

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
July 22, 2004

Opening Statement

I regret that the President and the Republican leadership in the Senate continue to choose division over cooperation and confrontation over consensus on the Presidents' most controversial judicial nominees. Senators can work together, Republicans and Democrats. The conflict we are experiencing on the Senate floor that has the collateral consequence of disrupting the important work of this Committee is by Republican partisan design and it is a shame. It is bad for the Senate and the country.

As examples of matters on which Senators can work together, I point to the lead item on our agenda, the Advancing Justice Through DNA Technology Act of 2003, S.1700. A number of us worked closely across party lines and in a bicameral effort to craft a measure that should be enacted this year. Its cosponsors include a bipartisan majority on this Committee. The House version has already passed by a bipartisan majority with the support of Chairman Sensenbrenner and Rep. Conyers, Rep LaHood and Rep. Delahunt.

Another example of our bipartisan cooperation is the resolution the Senate passed unanimously last night in connection with the consequences of the Supreme Court's decision in the Blakely case and the need to clarify federal criminal sentencing law, S. Con. Res. 130. The Senate has now said, consistent with the record we developed at our recent Judiciary Committee hearing, that the Supreme Court should expeditiously clarify the status of the Federal Sentencing Guidelines. The Second Circuit Court of Appeals urged expedited consideration. The Department of Justice is bringing cases to the Supreme Court and should seek expedited consideration to afford the opportunity needed to obtain that necessary guidance.

Earlier this morning I was at the White House for the signing of the Law Enforcement Officers Safety Act. Senator Campbell and I were the lead sponsors in the Senate on this successful effort.

Another example is the Federal Courts Improvement Act of 2004, S.2396, which was developed in a bipartisan effort. Likewise, our efforts at reform of Copyright Arbitration Royalty Tribunals by means of our substitute to H.R. 1417, is bipartisan and something on which we should be making quick progress. I have long supported CARP reform. At our hearing on May 15, 2002, I noted that the widespread dissatisfaction with the current procedures. In particular, many small webcasters could not afford to take part in CARP proceedings, even though their livelihoods would depend on the outcome. In addition, I have been concerned that the current procedures are often hindered by unreasonable delays, and the outcomes subject to manipulation. We think we have a bipartisan solution to alleviate the financial burden of the CARP procedure through the

use of administrative law judges. I want to preserve the traditional role of our Register of Copyrights, as well.

Further, I urge the Chairman, once we have successfully concluded our deliberations on the DNA bill to expedite consideration of the Department of Justice authorization bill on which we have been working together, as well.

We still need to enact the Satellite Home Viewer Improvement Act, S.2013; the Ag Workers bill, S.1645; the Dream Act, S.1545; the judicial pay raise, S.1023, the Anti-Atrocity Act, S.710; the authorization for mental health courts, S.2107; and other needed legislation on which there is so much bipartisan agreement.

With all this to do, with the 13 appropriations bills as yet unfinished, without a budget, without serious oversight of significant problems, it is incredible to me that the Republican Senate leadership is devoting this week to divisive cloture votes on controversial nominations. Why they choose to sow division rather than make progress on matters that could improve the lives of so many Americans across the country is for them to explain.

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#### ADVANCING JUSTICE THROUGH DNA TECHNOLOGY ACT (S.1700)

July 22, 2004

I am pleased that we are finally turning to S.1700, the Chairman's DNA bill. This bill was introduced last October. The House passed it by an overwhelming vote last November. It has been on this Committee's agenda since early June, bottled up by nominations and the Chairman's flag amendment. We have wasted a lot of time in reporting this bill out of Committee. I have no doubt that when we do get this bill to the floor, we will have more than enough votes to pass it.

I made my opening remarks about the bill on Tuesday, and I would like to start working through any amendments that may be offered. But I would like to say a few words about a man who is here in the room with us today -- a man whose life experience is a testament to the power of DNA to convict the guilty and exonerate the innocent. Kirk Noble Bloodsworth is here, with his wife Brenda. Kirk was the first person in America to be sentenced to death row and later to be exonerated through the use of DNA evidence. DNA evidence this year also was crucial in winning the confession and conviction of the real murderer.

I first met Kirk Bloodsworth in 2000 when he came to me as a man who had been cleared after almost nine years of wrongful imprisonment. I am proud to say that we have become close friends and partners in the fight to fix problems that he and others have faced in getting our system to work as it should.

For eight years, 11 months and 19 days, Kirk Bloodsworth, a former Marine, served time in prison as an innocent man, convicted on Maryland's Eastern Shore of the rape and murder of nine-year-old Dawn Hamilton - an especially horrible and brutal crime. He spent those years of his life in small jail cells. Even after he was freed, for the next ten years he lived in a jail without

bars, a world where people questioned his innocence, where rumors followed him everywhere he went, and where he was unable to find stable employment.

No case anywhere in America so clearly shows the power of DNA evidence to convict the guilty and to exonerate the innocent. And no case shows more clearly the need for the tools contained in this bill.

Kirk's own fight to prove his own innocence has been won. But his nightmare of wrongful conviction has been repeated again and again across the country. Kirk and Brenda several years ago dedicated themselves to helping others avoid his fate. Kirk's example, his courage and his selfless advocacy are the reasons that one of this bill's major grant program components is named for him.

The legislative machinery has ground on and on so slowly as Congress has processed this bill -- for four years now, since we first introduced the Innocence Protection Act. Sometimes, another day, another month or another year might not seem like much on Capitol Hill. But just ask the Hamilton and Bloodsworth families about the toll that these problems in our system are taking, in suffering and injustice. Ask Kirk Bloodsworth about the toll taken by spending even one more day wrongfully behind bars. It is long past time that we act on this bill.

I thank Kirk and Brenda for their commitment to helping others, and I thank them for being with us today.

More than ever, this bill is a collaborative product of which we all can be proud. It is an exercise in bipartisanship that is in the best tradition of the United States Congress. I am proud to sponsor it, and I know that many members of this Committee feel the same way. I hope we can report it to the floor today.