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Is the American criminal justice system out of control?

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Conservatives and liberals have finally found an issue where they agree: The over criminalization of the American justice system.

Both sides say the system is out of control, going after too many people for too many trivial matters.

It's a blatant example of a government out of control and too consumed with chasing people for minor crimes.

Even the law-and-order fanatics from the Reagan administration say the abuses must be curbed.

The issue has created strange bedfellows who normally line up against each other and both sides say the fight is worth the coalition it has created.



Reports Adam Litak [1] of The New York Times:

In the next several months, the Supreme Court will decide at least a half-dozen cases about the rights of people accused of crimes involving drugs, sex and corruption. Civil liberties groups and associations of defense lawyers have lined up on the side of the accused.

But so have conservative, libertarian and business groups. Their briefs and public statements are signs of an emerging consensus on the right that the criminal justice system is an aspect of big government that must be contained.

The development represents a sharp break with tough-on-crime policies associated with the Republican Party since the Nixon administration.

"It's a remarkable phenomenon," said Norman L. Reimer, executive director of the National Association of Criminal Defense Lawyers. "The left and the right have bent to the point where they are now in agreement on many issues. In the area of criminal justice, the whole idea of less government, less intrusion, less regulation has taken hold."

Edwin Meese III, who was known as a fervent supporter of law and order as attorney general in the Reagan administration, now spends much of his time criticizing what he calls the astounding number and vagueness of federal criminal laws.

Mr. Meese once referred to the American Civil Liberties Union as part of the "criminals' lobby." These days, he said, "in terms of working with the A.C.L.U., if they want to join us, we're happy to have them."

Dick Thornburgh, who succeeded Mr. Meese as attorney general under President Ronald Reagan and stayed on under President George Bush, echoed that sentiment in Congressional testimony in July.

"The problem of over criminalization is truly one of those issues upon which a wide variety of constituencies can agree," Mr. Thornburgh said. "Witness the broad and strong support from such varied groups as the Heritage Foundation, the Washington Legal Foundation, the National Association of Criminal Defense Lawyers, the A.B.A., the Cato Institute, the Federalist Society and the A.C.L.U."

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[1] <http://www.nytimes.com/2009/11/24/us/24crime.html>