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Daily Press OPINION NOTES AND NOTABLES

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WHERE THE NEWSPAPER STANDS

A weekly roundup of opinions and observations
by the Daily Press Editorial Board

TOO WIDE A NET FOR OUR LAWS?

Not every bad act is a crime. Not every bad act that can technically be categorized as a crime should be pursued by prosecutors. And not every bad act that clearly amounts to a crime should be pursued by prosecutors in the United States.

Those thoughts are sparked by the recent indictments of international soccer officials on bribery and corruption charges, and former House Speaker Dennis Hastert on charges of structuring hush money payments to avoid bank reporting laws and then lying to the FBI about his conduct.

For different reasons, I find both indictments unsettling — not necessarily wrong but worth thinking through whether they ought to have been brought.

The indictment of FIFA officials raises questions about the exercise of U.S. authority to pursue international corruption whose chief harm does not seem to be to U.S. interests or citizens.

The Hastert indictment raises questions even more gut-wrenching about the proper use of the criminal law; the degree to which technical statutes should be employed to punish conduct that is offensive but unchanged and the role that celebrity and prominence should play in making prosecutorial decisions.

FIFA first, although it is the less concerning, there are two levels on which to examine the 160-page indictment: whether as a technical legal matter the United States has jurisdiction over the acts alleged, and, more fundamentally, whether this is a wise use of U.S. power and prosecutorial resources.

Where does the U.S. get off changing international soccer officials over a bribe allegedly solicited by a Venezuelan citizen from the founder of a Brazilian company at a tournament in Argentina?

As a legal matter, there does seem to be enough of a U.S. nexus. Two of the 14 defendants are U.S. citizens.

And yet FIFA itself is headquartered in Switzerland. The bulk of its business takes place outside the United States. So why does it fall to U.S. prosecutors?

One legitimate answer may be that no other country is willing to take on the task. Another is that U.S. companies are entitled to compete on a level global playing field; if FIFA officials took bribes to award sports marketing contracts, non-bribe-paying competitors were disadvantaged.

White-collar cases such as this are complex and time-consuming. They win headlines, and future job prospects, for prosecutors. It's a reasonable question what they do for U.S. citizens who aren't rabid soccer fans.

The Hastert indictment strikes me as a significantly more questionable call. If Hastert sexually abused a student when he was a teacher and wrestling coach, that conduct is repugnant; it should have been reported and prosecuted decades ago.

Now, it is too late for that. Instead, Hastert was tripped up by bank reporting requirements intended to catch drug kingpins and organized crime bosses. His alleged crime is that he structured his hush money withdrawals to avoid triggering reporting rules and then — seemingly on a single occasion — lied to FBI agents about why he was making the withdrawals. Lying is bad. Lying to FBI agents is even worse.

Hastert did, it seems, a terrible thing. He is, or was, paying for it — literally. He shelled out \$1.7 million “to compensate for and conceal his prior misconduct,” the indictment says. He is at once perpetrator and victim of a shake-down scheme; his victim is both prey and blackmailer.

Yes, but he's also a former speaker of the House, two heartbeats away from the presidency. If this scandal arose when Hastert were in office, I might feel differently.

Now, though, I keep returning to the question: What, precisely, is the federal government's interest — the public interest — at this point in prosecution and humiliation?

Marcus is a columnist for The Washington Post. Send email to ruthmarcus@waspost.com.

Community unity

Earlier this week on these very pages, we weighed in at length on the violence that has become all too regular in Newport News and, particularly, in the Southeast Community. In fact, another suspected homicide took place there on Wednesday.

So today we would like to call your attention to the King-Lincoln Park Day celebration on Saturday. These two topics are connected by more than just their location.

When any neighborhood or region is being hurt by violence or other social blight, the first and biggest step toward addressing the problem is for local residents to assert ownership. For the good, concerned, law-abiding people who live there to stand up and make a public show of saying, “These are our streets, and this is our home.”

That's why events such as parades and outdoor festivals carry such weight in troubled neighborhoods. King-Lincoln Park Day, held in the park that bears the name of two great American visionaries who sought justice, is an opportunity for the folks who live in Southeast Newport News to claim their turf. It's a chance for residents from other parts of the city to pay a visit and see a different side of that neighborhood than the one reflected in crime statistics.

The park is located at 600 Jefferson Ave. The festival will feature games, activities for the whole family and live music. Try to stop by if you can. The event runs from noon-5 p.m. Saturday, but we hope its spirit lasts a lot longer.

A generous bounty

Another critical step toward improving the quality of life in Southeast Newport News involves addressing its status as a “food desert” with no easy access to a grocery store or to fresh produce. That's why “mobile food bank” events such as the one held last Friday are so beneficial.

The Virginia Peninsula Foodbank arranged the event to provide about 200 people with meat, fresh fruits and veggies, canned goods and other foods. All for free.

Obviously, free food is not feasible as a permanent solution, and monthly giveaways such as this one only go so far in a neighborhood of 19,000 residents. But even occasional “mobile pantry” events can play a role in effecting gradual change in a community that needs nutrition.

In the absence of grocery stores or produce stands, people will eat what is easiest. More often than not, the food that is easiest to find, purchase, prepare and eat is not healthy. This goes a long

way toward explaining why impoverished neighborhoods have higher instances of diabetes and other illnesses related to obesity and poor nutrition.

Events such as this offer more than just food. They offer information about good health, and they reinforce — especially to younger residents — that a regular diet need not begin and end with junk food.

Southeast Newport News is scheduled to get a new grocery store with fresh produce early next year. When that store opens its doors, we hope its customers will continue to use the information they've picked up from the Virginia Peninsula Foodbank.

Remembering D-Day

Saturday marks the 71st anniversary of D-Day, the “great crusade” (as Gen. Dwight D. Eisenhower called it) that took the beaches at Normandy and turned the tide of World War II toward an Allied victory. A good argument could be made that this was the most significant battle of the 20th century.

More than 150,000 Allied troops were a part of that invasion, and almost 10,000 died that day. Among those who survived, their numbers are dwindling today. A soldier who stormed Normandy at 18 would today be pushing 90.

This weekend, take a few moments to reflect on D-Day, and perhaps to educate your children on the significance of that date. Do this to honor the memory of those who died in 1944 and in the ensuing years, and to pay humble tribute to those who survive.

Roses and thorns

Each week, the Daily Press Editorial Board offers a list of area citizens or institutions deserving of “roses” or “thorns.”

This week's roses go to:
■ The Temple Sinai synagogue in Newport News, which has been named to the National Registry of Historic Places. The synagogue will turn 60 this month.

■ To everyone involved, from public officials on down, in bringing the *Hermione*, a replica of a Revolutionary War-era frigate, to Yorktown this weekend. It's quite a visitor to have in the area.

This week's thorns go to:
■ The Fitzhugh County Board of Supervisors, which must pay more than \$70,000 in court costs after losing a lawsuit over the board members' insistence on leading a prayer at the start of each session, rather than allowing individual citizens to volunteer to lead the prayers.

RUNAWAY REGULATORS NEED REINS

Last week, the Nebraska legislation voted to do away with the death penalty. I think that was a mistake. But that's a conversation for another day. Instead, I want to talk about a lesson we might take from the decision.

Charles Murray (my colleague at the American Enterprise Institute) has written a book, “By the People: Rebuilding Liberty Without Permission.” The first third of the book is the best diagnosis of America's governmental sickness ever written for the non-specialist.

I say “illness” because, as Murray might call it an “autopsy,” “the founders' Constitution has been restored; it cannot be restored,” Murray writes. “The demise of the founders' Constitution followed the death of a thousand cuts, but the fatal blow was arguably the 1937 Supreme Court case that delivered ‘Davis,’ which made the phrase ‘promote the general welfare’ in the Preamble of the Constitution into a license for runaway government.”

The New Deal court redefined general welfare to mean pretty much anything Congress wanted to spend money on, from Social Security, to later Medicare, Medicaid, mohair subsidies, ethanol, etc. The decision, according to Murray, “destroyed the limits on the federal government's spending authority.”

Desirable or not, restoring the old Constitutional guardrails would “throw the country into chaos,” he writes. The court would never do it, and no Congress or White House would comply with the demand.

But our problems don't end there. Thanks to Congress' generosity with money it doesn't have, government has become akin to a supercomputer that has become chaotic on its own. It protects its own interests at all costs. Specifically, the bureaucracy has become a political class unto itself. Without the consent of the government, regulators have created a regime of legalized lawlessness in which they get to create rules essentially for their own amusement.

In 1960, the Code of Federal Regulations numbered 23,877 pages. In 2013 it was more than 175,000 pages. The vast majority of these rules were never considered, never mind, passed, by Congress. If you don't comply with these regulations — from how bakers lock their flour bins to how high stair railings must be — the regulators can make your life hell.

Murray's remedy is to fight back through a mixture of lawfare and outright civil disobedience. He wants to create a “Madison Fund” that would bankroll a massive effort to flood the courts with lawsuits challenging this undemocratic and arbitrary government within the government. The hope would be to raise the costs of regulation to the point that the government could not afford to waste time and effort on stupid rules. Needless to say, the idea is controversial. Even many who are sympathetic to his diagnosis are skeptical of his remedy.

But then there's the example of the death penalty. One of the chief arguments cited by conservative Nebraska lawmakers opposed to the death penalty is that capital punishment has simply become too costly.

But why? Shouldn't executions cost less than lifetime room and board? The reason is simple. For decades, the anti-capital punishment bar has flooded courts with expensive appeals and challenges and then used the costs they've generated as an argument against the practice.

Obviously, some of these appeals have been warranted. But far too many have been wrongly sent to death row. But the well-funded opponents of the death penalty make no such distinction. They make the executions of even the most heinous and transparently guilty murderers as expensive as possible. It's a deeply cynical strategy deployed in service of a sincerely held conviction. And it works. Who's to say the strategy wouldn't work elsewhere?

Goldberg is a senior editor of National Review. Send email to goldbergsol@mns.com. Paul Greenberg will return.



RUTH MARCUS
From the Left



JONAH GOLDBERG
From the Right

PUNCH LINES



LETTERS TO THE EDITOR

Paying attention

I have lived in the Southeast Community of Newport News for 14 years. My family lived in Harbor Homes for 10 years before it was torn down.

It was difficult dealing with the coal dust coming in my windows constantly, and I wondered how it would affect my then-teenage daughter. We

have moved to Ridley Circle (only a block away) and while the coal dust is not as visible, we know it is still there.

I have been working with the Southeast Area Coalition for a few months, doing whatever I can to help our neighborhood. I hope Virginia Secretary of Natural Resources Molly Ward and the Department of Environmental Quality Director

David Paylor will become involved in making our neighborhood a better place to live.

Thank you for publishing articles about our dilemmas. Maybe making the problems more well known will encourage more of my neighbors to get involved.

Rebecca Thayer
Newport News

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