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Back door to tyranny

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When there are so many laws that are vague, contradictory, and unfathomable, anyone can become a criminal if the state chooses to prosecute. America is too rapidly approaching this state, as a horrifying [report](#) from Brian W. Walsh of the Heritage Foundation in the Washington Times indicates. George Norris, an orchid importer, spent two years in prison for paperwork errors in the course of operating his business of importing and distributing orchids. No illegal substances were involved, and so far as I can see there was no tax evasion going on. It was paperwork. Walsh draws the implications:

As George Washington University law professor Stephen Saltzburg testified at the House hearing, cases like these "illustrate about as well as you can illustrate the overreach of federal criminal law." The Cato Institute's Timothy Lynch, an expert on overcriminalization, called for "a clean line between lawful conduct and unlawful conduct." A person should not be deemed a criminal unless that person "crossed over that line knowing what he or she was doing." Seems like common sense, but apparently it isn't to some federal officials.

Former U.S. Attorney General Richard Thornburgh's testimony captured the essence of the problems that worry so many criminal-law experts. "Those of us concerned about this subject," he testified, "share a common goal - to have criminal statutes that punish actual criminal acts and [that] do not seek to criminalize conduct that is better dealt with by the seeking of regulatory and civil remedies." Only when the conduct is sufficiently wrongful and severe, Mr. Thornburgh said, does it warrant the "stigma, public condemnation and potential deprivation of liberty that go along with [the criminal] sanction."

Hat tip: Dennis Sevakis

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