

Testimony of

The Honorable Orrin Hatch

April 8, 2003

I am pleased to participate in this important hearing on the issue of victims' rights. Senators Kyl and Feinstein deserve great credit for their sustained effort B over several years now B to try to address this important and complex issue to create a proposed Constitutional Amendment to protect the rights of victims of violent crime.

I am - and have long been - an ardent supporter of efforts to promote the rights of the unfortunate victims of crime. For example, as the principal author of the federal Mandatory Victim=s Restitution Act, I have worked hard to make criminals pay for the damage that their behavior causes. And for years, I fought for comprehensive habeas corpus reform to provide finality of criminal convictions, an effort which was finally successful in 1996 with the passage of the Antiterrorism and Effective Death Penalty Act of 1996. That piece of legislation also included provisions that I sponsored to provide the victims of mass crimes, like the Oklahoma City bombing, the opportunity to observe the trials through closed circuit television.

Because victims should never be victimized by our system of justice, I intend to support a constitutional amendment to protect victims= rights. It is the right thing to do. But I do still have some concerns with the text of the proposed amendment as it is currently drafted. For example, I have a question as to whether we should create a constitutional distinction that grants greater rights to the victims of violent crime than the victims of non-violent crime, such as a financial fraud that wiped out a lifetime of savings. I also worry about the broad wording of several sections of the proposed amendment, which might be construed to hamper the jobs of prosecutors. Every bit of this amendment must be carefully scrutinized to avoid any potential for unintended consequences which could deleteriously affect the established relationship and interaction between the prosecution, the defense, and the court.

Despite these concerns, I believe that the process should move forward. I look forward to working with Senators Kyl and Feinstein to address these concerns as the amendment proceeds to the floor of the Senate.

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