This agreement temporarily solves one of the most difficult to solve water issues on the border, and I remain confident we can't think of an issue that affects more New Mexicans, for this reason I decided that it was essential that I be in New Mexico and therefore, necessarily absent.

I would have voted for the First Substantive Version of the Patient's Bill of Rights had I been in Washington.

ON THE FAIRNESS OF THE ADMINISTRATION OF THE DEATH PENALTY
Mr. FEINGOLD. Mr. President, "The system may well be allowing some innocent defendants to be executed."

Were these the words of Governor George Ryan, the Illinois Governor who placed a moratorium on executions last year? They could have been, but they were not. Were these the words of an attorney defending someone facing the death penalty? They could have been, but they were not. Rather, these were the remarkable words of Supreme Court Justice Sandra Day O'Connor—the same Justice O'Connor who has generally supported the death penalty during her twenty years on the Court, the same Justice O'Connor who has championed states' rights, including the right to carry out executions, the same Justice O'Connor who joined or wrote key opinions that made it more difficult for defendants facing the death penalty to have their state sentences overturned in federal court, and the same Justice O'Connor who voted in favor of allowing executions of teenage children who committed crimes at age 16 or 17.

Yet these were the words of an attorney defending someone facing the death penalty? They could have been, but they were not. Rather, these were the words of Supreme Court Justice Sandra Day O'Connor—the same Justice O'Connor who has championed states' rights, including the right to carry out executions, the same Justice O'Connor who joined or wrote key opinions that made it more difficult for defendants facing the death penalty to have their state sentences overturned in federal court, and the same Justice O'Connor who voted in favor of allowing executions of teenage children who committed crimes at age 16 or 17.

Justice O'Connor said, "After 20 years on the high court, I have to acknowledge that serious questions are being raised about whether the death penalty is being fairly administered in this country."

She uttered these words at a meeting before the Minnesota Women Lawyers in Minneapolis last Monday. Coincidentally, Justice O'Connor made these remarks on the 25th anniversary of the Supreme Court’s 1976 Gregg v. Georgia decision, which reinstated the death penalty as we know it today. Only four years earlier, in 1972, the Court had found the death penalty unconstitutional. But in Gregg, the Court found that sufficient safeguards had been implemented to allow states to resume use of the death penalty.

Since the Gregg decision, over 700 people have been executed in the United States and today over 3,700 people sit on death row awaiting execution. Since the Gregg decision, the rate of executions have increased: from one execution in 1981 to 98 executions in 1999, 85 in 2000, and 39 so far this year. Justice O'Connor also said, "Unfortunately, as the rate of executions have increased, problems in the way which the death penalty has been administered have become more apparent."