

## **From Where I Sit: Freedom vs. the Feds**

By Mike Beardsley – September 2010

Property rights: the ability to hold and dispose of property in any manner one sees fit, are at the heart of liberty, the principle on which this nation was founded. America's founders understood that property rights are not just the foundation of prosperity but of freedom. It has been enshrined in both common and state law. The framers of our Constitution understanding the tendency of government toward tyranny and its long established history of taking private property, included specific language concerning the taking of property in the Fifth Amendment: "*No Person shall...be deprived of life, liberty, or property without just compensation.*" Today however, many in America are being indoctrinated that property should be preserved for the benefit of the public and public use. Simultaneously governments, at the local, state, and federal levels, have endeavored to obtain lands for "the public good".

Governments seek to acquire lands through many programs: comprehensive planning, eminent domain, preservation or conservation. Specifically, statewide and national programs like Land for Maine's Future, Keeping Maine's Forests, America's Great Outdoors Initiative, and Treasured Landscapes, seek to obtain land for the public using either a direct approach, (condemning property or fee acquisition) where the end result is government holding title, or indirectly (regulatory takings or conservation easements) which restricts use of the property, but leaves owners in possession of the title.<sup>i</sup> The latter being presented as benign compromises to achieve commonly desired ends: beautiful landscapes, clean water or clean air.

However, a land grab by any other means or name is still a land grab.

In the past it was done by force. Those opposed to land ownership by the state controlled ruling class met with malnutrition, starvation or death by either through forced relocation, or by facing the gallows, the guillotine or the muzzle of a gun<sup>ii</sup>. State controlled land ownership today takes the gentler approach of dialogue. Statists<sup>iii</sup>, employ a dialectic process to facilitate conversations with those they seek to control to reach a "common ground". What really happens is those opposed to government land intervention and ownership cede their position to find common ground. Collaborators are found to work with statist, while miscreants are either excluded or invited to the table late enough in the process, that the dye has already been cast.

Many collaborators have had the best of intentions, reasoning they are working to find common ground to minimize the negative impact of projects like Keeping Maine's Forests, and the Federal Treasured Landscapes programs to traditional forest industry use. However, prudence demands that we remember what has often been the collaborator's fate. Pastor Martin Niemöller (1892–1984)<sup>iv</sup>, a Nazi supporter turned critic, delivered the now famous dictum concerning collaboration in January 6, 1946 as a warning to future collaborators:

THEY CAME FIRST for the Communists,  
and I didn't speak up because I wasn't a Communist.

THEN THEY CAME for the trade unionists,  
and I didn't speak up because I wasn't a trade unionist.

THEN THEY CAME for the Jews,  
and I didn't speak up because I wasn't a Jew.

THEN THEY CAME for me  
and by that time no one was left to speak up.

While collaboration is often undertaken with the idea of being able to influence the terms of the coming dictates, frequently the collaborators are ultimately consumed.

In the forest products industry, we need to be careful about developments surrounding the Keeping Maine's Forest Initiative here in Maine, particularly in light of its linkage with President Obama's America's Great Outdoors Initiative and the Bureau of Land Management's Treasured Landscapes Initiative.

The government's systematic confiscation of private land for "the greater good" or public use and its populist overtones, provides a socially acceptable rationale for government land control and ownership. Current proposals advocate in one form or another transfer property from private hands into the hands of the government and their willing accomplices by targeting willing sellers using money from unknowing or unwilling buyers (we the taxpayers).

Perhaps more disturbing than the giving to all by the taking from some, are the mechanics recently uncovered in leaked internal government memos:<sup>v</sup> 1) advocating the use of "strong arm tactics", thru use of the Antiquities Act<sup>vi</sup> to circumvent legislative oversight and public resistance to achieve land acquisition goals, 2) efforts at the national level to hide funding of land acquisition programs, attaching funding requests as addendums to unrelated non-appropriation legislation, 3) using "perpetuity" provisions in easement language that exclude any amendments to use in the future should the need or desire arise.

Property is an indispensable component of our freedom, livelihood and prosperity. James Madison, the principal author of our US Constitution, wrote "as a man is said to have a right to his property, he may be equally said to have a property in his rights." These sentiments are codified in the 5<sup>th</sup> Amendment. The knowledge that the federal government must be tightly constrained is embodied in the 9<sup>th</sup> the 10<sup>th</sup> Amendments. At their heart, despite the stated good intentions, Keeping Maine's Forests Initiative, America's Great Outdoors Initiative and the Treasured Landscapes Initiative represent an overstep by the government into the rights of private landownership. The consequences of which will be far-reaching and unintended; a prospect that for posterity's sake, we cannot take lightly.

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<sup>i</sup> Cato Institute, [Handbook for Policy Makers](#), 7<sup>th</sup> Edition p. 345

<sup>ii</sup> Read about the history of Feudal Europe, Communist China or the U.S.S.R

<sup>iii</sup> Advocates of Statism: concentration of economic controls and planning in the hands of a highly centralized government often extending to government ownership of industry ([Merriam-Webster Dictionary](#) online)

<sup>iv</sup> Martin Niemöller - Wikipedia Article: [http://en.wikipedia.org/wiki/Martin\\_Niem%C3%B6ller](http://en.wikipedia.org/wiki/Martin_Niem%C3%B6ller)

<sup>v</sup> American Land Rights Association <http://www.landrights.org/LeakedObamaTreasuredLandscapesPlan.pdf>

<sup>vi</sup> Antiquities Act – see the Wikipedia Article [http://en.wikipedia.org/wiki/Antiquities\\_Act](http://en.wikipedia.org/wiki/Antiquities_Act)