

A HISTORY OF THE VICTIMS MOVEMENT IN THE UNITED STATES

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I. INTRODUCTION

The victims' movement in the United States was an outgrowth of the rising social consciousness of the 1960s that unleashed the energies of an idealistic generation in that decade and the next.¹ Its continued strength has come from the social forces on which it began and from the leadership of extraordinary individuals, some of whom have personally survived tragedy, and others whom have brought extraordinary compassion and insight as witnesses to such tragedy. This has been a source of both praise and criticism in the international arena.²

In retrospect, one can say that the victims' movement in the US initially involved the confluence of five independent developments: the development of an academic field called victimology; the introduction of state victim compensation programmes; the rise of the women's movement; the rise of crime, with a parallel dissatisfaction with the criminal justice system; and the growth of victim activism. As these developments converged into a movement, there was an insistence to integrate a sixth dimension, that of responding to trauma – no matter what its cause.

II. THE BEGINNINGS

A. Victimology

"Victimology" arose in Europe after World War II, primarily to seek to understand the criminal-victim relationship. Early victimology posited that victim attitudes and conduct are among the causes of criminal behaviour.³

The importation of victimology to the United States was due largely to the work of the scholar Stephen Schafer, who's *The Victim and His Criminal: A Study in Functional Responsibility* became mandatory reading for anyone interested in the study of victims and their behaviours.⁴

"As a graduate student in 1962, I had the privilege of being a student of Stephen Schafer who was a victimologist and criminologist from Hungary, one of the early victimologists. He first spoke about victimology in his class on criminological theory. It was the first time that he ever gave a lecture in this country and we became friends after that." John Dussich, Oral History Project.¹

The interest in victimology correlated with increasing concern about crime in the late 1960s. It is perhaps no coincidence that the precursor to Dr. Schafer's book was a study he did for the U.S. Department

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¹ All references throughout this document to the "Oral History Project" refer to a project completed by Justice Solutions and the National Organization for Victim Assistance (NOVA) under funding from the Office for Victims of Crime, U.S. Department of Justice, in 2002. All the videotapes and memorabilia collected in the project are archived at the University of Akron, Akron, Ohio.

² Rock, P., "Victims' Policies as Contingent Accomplishments," in *Victims of Crime and Abuse of Power*, Festschrift in honour of Irene Melup, Bangkok, 11th Congress on Crime Prevention and Criminal Justice, April, 2005.

³ See, as examples: Mendelssohn, B., "New bio-psycho-social horizons: victimology." An unpublished paper, 1946. This appears to be the first official designation of "victimology," although Mendelssohn traces the evolution of the term to his first study, "Method to be used by counsel for the defence in the researches made into the personality of the criminal". *Revue de Droit Penal et de Criminologie*. Bruxelles. Aug.-Sept.-Oct., 1937; von Hentig, H. *The Criminal and His Victim, Studies in the Sociology of Crime*, Yale University Press, New Haven. 1948; Ellenberger, H. "Relations psychologiques entre le criminel et sa victime" *Revue interne de criminology et de police technique*, Geneve. No. 2, 1954.

⁴ Schafer, S., *The Victim and His Criminal: A Study in Functional Responsibility*, Random House. 1968.

of Health, Education, and Welfare.⁵ The crime wave of the time led to the formation of the President's Commission on Law Enforcement and the Administration of Justice in 1966 which conducted the first national victimization surveys which in turn showed that victimization rates were far higher than shown in law enforcement figures – and that many non-reporting victims acted out of distrust of the justice system.⁶ This captured the attention of researchers who began to examine the impact of crime on victims as well as victim disillusionment with the system.

“In my view it is no accident that the explosion of interest in victims and victimization surveys developed simultaneously. Each has provided some stimulus for the other and each has the potential for providing benefits to the other.” Michael J. Hindelang.⁶

As will be discussed, the prosecutor-based victim/witness revolution in particular was a direct consequence of victimological research.

B. Victim Compensation

The idea that the state should provide financial reimbursement to victims of crime for their losses was initially propounded by English penal reformer Margery Fry in the 1950s. It was first implemented in New Zealand in 1963 and Great Britain passed a similar law shortly thereafter.

Early compensation programmes were conceived as welfare programmes to help victims in need. This was reflected in Justice Arthur Goldberg's comment, “In a fundamental sense, then, one who suffers the impact of criminal violence is also the victim of society's long inattention to poverty and social injustice...”⁷ California's was the first state compensation programme in 1965, soon followed by New York. By 1979 32 of the 50 US states had established compensation programmes. By then, most had rejected the welfare precept in favour of a justice orientation in which victims of crime were seen as deserving compensation whether or not they were in need. Compensation programmes also promoted involvement by victims in the criminal justice system since they required victims to report to the police and to cooperate with prosecution.

Administrators of the early programmes were not always passionate advocates of victim issues.

“... I didn't think I would ever work in compensation because I had very hard feelings about the compensation programme as a result of my work in the victim assistance field. And it was only through chance that I ended up in compensation... I thought I never wanted to work in this particular arena because I saw compensation as a bureaucratic structure ...that was almost a payment for a prosecution-oriented, very adversarial process for victims.” Kelly Brodie, Oral History Project.

Later, compensation administrators often became articulate advocates of society's responsibilities to victims.

C. The Women's Movement

There is little doubt that the women's movement in the US was central to the development of a victims' movement. Their leaders saw sexual assault and domestic violence – and the poor response of the criminal justice system – as potent illustrations of a woman's lack of status, power and influence.

⁵ Schafer, S. *Criminal-Victim Relationship in Violent Crimes*. Unpublished research. U.S. Department of Health, Education, and Welfare. July, 1965. (MH-07058). See also these reports of President's Commission on Law Enforcement and Administration of Justice, all U.S. Government Printing Office, 1967: Biderman, A.D., L.A. Johnson, J. McIntyre and A.W. Weir, “Report on a Pilot Study in the District of Columbia on Victimization and Attitudes Toward Law Enforcement.” *Field Surveys I*; Ennis, P.H. *Criminal Victimization in the United States: A Report of a National Survey. Field Surveys II*; Reiss, A.J., Jr., *Studies in Crime and Law Enforcement in Major Metropolitan Areas. Vol. I. Field Surveys III*. See also Hindelang, M. J., *Criminal Victimization in Eight American Cities: A Descriptive Analysis of Common Theft and Assault*, Cambridge: Ballinger, 1976; Hindelang, M.J., M.R. Gottfredson and J. Garofalo, *Victims of Personal Crimes: An Empirical Foundation for a Theory of Victimization*, Cambridge: Ballinger, 1978.

⁶ Hindelang, M.J., “Victimization Surveying, Theory and Research” *The Victim in International Perspective*. Schneider, H.J. (ed.) de Gruyter. 1982.

⁷ A.J. Goldberg, “Preface: Symposium on Governmental Compensation for Victims of Violence” *Southern California Law Review* 43 (1970).

“...if you go back thirty years ago when the [Rape Crisis] Centre first started,... the silence was deafening. This issue was one that society didn't want to think about, didn't want to hear about. The individual survivors felt incredible isolation ...” Denise Snyder, Oral History Project.

“It was not by accident [that I joined the movement]. That was my passion, having been a victim of a sexual assault crime. I wanted to right a wrong ... we have to step back ... when I started, it was a time of excitement, it was a time of passion... We didn't have any plans, any books ... but as we listened to the victims, we certainly got a sense of what was going to work and what wasn't. And so it was the victims themselves, I believe, that really started this field and certainly it was the sexual assault field in the Seventies that did it.” Janice Rench, Oral History Project.

The new feminists immediately saw the need to provide special care to victims of rape and domestic violence. It is significant that of the three first victim programmes in the United States, all begun in 1972, two were rape crisis centres (in Washington, D.C. and the San Francisco Bay area). There were several significant contributions that these programmes brought to the victims' movement.

The first was the recognition of emotional crisis as a critical part of the injury inflicted. Indeed, the “rape trauma syndrome,” a term coined by Ann Burgess⁸ and colleagues in the nursing profession, was the first opening into the victims' movement's long exploration into the nature of psychological trauma and methods to alleviate it.

The second was that interveners learned to help victims with the practical consequences of rebuilding their lives rather than rely on a criminal justice system where they were too often maltreated or a health system which did not see, much less try to treat, the full extent of the victim's injuries.

The third contribution was the heavy reliance on volunteers in the absence of any resources.

D. The Criminal Justice System

Victimology in the 1970s helped to buttress what the public already knew – that crime was at unacceptably high levels and its victims were neglected. One individual who helped transform this problem into a reformed system was Donald E. Santarelli, Director of the Federal Law Enforcement Assistance Administration (LEAA) in 1974. He had read the then-new research by Frank Cannavale⁹ that documented this stunning finding: the largest cause of prosecution failure was the loss of once-cooperative witnesses who simply stopped helping a justice system that was indifferent to their most basic needs.

This was the catalyst for funding three demonstration projects in 1974 to provide better notification and support to victims and witnesses once criminal prosecution has been initiated.

“We were the prototype for the victim witness programmes in District Attorneys' offices. Back then, everything was very rudimentary. It was basically notification, setting up waiting rooms for people so that you wouldn't have World War II in the hallway between the defendant's family and the victim's family, as we often did back in the old days.” Norman S. Early, Oral History Project.

Some of the victim witness programmes began borrowing service ideas from the grassroots programmes and new ones based in law enforcement; some of these prosecutor-based staff got training in crisis intervention (because court appearances can be crisis-inducing events), and a few offered on-scene crisis services to victims whether or not there was an arrest and prosecution. Most began making referrals to social service and victim compensation programmes. Notification went beyond telling victims about their next court date – it led to establishing on-call systems, and then obtaining and considering victims' views on bail determinations, continuances, plea bargains, dismissals, sentences, restitution, and parole hearings. Some offered employer and creditor intercession, and support during court appearances. Many of these

⁸ Ann W. Burgess and Lynda L. Holstrom, “Rape Trauma Syndrome,” *American Journal of Psychiatry*, Vol. 131, 1974, pp. 981-86.

⁹ Cannavale, F.J., *Witness Cooperation*, Institute for Law and Social Research, Lexington Books, D.C. Heath and Co., Lexington, MA, 1976.

innovations were documented in a landmark “Prescriptive Package,” commissioned by LEAA.¹⁰

In 1974, grants to the Ft. Lauderdale Police Department and then the Indianapolis department helped open this new sector of the movement. Others followed suit. Many of the police-based programmes were inspired by the work of two men.

A one-time New York police officer, Martin Symonds became a psychiatrist specializing in treating trauma victims and later became the director of psychological services for the New York City Police Department (“I finally got my gold shield,” he would brag).

In his clinical work with victims which began in 1971, Dr. Symonds developed three insights. The first was that the pattern of responses from victims of trauma were similar regardless of the type of crime or the event suffered. The second was that the principles of good crisis intervention were also similar. The third was that law enforcement officers are in the position of doing the most harm or the most good in their immediate response to victims of crime. These views were published in a number of journals and were spread around the growing victim assistance community.¹¹

Morton Bard – also a onetime member of New York’s Finest – was a psychologist who taught at New York University and who also studied the reactions of crime victims. With an LEAA grant, he published two volumes on Domestic Violence and Crisis Intervention. He laid the basis for presenting victim-focused training into many law enforcement academies and the FBI National Academy. His *Crime Victim’s Book*,¹² published in 1979, was the first book-length primer on meeting victim needs.

E. Victim Activism

Finally, the victims’ movement was given a jolt of energy from victims themselves. The victim’s movement surfaced the neglected issue of criminal violence done to women, and it was rape survivors and battered women who most commonly founded programmes and shelters for similar victims – although through the 1970s, few made public their own traumatic experience for fear, I expect, that their reform efforts would be seen in an unfavourable light. But in the late seventies, an additional force began to be felt.

As lonely and isolated as other victims felt, survivors of homicide victims were truly “invisible”.

“When I wanted to talk about my son, I soon found that murder is a taboo subject in our society. I found to my surprise that nice people apparently just don’t get killed.” A victim’s mother.¹³

Families and Friends of Missing Persons was organized in 1974 in Washington State by survivors of homicide victims. The initial purpose was simply to provide support to others whose loved ones were missing or murdered. It later evolved into an advocacy group as well.

Parents of Murdered Children was founded by Charlotte and Robert Hullinger in 1978 in the aftermath of the murder of their daughter by her ex-boyfriend. Mothers Against Drunk Driving was organized in 1980 by Candy Lightner when her daughter was killed by a repeat drunk driver, and by Cindi Lamb, whose infant daughter was rendered quadriplegic by a drunk driver. In 1977, Protect the Innocent in Indiana was energized when joined by Betty Jane Spencer after she was attacked in her home and her four boys were killed. She and others did not shy away from the media. Each concluded that, if they were to make things better for other victims, their own horrors could not be private motivators of their campaigns but the explicit reason for seeking public attention.

“Probably one of the foremost strategies is giving the victim a face, and the face of the victim was [in her case, her quadriplegic infant daughter] Laura Lamb. She was the poster child for Mothers Against Drunk

¹⁰ Stein, J.S. and White, R., *Better Services for Crime Victims*, , LEAA, U.S. Department of Justice, unpublished volume in the “Prescriptive Package” series, Washington, D.C., 1977.

¹¹ Symonds, M., “The ‘Second Injury’ to Victims,” L. Kivens, ed., *Evaluation and Change: Services for Survivors*, Minneapolis Research Foundation, Minneapolis, MN, 1980.

¹² Bard, M. and Sangrey, D., *The Crime Victim’s Book*, Basic Books, New York, 1979.

¹³ NOVA archive documents, 1997.

Driving, because even though she couldn't move, she moved so many people. Cindi Lamb, Oral History Project.

Many of these were support groups, but most were also advocacy groups whose power was undeniable. Edith Surgan, whose daughter was killed in New York City in 1976, moved to New Mexico and founded the New Mexico Crime Victim Assistance Organization that was the driving force behind establishing victim compensation legislation in that state. She told many times of the one-hour drive, day after day, from her home in Albuquerque to Santa Fe, to fight for that legislation. She also told of how the majority leader of the Senate hid from her until she confronted him and asked why he was hiding. He said simply that he could not deal with such a horrible issue.

Bob Preston, whose daughter Wendy was murdered in Florida, along with Greg Novak, whose sister was also a murder victim, founded Justice for Surviving Victims, which successfully lobbied for one of the first state constitutional amendments for victim rights; Bob co-chairs the National Victims Constitutional Amendment Network.

John Gillis' experiences captured the work of all these groups.

"Quite frankly, Parents of Murdered Children saved my life ... because it gave me an opportunity to talk about what had happened ... So I attended their meetings. They started asking me questions about law enforcement [he was then a Los Angeles police lieutenant] and why cases were handled certain ways. And this was really helpful to me because then I found out I was providing help and information to others who were really hurting so much. So it was a two-way street. From there a group of us decided that we wanted to start our own organization, so we started with Justice for Homicide Victims." John Gillis, Oral History Project.

Two notes about Mr. Gillis: his daughter was chosen to be a target to be killed as an initiation rite – killing a police officer's child gained the murderer entry into a violent street gang. And after years of activism for victims in California, Mr. Gillis was nominated by President George W. Bush, and confirmed by the U.S. Senate, to the highest post in the U.S. victims' movement, that of Director of the Office for Victims of Crime in the Department of Justice.

The five forces identified here worked together at first in loose coalition, but the formation of the National Organization for Victim Assistance (NOVA) in 1975 helped to consolidate the purposes and the goals of the victims' movement. The organization grew out of ideas developed at the first national conference on victim assistance, sponsored by LEAA, held in Ft. Lauderdale in 1974. NOVA's initial contributions were to promote networking and to continue such national conferences (taken up in 1976 and sustained every year thereafter) to provide training opportunities to those working with victims.

Funding of service programmes in the late seventies through LEAA gave communities opportunities to replicate the early programmes, and begin to translate knowledge and practice into educational materials. The National District Attorneys Association developed a Committee on Victims to assist in disseminating information among prosecutors nationwide. The American Bar Association established a Victims Committee in its Criminal Justice Section.

By the end of the 1970s, many states had at least a few victim assistance programmes, and ten states had voluntary networks of programmes. There grew a common understanding of the basic elements of service: crisis intervention, counselling, support during criminal justice proceedings, compensation and restitution. LEAA continued to promote victim assistance through its state block grants and established the first National Victim Resource Centre in 1978.

In 1980, NOVA incorporated the growing demand for victims to have legitimate access to the justice system into a new policy platform on victim rights and the initiation of a National Campaign for Victim Rights which had as its core, a National Victim Rights Week, endorsed in 1981 by President Ronald Reagan.

The 1970s were marked by rapid progress – and by turbulence, caused in significant part by the waning of federal financial support. As national priorities shifted, stable funding became elusive (Congress defunded

LEAA at the end of the decade) and programmes often entered into internecine warfare over the limited resources that were available.

Controversy also arose between programmes that were driven by grass-roots energy and those that were based in criminal justice institutions. Many felt there was an inherent conflict between the goals of a prosecutor or law enforcement agency and the interests of victims. Some sought legal changes in the system while others felt change could take place through adjustment of policies and procedures.

Tensions within the movement led to the emergence of new national organizations: the National Coalition Against Sexual Assault was formed at NOVA's 1978 national conference to serve as leadership for rape crisis programmes. The National Coalition Against Domestic Violence was founded at the end of 1978 to provide an advocacy network for shelters.

Janice Rench lamented the frictions that arose:

"[In the seventies] there was a much more openness for domestic violence victim advocates, for sexual assault advocates to come together, and then we would have people who had lost their children – homicide survivors – and we would start to see that there was more to this than just sexual assault and domestic violence – but that came later". Janice Rench, Oral History Project.

III. THE 1980S: GROWTH AND ACCEPTANCE

The loss of significant LEAA funding in 1979 served as a potent reminder of how tenuous the movement's gains in the 1970s had been – in fact, it was a stern test as to whether those promoting victim rights and services had truly created a "movement" at all. Though an untold number of programmes were abolished, a movement did assert itself by its very survival, thanks largely to the impact of the victim activist groups and the new public awareness they engendered. Their influence helped the victims' movement keep going and make progress on three fronts: public policy, programme implementation, and public awareness.

State public officials, urged on the victim advocates, realized that state action was necessary to ensure the institutionalization of victim assistance. California again was a leader as it became the first state to establish funding for victim assistance in 1980. Wisconsin took action by becoming the first state to pass a victims bill of rights the same year.

"I said, 'I think that the only way this programme is going to survive is if there is statutory authority for the programme. There's got to be funding built in from the State. The State supports the court system, they should be willing to fund this.' And every single person in the room laughed. At first I was so humiliated, and then I was so mad that I left that meeting thinking there is going to be statutory authority for this programme or I will die trying."

"I contacted a woman named Barbara Ulichney, who was at the time a freshman State Representative in Wisconsin. ... I said, 'You know, Barbara, we need a Victim Witness Bill of Rights.' ... Amazingly, a freshman Representative pulled this off..." Jo Kolanda, Oral History Project.

Spirits were raised by the receptivity of the new Administration. In 1981, President Reagan declared National Victim Rights Week and Attorney General William French Smith launched a Task Force on Violent Crime. Conservative activist and victim advocate Frank Carrington – and his old friend, Presidential Counsellor Edwin Meese – were the catalysts.

"Frank was quite an advocate, even in the early seventies, for fundamental reforms of the criminal justice system so that it would become more victim-centred. Frank went on to be the driving force behind the establishment of the President's Task Force on Victims of Crime ... and it was Frank's friendship with Ed Meese that led to that and led to Frank being appointed as one of the members of the Task Force." Steve Twist, Oral History Project.

From the movement's perspective, the Attorney General's Task Force's most important recommendation, suggested by Task Force member Carrington, was to commission the Presidential Task

Force on Victims of Crime that Mr. Twist alluded to. In 1982, the President implemented that recommendation. At the same time, Senator H. John Heinz discovered and endorsed the principle of rights for victims through his work as chair of the Senate Aging Committee. The informal group that was invited to help Senator Heinz draft the federal Victim and Witness Protection Act of 1982 will always remember his charge, "Help me find the most imaginative and effective tools ensuring victim rights in the states, and I'll put them in the Federal bill."¹⁴ While victim advocates cheered his bill when it won a unanimous consent vote on October 12, 1982, they also saw the Act for what it was – a first step towards comprehensive federal action on behalf of victims everywhere.

Lois Haight Herrington was an unknown quantity to the victims' movement when she was appointed the Chairman of the President's Task Force in 1982. However, a few advocates in California who had seen her perform as a prosecutor, were ecstatic.

"I was happy when Lois went to Washington. But when she went to Washington she wasn't going to take a job at the Office for Victims of Crime – it didn't exist. Lois was going back to Washington with her husband... The next thing I heard from her is 'I've got a job. I've been asked to head the Office for Victims of Crime.' And I was just elated." Harold O. Boscovich, Oral History Project.

She became the indefatigable champion of victim justice, the architect of the Victims of Crime Act of 1984, and the founder of the Office for Victims of Crime.

Stories of Ms. Herrington's tenacity were legendary. First as Chairman and later as the first Assistant Attorney for Justice Programmes, she wielded her powers of diplomacy, cajolery, and personal stature within the Administration to fashion and implement the recommendations of the Task Force. Her passion for the cause was demonstrated when her husband took the oath as President Reagan's Secretary of Energy; she surreptitiously held his bible open at the Good Samaritan parable instead of the psalm John Herrington had chosen.

Kenneth Eichenberry, another member of the Task Force, secured his place in the history of the victims' movement by his pressing a recommendation that was novel to the movement – the adoption of a federal constitutional amendment for victim rights. In the Oral History project, I related this story.

"I will always remember sitting next to Ken at the lunch break during the first Task Force hearing and listening to him say, 'I don't know why everyone is so anxious about the status and treatment of victims.' I sighed, 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 right to be present and heard in the criminal justice process.' I was stunned by the idea." Marlene A. Young, Oral History Project.

The President's Task Force held six hearings and produced a final report with 68 recommendations for improving assistance to victims of crime.¹⁵ Lois Haight Herrington's memories of one special occasion is telling since it reflects part of her strategy in helping to get the Victims of Crime Act passed.

"[This photograph] is when we're giving our Task Force report to the President... the next picture is the first Rose Garden ceremony... the reason I'm showing you this is that here's ... victims that we had [with us]. Here was the President, the Vice President, and Attorney General Smith. ...telling these stories and introducing these people to the President. I think [this meeting with the victims] was very instrumental in getting the Victims of Crime Act that I think has helped start so much of this." Lois Haight Herrington, Oral History Project.

The Task Force's Report launched four critical initiatives:

First, it recommended federal legislation to fund state victim compensation programmes and local victim assistance programmes. That pair of recommendations was the precipitating force for the enactment of the Victims of Crime Act (VOCA) of 1984. The Act established the Crime Victims Fund, made up of federal

¹⁴ NOVA archive documents, 1981.

¹⁵ *President's Task Force on Victims of Crime, Final Report*, December, 1982.

criminal fines, as the resource for the two programmes.

“One of the good things that happened ... is that we were able to strategically think through and use our experience to develop the procedures as well as the policies in distributing VOCA and state monies ...”

“One of the things that killed us in ‘76 and ‘77 and ‘78 was the death of LEAA. We had just begun to get money into victim programmes when they were killed. I sat in on one of the early research projects that the Justice Department did that found that we had dropped from 400 and some programmes in this country to 200 and some in a couple of weeks.”

“So, VOCA comes along and it says this is to keep those old programmes from going down, because if they go down, we have nothing. And, then to build new programmes.” Robert Denton, Oral History Project.

Second, it made recommendations to professionals in the criminal justice system and associated professions on how they could improve treatment to crime victims. The 1983 National Conference on the Judiciary and Victim Rights was a spin-off of the report and served as a major impetus to change in judicial policies and attitudes.

“It was like seeing the light at the end of the tunnel. When Edith Surgan and Sunny Strong spoke [Ms. Surgan, a homicide survivor, spoke by speakerphone from her deathbed in Albuquerque; Ms. Strong, a rape survivor, addressed the conference in person], I knew there was something that needed to be done. The judicial branch of government should always be neutral, but neutrality does not mean that one side is forgotten. In this case, it was the victim that had been forgotten.” [Judge Merton Tice, a conference participant].¹⁶

Third, it recommended an additional Task Force on violence within families, which resulted in the establishment of the Attorney General’s Task Force on Family Violence in 1983 with a Report published in 1984. That Report was a stimulus to a VOCA amendment requiring compensation programmes to make victims of domestic violence eligible for help.

Fourth, it recommended the “Eichenberry Amendment” to the U.S. Constitution. That recommendation led to the 1986 formation of the National Victims Constitutional Amendment Network which initially sought to obtain amendments on victim rights.

In the four years after the report, the Office for Justice Programmes and the Office for Victims of Crime worked closely with outside groups, notably NOVA, to implement the recommendations. States began receiving VOCA funds in 1985, training programmes for justice professionals were disseminated widely, standards for service for victim programmes were developed, and regional training for victim service providers was offered across the nation.

Victim-oriented justice gained international recognition with the adoption of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985. This document helped spur other nations to start or expand victim rights and services.

“What we decided to do was to take the so-called rights for victims, which were really principles of justice for victims in various states and nations, and put these into a proposal that we then took to the Secretary General of the United Nations.” Irvin Waller, Oral History Project.

The development of the OVC/NOVA Model Victim Assistance Programme Brief in 1986-1988 served as a management tool for programmes. It articulated of eight basic services that programmes should provide: crisis intervention, counselling and advocacy, support during criminal investigation, support during prosecution, support after case disposition, crime prevention, public education, and training of allied professions.

States were also moving rapidly to institutionalize victim assistance through funding legislation and the

¹⁶ Judge Merton Tice, NOVA archive documents, 1997.

development of programme networks. Bills of rights were adopted in every state by 1990, and at present, 33 of 50 states have adopted constitutional amendments. By the end of the 1980s, over 8,000 victim service programmes were in operation.

The eighties brought new contributors to the victims' movement. The National Centre for Victims of Crime was founded in 1985 in honour of Sonny von Bulow. The Victim Assistance Legal Organization (VALOR) became prominent as its founder, Frank Carrington, helped to develop and promote civil litigation on behalf of crime victims. The National Centre for Missing and Exploited Children was established. The International Association of Chiefs of Police established a Victims Committee and announced a law enforcement bill of rights for victims. The American Corrections Association issued 16 recommendations for better treatment of victims. The American Probation and Parole Association developed programme goals on victims. The Spiritual Dimension became a source of education and training for clergy on victim issues. Neighbours Who Care was initiated by Justice Fellowship to develop victim assistance within religious communities. The International Society of Traumatic Stress Studies and the International Association of Trauma Counsellors were established to serve as research and education resources for individuals working in the field of trauma.

The growth of the understanding of psychological trauma was particularly important during the 1980s. Drawing upon the experiences of seasoned crisis interveners, NOVA initiated a practical model for "community crisis intervention" in the aftermath of tragedy that affects large groups of people. Its first crisis response team was fielded in 1986 after the mass murders committed in the Edmond, Oklahoma, Post Office. The success of that effort engendered the National Crisis Response Project which made trained volunteer crisis interveners by the thousands available to address the emotional impact of crime and other disasters. It also influenced the growth of new local and state networks of crisis response teams.

IV. THE 1990S AND BEYOND

The 1990s brought depth and maturation to the field.

One may track these trends and events under the following headings: the new contributions of research to practice; advances in responding to individual trauma victims as well as to groups of people subjected to the same traumatic event; the expansion and deepening of services to underserved victim populations; and the worldwide movement to articulate the rights of victims in the justice system, with proposed measures to have those rights enforced.

A. Research Contributions and Advances in Responding to Victims

None in the early victims' movement would have turned to neurobiologists to chart their future. That has changed. Research into how the brain processes trauma has shed light on why such victims are vulnerable to such lasting disabilities as Post-traumatic Stress Disorder – but more importantly, how trauma victims, usually with help, can mitigate and sometimes master the unwelcome changes inflicted on them.

The research affirms a basic tool of crisis counselling – to permit or even encourage the victim to "ventilate," to "tell their story." But it now guides the intervener to ask a set of questions about the event, in chronological order, that help victims organize their thoughts their reactions and help them to name them in a cohesive whole. This approach to "structured ventilation," seeking to implant a "cognitive narrative" where a fractured set of memories resides often provides a needed balm to the sufferer.

The 90s also saw the expansion of programmes offering crisis intervention to groups of people affected by the same disaster. There emerged a number of different approaches for providing "group crisis interventions" or "debriefings," and, while researchers raised questions about the effectiveness of some of these approaches in some circumstances, proponents of "crisis response teams" remained committed to properly adapting the crisis intervention services, which are offered to many thousands of individual victims every day, to victims too numerous to reach on just an individual basis.

A variant of this service is now used in "family assistance centres" where disaster managers provide one-stop applications for a host of services available to victims of natural disasters or man-made catastrophes such as the attacks of September 11, 2001. Crisis counsellors have stepped in to accompany incoming family

members through all the services agencies present. Since that journey can take up to eight hours, having a “companion” skilled in dealing with distressed people makes the experience far more gratifying.

B. Expanding and Deepening Victim Services

It is well to remember that in the middle of the Twentieth Century, the term “child abuse” had not been coined – much less transformed into a specialized set of medical and social service innovations. “Child sexual abuse” was even slower to be recognized as a massive subset of child victimization. “Domestic violence” may have been used to occasionally describe the “domestics” police agencies responded to by the millions – but in the main, domestic violence was perceived as a family problem, not a crime, much less a violent crime. “Stalking” was a descriptor, to be sure, but not of a common, terrifying crime – until the victims’ movement made it so. “Identity theft” was an unknown term and a non-existent problem before the Internet age.

To its credit, the victims’ movement has always been fast to recognize patterns of predation that had been overlooked by society, and has tried to respond as quickly to its victims. In the 1990s, the movement began to put technology in service to its ideals.

The National Domestic Violence Hotline, established by Congress with strong support from the movement, received over a million calls from its February, 1996 opening through August of 2003.

“Victim Information and Notification Everyday” (VINE) is a proprietary system which by 2003 provided 17 states and 20 of the largest 25 metropolises a method by which victims can call a toll-free number to update the status of their incarcerated offenders, and receive advance word of those inmates’ change of status, including a scheduled release from custody. Some have adapted the technology for use before any conviction, providing an automated telephone notification service for victims and witnesses wanting to know when their next court date will be.

OVC’s Victim Services 2000 projects have proven that, with the cooperation of all public and private agencies across a city or county, a system (aided by computer technology) can be erected that offers a “seamless web” of services where “there are no wrong doors” for victims to enter into a responsive network of help.

Fuelling this progress was the unsteady but substantial increase in revenues into, and grants out of, VOCA’s Crime Victims’ Fund. From 1990 through 1995, deposits of Federal fines ranged between \$128 million and \$234 million. But one very large fine in 1995 caused the Fund to rise to nearly \$530 the next year. The statute’s “shock absorber” – the state victim assistance administrators’ authority to pay out any one year’s grant over a five-year span – made the big increase manageable. Three years later, however, deposits jumped to nearly \$1 billion, and even as OVC and its constituents pondered how to manage this new windfall, Congress stepped in by imposing a cap of \$500 million (holding the balance in reserve). Congress has maintained the use of caps in the years following, with the amount creeping up in most years.

The movement’s disappointment in losing control over VOCA’s trust fund was tempered by the relative stability of the Fund at about twice the level it enjoyed at the start of the decade. Plainly, the trend of providing ever more services to larger number of victims continued.

Still, the movement’s progress of reaching those in need was often slow. Indeed, by the 1990s, there were effective services available in some communities heretofore under-served – communities defined by type of crime (homicide, domestic violence among same-sex partners or against male partners), or communities defined by geography (low-income urban dwellers and rural Americans), or communities within the larger community (immigrants and residents of Indian Reservations, as examples).

“Progress” in reaching the underserved too often meant establishing worthy prototypes and “best practices” that still reached a small minority of the intended victims. The pattern continues: there are not enough resources for victim services of any kind for hard-to-reach populations.

The exception was the Federal Government’s 1994 commitment to preventing violence against women and helping its victims. The Violence Against Women Act of 1994 (VAWA) packaged some 30 grant programmes – a substantial amount aimed at the scourge of domestic violence – with an initial authorization

of almost \$1 billion dollars over five years. While VAWA advocates experienced some disappointments in the way the programmes were designed and focused, they generally took pride in the fact that annual appropriations usually came close to the dollar ceilings authorized, and that the 1998 re-enactment (“VAWA II”) included many improvements they had sought.

C. The March for Victim Rights

At least from the 1980s, the appeal for “victim rights” came from victims who felt they had been maltreated by the justice system. But from the outset, they had cogent allies among victim advocates who had seen and heard what the system had done to their clients, and were outraged. The sense of injustice felt by America’s victims and their advocates resonated with their counterparts worldwide.

Supporters of the U.N. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power were encouraged by the reception the declaration had received, and so through the 90s came together to craft the Guide for policy makers: on the implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the “Handbook on Justice for Victims,” to spur the development of victim assistance programmes in support of the Declaration. Years in the making, these documents were finally published in 1999, with the support of OVC.

Victim rights and assistance were made integral to U.N. war crimes trials and to such special justice initiatives as South Africa’s Truth and Reconciliation Commission. A latent victim right in France to have the victim’s civil claims against a defendant concurrently considered during the criminal trial revived the “civil party” in prosecutions – a victim’s lawyer in court – who could now be provided for free by a legal aid attorney. In Germany, the victim’s right to have an attorney in court to speak to all the victim’s interests effectively made the victim a third party in the case, with independent rights to question witnesses, call one’s own witnesses, and even appeal rulings and decisions, including sentences, in critical cases.

In the U.S., victim advocates did not seek so central a role for victims in the justice system. But what they did seek – the rights of victims at least to be present and heard at critical decision points in the prosecution – they pursued vigorously. By the early 90s, several states had adopted constitutional amendments to insure such rights. By decade’s end, thirty-three states had so changed their constitutional charters. During this time, the advocates returned to support their ultimate goal – the adoption of such an amendment in the U.S. Constitution. In April of 1996, their campaign moved ahead with the introduction of a Senate resolution, authored by Senators Jon Kyl (Republican of Arizona) and Dianne Feinstein (Democrat of California), to propose such an amendment. In the next month, a victim rights amendment was endorsed by the U.S. President.

But when the Feinstein-Kyl proposal came up for debate on the Senate floor in April of 2000, no consensus had been reached with the Clinton Administration on the fine points of the resolution, and so it was withdrawn.

That was no longer an issue upon the 2001 inauguration of George W. Bush as President, who by April of the next year had endorsed the specific language of the revised Kyl-Feinstein resolution.

Yet, on the eve of their second attempt to get a Senate vote on the amendment, in April of 2004, the Senators found they did not have the necessary votes for passage – but they did detect interest among opponents in a tough victim rights statute. What was quietly fashioned – then adopted in a 96-to-1 Senate vote, and then slightly altered by the House before winning final Congressional approval – is remarkable in two ways.

First, the “Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims’ Rights Act” (honouring five homicide victims whose loved ones became champions of the victim rights’ movement)¹⁷ contains what is by now a standard litany of eight victim rights – but has enforcement provisions found in no other such statute in the U.S. And second, it authorizes funding, including for the establishment of free legal clinics, seeking to make sure the new law is fully implemented.

¹⁷ The Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims Rights Act, Title I, Justice For All Act of 2004, (PL 108-405), 18 USC 3771 (2004).

It remains to be seen if this experiment in statutory reform meets its promise not only of delivering meaningful, enforceable rights for crime victims in the Federal justice system but also as a model for states to emulate.

Perhaps the most remarkable event in the years since the Crime Victims' Rights Act came in early 2005 when the President's proposed budget to Congress contained a recommended "rescission" of every cent in VOCA's Crime Victims Fund at the end of Fiscal Year 2006, a small step in helping to reduce the large Federal deficit but a huge blow to the nation's premiere victim-oriented statute. That led to a firestorm not only from the 4,500 local service agencies receiving VOCA funds but from many times that number within the broader victims' movement and its supporters in the public – and in public office.

As of this writing in 2005, Congress has yet to pass the Justice Department's appropriations bill, where any such rescission would have to be adopted. Yet that bill has been sent for the key subcommittee in the Senate to the full committee, which now awaits a full Senate vote. The rescission is explicitly rejected in that bill. In the House of Representatives, the proposal has done worse – the bill adopted by the subcommittee, full committee, and the House as a whole leaves VOCA intact.

Although many in the victims' movement will view the expected rejection of the "raid" on VOCA as a negative victory – blocking something bad rather than moving their cause forward – it will also be seen as the strongest demonstration to date that the victims' movement is more than a social cause. It is also one with a powerful political constituency.

V. CONCLUSION

In the early 1980s, the survival of the victims' movement was in jeopardy. By 1990, that was no longer true. Victim rights and services were part of the social service and criminal justice establishments. Yet to many who lived through that period, the veterans, the major transformation of the 80s represented unsteady progress. The good news they enjoy seems always to come with worries and setbacks.

Many victim witness programmes have become so institutionalized that assistant prosecutors wouldn't know how to try a case without their staff.

But, the "routine" operations of many victim service agencies has many of the movement's veterans fearing that yesterday's advocates will become tomorrow's bureaucrats.

"Victim rights and services" have become part of the common lexicon, such that many of today's victims expect respectful and compassionate treatment as a matter of course. It is surely the case that victim services are reaching more people than before, and that more justice officials are honouring crime victims' rights.

But it is also true that each year, tens of thousands of domestic violence victims are denied temporary shelter for lack of space – to cite just one index of the insufficiency of services – and it is also true that, from the available evidence, victim rights are as often ignored as they are honoured.

The Democrat who held the Presidency in the 1990s persuaded his party to join him in endorsing a Federal constitutional amendment for victim rights – just as his Republican successor has since done – but the Congress has still not acted on that proposal.

Thanks to the influx of large fine collections, VOCA helped to significantly expand state compensation and local service programmes – but Congress imposed spending caps and earmarks on VOCA's Crime Victims Fund – a trust fund victim advocates had thought was sacrosanct. And, today, that fund remains subject to attack.

The victims' movement has matured, but there remain dangerous challenges to overcome before victims can be certain of a fair and compassionate response to their plight. For those who brought it into being, the victims' movement is required to keep moving if its ideals are to be realized.