



MADD

Activism | Victim Services | Education

Mothers Against Drunk Driving
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06 - CR - 022

February 15, 2007

Dear Members of the Advisory Committee on the Federal Rules of Criminal Procedure:

MADD is writing today about the future of the Crime Victims' Rights Act (CVRA). We strongly urge you to adopt the rules proposed by Judge Cassell, as we feel that the Committee's proposed rules to incorporate the rights in the CVRA do not adequately address some rights that should be fundamental for victims. Our concerns are in three major areas.

First, we believe that victims have a fundamental right to be heard in their criminal cases. This was a right agreed upon in the CVRA and the legislative history supporting this right is clear. The need is also clear. In many cases, victims are not given a right to speak in their cases, even when this right is guaranteed to them by their state's victims' rights constitutional amendment. In federal cases, this flouting of the Congressional intent of the legislation should not be allowed; thus, we would strongly urge the Committee to address this topic, rather than trusting in future litigation to secure this right, as we have seen this fail all too often.

Second, we would like to see a rule allowing victims to exercise and enforce their right to be heard in trial court. Without the ability to petition the court, the rights contained in the CVRA are little more than words on paper; too often, we have served victims in state courts who are unable to petition for redress of improper decisions. The CVRA has a provision for review by mandamus of rights denials that we would urge the Committee to codify, lest victims not have the opportunity to seek review of rights violations.

Finally, we hope the Committee will require notification of victims when their private records are subpoenaed. Lack of notification serves no purpose and risks revictimizing someone who has already lost so much. We believe this would be consistent with the CVRA's privacy right.

We realize that the courts might find enforcement of these rights inconvenient. However, inconvenience should not be the reason the recently established rights of victims are eliminated or rendered unenforceable. We at MADD urge the Committee to evaluate the current rules with an eye toward allowing victims to participate meaningfully in the legal process. Ultimately, we think you will find that Judge Cassell, a nationally recognized authority on crime victim law, has proposed meaningful rules that accomplish that goal by fairly implementing the CVRA.. Thank you for your time and consideration in this matter.

Sincerely,

Glynn Birch
National President
Mothers Against Drunk Driving