

**American Society of Law, Medicine & Ethics**

**DNA Forensics and Civil Liberties  
Workshop #1**

**May 14-15, 2004  
Harvard University  
Kennedy School of Government  
79 John F. Kennedy Street  
Cambridge, MA 02138  
617-495-1100**

**Agenda**

**Friday, May 14, 2004  
Starr Auditorium, Belfer Building**

**Public Forum: DNA Forensics and Civil Liberties**

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| 2:00 – 2:10 PM | Welcome & Introductions  |
| 2:10 – 2:30 PM | Christopher Asplen, Smith Alling Lane<br>Summary of DOJ Commission on the Future of DNA Evidence<br>International experience, including UK sampling of all arrestees<br>Legal framework for international data sharing |
| 2:30 – 2:50 PM | Frederick R. Bieber, Harvard Medical School<br>Fundamentals of human genetics<br>Past, present, future of DNA technology<br>Successes and pitfalls in forensic DNA profiling<br>Rules of conduct of laboratories       |
| 2:50 – 3:10 PM | Kim Herd, U.S. Department of Justice<br>Federal and state DNA Databank legislation & developing trends<br>Legal challenges and outcomes<br>Background and status of <i>U.S. v. Kincade</i>                             |
| 3:10 – 3:30 PM | Tracey Maclin, Boston University School of Law<br>DNA profiling in relation to other types of law enforcement<br>profiling<br>Issues of race and ethnicity in DNA collections  |

- 3:30 – 3:50 PM David Lazer, Harvard University, John F. Kennedy School of Government  
Law, policy, ethical issues  
Themes to be explored through grant research plan  
Oversight and governance of laboratories  
ASLME grant goals for this and future workshops  
Plan for break out sessions
- 3:50 – 4:10 PM Q&A
- 4:10 – 5:00 PM Social Hour
- 6:00 PM Working dinner for Workshop 1 invitees, Harvard Faculty Club

**Saturday, May 15, 2004**  
**Bell Hall, Belfer Building, 5<sup>th</sup> Floor**

- 8:00 – 8:30 AM Continental Breakfast

**Session 1: Expansion of Offender Registries**

Moderator for morning session: Mark Rothstein

- 8:30 – 8:50 AM Timothy Schellberg, Smith Alling Lane  
State experience with offender registries
- 8:50 – 9:10 AM Barry Steinhardt, American Civil Liberties Union  
Civil libertarian perspective on DNA profiling, issues of inclusion  
Inclusion and retention of samples  
Potential for misuse of DNA data
- 9:10 – 9:30 AM Q&A
- 9:30 – 10:45 AM Breakout Session 1  
Session leaders: Frederick R. Bieber, Bartha Knoppers, University of Montreal, and Mark Rothstein  
Expansion of offender registries  
All felons  
All arrestees
- 10:45 – 11:30 AM Reports of Breakout 1 panels
- 11:30 – 12:45 PM Lunch

**Saturday, May 15, 2004**  
**Bell Hall, Belfer Building, 5<sup>th</sup> Floor**

**Session 2: DNA-Based Phenotype Prediction**

Moderator for afternoon session: Frederick R. Bieber

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| 12:45 – 1:05   | Frederick R. Bieber<br>Genetic diversity in the human population<br>Use of DNA for race/ethnicity prediction  |
| 1:05 – 1:25 PM | Pilar Ossorio, University of Wisconsin Law School<br>Privacy and policy considerations of race/ethnicity prediction<br>using DNA  |
| 1:25 – 1:45 PM | Q&A   |
| 1:45 – 3:00 PM | Breakout Session 2:<br>Session leaders: Frederick R. Bieber, Bartha Knoppers, Mark Rothstein<br>Policy issues in race/ethnicity prediction<br>Risk and benefits of race and ethnic profiling<br>Need for legal protections<br>Sufficient basis for warrant to meet 4 <sup>th</sup> Amendment requirements |
| 3:00 – 3:45 PM | Reports of break out panels   |
| 3:45 – 4:05 PM | Mark Rothstein<br>Summary of workshop 1<br>Challenges ahead<br>Preview of future workshop topics and dates<br>Solicit discussion  |
| 4:05           | Adjourn   |