

not face the same ordeals they have faced. These are stories that must be told and, more importantly, must be heard in public by those who can and must make changes. These witnesses had good ideas and suggestions on how to change the delivery system for the mental health care of our returning veterans. They spoke passionately about how soldiers are trained to serve bravely and not show weaknesses. I could not walk away from this important hearing about issues crucial to our combat veterans returning from Iraq and Afghanistan.

I am very grateful to veteran Patrick Campbell, Mr. and Mrs. Randall Omvig, and Mr. Tony Bailey for their compelling personal testimonies. I am committed to push hard for action to change the VA system for future veterans and their families.

#### MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 5, 2006, in Fairfax County, VA, Leslie Carver was charged with murder for killing Marvin Greenwell. Greenwell was one of nine gay men murdered in what was known as the "pickup murders" of 1993 and 1994. The "pickup murders" were a series of attacks against gay men in the Washington, DC area. While most of these murders remain unsolved, DNA evidence was able to link Carver to the Greenwell murder.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard 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.

#### THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I firmly believe that the death penalty should be abolished, at all levels of government. Just a few months ago, I introduced the Federal Death Penalty Abolition Act of 2007 toward that end. The bill would abolish the death penalty at the Federal level; it would put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

I first introduced my bill in 1999, and since then only a few Members of the Senate have been willing to join me in this cause. Not too long ago, some believed that opposition to or criticism of the death penalty was politically

dangerous. But times have changed. The American people are expressing greater and greater concerns about the death penalty. A May 2006 Gallup poll reported that for the first time, when given a choice between the two sentencing options, more Americans choose the sentence of life without parole than the death penalty. The American public understands that the death penalty raises serious and complex problems.

Leaders across the country are publicly expressing their opposition to the death penalty—leaders such as Governor Corzine of New Jersey, Governor O'Malley of Maryland, and Governor Kaine of Virginia. State legislatures in Maryland, Montana, Nebraska, and New Mexico have all given serious consideration to abolition bills in the past 3 months alone. In fact, each of these four measures failed to move to the next step of the process by only one vote. In Maryland, an abolition bill failed to pass out of a Senate committee by one vote. In Montana, a bill to repeal the State's death penalty passed the senate and then failed by just one vote to move out of a house committee. In Nebraska, the unicameral legislature failed to move an abolition bill forward by just one vote. And in New Mexico, an abolition bill passed the house and then lost in a senate committee by just one vote.

Other States have taken important steps. Pennsylvania recently created a commission to study the administration of the State's death penalty, joining many other States that have already done so. Moratoriums on executions remain in place in Illinois and New Jersey and are under consideration in other States. New York's death penalty was overturned by a court decision in 2004 and has not been reinstated by the legislature. Along with New York, four other States that still have the death penalty technically on their books have not executed any individuals since 1976. In addition, there are 12 States, plus the District of Columbia, whose laws do not provide for capital punishment at all. And in 11 more States, executions have been halted while the courts grapple with the issue of whether the lethal injection process used by these States is unconstitutional.

At the same time, the number of executions, the number of death sentences imposed, and the size of the death row population have decreased for the second year in a row. In the prosecutors' offices, jury boxes, and legislative chambers, it seems that consensus is growing that it is time for a change.

In this connection, I think it is significant that the editorial boards for two major newspapers in very geographically diverse locations, Chicago and Dallas, recently called for an end to the death penalty. The Chicago Tribune's editorial page has been a leader for years in calling for reforms to the capital punishment system, yet it has never called for abolition—until

now. Explaining its decision to renounce the death penalty, the editorial board stated, "The system is arbitrary, and the system just plain gets it wrong." And the Dallas Morning News reversed its century-old stance on the death penalty, which is particularly notable because Texas has long been a bedrock of support for the death penalty and is the State with the dubious distinction of leading the Nation in executions. Even in a jurisdiction where support for the death penalty runs deep—even there—this strong voice of dissent rose to proclaim, "we do not believe that any legal system devised by inherently flawed human beings can determine with moral certainty the guilt of every defendant convicted of murder."

For these editorial boards, opposition to the death penalty sprang from concerns that mistakes might be made and innocent individuals executed. Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 1,060 executions across the country, including three at the Federal level. During that same time period, 123 people on death row have been exonerated and released from death row. These people never should have been convicted in the first place.

Consider those numbers. One thousand and sixty executions and one hundred and twenty-three exonerations in the modern death penalty era. Had those exonerations not taken place, had those 123 people been executed, those executions would have represented an error rate of greater than 10 percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced the Federal Death Penalty Abolition Act, 46 death row inmates have been exonerated throughout the country.

The continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage "two wrongs do not make a right" applies here in the most fundamental way. Our Nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of criminals. Just as we did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty. It is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people requires that we do so, as does our Nation's commitment to freedom, liberty, and equality.

I applaud those leaders, be they in State government or in the media, who are stepping forward to challenge a practice that has no place in this day and age. Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As each new voice joins us, we become