

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
September 9, 2004

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Ranking Democratic Member, Senate Judiciary Committee
ADVANCING JUSTICE THROUGH DNA TECHNOLOGY ACT (S.1700)
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I am pleased that we are finally turning to S.1700, the Chairman's DNA bill. I discussed the bill at some length before the recess, and I want to start working through any amendments that may be offered, so I will keep my remarks today brief.

This bill was introduced last October. The House passed it with overwhelming support in November. It has been on this Committee's agenda since early June, bottled up by nominations and the Chairman's flag amendment, among other things. We have more than enough votes to pass it in the Senate; in fact, I believe that it would pass the Senate today with the same sort of overwhelming support that it had in the House.

I know the Administration opposes this bill, and I am frankly puzzled by this. The bill contains many provisions that President Bush has claimed he supports, and we worked hard to make the overall package "fair and balanced," as one news organization would say. My staff reached out to the Justice Department several times during the recess, hoping to start a constructive dialogue about the bill; those calls and e-mails were finally returned only yesterday.

We have wasted a lot of time in reporting this bill out of Committee. Every day that the bill is stalled is another day that rape kits go untested for lack of funds; another day that inmates with colorable claims of innocence are denied access to the DNA evidence that could set them free and put the real criminals behind bars.

I want to thank Kirk Bloodsworth and Debbie Smith for being here today, and for their deep commitment to this legislation. Kirk 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. DNA evidence ultimately freed him and identified the real killer. Debbie was the victim of a violent crime in her home. Her attacker was eventually caught, again because of the power of DNA evidence.

Both Kirk and Debbie have worked tirelessly to promote the use of DNA technology, both to solve crimes and to exonerate the innocent. Two of our bill's grant programs for the States are named in their honor, and I am honored that they are here today.

DNA typing is the miracle forensic tool of our time. It has the power beyond any other to convict the guilty and exonerate the innocent. And this is a bill to unleash the power of this tool more fully in every American community.

There already have been needless delays set in the path of this bill, month upon month and year upon year. What excuse can we possibly give to the citizens we represent, for delaying this bill even one more day? Listen to the crime victims, who are appealing not on their own behalf, but so that others will not suffer as they have. Delaying this bill for yet another year may not seem like a long time to some on Capitol Hill. But ask the innocent person sitting on death row what even another day of waiting is like. Ask Kirk Bloodsworth that question. Ask the family of a murder victim who is denied closure about the death of their loved one. Or ask the victims who live day to day knowing the rapists who assaulted them are still out on the streets, while rape kits continue to stack up, untested, in police labs, for lack of lab equipment, technicians and funding.

We owe it to Kirk and Debbie, and other victims of injustice and violent crime, to pass this bill this year.