

Intelligencer Journal

A wrongful prosecution

BY IRA WAGLER

I have watched the local newspapers these last few months -- letters to the editor and such -- for any reaction from Lancaster County citizens about Levi Stoltzfoos' conviction.

I can't claim to have seen every letter to the editor, and so may have missed such a reaction. There was a sneering, utterly tasteless cartoon in the Intelligencer Journal on May 12. Such a cartoon would not have been published about any other ethnic or religious group. But the Amish are fair game, because they are the silent in the land.

They are not silent to me. My local Amish friends have politely urged me to write a guest column about Stoltzfoos. I have always brushed off their requests, telling them someone else surely will, so I won't have to. But someone else has not.

Stoltzfoos, ex-Amishman, was convicted in early May of money laundering. Because he deposited numerous separate deposits of around \$10,000 in cash in various banks, he was flagged and charged and brought to trial and convicted. He was sentenced recently to three consecutive prison terms, for a possible total of up to 15 years. At sentencing, the judge lectured him piously from the bench.

The local Amish community is quietly and deeply upset about the matter. And well they should be. Ex-Amishman or not, Stoltzfoos is still of their blood. I'm upset, too. The stark plain injustice of his conviction simply takes my breath away.

The law is the law, whether justified or not. Stoltzfoos admittedly broke it. But a simple honest investigation would have revealed the facts. Stoltzfoos could have been told that what he'd done violated the law. He could have been told not to do it again and that's as far as it would have needed to go.

But no. It couldn't be that simple, or follow such basic common sense. The Feds swooped in. They confiscated Stoltzfoos' money. But after investigating, the Feds decided they could not prosecute him because they couldn't prove he got the money through illegal drug dealing because he hadn't. So they turned it over to the state, which has no such requirements.

State officials were all too eager to take up the cudgel. They publicized accusations that Stoltzfoos had gained the money illicitly when they knew it wasn't true. The local newspapers ran the story on bold front page headlines. Stoltzfoos was a bad guy, who didn't deserve any sympathy.

At trial, it became starkly clear that the money legitimately belonged to Stoltzfoos. That fact is not even in dispute. So the issue became: the law is the law. It was broken, he is guilty and the money is forfeited.

The jury of my fellow Lancaster County citizens took their job seriously. They followed the letter of the law and found Stoltzfoos guilty. Some members of the jury wept as the verdict was read. They knew a terrible injustice was unfolding before them and they knew they were a part of it.

They could have found Levi "not guilty" with no explanation. And that would have been that. They now have to live with their decision.

For the record, I appreciate some of what law enforcement does in Lancaster County. The local District Attorney's office overall does a good job prosecuting and jailing common criminals. Most of the attorneys work hard for low pay and scant appreciation. And to be fair to them, this case was prosecuted from state Attorney General Tom Corbett's office.

But still, I hold the local district attorney responsible as well, for not speaking

out. Any person with common sense can know the money laundering laws that ensnared Stoltzfoos were not intended for people like him. I am amazed that no one at the state or local level acknowledged that fact and reacted accordingly. I am disappointed that not one attorney in those offices could dredge up enough courage and integrity to stand up and proclaim: "This is wrong. This man is innocent. We can choose not to prosecute."

No one did that publicly. And that's a shame.

Theoretically, I'm sure, they would claim to champion justice. That's why they're prosecutors. But in this case, at least, they are not dispensing it.

I wonder, is this what they envisioned when they were eager students in law school, setting out on a course to "change the world?" What public policy can possibly justify confiscating Stoltzfoos' money? I can think of only one: tyranny.

Somehow, they have lost sight of their mission. The law, every jot and tittle, must be upheld. No room for common sense or mercy. If a guy like Levi Stoltzfoos gets entangled and ground to bits in the cogs of their machine of justice, too bad. That's life.

But they are wrong. And they are less human because of it. And because of their actions in this case, we are less secure in our property and our rights. As a result, we will view those in authority with deepening suspicion and increasing distrust.

They have become official state oppressors of ordinary civilians who wish only to be left alone. They are Leviathan -- a governmental monster with a thousand clutching tentacles, grasping greedily what is not theirs to take. Concerned not with justice, but only that the letter of the law was broken. They are willing to confiscate all a man owns and render him destitute, deprived of his rightful gains and his freedom.

As Leviathan, they make a mockery of the "justice" they are sworn to uphold.

I don't know Levi Stoltzfoos. I never met the guy. I don't know his age or the choices he's made in his life.

The prosecution has released many unflattering details, hints of other criminal actions that Levi may have committed. All are a smoke screen to divert attention from their own criminal theft of Stoltzfoos' money. If he committed other crimes, they should prosecute him on those, instead of casting aspersions to justify their own despicable actions.

Stoltzfoos has been portrayed as paranoid. Anyone who does what he did probably is a little bit paranoid. In retrospect, his fears were justified.

The Lord, I believe, hears the cry of the wronged and the oppressed. Even if they are imperfect, like Stoltzfoos. And brings His judgment in His time.

It's not too late to cancel that judgment. Corbett, can still do the right thing. He should be a man, admit he made a bad call, drop the charges and return Stoltzfoos' money. Even then, the nightmare of what Levi has experienced will be with him always.

If Corbett persists in imprisoning an innocent man, the stain of shame against his office and against this county will never be wiped away.

And the Amish community will stand in silent witness to that truth.

Ira Wagler is a Lancaster attorney.