

Statement of
The Honorable Patrick Leahy

United States Senator
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Over the next two weeks, the Judiciary Committee will focus on a vital component of our jurisdiction: ensuring the integrity of convictions in our criminal justice system. As a former prosecutor, I have great faith in the men and women of law enforcement, and I know that the vast majority of the time, our criminal justice system works fairly and effectively. In those rare instances when the criminal justice system does not work the way it should, the consequences are grave, and our faith in the system is shaken.

The criminal justice system only works when all relevant evidence is collected, retained and tested, and appropriately shared with defense counsel. For more than a decade I have worked to ensure post-conviction DNA testing and reexamination of evidence that has resulted in innocent people being exonerated and guilty people being caught and held to account. We enacted the Innocence Protect Act as part of the Justice For All Act, for example, during the Bush administration. Today, the Judiciary Committee will focus on instances where poor evidence led to wrongful convictions. Then, next week, the Committee will turn to another important aspect of our criminal justice system to examine the need to share key evidence with the defense in order to guarantee a fair trial.

Several years ago, Congress made great strides toward protecting the integrity of the criminal justice system by passing the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program. We have with us today Thomas Haynesworth. Mr. Haynesworth spent 27 years in prison for a series of rapes he did not commit. With the support of the Virginia Attorney General, he was finally exonerated after DNA testing that was funded by the Bloodsworth program implicated someone else. He spent 27 years in prison because of a wrongful conviction. Sadly, we cannot give him those years back. But we can try to ensure that this does not happen to someone else.

I understand that today is Mr. Haynesworth's birthday, and the anniversary of his release from prison. Happy Birthday. We are honored that you have chosen to spend it with us and share your story.

Kirk Bloodsworth was a young man just out of the Marines when he was arrested, convicted, and sentenced to death for a heinous crime that he did not commit. He was the first of many people in the United States to be exonerated for a capital crime through the use of DNA evidence. His lawyer is now a respected judge on the court here in the District of Columbia, Bob Morin. I have gotten to know Kirk over the years as he has worked hard to ensure that others receive a fair chance to prove their innocence. The Federal post-conviction DNA testing program was appropriately named for him. Mr. Bloodsworth is here with us today, and has submitted written testimony which will be of great use to the Committee.

Also testifying today is Craig Watkins, the District Attorney in Dallas. Mr. Watkins has been heavily involved with Texas's Criminal Justice Integrity Unit, which is at the cutting edge of criminal justice reform. Mr. Watkins and Judge Barbara Hervey, a Democrat and a Republican, worked closely together on this project, demonstrating that integrity in the system is something both Republicans and Democrats can get behind. The Texas Criminal Justice Integrity Unit is tackling the need to educate officials about issues such as working with forensic science, and best practices in eye witness testimony. Judge Hervey has also submitted written testimony highlighting the good work being done in Texas.

We learn regularly of defendants released after new evidence exonerates them. Levon Brooks and Kennedy Brewer were released in 2008 in Mississippi after serving a combined 32 years for a murder they did not commit. We have seen too many such cases nationwide. We must do better. It is an outrage and injustice when an innocent person is punished. In addition, it means that the guilty person is still on the streets, able to commit more crimes, which makes all of us less safe.

In the coming weeks, I expect the Judiciary Committee to take up the reauthorization of the Justice for All Act, which includes several important provisions in addition to the Bloodsworth program. The reauthorization bill includes important measures to try to assure competent counsel, which is a key factor in avoiding wrongful convictions. Unfortunately, the vast majority of capital cases and other serious felony cases do not include DNA evidence that can determine innocence or guilt. For those cases to be fairly considered, in addition to accurate witness testimony, each side must have competent, well-trained counsels.

It also includes new protections for victims of crime, funding for state and local governments for DNA testing and other forensic disciplines, and reauthorization and updating of the Debbie Smith Rape Kit Backlog Reduction Act. The Debbie Smith Act authorized significant funding to reduce the backlog of untested rape kits, so that victims need not live in fear while kits languish in storage. I hope that the longstanding bipartisan support for these important improvements to the criminal justice system will continue.

Today, we should rededicate ourselves to ensuring that we have a criminal justice system where the innocent remain free, the guilty parties are punished, and all sides have the tools, resources, and knowledge they need to advance the cause of justice.

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