

# A Retrospective of the 1982 President's Task Force on Victims of Crime

**A COMPONENT OF THE OFFICE FOR VICTIMS OF CRIME  
ORAL HISTORY PROJECT**

*Sponsored by:*

**Office for Victims of Crime  
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# 1982 President's Task Force on Victims of Crime

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## **The OVC Oral History Project**

The *Office for Victims of Crime Oral History Project* is cosponsored by Justice Solutions, National Association of Crime Victim Compensation Boards, National Association of VOCA Assistance Administrators, and the National Organization for Victim Assistance. Sponsored by the Office for Victims of Crime within the Office of Justice Programs, U.S. Department of Justice, this project seeks to document the rich history of the victims' rights and assistance field since its inception in 1972. The project's four goals are to:

1. Develop two special reports that highlight the historical importance of two events: 1) the 30-year anniversary of the field and 2) the 20-year anniversary of the publication of the President's Task Force on Victims of Crime *Final Report*.
2. Provide initial documentation via videotape of the past 30 years of the victims' rights and assistance movement through interviews with key contributors to the movement's overall success.
3. Develop archives housed in a university setting (videotaped and paper-based), as well as on the Web (digital tape and electronic versions of transcripts).
4. Develop a recommended format for states, U.S. territories, and the District of Columbia to develop their own individual oral history.

As part of the Oral History Project, Attorney General Edwin Meese, and seven surviving members and the Executive Director of the President's Task Force on Victims of Crime joined together in 2003 to discuss the vision and original goals of the Task Force in 1982; to describe the process by which they conducted the regional hearings and collected testimony from crime victims and other witnesses; and to reflect on the short- and long-term impact of the recommendations they issued in the *Final Report* on the field of victims' rights, the criminal and juvenile justice systems, and allied professions.

## **The Office for Victims of Crime**

The Office for Victims of Crime is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. OVC works with national, international, state, military, and tribal victim assistance and criminal justice agencies, as well as other professional organizations, to promote fundamental rights and comprehensive services for crime victims.

# 1982 President's Task Force on Victims of Crime (*continued*)

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## Introduction

***“Something insidious has happened in America: Crime has made victims of us all. Awareness of its danger affects the way we think, where we live, where we go, what we buy, how we raise our children, and the quality of our lives as we age. The specter of violent crime and the knowledge that, without warning, any person can be attacked or crippled, robbed or killed, lurks at the fringes of consciousness...”***

***“The lessons of the victims run like a thread throughout and are the foundation of all the proposals that follow. Please take the time to learn, as we have, the depth and the human aspect of this grave social problem, then join in seeking and implementing the solutions.”***

Hon. Lois Haight Herrington, Chair  
“Statement of the Chairman,” 1982  
President’s Task Force on Victims of Crime

Twenty-three years ago, the President’s Task Force on Victims of Crime was formed in response to an Executive Order by President Ronald W. Reagan to conduct a nationwide study to assess the poor treatment of crime victims in the criminal justice system. To understand the plight of crime victims, the Task Force traveled the country to interview victims about their needs, their concerns, and their experiences. They gathered testimony, collected anecdotal evidence, and spoke with experts in the nascent field of victim assistance, as well as criminal justice and allied professions. It was anticipated that the interviews with victims would form the basis upon which the Task Force would formulate their recommendations to the President and, not surprisingly, victims’ voices provided both compelling and convincing evidence that their plight was indeed grave.

The Task Force members were unanimous in their findings that the criminal justice system regularly re-victimized victims; the system was out of balance in favor of offenders; and the poor treatment of victims was more widespread than they had imagined. The publication of the President’s Task Force on Victims of Crime *Final Report* in 1982, particularly the 68 recommendations for action to the Federal Government, represents an historic milestone in the victims’ rights movement, one that many long-time victim assistance professionals believe was a significant turning point for the field.

The Task Force was comprised of a practicing attorney, a prosecutor, two directors of nonprofit victim assistance legal organizations, a police chief, a criminal psychologist, an educator, a state Attorney General, a state Supreme Court Assistant, and a clergy member, all of whom were already leaders and innovators in their fields. They brought a variety of expertise to the table, and yet they were individuals whose understanding of the issues prior to the study had been largely influenced by their contact with victims within the context of their professions. It is a true measure of the effectiveness of their endeavor that the Task Force was able to clearly assess the complex issues facing crime victims in 1982, and that the *Final Report* provided—and continues to provide—a viable and contemporary framework for the development of policy, programs, and protocols to define and protect victims’ rights in the 21st century.

The impact of the testimony of crime victims/survivors was eloquently expressed by Task Force member Doris Dolan: “You hear about crime on TV or read it in the newspaper, but the only way you really find out is to have the people who have suffered as victims come and testify in person, and from that you get the real feeling of the horrible suffering that they went through and what we have to do to try to balance the system.” Criminal psychologist Stanton Samenow concurs that “there is nothing like hearing from a victim himself or herself to truly hear the layers and layers of harm—the multi-challenges, the multi-layers, the multi-dimensions of this made us embrace more and more the fields and areas we thought were deficient.”

Executive Director Terry Russell emphasized the need in 1982 to “come up with recommendations that ‘could help make the victim as whole as possible’...and then to help prevent secondary victimization by the system.”

Task Force members were unanimous in their praise for the leadership and vision of Lois Haight Herrington. As Reverend Pat Robertson explained:

“Lois’s leadership was exemplary. I think she pulled together and the staff pulled together some diverse elements that I think were truly commendable.”

Executive Director Russell concurs: “I do have to say that Lois was so key...Lois worked really full-time and

# 1982 President’s Task Force on Victims of Crime *(continued)*

worked directly with the staff, and she was extremely instrumental in all this.” Dr. Samenow notes that, “All I can say is that Lois led the Task Force into a frontier where there were so many wide-ranging specific recommendations because of the neglect of victims at all levels...that there was almost *no* end to the number of areas that cried for recommendations.”

## **The Mission of the President’s Task Force on Victims of Crime**

The need for an indepth look at crime victims’ experience was first identified in the findings of an earlier study under the Reagan Administration conducted by the Violent Crime Task Force. U.S. Attorney General Edwin Meese, the Chairman of the initiative, explains that during the process of studying violent crime, it became clear that many victims were treated badly by the criminal justice system. To address this problem, they recommended a follow-up study to focus specifically on crime victims’ needs, concerns, and rights. According to Judge Haight, “The mission and goal as created by Ed Meese were to find out how victims are being treated, and what we can do to *improve their treatment.*”

On April 23, 1982, President Reagan issued Executive Order 12360 that: (1) called for a Task Force on Victims of Crime that would conduct a review of national, state, and local policies and programs affecting victims of crime; (2) requested the Task Force to work with the Cabinet Council on Legal Policy; and (3) requested the Task Force to advise the President and the Attorney General with respect to actions, which can be undertaken to improve efforts to assist and protect victims of crime.<sup>1</sup>

Meese notes that President Reagan ordered a Task Force on Victims of Crime to determine what the Federal Government could do to improve their treatment, considering the fact that crime is generally dealt with at the state and local level. What might be done at

***“There is nothing like hearing from a victim himself or herself to truly hear the layers and layers of harm...”***

- Dr. Stanton Samenow

the federal level? What kind of information could be collected and published that would inform state and local criminal justice systems?

Kenneth Eikenberry, the Attorney General of Washington at the time, remembers that the Task Force started the investigation with the

presumption that “the system wasn’t operating fairly. Our mission was to take available data and identify the defects, and then make particular recommendations for correcting them.” He believed from the outset, however, that dramatic changes in the system were required if victims were to receive fair treatment. “My personal motivation was that we needed to upgrade the legal status of victims and rebalance the whole system so that there was a similar focus for victims as was already granted to defendants,” he explains.

Dr. Samenow notes that he came to the Task Force “really knowing very little about the victim or the psychology of the victim...certainly the Task Force hearings showed how off balance the scales of justice (were)...it just struck me over and over and over again.”

## **The Process**

Task Force Executive Director Russell describes the Task Force Study on Victims of Crime as a two-step process. “First, we had to find out what was happening. But then we had to build on that to come up with key recommendations that could help make the victim as whole as possible and prevent secondary victimization by the system,” he explains.

The Task Force members met several times in the spring of 1982 to plan how they would establish a process to effectively collect the information they needed to learn about crime victims’ experiences. They identified cities in which they would hold hearings and assigned a staff member to make connections with local authorities and key people in each location. Staff members were sent out to interview potential witnesses. “As you can imagine,” says Russell, describing the planning stage of

***“The mission and goal as created by Ed Meese were to find out how victims are being treated, and what we can do to improve their treatment.”***

- Chair Lois Haight Herrington

1 Executive Order 12360—*President’s Task Force on Victims of Crime*. April 23, 1982. Office of the Federal Register. Washington, D.C.

## 1982 President’s Task Force on Victims of Crime (*continued*)

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the initiative, “there were hundreds of witnesses and a large part of what we did at the staff level was to first divide this broad area into specific ‘issue areas.’ What are the key issues that we would look at and who would be the best witnesses to help elucidate these areas?” When they realized that they required feedback from “issue areas” in criminal justice and allied professions, such as the ministry, healthcare, and mental health, the Task Force expanded the scope of the interviews to include them.

### The Initial Findings

Once all the interviewees were identified, the Task Force conducted six regional hearings, heard from 187 witnesses, collected the information, and summarized it. The stark reality of secondary victimization shocked every member of the Task Force: the ways that victims were badly treated by the system, their lack of rights, the system’s poor understanding of the impact of crime, and the absence of victim services. As Dr. Robertson remembers, “It came through so clearly that the system actually *victimized* the victim—all the way up and down the line from the earlier impact of the crime, to the sentencing, to parole, victims were not considered appropriate wards of the system.”

The President’s Task Force on Victims of Crime analyzed the plight of victims through the lens of their individual professions and what they found in each of their areas was disturbing. When then-Clark County, Nevada District Attorney Robert Miller (and later Nevada Governor) joined the Task Force, he was already aware of a number of cases that were being lost due to victim and witness reticence to participate in investigations and trials. Once the Task Force testimonies emerged, he recognized that the extent of the poor treatment of crime victims in the system was far greater. “There was complete disenfranchisement. We were treating victims somewhat like inanimate objects to be present, to say their piece, and to then be removed from the process,” he explains.

Attorney General Eikenberry recalls being struck by the lingering effects of crime, “How these traumatic events create a ‘fight or flee’ attitude on the part of victims that will perplex them for the rest of their lives...I had

been an investigator, a deputy prosecuting attorney, an attorney general in Washington State, and yet, after working with all of these victims, I really had not comprehended what happens to them, what they go through, and how their lives change forever in so many instances.”

Dr. Samenow had worked primarily with offenders when he was asked to join the Task Force. He was knowledgeable about the rights and services the law accorded to criminal defendants, yet he knew little about crime victims’ issues. Samenow became deeply concerned by the lack of rights for crime victims, noting, “The out-of-balance of the scales of justice struck me over and over again.” Moreover, as a psychologist, he recognized that professionals in the mental health field lacked the training they needed about the trauma of victimization to effectively assist crime victims.

Mental health professionals who worked in the criminal justice system were also interviewed for the Task Force hearings. Russell describes them as a group focused on how to help criminals who appeared to fall back on general therapeutic practices when they counseled victims. Rather than helping victims deal with their victimization and their trauma, counselors tended to question them about their childhoods and their relationships with their parents. They did not appear to realize that they were ignoring the victim’s experience of the crime.

As Chairman Haight recalls:

“One of the issues that struck me the most was the mental health aspect of it because the criminal got the psychiatrist or the psychologist, but most of the time the victims never did. Then, when they got them, the psychologists were asking, ‘How did your mother treat you?’ Not, ‘what has been the impact of the crime on your life?’ It was an incredible revelation as well that in the hospitals, ministries, and schools, they were blaming and mistreating victims.”

Deeply moving testimonies from crime victims are engrained in the memories of Task Force members: Betty Jane Spencer, a mother left for dead after watching assailants murder her four sons; a horn player

***“It came through so clearly that the system actually victimized the victim...”***

- Dr. Pat Robertson

## 1982 President’s Task Force on Victims of Crime (*continued*)

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stabbed in the throat for \$2; a rape victim forced to sit beside her rapist on a bench outside the courtroom; and an immigrant couple’s life ruined by a home robbery that left them disabled for life, among others. “The stories told indicated that in many ways the costs never ended and I don’t mean *just* the dollar costs,” explains Samenow. “There is nothing like hearing from a victim about the layers and layers of harm...there was almost *no end* to the number of areas which cried for recommendations.”

The multiple aspects of re-victimization prompted the Task Force to expand the scope of the study and identify other areas that they saw as deficient in terms of treatment of or services to crime victims. Attorney General Meese sums it up when he describes how “the problems of victims were more widespread than had originally been anticipated. It applied to the recommendations, ultimately, not only to police, prosecutors, judiciary, parole boards, and those directly involved in the system, but there were a lot of recommendations for other organizations like hospitals, the ministry, the legal profession, schools, the mental health community.” It had become much broader at the conclusion of the study than many people had thought at the start.

### **Sixty-Eight Recommendations**

The Task Force investigation—a full time job for nearly a year for some members and staff—sought to develop a mandate that could make a difference for victims. “We used a litmus test,” recalls Russell. “Will this recommendation create change for the benefit of the victim? How they are treated, how they recover and so forth? Each recommendation that we used in the different issue areas and the different sectors of society had to meet that test.”

The Task Force Report included 68 recommendations in five areas:

1. Proposed executive and legislative action at the federal and state levels.
2. Proposed federal action.

3. Proposed action for criminal justice system agencies (including police, prosecutors, the judiciary, and parole boards).
4. Proposed action for other organizations (including hospitals, the ministry, the Bar, schools, the mental health community, and the private sector).
5. A proposed amendment to the Federal Constitution.

**What has been the ultimate result?** With the exception of the federal constitutional amendment, most of the recommendations have resulted in significant changes in policy, programs, and practices at the federal, state, and local levels. The most notable results of the President’s Task Force on Victims of Crime are:

1. The establishment in 1983 of the Office for Victims of Crime within the U.S. Department of Justice.
2. The passage of the *Victims of Crime Act of 1984* (VOCA) that funds victim services through fines and fees levied against federal criminal offenders.
3. The creation of VOCA Assistance Administrators and Victim Compensation Programs in all 50 states, the District of Columbia, and all U.S. territories.
4. The establishment of crime victim services in law enforcement, prosecution, courts, community corrections and institutional corrections agencies, and the juvenile justice system, as well as through thousands of community-based programs, from just 2,000 in 1984 to more than 6,000 today.
5. An important recognition of the concerns, needs, and interests of crime victims that have provided the foundation for the victim assistance field today.

In general, the Task Force members and staff were impressed by how well the *Final Report* was received. Unlike many of the products generated by special task forces that end up on government shelves, the *Final Report* continues to be a “living document.” Yet, all agree that we are still a long way from the full and complete implementation of all the recommendations. In fact, Dr. Robertson suggests that the President’s Task Force Final Report be re-released with some new recommendations to refresh the memories of the older professionals, and to educate newer professionals and volunteers entering the fields of criminal justice and victim assistance.

# 1982 President’s Task Force on Victims of Crime (*continued*)

## The 68th Recommendation: The Federal Constitutional Amendment

The discussions in 1982 among Task Force Members about the necessity for a victims’ rights amendment to the U.S. Constitution had produced a variety of opinions. Judge Haight remembers being against the amendment initially because she believed that state and local governments should have the opportunity to put the *Final Report* recommendations into action. On the other hand,

Robertson found the Task Force’s advocacy for a constitutional amendment to be a bold statement that “crystallized” his thinking about the importance of the issues—that victims should have their concerns addressed as a constitutional right. Eikenberry looked for feedback from the field. He asked the lawyers, judges, and professors who had testified before the Task Force what they thought about the “potential effectiveness of a Federal amendment to guarantee victims’ rights,” and learned that *everyone* he consulted with agreed that a constitutional amendment would be a positive affirmation of the importance of the other recommendations.

Today, Judge Haight is an avid supporter of a federal constitutional amendment guaranteeing victims’ rights because she does not believe that states and local governments have totally respected or enacted many of the recommendations. As she describes it, “Continuances are granted and victims are *not* informed. Cases go forward and victims have no input into sentencing. Many judges are not sensitive to victim issues, and law schools do not teach victims’ rights. Nor do doctors, nurses or members of the other allied professions learn about victims’ needs during the education phases of their careers.”

There was a general consensus among most Task Force members 23 years ago that a constitutional amendment was necessary “to give teeth” to the 67 other recommendations included in the *Final Report*,

and that remains true today. A federal victims’ rights constitutional amendment was first introduced to

Congress in 1991 and has been reintroduced several times since then. Thirty-two states have passed their own constitutional amendments. The Task Force members participating in the discussion were asked their opinions about what it will take to get the federal amendment passed. They have a variety of suggestions about actualizing the 68th recommendation.

**“...The thing that really crystallized my thinking and somewhat shocked me was a bold statement the Committee advocated – for a Constitutional Amendment, which I thought was the ultimate.”**

- Dr. Pat Robertson

## Organization and Perseverance

Since 1991, the original language in the *Final Report* for a proposed amendment to the U.S. Constitution on victims’ rights has changed several times, expanding and contracting in length in the process of its evolution. Several Task Force members suggest keeping the language of the proposed amendment short and simple. They are also partial to their original statement.

Challenges to the passage of the federal amendment continue to be strong 23 years after the initial proposal. Attorney General Meese does not believe there has been a sufficiently “unified effort” to bring it the attention of the general public so that they will put pressure on Congress. Miller agrees, noting that despite the work of victim assistance organizations, “It’s never

going to happen unless there is a strong group lobbying it on a full-time basis at least through one Congress and with one Administration. Then it has the potential of succeeding.”

Returning to one of the most powerful themes of the *Final Report*, Terry Russell reminds us of the power of the victim’s voice: “Things don’t really happen in the system unless you personalize it, and demonstrate how much difference it makes in the lives of victims.”

**“The victim in every criminal prosecution shall have the right to be present and to be heard at all critical stages of judicial proceedings.”**

- Task Force *Final Report*,  
December 1982, p. 114



# 1982 President's Task Force on Victims of Crime (*continued*)

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## Advice to the Field in 2003

Twenty-three years after the President's Task Force on Victims of Crime, many of its members have remained actively engaged in efforts to achieve a balanced criminal justice system that treats crime victims fairly and with sensitivity. When asked what they think is the most important advice that they have to offer to victim service providers today, the Task Force members had several suggestions.

Attorney General Meese believes in the importance of training programs: "One has to continue to pass on the information. That is necessary but secondly, show people who are involved in victim services that there are individuals like them all over the country who are enthusiastic, innovative and creative. I would say that this is one of the most important things that could happen to perpetuate and add to the progress of the movement."

Governor Miller offers advice both to victim service providers and crime victims. He stresses the importance of putting oneself in the position of the person who has been victimized: "If you were them, what would you *want* and what would you *expect*?" For crime victims, he emphasizes the importance of assertiveness. "They [victims] are not expected to know all of their rights, but they should go in with an attitude that they have some and that they are going to exercise them by asking questions and desiring to participate," Miller explains.

***"Things don't really happen in the system unless you personalize it, and demonstrate how much difference it makes in the lives of victims."***

- Executive Director Terry Russell

In a similar vein, Eikenberry believes that if a person is to be an effective advocate in this field, he or she must do everything possible to walk in the shoes of the victim. He quotes compelling witness testimony cited in the *Final Report*:

"It is hard not to turn away from victims. Their pain is discomforting. Their anger is sometimes embarrassing. Their mutilations are upsetting. Victims are vital reminders of our own vulnerability."

Eikenberry reminds us that we think it should be easy to "sell" the problems that victims have. "[But] we actually all think that if we have the right stuff, then we wouldn't be in those circumstances. It is essential to get over that point in selling anything from a constitutional amendment to a local service," he says.

According to Dr. Robertson, empathy and compassion are of enormous value in serving crime victims. "We need to remember that these people are not statistics. Empathize with their hurt, their financial plight, the effect [of crime] on their families, on their health and their surroundings. Otherwise we get cold, we get professional and again we treat them like ciphers," he says.

Finally Judge Haight, a Superior Court Judge in California who meets new crime victims on a daily basis, has this to say to victim service providers:

"Be vigilant, victim service providers. Be very vigilant in what is going on in your county. Watch your courts. Sit in your courts. Talk to your District Attorneys. Talk to law enforcement. Find out what is going on because so many people change. Things go on, new people come on board that have no idea. Be very vigilant and keep fighting because it's not over."

***"If you were them, what would you want and what would you expect?"***

- Governor Robert Miller

# 1982 President's Task Force on Victims of Crime (*continued*)

## TESTIMONY FROM CRIME VICTIMS AND SURVIVORS

***"I think what made this Report one of the most compelling that I have read of its nature was including the statements of the various victims along-side the recommendations."***

- Attorney General Edwin Meese III

"To blame victims for crime is like analyzing the cause of World War II and asking, 'What was Pearl Harbor doing in the Pacific, anyway?'"

"I will never forget being raped, kidnapped, and robbed at gunpoint. However, my sense of disillusionment of the judicial system is many times more painful. I could not encourage anyone to participate in this hellish process."

"Why didn't anyone consult me? I was the one who was kidnapped, not the State of Virginia."

"What others see as an inconvenience is for the victim an endless nightmare."

"Balancing competing interests and equities in deciding a sentence can require a Solomon-like wisdom—and even Solomon heard from both sides."

## President Ronald W. Reagan's 1982 Task Force on Victims of Crime\*

***"They were intelligent, intuitive and brought the resources of their backgrounds to the Task Force..."***

- Task Force Chair Lois Haight Herrington

U.S. Attorney General Edwin Meese III \*\*  
(provided oversight to the Task Force)

Lois Haight Herrington, Esq., Chair \*\*  
Practicing Attorney

Garfield Bobo (*deceased*)  
Court Assistant, Supreme Court of New York

Frank Carrington, Esq. (*deceased*)  
Executive Director, Victims' Assistance Legal Organization

James Damos  
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Doris L. Dolan \*\*  
Founder and President, Laws at Work, California

Kenneth O. Eikenberry, Esq. \*\*  
Attorney General, State of Washington

Robert J. Miller, Esq. \*\*  
District Attorney, Clark County, Nevada

Dr. Marion G. (Pat) Robertson \*\*  
President, Christian Broadcasting Network,  
Virginia Beach, Virginia

Dr. Stanton E. Samenow \*\*  
President, Center for Responsible Living,  
Alexandria, Virginia

Terry Russell \*\*  
Assistant U.S. Attorney, District of Columbia  
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\*Current positions in 1982.

\*\* Participated in the May 12, 2003, interview.

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