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Coalition Works to Halt Over-Criminalization of the Law

Monday, April 5, 2010

By Abusegate Bob

Have you ever been accused of domestic violence because you allegedly caused your partner to feel “fearful”? Even though there is no defense to such ludicrous accusations, most states include being “fearful” or “afraid” in their statutory definitions of DV.

Now, a coalition of civil rights and legal organizations to working to roll back such legal abuses:

NACDL NewsRelease

Diverse Coalition Secures House of Representatives Attention on the Issue of Over-Criminalization

Washington, DC (July 22, 2009) – NACDL played a key role in a diverse coalition of organizations that worked together to bring about today’s hearing on “Over-criminalization of Conduct and Over-Federalization of Criminal Law” before the U.S. House of Representatives Crime, Terrorism, and Homeland Security Subcommittee (Chairman Scott, D-Va.). The coalition includes the American Bar Association, American Civil Liberties Union, Cato Institute, Constitution Project, Federalist Society, Heritage Foundation, National Association of Criminal Defense Lawyers, and Washington Legal Foundation.

Among the witnesses scheduled to testify are two victim witnesses. Krister Evertson is an entrepreneur and inventor who was convicted under the Resource Conservation and Recovery Act (RCRA) of illegally transporting and disposing of potentially hazardous fuel-cell materials. All he actually did was move the material just one-half mile from his home in sealed steel drums to storage for future use. Prior to this charge, Evertson had been acquitted

two years after his arrest for failing to add the correct sticker to his otherwise properly shipped UPS package containing raw sodium. While he had checked UPS ground, apparently UPS ground ships from Alaska by air, and that required a special sticker that was not on the package. Kathy Norris is also scheduled to testify. She is the wife of George Norris, a retiree who pled guilty to paperwork-related charges in connection with the importation of legal orchids to the United States.

“It’s gratifying to see these issues, critical both to the fairness and integrity of our justice system and the soundness our economy, getting the legislative attention they deserve,” NACDL’s White Collar Crime Project Director Shana Tara-Regon said. “We see this as the beginning of an important dialogue that ultimately will lead to much-needed and long overdue reform of the federal criminal code.”

More information about today’s hearing is available at the House Judiciary Committee’s Web site: http://judiciary.house.gov/hearings/hear_090722_2.html.

Click here for a copy of NACDL’s testimony.

The National Association of Criminal Defense Lawyers is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL’s 12,000-plus direct members in 28 countries – and 90 state, provincial and local affiliate organizations totaling more than 40,000 attorneys – include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system.

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