

Testimony of Congressman Steve Chabot
Before the Subcommittee on the Constitution

February 10, 2000

I am very pleased to be here today with this outstanding bipartisan panel to support what I consider to be one of the most important legislative efforts in the 106th Congress -- the passage of a Victims' Rights Amendment to the United States Constitution.

I would like to offer my sincerest thanks to Congressman Jim Barcia for his commitment to this important issue. I am very glad to be working with him as lead co-sponsors of H.J. Res. 64. I would also like to thank Senators Kyl and Feinstein for their outstanding leadership on this issue in the Senate.

Mr. Chairman, members of the Constitution Subcommittee, in 1982, President Ronald Reagan convened the Presidential Task Force on Victims of Crime. After holding hearings around the country and carefully considering the issue, the Task Force concluded that the only way to fully protect crime victims' rights was to amend the U.S. Constitution.

Following this strong recommendation, crime victims' rights advocates decided to seek constitutional protections on the state level before undertaking a federal initiative, using the "great laboratory of the states" as the proving ground for their movement. As you know, the campaign to enact protections at the state level has been overwhelmingly successful, but the experiment has failed to adequately protect victims' rights.

In 1982, California became the first state to pass a Victim's Rights Amendment to its constitution. Since that time, 32 states, including my home state of Ohio, have passed similar amendments -- with the truly overwhelming support of voters. The average state amendment is ratified with 79% of the vote in state-wide referendums.

You might then ask why a constitutional amendment is necessary? The answer is simple: a clear pattern has emerged in courthouses around the country that judges and prosecutors are reluctant to apply or enforce existing laws when they are routinely challenged by criminal defendants.

A study by that National Institute of Justice found that only 60% of victims are notified when defendants are sentenced and only 40% are notified of a defendant's pre-trial release. A follow-up analysis revealed that minorities are least likely to be afforded their rights as victims.

Currently, the U.S. Constitution is completely silent on victims' rights, while it speaks volumes as to the rights of the accused. Thus, the U.S. Constitution essentially serves as a trump card for those accused of committing crimes in order to keep victims from participating in their prosecution, or even just sitting in the courtroom during trial.

I am convinced that this is an outcome that the framers never intended. The Constitution was written at a time when citizens routinely served as private prosecutors in their own cases. That changed over time, and, as the articulated rights of the accused became the benchmark for trial procedure, crime victims were left behind.

A national constitutional amendment is needed to help facilitate a balance between the rights of victims and those of defendants. It would also establish uniformity in the criminal justice system and create a standard below which no state or federal victim's rights law could go. These rights, like others guaranteed in our Constitution, would become fundamental and citizens of every state would be protected.

I want to stress that nothing -- I repeat, nothing -- in this amendment will undermine or weaken the long-established rights of defendants under our Constitution.

This amendment will, however, empower crime victims by giving them the knowledge and opportunity to confront their assailants in court and at sentencing or parole hearings. It will also protect victims by notifying them about the release or escape of their perpetrator from custody. Finally, the amendment will restore victims by guaranteeing them the right to seek restitution from their attackers.

Many of the people you will hear from today know all too well that violent criminals damage or destroy the lives of innocent victims. 31 million Americans fell prey to criminals in 1998. Some were victims of rape, others were killed by drunk drivers or held at knife point in their own homes. For too many years their voices have been silenced in a criminal justice system that recognizes only the rights of the accused. These victims have had to stand on the courtroom steps with meaningful justice right beyond their reach. Not allowed to view proceedings in person. Not permitted to speak out on behalf of a murdered loved one. Not even notified when a violent abuser is turned loose.

Crime victims deserve to be treated better. They deserve to be treated with dignity in our criminal justice system. With the adoption of this amendment we, as a nation, will finally fortify an important truth: that victims must have their own inalienable rights under our Constitution.

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