



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE  
1156 15<sup>TH</sup> STREET, NW SUITE 915 · WASHINGTON, DC 20005 · P (202) 463-2940 · F (202) 463-2953  
E-MAIL: [WASHINGTONBUREAU@NAACPNET.ORG](mailto:WASHINGTONBUREAU@NAACPNET.ORG) · WEB ADDRESS [WWW.NAACP.ORG](http://WWW.NAACP.ORG)

**Testimony of Mr. Hilary Shelton,  
Director, NAACP Washington Bureau &  
Senior Vice President for Advocacy and Policy  
Before the Senate Judiciary Committee**

**on**

**“Strengthening Forensic Science in the United States”**

**September 9, 2009**

Chairman Leahy, Ranking Member Sessions, and members of the Senate Judiciary Committee, I thank you on behalf for the NAACP for holding this important series of hearings on the use of forensic science in our criminal justice system, and considering the NAACP’s concerns regarding such a crucial issue, one which speaks to the very integrity of our Nations criminal justice system. I am submitting this testimony on behalf of the NAACP, our Nation’s oldest, largest and most widely-recognized grassroots civil rights organization. The NAACP has more than 2,200 membership units in every state in our Nation, as well as in Italy, Germany, Korea and Japan.

The NAACP supports the recommendations made by the report issued earlier this year by the National Academy of Sciences’ (NAS) Committee on *Identifying the Needs of the Forensic Science Community*<sup>1</sup>. Specifically, the NAACP strongly supports the recommendation that Congress should create a new, independent agency to oversee the further development, advancement and utilization of forensic science. This agency should be independent of existing law enforcement agencies at the local, state and federal level and therefore unencumbered by any biases these organizations, agencies or their representatives may have.

From the dark days of slavery, through the cruel and inhumane years of lynching’s and Jim Crow laws, and even today the American criminal justice system has always been, and continues to be deeply affected by race. Currently, racial and ethnic minorities are over-represented at every level of the criminal justice system; from routine traffic and pedestrian stops, to arrests, to convictions, to the length and

---

<sup>1</sup> *Strengthening Forensic Science in the United States: A Path Forward*. Committee on Identifying the Needs of the Forensic Science Community, the National Academies Press (2009)

severity of sentences. African Americans and other people of color are treated more suspect, and more harshly by the American criminal justice system.

It is difficult, if not impossible, for entire communities in our Nation to have faith in the criminal justice system when it so blatantly and obviously perpetuates racial and ethnic disparities. As such, one of the core missions of the NAACP is and has always been to the elimination of racial prejudice our pursuit of equal justice under the law. And while a reform of forensic science, which is often a key element used to determine the guilt or innocence of an accused, will not solve all of the racial disparities inherent in our criminal justice system, it will however help to alleviate some of the important problems.

Furthermore, if the Congress does move forward with the establishment of an independent agency as outlined in the NAS report, the availability of current forensic evidence to investigators, prosecutors and the defense will undoubtedly be of benefit to all, and will help to restore some confidence in the system, or at least provide recourse for those falsely accused.

It is impossible to say with any certainty the number of people in our Nation who have been erroneously accused, let alone convicted, of crimes they did not commit. It is also therefore impossible to cite, with 100% accuracy, the racial disparities that exist among those who are wrongly imprisoned. Yet it is significant that of the 242 prisoners who have been exonerated by the Innocence Project, which does not seek to correct racial disparities, at least 144, or almost 60% are African American.

In his testimony before your committee, Peter Neufeld of the *Innocence Project* stated that “(i)nadequate science leaves evidence open to attack and may mean that police, prosecutors, judges and juries across the country are at risk of being misled away from the real perpetrators of the crime.<sup>2</sup>” The absence of adequate science may also mean that investigations and trials may also be dominated by, and the fate of the accused may also hinge on, biases of the police, prosecutors, judges and juries. And, as the NAS report so clearly demonstrates, judges and juries, as well as defense attorneys, cannot be relied upon to detect and question deficient forensic evidence.

By providing all of the interested parties in a criminal case with access to better science, the NAACP is confident that the number of erroneous convictions will decrease. This is not to say that racial biases will be eliminated but, if properly implemented, an independent agency such as the one recommended by the NAS committee will provide investigators, prosecutors, judges, juries and defense

---

<sup>2</sup> Testimony of Peter Neufeld, Co-Director, the Innocence Project, Senate Judiciary Committee Hearing Strengthening Forensic Science in the United States September 9, 2009

attorneys, not to mention the American people, with better tools to address, and hopefully mitigate some of the corrosion that racial bias has traditionally played in our Nation's criminal justice system.

So again I would like to thank the Senate committee, Chairman Leahy and all of the members for their interest and commitment in pursuing this matter. To reiterate, the NAACP strongly supports the recommendations by the NAS Committee on Identifying the Needs of the Forensic Science Community that Congress should create a new, independent, non-partisan agency to oversee forensic science. We encourage this committee to work with its counterpart in the other body as well as the Executive Branch to pursue the recommendations in the NAS report. We believe that such an agency is an important step to restoring integrity, and the confidence of the American people, in the American Judicial system.

Thank you very much for the opportunity to present the views of the NAACP and we stand ready to help advance this very important initiative.