

STATE MEASURES

Victims' rights on ballot

■ Measure 69 would clearly define and grant seven constitutional rights to victims who suffer due to crime

Brian Goodell
Oregon Daily Emerald

Measure 69 is an amendment that would grant seven constitutional rights to crime victims.

Under current Oregon law, a "victim" is defined as a person who has suffered financial, social, psychological or physical harm as a result of a crime. In any difference of opinion, the state judicial system determines who the victim is according to how the law was written.

Under Measure 69, the "victim" is defined as any person determined by the prosecuting attorney to have suffered direct financial, psychological or physical harm as a result of a crime.

Proponents of the measure see it as a means to legitimize victims' rights by adding them to the Oregon Constitution. Opponents of Measure 69 see it as an attempt to increase the legal powers of criminal prosecutors.

"This measure preserves and protects the right of crime victims to justice," Rep. Kevin Mannix said in the November Special Election Voters' Pamphlet.

"It accords crime victims due dignity and respect, and ensures that criminal and juvenile court delinquency proceedings are conducted to seek the truth."

As it stands now, victims' rights are outlined in the statutes, but are not specifically discussed in the Oregon Constitution.

"It's important to constitutionalize victims' rights," Lane County District Attorney Doug Harcelroad said. "It puts them [victims' rights] right up there with the rights of the defendant."

Rep. Floyd Prozanski, D-Eugene, a

Measure 69

Measure 69 Adds Victims' Rights to the Oregon Constitution

Pro: Gives victims constitutional rights in criminal proceedings.

Con: Increases the legal powers of criminal prosecutors.

member of the legislative committee that framed the text of Measure 69, has since withdrawn his support of the measure.

"I made a mistake in supporting this," Prozanski said. "Victims are going to lose rights if this measure passes."

Prozanski said Measure 69 would limit the right of next of kin to be considered the victim in a homicide case.

David Fidanque, executive director for the Oregon Chapter of the American Civil Liberties Union, also opposes Measure 69.

"This is really about giving prosecutors more power," Fidanque said. "It's not about protecting crime victims."

Both Fidanque and Prozanski agree that, without the section that entitles prosecuting attorneys to interpretation of the word "victim," Measure 69 is a good law.

But they said that they consider it a waste of time for voters to add victims rights to the Oregon Constitution when victims' rights laws are already in place.

"In and of itself, we don't disagree with the need for victims' rights," Fidanque said.

"But there's no need to put it in the Constitution when there are already laws in place that provide for victims' rights."

Mannix said, however, the rights of crime victims that have been placed in some statutes are not as strong as the ones in Measure 69.

Measure to void unanimous verdict rule in murder cases

■ Measure 72 would make jury verdicts of 11-1 sufficient to convict suspects of murder

By Darren Freeman
Oregon Daily Emerald

One measure in the November Special Election could nullify the Oregon requirement of a unanimous jury decision for a murder conviction.

Measure 72 proposes amending the Oregon Constitution to allow a person to be convicted of murder by an 11-1 jury verdict. The bill doesn't contest the current requirement of a unanimous jury verdict of guilty for aggravated murder, a crime punishable with the death penalty or life imprisonment without the possibility of release.

Supporters of the measure say it would reduce the possibility of a single, irresponsible juror impeding justice, while the measure's opponent worry that innocent people will serve time unnecessarily.

Clatsop County District Attorney Joshua Marquis said he "strongly supports" Measure 72 calling it a logical extension of Oregon's use of non-unanimous decisions. Oregon law allows a 10-2 jury verdict for conviction of any crime except murder and allows acquittal when only two jurors submit guilty verdicts.

Marquis said that the bill would eliminate the possibility of justice being impeded by a "rogue" juror who fails to follow judges' orders or allows prejudices to affect judgment. Marquis said that in his 15 years serving as a prosecuting attorney, three defendants received less serious convictions and more lenient sentences because a single juror refused to enter a guilty verdict for improper reasons, such as bigotry or sympathy.

Like most opposers of the bill, David Fidanque, Executive Director of the American Civil Liberties Union of Oregon, feels 11-1 jury verdicts "would greatly increase the likelihood of an innocent person being convicted."

Measure 72

Measure 72 proposes to amend the Oregon Constitution to allow persons to be convicted of murder by an 11-1 jury verdict.

Pro: Would reduce the possibility of a "rogue" juror impeding justice by ignoring a judge's orders or allowing prejudices to affect judgment.

Con: Could increase the possibility of innocent citizens serving time for crimes they didn't commit.

Even with unanimous jury decisions, innocent defendants are sent to jail, Fidanque said. He cited the convictions of Springfield residents Eric Proctor and Chris Boots who were released from prison in 1994 after serving eight years for a murder they didn't commit.

"Prosecutors would not have as strong a burden to prove guilt beyond a reasonable doubt if they have to convince only 11 jurors and not 12," State Representative Floyd Prozanski said. Prozanski opposes Measure 72.

"When the government takes away someone's liberty, there should be a very high burden to prove the case," Fidanque said. "It shouldn't be easy for the state to take away someone's liberty."

But Marquis said that Measure 71 wouldn't increase the possibility of wrongful convictions because a single juror very rarely changes the minds of the other 11 jurors. Nor is an 11 member jury more likely than a 12 member jury to make a wrongful conviction, Marquis said.

"If you can wrongly convince 11 people, you can wrongly convince 12 people," Marquis said.

Fidanque said unanimous jury verdicts in murder trials "are a fundamental bedrock guarantee of our bill of rights."



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