

Even a Creep Like John Edwards Gets the Benefit of the Law

His case is an object lesson in how dangerous ambitious federal prosecutors can be.

Gene Healy | April 17, 2012

Jury selection began last week in *U.S. vs. Johnny Reid Edwards*. The former senator and presidential candidate (that is his real, given name) faces up to 30 years in the federal pen for allegedly violating federal campaign contribution limits, all in a scheme designed to conceal from the voting public the child he fathered with mistress Rielle Hunter.

How Edwards got into this mess is a testament to what a creep he is. But it's also an object lesson in how dangerous ambitious federal prosecutors can be.

At issue is over \$900,000 in "living expenses" Edwards' allies gave to Ms. Hunter starting in 2007. The Justice Department calls the payments illegal campaign contributions aimed at preserving "a centerpiece of EDWARDS' candidacy[:] his public image as a devoted family man."

The upcoming trial looks like good, sordid fun for everyone not involved. Rielle is on the witness list, as is former aide Andrew Young, who just settled a lawsuit with Ms. Hunter over ownership of a sex tape she made with Edwards.

Rachel "Bunny" Mellon, who provided most of the hush money, won't take the stand, however. The widowed heiress, who mooned over Edwards as another JFK, is more than 100 years old and seems less an agent of influence than the victim of a manipulative Lothario who didn't even have the decency to attend her daughter's funeral in 2008.

According to Young, "the only thing Bunny had ever asked of him—in return for more than \$6 million—was that he sit on one side of her at that funeral while Caroline Kennedy sat on the other. Caroline fulfilled her wish. John Edwards did not."

It's hard to feel sorry for that kind of guy. But other than TMZ-style entertainment value, what does the taxpayer get out of this frivolous prosecution? If the purpose of campaign

finance restrictions is to prevent high-dollar donors from "buying" candidates, this indictment makes no sense. Any leverage Bunny Mellon had over Edwards would have come from her knowledge of paternity, not the alleged "contributions."

"The indictment at issue seeks to criminalize character, not conduct," the quixotically named Citizens for Responsibility and Ethics in Washington stresses in its amicus brief. If Edwards is convicted, "it will open the way for spurious prosecutions of people with far better moral character."

Two former Federal Election Commission chairs say they'll testify that the government's theory "is without precedent in federal election law, and that the Federal Election Commission would not support a finding that the conduct at issue constituted a civil violation, much less warranted a criminal prosecution."

What's behind this headline-grabbing prosecution? You be the judge. About a month after securing Edwards' indictment, the Republican U.S. attorney behind it announced he was running for a North Carolina congressional seat.

"With the law books filled with a great assortment of crimes," then-Attorney General Robert Jackson told an assembly of U.S. attorneys in 1940, "the most dangerous power of the prosecutor [is] that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted." The explosion of federal criminal law since 1940 has increased that danger radically.

In Robert Bolt's play, "A Man for All Seasons," when young William Roper tells Sir Thomas More that he'd "cut down every law in England" to pursue the Devil, More famously replies, "And when the last law was down, and the Devil turned round on you, where would you hide, Roper, the laws all being flat? ... I'd give the Devil benefit of law, for my own safety's sake."

John Edwards isn't the devil; he's a garden-variety creep. But we should always give creeps the benefit of the law—for our own sake.

Gene Healy is a vice president at the Cato Institute, the author of "The Cult of the Presidency," and a columnist at the Washington Examiner, [where this article originally appeared](#).