

DELAY IN TESTING

Scheck, who helped exonerate Bloodsworth, said he has been asking for this sort of testing for years. It was after Scheck's most recent letter to the Baltimore County State's Attorney's Office that police and prosecutors started moving toward testing the DNA against the database, *The Sun* reported in June.

Yesterday morning, Assistant State's Attorney S. Ann Brobst, who prosecuted Bloodsworth and who had been criticized by his supporters for refusing to admit his innocence, went to Bloodsworth's home to tell him the news.

"She apologized up and down," Bloodsworth said yesterday. "She had to eat a lot of crow to come. You've got to give her something for it."

O'Connor said Dawn's father, Thomas Hamilton, was also told of the new arrest. He was unavailable for comment.

DEATH ROW, THEN LIFE

Bloodsworth was convicted of Dawn's murder in 1985 and sent to death row. Multiple witnesses had testified that they saw him near the crime scene.

The next year, the Maryland Court of Appeals overturned his conviction. But when Bloodsworth was retried, he was again found guilty and this time sentenced to life in prison.

In 1992, prosecutors agreed to run DNA tests on a semen stain found on Dawn's underwear—a stain that law enforcement officials said they had not noticed earlier. Those tests showed that Bloodsworth was not the person who had sexually assaulted the little girl.

Prosecutors agreed to release Bloodsworth immediately but would not apologize or say he was innocent.

"I believe that he is not guilty," O'Connor said at the time. "I'm not prepared to say he's innocent. Only the people who were there know what happened."

LINGERING DOUBTS

Bloodsworth was pardoned by former Gov. William Donald Schaefer and given \$300,000 from the state. But life after prison was a struggle, one that he now talks about openly.

At first, he had trouble holding jobs and grappled with freedom after nine years behind bars. He heard the derogatory whispers and saw the dirty looks. He once wiped the scrawled words "Child Killer" off his car.

"He has confided to me many, many times that people echo what Ann Brobst kept saying: '(The DNA) doesn't mean he's innocent,'" Scheck said.

In recent years, Bloodsworth married and started working as a consultant for the Justice Project, a Washington advocacy group for justice reform. He has testified for lawmakers and spoken in classrooms across the country about the importance of DNA evidence.

In his own case, he said he has pushed for years for county law enforcement to run the preserved DNA evidence through the state's database.

A month after Dawn Hamilton was killed, Kimberly Ruffner was arrested for the Fells Point attack.

He had broken into a woman's house Aug. 28, 1984, and had tried to rape her, police said. When she struggled, he tried to kill her with a pair of scissors. The woman managed to escape, and police found Ruffner hours later.

He was tried and convicted of breaking and entering, assault with intent to murder and attempted rape, said Mark Vernarelli, spokesman for the Maryland Department of Public Safety and Correctional Services. He was sentenced to 45 years in prison.

According to court records, Ruffner had been charged with two other sex offenses in 1983.

In the Maryland Correctional Institution at Jessup, Ruffner slept on the tier below Bloodsworth in the same building.

The two men lifted weights together, and Bloodsworth, who worked in the prison library, would give him books, Bloodsworth said. They both had red hair. But Bloodsworth said they were nothing more than acquaintances.

Not once, Bloodsworth said, did Ruffner indicate that he was responsible for Dawn's murder.

"It's spooky," Bloodsworth said. "The whole time he was there. I just can't get over it."

CASE TIMELINE

July 1984—The body of 9-year-old Dawn Hamilton is found in a wooded area near the Fontana Village apartments in Rosedale, Baltimore County.

August 1984—Police arrest and charge Kirk Noble Bloodsworth, a former waterman from Cambridge, in Dawn Hamilton's death.

Also, Kimberly Shay Ruffner is arrested on charges of breaking and entering, assault with intent to murder and attempted rape after attacking a Fells Point woman with a pair of scissors.

March 1985—A jury convicts Bloodsworth of Dawn Hamilton's murder. Baltimore County Judge J. William Hinkel sentences Bloodsworth to death.

July 1985—Ruffner is convicted on charges in the Fells Point attack and is sentenced to 45 years in prison.

July 1986—The Maryland Court of Appeals overturns Bloodsworth's conviction, saying prosecutors withheld evidence about another suspect.

April 1987—A second jury convicts Bloodsworth of murder. He is sentenced to two consecutive life terms—one for sexual assault and the other for murder.

April 1992—At the request of Bloodsworth's attorney, Baltimore County prosecutors agree to release evidence from Bloodsworth's trial—panties, a shirt and a stick—for DNA testing.

May 1993—A California DNA lab reports that a semen stain on the victim's panties cannot have come from Bloodsworth.

June 25, 1993—The FBI, conducting its own test, agrees the semen found on the panties could not have come from Bloodsworth.

June 28, 1993—Bloodsworth walks out of the House of Correction in Jessup, a free man.

December 1993—Gov. William Donald Schaefer pardons Bloodsworth.

June 22, 1994—Bloodsworth is awarded \$300,000 by the state of Maryland for nine years of wrongful imprisonment.

Sept. 5, 2003—Baltimore County Assistant State's Attorney S. Ann Brobst, who prosecuted Bloodsworth, visits him at his Cambridge home and tells him further DNA tests matched the semen found in Dawn Hamilton's panties to Ruffner, a Maryland prison inmate.

She also apologizes.

ADDITIONAL STATEMENTS

CELEBRATING THE 155TH ANNIVERSARY OF SAINTS PETER AND PAUL CHURCH

• Mr. LEVIN. Mr. President, it is my great pleasure to congratulate Saints Peter and Paul Church for 155 years of dedication and service to the Detroit community. On September 24, 2003,

people will be gathering in my hometown of Detroit, MI to celebrate this important achievement. I am also pleased that Michigan's First Gentleman, Dan Mulhern, husband of Governor Jennifer Granholm, will share in the celebration of Saints Peter and Paul's anniversary.

Completed and dedicated on June 29, 1848, Saints Peter and Paul Church was originally built as the cathedral for the Catholic Church in Detroit. It is the oldest church building in continuous use in the city. In 1877, Saints Peter and Paul Church was given to the Jesuits to be used as a local center for Jesuit ministry and a church for the University of Detroit, then named Detroit College. Toward the end of the 19th century, working class people, many of them recent immigrants, became a large part of the parish population. As a result, Saints Peter and Paul Church refocused its ministry in response to the changing needs of its congregation.

After World War I, the prosperity of the church declined because its neighborhood became more commercial and industrial. In spite of a diminished congregation, loyal community members remained intent on a preserving Saints Peter and Paul Church as a place of worship. A sharp increase in homelessness in the area toward the end of the 20th century strengthened the church's dedication to members of the community in need.

Today, Saints Peter and Paul Church remains committed to serving urban Detroit. One of its most important outreach programs is the Warming Center, which serves nearly 100 guests a day. Most of the visitors are people in need. The Warming Center offers its guests a safe haven, a warm meal, hospitality, and an opportunity to engage in mutual reflection and sharing. The center also offers free use of a telephone, laundry facilities, a shower, and clothing.

I take great pride in recognizing the commitment of Saints Peter and Paul Church to Detroit throughout its 155-year history. The church attends to the physical, emotional, and spiritual needs of the Detroit community. I know my Senate colleagues join me in saluting the ministry of Saints Peter and Paul Church and in wishing the church continued support and success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

REPORT RELATIVE TO WAIVING THE SUSPENSIONS UNDER SECTION 920(A) OF THE FOREIGN RELATIONS AUTHORIZATIONS ACT, FISCAL YEARS 1990 AND 1991, WITH RESPECT TO THE ISSUANCE OF LICENSES FOR QSR 11 SENSORS—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) (the "Act"), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to waive the suspensions under section 902(a) of the Act with respect to the issuance of licenses for QSR-11 sensors that serve as components of an Inertial Measurement Unit (IMU) used in commercial aircraft and spare IMU for such aircraft. License requirements remain in place for these exports.

GEORGE W. BUSH.

THE WHITE HOUSE, September 20, 2003.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4307. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxysulfuron; Pesticide Tolerance" (FRL#7325-1) received on September 9, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4308. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a vacancy for the position of Treasurer of the United States, received on September 15, 2003; to the Committee on Finance.

EC-4309. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a vacancy and designation of acting officer for the position of Assistant General Counsel/Chief Counsel, Internal Revenue Service, received on September 15, 2003; to the Committee on Finance.

EC-4310. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a nomination for the position of Deputy Secretary, Department of the Treasury, received on September 15, 2003; to the Committee on Finance.

EC-4311. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a nomination confirmed for the position of Assistant Secretary (Management), received on September 15, 2003; to the Committee on Finance.

EC-4312. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a discontinuation of service in acting role for the position of Chief Financial Officer, Department of the Treasury, received on September 15, 2003; to the Committee on Finance.

EC-4313. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a nomination confirmed for the position of Assistant Secretary, Public Affairs, Department of the Treasury, received on September 15, 2003; to the Committee on Finance.

EC-4314. A communication from the Acting Chief, Publications and Regulations Branch, Legal Processing Division, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Split-Dollar Life Insurance Arrangements" (RIN1545-BA44) received on September 15, 2003; to the Committee on Finance.

EC-4315. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the pending accession to the World Trade Organization of the Kingdom of Nepal; to the Committee on Finance.

EC-4316. A communication from the Assistant Secretary of Labor for Mine Safety and Health, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Improving and Eliminating Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing)" (RIN1219-AA98) received on September 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4317. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the interim report on Human Papillomavirus; to the Committee on Health, Education, Labor, and Pensions.

EC-4318. A communication from the Director, Office of Personnel Policy, Office of the Assistant Secretary for Indian Affairs, transmitting, pursuant to law, the report of a discontinuation of service in acting role for the position of Assistant Secretary for Indian Affairs, received on September 15, 2003; to the Committee on Indian Affairs.

EC-4319. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Fiscal Year 2002 Activities Under the Civil Rights of Institutionalized Persons Act"; to the Committee on the Judiciary.

EC-4320. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Over-the-Counter Medications" (RIN1120-AA81) received on September 15, 2003; to the Committee on the Judiciary.

EC-4321. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107-296—Delivery of Explosive Materials by Common or Contract Carrier" (RIN1140-AA20) received on September 15, 2003; to the Committee on the Judiciary.

EC-4322. A communication from the Assistant Division Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Realignment of the Alexander Valley and Dry Creek Valley Viticultural Areas" (RIN1512-AA07) received on September 15, 2003; to the Committee on the Judiciary.

EC-4323. A communication from the Assistant Division Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Organic Claims in Labeling and Advertising of Alcohol Beverages" (RIN1512-AC87) received on September 15, 2003; to the Committee on the Judiciary.

EC-4324. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the Report of the Attorney General on the Administration of the Foreign Agents Registration Act for the six months ending December 31, 2002; to the Committee on the Judiciary.

EC-4325. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, a report that the Commission voted to recharter the Connecticut State Advisory Committee; to the Committee on the Judiciary.

EC-4326. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation relative to enhance the ability of the Department of Veterans Affairs to care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

EC-4327. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Effective Dates of Benefits for Disability Caused By Herbicide Exposure: Disposition of Unpaid Benefits After Death of Beneficiary" (RIN2900-AL37) received on September 15, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 281. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes (Rept. No. 108-150).

S. 618. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, and for other purposes (Rept. No. 108-151).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. COCHRAN):

S. 1638. A bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. BURNS, and Mr. ENSIGN):

S. 1639. A bill to amend the Petroleum Marketing Practices Act to extend certain protections to franchised refiners or distributors of lubricating oil; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, Mr. WARNER, Mr. VOINOVICH, Mr. CRAPO, Mr. CHAFEE, Mr. CORNYN, Ms. MURKOWSKI, Mr. THOMAS, and Mr. ALLARD):

S. 1640. A bill to provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Environment and Public Works.