

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
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Statement of U.S. Senator Russell D. Feingold
Senate Committee on the Judiciary
Hearing on "Strengthening Our Criminal Justice System:
The John R. Justice Prosecutors and Defenders Incentive Act of 2007"
Tuesday, February 27, 2007

Mr. Chairman, we know that a healthy criminal justice system is a necessary component of keeping our communities safe. A healthy criminal justice system, however, does more than just grant us security; a healthy criminal justice system is the foundation of a society organized by law and committed to justice.

Such a system can only be as strong as the people who make it up, and today we consider the needs of our local prosecutors and public defenders. Prosecutors are crucial to bring those who commit crimes to justice. Equally important is the role that public defenders play, ensuring that every accused individual--even those who cannot afford their own attorneys--has an effective advocate in the process. We expect these lawyers to work tirelessly toward these ends, for the efficacy and accuracy of our adversarial system depends upon their work.

Currently, however, we are not giving these public servants the financial support they need. Paul Logli, Chairman of the National District Attorney's Association, tells us in his testimony that approximately 95 percent of criminal cases go through our state courts, with young local prosecutors and public defenders handling much of this caseload. So I was deeply concerned to learn that it is common practice for young prosecutors and public defenders to decide they must take a second job in order to make their student loan payments. This illustrates in a very concrete way the significant financial pressure facing these individuals. It is no surprise, then, that local prosecutor and public defender offices struggle with attrition rates in the 30 percent to 50 percent range. That is very troubling. Our system of justice, and all of us, are harmed when these offices must constantly recruit and train new lawyers because some of the dedicated individuals who choose this work simply cannot afford to remain in the public sector.

More than ever, we need an effective criminal justice system that is ready to take on the challenge that the rising crime rate poses. The 2005 FBI Uniform Crime Report detailed a startling increase in violent crime, with 2005 showing the largest single year percent increase in violent crime in fourteen years. The Midwest has been particularly hard hit, so while violent crime increased 2.3% overall at the national level, in the Midwest the increase was 5.6%. Wisconsin was even worse off, reporting a 15.8% increase. Unfortunately, preliminary figures collected by both the FBI and by groups like the Police Executive Research Forum indicate these

increases are not mere blips but instead represent a trend that should concern us all. I raise these facts to illustrate that there is real urgency behind what we are considering today.

As our criminal justice system is called upon to respond to the rising crime rates, it is essential that the women and men responsible for prosecuting and defending these cases have the support they need. These public servants should be able to come to work each day without constant worry about educational debt, and without having to take on a second job. They should be paid well enough to allow them to remain in the public sector and develop the expertise and experience to make our criminal justice system the best it can possibly be. The John R. Justice Prosecutors and Defenders Incentive Act of 2007 will provide new resources, so that local prosecutor and public defender offices not only can recruit the best and the brightest, but also can retain them.

Moreover, as Assistant State Attorney Jessica Bergeman points out, by providing loan repayment to these public servants, this bill supports the development of a truly diverse cadre of prosecutors and defenders. Without this sort of financial support, those most burdened by education loans--those who needed those loans to be able to attend law school and often college in the first place--are less likely to be able to remain as prosecutors or public defenders. To have a criminal justice system that produces justice for all Americans, we need a criminal justice system that reflects the wisdom and experiences of all Americans.

I applaud the work that Senators Durbin, Specter, Leahy and others have done on this bill. I believe that S. 442 is an excellent piece of legislation, and I am proud to be a cosponsor. The attorneys who work as local prosecutors and public defenders serve all of us, and as the testimony before us today illustrates, often at great personal sacrifice. It is not too much to ask that the federal government step in and help lighten their financial burdens. In so doing, we strengthen our criminal justice system, and our communities. Thank you.