Mr. WELLSTONE. I asked the Senator from Wisconsin whether or not he has been in a similar experience. I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota may accept questions when he has the floor.

Mr. FEINGOLD. Mr. President, I wonder if the Senator from Minnesota would respond to a question.

Mr. WELLSTONE. I would be pleased to.

Mr. FEINGOLD. If he will yield for a question, I suggest to the Senator that if I tell a group of my constituents that I cannot find a vehicle, they would offer me a ride. They would say: Do your job; here is your ride. That is the problem.

I ask the Senator if he would agree, if we are forced to talk to our constituents about the minutia of Senate procedure, and if that is the kind of conversation we have to have with our dairy farmers in Wisconsin instead of talking to them about what we should be talking about, the substance of the legislation—let us worry about the Senate procedure—then really the opponents of any kind of change have won because that is not something they should have to concern themselves with. It is very interesting; great. But that is not what dairy farmers in Wisconsin need. They have some great ideas about how to do things differently, and we should be able to come out here and have an amendment or a bill.

In fact, I ask the Senator from Minnesota if he would agree with this. We are not used to getting a lot of votes sometimes. Sometimes we don't get many votes on our amendments. Sometimes there is a little laughter about how WELLSTONE and FEINGOLD only got 10 or 12 votes. But at least we got a chance to get some votes.

Mr. WELLSTONE. The Senator should speak for himself.

Mr. FEINGOLD. That is right. I would ask the Senator how he would react to that.

Mr. WELLSTONE. I would say to my colleague from Wisconsin that I have two answers. The first answer is part of what I have been trying to say, which is I am really in a debate with the majority leader. I think other Democrats are with me. I hope some Republicans are. It is not a debate for the sake of debate because what I worry about the most is to go back home all the time and to have people meet with you to talk about their lives and have the hope that you as a Senator can make a difference, and you can't make a difference. If there is this effort basically to silence you and if there is this effort basically to block amendments and block debate, Senator FEINGOLD is right. Sometimes you win; sometimes you lose. But you have to have that opportunity to be out here advocating and legislating and fighting for people.

That is important to me.

Second, this didn't come up in yesterday's debate. I ask my colleague in the form of a question, part of what is going on I think is whether or not the Senate becomes just a nondecision-making body. Whether that is good or bad very much depends on one's view about government. If one thinks there is no positive role that government or public policy can play in the lives of people and in improving the lives of people, it would not bother Members that Senators cannot introduce amendments and that we don't debate these issues.

I ask my colleague whether or not he thinks that is in part what is going on. If one believes there is nothing the government can or should do to respond to dairy farmers, family farmers, by way of making health care more affordable, or improving educational opportunities for children, then denying Senators the opportunity to debate and offer amendments and moving forward is not a problem. If one believes there is a role for government to be doing this, I think it is a problem.

I ask my colleague whether he thinks there is a philosophical debate.

Mr. FEINGOLD. Mr. President, I suggest that is one way that a person can come to the conclusion that the Senate should operate this way. However, there are others who would believe that government sometimes has to stop things that are bad that other levels of government or perhaps the other body would want done.

I ask the Senator if he does not agree that the Senate has a role from another philosophical point of view; I think it is called the ''saucer'' that THOMAS Jefferson spoke of, the saucer that goes with the cup in order to cool the Senate.

Whether this reflects a belief that government does not have a function, or whether it reflects a fundamental misunderstanding of what the Senate is supposed to be, I wonder if the Senator would react.

Mr. WELLSTONE. I thank my colleague from Wisconsin. I am a political scientist and taught American politics classes, but I think the Senator from Wisconsin is my teacher.

I talked about it from the point of view we ought to be about the business of legislating and deciding, not about the business of not deciding and not moving forward.

I think what my colleague from Wisconsin is saying is, but also, Senator WELLSTONE, the other critical role of the Senate is by definition, two Senators from every State, regardless of population of State. It is not straight majority or majoritarian principles. The Senate is there to defend the rights of minorities, sometimes to represent unpopular causes, and sometimes to make sure that if there is a rush to pass a piece of legislation which has cataclysmic consequences in people's lives, such as the bankruptcy bill, there is an opportunity for Senator or Senators to say: Wait a minute; I insist this not move through. I will be out here fighting, even if it is an unpopular cause. I want the public and the country to know. Sometimes there is much to be said for deliberation. Sometimes there is much to be said for the Senate as a deliberative body, and therefore there is much to be said for a Senator's rights or a group of Senators' rights to represent this viewpoint.

I thank my colleague from Wisconsin for his comments, and I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. This was a useful opportunity to discuss very serious problems in the Senate.

CRISIS FACING THE ADMINISTRATION OF THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I rise today to talk about the crisis facing our criminal justice system. For the first time since the reinstatement of the modern death penalty almost a quarter century ago, there is an increasing recognition, from both death penalty supporters and opponents, that the administration of capital punishment in our country has reached a crisis stage.

Our criminal justice system is fraught with errors and the risk that an innocent person may be condemned to die. Since 1976, there have been over 600 executions in the United States. But during this same period, 87 people who were sentenced to death were later proven innocent. That means for every seven persons executed, our criminal justice system has found an innocent person was wrongly condemned to die. The system by which we impose the sentence of death is rife with errors, inadequate legal representation of defendants and racial disparities. At the same time, Congress, state legislatures and the courts have curtailed appellate review of capital convictions.

With declining crime rates and a world where our closest allies have increasingly shunned capital punishment, a growing number of Americans—both opponents and supporters of the death penalty—are realizing that something must be done. Indeed, momentum for a moratorium on executions has been building for some time. In 1997, the American Bar Association called for a moratorium on executions. Numerous city and local governments have followed the ABA's lead by passing resolutions urging a moratorium on executions. Governor George Ryan, a death penalty proponent, has acknowledged that fatal flaws exist in the criminal justice system in Illinois and earlier this year effectively put a halt to executions in his state while a blue ribbon panel reviews his state's criminal justice system. Christian Coalition founder and death penalty supporter, the Reverend Pat Robertson, also recently proclaimed his support for a moratorium.

Today, on the heels of this activity, the New Hampshire state legislature earlier today took a historic step that is indicative of the deepening public

concern about the accuracy and fairness of the use of the death penalty. New Hampshire has had a provision for the death penalty on its books for almost ten years. Over two months ago, the lower chamber of the New Hampshire legislature passed a bill that would repeal the death penalty. Earlier today, the New Hampshire Senate followed the House's lead and passed a bill to abolish the death penalty. This marks the first time since the late 1970's that a state legislature has passed legislation to abolish the death penalty, and I urge Governor Shaheen to let the will of the legislature stand. The New Hampshire legislature's action is particularly remarkable because it comes at the same time that the pace of executions has been accelerating in this country. Last year, we hit an all-time high for executions in any one year since 1976, 98 executions. This year, we are on track to execute at least 100 people.

The action of the New Hampshire legislature and long-time death penalty supporters like Governor Ryan and Reverend Pat Robertson indicates that our nation is beginning to re-think its longstanding support for capital punishment. When an auto manufacturer produces a vehicle with a bad fuel tank or malfunctioning airbags that risks injury or death to passengers, we push to have that product recalled, thoroughly review the problem and don't allow the vehicle back on the road until the problem is solved. Like a defective automobile, it is time for a recall on the death penalty. It is time to suspend executions nationwide while we review our criminal justice system to understand why so many innocents have been condemned to death row and to ensure that our justice system is a truly just system.

A bill I introduced just a few weeks ago does just that. The National Death Penalty moratorium Act would place a moratorium on executions nationwide while a national, blue ribbon commission reviews the administration of capital punishment. When Americans, both death penalty supporters and opponents, take a moment to consider the flaws in our criminal justice system, they can reasonably reach only one conclusion: the system is broken and must be fixed. I encourage my colleagues to join me in calling for a nationwide moratorium.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant 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, are we in morning business?

The PRESIDING OFFICER. We are on a motion to proceed on an appropriations bill.

BLOCKING CONSIDERATION OF BUSINESS

Mr. THOMAS. Mr. President, I would like to visit just a little bit, maybe express some frustration about what we are doing here on the floor and mostly what we are not doing here on the floor. It seems to me, we, of course, are here for a reason and that is to move bills forward. There is not going to be unanimous understanding or agreement on all these bills, but we have a system. We can have a reasonable debate and vote on them. But the idea that each time we bring up some issue that then we are going to bring back again, issues that are clearly raised for political purposes only and hold up the progress of this entire body, hour after hour and day after day, that begins to be a bit trite. It seems to me that is the direction we are taking. Our friends on the other side of the aisle seem to be perfecting this procedure, and we move forward at our own risk, knowing we are going to have a blocking activity going on.

Republicans are trying to move forward with some issues for the American people that are very important: marriage penalty, tax relief, farm assistance, education, critical needs of the men and women in the armed services, and all of the 13 bills we have on appropriations that are before us. What we have had and what we are continuing to have is Senate Democrats trying to tie up the Senate by changing the subject, by attaching irrelevant amendments to every bill that comes to the Senate floor.

It took five votes before Republicans could break the Democrat filibuster and pass the Ed-Flex bill in 1999. It took five votes in order to deal with an issue that said local school boards, local governments could have more flexibility in what they do with Federal money. Is that something to hold up? I don't think so.

When Republicans offered the lockbox legislation in 1999 to protect the Social Security trust fund, Democrats opposed it six times. Senate Democrats even opposed a measure that passed the House last year by a vote of 416–12, when we were talking about taking Social Security money and insulating it from expenditures on non-Social Security matters. Tell me that is a reasonable thing to do.

On April 13, Senate Democrats blocked a marriage penalty relief bill from continuing through the legislative process, a bill that is based largely on fairness. It is based on the notion that a man and woman, each working singly, earning a certain amount of money, when married earn the same amount of money and pay more taxes. This was a way to resolve that. However, Democrats were rejecting a discussion of the marriage penalty tax. In the House, the Democrats joined the Republicans 268–158 to pass relief. President Clinton pledged his support of the marriage tax penalty relief in his State of the Union. But still they block this because they want to bring up some amendments that are irrelevant to this issue, bring them up totally for political purposes. Unfortunately, we find ourselves in a position of being more interested in raising issues than seeking solutions. That is too bad. That is a shame. It is terribly frustrating, frankly.

I just came from a meeting. We could not have a hearing this afternoon because our friends objected to having a hearing. We had people who came all the way from Alaska to testify. So I can tell you we went ahead and had a meeting and listened to what they had to say. I do not think that is the way we intended for this body to function. We disagree? Of course, we disagree. Different views? Of course, we have different views.

On May 4, Rollcall recounted that one of our friends on the other side promised to work with his colleagues on an education bill if we could do it. Unfortunately, he decided to change in the middle of the stream and we did not go forward.

Now we have 13 appropriations bills that must be passed. Really, our destination, our purpose, was to pass those before the August recess so we would have that out of the way and could deal with other things that are important. By the looks of it, we will not be able to move forward in that important area.

It is very difficult. We just spent 2 days working on military construction. I do not think anybody would argue that we need to move forward on the military; we need to strengthen the military; we need to do something about strengthening the opportunity for people to belong to the military and at least not to be on food stamps. We could do that. But, no, we have to get off on something totally irrelevant, an issue—whether it is gun control or whatever—that we have already dealt with. It keeps coming up on every issue.

I do not argue with the difference of view on it, but to use those things to keep us from moving forward and do the things we ought to be doing is disruptive and is not the intended purpose of what we do here.

There are only 65 legislative days remaining for the Senate to finish its work. Yet we continue to find obstruction; we continue to find delay.

Military construction finally got through. We spent all that time talking about something totally irrelevant to it. We had to get off on the thing. Yesterday we did nothing all afternoon, basically. We finally got it passed. I am pleased with that. I, frankly, voted against it. I voted against it because I did not agree with the process. I do not have any argument with what was in it.

Education had to be pulled, the Elementary and Secondary Education Act, probably the broadest issue with which we will deal. It touches almost everyone. Almost everyone agrees we need