

**“REGULATORY CRIME:  
IDENTIFYING THE SCOPE OF THE PROBLEM”  
TESTIMONY BEFORE THE HOUSE JUDICIARY  
COMMITTEE  
TASK FORCE ON OVER-CRIMINALIZATION**

**OCTOBER 30, 2013**

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FORMER CHIEF ENGINEER AT KNOLLWOOD MILITARY  
RETIREMENT RESIDENCE**

Thank you for the opportunity to tell you my story. I hope that my story will persuade you to change the law so that other people do not also become victims of over-criminalization.

Like many other people, I had challenges growing up. My family was poor. My mother and my father were separated, and my mom had to raise five children on her own. I had three brothers, and we slept in one room. What was devastating, though, was having all of my brothers murdered before I was 20 years old. Shortly after my third brother died, my father died – I believe of a broken heart. That left me alone to take care of my mother and sister. I took care of my mother until three weeks ago when she passed away. When I became a father, I tried to be a role model for my two daughters, to let them know that you could live well and grow up without becoming a criminal. I have worked hard at many jobs throughout my life to support my family. After high school, I began working at the D.C. Department of Education as a janitor earning \$1.80 an hour. I took night classes and obtained promotions at the Department of Education, and in 2004, I was hired as the chief engineer at Knollwood, a retirement home in D.C. for military veterans and their families. That’s when I wound up becoming a “criminal” for trying to help and for doing something that I had no idea was illegal.

At Knollwood, I was in charge of the maintenance staff. This facility had a history of sewage blockages. Many of the residents were elderly, they wore adult diapers, and they flushed them down the toilet because they were embarrassed. We used to find them when we had to clean out a blockage.

The morning of March 29, 2007, we had a particularly bad sewage blockage. The ground floor of that facility is the hospice area, where the most critically ill people live. When we had sewage overflow due to a blockage, this is the area that would flood first. Those people are the most vulnerable people in the whole institution, and my thinking was we can’t let anything

happen to them. So the staff did what they had been doing for years to deal with the blockage. After calling a plumber, they pumped the sewage to a drain in the parking lot to keep it from flooding the area where the critically ill residents were living. I always had assumed that the drain in the parking lot ran into the building's sewage drainage system and the waste wound up at a water treatment facility. I left work at 2:30 p.m. like I normally did. The problem wasn't resolved, but it was under control. Around 4 p.m., I got a lot of phone calls. One of the people on the phone was a federal investigator from the Park Service, and he said he wanted me to return to work immediately. So, I went back to work.

When I arrived in the parking lot, there were 30 or 40 emergency vehicles. Someone must have identified me as the chief and the federal officers took me into the building. They told me, to my surprise, that we had been pumping sewage into Rock Creek. They also told me that unless I gave them a written statement implicating the generals and the captain, who were supervisors, that I was going to jail. I told the officer that I didn't have knowledge of what they knew, and I wasn't able to sign what they wanted because I'd be signing a lie. So I couldn't sign the statement the agents wanted me to.

Because of my own personal integrity, I can't sign something that can destroy or damage someone else's career just because someone else wants me to do that. And that's what I teach my children. You've got to be an independent thinker. You've got to do what's right regardless of whether it's popular or not. And in this case, that's what I did. I refused to sign something that I didn't have any direct knowledge of, that I couldn't say it was 100 percent correct.

I stayed at that building from 4 to 9 p.m., and during that time the agents said they'd decide whether they were going to put me in jail that night or not. So around 9 p.m. they told me that I wasn't going to be arrested that day but I was going to be arrested later, so I shouldn't

leave the area. As they had threatened, I was later arrested and charged with a felony violation of the Clean Water Act.

I had no idea that what we did to clean up the blockage was a crime. No one gave me any legal training. I took engineering classes at George Washington University, at the University of the District of Columbia, in Northern Virginia, and none of those classes offered me any legal training in my responsibilities.

It turns out to be guilty of the crime, I didn't have to know that the sewage was going into Rock Creek. Instead, I only had to know that I was directing sewage into a drain, which I obviously did. As a result, I wound up pleading guilty to a federal misdemeanor because the prosecutors said that if I pled guilty, they wouldn't oppose probation. As a single dad, I was worried that if I went to prison there would be nobody to raise my children or care for my mother. Even though the government was not "opposing" probation, the judge could have sentenced me to time in prison. When I came to court for sentencing, I had to tell my 16-year-old daughter that she might have to drive the car home by herself because the judge might sentence me to prison and require me to start serving time immediately. Fortunately, the judge didn't send me to prison but rather to one year of probation and six months of community service. I served that six months community service and much longer at the Union Temple Mission Church. But conviction has been a ball and chain upon my life. Two months after the conviction, I resigned from my position at the Army retirement home. I just couldn't bear coming back into there every day, reliving this stuff over and over. It was just too much for me. But finding a new job with a criminal conviction was extremely difficult. I presently work two jobs including a night shift.

After having children, I dedicated my life to being a good role model. I wanted to show my children that not all African American men need to be part of the criminal justice system. Failing to accomplish that objective has been devastating for me, and it has soured my children on the criminal justice system. They have lost confidence and faith in the judicial system.

Now, I want to prevent somebody else from going through what I went through. I'm done. I got crushed. But for me it isn't fair to go through life and watch it happen to someone else. That's my commitment today – to do everything humanly possible to make sure that what happened to me doesn't happen to anyone else. My commitment is to keeping some other family from going through what we went through.

I would hope the Congress would go through these new laws and take out the ones that are unfair or that no one knows about. There are enough real criminals in our society to keep the government busy. Why destroy good families for reasons that they don't understand? Right now, no one is safe from being unfairly prosecuted.

Thank you for your time.