

DEATH PENALTY

Mr. KYL. Mr. President, I ask unanimous consent that an article entitled "Remembering Victims Key to Death Penalty, Executing Justice: Arizona's Moral Dilemma," by Steve Twist, be printed in the RECORD.

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

REMEMBERING VICTIMS KEY TO DEATH PENALTY—EXECUTING JUSTICE: ARIZONA'S MORAL DILEMMA

(By Steve Twist, May 20, 2007)

Opponents of the death penalty rarely want to talk about the crimes of those sentenced to death. One commentator has observed that this is "a bit like playing Hamlet without the ghost, reviewing the merits of capital punishment without revealing just what a capital crime is really like and how the victims have been brutalized."

In the week ahead, the public will be riveted with news of Robert Comer: his life, his struggles and his legal battles borne by others to the very end. But what of his victims?

Let us hope, in the end, the law will speak for them. And let us hope that those who excuse or minimize his crimes will listen, if only for even a brief moment or so, to what Judge Alex Kozinsky has rightly called "the tortured voices of the victims crying out for justice." It is in those voices that we understand the morality of the death penalty, even when they are raised in opposition, as they sometimes, albeit rarely, are.

There are 112 murderers on Arizona's death row. Robert Comer is one of them, having been sentenced to death almost 20 years ago, April 11, 1988.

The Department of Corrections reports, "(O)n Feb. 23, 1987, Comer and his girlfriend . . . were at a campground near Apache Lake. They invited Larry Pritchard, who was at the campsite next to theirs, to have dinner and drinks with them. Around 9 p.m., Comer shot Pritchard in the head, killing him. He . . . then stole Pritchard's belongings. Around 11 p.m., Comer and (Juneva) Willis went to a campsite occupied by Richard Brough and Tracy Andrews. Comer stole their property, hogtied Brough to a car fender and then raped Andrews in front of Brough. Comer and Willis then left the area, taking Andrews with them but leaving Brough behind. Andrews escaped the next morning and ran for 23 hours before finding help."

Donald Beaty is another. "On the evening of May 9, 1984, Christy Ann Fornoff, a 13-year-old news carrier, was collecting from her customers at the Rockpoint Apartments in Tempe. Beaty, who was the apartment custodian, abducted Christy and sexually assaulted and suffocated her in his apartment. Beaty kept the body in his apartment until the morning of May 11, 1984, when he placed it behind the apartment complex's trash dumpster."

Richard Bible is another. "On June 6, 1988, around 10:30 a.m., 9-year-old Jennifer Wilson was riding her bike on a Forest Service road in Flagstaff. Bible drove by in a truck, forced her off her bike and abducted her. He took Jennifer to a hill near his home where he sexually assaulted her. He then killed her hitting her in the face and head with a blunt instrument. Bible concealed the body and left the area. He was arrested later that day. Jennifer's body was not found until June 25, 1988."

Shawn Grell is yet another. "On Dec. 2, 1999, Grell took his 2-year-old daughter, Kristen, to a remote area in Apache Junction, doused her with gasoline and set her on

fire. After Kristen was engulfed in flames, she managed to walk around and stomp her feet for up to 60 seconds before collapsing in the dirt. Kristen (died suffering) third- and fourth-degree burns over 98 percent of her body."

And there are so many more. Repeating them is hard. Thinking about the victims and their loved ones, left to grieve, is heart-breaking. But think about them we must if we are to truly understand the context of the death penalty debate.

Those who agitate to abolish the death penalty for these killers say the killers don't deserve to die because no crime justifies death.

These arguments continue to find disfavor with large portions of the public. Gallup consistently reports support for the death penalty by wide margins (67 percent in favor, 28 percent opposed: 2006) when the question is asked in a straightforward manner. When the question is asked whether death or life imprisonment is the "better" penalty, 48 percent choose life and 47 percent death. Yet, when the facts of a case are cited, support for the death penalty grows dramatically. Even among those who said they opposed the death penalty, more than half of those supported the execution of Oklahoma City bomber Timothy McVeigh.

Another issue the abolitionists like to avoid is deterrence, which is of two kinds, specific and general. Specific deterrence is the measure of the penalty's effectiveness in deterring the sentenced murderer from ever killing again.

General deterrence is the effect of the penalty on deterring others from committing murder. Most recently, Professor Paul Rubin of Emory University and his colleagues have reported the results of the most extensive econometric study of death penalty deterrence and concluded that every execution saves on average 18 lives because of the murders that are deterred. Rubin's results have been replicated by others.

This is such an "inconvenient truth" for the abolitionists that they prefer to ignore it. Professing to revere life so dearly as to oppose even the taking of depraved life, they nonetheless seem to care little that their advocacy would result, if successful, in the slaughter of more innocents.

This week, when the news is filled with Robert Comer, let us pause to remember Larry Pritchard, Richard Brough and Tracy Andrews. And let us remember also Christy Anne Fornoff, Jennifer Wilson and, dear God, let us remember little Kristen Grell and all the other victims.

In those memories, let us offer prayers for their families and a steady, steel-eyed resolve that we will value their innocent lives so dearly that we are willing to exact the ultimate punishment for their murders, in order that we might preserve justice and protect others from becoming victims. In the wake of these decades-long delays to justice, let us finally resolve to demand of our courts that they become more respectful of the victims' constitutional rights to a "prompt and final conclusion of the case."

HONORING OUR ARMED FORCES

LANCE CORPORAL CHRISTOPHER S. ADLESERGER

Mr. DOMENICI. Mr. President, each year, our Nation observes a holiday to honor the brave men and women who have given their lives in service to this country. New Mexicans have a strong tradition of serving in the Armed Forces, and sadly a great many have given their lives in defense of our Na-

tion. Americans from every state and all generations have served bravely and on Memorial Day we remember their sacrifice.

It is with particular poignancy that this Memorial Day, we reflect on the sacrifice so many New Mexicans have made while serving in Operation Iraqi Freedom and Operation Enduring Freedom. I hope New Mexicans will think of these individuals and their families and on this Memorial Day I would like to share one of their stories, that of Marine Corps LCpl Christopher S. Adlesperger of Albuquerque.

In late 2004, Lance Corporal Adlesperger, and his unit were deployed in Fallujah and involved in some of the fiercest fighting of the war. On one particular mission, Adlesperger and his squad were ordered to storm an insurgent-occupied building. While moving forward Adlesperger's squad began to receive heavy insurgent fire and several members of his squad were wounded and the rest were pinned down. Adlesperger took action and secured a path for the injured marines to be evacuated. Despite the fact that he was also wounded, Adlesperger continued the assault on the building. Adlesperger is credited with eliminating several insurgents and playing a pivotal role in the successful assault.

Tragically, 1 month later, 20-year-old Christopher Adlesperger, was fatally shot while on patrol in the Anbar province west of Baghdad.

This brave young soldier was one of the first New Mexicans to give his life in the Iraq war and on April 13, 2007, Adlesperger was posthumously awarded the Navy Cross for valor.

Today, as we honor all the brave men and women who have fought and given their lives to defend this Nation throughout its history, I hope New Mexicans will also pray for the safe return of those still serving in Iraq and Afghanistan.

SAFETY OF AVANDIA

Mr. GRASSLEY. Mr. President, over the last few days there have been countless articles about the popular diabetes drug Avandia. For me, some of the most important questions that need to be answered here are what did FDA know, when did it know it, and what did it do with the information.

Since The New England Journal of Medicine first reported on a new study by Cleveland Clinic Cardiologist Dr. Steven Nissen, my investigative staff has continued to gather information about both FDA and the drugmaker.

We are hearing a lot about what's called the "RECORD" study, which was requested by the Europeans. There was talk at the FDA, before this week's stories started appearing, that the agency wanted to wait for that study to be completed before it made a decision about whether or not to say anything about Avandia and the possible increased risk in heart attacks. Believe it or not, FDA officials have confirmed for my investigators this week that the

“RECORD” study is not expected to be completed for 2 more years—until the summer of 2009. That’s a long time from now when you have millions of Americans taking this drug.

Second, there is something I would like to clarify. We have been reading this week that the FDA was not in a position to tell the American people about its concerns with Avandia because it needed “conclusive” information. That doesn’t make sense to me. The preliminary findings of the FDA’s ongoing “meta-analysis” of the Avandia clinical trials have been consistent with Dr. Nissen’s findings of an increased heart attack risk, as well as the drug maker’s findings. It goes like this: the drugmaker sees a 31-percent increased risk of a heart attack; the FDA sees a 40-percent increased risk for heart attacks; and Dr. Nissen sees a 43-percent increased risk for heart attacks. Those numbers seem like a high enough threshold to me for the FDA to warn the American people of the possibility of a problem.

Third, several months ago, the Division of Drug Risk Evaluation, which sits within the Office of Surveillance and Epidemiology, recommended a “boxed” warning for Avandia. Why? Because it was believed that Avandia increased the risk of heart attacks. To date, FDA has not acted on upon this recommendation.

In a statement I released on Tuesday, I also pointed out that about a year ago some FDA scientists recommended a black box warning for congestive heart failure. There is still no black box warning for congestive heart failure, and I understand that happened because the office that put Avandia on the market in the first place wanted to look into it further. America is still waiting for a decision.

It was also reported to me that the incidence of heart attacks with Avandia could be about 60,000 to 100,000 from 1999 to 2006. That is a lot. Just doing the math and using conservative numbers, that means about 20 or more unnecessary heart attacks a day.

At a minimum, I think that the office responsible for post marketing safety needs to have the ability to warn Americans when it thinks it needs to do so. If not, we have what we have here today, delays in telling the American people about a possible serious safety problem. It is not right, and I am going to keep working to change things once and for all. The FDA legislation passed by the Senate two weeks ago dropped the ball on this important reform. The Avandia case sets it up for the House of Representatives to give real clout to the FDA office that monitors and assesses drugs after they are on the market and taken by millions of people. If the Office of New Drugs continues to call all the shots, like it does today, then it is more status quo and less public safety from the FDA. Both the evidence and the experts underscore the need for real reform here.

One opportunity to improve upon postmarketing drug safety stems from

the Access to Medicare Data Act that I filed today with Senator BAUCUS. This bill is based on S. 3897, the Medicare Data Access and Research Act, which Senator BAUCUS and I introduced in the 109th Congress. The purpose of the bill is to provide federal health agencies and outside researchers more sources of data for examining adverse events so that serious safety questions are identified promptly and timely action can be taken to protect American consumers.

SENATE SPOUSES

Mr. WARNER. Mr. President, Tuesday, May 22 was a memorable day in the life of the U.S. Senate. In keeping with longstanding tradition, each year, Senate spouses gather to give a luncheon in honor of the First Lady of the United States of America.

Last year, Landra Reid served as Chairman and Jeanne Warner served as co-chairman. The theme was a unique one, entitled, “100 Dresses.” This year, Jeanne Warner became Chairman, Grace Nelson became co-chairman and Landra Reid, together with over 20 Senate spouses, organized another highly successful and enjoyable luncheon. This year’s event, entitled “Heartfelt Safari,” focused on the President and Mrs. Bush’s initiative to help alleviate the plight of malaria in Africa. The number of deaths this year from malaria could be as high as two million, largely among children in Africa. Part of the proceeds from the luncheon will be donated to a well-respected not-for-profit charity—Malaria No More—that works to alleviate this tragic suffering.

In the evening, our two Senate leaders presided over a dinner honoring the Senate spouses. Senator REID opened with a moving framework of remarks, humorously recounting how the esteemed author, Ralph Waldo Emerson, once spoke for over 2 hours at a Harvard University event in the 1830s. He quickly assured the audience he would not seek to match Emerson, and he then proceeded to give a very warm introduction of an honored guest, Placido Domingo. The renowned singer regaled the audience with anecdotes about his career and about America’s growing interest in opera.

Senator McCONNELL concluded the evening, reciting the vital role performed by Senate spouses through the years. His remarks were warmly received by so many colleagues that I am privileged to offer for the RECORD, on behalf of all Senators, his thoughts, and I ask unanimous consent they be printed in the RECORD.

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

SENATE LEADERS HONORING SPOUSES—REMARKS AS PREPARED FOR LEADER McCONNELL

A few weeks after marrying Grace Cavert in 1972, Bill Nelson and his new bride hit the campaign trail for the first time. Neither of

them could have imagined that 35 years later, Bill would be known throughout the halls of power in Washington as the husband of Grace Nelson.

Grace is a real sign of contradiction in this town. She believes in bringing people together, across party lines, and she’s backed that belief up with deeds. As head of the Spouses of the Senate, she’s been a model of how to practice bipartisanship and how to make it work. In retrospect, we probably should have consulted with her on the immigration bill.

I happen to know firsthand that Grace and all the other wives are a warm, welcoming group. Because my wife, who happens to be a pretty busy woman in her own right, is a regular at their Tuesday lunches, Elaine appreciates the friendships she’s formed there, and she counts on the advice she can get from all of you on matters of vital concern, like where to find a decent electrician.

Jeanne Warner, thanks for organizing the First Lady’s lunch today and for securing this beautiful garden for tonight’s event. To the performers: Joyce Bennett, Barbara Levin, and, of course, our special guest, Placido Domingo, thanks. Thank you for sharing your talented young artists with us tonight.

No less a historian than our own Robert Byrd has called the Senate a place of “resounding deeds.” But any time one of us writes a memoir, it’s always the quiet deeds of a devoted spouse that the senators themselves seem to marvel at the most.

Senator Byrd himself can boast more milestones than any other senator in U.S. history. But he’ll tell you his proudest achievement, his most resounding deed, was that he married a coal-miner’s daughter named Erma and that they stayed together longer than any Senate couple in history.

One of Senator Reid’s predecessors, Mike Mansfield, was a high-school dropout when his wife Maureen convinced him to go back to school—and then sold her own life insurance policy to pay for it. More than 70 years later, after one of the most distinguished political careers in U.S. history, Mansfield was invited back to the Capitol to receive one last honor. He could have recalled a thousand legislative deals. But when it came his turn to speak, he praised Maureen instead.

Here’s what he said: “The real credit for whatever standing I have achieved in life should be given to my wife Maureen. She was and is my inspiration. She gave of herself to make something of me. She made the sacrifices and really deserved the credits, but I was the one who was honored. She has always been the better half of our lives together and without her coaching, her understanding, and her love, I would not be with you tonight. What we did, we did together. In short, I am what I am because of her.”

Barry Goldwater was another one who knew where to place the credit. He’d proposed to his future wife Peggy many times before they found themselves in a phone booth on a cold New Year’s Eve night in Muncie, Indiana, in 1933. Peggy wanted to call her mother to wish her a Happy New Year, and while they were standing there, Barry said he was running out of quarters and patience. He asked her to marry him one more time, she said yes, and nearly half a century later, Barry Goldwater wrote this postscript to a long and storied career:

“There are many moments of triumph in a man’s lifetime which he remembers. I have been to the mountaintop of victory—my first election to the Senate, and my reelection, that night in Chicago, in 1960, when the governor of Arizona put my name in nomination for the office of the President of the United States; and another night in San Francisco when the delegates to the Republican Convention made me their nominee. But above all these I rate that night in Muncie.”