

Statement of
The Honorable Russ Feingold

United States Senator
Wisconsin
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Opening Statement of U.S. Senator Russ Feingold

Senate Judiciary Committee Hearing

On "Oversight of the Justice for All Act: Has the Justice Department Effectively Administered the Bloodsworth and Coverdell DNA Grant Programs?"

I am very pleased to see this Committee once again address the need to improve the tools for seeking the truth in our criminal justice system. In addition, members of Congress know all too well that we must follow up on the implementation of legislation we pass when it appears that our intent is being thwarted. So Mr. Chairman, I appreciate that you are conducting the oversight that is critically needed with respect to these grant programs, as we have learned from the Inspector General and others today.

DNA testing has played an incredibly important role in the pursuit of truth and justice. DNA testing has identified perpetrators or provided other important probative value to the police and prosecutors investigating a crime. But DNA testing has also exposed a piece of the dark underbelly of our criminal justice system: the conviction and sentencing of innocent people for crimes they did not commit.

Americans have become all too familiar with the stories of people wrongfully convicted, sentenced and sent to prison, who finally walk free as a result of DNA testing. Several of the people in attendance here today know all too well that this can happen. Nationwide, scores of innocent people have been released. And according to the Innocence Project, 65 percent of those wrongful convictions were caused, at least in part, by limited, unreliable or even fraudulent forensics, highlighting the importance of improving our nation's crime labs.

Mr. Chairman, this is a particularly appropriate moment to be taking stock of Congress' efforts to improve access to DNA testing and to increase oversight of forensic laboratories around the country. As a result of the Supreme Court's consideration of challenges to the lethal injection method of execution, we are experiencing a national moratorium on executions of death row inmates. I am pleased that the Committee is taking this opportunity to consider these issues, which are even more poignant for those sitting on death row. Since the reinstatement of the modern death penalty, 15 death row inmates have been exonerated as a result of DNA testing, including one in Oklahoma just this past year.

But it is important to remember that flaws in the criminal justice system are not limited to forensics. Inadequate defense counsel, racial and geographic disparities, police and prosecutorial

misconduct, and wrongful convictions based solely on the testimony of a jailhouse snitch or a single mistaken eyewitness identification all taint this country's criminal justice system, and in particular its use of the death penalty. And all of these factors have led to the wrongful convictions of individuals later exonerated by DNA evidence.

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