The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth, Falls Church, VA.

We are pleased to have you with us.

The guest Chaplain, Dr. Richard Foth, offered the following prayer:

We come today, heavenly Father, with thanksgiving for Your many gifts to us. We are unworthy of the blessings that this Nation enjoys, but we are grateful for the privilege of living in a free land.

As the Senate comes to the close of its deliberations for this year, may wisdom and foresight prevail. Between the pressure to wrap up business and the compromises necessary to make that happen, help the men and women of this body determine to take the long view.

In a place where pressing for votes and pleading for causes each day is the stock-in-trade, let there be a baptism of clear seeing this week. Where great clouds of dust have been raised over critical issues, may the wind of Your Spirit bring new insights. Where significant needs may have been lost in the legitimate but lengthy parliamentary debate, help common ground to be found.

Thank You, Lord, for these gifted public servants, and thank You in advance for the fresh oil of Your grace which they need in these closing hours of their work. May our Nation, our people, and the world be better for it.

In that Name above every name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator CRAPO is recognized.

ORDER FOR MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate be in a period of morning business until 12 noon today with the time equally divided between the majority and minority leaders or their designees.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. CRAPO. The Senate will be in a period of morning business until 12 noon to accommodate a number of Senators who desire to introduce bills and make statements. Following morning business, the Senate may resume consideration of the bankruptcy reform legislation.

For the information of all Senators, progress has been made on the appropriations process, and it is hoped that the Senate will receive the remaining bills from the House today or early in the day on Wednesday. Rollcall votes are not anticipated today. However, they may occur, if necessary, to proceed to legislative or executive matters. Senators can expect votes to occur throughout tomorrow's session, possibly as early as 10 a.m., in an effort to complete the appropriations process.

I thank my colleagues for their attention.

I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. CRAPO assumed the chair.)

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL DEATH PENALTY ABOLITION ACT OF 1999

Mr. FEINGOLD. Mr. President, I rise today to speak on the Federal Death Penalty Abolition Act of 1999, a bill I introduced last Wednesday. This bill will put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since the beginning of this year, this Chamber has echoed with debate on violence in America. We have heard about violence in our schools and neighborhoods. But I am not so sure that we in Government don't contribute to this casual attitude we sometimes see toward killing and death. With each new death penalty statute enacted and each execution carried out, our executive, judicial and legislative branches, at both the State and Federal level, add to a culture of violence and killing. With each person executed, we are teaching our children that the way to settle scores is through violence, even to the point of taking a human life.

Those who favor the death penalty should be pressed to explain why fallible human beings should presume to use the power of the state to extinguish the life of a fellow human being on our collective behalf. Those who oppose the death penalty should demand that explanation adamantly, and at every turn. But only a zealous few try. We should do better. And we should use this moment to do better as we step not only into a new century but also a new millennium, the first such landmark since the depths of the Middle Ages.

Across the globe, with every American who is executed, the entire world watches and asks, How can the Americans, the champions of human rights, compromise their own professed beliefs in this way? A majority of nations have abolished the death penalty in law or in practice. Even Russia and South Africa—nations that for years were symbols of egregious violations of basic human rights and liberties—have seen the error of the use of the death penalty. Next month, Italy and other European nations—nations with which the United States enjoys its closest relationships—are expected to introduce a resolution in the U.N. General Assembly calling for a worldwide moratorium on the death penalty.

So why does the United States remain one of the nations in the distinct minority to use the death penalty? Some argue that the death penalty is a proper punishment because it is a deterrent. But they are sadly, sadly mistaken. The Federal Government and most States in the United States have a death penalty, while our European counterparts do not. Following the logic of death penalty supporters who believe it is a deterrent, you would think that our European allies, who don't use the death penalty, would have a much higher murder rate than we do in the United States. Yet, they don't; and it is not even close. In fact, the murder rate in the United States is six times higher than the murder rate in Britain, seven times higher than in France, five times higher than in Australia, and five times higher than in Sweden.

But we don't even need to look across the Atlantic to see that capital punishment has no deterrent effect on crime. Let's compare Wisconsin and Texas. I am proud of the fact that my great State, Wisconsin, was the first State in this Nation to abolish the death penalty completely, when it did so in 1853. So Wisconsin has been death penalty-free for nearly 150 years. In contrast, Texas is the most prodigious user of the death penalty, having executed 192 people since 1976. So let's look at the murder rate in Wisconsin and in Texas. During the period from 1995 to 1998, Texas has had a murder rate that is nearly double the murder rate in Wisconsin. This data alone calls into question the argument that the death penalty is a deterrent to murder.

I want to be clear. I believe murderers and other violent offenders should be severely punished. I am not seeking to open the prison doors and let murderers come rushing out into our communities. I don't want to free them. But the question is, Should the death penalty be a means of punishment in our society?

The fact that our society relies on killing as punishment is disturbing enough. Even more disturbing, however, is the fact that the States' and the Federal Government's use of the death penalty is often not consistent with the principles of due process, fairness and justice.

It just cannot be disputed that we are sending innocent people to death. Since

the modern death penalty was reinstated in the 1970s, we have released 82 men and women from death row. Why? Because they were innocent. That's one death row inmate found innocent for every seven executed. One in seven! That's a pretty poor performance for American justice.

Another reason we need to abolish the death penalty is the specter of racism in our criminal justice system. Even though our nation has abandoned slavery and segregation, we unfortunately are still living with vestiges of institutional racism. In some cases, racism can be found at every stage of a capital trial—in the selection of jurors, during the presentation of evidence, and sometimes during jury deliberations.

After the 1976 Supreme Court Gregg decision upholding the use of the death penalty, the death penalty was first enacted as a sentence at the federal level with passage of the Drug Kingpin Statute in 1988. Since that time, numerous additional federal crimes have become death penalty-eligible, bringing the total to about 60 statutes today. At the federal level, 21 people have been sentenced to death. Of those 21 on the federal government's death row, 14 are black and only 5 are white. One defendant is Hispanic and another Asian. That means 16 of the 21 people on federal death row are minorities. That's just over 75%. And the numbers are worse on the military's death row. Seven of the eight men, or 87.5%, on military death row are minorities.

One thing is clear: no matter how hard we try, we cannot overcome the inevitable fallibility of being human. That fallibility means that we will not be able to apply the death penalty in a fair and just manner.

At the end of 1999, at the end of a remarkable century and millennium of progress, I cannot help but believe that our progress has been tarnished with our nation's not only continuing, but increasing use of the death penalty. As of today, the United States has executed 585 people since the reinstatement of the death penalty in 1976. In those 23 years, there has been a sharp rise in the number of executions. This year the United States has already set a record for the most executions in our country in one year, 85—the latest execution being that of Ricky Drayton, who was executed by lethal injection just last Friday by the state of South Carolina. And the year isn't even over yet. We are on track to hit close to 100 executions this year. This is astounding and it is embarrassing. We are a nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a nation that scrutinizes the human rights records of other nations. We are one of the first nations to speak out against torture and killings by foreign governments. It is time for us to look in the mirror.

Two former Supreme Court justices did just that. In 1994, Justice Harry Blackmun penned the following eloquent dissent:

> From this day forward, I no longer shall tinker with the machinery of death. For more than 20 years I have endeavored—indeed, I have struggled—along with a majority of this Court, to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor. Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed. It is virtually self-evident to me now that no combination of procedural rules or substantive regulations ever can save the death penalty from its inherent constitutional deficiencies.

Similarly, after supporting Supreme Court decisions upholding the death penalty, Justice Lewis Powell in 1991 told his biographer that he now thought capital punishment should be abolished. After sitting on our nation's highest court for over 20 years, Justices Blackmun and Powell came to understand the randomness and unfairness of the death penalty. It is time for our nation to follow the lead of these distinguished jurists.

The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage ''two wrongs do not make a right,'' could not be more appropriate here. Our nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of suspected criminals. Just as our nation did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we enter the next century. The continued viability of our justice system as a truly just system requires that we do so.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great nation. Last week, I introduced a bill that abolishes the death penalty at the federal level. I call on all states that have the death penalty to also cease this practice. Let us step away from the culture of violence and restore fairness and integrity to our criminal justice system. As we head into the next millennium, let us leave this archaic practice behind.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to proceed for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

FEDERAL LANDS

Mr. THOMAS. Mr. President, I wanted to take some time, since we have a little on our hands this morning, to talk about an issue that continues to be very important for our part of the country, the West. The Presiding Officer comes from a State that is similar to Wyoming. The ownership of land by the Federal Government continues to be an issue, and I think it is more of an issue now than it has been in the past, largely because of some of the actions in recent times by the administration of not only obtaining more land for the Federal Government but also changing some of the management techniques.

This issue, of course, has been one of controversy for a long time within the West. The West has large amounts of land that belongs to the Federal Government. So when you develop the economy of your State, management of the lands has a great deal to do with it. In Wyoming, for example, the three leading economic activities are agriculture, minerals, and tourism, all of which have a great deal to do with public resources, with lands. So it is one of the most important issues with which we deal.

It is interesting to see the percentages of Federal land holdings by State. As shown on this chart, you can see that here in the East generally 1 to 5 percent of the lands are federally owned. When you get to the West, it becomes 35 to 65 percent and as high as 87 percent in some States. So when you talk about how you operate an economy in New Jersey or in North Carolina, it is quite different. When you talk about public lands, it is seen quite differently. The impact in States such as that is relatively minor, where the impact in the West is much greater. Look at Alaska, for example. It makes a great deal of difference.

There are several kinds of lands, of course, and nobody argues with the idea that the purpose of dealing with these public lands is to preserve the resources. All of us want to do that. The second purpose, however, is to allow for its owners, the American people, who use them, to have access to these lands for hunting, fishing, grazing, timber—all of the things that go with multiple use and healthy public lands. Really, that is where we are. No one argues about the concept of these resources, but there is great argument about the details of how you do it.

One of the things that is happening now—and part of it is in the appropriations bills that will be before us tomorrow—relates to the purchase of lands and changing some of the management techniques so the lands become less accessible to the people who live there, less a part of the society of these States.

It is difficult to see on this chart, but this is Wyoming, where over 50 percent of the land belongs to the Federal Government. The green colors are Forest Service lands which were set aside by action of the Congress, action of the