



**For Immediate Release**

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## **WLF REPRESENTS CHAMBER OF COMMERCE IN URGING HIGH COURT TO HEAR BUSINESS CIVIL LIBERTIES CASE**

(Arthur Anderson LLP v. United States)

The Washington Legal Foundation (WLF) this week asked the U.S. Supreme Court to hear and reverse a court of appeals decision that would criminalize legitimate business housekeeping activities without the necessity of having to show any criminal intent. In *Arthur Anderson LLP v. United States*, the U.S. Court of Appeals for the Fifth Circuit upheld the high profile criminal conviction of the accounting firm for willful obstruction of justice. Anderson supervisors had simply reminded company employees to follow the company's legitimate document retention policy prior to the initiation of an investigation of Anderson by the Securities and Exchange Commission (SEC) into the Enron matter.

In a brief filed on behalf of itself and the U.S. Chamber of Commerce, WLF argued that the lower court's broad reading of the obstruction of justice statute is not only inconsistent with the rulings of other circuit courts, but also could subject thousands of businesses to criminal prosecution for failing to retain documents that may be subject to future government agency investigations. The ambiguity in the law is contrary to well established legal principles such as the Rule of Lenity that states that fair notice must be given when proscribing criminal conduct, and criminal intent or mens rea must be demonstrated. WLF also argued that enforcing vague criminal statutes would cause damage to the economy, employees, and shareholders of unfairly targeted companies.

WLF's brief was filed with the pro bono assistance of Carter Phillips, Virginia A. Seitz, and Eamon P. Joyce of Sidley Austin Brown & Wood LLP in Washington, D.C. The Supreme Court is expected to decide next month whether it will hear the case.

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For information, contact Paul Kamenar, WLF Senior Executive Counsel, at 202-588-0302. WLF's brief is posted on WLF's website at [www.wlf.org](http://www.wlf.org).