

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5193

To award a congressional gold medal to Barry C. Scheck and to Peter Neufeld in recognition of their outstanding service to the Nation and to justice as co-founders and co-directors of the Innocence Project.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mr. RUSH (for himself, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. GUTIERREZ, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To award a congressional gold medal to Barry C. Scheck and to Peter Neufeld in recognition of their outstanding service to the Nation and to justice as co-founders and co-directors of the Innocence Project.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       The Congress finds as follows:

5               (1) To date, 212 innocent people have been ex-  
6       onerated nationwide through DNA testing and the  
7       Innocence Project has worked on the vast majority

1 of those cases, with thousands awaiting evaluation in  
2 their last hope for justice.

3 (2) Fifteen people had been sentenced to death  
4 before exoneration, and the average sentence served  
5 by DNA exonerees has been 12 years.

6 (3) Approximately 70 percent of those exoner-  
7 ated by DNA testing are members of ethnic minority  
8 groups.

9 (4) In over 35 percent of the cases the Inno-  
10 cence Project has been involved with, the actual per-  
11 petrator has been identified by DNA testing.

12 (5) Exonerations have been won in 31 states  
13 and the District of Columbia.

14 (6) Since 1992, the Innocence Project has  
15 served as a nonprofit legal clinic affiliated with the  
16 Benjamin N. Cardozo School of Law at Yeshiva  
17 University, serving as a national litigation and pub-  
18 lic policy organization dedicated to exonerating  
19 wrongfully convicted people through DNA testing  
20 and reforming the criminal justice system to prevent  
21 future injustice.

22 (7) Most clients are poor and have used up all  
23 legal avenues for relief.

24 (8) DNA testing has been a major factor in  
25 changing the criminal justice system, opening a win-

1       dow to correct and prevent wrongful convictions in  
2       cases involving everything from home invasion to  
3       murder.

4           (9) The Innocence Project has grown to become  
5       much more than the “court of last resort” for in-  
6       mates who have exhausted their appeals and their  
7       mean; it has helped form the Innocence Network: a  
8       group of law schools, journalism schools, public de-  
9       fender offices, and other independent entities across  
10      the country that assist inmates trying to prove their  
11      innocence whether or not the cases involve biological  
12      evidence which can be subjected to DNA testing.

13          (10) Peter Neufeld authored the seminal work  
14      in criminal law, “The Near Irrelevance of Daubert  
15      to Criminal Justice and Some Suggestions for Re-  
16      form” in the American Journal of Public Health  
17      (Vol. 95, No. S1 2005).

18          (11) The Innocence Project has analyzed the  
19      wrongful convictions proven by DNA evidence in  
20      order to determine what causes them—across all  
21      criminal cases, not just those where DNA can prove  
22      innocence—and identify the reforms that can pre-  
23      vent them while increasing the accuracy of the crimi-  
24      nal justice system. The lead causes include eye-

1 witness misidentification, problems with the analysis  
2 of forensic evidence, and false “confessions”.

3 (12) With local advocates and partners, the In-  
4 nocence Project consults with legislators and law en-  
5 forcement officials on the Federal, State, and local  
6 levels, conduct research and training, produce schol-  
7 arship and propose a wide range of remedies to pre-  
8 vent wrongful convictions while continuing to work  
9 to free innocent inmates through the use of post-  
10 conviction DNA testing.

11 (13) In addition to serving as co-founders and  
12 co-directors of the Innocence Project, Barry C.  
13 Scheck and Peter Neufeld are Commissioners on the  
14 New York State Commission of Forensic Science.

15 (14) Barry C. Scheck and Peter Neufeld, along  
16 with Pulitzer-Prize winning journalist Jim Dwyer,  
17 are the authors of *Actual Innocence: When Justice  
18 Goes Wrong and How to Make it Right*.

19 (15) Additionally, Barry C. Scheck served on  
20 the board of directors of the National Institute of  
21 Justice’s Commission on the Future of DNA Evi-  
22 dence, is co-chair of the DNA Task Force of the Na-  
23 tional Association of Criminal Defense Lawyers and,  
24 in 1996, received that Association’s prestigious Rob-

1       ert C. Heeney Award for his contributions to the As-  
2       sociation.

3           (16) Barry C. Scheck is a graduate of Yale  
4       University and University of California at Berkeley's  
5       Boalt School of Law.

6           (17) Barry C. Scheck, before joining the faculty  
7       of Cardozo Law School, worked for 3 years as a  
8       staff attorney at The Legal Aid Society in New York  
9       City.

10          (18) Peter Neufeld is a graduate of the Univer-  
11       sity of Wisconsin and New York University's School  
12       of Law.

13          (19) Peter Neufeld, before joining Cardozo Law  
14       School, taught trial advocacy at Fordham University  
15       Law School and was a staff attorney with the Legal  
16       Aid Society of New York.

17 **SEC. 2. CONGRESSIONAL GOLD MEDAL.**

18       (a) PRESENTATION AUTHORIZED.—The Speaker of  
19       the House of Representatives and the President Pro Tem-  
20       pore of the Senate shall make appropriate arrangements  
21       for the presentation, on behalf of the Congress, to Barry  
22       C. Scheck and to Peter Neufeld a gold medal of appro-  
23       priate design in recognition of their outstanding service  
24       to the Nation and to justice as co-founders and co-direc-  
25       tors of the Innocence Project.

1 (b) DESIGN AND STRIKING.—For the purpose of the  
2 presentation referred to in subsection (a), the Secretary  
3 of the Treasury (hereafter in this Act referred to as the  
4 “Secretary”) shall strike 2 gold medals with suitable em-  
5 blems, devices, and inscriptions, to be determined by the  
6 Secretary.

7 **SEC. 3. DUPLICATE MEDALS.**

8 Under such regulations as the Secretary may pre-  
9 scribe, the Secretary may strike and sell duplicates in  
10 bronze of the gold medals struck under section 2 at a price  
11 sufficient to cover the costs of the medals, including labor,  
12 materials, dies, use of machinery, and overhead expenses.

13 **SEC. 4. NATIONAL MEDALS.**

14 The medals struck under this Act are national medals  
15 for purposes of chapter 51 of title 31, United States Code.

16 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS**  
17 **OF SALE.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 hereby authorized to be charged against the United States  
20 Mint Public Enterprise Fund an amount not to exceed  
21 \$30,000 to pay for the cost of each medal authorized  
22 under section 2.

23 (b) PROCEEDS OF SALE.—Amounts received from the  
24 sale of duplicate bronze medals under section 3 shall be

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1 deposited in the United States Mint Public Enterprise  
2 Fund.

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