

Crime -  
Victims Rights  
Amnt

# Crime Victims Measure Stalls on Senate Floor

## Constitutional Amendment Needs 67 Votes

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Senate sponsors of a proposed constitutional amendment to protect the rights of crime victims shelved the proposal yesterday after conceding it lacked the two-thirds majority needed for approval.

The decision was announced by Sens. Jon Kyl (R-Ariz.) and Dianne Feinstein (D-Calif.), who vowed to continue their fight for the amendment in the future, although it is clearly dead for the rest of this Congress.

Sen. Patrick J. Leahy (Vt.), ranking Democrat on the Senate Judiciary Committee and a leading opponent of the proposal, said efforts will continue to enact the protections by statute rather than constitutional amendment.

The proposed amendment would have assured that crime victims and their families of rights to receive notice of court and parole proceedings, to be heard or submit statements at the proceedings, to be notified in case of a criminal's release or escape and to receive restitution from the convicted offender. It also would have made victims' safety a factor to be considered in determining conditional release from custody and victims' interests a factor in ensuring speedy trials.

Proponents argued it is needed because statutory protections are insufficient to protect victims. But opponents, arguing an amendment is unnecessary, said their statutory alternative would accomplish the same goals without tampering with the nation's basic charter.

Although the amendment had bipartisan support, the fight against it was led by leading

Democrats, including Minority Leader Thomas A. Daschle (D-S.D.) and Sen. Daniel Patrick Moynihan (D-N.Y.), who contended that it was so complicated and detailed that it was "longer than the Bill of Rights."

A two-thirds majority of both houses is required to submit a proposed amendment to the states for ratification. The victims' rights amendment was short of the mark Tuesday when debate opened and appeared to lose ground as time went on.

The Clinton administration had supported the amendment but withdrew its backing from the Kyl-Feinstein proposal after negotiators failed to resolve a dispute involving several critical points.

It was the second proposed amendment to the Constitution to fail in the Senate so far this year, even though both embodied popular causes and this is an election year. Earlier, the Senate rejected a proposal to permit legislation banning desecration of the American flag. The House had passed the flag amendment but has not acted on the victims rights proposal.

Senators said reluctance to tamper with the Constitution, especially the Bill of Rights, was a major factor in rejection of both the flag and victims' rights amendments. Sen. Robert C. Byrd (D-W.Va.) decried what he called a "cavalier spirit which seems to say that, if it sounds good politically . . . if it will get votes, let's introduce an amendment to the Constitution."