must point out that an appropriations bill is simply not the place for this type of language. A project should be deauthorized in the same way it is supposed to be authorized—by the appropriate authorizing committee, not by the Appropriations Committee.

As I often do during consideration of the appropriations bills, I had planned to offer an amendment to this bill to strip a provision that is designed to benefit one specific water project in the State of New Mexico. I chose not to offer my amendment in this case for various reasons. But I am putting the Senate on notice—I will continue to offer amendments to the remaining appropriations bills if these bills continue to come before this body loaded with unrequested earmarks or other unnecessary or wasteful spending.

As all of my colleagues know, CBO recently projected a potentially debilitating $480 billion deficit for 2004. More importantly, we are at war. President Bush is poised to request a supplemental appropriation of $87 billion for the ongoing military operations in Iraq and Afghanistan. Every one of us has asked ourselves the same question: Where is that money going to come from? I have an idea. Let's start with this bill. Let's eliminate all of the unrequested earmarks, all of the special deals, all of the pork and all of the waste. Let's prove to the American taxpayer that we in Washington do not see them as simply a cash cow for our every financial whim.

Both the President and the Vice President have recently called on Congress to control spending at this crucial time. Is it too much to ask Congress to tighten their own belts in order to benefit the men and women of the armed forces who continue to fight—and die—so that others may live free of tyranny and oppression? I don't think it is a lot to ask, I think it is our responsibility. We simply cannot continue to spend hardworking American's tax dollars in such an irresponsible manner any longer.

MR. KIRK BLOODSWORTH

Mr. LEAHY. Mr. President, I rise today to talk about a man, Kirk Noble Bloodsworth, who was the victim of a grossly imperfect system. I first met Kirk Bloodsworth in 2000 when he came to me as a man who had been exonerated after almost 9 years of wrongful imprisonment. I am proud to say that we have become close friends and partners in the fight to reform capital punishment in America.

For 8 years, 11 months and 19 days, Kirk Bloodsworth served time in prison as an innocent man. And for the next 10 years, Mr. Bloodsworth lived in a jail without bars. He lived in a world where people questioned his innocence, where rumors followed him everywhere he went, and where he was unable to find stable employment.

On July 25, 1984, 9-year-old Dawn Hamilton was brutally raped and murdered. Fifteen days later, Kirk Bloodsworth was arrested based on the testimony of several witnesses who said they had seen him near the spot where they found Miss Hamilton. There was no physical evidence linking Mr. Bloodsworth to the crime.

In March, 1985, Mr. Bloodsworth, a former Marine with no criminal background, was convicted and sentenced to death in Maryland. He was 24 years old. Subsequently, the Maryland Court of Appeals overturned Mr. Bloodsworth's conviction. However, a second jury trial found him guilty, and sentenced him to two consecutive life terms. In 1992, at the request of Mr. Bloodsworth and his attorney, the evidence from his trial—Miss Hamilton's shirt and underpants—was tested for DNA. By June 1993, two DNA fingerprinting tests—one conducted by the Federal Bureau of Investigation and one conducted by Forensic Science Associates concluded that Mr. Bloodsworth's DNA was not the same as DNA found on Miss Hamilton's underpants.

On June 28, 1993, Mr. Bloodsworth was released from prison; in December, 1993, Maryland Governor William Schaefer pardoned him; and in June, 1994, the State of Maryland awarded him $300,000 in compensation.

The wheels of justice broke down in this case, but we cannot pretend that what happened to Kirk Bloodsworth was an exceptional occurrence. Mr. Bloodsworth's nightmare of wrongful conviction has been repeated again and again across the country. To date, 111 individuals convicted and sentenced to death have been released from death row with evidence of their innocence, according to the Death Penalty Information Center.

Today Mr. Bloodsworth is outspoken about the importance of making post-conviction DNA testing available to defendants with a credible claim of innocence, something I have fought hard to accomplish as part of the Innocence Protection Act. People of good conscience can and will disagree on the morality of the death penalty. But we can all agree that a system that sentences innocent persons to death has no place in a civilized society, much less in 21st century America.

While DNA testing freed Mr. Bloodsworth from prison in 1993, the test results did not convince everyone that Kirk Bloodsworth was not guilty. Prosecutors refused to lift the veil of suspicion over him, in effect saying that the DNA tests might be sufficient to undermine his conviction, but not to prove his innocence. Mr. Bloodsworth told the Baltimore Sun that he spent years asking the county to run the DNA found on Dawn Hamilton's clothing through the State DNA database. Finally, last week, the State ran the DNA evidence through its database and the black cloud that had followed Mr. Bloodsworth for 10 years was lifted.

On September 5, 2003, Mr. Bloodsworth was told that the State tests implicated Mr. Kimberly Shay Ruffner, a convicted sex offender, as the rapist and murderer of Dawn Hamilton. Mr. Ruffner has now been charged with first-degree murder. The prosecutor who previously refused to acknowledge Mr. Bloodsworth's innocence went to his home to apologize to him.

I know that I am joined by many others when I say that I am delighted that Mr. Bloodsworth can finally feel truly free. His fight to prove his own innocence has been won. I am certain that he will continue with his efforts to fix the broken machinery of capital punishment in America and especially to assist others who experienced wrongful conviction.

I ask unanimous consent that a Baltimore Sun article detailing the recent events in Mr. Bloodsworth's case be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Sept. 6, 2003]

DNA THAT FREED MAN LEADS TO NEW SUSPECT; KILLING: KIRK BLOODSWORTH, CONVICTED AND THEN CLEARED IN THE RAPE-MURDER OF A CHILD, LEARNS A MAN HE KNEW IN PRISON IS CHARGED WITH THE CRIMES

(By Stephanie Hanes)

The same DNA evidence that freed Kirk Bloodsworth from prison 10 years ago has now implicated another man in the 1984 rape and murder of 9-year-old Dawn Hamilton of Rosedale, quashing any lingering questions about Bloodsworth's involvement in the crime.

Kimberly Shay Ruffner, a 45-year-old convicted sex offender who went to prison for an attempted rape and attempted murder in Fells Point only weeks after Dawn Hamilton was killed, was charged yesterday with first-degree murder.

The Baltimore County state's attorney's office—which has never publicly acknowledged Bloodsworth's innocence—announced the development, and a prosecutor apologized to Bloodsworth in person.

''Even though I was cleared, there were so many people who didn't believe me,'' said Bloodsworth, 42, who was reached at his home in Cambridge. ''This is the proof everyone needs.''

Ruffner is still in prison for the Fells Point attack, with a release date of 2020. Baltimore County State's Attorney Sandra A. O'Connor said prosecutors will seek the death penalty in Dawn's killing.

''This was a horrendous rape-murder of a 9-year-old girl,'' O'Connor said. ''Whether or not he is incarcerated, he will be held accountable.''

While Bloodsworth's supporters said they were delighted with the outcome, they criticized Baltimore County law enforcement officials for not testing the DNA earlier.

In June, The Sun wrote that the DNA in Bloodsworth's case had not been compared to the state's DNA database of convicted felons. As a convicted sex offender, Ruffner's DNA would have been in the state's database as early as 1994.

Baltimore County police spokesman Bill Toohey said the comparison was made last month.

''I can't tell you how pleased I am for Kirk,but what happened here today should have happened earlier,'' said Barry C. Scheck, the co-founder of the New York-based Innocence Project, which tries to free the wrongly convicted.

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 185—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.