

“The Victims Movement: A Confluence of Forces”

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It is a pleasure to welcome you to this first National Symposium on Victims of Federal Crime. It is truly exciting to see some 800 federal victim witness coordinators gathered together to address victim issues. When Attorney General William French Smith established the Attorney General’s Task Force on Violence in 1980 that precipitated a Presidential Task Force on Victims and issuance of Attorney General guidelines for implementing fair standards for the treatment of victims in the federal system, few people dreamed of the scope of victim assistance that is available today throughout the federal system.

Over the years, I have had the privilege of working with US Attorney victim witness coordinators, FBI victim witness coordinators, the military, the federal Bureau of Prisons and other federal agencies nurture victim services into existence and your efforts are to be applauded for their diligence and determination.

This morning I’ve been asked to give you a brief history of how the victims movement has arrived at this point – on the brink of further change and challenge in the 21st century. And, I’m reminded of a comment by Ivo Andric, a Yugoslav author when he said:

“It often happens that only from the words of a good story-teller do we realize what we have done and what we have missed, and what we should have done and what we shouldn’t have. It is perhaps in these stories, oral and written, that the true history of mankind can be found and that through them one can perhaps sense if not fully know the meaning of that history.”

A history of change is not simply an itemization of dates, deeds, and decrees, but an epic majesty of drama and dreams. And the victims movement is no exception – its history is one marked by individuals and inspiration spurred by a rising social consciousness emanating from the 1960s. For, the emergence of the victims movement was due to the energies of the twenty-something generation of the 1970s.

It is true that the study of victimology – a branch of criminology – had arisen following World War II, in part, compelled by the recognition of the evils of genocide perpetrated in Nazi Germany. Traumatology had its precursors in the study of the effects of World War I and II on soldiers confronting the horrors of war. State financial compensation to victims of crime was first initiated in the 1960s as part of social welfare programs. And, the 1968 Presidential Commission on Violence had helped to inspire the study of the scope and breadth of victimization. But, the distillation of these ideas into concrete social action focusing on victim needs required individuals whose leadership coupled embryonic ideas with inspiration.

Those individuals were found in the early seventies among women who banded together in consciousness raising groups protesting the oppression of rape and violence against women. It was a young Ann Burgess who saw the nexus between trauma reactions and the emotional aftermath of sexual assault in her work as a nurse and first identified the elements of Rape Trauma Syndrome earning her the affection and laudation as the first true saint of the victims.

Those individuals were exemplified by John Stein in 1970 when he was working with the Dayton

Police Department and recommended that law enforcement staff, when not chasing criminals, should use their time to help victims; or Carol Vittert, a twenty-two year old in St. Louis, who having seen a woman robbed and beaten in the street, took her home, and then founded the first victim assistance program in the United States in 1972.

Those individuals were not dissuaded by tradition and embraced experimentation. It was a youthful Donald E. Santarelli, who, while Director of the federal Law Enforcement Assistance Administration (LEAA) in 1974, read the new research by Frank Cannavale on witness cooperation and promptly funded victim witness assistance programs in eight prosecutor offices.

What seems whimsical in retrospect is that such harbingers of change seemed to appear almost independently of each other. Indeed when NOVA formed its Board of Directors in 1975 based on representatives from law enforcement victims assistance programs, victim witness service programs, academia, rape crisis and battered women's centers, and victim compensation programs, most of them knew little or nothing about what others were doing.

The momentum for a victims movement gained strength, however, towards the end of the 70s decade as the incidious spread of random violence ravaged the countryside. It was not by chance that as the nation's crime rate hit an all time peak, victim activist groups began to spring up both to support traumatized victims and to protest what they considered abuses in the criminal justice system. Again, individual stories led the way:

Betty Jane Spencer, whose four boys were murdered in a bloody massacre in her home 20 years ago this Thursday evening, became the focal point for Protect the Innocent.

Charlotte Hullinger, whose daughter was murdered by her ex-boyfriend, reached out to others who were in pain through Parents of Murdered Children.

Candy Lightner, whose daughter was killed in a drunk driving crash, formed Mothers Against Drunk Driving to lead legislative battles to reform state and national laws on drinking and driving.

Theirs and hundreds of other voices served as a rallying cry to victims and victim advocates as they sought to bring dignity, compassion and justice to the treatment of crime victims.

It was a shock, therefore, when federal government initiatives that helped to stimulate interest in victims in the 1970s were abruptly halted in 1980 with Congressional abandonment of the LEAA. The fledgling victims movement had mobilized powerful forces and it was not to be denied entrance through the doors of justice – but it was momentarily stunned.

Hence, it was not surprising in the 1980s that new individuals and inspirations gave spirit to remobilization. Three people are almost synonymous with the renaissance of victim issues in the '80s. Senator John Heinz, Lois Herrington, and Ken Eichenberry.

Senator Heinz discovered and endorsed the principle of rights for victims through his work on the Senate Aging Committee. Those of us who were invited to help Senator Heinz draft the Victim and Witness Protection Act will always remember his charge to us when he said, in effect, "Help me find the most imaginative and effective tools ensuring victim rights in the states, and I'll put them in the Federal bill." We did, and he did, and the cause of victim justice left forward. While it was a moment of unheralded drama when his bill received a unanimous consent vote on October 12, 1982, victim advocates saw the Act for what it was – the first step towards comprehensive federal legislation and action on behalf of victims everywhere.

Lois Herrington was an unknown quantity to many in the victims movement when she was appointed the Chairman of President Reagan's Task Force on Victims of Crime in 1982, but she became the indefatigable champion of victim assistance and the architect behind the Victims of Crime Act of 1984 that established the Office for Victims of Crime and the Crime Victims Fund, which in 1996 collected close to \$530,000,000. in federal criminal fines. Stories of Lois, as Chairman and later the Assistant Attorney for Justice Programs were legendary as she wielded her powers of diplomacy,

cajolry, and persuasion to promote the recommendations of the Task Force; to encourage education and training not only of victim advocates but law enforcement, prosecutors, judges, and mental health professionals and to foster the effectiveness of the Attorney General's Task Force on Family Violence in 1982. Her passion for the issue was demonstrated in true Lois fashion when her husband was sworn in as President Reagan's Secretary of the Energy and she purposefully but scriptiously held his bible open at the Good Samaritan parable instead of the psalm he had originally chosen.

Ken Eichenberry, another member of the President's Task Force, secured his permanent place in the history of the victim's movement by his insistence on the impossible: the recommendation and pursuit of a federal constitutional amendment on victim rights. I will always remember sitting next to Ken at lunch during the first Task Force Hearing and listening to him say, "I don't know why everyone is so anxious about ensuring victim rights." I sighed, at the time, thinking that he just didn't get it, when he added, "All we have to do is pass a constitutional amendment that gives them the rights to be informed, present and heard in the criminal justice process."

Senator Heinz, Lois and Ken were truly inspired leaders, but they did not lack for creative and courageous compatriots. They set visionary goals and others sought not only to accomplish them but to test and challenge their limits.

No one reading or hearing Sunny Strong, the wife of U.S. Navy Captain, when she poignantly testified and cried to the President's Task Force, "It was I who was kidnapped, raped and robbed not the state" could ignore the force of her words in challenging the treatment of victims in traditional justice systems.

The Victim Witness Protection Act addressed fair standards for treatment of victims in federal court but its passage encouraged state advocates to pass bills of rights for victims in all fifty states. Virginia Bell, a 68 year old pursesnatch victim in the District of Columbia who suffered a broken hip and \$11,486.00 in medical bills, and who was awarded a \$400 restitution payment by the judge in the case – who had never set eyes on Virginia nor had any basis for the restitution order – became a voice for the need for more comprehensive involvements of victims beginning with mandatory notification of hearings and restitution. Hers and other voices were the precursors to the Victim Rights and Restitution Act of 1990 that expanded services to include victims in all federal justice systems as well as translated standards into rights.

The Victims of Crime Act initiated the Crime Victims Fund but with limitations such as a sunset provision, a cap on the amount of fines received and restrictive priorities, that soon were historical footnotes to its permanence and capacity for growth today.

Roberta Roper, whose daughter Stephanie, was sexually assaulted, killed, and emolated, fought for victim inclusion in the criminal justice process, programs for survivors of homicide and adequately funded compensation in her home state of Maryland. All states now have active victim compensation programs. The numbers of local programs funded – including those for survivors of homicide – through VOCA have not only increased substantially but state offices have been established.

John Walsh, whose son Adam was abducted and murdered was the inspiration for the National Center on Missing and Exploited Children and, through VOCA, over 150 specialized child victim advocacy centers.

The growth in victim advocates and victim visibility was certainly apparent in the national coalition led by spokeswoman and prosecutor, Sarah Buel – a formerly battered spouse – that to pass the Violence Against Women's Act in 1994.

At VOCA's inception, crisis intervention services were the centerpiece of the requirements that local programs must provide to receive funding. Those services remain essential, but, victims and their advocates have realized that the scope of such services need to extend not only to individuals but families and communities at large. I will always remember the morning of August 16, 1986 when

I received a telephone call from the then attorney general of Oklahoma, Michael C. Turpen – a man who ran for that position on the platform of victim rights. He was talking loud and fast. His question was simple: “I know what you folks do to help individual crime victims, but what do you do when a whole community is victimized? A gunman had entered the Edmond, Oklahoma Post Office and killed 14 people before committing suicide. Could NOVA send crisis intervenors to assist the town? I said yes. NOVA sent a team. It was the first among over hundred since that NOVA’s National Crisis Response Team has responded to. Now, through this administration’s attention, OVC has established an emergency crisis response capability that has already helped to dispatch teams to the Chicago Housing Authority after 13 murders in one weekend, a drunk-driving crash on an Indian reservation involving 7 dead, and most recently, Dryden, New York where 2 high school cheerleaders were abducted, murdered, dismembered and whose bodies were distributed in a 40 mile radius to help communities deal with crisis.

The vision of VOCA as a supporter of crisis intervention, was extended once again in the aftermath of the Oklahoma City bombing when Congress and the President chose to enact the Anti-Terrorism Act of 1996 authorizing the use of VOCA funds for responding to American citizens who are victims of terrorism or mass violence at home or abroad. On that occasion, the voices of survivors of the bombing of the Alfred P. Murrah building were heard as well as those of survivors of the Pan-Am 103 explosion, the bombing of the World Trade Center, the mass murder by George Hennard in Killeen, Texas, the Olympics bombing in Atlanta...and the list goes on.

The proposal for a federal constitutional amendment has been translated into state constitutional amendments in 29 states – the compatriots of Ken, would be too numerous to recount but Bob Preston whose daughter Wendy was murdered in Florida and failed to get notification of the parole hearing of the murderer in spite of an existing state bill of rights for victims is often considered the first among equals due to his tenacity in fighting for the Florida amendment. And, the vision continues. The recently introduced federal amendment concerns itself not only with the proposal of the President’s Task Force, but issues of protection, due process, and even the definition of who is considered a victim.

The story of the victims movement in the 1990s is one and the same with the story of the twenties-something generation of the 1970s. Its mission has remained in tack. Its changes marked only by the inspiration and individuals perpetuating that mission. But, in that, I may say, the inspiration and many of the individuals have remained the same. The generation of the 1970s is with us here today. Indeed, for the present they are us, and they are looking forward.

President Clinton carried the vision forward as governor when reassuming office in 1983 by proclaiming a National Victim Rights Week in Arkansas and last week, once again endorsed a constitutional amendment on behalf of victim rights.

Attorney General Reno when she became district attorney in 1978 in Dade County was the person who embraced survivors of drunk driving crashes and homicide victims and brought them into her office; sought to establish quality services throughout the County; supported the Florida constitutional amendment for victim rights; and today works for a constitutional amendment for victim rights.

Laurie Robinson, Assistant Attorney General for the Office for Justice Programs, helped launch the American Bar Association’s interest in victims during the 1970s and establish an ABA victim witness project, and today continues to survey all criminal justice initiatives in the context of victim services.

Jeremy Travis, Director, National Institute of Justice, speaks eloquently of his realization of the needs of victims on a day in 1973 when he was on tour with the Deputy Mayor of New York and a national study came out indicating that only 50% of victims reported crime. The tour was focused on

an offender notification program. The Deputy Mayor turned to Jeremy's boss and said "Why can't we do this for victims?" and his boss looked at Jeremy and said "Why can't we do this for victims?" And Jeremy said, "I think we can." He headed the first victim witness program in New York, and, now focuses on research and evaluation aimed at meeting the needs of victims as well as violence prevention strategies.

Bonnie Campbell, Director, Office on Violence Against Women, stumped the state of Iowa calling for action against batterers and stopping the violence against women. As Attorney General of that state she initiated common law enforcement protocols for death notification after homicide and promoted comprehensive victim services. Today, Bonnie travels the nation and meets with victims to find out how we can better address the problems of women and children in the aftermath of violence.

Aileen Adams, Director, Office for Victims of Crime, began her career over twenty years ago as a sexual assault advocate, a child victim's advocate, and as a knowledgeable law enforcement professional. An inspirational individual, leading the next decade of the victims movement into its future.

So, the story – and stories – continue. We are lucky in this last decade to have an array of leaders who have emerged with the victims movement. Leaders who have seen in their convergence with that force a cause for continued compassion and change. They represent a confluence and continuum of forces. Their energies will shape the future of our children and grandchildren – abused or abusing, victim or victimizer, living or dead, violent or peaceful.

It is perhaps in the stories, oral and written, that the true history of the victims movement can be found. But, knowing that, it is probable that no "true" history will ever be written. Each story will carry a shade or color or difference based the perspective of the observer.

Each of you will bring such perspectives to this conference. As a listener to my historical stories you may color, shade or enhance their impact. But, as a participant in the future of federal concerns for victims, your contributions will also be colored, shaded, or enhanced. I hope this conference will help each of you determine your own story.

And, I suggest to you that none of the people in my stories ever thought of history in the victims movement while making it. As Prince Metternich said, "The men who make history, have not time to write it." I believe that finally history is the synthesis of a chorus of voices forever sounding across the centuries the laws of right and wrong. Opinions alter, manners change, creeds rise and fall, but moral law is written on the tablets of eternity. You and your stories will be critical to the writing of that law and our laws for the next century. I hope you write such laws on behalf of justice for all – even the victim.