



Thanks to government, we're all criminals now, or soon will be

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December 12, 2014

A reporter I once worked with, when he needed basic information about someone - anyone - would make a beeline to CCAP, the state's circuit court online database, even if he just needed an age or the correct spelling of a name for a feature story.

"It's the best place to start looking up info about people," he said, "because everybody is on CCAP for some reason or other."

At the time, I didn't realize the significance of his statement, and it wasn't entirely accurate - quite a few people have managed to avoid having their names enrolled on CCAP.

But, since even a speeding ticket will land you there, there was a certain truth to his approach, and it works well enough to find out the particulars about many people. The head of that charity you're writing about might not want you to print her age, but you can probably find it on CCAP if you want to.

Privacy advocates raise all sorts of concerns about the public availability of such data for so many people, and its potential misuse, but to me those arguments miss the point. The real question is, why are so many people on CCAP in the first place?

That so many of us are would suggest we are a state and nation of outlaws. Forget worrying about outside intruders; grandma down the street is likely a criminal in the state's eyes.

And herein lies the significance of the reporter's revelation. Because of the government, we're all criminals now, or soon will be. In the era of the regulatory Big Government state, governments at all levels have passed so many laws it has become almost humanly impossible not to break some of them.

We have so many laws and regulations, in fact, that those who remain off the CCAP list probably just haven't been caught yet.

Here's how it works. The government passes laws to curb activities it deems illicit but that are peaceful and otherwise harmless to the public - the government just doesn't like what you're doing, in other words - or it enacts regulations and taxes that run counter to normal human ambitions, needs, and wants. The government then passes even more laws to criminalize noncompliance with those moral and

regulatory edicts.

Soon enough, people continue to carry out those individual but morally frowned-upon activities because they enjoy them and because they are harmless to the public and peaceful. The government arrests them, sooner or later.

Soon enough, too, people, being the creative beings they are, devise ways to avoid the regulations imposed upon their ambitions. They might move their business to a less regulated climate, for instance, or cheat. And consumers find black markets to satisfy other noncompliant but quite normal human needs and wants. Sooner or later, many of them are fined or arrested, too.

Smoking marijuana in the privacy of your own home is an example of the moral-edict variety of fascism. It's peaceful and harmless to everybody, except maybe those smoking it. But then that's their business, isn't it, not the government's.

More germane to the general public is the second kind of activities - the kind that make up normal needs and wants but that the nanny state wants to suppress. Slap a ban on large soft drinks, for example, and you will soon have a large-soft-drink black market, which your participation in will criminalize you.

This is not an abstract discussion. Indeed, it forms an important backstory in the case of Eric Garner, the unarmed man who was selling cigarettes on the streets of Staten Island when police put him in a chokehold and killed him. It's a backstory the mainstream media prefers to ignore.

Now, myself and other libertarians have been trying to call attention to this nation's growing police state for years, and for years the state-run media has - because it is state-run - ignored or embraced this growing police state.

Until, that is, those police started targeting journalists and killing unarmed black people, a core liberal constituency. Never mind when police harass and arrest law-abiding citizens trying to exercise their Second Amendment rights, or when swarms of desperate and armed government agents raid the homes of farmers after years of illegally invading their land to unsuccessfully try and pin wrongdoing on them, that's not news.

(Or if it is news, it's a reprint of the government's justification for its unconstitutional conduct.)

But use excessive force against a member of the protected class (blacks, gays, journalists, environmentalists, union thugs, any thoroughly Democratic constituency, shrinking though they are), and here comes NBC and the Milwaukee Journal Sentinel.

But it was inevitable and predictable - in fact, I have predicted it. Be careful of the police state and the big government you love, I have warned, because one day those police and that government will not be content with abusing elderly farmers. One day they will come for you.

I hate to say I told you so.

Anyway, the police came for Eric Garner because he was selling loose cigarettes to

poor people, then they outrageously killed him over something so trivial. That these police officers have not been indicted is unfathomable and, if a word can be used, sick.

But why was there a confrontation in the first place? The answer is, because Garner was selling those cigarettes on the black market. He was flaunting the state of New York's totalitarian attempt to make it impossible to smoke cigarettes.

To wit, the government criminalized an attempt to give people what they wanted. When Garner tried to satisfy that need, it not only made him a criminal, it made him dead.

The demand was clearly there. As David Boaz of the Cato Institute has pointed out, buying a pack of legal cigarettes in New York can cost \$14 a pack, more than two-and-a-half times what people can buy them for in Virginia.

That creates a perfect storm for a black market. According to a 2013 study by the Mackinac Center, Boaz reported, smuggling accounts for 61 percent of New York's cigarette sales, and with that black market has come turf wars and street crime.

And, oh yeah, with it came the police, killing the dangerous, illicit, unarmed black marketeer Eric Garner. The man might as well have been selling grenade launchers.

The point is, were it not for big government's attempt to control individual human behavior, Eric Garner would not have been killed. Not on that day and not on that street and not for that offense.

That's not to say he would not have tangled with police for something else - he had been arrested more than a score of times, for such things as marijuana possession and driving without a license - but, as Boaz observed, "the more laws we pass, the more chances there are for people to run afoul of the police, especially when we outlaw peaceful activities, such as smoking marijuana, selling untaxed cigarettes or feeding the homeless."

Yes, feeding the hungry. In all, 21 cities have passed various regulations, such as food-safety requirements, designed to curb the ability of groups to feed the hungry, according to the National Coalition for the Homeless.

Sooner or later, big government turns us all into criminals.

Which brings me to another point: the state-run media's dishonest portrayal of Congress as a failure precisely because it has slowed down in making those laws that make everyday life a crime.

As the year draws to a close, we see the headlines everywhere, and everywhere the press proclaims Congress to be nonproductive based simply on the number of laws it has passed, or hasn't passed, as the case may be.

"Congress on track to be the least productive in U.S. history," screamed NBC News earlier this year. The administration's reliable propaganda arm lamented that just 142 public bills had become law as of last August compared to 906 at the same time in 1947-48, and 333 in the Congress of 1995-96.

That headline is just one of many like it in the state-run national press, and it's a peculiar way to judge the working of government. After all, shouldn't we judge government on the substance and merits of what it does, rather than merely on the number of things it does?

The state-run press is incapable of thinking this way. To them, big government is good, and the more Congress does - whatever it is - the bigger government gets, and so more is productive and less is nonproductive.

Of course, there are all sorts of flaws in that kind of analysis. Sometimes, to cite one example, more might be less, for it often takes new laws to undo the damage done and the growth in government caused by earlier laws. To discern the merits of a particular Congress takes analysing both the sum and substance of what it does and doesn't do.

That said, generally speaking, more laws mean more and bigger government; fewer laws mean smaller and more limited government. In the end, pronouncing Congress productive or nonproductive based merely on the number of laws it passes is an editorial judgment, not objective reporting.

In the end, too, more laws mean more confrontation with police over petty "crimes," as Boaz observed; fewer laws mean fewer confrontations with police. More laws mean more listings of law-abiding citizens on CCAP; fewer laws mean fewer invasions of privacy.

In the aftermath of the Eric Garner case, the state-run media demands to know why police would kill an unarmed man for selling loose cigarettes, and why those officers weren't indicted. It's a fair and necessary question.

But the media ignores an equally important one: Why was what Eric Garner doing a crime in the first place? What government actions, what taxes and regulations, turned Eric Garner into a police-state criminal? What did he do to deserve being executed, other than telling the cops to stop harassing him and becoming in that instant a freedom fighter?

The answer to those last questions is important, for, without addressing them, big government will turn all of us into criminals, every last one of us, and likely sooner rather than later.

For whom does the bell toll? Yesterday, it rang for Eric Garner; tomorrow it tolls for the Eric Garner in us all.