fairness. Instead, the Government put Juan Garza to death.

Now, no one questions that Juan Garza is guilty of three drug-related murders. And no one questions that the Government should have punished him severely for those crimes.

But serious geographic and racial disparities exist in the Federal Government's system of deciding who lives and who dies. The government has failed to address those disparities. And President Bush and Attorney General Ashcroft failed to recognize the fundamental unfairness of proceeding with executions when the Government has not yet answered those questions. No, the government put Juan Garza to death.

Today, most of those who wait on the Federal Government's death row come from just three States: Texas, Missouri, and Virginia. And 89 percent of those who wait on the Federal Government's death row are people of color. But President Bush and Attorney General Ashcroft failed to recognize the fundamental unfairness of executing Juan Garza, a Hispanic man from Texas, before the Government had answered why those disparities exist.

On December 7, President Clinton stayed the execution of Juan Garza ''to allow the Justice Department time to gather and properly analyze more information about racial and geographic disparities in the federal death penalty system.'' That day, President Clinton said, ''I have . . . concluded that the examination of possible racial and regional bias should be completed before the United States goes forward with an execution in a case that may implicate the very questions raised by the Justice Department's continuing study. In this area there is no room for error.''

But today, the thorough study that President Clinton and Attorney General Reno ordered is nowhere near completion. Even so, the Government put Juan Garza to death.

It now appears that, until recently, this administration's Justice Department had no plans to proceed with this thorough study. We now see that, on June 6, the Justice Department released a report that contained no new analysis but nonetheless reached the conclusions that they wanted to reach.

Yes, after I called for a hearing and demanded that the thorough study resume, the Justice Department did agree to renew its thorough examination of racial and geographic disparities in the Federal death penalty system. But even so, the Government put Juan Garza to death.

Experts at that hearing of the Judiciary Subcommittee on the Constitution testified that the facts did not support the conclusions that the Justice Department reached in its June 6 report. Experts testified that more information is needed before the Justice Department could credibly conclude that racial bias is absent from the Federal death penalty system. But even so, the Government put Juan Garza to death.

The Justice Department now acknowledges that it has not conducted a complete review and that more study is needed. Before the Department completes that thorough review, and before it finishes that study, the Federal Government should not execute one more person.

I once again call on the President to implement a moratorium on executions by the Federal Government. I call for it in the name of the credibility and integrity of the Department. I call for it in the name of justice. And I call for it in the name of equal justice under law.

Mr. THURMOND. Mr. President, I rise today to discuss the Federal execution that was carried out earlier today.

I believe that the Justice Department did what was right today when it carried out the death penalty against drug kingpin and murderer Juan Raul Garza.

Steadfast death penalty opponents have tried to use Mr. Garza's case to justify a moratorium on the death penalty. It is puzzling why they would because his case in no way supports their arguments about innocence and racial disparity in the administration of the death penalty.

First, Mr. Garza was clearly guilty. He was convicted of murdering three people, one of who he shot in the back of the head, and he was tied to five other killings. Even his lawyers are not claiming innocence.

Second, there was no evidence that his race had anything to do with him receiving the death penalty. The judge and the main prosecutor in his case were Hispanic, as were all of his victims except one. The majority of the jurors had hispanic surnames, and all the jurors certified that race was not involved in their decision.

Moreover, there were six death-eligible cases in this district, the Southern District of Texas, all involving Hispanic defendants. Yet, Mr. Garza's was the only case for which the local U.S. Attorney recommended the death penalty, and the only one for which it was sought.

Mr. Garza was convicted under a law that Congress passed in 1988, which reinstated the death penalty and directed it at ruthless drug kingpins like Mr. Garza who commit murder as part of their drug trafficking. By following through with the death penalty in appropriate cases such as this, the Attorney General is simply enforcing the laws he has a duty to uphold.

Mr. Garza was treated fairly and had full access to the extensive protections of the criminal justice system. This execution is not a case study in injustice. It is a case study in how the system works properly.

I agree that continued study of the death penalty is worthwhile, but studies should not be used as an excuse to place a moratorium on the death penalty while opponents endlessly search for flaws in the system.

THE TALIBAN IN AFGHANISTAN

Mr. SANTORUM. Mr. President, I rise to discuss the critical situation concerning the Taliban in Afghanistan. The seriousness of the Taliban's gross injustices is alarming. This movement continues to make outrageous demands on religious minorities, women, and the relief workers trying to alleviate the suffering of the Afghan people. With impunity, the Taliban has largely ignored international condemnation, becoming increasingly fanatical and strict.

I am cosponsoring a bill with Senators BROWNBACK and BOXER which condemns the Taliban for its harsh demands on Muslims, Hindus, women, and religious minorities. The legislation strongly urges the Taliban to reopen United Nations offices and hospitals so that the people of Afghanistan may receive necessary relief. I encourage my colleagues to consider cosponsoring this legislation.

Hindus and all other religious minorities have been ordered to distinguish themselves from Muslims by wearing yellow badges. This decree is reminiscent of the Nazis forcing the Jews to wear the yellow star of David. It is shocking that the Taliban would order this kind of religious branding. Furthermore, Muslims and non-Muslims are prohibited from living together, and religious minorities are not permitted to construct new places of worship. The fanatic Taliban religious police invoke terror on city streets, sometimes whipping those who are not attending mosques at designated times. This kind of religious intolerance is abominable and should not be allowed.

The Taliban's iron grip on Afghanistan not only affects religious practices, it is further devastating the suffering Afghan people by obstructing relief efforts by the United Nations and other humanitarian organizations. The United Nations World Food Program believes it may be forced to close around 130 bakeries in Afghanistan's capital city if the Taliban will not allow women to help address the needs of the hungry. Without the aid of both men and women, program leaders cannot maintain the bread distribution program. Also in the capital, a 40-bed surgical hospital was forced to close its doors. Sixteen international staff members escaped to Pakistan because there were genuine concerns about their safety. This is not the first time foreign staff have had to flee. Several U.N. workers have even been arrested, a gross violation of a previous agreement between the Taliban and the U.N. that relief workers would be protected. The Taliban is compromising both the safety of international relief workers and the well-being of the Afghan people with their harsh and unreasonable policies.

The injustice meted out by the Taliban is sobering and demands continued attention. That is why I am cosponsoring S. Con. Res. 42 with Senators BROWNBACK and Boxer, and it is

my fervent wish that the suffering endured by all the Afghan people and international workers be quickly relieved.

THE ADMINISTRATION'S DECISION OF VIEQUES BOMBING RUNS

Mrs. CLINTON. Mr. President, last week, the administration made headlines when it said it would stop the bombing in Vieques.

But is that really true? Let's look at the fine print.

First, the administration did not commit to stopping the bombing immediately and permanently, as so many of us have called for. In fact, the bombing runs continue this week.

Second, the administration said it would stop the bombing by May 1, 2003. But is that really something new? Let's look at the date by which the bombing would stop under the current agreement and existing law, which provides for an end to the bombing if the people vote for it. The current agreement and existing law call for an end to the bombing by May 1, 2003—the very same date.

In other words, the administration is saying nothing more than what current law mandates if the people of Vieques vote to stop the bombing.

If that is all the administration announced—that the bombing would stop by the same date provided for under current law—then this flurry of attention would be little more than an overblown story about this President's desire to abide by the letter and spirit of the agreement entered into between the Federal Government and the representatives of the people of Vieques and Puerto Rico.

But that is not all the administration announced. It also announced that it wanted to stop the November referendum. The devil is in the details, they say. Well, this is one powerful devil of an idea that has not received the scrutiny it deserves.

For what the administration is really attempting to do is to undermine the intent of the law and subvert the will of the people of Vieques.

The administration says that a referendum is unnecessary, because it already plans to end the bombing by 2003. I say a referendum is more important than ever, because without an electoral mandate to require an end to the bombing, any administration expression of intent is nothing more than that: an expression of intent. Not a legal requirement. And ''intentions'' can change at a moment's notice.

I wholeheartedly support all efforts to find a viable alternative site to train our naval forces. We need such training, to protect our national interest and to protect our troops. And we must work hard to find places and ways to provide such a vital element of our defense.

As I have said before, the people of Puerto Rico are great patriots; its sons and daughters volunteer for our Nation's armed forces at one of the highest rates in our country.

Thousands of Puerto Ricans have lost their lives in service of their country during all the wars of the 20th century. We need the good training to protect all our troops, many of whom are Puerto Rican.

So this is not a matter in which the people of Vieques or Puerto Rico should be pitted against the interests of national security. We are all Americans. We are all on the same team and we want the same thing: the best trained armed forces in the world.

And so, I agree with President Bush when he says the ''Navy will find another place to practice.'' I agree with Secretary Powell when he says, ''Let's find alternative ways of making sure that our troops are ready . . . using technology, using simulators and also finding a place to conduct live fire.''

But here's the bottom line: Under current law, if the people of Vieques vote in November to end the bombing by May 1, 2003, the bombing must end by that date. Pure and simple. However, under the administration's plan, there will be no referendum. And therefore, there will be no mandate and no requirement to end the bombing by 2003. Only a policy to do so. And that policy could be altered by the President anytime between now and 2003.

In fact, Secretary Rumsfeld has already said that the Navy might stay on Vieques for another, and I quote, ''two, three, four years'' until it can arrange ''the training that's needed in other ways.'' Defense Department officials were also quick to point out that while the President said that the Navy would find another place to practice within ''a reasonable period of time'' he never defined ''reasonable.''

Secretary England said he wanted to ''have us control our destiny,'' meaning the Navy, as opposed to allowing what he called ''this level of emotion'' distract ''our attention from the real issue.''

In other words, the will of the people of Vieques is an ''emotion'' that must be put aside, and the people of Vieques should not control their destiny—the Navy should.

I believe that is the wrong way to deal with this very important issue. I believe we should work toward a solution to this problem without circumventing the law of the land, without abrogating an agreement, without obviating the will of the American citizens of Vieques.

I will stand up against any effort to shut down the referendum in Vieques. Let the votes be cast. Let them be counted. And let the voice of the people be heard and respected.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 2, 1999 in West Palm Beach, FL. Two teenagers admitted they beat a homosexual man to death last year, alleging the attack was provoked when the 118-pound victim called one of the young men ''beautiful.''

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE DR. MARTIN LUTHER KING JR. COMMEMORATIVE COIN ACT OF 2001

Mr. CORZINE. Mr. President, I rise today in support of S. 355, a bill requiring the Secretary of the Treasury to mint coins in commemoration of the contributions to our nation of the Rev. Dr. Martin Luther King, Jr. The Dr. Martin Luther King Jr. Commemorative Coin Act of 2001, S. 355, was introduced by Senator MARY LANDRIEU on February 15.

As we approach the 40th anniversary of Dr. king's ''I have a dream'' speech, we remember that Dr. King was a man larger than life who had an extraordinary impact not only on the civil rights movement, but also on the history of America. He was living proof that non-violence can change the world.

In the last session of Congress, this measure was introduced in both the House and Senate, but no action was taken on the floor. My constituents, however, concerned themselves with the issues and the Borough Council of Fair Lawn, NJ, passed Resolution 315–2000 urging that the measure be adopted and the commemorative coins be authorized for the year 2003.

David L. Ganz, the Mayor of the Borough of Fair Lawn is a former member of the Citizens Commemorative Coin Advisory Committee, a long-time advocate of using commemorative coins properly, and an avid coin collector. In an article appearing in COINage magazine, a monthly trade publication, in the July 2001 issue, Mr. Ganz argues that ''the accomplishments of Dr. Martin Luther King, Jr. transcend the work of presidents and academicians and cut across cultural lines. His life's work ultimately affected the fabric of American society . . . worthy of the Nobel Peace Prize in 1904 . . . [and leading to] social justice for a whole class of citizens and a generation of Americans.''

This is a remarkable opportunity to honor a remarkable man, and I urge the Banking Committee, and ultimately this body, to promptly enact