

and increase energy security. But just closing the SUV loophole is not enough.

The Feinstein-Snowe legislation would also increase the average fuel economy of the Federal Government's fleet of vehicles. With Federal vehicles comprising about one percent of all vehicles sold in the U.S. each year, the Federal Government should set an example and reduce the Federal fleet's fuel consumption.

Increasing fuel economy includes additional benefits. First, increased efficiency will protect consumers from higher gasoline costs. Our bill would save American motorists billions of dollars per year at the pump.

Second, the Feinstein-Snowe bill would fight global warming by preventing about 240 million tons of carbon dioxide from entering the atmosphere each year.

Still, we should also go beyond the Feinstein-Snowe legislation and increase average fuel economy standards for all cars.

Raising average fuel economy standards to 39 miles per gallon, an achievable goal, would save 51 billion barrels of oil over the next 50 years, 5 to 10 times more than what is technically recoverable from ANWR.

So if this were really a debate on our dependence on foreign oil, we would already have passed legislation to improve fuel economy standards.

Drilling in ANWR, on the other hand, would not significantly increase our energy security and would not fight climate change. Because the price of oil is set on the world market and the quantity of oil in ANWR would not affect the world price, drilling in ANWR also would not save consumers any money.

To sum up, drilling in ANWR is simply not worth the price. The Arctic National Wildlife Refuge is a crown jewel of the National Wildlife Refuge system.

ANWR is the only conservation unit in the U.S. encompassing a complete range of arctic ecosystems, and the coastal plain provides essential habitat for many species.

The coastal plain, which proponents of drilling paint as small and insignificant, is the ecological heart of the refuge, the center of wildlife activity, and the calving area of the porcupine caribou herd.

Proponents of drilling would have us risk all of this for a small amount of oil that would not even begin to flow for 10 years and would barely reduce our dependence on foreign oil.

The National Academies' report shows us that we should not consider the drilling provision in isolation. We must consider both the role of the coastal plain in the overall refuge and the cumulative effects of development in surrounding areas.

ANWR is a crucial part of the larger landscape and is now the only sliver of the North Slope coastal plain that the administration is not opening to leasing.

In short, the refuge's coastal plain is too precious, and contains too little oil, for us to allow drilling to take place.

Although the National Academies' report is silent regarding ANWR policy, the chairman of the committee, Dr. Gordon Orians, has said that he hopes the report will inform the debate. The committee's findings should inform our decision. The price of drilling is simply too high.

Future generations will thank us for our foresight in protecting the ANWR coastal plain and its wildlife. They will thank us for finding other avenues to increased energy security.

Ms. MIKULSKI. Mr. President, I rise in support of a patriotic pause amendment to the budget resolution.

America stands on the brink of war. Yet this budget resolution ignores the war and ignores the costs of war. We need to take a patriotic pause and not proceed with huge permanent tax breaks when we don't yet know the cost of this war—or the costs that come after the war, in the rebuilding of Iraq.

This budget resolution calls for a \$1.4 trillion tax cut. These are permanent tax breaks that would add to the structural deficit even without war. The patriotic pause amendment states that before we consider tax cuts, we need to ensure the Federal budget addresses our very real national security needs. That means the cost of deploying our troops; the cost of fighting the war; the cost of keeping troops in the region afterward and the cost of rebuilding Iraq.

The budget must also provide for the continuing war on terrorism. It must cover the costs of other conflicts and potential conflicts, such as standing sentry on North Korea. The budget must ensure that we can help our troops and their families face the hardships of deployment. And it must meet the costs of homeland security—and hometown security.

I supported a multilateral approach to confronting Iraq—to enable the world to share the costs and the burden. I believe that because Saddam Hussein is a danger to the world the world should share the burden of defanging him. America must redouble our diplomatic efforts to broaden the coalition of the willing. That means returning to the U.N. to share the costs of the war and the costs of rebuilding Iraq.

In the meantime, the administration must consider the costs of this war. The former White House economic adviser, Lawrence Lindsay, estimated that the war in Iraq could cost \$100 to \$200 billion. The fact that some of these costs may be hard to predict does not excuse assuming they won't cost anything at all. One thing we know for sure is that the cost is not zero. We must ensure that our national security needs are covered before considering tax cuts. We need to think about national security—and economic security.

I urge my colleagues to join me in supporting a patriotic pause in the budget process.

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#### MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

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#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 30, 2001 in Grand Forks, ND. A 26 year-old man attacked and punched a Saudi Arabian student unconscious in a local bar. The assailant later explained to police that he feared the student might be in Grand Forks training for a future terrorist attack.

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 is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

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#### GIDEON v. WAINWRIGHT

Mr. LEAHY. Mr. President, today marks the 40th anniversary of the Supreme Court's Gideon v. Wainwright decision, which held that all people facing serious criminal charges are entitled to a lawyer, whether they can afford one or not. The anniversary of this watershed moment in American law should be a cause for celebration. Sadly it is not.

Forty years after the Supreme Court ruled that a fair trial requires the right to counsel, people in courtrooms across the country are represented by attorneys who do not have the time, training, or tools to do their jobs. The unfortunate fact is that in some parts of the country, it is better to be rich and guilty than poor and innocent, because the rich will get their competent counsel, but those who are not rich often find their lives placed in the hands of underpaid court-appointed lawyers who are inexperienced, inept, uninterested, or worse.

Just 2 years ago, the Department of Justice declared that public defense in the United States is in a "chronic state of crisis." Around the country there are alarming statistics about the many flaws that continue to plague the

criminal justice system. For example, according to the National Legal Aid and Defender Association: In Wisconsin, more than 11,000 people go unrepresented annually because anyone with an annual income of more than \$3,000 is deemed able to afford a lawyer. In Bucks County, PA, the public defender office handled 4,173 cases in 1980. In 2000, with the same number of attorneys, the office handled an estimated 8,000 cases. In Lake Charles, LA, the public defender office has only two investigators for the 2,550 new felony cases and 4,000 new misdemeanor cases assigned to the office each year. Indigent clients in Lake Charles typically meet their public defender for the first time an average of 281 days—more than 9 months—after their arrest. In Virginia, a juvenile charged with a felony who cannot afford a lawyer gets an attorney who is paid for the equivalent of only 90 minutes of work because of the \$112 per-case fee cap.

The crisis in public defense is not limited to misdemeanor and minor felony cases. I have spoken many times over the past 3 years about the shameful but all too common spectacle of underpaid, underfunded, and incompetent counsel in capital cases.

When people in this country are put on trial for their lives, they deserve to be defended by lawyers who meet reasonable standards of competence, and who have sufficient resources to investigate the facts and prepare thoroughly for trial. As citizens, we expect that of our prosecutors. We ought to expect the same thing of our defense attorneys. Yet in these most important cases, where life or death hangs in the balance, defendants have been represented by sleeping lawyers, drunk lawyers, lawyers under the influence of drugs, lawyers who do not meet or even speak with their client until the eve of trial, and lawyers who refer to their own client with racial slurs.

Part of the problem, I think, lies with some State court judges who do not appear to expect much of anything from criminal defense attorneys, even when they are representing people who are on trial for their lives. Good judges, like good prosecutors, want competent lawyering for both sides. But some judges run for reelection touting the number and speed of death sentences they have handed down. For them, the adversarial system is a hindrance.

The problem of low standards is not confined to elected state judges. Last year, the U.S. Supreme Court held that it was OK for the defendant in a capital murder trial to be represented by the same lawyer who represented the murder victim. Two years ago, a Federal appeals court struggled with the question whether a defense lawyer who slept through most of his client's capital murder trial provided effective assistance of counsel. Fortunately, a majority of the court eventually came to the sensible conclusion that "unconscious counsel equates to no counsel at all."

If Gideon is to have any meaning in the 21st century, the courts must start demanding more of defense lawyers than that they simply show up for the trial and remain awake. At the same time, the people's representatives in the State legislatures and here in Congress must also do their part.

For 3 years, I have been working with colleagues on both sides of the aisle to pass the Innocence Protection Act, a basic, commonsense package of criminal justice reforms. This bill would help make good on Gideon's promise of equal justice in the small but consequential set of cases in which the accused faces a possible death sentence. More specifically, the bill would help States create the systems and pay the price for qualified attorneys in capital cases.

Last year, the Innocence Protection Act won the support of a bipartisan majority of the Senate Judiciary Committee, and more than half the entire House of Representatives. This year, my cosponsors and I are committed to getting the bill signed into law.

The anniversary of Gideon is a time to reflect on how far we have come, and how far we have to go, in ensuring equal justice for all Americans. The United States must do better to protect the rights of its citizens and provide qualified defense counsel to the poor and disadvantaged. It should not take another 40 years to deliver on this basic constitutional guarantee.

#### SUPPORT FOR A MISSILE DEFENSE SYSTEM

Mr. KYL. Mr. President, I would like to submit for the RECORD a recent resolution passed by the Arizona State Legislature declaring its support for a missile defense system. I commend the sponsors and supporters of this resolution for their recognition of the need for the United States to end its vulnerability to a ballistic missile attack by developing and deploying a missile defense system as soon as possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### HOUSE CONCURRENT RESOLUTION 2027

Whereas, the people of the State of Arizona view with growing concern the proliferation of nuclear, chemical and biological weapons of mass destruction and the missile delivery capabilities of these weapons in the hands of unstable foreign regimes; and

Whereas, the tragedy of September 11, 2001 shows that America is vulnerable to attack by foreign enemies; and

Whereas, the people of the State of Arizona wish to affirm their support of the United States government in taking all actions necessary to protect the people of America and future generations from attacks by missiles capable of causing mass destruction and loss of American lives: Therefore be it

*Resolved by the House of Representatives of the State of Arizona, the Senate concurring:*

1. That the Members of the Legislature support the President of the United States in directing the considerable scientific and technological capabilities of this nation and in taking all actions necessary to protect the

states and their citizens, our allies and our armed forces abroad from the threat of missile attack.

2. That the Members of the Legislature convey to the President and Congress of the United States that a coast-to-coast, effective missile defense system will require the deployment of a robust, multi-layered architecture consisting of integrated land-based, sea-based and space-based capabilities to deter evolving future threats from missiles as weapons of mass destruction and to meet and destroy them when necessary.

3. That the Members of the Legislature appeal to the President and Congress of the United States to plan and fund a missile defense system beyond 2005 that would consolidate technological advancement and expansion from current limited applications.

4. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

##### SENATE CONCURRENT RESOLUTION 1021

Whereas, the people of the State of Arizona view with growing concern the proliferation of nuclear, chemical and biological weapons of mass destruction and the missile delivery capabilities of these weapons in the hands of unstable foreign regimes; and

Whereas, the tragedy of September 11, 2001 shows that America is vulnerable to attack by foreign enemies; and

Whereas, the people of the State of Arizona wish to affirm their support of the United States government in taking all actions necessary to protect the people of America and future generations from attacks by missiles capable of causing mass destruction and loss of American lives: Therefore, be it

*Resolved by the Senate of the State of Arizona, the House of Representatives concurring:*

1. That the Members of the Legislature support the President of the United States in directing the considerable scientific and technological capabilities of this nation and in taking all actions necessary to protect the states and their citizens, our allies and our armed forces abroad from the threat of missile attack.

2. That the Members of the Legislature convey to the President and Congress of the United States that a coast-to-coast, effective missile defense system will require the deployment of a robust, multi-layered architecture consisting of integrated land-based, sea-based and space-based capabilities to deter evolving future threats from missiles as weapons of mass destruction and to meet and destroy them when necessary.

3. That the Members of the Legislature appeal to the President and Congress of the United States to plan and fund a missile defense system beyond 2005 that would consolidate technological advancement and expansion from current limited applications.

4. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

#### FEDERAL EXECUTION OF LOUIS JONES, JR.

Mr. FEINGOLD. Mr. President, I want to take a moment to comment on the execution of Louis Jones, Jr., earlier today by the Federal Government.

Louis Jones was a highly decorated 22-year Army veteran, including service to our nation as an Army Ranger.