

(Washington D.C.) - On July 12, 2007, Congressman Robert C. "Bobby" Scott (D-VA-03), Chairman of the Crime, Terrorism, and Homeland Security Subcommittee of the House Judiciary Committee, introduced H.R. 3013, the Attorney-Client Privilege Protection Act of 2007, in the U.S. House of Representatives. An identical bill was introduced in January in the United States Senate by Senator Arlen Specter (R-PA). Rep. Scott has been joined by a long list of bipartisan cosponsors: Ranking Crime Subcommittee Member Rep. J. Randy Forbes (R-VA), House Judiciary Committee Chairman Rep. John Conyers, Jr. (D-MI), Judiciary Committee Ranking Member, Lamar Smith (R-TX), Rep. Daniel E. Lungren (R-CA), Rep. Artur Davis (D-AL), Rep. Howard Coble (R-NC), Rep. Tom C. Feeney III (R-FL), and Rep. Peter J. Roskam (R-IL).

"This bill protects corporations and employees – from the executive suites to the mailroom – whose rights the Department of Justice and other federal agencies have violated," said Rep. Scott. "Corporate crime should be vigorously investigated and prosecuted but within traditional Constitutional boundaries. When government agencies use tactics that violate Constitutional rights, it is time for Congress to act."

Currently, the Department of Justice and other federal law enforcement agencies have written policies instructing enforcement officials to bring charges against "uncooperative" companies. The problem with this standard, however, is companies are labeled "uncooperative" if they refuse to turn over confidential communications between employees and company lawyers, in violation of traditional principles of attorney-client privilege.

H.R. 3013 would prohibit all federal enforcement agencies from employing the following practices; requesting, demanding, rewarding or penalizing in any way an entity's decision with regard to the waiver of its attorney-client privilege; rewarding or penalizing an entity for firing or punishing employees who assert their Constitutional rights or other legal rights; demanding that an entity refuse to pay its employees' attorneys' fees; demanding that an entity refrain from entering into joint-defense agreements with its own employees, even when the business and its employees share a common interest; and demanding that an entity refrain from sharing any information with its employees.

"We have strong bi-partisan support for this bill, because it is the right thing to do," said Rep. Scott. "No federal agency should be able to threaten to indict a person simply for invoking Constitutional rights. Whether the defendant is a corporation or an individual, basic Constitutional rights are the foundation for fairness in the criminal justice system. Forcing a defendant to bargain them away undermines that fairness."

"The attorney-client privilege is one of those basic guarantees. An attorney cannot zealously represent his or her client and the client cannot adequately assist in his or her defense if both are concerned that the government can coerce them into turning over their communications." Rep. Scott said.

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