



Rue of Law

*Show me the man and I'll show
you the crime.*

Laventy Beria,
Stalin's Secret Police Chief

AMERICA HAS SO MANY LAWS that even the federal and state governments long ago gave up trying to count them all.

One private attempt conducted in 2019 compiled a list of 5,199 statutory crimes, but thousands more acts are criminal under federal regulations, which threaten prison sentences for offenses as trivial as selling a mattress without a warning tag. (Roughly speaking, laws are written statutes, while regulations govern how they are enforced.)

While the complete list of federal statutes resides in the 54 titles (or volumes) of what is termed the *U.S. Code*, these additional regulations are compiled in the *U.S. Code of Federal Regulations*. At last count the latter collection ran to over 175,000 pages.

(Law firms transporting this essential compendium of laws from one office library to another might consider doing it in stages: The Federal weight limit for trucks on the interstate highway is a mere 34,000 pounds.)

This doesn't even take into account laws enacted by individual states, counties, and municipalities, which collectively maintain so many criminal laws that nobody even dares to undertake a thorough survey.

Naturally, some joker capitalized on this situation by posting a new "silly state crime" each day on an account on X. (No doubt there's a law against calling it Twitter.)

Among the heinous archaic state crimes on the books are renting out a rowboat with holes (Michigan), eating a frog after a frog-jumping contest (Florida), refusing a person a glass of water (Arizona), and perhaps worst of all, singing off key (North Carolina).

Various sources claim that every American commits anywhere from three to a dozen felonies every day, even discounting minor civil infractions like parking tickets. In fact, if drug laws were strictly enforced, over a third of all American adults would currently be behind bars. (And speaking of bars, how many people have never unintentionally exceeded the alcohol limit while driving?)

Submitting false or incomplete tax information is almost a national pastime, as is illegally downloading copyrighted music or movies or innocently pilfering a few cheap office supplies from the workplace.

Meanwhile, many people engage in very serious, harmful criminal behavior—for example, domestic violence (1 in 3 couples)—with little chance of ever being charged. (It's quite possible to beat up your spouse with impunity, only to be arrested for jay-walking on the way to the bar afterward.)

But there's a serious side to all the humor: Because there are so many laws, no one can possibly know them all. This conflicts with the principle of 'ignorance of the law is no excuse,' the legal principle which holds that one cannot escape liability for violating a law simply by being unaware of its existence.

Furthermore, it's impossible to enforce all these laws, and as a result, law enforcement officials must choose when to enforce a law and when to look the other way. This inevitably creates bias, disrespect for the law, and the temptation to prosecute a person for some other action which, while undesirable, may not in itself be illegal. (For example, peacefully protesting government laws.)

'Overcriminalization' also stifles small businesses and technological innovation, which—despite the plethora of corporate patents—still often results from a hobbyist inventor tinkering around in his garage.

Meanwhile, it's actually unlawful in most states of the country for their kids to sell lemonade at the curb without a license.

This overly-complex, unenforceable, incrementally-expanding view of the law is the opposite of the system of clear and relatively limited laws intended by the Founding Fathers. For the framers of the Constitution, whatever wasn't expressly forbidden was legal. (If an issue wasn't addressed in the Constitution or Bill of Rights, the responsibility to draft laws applicable to it fell to the individual states.)

Federal and state criminal laws have grown increasingly redundant. (Nearly every new offense that legislators seek to prohibit can already be prosecuted under existing laws.) This is the result of both internecine 'turf wars' and disagreement about whose jurisdiction has legal priority, as well as lawmakers simply being incapable of staying sufficiently informed about the multitude of laws already on the books.

In order for laws to be just, effective, and respected, they should be clear, concise, and applied equally to all—and preferably have a limited duration in which they are valid. (Asked in a survey if they could pass one single law that would be made permanent, many citizens replied, ironically, that all laws should automatically 'sunset' and become invalid after a specified time, and require being relegislated to continue.)

But one easily overlooked solution is for people to simply practice more virtuous behavior, holding respect for the rights of others without having to be forced to. Most laws would become moot if people could suppress the impulse to cry "There oughta be a law!" every time they are offended by the harmless—if perhaps disagreeable—behavior of their fellow citizens. ■