



NACDL Leadership



William B. Moffitt
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William B. Moffitt

Denver, CO, Aug. 8, 1998 -- William B. Moffitt will be sworn in as 1998-1999 President Elect of the National Association of Criminal Defense Lawyers at the Association's Annual Meeting today at the Westin Hotel in Denver.

Mr. Moffitt, a partner in the Washington, DC, criminal defense firm Asbill, Junkin & Moffitt, is a nationally-recognized criminal defense lawyer with over 22 years experience. A well-known expert in criminal law and procedure, Mr. Moffitt is a frequent guest legal analyst in print and broadcast media, including NBC, CNBC, CNN, and Fox Television.

He is a graduate of the University of Oklahoma and Washington College of Law, American University.

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NACDL is the pre-eminent organization in the United States advancing the mission of the nation's criminal defense lawyers to ensure justice and due process for persons accused of crime or other misconduct. A professional bar association founded in 1958, NACDL's almost 10,000 direct members -- and 80 state and local affiliate organizations with another 28,000 members -- include private criminal defense lawyers, public defenders, active U.S. military defense counsel, law professors and judges committed to preserving fairness within America's criminal justice system.

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NACDL Introduction

Welcome to "...and Justice for All," an exciting Web site sponsored by the National Association of Criminal Defense Lawyers (NACDL). NACDL is the preeminent organization in the United States advancing the mission of the nation's criminal defense lawyers to ensure justice and due process for persons accused of crime.

This site is designed as both an open forum for the discussion of criminal justice policies and practice as well as a private online service for members of NACDL. You are welcome to explore this site and and e-mail comments to assist@nacdl.com.

Why You Should Get Involved

NACDL Membership Info

Click Here to Apply for Membership *Online!*

Learn even more about NACDL and the hard issues faced today in shaping criminal justice policies and practice. Simply click on any of the links below.

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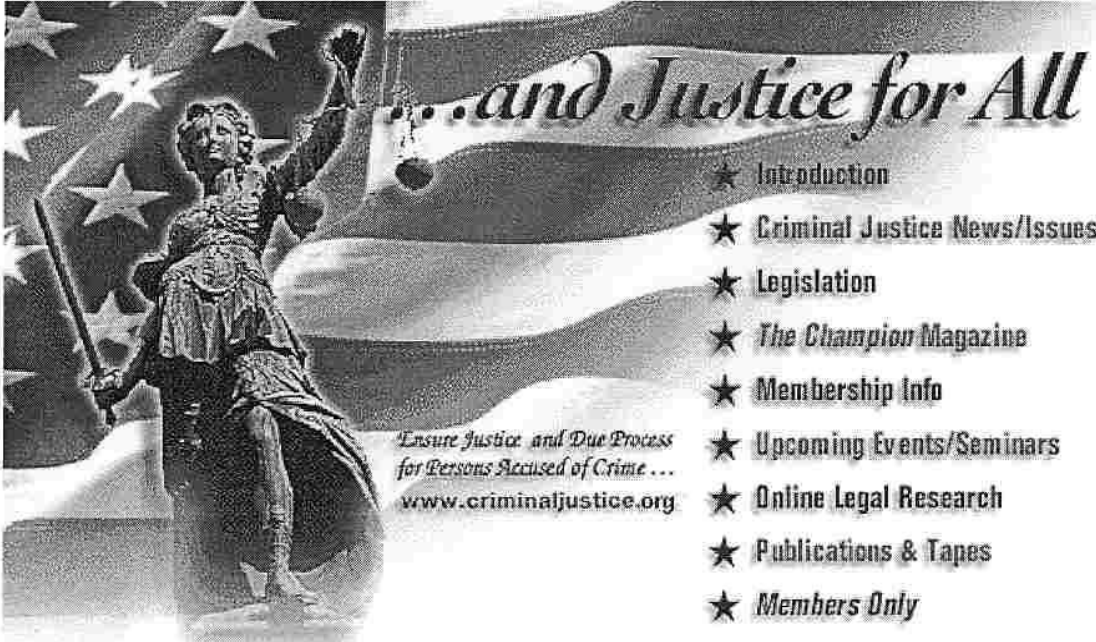
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NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

-- Remember to Scroll Down for Recent Announcements --
Updated July 21, 2000

GET MORE CLIENT CALLS!

July 2000 -- Tale of Two Cities: Philadelphia and L.A.; Party Platforms Must Renounce and Reform Police Misconduct --
Washington, DC (July 21, 2000) - "The beating of a suspect by the Philadelphia police is another example of what appears to be a systemic problem within police forces across the nation. This time the beating was televised. I hate to think of how often citizen abuse occurs when the cameras aren't there," said William B. Moffitt, president of the National Association of Criminal Defense Lawyers (NACDL). This latest, highly-publicized black eye for law enforcement comes on the heels of disturbing reports of police brutality in New York City, and the worst scandal in the scarred history of the LAPD, with 28 officers thus far having been implicated in a corruption scandal which has led to the dismissal of dozens of previous convictions.

Federal Grand Jury Reform Report & "Bill of Rights"**WilkesWorld****Top-Selling FOIA-Discovered Publications****July 2000 -- FBI Lab Suit Settled for \$355,000 -- 53,000 Pages of Documents Released**

Washington, DC (July 7, 2000) -- The lawsuit that forced the release of the Justice Department's confidential investigative report of pervasive misconduct in the FBI Laboratory was settled late yesterday. In a landmark action, the U.S. Department of Justice has agreed to settle their suit. In exchange for foregoing further litigation in this matter, plaintiffs NACDL, King and Whitehurst will be able to disclose over 53,000 pages of background documents released to them by the Justice Department, and the DOJ will pay \$355,000 in attorney's fees -- an apparent record amount in the history of FOIA litigation over wrongfully-withheld documents. [more](#)

June 2000 -- Criminal Defense Lawyers Applaud Supreme Court's Ruling on Miranda

Washington, DC (June 26, 2000) -- NACDL is heartily pleased that the Court has affirmed what we have long maintained--that citizens have an ironclad constitutional right under the 5th Amendment to protection from self-incrimination and *Miranda* warnings create a safeguard of this right. [more](#)

May 2000 -- NEW REPORT: FEDERAL GRAND JURY SYSTEM RIFE WITH ABUSE

Washington, DC (May 18, 2000) -- Some of the nation's leading criminal justice experts -- many of them former prosecutors -- joined NACDL today to unveil a series of reforms to the nation's federal grand jury system, which they say has become captive to the unrestrained power of prosecutors. In a report to be delivered to Members of Congress, NACDL's Commission on Grand Jury Reform recommends changes that would guard individuals and businesses against unwarranted prosecutions and spare them from the devastating effects of being forced to face trial on meritless charges. [more](#)

How to Start an Innocence Project Barry Scheck and Fred Leatherman led an exceptional seminar on "How to Start an Innocence Project," at NACDL's Midwinter meeting in New Orleans. For those who were not able to attend, NACDL has developed a CD-ROM containing all the materials which were given out at the seminar. [more](#)

Students -- Know Your Constitutional Rights! You've heard it before. It's never been more true. Today, more and more actions and behaviors, including acts of violence, are subject to

CRIMINAL charges and time in ADULT prisons. So avoid trouble by staying out of trouble. But remember, too, that you have fundamental rights guaranteed by the Constitution of the United States. Know your rights. Exercise them.

"The Gift of Membership" Gift memberships to NACDL are still available in time for the Millennium. What better way to start the next 1000 years! Make a difference in some defense lawyer's life. [more](#)

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NACDL News Release

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For Immediate Release

Winning at Any Cost: Prosecutorial Excess Distorting America's Justice System

Washington, DC, February 9, 1999 - A slew of recent investigative reports in major newspapers across America document that excess by prosecutors, both federal and local, are on the rise and often in flagrant violation of the very laws prosecutors are sworn to defend.

"The problem of prosecutors breaking the law is more frightening, and does more damage to society, than any common criminal," said Denver attorney Larry S. Pozner, President of the National Association of Criminal Defense Lawyers regarding the recent media attention. "Some prosecutors have come to believe that they are exempt from the code of legal ethics, that the rules of civilized conduct don't apply to them. We look to prosecutors to enforce the law, but who will protect us when the prosecutor becomes the lawbreaker?"

From Boston to Los Angeles, from Seattle back again to Pittsburgh and all points between, intensive media exposes reveal that our nation's vaunted "war on crime" has become a war on the rights of American citizens. And the dark side of that war is finally coming to light: Prosecutors who cheat. Prosecutors who cut corners. Prosecutors who knowingly offer false testimony and fabricated evidence. Prosecutors who conceal evidence of innocence from the defense and the court. Prosecutors who trample defendants' rights, and the Constitution. Why? Because to them, winning isn't everything - it's the *only* thing.

That win-at-any-cost attitude is a *national* problem, occurring in federal, state and county courthouses across the country.

Thanks largely to investigative reporters who have worked to uncover the problem and the editors who backed them, the American people are learning a sad truth: the war on crime has become a war on the Bill of Rights. Specifically --

-- Last month, the *Chicago Tribune* ran a penetrating five-part series by Ken Armstrong and Maurice Possley, "Trial & Error: How Prosecutors Sacrifice Justice to Win," focusing on prosecutorial misconduct since the Supreme Court's 1963 misconduct decision in *Brady v. Maryland*. The series identified 381 murder cases reversed on prosecutorial misconduct grounds such as withholding of exculpatory evidence, improper argument, suborning of perjury, and the like. The series also noted that this month, for perhaps the first time in U.S. history, three former DuPage County, IL, prosecutors will go on trial on obstruction of justice and perjury charges for framing an innocent man for a murder he did not commit. Rolando Cruz went to death row for the murder of 10-year-old Jeanine Nicarico, a *prima facie* case of attempted murder by the police and prosecutors. But very few overzealous prosecutors are themselves brought to justice. "If convicted," the Tribune notes, "the three former prosecutors . . . would be the first in the nation to be found guilty of a felony for knowingly using false evidence to send an innocent man to Death Row."

The series, "Trial and Error," can be read or downloaded from the Cichcago Tribune's site on the World Wide Web at <http://chicagotribune.com/news/nationworld/ws/0,1246,21398,00.html>.

-- In December, *Pittsburgh Post-Gazette* reporter Bill Moushey published a 10-part series on how, in the editor's words, "hundreds of times during the past 10 years, federal agents and prosecutors have pursued justice by breaking the law." Moushey catalogued case after case of federal prosecutors, such as the case of informant Mitchell Henderson and citizen Loren Pogue.

Henderson was a former cop, deep in debt, alcohol and drugs who was promised up to \$250,000 by the U.S. Drug Enforcement Administration to set up a sting operation to catch Latin American drug smugglers. Pogue was a real estate developer he once worked for in Costa Rica. After months of failure as a freelance undercover informant, Henderson turned to his old acquaintance. He told Pogue he knew businessmen interested in investing in property in Costa Rica. Pogue agreed to close the deal. For two hours, Pogue sat and listened as federal agents, pretending to be Colombian drug smugglers, talked about building a landing strip and using the property to run drugs.

Defense attorneys, prosecutors and judges all know that mere presence at the commission of a crime isn't a crime. If there had

been real Colombian drug smugglers in the motel room, Pogue would have been known as a "witness." Instead, Pogue became the sole defendant in a major money laundering case. Pogue admits he should have walked out as soon as drugs were mentioned. Instead, he stayed long enough to get arrested.

At the trial, Henderson perjured himself. First, he told the jury that a Colombian drug dealer - not that he knew any - had approved the land deal. Second, he said that Pogue had been a willing participant, knowledgeable of the drug connection from the start. But according to DEA and court documents Pogue obtained after the conviction, the government knew that Henderson was making it all up. Despite this evidence, prosecutors maintain that everything Henderson said was true.

The series, "Win at All Costs," may be read or downloaded from the *Pittsburgh Post-Gazette's* website at <http://www.post-gazette.com/win/default.asp>.

-- Last spring, investigative reporters Andrew Schneider and Mike Barber of the *Seattle Post-Intelligencer* published their five-part series on the Wenatchee, WA, child sexual abuse witch hunt, "The Power to Harm." They documented the wrongful arrests and prosecutions of 43 persons charged with 27,726 counts of child abuse in 1994 and 1995 in a small town in Washington state. Thirty were convicted; seventeen remain in prison and are challenging their convictions; all were alleged to be part of a child-sex ring operated out of a Pentecostal church. Their accusers were a crusading detective and his foster daughter. Sixty children were torn from their families. Seventeen were put up for adoption. Reprints of the series are available from NACDL Public Affairs.

Many of those convicted remain in jail, dependent upon a cadre of volunteer attorneys working to regain their freedom. Many have been released, but the damage to their families and their reputations in the community is irreparable.

-- January 12, the Public Broadcasting System aired a *Frontline* special, "Snitch," exposing how the government's reliance on informants has resulted in major injustices in the War on Drugs. The show examined how federal prosecutors use - or misuse - tough mandatory sentencing to send relatively minor drug offenders to prison for decades on the word of criminal informants who willingly say anything to implicate others - including innocent Americans - in order to reduce their own prison time.

-- In December, the Los Angeles and San Diego papers ran front page stories about San Diego prosecutors so determined to convict four gang members of murder that they lavished an

informer and star witness with extravagant privileges while in jail and deliberately hid that fact from defense counsel and the court. Prosecutors provided such amenities as a private cell with color TV and a shower, and conjugal visits in the prosecutor's office with the informer's wife and three of his girlfriends, and concealed these inducements from defense counsel. According to the judge who held the post-conviction hearings, the prosecutors portrayed the informant as "a witness sitting alone in his cell, unattended, remorsefully awaiting judgment, hoping his confession and willingness to testify against truly bad people would in part redeem him." That, the judge said, was "clearly a lie . . . that went uncorrected at trial."

"Despite the recent spate of coverage of misconduct, prosecutorial discretion is the least-covered thing in American government," investigative reporter David Burnham recently told NACDL. In *Above the Law*, his highly-regarded 1996 expose of the U.S. Department of Justice, Burnham criticized his fellow journalists for their tendency to cozy up to prosecutors. "The press has written a lot about bad cops, a lot about judges, but prosecutors, in the main, have only been covered through their leaks and announcements," he said.

As Justice Louis Brandeis warned in *Olmstead v. United States* in 1928, "To declare that in the administration of the criminal law the end justifies the means -- to declare that the government may commit crimes in order to secure the conviction of a private criminal -- would bring terrible retribution."

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