

Wednesday, July 22, 2009

## EDITORIAL: Innocent 'criminals'

George Norris spent 17 months in federal prison because he used the wrong paperwork for imported orchids that are perfectly legal to grow and own. David McNab suffered eight years in the federal pen for packing imported lobster tails in plastic rather than the required cardboard cartons. Krister Evertson spent more than a year in federal prison for illegally "disposing" of materials intended for an environmentally friendly fuel cell even though the materials were packaged carefully and stored completely out of harm's way.

These are just three of the victims of overcriminalization and overfederalization of what at worst should be treated as minor civil infractions.

Mr. Evertson and Mr. Norris' wife, Kathy, will be among the witnesses today at a hearing on overcriminalization and overfederalization being held by a subcommittee of the House Judiciary Committee. They serve as stark reminders that the risks of big government are not merely a theoretical concern. Instead, big government can have frightening ramifications for individual lives and can pose a serious threat to both freedom and justice.

Often, niggling regulations are enforced by bureaucrats literally bearing arms against citizens who have no idea they have violated criminal statutes and then prosecuted by an unconstrained Justice Department overeager for pelts on the wall.

The conservative Heritage Foundation helped arrange the witness list, which also includes former U.S. Attorney General Richard L. Thornburgh, who deservedly enjoys a "tough-on-crime" reputation. Heritage is part of a much broader coalition of groups that objects to the



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overcriminalization trend, ranging from the American Civil Liberties Union and the American Bar Association on the left to the Cato Institute and the Washington Legal Foundation as well as Heritage on the right.

In January, Heritage legal research fellow Brian W. Walsh addressed a memo to President Obama urging a whole series of reforms to guard against the "raw governmental power that undermines Americans' trust and confidence in the justice system." Mr. Walsh quoted Georgetown University law professor Julie Rose O'Sullivan's conclusion that federal criminal law is "an incomprehensible, random and incoherent, duplicative, ambiguous, incomplete and organizationally nonsensical mass of federal legislation that carries criminal penalties."

In her prepared testimony, Mrs. Norris writes, "Now I know that every single person is at risk because almost anything can be charged as a crime." Her 66-year-old orchid-growing husband was "put in handcuffs and leg shackles and thr[own] in a holding cell with one person suspected of murder and two suspected of dealing drugs." At another point, she said, "his roommate was an arsonist. This is just what a wife wants to hear: that her husband is locked in a small cell with someone who sets fires."

Congress ought to use today's hearing as a catalyst to reform federal criminal statutes. Otherwise, the lives of more and more innocent victims will be ruined. This includes victims such as 12-year-old Ansche Hedgepeth, who was handcuffed, searched and thrown in a paddy wagon for eating a single french fry in a Metrorail station, and Kay Leibrand, a 61-year-old cancer patient sent to jail because her hedges were too high. The list goes on. It is a list of victims of government run amok.

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