

Thursday, March 3, 2005.  
(On the road book tour)  
Abbeville, Louisiana

**YOU ARE A FEDERAL CRIMINAL,  
YOU JUST DON'T KNOW IT.**

We assume that our members of Congress are back in Washington to consider a host of proposals that will offer a higher degree of public safety, both at home or broad, and generally improve our overall quality of life. But that's not often what happens. Our representatives, old and new, particularly in Louisiana, seem obsessed with over-criminalization, and with out-of-control federalization of ordinary crime that the U.S. Constitution specifically leaves to the states.

It seems like every time you pick up the newspaper, Congress has added new offenses to the federal criminal code. And many of the laws listed make little sense. In this day and age, the average citizen can get hauled off to jail for trivial things that no sane person would regard as a crime at all. There's a new alliance in Washington. An unholy alliance between anti-big business liberals and tough-on-crime conservatives. They all seem to be trying to show that they are serious prognosticators cracking down on the social problem of the month, whether it be corporate scandals or steroid use.

Many of these federal crimes seem to be punitive, arbitrary, and bewildering. Harvard law professor William Stuntz puts it: "We are coming even closer to living in a country where the law on the books makes everybody a felon, and prosecutors get to decide what the law is and who has violated it."

If someone actually takes the time to read the U.S. Constitution, there are only three crimes specifically enumerated. Treason, piracy and counterfeiting. And you know what? Martha Stewart wasn't accused of any of these three. Neither was I. The framers of our Constitution listed narrow grants of constitutional direction to deal with big national issues -- not a general police power. Yet today, there are more than 4000 crimes scattered throughout the tens of thousands of pages of the US criminal code. And the opportunity for abuse by wayward prosecutors has proven to be both tempting and quite likely.

In my recent book, "Justice Denied," I discussed in some length, the observations of Supreme Court Justice Robert Jackson, in the famous case of *Morrison vs. Olson*. In his written opinion, Jackson stated:

"Therein is the most dangerous power of the prosecutor; that he will pick people that he thinks he should get, rather than cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair

chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime, and then looking for the man who has committed it, it is a question of taking the man, and then searching the law and books, or putting investigators to work, to pin some offense on him.”

Our representatives in Washington now want to delve into any number of local crimes, flaunting the intention of our country's founders. Drugs, robbery, car theft, the list goes on and on. What happened to the 14th amendment and states' rights?

Did you know that it is a federal crime to deal in the interstate transport of unlicensed dentures? For this you get one year in jail.

How about the fact that you'd go to jail for six months if you pretend to be a member of the 4-H club? I'm not making this up.

You can also get six months for degrading the character of Woodsy Owl, or his associated slogan: "Give a hoot-Don't pollute.”

And you will love this one. It is a federal crime to disrupt a rodeo. Now in Louisiana, we yield to no one in our desire for orderly rodeos. But a federal crime? Give us a break!

Several of our Louisiana representatives in Washington have joined the parade of parochialism within the federal system. They have decided to propose legislation to make it a felony for the interstate sale of paraphernalia that you strap the rooster's legs during a cock fight. Can we just imagine the future disruption of our American way of life if their efforts are unsuccessful?

In 400 B.C., the Greek orator Isocrates stated: “Where there is a multitude of specific laws, it is a sign that the state is badly governed.” Tasedus wrote in the 1st century A.D. of Rome: “Formerly we suffered from crimes. Now we suffer from laws.”

A little common sense, often not attributed to Washington, would go a long way in allowing Congress to deal with problems of national concern. Leave the trivial to the states. And for goodness sake, let us get a little rowdy at our rodeos.

\*\*\*\*\*

Scant attention was paid in the Louisiana press to the passing of America's finest playwright. To those who even knew his name, he was some writer who was lucky enough to marry Marilyn Monroe. But to those who read or saw the numerous plays

he wrote, he was perhaps the country's most articulate voice in seeking answers to what he saw around him as a world of injustice.

He is listed as one of the three greatest American playwrights -- a club that includes Eugene O'Neill and Tennessee Williams. But he set himself apart by a central theme that ran through all his work. He spelled out a moral code with a fierce belief that those of any authority have a responsibility, more an obligation, to see that justice prevails. He often wrote about each individual's responsibility to even a single person who has been abused in some way by the system that evolves him.

Arthur Miller led a full and controversial life. Who wouldn't if you were married to Marilyn Monroe? But if you believe in speaking out for the little guy who is unjustly stepped on by the system, Miller's words on stage will serve as a hallmark for centuries to come.

\*\*\*\*\*

It had been a while since I talked to old friend Andy Borowitz, so I checked in by phone this week. He was ecstatic over what was happening with the Democratic Party.

"I'm really excited, Big Guy. Howard Dean is something special. He is boldly going where no member of his party has ever gone before. A historic fact finding mission to NASCAR. Isn't that great?"

"Yeah, Andy. Really a gutsy move. What caused this new approach?"

"All the big shot Democratic Party officials spent several months of research to determine precisely what NASCAR was. When they found out that NASCAR involves cars and racing, and apparently has millions of fans, Dean astutely said: 'We must learn more.'"

"Really some perceptive people there at the DNC," I suggested.

"That's right. And after undergoing a six-week course in NASCAR slang, customs and rituals, Dean and a bunch of other East Coast Democrats left for their mission in a 40-foot long Plexiglass camper reminiscent of Pope John Paul II's 'Popemobile.' And when they got to the Homestead -- Miami Speedway -- Howard Dean made an unbelievable speech."

I quizzed him: "What did he say?"

"His words were really stirring. 'Citizens of NASCAR, we come in peace,' he boomed. 'Please join us for a wine and cheese reception before this thrilling contest begins.'"

"Looks like the Democrats are really making some progress in the South. So what's next?" I asked.

"Dean declared the mission a huge success, and announced that the Democrats would soon make historic fact-finding trips to Wal-Mart, Home Depot and Red Lobster," Andy answered with a smile.

"Anything new from the Republicans?" I asked him.

"Yes. I just had an inside source at the White House tell me that doctors examining President Bush said he was 'in excellent health' and capable of assuming the duties of President, should anything happen to Dick Cheney."

"Andy, as always, you're really on top of things. Let's stay in touch."

\*\*\*\*\*

"You know the world is going crazy when the best rapper is a white guy, the best golfer is a black guy, and the tallest guy in the NBA is Chinese. The Swiss hold the America's Cup, France is accusing the U.S. of arrogance, and Germany doesn't want to go to war. Need I say more?"

Chris Rock

"Sometimes I think war is God's way of teaching us geography."

--Paul Rodriguez

Peace and Justice,

Jim Brown