

THE WALL STREET JOURNAL.

Sewage Blunder Features in ‘Over-Criminalization’ Hearing

By Gary Fields

October 29, 2013

WASHINGTON—Visitors to Capitol Hill who want to see Republicans and Democrats working together should drop in on Wednesday’s [House Judiciary Committee Over-Criminalization Task Force](#) hearing, set for 9:30 a.m.

The task force, led by **F. James Sensenbrenner** (R., Wis.) and **Bobby Scott** (D., Va.) was [created earlier this year](#) to re-examine the federal criminal code. Wednesday’s hearing is expected to look at regulatory crime.

In a city with deepening divisions, the expansion of the federal criminal law has created a coalition of allies from opposite sides of the aisle, including the conservative Heritage Foundation, the libertarian Cato Institute, the National Association of Criminal Defense Lawyers, the American Civil Liberties union and the American Bar Association.

One of the witnesses slated to testify is **Lawrence Lewis**, a Bowie, Md., resident whose tangle with the federal legal system was chronicled in a 2011 page one Wall Street Journal story, “[A Sewage Blunder Earns Engineer a Criminal Record.](#)”

Mr. Lewis was the chief engineer at a Washington, D.C., military retirement home when he ran afoul, literally, of federal law. He was following established procedure at the home when he tried to clear a backed-up sewage system by diverting it into an outside storm drain. He and his staff were trying to prevent flooding in an area of the residential building where the sickest residents lived. They believed the storm drain was connected to the city’s sewage treatment system. In fact, the storm drain emptied into a creek that ultimately reaches the Potomac River.

Eight months later Mr. Lewis, who had pulled himself out of a dangerous neighborhood where all three of his older brothers had been murdered and who had committed himself to living a crime-free life, pleaded guilty in federal court to violating the Clean Water Act. He got a criminal record, he said, by doing his job.

Mr. Lewis’s story is one of [several chronicled in 2011 by the Journal](#) that examined the growing size of the federal criminal code and the regulations that often accompany changes in the law.

Legal experts estimate there are 4,500 criminal statutes and tens of thousands of regulations that carry criminal penalties, including prison. The Administrative Office of the U.S. Courts figures some 80,000 defendants are sentenced in federal court each year. In recent years, states have reversed years of steady increases by reducing their prison populations while the number of people held at the federal level has continued climbing.

Federal lawmakers and legal experts attribute part of the increase to the rise in criminal offenses and regulations that carry prison time and the creation of laws that don't require knowledge of wrongdoing, long a foundation of the nation's criminal justice system. Earlier hearings of the task force have examined the need to require criminal intent to violate federal law.