

Testimony of
Ms. Arwen Bird

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I come before you to add the voice of crime survivors, to the many groups opposed to S.J. Res. 35, the 'Victims Rights Amendment'. Survivors Advocating For an Effective System was founded three years ago by myself, a survivor of a DUI crash and two other women, both of whom survive the murder of a loved one. Our mission, in part, is to empower survivors to advocate for restorative justice--the concept of a balanced and restorative approach to crime. This is why I am here today.

As advocates for survivors of crime, SAFES works to ensure that we participate in and are heard by our criminal justice system. We believe that survivors have the right to restitution, compensation and services to help us heal after victimization. We are actively working with state agencies and fellow advocates to make certain that survivors have access to all of these provisions. However, amending the United States Constitution is not necessary to guarantee the rights of crime survivors.

Crime survivors want to be informed, we want to feel safe and we want our criminal justice system to hold offenders accountable. If you, members of the United States Senate, want to help survivors heal after a crime has occurred--fund programs and agencies designed to help survivors get back on their feet after victimization. Increase federal funding for state agencies that are working directly with survivors of crime. Consider the concept of a parallel system of justice proposed by Susan Herman of the National Center for Victims of Crime, where survivors, regardless of the offender's status, could get the assistance they need to get their life back in order. Work to enforce the rights of crime victims that are already guaranteed, do not spend your time and energy degrading the rights of accused people, that does nothing to help us.

The provisions in this amendment are aimed at involving survivors in the criminal justice system. In a general sense we agree with this aim; moreover, we believe that considering the perspective of crime survivors is necessary to a balanced criminal justice system. However, including our perspective and facilitating our participation can be ensured through federal statutes. Every state already has at least statutory rights for survivors and many states have constitutional amendments. A federal amendment would do nothing to improve upon these rights. Greater effort should be made in enforcing these existing laws, rather than creating new ones.

As survivors of crime who are also United States citizens, we benefit from the fundamental protections that are guaranteed through our state and federal constitutions. The federal Bill of Rights ensures certain protections for all citizens; this includes those who have been victimized by crime. The amendment before you would do nothing to improve upon our rights as survivors. Sadly, this amendment would only erode our rights as citizens.