



Fly the Cruel and Unusual Skies

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Sometimes, cruel punishment is the usual, as in states like the People’s Republic of China. Everybody is a victim [there](#). But entire ethnic or religious groups of people are routinely subjected to even more cruel tyranny than most Chinese people must put with.

If Americans aren’t yet in this situation — not for lack of trying by various local, state, and federal autocrats — one reason is that instances of cruel and unusual punishment can be fought in court. Which is what Ken Jouppi is doing with the help of the Institute for Justice.

What was Jouppi’s alleged crime? He let a passenger bring

“visible” containers of beer on board his Cessna 206. Why is this a problem? The number of beer cans was 72, and the destination was a dry village, so you can imagine the horror involved!

The trial court determined intent as Jouppi being “willfully blind” to the contraband, but it may be that he just failed to leap into action when he noticed the beer . . . assuming he did.

Jouppi was [punished](#) 13 years ago, a year after the “crime,” with three days in jail and a \$1,500 fine. But that wasn’t good enough for the Alaska government, which tenaciously enforces local alcohol prohibitions — it demanded that Jouppi forfeit his \$95,000 airplane.

“Although that penalty seemed grossly disproportionate,” [says](#) *Reason* magazine, “the Alaska Supreme Court ruled that it did not violate the Eighth Amendment’s ban on excessive fines.”

Yes, this is a case of civil asset forfeiture, covered [here](#) for decades now.

Will the U.S. Supreme Court see reason? Regardless of the outcome, the process has also been the punishment, one that is both cruel and all too usual.

This is Common Sense. I’m Paul Jacob.