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In Victory for WLF, Supreme Court Rejects Overbroad Reading of Criminal Statute

(Snyder v. United States)

“After this decision, hopefully the Department of Justice accepts that it cannot criminalize normal conduct of state and local officials.”

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—The U.S. Supreme Court today reversed a Seventh Circuit decision that threatened representative democracy at the state and local levels. This was welcome news for WLF, which, together with the Due Process Institute, filed an amicus brief urging the Court to reject the broad criminal liability endorsed by the Seventh Circuit. The brief was prepared with the pro bono assistance of Christopher D. Man and Abbe David Lowell of Winston & Strawn LLP.

Although the Supreme Court’s recent decisions make clear that certain conduct is not a federal crime, the Department of Justice has continued to charge state and local officials for their innocent behavior. Here, it charged a small-town, part-time Indiana mayor. As the jury instructions allowed for conviction if the mayor received a gratuity, his conviction was vacated under the Supreme Court’s proper statutory interpretation.

As WLF’s brief showed, the Supreme Court has placed limits on federal criminal liability theories to preserve federalism and ensure due process of law. Federal criminal law should not set ethical standards for state and local officials; that is one reason recent Supreme Court cases have rejected expansive liability theories. WLF’s brief highlighted the practical consequences of the Seventh Circuit’s rule. Under that rule, giving an apple to a public-school teacher could have led to ten years’ imprisonment. That absurd result showed that the Seventh Circuit’s interpretation of Section 666 was wrong.

Celebrating its 47th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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