

Commentary

Daniel J. Popeo: Dysfunctional government threatens individual liberty

Daniel J. Popeo, The Examiner

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WASHINGTON -

Whatever their philosophical stripe, Americans are united in their frustration with the government's all-too-common dysfunctional performance. The familiar list of homeland stupidity is painful to read:

- » The current dismal condition of New Orleans, a major U.S. port city with strategic oil refineries, remains inexcusable.
- » The FAA's antiquated and broken air traffic control system continues to cause nationwide delays and cancelled flights at major airports, not to mention potentially catastrophic "near misses" recently reported in the press.
- » America's finest young men and women risk their lives in Iraq and Afghanistan, only to be rewarded with substandard medical care when they return.
- » Americans are canceling trips because of unconscionable delays in processing their passport applications.
- » Up to 20 million illegal aliens — including drug dealers, criminals, and Sept. 11 terrorists — have streamed over America's inadequately protected borders. Yet our government has thrown U.S. border agents in prison for trying to capture a major Mexican drug smuggler who, incredibly, was later given immunity to testify against our agents.

All of these examples of government misfeasance are not aberrations. One thing is clear: We cannot take competent government action or our freedom for granted.

A sampling of enforcement efforts by regulatory agencies, such as the Environmental Protection Agency, show how vulnerable our liberties can be. Consider these abusive enforcement actions taken against law-abiding businessmen over recent years by the EPA and overzealous federal prosecutors:

Armed EPA and FBI agents have raided small businesses for trivial and even bogus regulatory infractions in a manner that one federal judge described as a "virtual SWAT team."

In Louisiana, an EPA/FBI SWAT team, armed with M-16 rifles and police dogs, stormed a refinery, threatening company employees. Manager Hubert Vidrine and his workers were kept in their offices for hours while EPA agents ransacked their workplace.

The agents falsely told employees that Vidrine was poisoning them and giving them cancer, threatening them with criminal prosecution if they didn't provide evidence against their boss. Employees were not even allowed to use restrooms or call their children's day care centers to make arrangements for their safe pickup.

Vidrine was subsequently indicted on allegations of storing a "hazardous substance" without an EPA permit, and faced years in prison as well as large fines. After four long years of grueling pre-trial proceedings, all the charges against him were dropped shortly before trial, but this was only after defense attorneys discovered that EPA's case was based on a witness who had a history of cocaine addiction and hallucinations.

The government witness could not produce the allegedly hazardous substance that was the basis for EPA's charges. In vain, desperate prosecutors even had their witness hypnotized to recall his actions. Vidrine was forced to spend \$180,000 — his entire

retirement savings — just to defend himself against these unfounded charges.

When the case was finally dismissed, Vidrine told reporters, “I didn’t think this could happen in America.” We didn’t either.

That’s why the **Washington Legal Foundation** (WLF) is demanding that EPA and the Justice Department be held accountable for their outrageous conduct, and is assisting Vidrine in filing a malicious prosecution lawsuit against the government.

In another disgraceful case, a property owner was criminally prosecuted for moving sand on his own land that allegedly contained federally-regulated wetlands. In court, the judge grilled the prosecutor:

“Did this defendant dump oil, radioactive substances, sewage, garbage, herbicides, pesticides, insecticides, fungicides, fertilizer, detergent, lead, iron, copper, mercury, benzene, dioxin, PCBs, PCPs, bacteria, DDT, chlordane, nitrates or cyanide?”

With a straight face, the DoJ prosecutor responded, “Sand is more toxic and destructive to wetlands than any of the substances the Court mentioned.” Amazingly, this travesty happened in America, and it took the U.S. Supreme Court to end it when the high court ruled that the feds had no jurisdiction over this man’s property.

Why do so many government officials and regulators act as if our free enterprise system is a pressing problem to deal with? Why is our government so hostile to free enterprise?

Too often, we accept disappointing governmental performance with the typical response, “Well, what can you do about it?” We disagree. Something must be done about it.

Isn’t it time our leaders made our government more competent and accountable? Americans don’t appreciate being the punchline for a not-so-funny joke on them.

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