Stop Federalizing Local Crimes

January 11, 1996 by Phyllis Schlafly

The hearings and report of the Senate Judiciary subcommittee on Terrorism, Technology and Government Information prove again the importance and value of Congressional investigations. This function of Congress operates as the best, and often the only, way to expose the misdeeds of government.

For three years, the news of the killing of an innocent women and child on a remote Idaho mountaintop by an FBI sharpshooter, and the subsequent coverup by the FBI and Attorney General Janet Reno, had been known only to readers of right-wing newsletters and surfers on the Internet. Newspapers and TV networks didn't find those actions worth reporting.

Finally, Senator Arlen Specter's subcommittee, with the C-span cameras rolling, laid the ugly story out for all to see. The 154-page subcommittee report just released assessed blame on everybody involved in the shootout, but the part that should concern us most is the outrageous actions of federal law- enforcement agencies.

The role of the BATF (Bureau of Alcohol, Tobacco and Firearms) began with spreading false and defamatory information about Randy Weaver and concluded with continuing to defend inexcusable conduct. The FBI's role included firing the fatal shots, lying about who was to blame, defending the constitutional "shoot-on-sight" actions, and promoting the bureaucrat in charge of the mess.

Specter rightfully suggests that the BATF ought to be abolished. The FBI should be punished, too, since Director Louis Freeh's statement that the Bureau is now better prepared for "volatile situations like Ruby Ridge" is a totally inadequate response.

Former Attorney General Edwin Meese points out in the current issue of Policy Review that the Ruby Ridge and Waco (Branch Davidian) tragedies have fundamentally changed the way Americans view federal law enforcement agencies and have jeopardized public confidence in government itself. His recommendation is much more fundamental than a mere transfer of agency functions and suspension of several agents.

As Meese explains, Ruby Ridge and Waco were, constitutionally speaking, none of the Federal government's business in the first place. Neither incident involved interstate activity or posed a threat to

the Federal Government.

The underlying problem is that so many criminal laws and laws regulating firearms have been federalized. Until very recent years, everything involved at Ruby Ridge and Waco would have been handled under state and local laws (if, indeed, there were anything to handle at all, since the Ruby Ridge sequence of events only started when a BATF agent entrapped Randy Weaver into committing a minor violation of a firearms law).

What has happened is that so many politicians, seeking to portray themselves as tough on crime, have passed so many laws creating new federal crimes and stiffer penalties. They should know that these laws are not in harmony with our Constitution and that crime is most effectively fought at the local level, anyway.

Meese explains that federalizing crime contradicts constitutional principles. The U.S. Constitution gave Congress jurisdiction over only three crimes: treason, counterfeiting, and piracy on the high seas and offenses against the law of nations. Responsibility for public safety rests solely in the domain of the states.

Now, however, Congress has created more than 3,000 federal crimes, many of them redundant with state laws. Hardly any crime, no matter how local, is now beyond the jurisdiction of federal criminal authorities.

A big part of the federalizing of crime is the criminalization of environmental regulations. Many of these federal environmental crimes are local in nature, and they are often so vague that some property owners violate the law without realizing it.

Meese accurately says that federalizing crime increases "the potential for an oppressive and burdensome federal police state." Ruby Ridge and Waco prove that proposition; the spokesmen for the two federal agencies never admitted that the government did anything wrong.

Another bad result of federalizing crime is the added jurisdiction and power this gives to the federal courts. Activist federal judges have greatly expanded the rights of criminal defendants, have further burdened law- enforcement agencies, and have virtually taken over the operation of 80 percent of all state prison systems.

Since crime usually tops the list when voters are asked what they are concerned about, Republicans like to pose as law-and-order spokesmen. Its time for them to address themselves to the real problems that are properly Congress's responsibility, and admit that law-and-order is a state and local function.