

**STATEMENT OF ANDREA REHKAMP, EXECUTIVE DIRECTOR
MOTHERS AGAINST DRUNK DRIVING SOUTHWESTERN OHIO
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**COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE OF THE CONSTITUTION
UNITED STATES HOUSE OF REPRESENTATIVES
FEBRUARY 10, 2000**

My name is Andrea Rehkamp and I am here today as Executive Director of the Southwestern Ohio Chapter of Mothers Against Drunk Driving, the largest crime victims' assistance organization in the world, with more than 3.5 million members and supporters.

I am a Registered Victim Advocate with the State of Ohio, served as Co-Chair of the Ohio Constitutional Amendment Network, which secured passage of the 1994 Victim Rights Amendment to the Ohio Constitution, past President of the Ohio Victim Witness Association, a founding member and presently serve on the Review Committee for the Ohio Advocates Network, serve on the National Organization of Victim Assistance (NOVA) Crisis Response Team; The Ohio Crisis Response Team; and Greater Cincinnati Crisis Response Team. In 1991, was appointed by Governor George Voinovich, and served a 5 year term to represent victims on the Ohio Community Corrections Advisory Board and a current Citizens Advisory Board member for the Warren Correctional Institution. In June 1995, was asked by Governor

Voinovich to serve on the STOP (Services, Training, Officers, Prosecutors) program to develop and implement programs to combat violent crimes against women. I have received the Victims Service Volunteer of the Year from the Court of Claims of Ohio; the Commendation Award from the National Commission Against Drunk Driving; the Certificate of Appreciation from the United States Department of Justice; as well as certificates of exemplary services for 1995 and 1997 from the Court of Claims of Ohio.

I am here today because I believe that in order to put balance in the criminal justice system the victim as well as the accused should be accorded equal rights to a meaningful role during court proceedings. I am proud to be supporting House Joint Resolution 64 to add the Victims' Rights Amendment to the United States Constitution on behalf of MADD, crime victims and their advocates from throughout this country.

On November 7, 1981 Julie Taylor was out with friends, within a mile of being home, a man who chose to drink and drive that night crossed the centerline and even though Julie saw him coming at her, and was able to get all four wheels of her vehicle off the roadway, was hit almost head-on. Julie's passengers were slightly injured. Julie was decapitated. The offender was treated and released from the hospital and was charged with driving under the influence and aggravated vehicular homicide. Eleven days after Julie was killed, the defendant was in court on the charges. The case was heard in chambers, the charges reduced and the defendant was ordered to pay a \$300.00 fine, 30 days suspended driver's license, 120 days suspension of pleasure driving and six-month suspended jail term

Julie had been buried one week when her parents picked up the afternoon paper to read "JAIL TERM SUSPENDED IN DEATH OF ROSS GIRL." Julie's parents were horrified to learn the

case had gone to court without their knowledge.

June Taylor, Julie's mother went to a local reporter who wrote an article questioning the court proceedings in the case. The story ran on November 28, 1981.

Three weeks prior to Julie's death on October 16, 1981 my son Ken Watson was killed by someone who also chose to drink and drive. Ken was burnt to death. The offender escaped uninjured and was charged with driving under the influence, aggravated vehicular homicide and driving left of center. I was not privileged to be involved with any part of the court proceedings, was not told the defendant had been offered and accepted a plea agreement reducing the crime to a misdemeanor. On December 1, I received a letter from the court instructing me to attend the sentencing of the defendant. The only reason I was at the sentencing is because of the news story on November 28 in which June Taylor questioned the court proceedings in Julie's death. I was later told by a probation officer the judge's reason for instructing me to attend the sentencing in Ken's death was that he didn't want me to go to the media also.

When my husband and I arrived at court for the sentencing the defendant had his family, priest, and friends with him but I was told that because my husband was Ken's stepfather and not his natural father he could not go in the courtroom. When our attorney arrived and after several minutes of negotiations court officials did agree to allow my husband to accompany me. I was also told that I was not allowed to say anything during the proceedings. The defendant received a \$50.00 fine, had his license suspended for 6 months and placed on probation for 6 months. I too was horrified by the light sentence given to defendant and when I called the prosecuting attorney and the judge to express my concerns and to ask the reasoning for the plea agreement and the light sentence my calls went unanswered. I wrote them letters and received no reply, I wrote them again and again and to this day neither the judge nor the prosecuting attorney have responded to my calls or letters. Despite the fact that my family was enduring the aftermath of a terrible crime, we were in no way considered part of the justice system.

I gave no Victim Impact Statement, I was not able to tell the judge what an intelligent, loving and talented son Ken was. Ken's name was not even mentioned during the sentencing proceedings. It was as if he was so unimportant that his name wasn't worth mentioning. Yet the

defendant and his family and friends were able to say what a great guy my son's killer was and how devastating a strict sentence would be to them. The judge never knew what the death of my child had done to our family. It has been 18 years and the pain is still here. I was not able to see Ken fulfill his hopes and dreams of becoming a professional baseball pitcher and I long for the grandchildren I will never have.

On December 7, 1981 June Taylor and I met with a group trying to start a MADD Chapter. June and I co-founded MADD Southwestern Ohio and since then as a victim advocate I have assisted hundreds of victims and their families of drunk driving crashes. Many times I have told victims "there is nothing they can do" because the defendant has all the rights afforded them in the Constitution and the victims' have none.

Ohio has rights in law and in the State Constitutional Amendment, but law schools are not teaching them and the judicial system is not enforcing them. Victims' rights are being heard but are not being listened to, even the judges and prosecutors who are supportive of victims' rights error on the side of not violating the defendants' rights and by doing that they continue to violate victims' rights, by keeping victims and advocates out of courtrooms simply because they are worried about an appeal by the defendant. Victims don't have standing to object, only the prosecutor does.

I am here today to ask you to support House Joint Resolution 64. I am not asking for victims to determine cases, to determine when and if defendants are arrested, to control the trial process

or sentencing, the amount of time to be served or when the defendant should be released. That control remains with government officials. I am asking for victims to have protection in the system. I am only asking that any procedures where a defendant has the right to be notified, present and heard, the victim be afforded the same right.

Victims' rights should have the same protection in the United States Constitution as do

defendants' rights. The Constitution drafted with the intent to assure that the oppressed and downtrodden have a voice. It was designed to remove tyranny and control over the powerless. Our forefathers recognized that as times changed, so would the Constitution--and indeed it has.

A time came for slavery to be abolished--and the Constitution was amended to assure it. A time came for women to vote--and the constitution was amended to assure it.

As long as defendants' rights are specified in the United States Constitution and victim rights are specified in state-by-state statutes, the victims' role in the justice system will always be that of second-class citizen.

MADD and other groups have worked tirelessly to assure that these rights be reflected in state constitutions, thirty-three states have done so. With a federal amendment needing the ratification of thirty-eight states we expect a strong affirmation of the need for a Constitutional voice for victims.

MADD's victims, members and supporters stand ready to voice their support for victims' rights. Their voices will be heard. Your constituency needs to know that you support victims' rights.

The time has come for victims to have a balanced voice with defendants, and that balance guaranteed in the same document Constitution. And we must pass this amendment to assure it. I'm asking you to pass House Joint Resolution 64. I'm asking you to stop the injustice of excluding victims from the very system that was set up to protect them.