

CRIME VICTIMS' RIGHTS AMENDMENT

Overview

- *Crime victims have no constitutional rights.*
- Criminal defendants have almost *two dozen* separate constitutional rights, *fifteen* of them provided by *amendments* to the U.S. Constitution.
- These rights trump the statutory and state constitutional rights of crime victims because the U.S. Constitution is the supreme law of the land.
- To level the playing field, crime victims need rights in the U.S. Constitution.
- At the time the Constitution was drafted, there were no public prosecutors. Victims themselves prosecuted crimes. There was no need for a victims' rights amendment then. Now there is.
- The Crime Victims' Rights Amendment will bring balance to the system by giving crime victims the rights to be *informed, present, and heard* at critical stages throughout their case—*the least* that the system owes to those it failed to protect.

New Version

- In the 106th Congress, Senators Feinstein and Kyl introduced S.J. Res. 3, the Crime Victims' Rights Constitutional Amendment, which was *cosponsored by a bipartisan group of 41 Senators*, including Senators Biden, Reid, Lieberman, Lott, McCain, Craig, and Snowe.
- However, in response to concerns raised by some senators, Senators Feinstein and Kyl worked with constitutional law experts to improve the amendment. The new version is shorter, sounds more like a constitutional amendment, and accommodates concerns from prosecutors and those protective of defendants' rights and the president's constitutional power.

Support

- President Bush and Attorney General Ashcroft have endorsed this new version of the amendment. So has Harvard Law School Professor Larry Tribe.
- Major national victims' rights groups—including Parents of Murdered Children, Mothers Against Drunk Driving (MADD), the National Organization for Victim Assistance, and the National Victims' Constitutional Amendment Network—support the amendment.
- Former President Clinton supports an amendment as does former Vice-President Gore. In 2000, both the Democratic and Republican Party Platforms called for a victims' rights amendment.
- Governors in 49 out of 50 states have called for an amendment. In 2000, 43 attorneys general (including three federal) endorsed the amendment.
- There is *strong support around the country* for an amendment. Thirty-two states have passed similar measures—by an average popular vote of almost 80 percent.