

LARRY FOX:

I can give a very short introduction of our next speaker. We invited Senator Feingold to address the group, and he hoped he could join us. As many of you know, Senator Feingold is the leader in federal legislation in this area. The Senator was kind enough to record a video for purposes of this meeting. I look forward to seeing it, and we are going to run it now.

SENATOR RUSSELL FEINGOLD:

Hello, and thank you for inviting me to join you today. I am sorry that I could not be with you in person, but I appreciate your allowing me this opportunity to participate. I am grateful that the ABA has convened this conference on one of the great challenges facing our nation today: the serious deficiencies in the administration of the **death penalty**. I applaud the ABA for its leadership on capital punishment. The ABA's 1997 resolution calling for a **moratorium** on executions helped spark today's national re-examination of the **death penalty**.

Only three years ago, our nation was complacent and eerily silent on the **death penalty**. Many believed that high crime rates justified it. Too many turned a blind eye to the increasing number of executions, executions disproportionately visited on the poor and minorities. And many were unaware of the flaws in the **death penalty** system, flaws that have sent innocent people to death row.

But with the ABA's leadership and guidance, all that is beginning to change. We may not all agree on whether to have a **death penalty**. But regardless of your view on that, I hope that we can all agree that the administration of the **death penalty** in America today is fraught with errors and a substantial risk of executing an innocent person. That is a risk we cannot continue to take.

We must work to ensure that our criminal justice system lives up to our highest ideals of justice, fairness, and due process. And what better place to start than with the people in this room: the lawyers and legislators who work with our law. Some of you, as criminal defense lawyers, have first-hand experience with the administration of the **death penalty**. Some of you, as legislators, have first-hand experience with drafting criminal statutes and rules of procedure. And all of you, as leaders in the legal community, have the knowledge and ability to help guide our nation in our search for justice.

We cannot afford to continue with business as usual. The time to lead our nation is now. Americans are electing a new President and many new Governors, state legislators, and Members of Congress. In a matter of weeks, these new leaders will take office. Tracking the concerns about fairness and due process raised in the ABA's **moratorium** resolution, and following the thoughtful precedent set by Governor Ryan of Illinois, I have introduced the National **Death Penalty Moratorium** Act. That bill would place a **moratorium** on executions while an independent, blue ribbon commission reviewed the **death penalty** system. I have been working with my colleagues to gain support for this legislation, and it will remain one of my highest priorities in the next Congress. I hope

you will encourage your members of Congress to support this critically needed legislation.

As well, I encourage you to raise this issue in your state bars, city councils, and state legislatures. Talk about the need for a time-out on executions and a review of our **death penalty** system. If you are a representative, I encourage you to introduce a **moratorium** resolution. We need to work at all levels to educate Americans and push for a **moratorium**. I believe that a **moratorium** is the minimum necessary response to the crisis now facing our **death penalty** system--a system that runs the substantial risk, if we have not done so already, of killing an innocent.

Again, I commend you for your participation in this conference and willingness to lead our nation on this issue. I look forward to working with you. Thank you very much.