

Good afternoon.

Mr. Chairman, thank you again for holding this hearing and for your continuing leadership in our quest for justice and fair rights for crime victims.

We hope this hearing will lead quickly to a mark-up and full committee action on the resolution.

My full testimony has been submitted and I would ask that it be included in the record.

This afternoon I would like to address our critics — those opposed to victims rights. Of course, those critics never admit to being against victims' rights; indeed, they're all for them — just not for rights that are meaningful and enforceable and national and secured from legislative whim by the United States Constitution and established as the birthright of every American.

They are all for victims rights, as has been famously said by our colleague Steve Derene, from Wisconsin, "as long as they are cheap, meaningless, and unenforceable."

Opponents say victims' rights don't need to be in the Constitution; that statutes are sufficient, in effect that separate and unequal status for crime victims is B well BAjust fine.

Mr. Chairman, the critics are wrong.

As Prof Larry Tribe of Harvard has said, the rights we seek Aare the very kinds of rights with which our Constitution is typically and properly concerned--rights of individuals to participate in all those government process that strongly affect their lives.≡

Not one of our opponents would ever suggest that defendants' rights don't need to be in the Constitution. Why do they insist on second class status for crime victims? The threat of the loss of liberty or even life which a defendant may face is not a sufficient reason to denigrate the rights of victims, although our opponents say that it is.

But rights are not a zero-sum game, and the extension of the civil liberties we propose do not abridge the rights of the accused.

The right to notice does not,

the right not to be excluded does not,

the right to be heard, a voice not a veto, does not,

the right to have safety, unreasonable delay, and restitution Aduly considered≡ does not,

the right to standing does not.

These simple, yet profoundly important rights of participation, do not abridge the rights of the accused. Period.

Our opponents say the amendment will hamper law enforcement. Perhaps the best judge of that is law enforcement itself. 43 of the state Attorneys General, the International Association of Chiefs of Police, The National Association of Police Organizations, the American Probation and Parole Association, American Correctional Association, National Troopers Coalition, the California Correctional Peace Officers Association, the California District Attorneys Association have all endorsed the amendment. They would not have done so had the dire consequences which are the subject of our opponents speculation been credible. They are not.

The opponents say the amendment will be costly, yet they cannot identify one expense that either isn't already or shouldn't be undertaken by government. Surely they do not contend that victims should not be given notice of the proceedings in their cases because it is too costly? Who among the opponents would offer cost as a reason to deny rights to an accused or convicted offender?

Our opponents say that the amendment will undermine the presumption of innocence. But the presumption of innocence importantly, but simply, requires that the government prove guilt beyond a reasonable doubt. And nothing in the amendment alters this fundamental principle of our justice system.

Our opponents say the amendment will intrude upon the rights of the states. Of course, not one of these opponents objects to the fact that defendants' rights are made applicable to every states' justice system.

But our federalism exists to serve liberty. When rights are written into the Constitution the cause of liberty is advanced, even as the rights restrain the power of government.

Mr. Chairman:

No government should refuse to tell a battered woman when her batterer is given a release hearing or is released.

And no battered woman should be forced by her government into silence on the matter of the release or her safety.

No government should exclude the parents of a murdered child from the courtroom during the public trial of those accused of the murder.

No government should force a victim to stand silent during the sentencing of her attacker, unable to offer an opinion on the appropriate sentence.

The parents of a murdered child should not be forced by their government into silence when the murderer of their child is given a plea bargain.

No government should force crime victims to endure years of delays without any consideration for their interests.

No woman, raped and beaten and left for dead, should be ignored by her government when she

makes a just claim for restitution from her attacker.

No government should deny crime victims the right to stand in court and seek their rights.

Mr. Chairman, over the last seven years of hearings, we have presented each of these cases and many more to the Congress. And yet the injustice continues; it will keep mounting without Congressional action.

We have had seven years of debating, and we are grateful for the debates, they have clarified our cause, but now the time for voting has come, so that no government in the future will be able to treat crime victims with the gross injustice that has come to be the sad hallmark of our current system.

Thank you.