



This Extension of U.S. Criminal Law Is Unnecessary

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On June 3, 2011, Senator Patrick Leahy (D-Vt.) and Representative David Price (D-N.C.) [re-introduced the Civilian Extraterritorial Jurisdiction Act \(CEJA\)](#), which aims to extend U.S. criminal jurisdiction in to U.S. citizens working abroad as federal contractors or employees. Leahy and Price introduced similar legislation in the last congressional session. However, that attempt died in committee because of concerns that it would extend to U.S. intelligence workers and cause them to pause before undertaking their crucial missions. The most recent version would “carve out” an exception for intelligence agency contractors.

Since 2000, the Military Extraterritorial Jurisdiction Act has placed U.S. government contractors within the reach of U.S. prosecutors only if they are employed by the Department of Defense. Some observers have argued strongly for a broader criminal jurisdiction, which would include non-DOD contractors as well. They point to a number of crimes committed by U.S. government contractors and employees working abroad. One of these crimes was the shooting of unarmed Iraqi citizens in 2007 by U.S. government contractors for Blackwater. Another was the drugging and gang raping of Jamie Leigh Jones, a young woman from Texas, by her coworkers who were working overseas as a government contractor for Halliburton.

Senator Leahy set forth his expectations for the CEJA [in a recent press release](#):

This bill would . . . provide greater protection to Americans, as it would lead to more accountability for crimes committed by U.S. government contractors and employees against Americans working abroad. . . . Ensuring criminal accountability will also improve our national security and protect Americans overseas. Importantly, in those instances where the local justice system may be less than fair, this explicit jurisdiction will also protect Americans by providing the option of prosecuting them in the United States, rather than leaving them subject to hostile and unpredictable local courts.

We are concerned about this unnecessary expansion of U.S. law abroad. Extraterritorial application of U.S. law should be reserved for only exceptional cases and then only when there is a demonstrated need. Here, there is absolutely no evidence that contractors are committing crimes overseas and not being held accountable for such





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crimes. Similarly, there is no evidence that such legislation is necessary to protect contractors from overzealous local foreign prosecutors, nor is there evidence that such prosecutors would be prevented from acting if such legislation were enacted.

Crime in the Suites is authored by the [Ifrah Law Firm](#), a Washington DC-based law firm specializing in the defense of government investigations and litigation. Our client base spans many regulated industries, particularly e-business, e-commerce, government contracts, gaming and healthcare.

The commentary and cases included in this blog are contributed by Jeff Ifrah and firm associates Rachel Hirsch, Jeff Hamlin, Steven Eichorn and Sarah Coffey. These posts are edited by Jeff Ifrah and Jonathan Groner, the former managing editor of the Legal Times. We look forward to hearing your thoughts and comments!

