

By Gary Porter, National Director, Constitution Leadership Initiative, Inc.

When Pulitzer Prize-winning columnist George Will was first offered his job he reportedly called his good friend William F. Buckley and exclaimed: "Bill, how am I ever going to write two columns each and every week?" Buckley replied: "George, certainly there will be two things that make you mad every week; write about those."

I only have to write one column each week, but I can certainly sympathize with Mr. Will. Fortunately, as Mr. Buckley suggested, I find plenty of things in the news each week that make me mad.

Last week I wrote about tyranny and I encouraged readers to seek out and read Joseph Sobran's essay on that topic. I hope you did. Let's drill a little deeper.

The news last week covered one Catherine Engelbrecht, a Houston, Texas, mom who observed voter fraud first-hand and decided enough was enough. She founded an organization called True the Vote, a non-partisan organization whose mission is "to inspire and equip volunteers for involvement at every stage of our electoral process. We promote ideas that actively protect the rights of legitimate voters, regardless of their political party affiliation." As you might have heard or read, when Engelbrecht applied to the IRS for tax-exempt status for her organization, she became the target of "three IRS inquiries, one IRS visit, five FBI inquiries, one ATF audit, one OSHA visit, one Texas Commission on Environmental Quality audit, one IRS personal audit and a partridge in a pear tree (OK, I made that last one up)." Four years on, and despite the eruption of the IRS scandal, Engelbrecht still awaits a decision on her application.

There's another side of this as well. It has been hypothesized that the plethora (I just love that word, don't you?) of federal laws, many of them creating multiple federal crimes, has brought us to the point where authors Alex Kozinski and Misha Tseytlin can make the claim (and entitle their essay) "You're Probably a Federal Criminal." One of the examples they cite is the nefarious Lacey Act, which makes it a crime to (among other things) "import, export, sell, acquire, or purchase fish, wildlife or plants that are taken, possessed, transported, or sold in violation of U.S. **and foreign law.**" Apparently, U.S. citizens coming in contact with foreign fish, wildlife or plant material are now required to know all foreign laws as well -- at least those citizens who contribute to Republican political campaigns -- as the owner of Gibson Guitar Corporation recently discovered. Funny how their closest competitor, C.F. Martin & Co, who's owner is a major contributor to Democrat campaigns, seems immune from similar scrutiny. Hmm.

John S. Baker, in a Heritage Foundation essay entitled "Revisiting the Explosive Growth of Federal Crimes," cites various studies to show that the more than 3,000 federal crimes counted in the 1980s blossomed to well over 4,450 crimes in 2007, and was growing at the rate of 56.5 new crimes each year, which would put our total today somewhere north of 4700. The Roman senator and historian Tacitus (AD 56 – 117) once said: "Formerly we suffered from crimes, now we suffer from laws."

So why aren't all of us in jail if we've all committed a federal crime at one time or another? This brings us back to Mrs. Englbrecht. The average citizen is unlikely to be prosecuted over some obscure federal law; the Federales have "too many big fish to fry" – unless they do something or say something that brings them to the attention of the federal government. I'll wager that once we become the focus of some federal prosecutor with an axe to grind, every one of us could be found guilty of some infraction of the law. So it pays to keep a low profile, trying to stay out of the limelight, trying to stay un-noticed, in hopes the government will just leave us alone. Dare to speak out, dare to suggest "something's rotten in Denmark," as the saying goes, and you risk it all. Such is the insipient, covert power of a tyrannical government: a citizenry muted.

So, how did we get to this point of having nearly 5,000 federal crimes? The answer is quite easy: we let Congress, aided and abetted by the Supreme Court, run roughshod over their limited and enumerated constitutional powers. We were equally silent as they delegated their legislative power to the Executive branch agencies which then produce "rules" with the force of law. We didn't realize they were doing this, of course, because we had no earthly idea what Congress's constitutional limits were. Bad on us.

So, were you a federal criminal today? Have you done anything to tick off a federal prosecutor?

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