

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
November 10, 2009

Senate Judiciary Committee
Hearing on "Strengthening Our Criminal Justice System:
Extending the Innocence Protection Act"
Tuesday, November 10, 2009

Statement of U.S. Senator Russell D. Feingold

Mr. Chairman, thank you for holding this important hearing. It was thanks to your leadership that the Innocence Protection Act became law in 2004, and reauthorizing that important piece of legislation must be a priority. Each year, more and more prisoners are exonerated, often by post-conviction DNA testing. There can be no doubt that our criminal justice system continues to be flawed, and Congress needs to keep devoting resources to addressing these problems.

The Innocence Protection Act is a critical part of those efforts - to ensure that the right people are being held responsible for their crimes. From improving access to post-conviction DNA testing to increasing the maximum amount of compensation that the federal government must pay in cases of wrongful conviction, the IPA contains important reforms that passed with broad bipartisan support in 2004.

I want to note in particular the work of Professor Keith Findley, the co-founder of the Wisconsin Innocence Project and president of the Innocence Network. The Wisconsin Innocence Project was recently awarded a federal grant under the IPA's Kirk Bloodsworth program for its post-conviction DNA testing program. As this committee learned in a hearing last year, it has taken some time for the Bloodsworth grant program to get under way due to overly restrictive interpretation of the statutory requirements. I am very pleased that the program is now on track and that Wisconsin is benefiting from it.

The Wisconsin Innocent Project has worked for more than a decade to exonerate innocent people, and this grant will provide it with the additional capacity necessary to expand its efforts. As Professor Findley explains in his testimony, Wisconsin is taking a proactive approach to post-conviction DNA testing, conducting a systematic review to identify cases where such testing could be beneficial. This is no small task, but the results will not only help find innocent people in prison for crimes they didn't commit, they also could help explain systemic problems in the criminal justice system.

This is important because wrongful convictions can be caused by any number of flaws. Inadequate defense counsel, racial and geographic disparities, faulty forensics, police and prosecutorial misconduct, and wrongful convictions based solely on the testimony of a jailhouse

informant or a single mistaken eyewitness identification all taint this country's criminal justice system. And all of these factors have led to the wrongful convictions of individuals later exonerated by DNA evidence.

Mr. Chairman, I think everyone can agree that sending innocent people to prison is wrong and hurts our system of justice. I look forward to working with you to help address these problems.