

mentally retarded man, spent more than a decade on death row after being convicted for the 1982 rape and murder of 19-year-old Rebecca Williams.

In 1994, Governor Wilder commuted Washington's sentence to life in prison as a result of DNA test results. Since 1994, more sophisticated DNA tests became available, and these tests proved conclusively that Washington did not commit the rape and murder. As a result, last year, Governor Gilmore granted Washington a full pardon for this conviction. Subsequently, the Virginia General Assembly unanimously passed legislation signed into law by Governor Gilmore that allows for inmate access to post conviction DNA testing.

Certainly, Earl Washington's case is not unique to Virginia. Wrongful convictions occur in both Federal and State courts all across the country. The Washington case, however, makes clear to me that post conviction DNA testing must be made more available.

Over the last few years, DNA testing has proved to be a reliable means for identifying criminals when biological evidence exists. While DNA testing is standard in today's investigations, such technology was not available even a decade ago. DNA is more and more frequently used by prosecutors to prove guilt. In my view, it should also be made available to prove innocence. Access to post conviction DNA testing, in circumstances where DNA evidence can prove innocence, is of utmost importance to the administration of justice.

In addition to increasing access to DNA testing, we must look at other ways to improve the administration of justice in our system. The Justice Project, a national non-profit organization focusing on identifying and solving issues of fairness in our judicial system, reports that since 1973, 95 people have been exonerated and released from death row. Of those 95 wrongful convictions, only 10 were discovered as a result of DNA testing. Thus, while access to DNA evidence is one new, important component that we must pursue to protect against wrongful convictions, it cannot be the only avenue we pursue.

We have all read or heard about the horrific cases where individuals are convicted and sentenced to death after a trial where the defense attorney slept through portions of the case, was inexperienced in death penalty cases, or failed to even interview important witnesses. Such incompetency on the part of a defense attorney undoubtedly results in some wrongful convictions.

Certainly, convicted defendants may appeal their conviction to a higher court based on the assertion that they were denied a constitutional right to effective assistance of counsel. However, I believe that our system, particularly in the highly complex capital punishment cases, can do a better job

at ensuring effective assistance of counsel prior to the time a case gets the appellate level.

In this regard, I share the views of Supreme Court Justice Sandra Day O'Connor, who, in a recent speech, stated that perhaps it's time to look at the minimum standards for appointed counsel in death cases and adequate compensation for appointed counsel when they are used.

Increasing access to post conviction DNA testing, and undertaking a closer examination of the issue of national, minimum standards for appointed counsel in death penalty cases, are two steps in the right direction to improving our judicial system and further protecting against wrongful convictions.

My colleague, Senator LEAHY, has joined with Senator GORDON SMITH and Senator COLLINS in introducing legislation that improves access to post conviction DNA testing and provides for minimum standards for appointed counsel in death penalty cases. Today, I am pleased to join as a cosponsor of this important legislation, S. 486, the Innocence Protection Act.

While I do believe that some technical improvements can be made to the Innocence Protection Act, I support its overall goal of additional, reasonable, protections against wrongful convictions.

Specifically, the Innocence Protection Act contains provisions relating to habeas corpus reform. Under the bill, prisoners in States that do not adopt appointed counsel minimum competency standards will be subject to differing habeas corpus rules than prisoners in States which have adopted such standards. In my view, habeas corpus reform is outside the scope of this legislation, and the issue ought to be thoroughly examined by the Judiciary Committee and addressed in separate legislation.

In addition, the Innocence Protection Act directs the Attorney General to withhold a portion of the funds awarded under the prison grant programs from death penalty States that have not established or maintained a system for providing legal representation in capital cases that satisfy the standards called for by this bill. In my view, a more appropriate way to encourage States to adopt minimum competency standards would be through awarding new grant money for those States that adopt such standards.

Nevertheless, despite these differences, the goal of the Innocence Protection Act is an important one. I look forward to working with the sponsors of this legislation on these concerns, and look forward to working for passage of legislation that will further protect against wrongful convictions.

#### IN HONOR OF PURPLE HEART MEDAL RECIPIENTS

Mr. WELLSTONE. Mr. President, I rise today to recognize those veterans who have earned the Purple Heart Medal. My own State of Minnesota has recently decided to designate August 7, 2001 as a day to honor these veterans.

The Purple Heart Medal was created by General George Washington and first awarded to soldiers who were wounded as a result of actions by an enemy of the United States. General Washington established the award on August 7, 1782. The Purple Heart Medal is still awarded to members of our Nation's armed forces who are wounded while protecting our Nation and democracy.

Our Government issues several medals to soldiers for bravery, good conduct and efficiency. However, the Purple Heart Medal is unique in the fact that a soldier who is awarded this medal received a wound as a result of hostile actions by an enemy of our Nation. As a U.S. Senator and a member of the Senate Veterans Affairs Committee, I have had the opportunity to personally thank many of the Purple Heart Medal recipients in the State of Minnesota for the sacrifice they made for our Nation and democracy. I believe that every recipient of this distinguished award should also receive appropriate acknowledgment from the Senate.

I invite all members of the Senate to join me and urge all 50 States to hold appropriate ceremonies to honor their Purple Heart Medal recipients.

#### WE NEED A DRUG CZAR

Mr. GRASSLEY. Mr. President, in the last several days, I have received a copy of the most recent PRIDE survey of youth drug use in this country. The numbers are not encouraging. In fact, the numbers over the last several years have not been encouraging. Drug use among teenagers since 1992 has risen sharply. This is true for use of more traditional drugs, like heroin. It is true for the newer or more recently popular designer drugs, like meth and now ecstasy.

I have spoken about these trends frequently here and in hearings. The Caucus on International Narcotics Control, which I co-chair, has held a number of hearings on these dangerous trends and their consequences. No one who is familiar with the details can be anything but concerned about what is happening. No one that is except those who seek to legalize drugs in our society and make them even more available than they now are.

The legalizers, of course, do not admit that this is their intent. But it is like the old magician's trick, watch the birdie. They cloak their efforts to legalize with various disguises. They want marijuana for sick people. They

want treatment not prisons. They want compassion not punishment. But it's an old game. It's just a variation on the useful lie: I am for a good cause so I don't have to be honest. Well, as the old saying has it, fool me once shame on you, fool me twice shame on me.

And they are trying to fool people again. The goal this time is to stop the nomination of John Walters to be the nation's drug czar. Their effort is a purely cynical one trying to portray Mr. Walters as some kind of stone age, Neanderthal throwback who is out of step with the needs of real drug policy. But the policy they really advocate is to make drugs more widely available. What they object to is that Mr. Walters does not accept that. So they have begun a campaign to impugn his character, misstate his views, and misrepresent the facts and their own goals. They do not want strong leadership on this issue.

They are trying to portray Mr. Walters as a total supply side advocate who cares nothing about treatment or prevention. They are relying on the hope that people will read what they have to say about his record rather than look at his record. Remember, watch the birdie. They hope to block his nomination in order not to help stop drug use but to clear the way for their efforts to legalize.

The main voices against him have come from groups funded by billionaire advocates for drug legalization. It is coming from a number of journals and organizations that are on record favoring drug legalization. They would have us believe that their motive for opposing the President's candidate to be the drug czar is out of concern for treatment and prevention. This is like the wolf expecting Little Red Riding Hood to believe it is really grandma in the bed.

Some facts. When Mr. Walters was the chief of staff for Bill Bennett, the first Drug Czar, Walters was a key player in helping to ensure that we had a serious demand reduction effort as part of our policy. In the Bush years, demand reduction resources doubled. In 4 years of that administration, the rate of funding for demand was higher than in the 8 years of the last administration. Mr. Walters was a player in making that happen in the first Bush administration. It is true he spoke out a lot on supply reduction. That too was part of the President's strategy and he was responsible for helping to implement that as well. He also became the Deputy Director for Supply at ONDCP. It was his job to speak on these issues. There was a Demand Deputy. It was his job to speak on demand issues. You will not find a lot of supply talk in Dr. Kleber's public comments. As the demand guru it wasn't the focus of his job. You won't find a lot of demand comments in Mr. Walters' statements. Why do you think that is?

In the years after he left ONDCP, Mr. Walters made numerous public statements. Many of these were before Congress. He was asked by committees in Congress responsible for dealing with supply issues to speak on them. Is it any wonder that most of those concern supply reduction? It isn't a mystery, but, remember, watch the birdie.

Let's be clear. The objection to Mr. Walters is not that he is a supply sider or a hawk on demand. It is that he believes we need a serious drug policy that is comprehensive. That is what Congress wants and funds. The President has made it clear that that is what he wants and expects. It's the President's policy. As a member of the President's Cabinet, Mr. Walters will be a strong voice, a forceful advocate. We need that. The major demand groups in this country recognize that and support him.

Mr. Walters is not a drug legalizer. He is a man committed to stopping the flow of illegal drugs across our borders and into our schools and neighborhoods. He is committed to prevention and effective treatment. He has children of his own. He is determined to help protect them in their schools from the drug pushers among us. He cares passionately about this issue.

That is why I believe the Senate needs to move quickly on his nomination. We need leadership. We need commitment. We need passion. Mr. Walters can supply those needs in working with Congress to accomplish a common goal. The only people who benefit from blocking this nomination are the legalizers. We should not become their unwitting allies.

I support this nomination. I urge my colleagues to join me. It is late in the year. The August recess is almost upon us. We need to give Mr. Walters a speedy hearing and a quick confirmation so that he can get about the Nation's business.

#### JOHN WALTERS NOMINATION

Mr. SESSIONS. Mr. President, I rise today to encourage my colleagues to expedite the nomination of John Walters to be Director of the Office of National Drug Control Policy, ONDCP.

We continue to be faced with a major drug problem in America. Drugs are easily available and kids are using them.

While I believe that we must address the supply of drugs coming into this country, I believe that true achievement can only come from within our Nation.

We must decrease the demand for drugs in America before our efforts to stop the flow of drugs can gain any measure of success.

The real challenge is developing a multifaceted approach to move us down the road to substantial reduction in drug use.

According to the University of Michigan, "Monitoring the Future" survey, that has tested students for 20 years, for 12 years under the Reagan and Bush administrations, drug use went down every single year. (University of Michigan, "Monitoring the Future Study," 1999.)

This was done through a commitment to energizing our Nation as a whole against this threat. Parents, educators, law enforcement officials, business and community leaders, and the media were all enlisted to create a climate of intolerance.

As a Federal prosecutor in Mobile, AL, during these years, I am proud to say that I participated in this effort.

Unfortunately, when the Clinton-Gore administration took office, things began to change. When President Clinton appeared on MTV and joked about whether or not he inhaled marijuana by saying "Maybe I wish I had," he began to erode the leadership by example that is the crucial first step in the war against drugs.

When President Clinton nominated people who did not carry out a tough drug policy this further weakened the message to our children and to drug criminals regarding the importance of the war on drugs.

After taking office, the Clinton-Gore Administration all but eliminated the Drug Czar's office, slashing the number of employees from 146 to 25.

It is not a surprise that the same University of Michigan study that showed the gains we made during the Reagan-Bush years, showed that drug use had steadily risen among our youth during the Clinton-Gore years.

According to the Monitoring the Future Study, since 1992: overall drug use among 10th graders increased 55 percent. Marijuana and hashish use among 10th graders increased 91 percent; heroin use among 10th graders increased 92 percent; cocaine use among 10th graders increased 133 percent.

Except for a slight decline in 2000, drug use generally increased during the Clinton-Gore administration.

If we are going to make real progress in combating drug use in America, we must return to the key concepts of leadership by example, tough law enforcement initiatives, and community involvement. We must also ensure that Federal Government programs that are meant to combat drug use really do work.

There are those in this body who have advocated spending hundreds of millions of dollars on increased drug treatment. Treatment is very valuable, but don't we get more for our money if we prevent individuals from using and becoming addicted to drugs in the first place.

President Bush has made a commitment to reducing drug abuse in America. In order to achieve this goal he has nominated a strong candidate in Mr.