

orientation. He left the party and confronted two men in the parking lot, making derogatory comments about their sexual orientation before attacking them. Witnesses say he began punching and kicking the two victims, one of whom suffered bleeding from the mouth and eyes and was treated at a local hospital. Mr. Courain was arrested and charged with aggravated assault, bias harassment and bias assault in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### WORLD REFUGEE DAY

Mr. KENNEDY. Mr. President, I am honored to join in celebrating World Refugee Day and the many contributions of refugees around the world. The United Nations High Commission on Refugees works tirelessly to provide hope and opportunity to many of the world's most vulnerable people, and I commend High Commissioner Lubbers for his leadership in this area.

The focus of this year's celebration is on the critical situation of refugee women and children, who make up 70 percent of the refugee population. More must be done to address the special needs of these individuals, and World Refugee Day celebrations are an important step in the right direction.

To celebrate this day, United Nations Goodwill Ambassador, Angelina Jolie has commissioned a national poster competition and I am proud to say a fifth-grade student from Newton, MA, Lev Matskevich, is one of the winners. I would like to congratulate all of the winners, Lev, Sarah Rahmani from Edmunds, WA, and Roxann Acuna from San Antonio, TX for their hard work not only on the posters, but in bringing needed attention to the plight of refugees.

The theme of this year's poster contest, as it says proudly on Lev's poster, is tolerance. As a nation of immigrants we must remember that our tolerance toward immigrants has been a principal source of our progress and achievement.

With this year's celebration of World Refugee Day and these wonderful posters, we continue the important tradition of recognizing the contributions of refugees and encouraging the United States' continued commitment to providing a safe-haven to those in need around the world.

#### SUPREME COURT RULING THE EXECUTION OF THE MENTALLY RETARDED UNCONSTITUTIONAL

Mr. FEINGOLD. Mr. President, earlier today, the United States Supreme Court issued one of the most signifi-

cant decisions curtailing the death penalty since the Court first found capital punishment unconstitutional in 1972, and then reinstated it four years later. In a six to three decision in *Atkins v. Virginia*, the Court ruled that the execution of the mentally retarded is unconstitutional. The Court concluded that such executions are cruel and unusual punishment in violation of the Eighth Amendment.

This decision is a notable turning point for our Nation.

Indeed, a national consensus opposing such executions has been growing for some time. In 1989, when the Supreme Court upheld the execution of mentally retarded persons, only two of the 38 States that authorize the use of the death penalty had banned executions of the mentally retarded. Since then, 16 more States have enacted laws prohibiting the practice. Now, 18 of the 38 States that use the death penalty have banned the practice. And of the 20 States in the country that continue the practice, nearly half have pending legislation to halt executions of the mentally retarded. In addition, the Federal Government, which re-enacted the death penalty in 1988, has banned executions of the mentally retarded.

A recent poll by the National Journal found that only 13 percent of Americans favor the death penalty for the mentally retarded. As this poll indicates, Americans recognize that it is cruel and unusual to apply the death penalty to adults who have the minds of children. In many cases, mentally retarded adults accused of crimes cannot fully understand what they have been accused of, and often do not comprehend the severity of the punishment that awaits them. Accused adults with low mental capacity are often characteristically eager-to-please, and more likely to falsely confess to a crime.

Indeed, as Justice Stevens, writing for the majority, stated, concerning mentally retarded defendants, "Their deficiencies do not warrant an exemption from criminal sanctions, but they do diminish their personal culpability." He wrote: "Mentally retarded defendants may be less able to give meaningful assistance to their counsel and are typically poor witnesses, and their demeanor may create an unwarranted impression of lack of remorse for their crimes." Justice Stevens continued: "Mentally retarded defendants in the aggregate face a special risk of wrongful execution."

The Court also reasoned that the usual justifications for capital punishment, retribution and deterrence, do not apply to mentally retarded defendants. With respect to retribution, Justice Stevens wrote that "the severity of the appropriate punishment necessarily depends on the culpability of the offender." But "[i]f the culpability of the average murderer is insufficient to justify the most extreme sanction available to the State, the lesser culpability of the mentally retarded offender surely does not merit that form of retri-

bution," Justice Stevens wrote. He concluded: "Thus, pursuant to our narrowing jurisprudence, which seeks to ensure that only the most deserving of execution are put to death, an exclusion for the mentally retarded is appropriate."

With respect to the other justification for capital punishment, deterrence, Justice Stevens wrote that "executing the mentally retarded will not measurably further the goal of deterrence." The Court reasoned:

The theory of deterrence in capital sentencing is predicated upon the notion that the increased severity of the punishment will inhibit criminal actors from carrying out murderous conduct. Yet it is the same cognitive and behavioral impairments that make these defendants less morally culpable . . . that also make it less likely that they can process the information of the possibility of execution as a penalty and, as a result, control their conduct based on that information.

Today the Supreme Court reflected the sentiments of our nation on this important issue. As the majority stated: "The practice [of executing the mentally retarded] . . . has become unusual, and it is fair to say that a national consensus has developed against it." The majority concluded: "Construing and applying the Eighth Amendment in the light of our 'evolving standards of decency,' we therefore conclude that such punishment is excessive and that the Constitution 'places a substantive restriction on the State's power to take the life' of a mentally retarded offender."

The Court's decision confirms that our Nation's standards of decency concerning the ultimate punishment are indeed evolving and maturing. Even before today's decision, we have known that the current death penalty system is broken and plagued by errors, including the risk of executing the innocent and racial and geographic disparities.

As evidence mounts that the administration of capital punishment is plagued by inexcusable flaws, the American people are taking notice, and taking action. Illinois Governor George Ryan took the courageous and extraordinary step of placing a moratorium on executions two years ago. He also created an independent, blue ribbon commission to review the Illinois death penalty system. The commission released its report earlier this year and made 85 recommendations for improving the administration of the death penalty.

More and more Americans are realizing that they can no longer simply look the other way when confronted with glaring injustices. And today, a majority of the justices on our nation's highest court have joined this growing chorus of Americans.

I am proud of our Court today. I am proud of a justice system that recognizes that the execution of the mentally retarded is unconstitutional, inhumane, and simply wrong. Today we can declare an important and historic victory for justice.

But, while the Supreme Court must continue to scrutinize the capital cases before it, Congress and the American people also have a responsibility to act. Today's ruling presents us with further evidence of the urgent need for a moratorium on executions and a full and thorough nationwide review of the administration of the death penalty. It is time for Congress to support passage of my bill, the National Death Penalty Moratorium Act. We simply cannot continue to look the other way.

#### ACCESS FOR AFGHAN WOMEN ACT

Mr. DURBIN. Mr. President, I have been pleased to join with Senator OLYMPIA SNOWE in introducing the Access for Afghan Women Act, S. 2647.

After the horror that women endured under the Taliban, it is critical that U.S. assistance to that country promotes women's participation and leadership in the political and economic life of Afghanistan, while protecting women's rights.

In fact, throughout the world, it is clear that the role of women is key for successful economic development and a reliable indicator of whether development programs will succeed. I am not talking about some radical agenda, rather I refer to the basic ability of women to participate in education, society, government, and the economy.

Afghanistan under the Taliban was an extreme example of the failure to include women in the economy, in fact relegating half the population to virtual house arrest. No country will succeed if it refuses to educate half its population. No economy will grow that restricts half its population from the work force, from credit, and from private property. And the government that does such things is no government at all but a travesty.

Economic development programs benefit everyone, but certain programs have a particularly strong impact on the lives of women. Microcredit programs, for example, tend to benefit women who may need only a small loan to buy a goat to sell milk, a sewing machine to make clothes, or vegetables to sell in the village market. These tiny businesses often provide the financial independence that women need to pay school fees, take in an orphan, or simply survive.

U.S. programs are providing books to newly reopened schools in Afghanistan will have a major impact on the education of girls, who were not allowed to go to school under the Taliban.

This bill sets out broad requirements for U.S. assistance to Afghanistan for governance, economic development, and refugee assistance.

Among other provisions, bill calls for U.S. programs to include U.S. and Afghan-based women's groups in planning for development assistance, encourages U.S. groups to partner or create Afghan-based groups, and supports for the Ministry of Women's Affairs. It calls for programs that increase wom-

en's access to credit and ownership of property, as well as long-term financial assistance for education and health. It requires U.S.-sponsored police and military training to include the protection of women's rights and that steps be taken to protect against sexual exploitation of women and children in refugee camps.

I believe that these requirements will fit well with the development assistance programs that the United States plans to pursue, but I believe that it is still particularly useful to lay them out in detail, especially with regard to Afghanistan, to be certain that U.S. programs help remedy the abuses suffered by the women of Afghanistan. It is only with the concerted effort of both men and women in Afghanistan that that devastated country will recover, grow, and develop.

#### ADDITIONAL STATEMENTS

##### NATIONAL SERVICE DAY

• Mr. CARPER. Mr. President, I would like to speak for a few minutes about the Democratic Leadership Council's "National Service Day." Today I join the Democratic Leadership Council, DLC, former President Clinton, DLC Chair Senator EVAN BAYH, and New Democrats across the country in calling for the expansion of national service opportunities in a "National Service Day."

Creating a strong system of voluntary national service has been a signature New Democrat idea from the founding of the Democratic Leadership Council to President Clinton's AmeriCorps initiative. In the wake of the surge of patriotism following the events of September 11, national service is squarely at the center of national debate.

To build on this momentum, the DLC's Clinton Center is hosting "National Service Day," during which former DLC Chair President Clinton will participate in three service projects in New York City, and DLC Chair EVAN BAYH, Representatives HAROLD FORD, Jr. and Rep. TIM ROEMER will host a roundtable discussion with Members of Congress and AmeriCorps members from across the country. Other elected officials, including Virginia Governor Mark Warner, San Jose Mayor Ron Gonzalez, and Wisconsin State Representative Antonio Riley will join the DLC in promoting the New Democrat tradition of opportunity, responsibility and community through national service.

In recognition of National Service Day, I am hosting Britt Eichner from Bear, DE, today. A rising senior at Archmere Academy with a 4.0 GPA, Britt embodies a commitment to service. As Hugh O'Brian Youth Foundation Ambassador, she volunteered more than 100 hours of service to the community. Last spring, she mobilized faculty and student mentors to adopt

neighborhood families in need. As proof that living with diabetes doesn't have to slow anyone down, Britt just completed her fifth Bike-a-Thon for the American Diabetes Foundation Tour de Cure. And she recently spent a weekend in western Philadelphia revitalizing neighborhoods in a community cleanup. Students like Britt represent the real promise of community service.

While every American should be asked to consider setting aside time for service, be it mentoring a student or volunteering at a community center, it is also time to make sure we give those who are willing to serve, as Citizen-Soldiers in the Armed Forces or as AmeriCorps or Peace Corps volunteers, the opportunity to serve their country full-time.

I am proud to say that in Delaware, people of all ages and backgrounds are helping to solve problems and strengthen communities through 23 national service projects across the state. This year, AmeriCorps, the domestic Peace Corps, will provide more than 170 individuals the opportunity to spend a full year serving in Delaware communities. More than 230 students in Delaware colleges and universities will help pay their way through school while aiding their community through service opportunities that are part of the Federal Work Study Program. And more than 3,300 seniors in Delaware will contribute their time and talents to one of three programs that make up the Senior Corps: Foster Grandparents, who serve one-on-one with more than 1,200 young people with special needs; Senior Companions, who help more than 100 other seniors live independently in their homes; and Retired and Senior Volunteer Program, RSVP, volunteers, who work with more than 330 local groups to meet a wide range of community needs.

These numbers, though inspiring as they are, represent just a small fraction of our population and are much smaller than the number of people who want to serve. If we are to make national service a culture-changing rite of passage in America, we must do more. National service should not be a special chance for a few, but a way of life for many.

At a time when Americans from all walks of life are asking what they can do to help make our Nation safer and stronger, national service offers an answer that points us towards a higher politics of national purpose.●

#### BETHEL REGIONAL HIGH SCHOOL DRILL TEAMS

• Mr. MURKOWSKI. Mr. President, I rise today to honor a group of Alaska High School students from Bethel, Alaska who recently won the National Championship in Drill Team/Color Guard competition held in Daytona, Florida, May 3rd.

It is not unusual for a U.S. Senator to rise on the Senate floor and honor a national championship team from their