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Cause of Action Finds Resolution for Marine Biologist in Case of Overcriminalization

SAN JOSE – Today, the sentencing hearing for Nancy Black was held in the U.S. District Court for the Northern District of California before Judge Edward Davila, bringing an end to a more than seven-year-long investigation and prosecution in the case of *United States v. Black*.

Ms. Black is represented by [Cause of Action](#) (CoA), a government accountability organization, and by attorneys Mark Vermeulen and Lawrence Biegel.

The government's original charges could have resulted in up to 27 years in prison, a \$700,000 fine and forfeiture of her research vessel. However, Ms. Black's defense team was able to resolve the case through a no-jail plea agreement in which Ms. Black pleaded guilty to a single misdemeanor charge of violating a MMPA regulation prohibiting "feeding" for which she will receive probation, a fine and community service.

Ms. Black, a well-respected and highly-esteemed marine biologist whose research focuses on the feeding habits of killer whales, is the first person to be criminally charged with violating a Marine Mammal Protection Act (MMPA) regulation prohibiting feeding marine mammals in the wild. Every other violation of this regulation resulted in relatively modest fines or, in a recent case with far more egregious facts, forfeiture of an old boat.

Dan Epstein, Cause of Action's executive director, said:

"By singling out a valued and well-respected member of the scientific community for prosecution when more significant violations of the Marine Mammal Protection Act regulation prohibiting feeding resulted in nothing more than small civil fines, Ms. Black's case illustrates how the power of the federal bureaucracy can affect the lives of hard-working Americans. Ms. Black's case is a cautionary tale to those who believe the administrative state is benign; when power is unchecked it becomes unbridled and so individuals and small businesses – not the politically well-connected and powerful – often end up as victims of its abuse."

Nancy Black said:

"I am extremely relieved that this whole ordeal is finally coming to a close. My work is very important to me, and I look forward to returning to my passion of studying marine mammals without the distractions that I have had during this case. I am very grateful for the support I've received from the community as well as the help of Cause of Action and my entire legal team."

About Cause of Action:

Cause of Action is a nonprofit, nonpartisan organization that uses investigative, legal, and communications tools to educate the public on how government accountability and transparency protects taxpayer interests and economic opportunity. For more information, visit www.causeofaction.org.

To schedule an interview with Cause of Action's Executive Director Dan Epstein, contact Annalisa Musarra, annalisa.musarra@causeofaction.org.

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