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THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Lawmakers Urged to Support Spending to Fix Wrongful Convictions & Bad Forensics

WASHINGTON, D.C. -- A former FBI director and a former governor are asking key federal lawmakers to support vital forensic science and indigent defense programs that aim to reduce miscarriages of justice.

In a [letter delivered](#) to leaders of the Senate and House appropriation subcommittees responsible for criminal justice funding earlier today, Judge William S. Sessions, who served three presidents as director of the FBI, and former Texas Governor Mark White wrote that federal funding is urgently needed to improve the accuracy and reliability of our nation's criminal justice system.

The letter noted that more than 25% of wrongful convictions were due, in part, to bad lawyering or bad science and that just last month, the FBI acknowledged three decades of flawed testimony by its forensic unit analysts, affecting the integrity of thousands of convictions in the United States.

Sessions and White were joined in signing the letter by Gerald Kogan, who served as chief justice of the Florida Supreme Court, and Beth Wilkinson, who was one of the lead prosecutors in the cases of the Oklahoma City bombers. The latter three are co-chairs of The Constitution Project Death Penalty Committee, and Sessions is a member.

"While systemic reform is vital to prevent conviction of the innocent, we know that the use of faulty science -- as well as representation of the accused by underresourced, ill-equipped defense counsel -- are too often contributing factors to wrongful convictions throughout the country," they wrote.

In particular, the four signers called for enhanced funding to support the critical role of defense counsel to protect individuals from wrongful convictions, and to help support post-conviction investigation and representation in potential wrongful conviction cases.

"Our experience has taught us that when wrongful convictions occur, the damage is actually multi-

faceted: the innocent are convicted -- even facing execution in some cases -- while a guilty perpetrator remains free to commit additional crimes. These miscarriages of justice also exact additional and needless suffering on crime victims and their families," the letter said.

The group also called upon Congress to provide federal support for research to define the limits of the forensic sciences, and to set standards based on that research to ensure that valid science is applied uniformly in the criminal justice system.

Last year, TCP's bipartisan Death Penalty Committee issued a [comprehensive report](#) on the systemic problems plaguing administration of capital punishment in America. Among its 39 specific recommendations, the report called for improved access to counsel and better forensic science.

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Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.

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