is realistic suggests that we continue to do it as we have in the past. Certainly, we could apply some rules and regulations: No. 1, manage it; separate the cross-country skiers from the snow machines on the one hand. That can be done. I suspect if it were necessary, you could limit the number of passes that were made available. Sometimes the collection at Old Faithful gets pretty large. Nevertheless, that could be handled.

There have been suggestions that we limit the use in the night when animals are perhaps on the move. One of the arguments is that it distresses and disturbs the buffalo and the elk. I have been through the park with a machine and have ridden from here to the table from a big buffalo who paid no attention to me and had his nose down in about 3 feet of snow pushing along trying to find a little grass. So I suppose there might be instances. But the fact is, they really don't disturb the wildlife.

There has been now a regulation put into place, or an amendment that gives us another year to go through the supplemental EIS which is not yet completed. Then there would be, of course, probably about five alternatives that would be laid out in public. That is supposed to happen in November. We will have an opportunity to make some choices.

I am just saying I hope we can make the changes that will protect the environment, can protect the environment. I am persuaded that can be done. At the same time, I hope we can allow people to continue to enjoy the park. Quite frankly, if you didn't have this opportunity with the snow machine, there would be very little use of the park in wintertime because it is large. And, of course, you can't ski clear across the whole area, or very few people can.

That is in the process. I wanted to say I hope we do keep a couple of things in mind as we deal with our parks and our Federal lands.

One is that, of course, we should take care of the environment. No. 2, people ought to have access to these lands. It is really too bad if we set them aside so that people can't enjoy them and have access to them. Another is to manage it so that it really doesn't have an impact. Much of that is the result of management, and, quite frankly, we have not done as much of that and some of the park officials would rather not have any. So, therefore, they have not made an effort to manage their existence very well.

I hope we proceed on that and come out with a reasonable compromise that still allows access, and we can at the same time take care of the environment, both in Yellowstone and in Grand Teton, as well as other places where snow machines are used.

THE MIDDLE EAST

Mr. WELLSTONE. Mr. President, with a suicide bomber killing eight innocent Israeli civilians and wounding more than a dozen in Haifa today, and Palestinian gunmen and Israeli soldiers locked in battle in the Jenin refugee camp, the Middle East is under an intolerable siege of violence. The horrific practice of targeting innocent civilians must end. Even in this time of horrendous violence we cannot lose hope.

I spoke at Temple Israel back in Minnesota on Sunday. I was trying to figure out what to say. I remembered the story of an Israeli man murdered at a Seder meal. "Murdered" is the right word. An organ of his was given to save the life of a Palestinian woman. His children said that he would have been proud.

There is hope. We cannot lose hope, for the sake of both the Israeli and the Palestinian children. We have to continue to seek a pathway to peace. President Bush said this in a number of statements.

Last week President Bush made the right decision to send Secretary Powell