



[Home](#)

Congress Asked to Cut VOCA Fund to \$0.00

NOVA Joins Campaign to Save VOCA's Crime Victims Fund

The Bush Administration's proposed budget for the 2006 fiscal year includes a "rescission" of \$1.267 billion from the Crime Victims Fund, the special account created by the Victims of Crime Act of 1984 (VOCA). If adopted, the plan would bring VOCA's grant program to a close at the end of that fiscal year, dropping from \$650 million in compensation and victims assistance support to zero on October 1, 2007.

For a time, the proposal surprised and confused NOVA staff and colleagues in related organizations – it came in a cryptic financial chart with no explanation as to its meaning or purpose. But within weeks, virtually every national organization representing the interests of crime victims had joined together to file a protest against the proposal – a campaign that is enlarging in numbers of groups and intensity as this is being written.

The entire proposal was contained in a single entry below the totals of a chart listing proposing discretionary spending figures for the Department of Justice, an entry reading, "Less Crime Victims' Fund Rescission ... - 1.267" [billion dollars].

Finally, unable to learn the reasoning of the Federal authorities, Steve Derene, Executive Director of the National Association of VOCA Assistance Administrators, deciphered the way the rescission figure was calculated. The budget-writers estimated what would be in the Fund at year's end – an estimate of the fine revenue that would come in during Fiscal Year 2006 (\$616 million), plus the amount of unobligated money in the Fund (\$1,301 billion), money, that is, which are fine collections in excess of what Congress has allowed to be spent each year under its caps. From the sum of these two figures, the expected new deposits and the old ones (the so-called "fund balance"), the budget planners deducted the VOCA grants of fiscal 2006 – calculated at \$650 million – which bring the net total to \$1.267 billion.

Thus, if the proposal becomes law, come the end of fiscal year 2006, all the resources that make the VOCA program operate will have vanished. That is not a cutback in the VOCA program – it equates to its elimination at least for an entire year.

Would the same budgeteers try to continue that strategy for fiscal year 2007 and beyond? They haven't said, but in the view of many VOCA supporters, it is reasonable to fear that if Congress succeeds in turning criminal fines into general revenues this year, it will become increasingly tempting and easy to do so in years that follow.

Jeannette Adkins, NOVA's Executive Director, expressed the outrage felt by her colleagues when she described the proposal as a "betrayal of Ronald Reagan's greatest contribution to the victims' movement in the U.S. – a stroke of inspired creativity that is a much-envied monument to America's commitment to victim justice, a commitment that has drawn warm, unanimous support from all of the Presidents who succeeded him, and every Member of Congress who has had the privilege of voting for VOCA."

Bipartisan Protests Mount

One of the first formal protests to the proposal came from the "loyal opposition," as the minority party in Congress is dubbed. It was in the form of a "Sense of the Senate" resolution offered on March 17 as an amendment to the Budget Resolution, then under debate on the Senate Floor. The final paragraph read, "It is the sense of the Senate that the funding levels in this [budget] resolution assume that all amounts that have been and will be deposited into the Crime Victims Fund, including amounts deposited in fiscal year 2006 and thereafter, shall remain in the Fund for use as authorized under the Victims of Crime Act of 1984."

The resolution was adopted by voice vote, which encouraged victim advocates. They had to note, however, that there were three drawbacks to their opening victory.

First, it was more a moral victory than a legislative one. A "Sense of the Senate" resolution binds no one to its mandate.

Second, when such a resolution is adopted by voice vote, no one, other than the sponsors, is on record as endorsing its conclusion.

And third, it was proposed by Senator Patrick Leahy, the leader of the Democratic minority on the Senate

- NOVA Home
- About NOVA
- Annual Conference Information
- Help For Victims & For Friends of Victims
- Crisis Response Team (CRT) Info
- Crime Victim & Witness Rights
- CRT Training Info
- Publications & Readings Online
- National Advocate Credentialing Program
- Support NOVA by Making a Donation
- Contact Info

Judiciary Committee plus seven other Senators, all Democrats.

Sen. Leahy's party label was not per se a negative flag to Republicans. He is an acknowledged expert on the intricacies of VOCA in Congress, and so, for example, he successfully pushed to have VOCA's charter insist that any revenue coming into the Fund in excess of any Congressional cap would remain in the Fund to be used in the future exclusively for VOCA's program – an amendment supported by the Republican majority in Congress. He was also the cosponsor, along with Senators Jon Kyl (R-AZ) and Dianne Feinstein (D-CA) of the far-reaching Crime Victims Rights Act of 2004.

For all of Sen. Leahy's bona fides as a nonpartisan champion of victim issues, it was still troublesome that he had not attracted any Republican cosponsors. For, ultimately, defeating the rescission proposal would require substantial opposition to the plan from members of President Bush's Republican colleagues. While the victim advocates knew there were some Republican dissenters from the Administration's position – Sen. Kyl prominently among them – the consensus is that the Administration can generally anticipate Republican support in the many tough spending issues now on the table.

As if to underscore that point, VOCA's champions in both Houses made overtures to the two key Appropriations subcommittees where the rescission issue would be decided. While neither subcommittee has scheduled action on the Justice Department's budget, it appears that the process has the staff of both subcommittees proceeding on the presumption that the Administration's rescission request, like most of its proposals for the Justice Department, would receive favorable consideration.

Still, the victims' lobby was enheartened by one unrelated development: earlier in the session Congressman Ted Poe, a freshman Republican from Houston, had joined with Representatives Jim Costa (D-CA) and Katherine Harris (R-FL) to initiate the first-ever U.S. Congressional Victim's Rights Caucus. When the rescission issue arose, it galvanized their sense of mission, with opposition to the proposal being their rallying point. As of April 18, when the caucus founders held a press briefing on the VOCA funding crisis, they had drawn two more members to their ranks, Steve Chabot (R-OH) and Shirley Jackson-Lee (D-TX). While the numbers were not large, the fact that the membership fairly represented the split between the parties in the House was encouraging to the VOCA supporters.

More encouraging still, 90 members had put their names on a joint protest letter the Caucus organizers circulated. That represented good progress on two fronts: more than a fifth of the House membership publicly renounced the plan, and of those, just over a third were Republicans.

Mr. Poe has taken the lead on this issue. For years a prominent trial judge in Texas, he had long been associated with the victim's interest in criminal trials. He was, for example, a major speaker at NOVA's 1997 annual conference in Houston. In homage to his record on the bench, the staff member he has assigned to the VOCA fight, signs his emails, "Trey Hicks, Rep. Judge Ted Poe" – and many victim advocates still call him judge.

During Congress's Easter Recess, Judge Poe invited Congressional staff members to attend a briefing on the VOCA issue. Sponsored by NOVA and other victim rights organization, it drew nearly 50 staff members who heard NOVA Vice President Michael Lynch and two others describe the human dimension of VOCA-supported victim services, while Board member Steve Derene gave a PowerPoint presentation on the mechanics of the VOCA program and the way in which the rescission would play out.

Mr. Derene, Executive Director of the National Association of VOCA Assistance Administrators, has made his Website the informal "bulletin board" where all the coalition activities are reported. Its Web address is www.navaa.org; NOVA members wanting an update on this issue, or who want to join the campaign to stop the rescission plan, can get full and timely information there.

The bipartisan advances that the Victims' Rights Caucus was making in the House during April was finding resonance in the Senate. A [date] protest letter initiated by Senators Leahy and Michael Crapo (R-ID) still had considerable Democratic support (ten in all), but Senator Crapo brought in three fellow Republicans – Senators Kyl (number three in his party's leadership ranks), John Cornyn (who oversaw VOCA programs when he was the Texas Attorney General) and Pennsylvania's Arlen Specter, the new Chairman of the Judiciary Committee.

In addition to Senator Leahy, the other Democrats signers were Jeff Bingaman (NM), Dick Durbin (IL), Edward Kennedy (MA), John Kerry (MA), Carl Levin (MI), Joseph Lieberman (CT), Mark Pryor (AR), and Debbie Stabenow (MI). Additional Democrats who had earlier joined in the Sense of the Senate protest included Joseph Biden (DE), Russ Feingold (WI), and Barack Obama (IL). Opposition Outside of Congress

Major victim rights organizations have banded together in opposition to the Administration's recommendation. In fact, the following groups represent the full spectrum of victim issues in the U.S., coalesced as never before on a public policy issue:

- Justice Solutions, Inc.
- Mothers Against Drunk Driving
- National Alliance to End Sexual Violence
- National Association of Crime Victim Compensation Boards

National Association of VOCA Assistance Administrators
National Center for Victims of Crime
National Children's Alliance
National Coalition Against Domestic Violence
National Network to End Domestic Violence
National Organization for Victim Assistance
National Organization of Parents of Murdered Children
Pennsylvania Coalition Against Rape
Security on Campus

The array of criminal justice and allied professional associations speaking out against the plan is equally unprecedented in the victims' rights arena. Note that two of the largest groups traditionally allied with victim assistance causes – the International Association of Chiefs of Police and the National District Attorneys Association – had Board meetings scheduled after this went to press. Both had anti-rescission resolutions on their agendas.

American Correctional Association
American Probation and Parole Association
Association of State Correctional Administrators
Balanced and Restorative Justice Project
International Association of Reentry
National Grange
National Sheriffs' Association
The National Judicial College

A NOVA Perspective

"We are encouraged by the work of our members to save the Crime Victims Fund," said John Stein, NOVA's Director of Public Affairs. "The stakes are very high. This may someday be recalled as the victims' movement finest hour – unless is remembered as our worst defeat."

Stein continued, "We have to appreciate that VOCA is one of many spending programs that are under threat of reduction or elimination because the President and Congress are both intent on reducing the federal deficit. The groundswell to make overall spending cuts is growing ever stronger, and is supported by leaders of both parties. Significant cuts in the overall budget will happen.

"So we face difficult odds in persuading Congress that the Crime Victims Fund deserves the characterization given to it by Judge Lois Haight – that this expenditure is different – that it is a sacrosanct trust between government and its criminally-victimized citizens – one paid for exclusively by its criminal victimizers."

Executive Director Jeannette Adkins added, "This is not shaping up as a partisan struggle. Of course there will be some Administration loyalists and other self-described deficit hawks among Democrats who will be initially inclined to support the proposed rescission. But our supporters also come from across the political spectrum. This means that every vote counts – and puts a duty on all of us who proudly call ourselves victim advocates to take our case to every single member of the U.S. House and Senate, regardless of party, region, or ideology. I trust we will do so with the passion and dignity that has long been our greatest strength."

She concluded, "When he was NOVA's Board president in the late 1980s, Dan Rosenblatt observed that our movement 'is an unusual coalition of hard-nosed liberals and bleeding heart conservatives.' We have always taken pride in that philosophical breadth among our supporters. Now we are being tested on the strength of their support. For all those whom we serve, we must meet that test."

[▶ back to top](#)