

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 27, 1996

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MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Renewing our Commitment to Crime Victims

We have made tremendous progress over the last 3 years in reducing crime and making America safer. Nonetheless, crime continues to affect the lives of millions of Americans, greatly diminishing their sense of safety and security.

For too long, the rights and needs of crime victims and witnesses have been overlooked in the criminal justice system. Through the Violent Crime Control and Law Enforcement Act of 1994 and the Antiterrorism and Effective Death Penalty Act of 1996, we have begun to address this problem. But those important measures are not enough.

As important as the protections those laws provide are, they do not -- and cannot -- give victims equal status with the accused. That's the next step we need to take.

I strongly believe that victims should be central participants in the criminal justice system, and that it will take a constitutional amendment to give the rights of victims the same status as the rights of the accused. In the interim, I want my Administration to do everything possible to ensure that victims' rights are respected and that victims' participation in the criminal justice process is encouraged and facilitated. Our Federal investigators and prosecutors should not simply comply with the letter of the law, they should also fulfill the spirit of the law.

That is why I am directing you to take a number of important steps that will improve the treatment of victims in the Federal, State, military, and juvenile criminal justice systems.

First, I am directing you to undertake a system-wide review and to take all necessary steps to provide for full victim participation in Federal criminal proceedings. I want you to hold the Federal system to a higher standard of victims' rights than ever before. In particular, I want you to adopt a nationwide automated victim information and notification system so that we can better inform and protect crime victims.

Second, I would like you to work with other Federal agencies whose missions involve them with crime victims in order to ensure that a common and comprehensive baseline of participation for victims can be achieved.

Third, I want you to review existing Federal statutes to see what further changes ought to be made. For example, I would like you to consider legislation that would prohibit employers from dismissing or disciplining employees who are victims of crime and whose participation as victims in criminal proceedings requires them to take time away from their employment.

Finally, I want you to work with State officials -- governors, attorneys general, legislators, district attorneys, and judges -- and victims' rights advocates to identify the needs, challenges, best practices, and resources necessary to help achieve a uniform national baseline of protections for victims. The Department of Justice should provide technical assistance to State and local law enforcement, as well as other Federal agencies, and serve as a national clearinghouse for information about the most effective approaches to realizing fully the rights of victims of violent crime.

To achieve these objectives, I expect you to identify funding needs where and as appropriate. Please report to me in writing as soon as possible on the specific steps you will take to achieve these goals.

WILLIAM J. CLINTON

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 5-3 ACTION/CONCURRENCE/COMMENT DUE BY: 5-6 ~~5-6~~

SUBJECT: Constitutional Amendment for Crime Victims

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PANETTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
ICKES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	QUINN	<input type="checkbox"/>	<input type="checkbox"/>
LIEBERMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RASCO	<input type="checkbox"/>	<input type="checkbox"/>
RIVLIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REED 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CURRY	<input type="checkbox"/>	<input type="checkbox"/>	STEPHANOPOULOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	STIGLITZ	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	STRETT	<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	TYSON	<input type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	WALLEY	<input type="checkbox"/>	<input type="checkbox"/>
HIGGINS	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
HILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Angell</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>RADD</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please advise

RESPONSE:

THE WHITE HOUSE

WASHINGTON

96 MAY 3 P2:52

May 1, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: JACK QUINN, Counsel to the President *Ja*
DAVID B. FEIN, Associate Counsel to the President *DBF*

SUBJECT: Proposed Constitutional Amendment for Crime
Victims

On April 22, 1996, Sens. Feinstein and Kyl introduced a proposed constitutional amendment to establish a bill of rights for crime victims. For the reasons that follow, we recommend that our response to questions about whether or not you support the proposed amendment be as follows: "I have asked the Justice Department to review the proposed amendment, with an eye toward determining what, if anything, it offers that is not already provided for by statute or that could not be provided for by additional statutes." We do not recommend that you endorse the proposed amendment.

The proposed amendment would confer upon crime victims the following constitutional rights:

- to attend proceedings;
- to be heard regarding sentencing, pleas, and release;
- a speedy trial of the defendant;
- a final conclusion free from unreasonable delay;
- full restitution from the offender; and
- reasonable measures to protect from violence by the offender.

Many of the rights listed in the proposed amendment are already provided for in federal statutes, regulations and policy, most notably, the Victims' Rights and Restitution Act of 1990, the Crime Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996. Protecting victims' rights by statute is preferable to amending the Constitution because statutes achieve most of the goals of the proposed amendment with greater clarity and specificity without clashing with the constitutional powers of the judiciary and defendants' constitutional rights. For example, a victim's constitutional right to a speedy trial may interfere with the powers granted by Article III of the Constitution to the judiciary, as well as with a defendant's right to effective assistance of counsel.

Moreover, the language in the proposed amendment is confusing and ambiguous as to what right is being created and

what remedy would accompany it. The right to "reasonable measures to protect the victim from violence or intimidation by the accused or convicted offender" could be read to give a victim the constitutional right to demand government protection under any circumstances and the opportunity to sue the government to recover damages for any subsequent harm to the victim by the offender.

Constitutional amendments have been rare in our nation's history, and for good reason. Without evidence that a particular problem cannot be resolved through legislative means under our existing constitutional system, we should be reluctant to tamper with the fundamental charter of our government. We recommend that the Department of Justice study whether the proposed amendment offers any important rights that are not already provided by statute, regulation or policy. Then, specific legislative proposals can be developed to address any rights not already protected.

Recommendation

As indicated above, we recommend handling this issue by referring it to the Justice Department for a review of the proposed amendment, with an eye toward determining what, if anything, it offers that is not already, or could not be, provided for by statute.

_____ AGREE _____ DISAGREE _____ DISCUSS