

STATEMENT OF
JOHN W. GILLIS, Victim
SUPPORTING THE VICTIMS' RIGHTS AMENDMENT
H. J. Res. 40, the "Victims' Rights Amendment."

Before The:

**COMMITTEE ON THE JUDICIARY'S SUBCOMMITTEE ON THE CONSTITUTION
AND CIVIL JUSTICE**

Rayburn House Office Building

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Mister Chairman, and Distinguished Members of the Committee, thank you for the opportunity to address you on the very important issue of rights for crime victims. As we hear so often, becoming a crime victim is not something one aspires to achieve through training and education. Although each day many people become unintended victims of crime, each day our United States Constitution fails to specifically provide basic rights to those individuals who are victimized. The victims are young and old. They are rich and poor. They are people of all ethnicities and colors. But our Constitution treats them all the same, it completely ignores them.

In 1979, my 22 year old daughter, Louarna, was murdered by a gang member who wanted to move up in the gang hierarchy. Getting in to the upper echelon was a long tough climb for an ambitious gang member; the shortcut was to assault or kill a police officer, or a member of an officer's family. He took the shortcut and murdered my daughter. He drove her to an alley where he shot her in the back of her head, execution style, and then emptied the revolver in her back as she laid on the ground. He knew who she was because they had attended the same school, and he knew I was a police

officer. Within a few months after the murder he was in custody and a few months thereafter the trial began.

During the course of the trial, my wife and I were not allowed in the courtroom for any of the testimony. We were relegated to sitting on a bench in the hallway while the defendant's family and friends were seated in the courtroom. We had to endure the sneers and jeers each time they walked past us in the hallway. There are still jurisdictions within these United States where victims of crime wait in hallways, back rooms and outside the courthouses because they are not welcomed by our criminal justice system. Over one third of these United States have not amended their constitutions in order to provide victims in their state the right to be present at court proceedings. These states don't see the need for victims to have the right to be heard, or the right to be treated with fairness and dignity. Over one third of the states still treat crime victims as second class citizens who are not deserving of constitutional protection.

The murderer of my daughter was tried for First Degree murder and that made the death penalty an option. Eleven jurors voted for first degree and one juror voted "not guilty". As we prepared for the second trial the defendant pled guilty to second degree murder and that allowed him to avoid facing the death penalty. I was not present for the plea, nor was I present at the defendant's sentencing, nor was I allowed to make an impact statement. These events were important to me and my family and I know these events are important to the majority of America's crime victims. Every crime victim in the United States should be guaranteed the right to be present, the right to be treated with dignity and respect, and the right to be heard as basic rights under the Constitution.

My experience as a crime victim in the criminal justice system is not unique and it is experienced by tens of thousands of crime victims across America. Like most crime victims, I tell my story not for sympathy or pity; I tell my story to let others know I speak from experience when I say the system needs a fix.

Seventeen states still do not recognize victims as having a constitutional right to be present at court proceedings, or the constitutional right to be treated with fairness, respect, and dignity. The Hawaii Legislature, while passing it's constitutional amendment in February of this year, put it so eloquently when they stated victims "rights should be protected in a manner no less vigorous than those of the accused". **Arkansas, Delaware, Georgia, Iowa, Kentucky, Maine, Massachusetts, Minnesota, New Hampshire, Nevada, North Dakota, New York, Pennsylvania, Rhode Island,**

South Dakota, Vermont, and Wyoming have not taken any steps to give constitutional protection to the residents of their states. But, I am extremely optimistic that this committee will do its part to ensure that Americans who are, or become, victims of crime are protected by the U. S. Constitution in all states. I am optimistic because I have looked at your individual track records and it is clear to me that you will take a stand for those of us who have been victimized by crime.

Two days after the **September 11, 2001** terrorist attack I was confirmed by the Senate as the Director of the Office for Victims of crime and served in that capacity until January 2009. During my first days as Director, I was completely immersed in the nuances of working with the many states that had victims and next of kin from the terrorist attack. Each state had different variations in protocol for working with victims and next of kin and those variations still exist. Mass victimization events such as 9/11 and the shootings at Virginia Tech, Northern Illinois University, Delaware State University, and the Boston Marathon that involve victims from multiple states highlight the need for a U.S. Constitutional Amendment.

There are literally tens of thousands of individuals who are victimized outside their state of residence. With the expanding use of the internet, including social media, **there are no geographic boundaries**. Child sexual predators reach across state lines in search of their victims. Rapist and pedophiles use social media to reach across state lines to find their victims, and the pool for identity theft victims is nationwide. Our best hope for protecting the rights of all victims of crime is a constitutional amendment; and, I am very optimistic that the Bill will move out of this committee. My optimism is based on the fact that members of this committee have steadfastly supported rights for women, rights for children and rights for minorities. So I am optimistic that this committee will support rights for victims. This constitutional amendment would be the capstone for the individuals and groups you have fought so hard to protect. This Amendment is for the people who do not have the power, the people who do not have the funds, the people who do not have the will, and the people who do not have the wherewithal to individually fight for their rights.

President Reagan's Task Force on Victims of Crime submitted its final report in December of 1982. The Task Force stated:

The guiding principle that provides the focus for constitutional liberties is that government must be restrained from trampling the rights of the individual citizen. The victims of crime have been transformed into a group oppressively burdened by a system designed to protect them. This oppression must be redressed. To that end it is the recommendation of this Task Force that the Sixth Amendment to the Constitution of the United States be augmented...

..[W]e follow Thomas Jefferson, who said: "I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times."
