



Why Property Rights Matter

by Tom DeWeese

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Prosperity – Stability - Freedom

By
Tom DeWeese

Most Americans tend to think of private property simply as a home -- the place where the family resides, stores their belongings and finds shelter and safety from the elements. It's where you live. It's yours because you pay the mortgage and the taxes. Most people don't give property ownership much more thought than that.

There was a time when property ownership was considered to be much more. Property, and the ability to own and control it, was life itself. The great economist, John Locke, whose writings and ideas had major influence on the nation's founders, believed that "life and liberty are secure only so long as the right of property is secure."

John Locke advocated that if property rights did not exist then the incentive for an industrious person to develop and improve property would be destroyed; that the industrious person would be deprived of the fruits of his labor; that marauding bands would confiscate by force the goods produced by others; and that mankind would be impelled to remain on a bare-subsistence level of hand to mouth survival because the accumulation of anything of value would invite attack.

In short, human civilization would be reduced to the level of a pack of wolves and cease to exist because lack of control over your own actions caused fear and insecurity. Private property ownership, Locke argued, brought stability and wealth to individuals, leading to a prosperous society of man.

One only has to look to the example of the former Soviet Union to see clearly what happens to a society when an outlaw government exercises brute force to take control of private property. Under that tyrannical government, each of Locke's predictions came true there.

The Russian Revolution of 1917 was easy to exploit and control by the Communists because the people were oppressed as their actions, labors, and living conditions were under the control of an

all-powerful kingdom. The Czarist rule had been passed on from generation to generation through birthright rather than by the choice of the people. As a result, a ruling class emerged based on relationship with the Czars. The ruling class could decide at will to take property, select industry and destroy lives. This led to wealth and power for a few. There was a middle class made up mainly of the bakers, the shopkeepers and tradesmen. With their modest incomes they were able to afford simple homes. The rest of the population was left in poverty; their survival was at the whim of the elite.

The Soviet Revolution promised the poor that it would throw out the ruling class and in its place create a government controlled by the people. There would be decent housing, jobs, and food enough for all. All would be equal. The wealthy would be banished and their riches shared throughout the land. The Communists promised “freedom” to the masses.

Of course the opposite occurred because the Communists were simply using the frustrations and emotions of the oppressed to win their favor. Throughout its history, the Soviet government excused its every action under the banner of equality for all. There were no property rights, no freedom of enterprise, and no protections of individual actions. Instead, the Soviet government enforced redistribution of wealth schemes, confiscating homes from the rich and middle class. Many times it forced owners to share the homes with multiple families, destroying the right of ownership and control. Eventually, with no one responsible for the upkeep, the properties fell into disrepair.

As Soviet economic policies eliminated the profit motive from the market, the incentive to produce was eliminated. Everyone, producer and non-producer alike, was reduced to an identical government handout. This is what the Soviets called equality. Soon the producers learned they could produce less, yet still get their government stipend. As a result, the shelves of the stores were rendered bare and, eventually, the economy collapsed and society sank into despair.

Nonetheless, the propaganda of the glorious “Workers’ Paradise” of the Soviet Union was used throughout the world as a blueprint to create new revolutions; Eastern Europe, East Germany, parts of Asia, Africa and Cuba all fell for the illusion of equality and freedom. In fact, the promised equality became the reality as all became equally poor when jobs, food and services collapsed under the assault on private property, free enterprise and individuality.

The same basic redistribution schemes of the Soviets were later used by Zimbabwe’s former dictator Robert Mugabe to destroy that

agriculturally-rich African nation. Mugabe confiscated farmland owned by white farmers and gave it to friends of his corrupt government – most of whom had never even seen a farm. The result was economic disaster, widespread poverty, and hunger in a land that had once fed the continent. It's interesting to note that in the days before he was finally overthrown, Mugabe was begging the owners to return to run the farms again while he begged for \$1.5 billion in food aid to prevent mass starvation. It's the classic result of every totalitarian power grab.

Next, the South American nation of Venezuela, rich in natural resources, has been reduced to poverty and despair by redistribution of wealth through murderous taxes and confiscation of private businesses and homes. Once again, shelves in stores are bare of goods while parents are actually being forced to give up their children because they can no longer afford to feed them.

Most recently, the nation of South Africa is following in the murderous footsteps of Robert Mugabe as it now attacks white farmers, taking their property and again putting it in the hands of those who know nothing about running a farm. When the people of South Africa are finally shown on television news reports as starving, eating from garbage or devouring zoo pets, capitalism or global warming will be blamed.

Clearly John Locke's warnings have been vindicated. Private property ownership is much more than a house. It is the root of a prosperous, healthy, human society based on the individual's freedom to live a life of his own, gaining from the fruits of his own labor. Take that option away and the people always react the same way. They stop producing.

Using Locke's ideas as their guide, the Founders of the United States of America created a system of government designed to protect private property and the free enterprise system that grew from the ability of free individuals to freely produce their goods and services. The nation prospered like none before it. Nowhere else in history were citizens able to improve their lives and have the opportunity to build individual wealth as in America. It didn't matter if you were born poor, were basically uneducated, or lacked the "proper" contacts or pedigree.

Though no one is guaranteed to be successful and prosperous, at least here in America each individual was assured the right and the freedom to try. It was the chief reason why people from other nations poured into America. Hope. Opportunity. Freedom. The words became synonymous with the very image of America. Streets paved in gold! Freedom! The American Dream.

Why were Americans different in the eyes of the world? Because they had a different idea for how mankind was to live. A philosophy based on the ideal of individual liberty. An optimism created by ideas never before considered by government. No kings. No potentates. No dictators. Just individuals, free to produce. Why? Because the people owned and controlled their own land which provided them the ability to build personal wealth. No King had ever allowed such a thing.

From the very beginning, the United States was guided by the idea of private property ownership. It was written into our governing documents. Property and freedom. One cannot survive without the other.

James Madison, the father of the Constitution, said, “As a man is said to have a right to his property, he may be equally said to have a property in his rights.”(Meaning that even if a person owned nothing else, he still owned his rights, which is the most valuable property of all.)

Founding Father John Adams said: “The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.”

These lofty ideas stayed with America throughout its history. In the early part of the Twentieth Century, President Calvin Coolidge expressed the same ideals when he said: “Ultimately, property rights and personal rights are the same thing.”

Later, author and philosopher, Ayn Rand, who had grown up under the tyranny of the Soviet Union, and knew first hand how the destruction of property rights condemned man to live in a state of misery and hopelessness, wrote: “The right to life is the source of all rights – and the right to property is their only implementation. Without property rights, no other rights are possible. Since man has to sustain his life by his own efforts, the man who has no right to the product of his efforts has no means to sustain his life. The man who produces while others dispose of his product, is a slave.”

Yet, in spite of all of the best laid plans of the Founders, regardless of the incredible history of success from those plans, the poison of failed Socialism has begun to seep into the cracks of the American foundation. Today, the once unique design of citizen control over the American government is losing ground. Government has begun to break out of its legal restraints as it rushes to rule, regulate and interfere in nearly every individual’s life decisions. As prosperity fades and the people become more desperate for their personal survival,

the ideals of property and freedom diminish in the minds of many, in exchange for a false security.

Even as history has shown not a single socialist/communist success, rather a legacy of broken promises, poverty, misery, and the inevitable tyranny that follows, the Siren's Song continues to draw in its desperate believers. And it's gaining steam. Where once the tyranny of top-down government control applied to the conquest of only one nation at a time, a brave new world is rushing toward the promise of a single global overseer armed with those same, well-worn empty promises -- that the elimination of free enterprise, individuality and private property will somehow lead to equality, eradication of poverty and some kind of undefined freedom. What such promises really lead to is an all-powerful government tyranny.

The Lost Definition of Private Property Rights

The increasing encroachment of government regulations, pontificating politicians and the enforcement of Social Justice schemes have led to a loss of understanding of the terms private property and property rights. Once it was understood that the unauthorized entering of private property was a violation to the utmost. The property owner was justified and supported in taking necessary actions to remove the trespasser and secure that land.

Today, such ideas in the new America are considered radical, old fashioned, out of touch, and even reprehensible. The homeowner can be arrested for defending against an armed intruder. The intruder can actually sue a homeowner for shooting them even as they break down the door intending to rob and do harm. Home protection is called violence, perhaps even racism. It's a whole new world of compliance, fear, and acceptance rather than pride, protection, and prosperity in ownership.

So, if we are to succeed in restoring the ideals of property ownership and benefit from its given creation of prosperity and freedom, then a short discussion of the full definition of private property is in order.

When you purchase property, how much of the land do you own? What is the depth of the soil? Do you own the water on the land? Do you own the air above it? As property rights expert, Dr. Timothy Ball wrote, "All these questions speak to political issues that transcend private, regional and national boundaries. Nationally and internationally, lack of this knowledge is being exploited by those who seek control..."

In the beginning of the nation – after the Declaration of Independence and the American Revolution, and the signing of the Treaty of Paris with Great Britain -- the American people became complete, sovereign freeholders in the land with the same prerogatives as the King once had. Now in this new nation the English King had no further claim to the land and could not tax or otherwise encumber it.

From that point the United States government acknowledged private ownership by issuing land patents, also called “Letter Patents.” They were signed by the President of the United States and recorded in the county record. From that point the land then became the owner’s property in a “true land title.” There were no other claims on the land. Land Patents or “Allodial Titles” were one of the major motivators of the American Revolution, providing rights to the land, free and clear of the liens and encumbrances of the King of England.

Land Patents are a contract or Document of Title, issued by a government or state for the conveyance of some portion of land from the public domain to private individuals. According to Black’s Law, a Land Patent Contract means the complete and absolute ownership of land; a paramount and individual right of property in land.

But, as expert Ron Gibson has written, the enjoyment of free and clear title allowing owners to “own” their land without interference from any government, including the government of the United States, didn’t last long. Writes Gibson, “As a result of generations of constructive Trust Fraud perpetuated against the American people. . . we’ve been conned into believing we are ‘owning’ property, when in fact, and by law, we’re only in ‘possession’ of property utilizing it as a renter or tenant would. So long as we pay our rent (i.e., taxes and mortgages), get the licenses, pay the fees, have it insured, regulated, zoned and permitted, we can still remain ‘in possession.’”

Gibson goes on to say, “Our Land Patent Laws were largely derived from Old English Laws, known as Allodial Patents, which means (The King of your Land). Once a patent has been issued by the United States Government and signed by the President of the United States, and recorded in the county recorder’s records in which the land is located, it then becomes your fee simple title (owing to no one). Meaning a true land title!”

Today, this history has been largely ignored by our government. Instead of a Land Patent or Allodial Patent issued when one buys property, we are issued a Warranty Deed. That is not a true title, but rather a “color of title.” That means you have a partner in the ownership of the land. The partner is the State, which encumbers the property with taxes and liens and all of those things, which simply

render you a tenant on what should be your own land.

And therein lies the root of the misconception mentioned in the opening chapter, that property is just the place where we live. The Government's refusal to acknowledge true property rights has led to a massive destruction of the American system, and is at the root of the creation of the largest reorganization of human society ever attempted.

In the 1990s, an all-out assault on property rights was well underway, led by a radical environmental movement, resulting in massive federal land grabs in the name of conservation. As one can imagine, courts across the nation were flooded with cases of people attempting to defend their property rights from government takings. In the state of Washington, one of the major targets for such programs, the state Supreme Court realized it didn't have an adequate definition of property rights to use in considering such cases. That's when State Supreme Court Justice Richard B. Sanders wrote a "Fifth Amendment" treatise which included the following definition of property rights.

"Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything which destroys any of the elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right."

Clearly Sanders' definition is based on the concept of Land Patents and Allodial Title. "Use" of the land is the key. Using the land in a productive way beneficial to the owner is what gives the land value. Simply paying the taxes and mortgage while some undefined government entity can rule and regulate how the property is used, according to Justice Sanders, is a "barren right" that annihilates its value.

So, if private property rights are to be saved in the nation that practically invented the concept, let there be no doubt in what the term means.

Ten Points to Define True Private Property Rights

- The owner's exclusive authority to determine how private property is used;
- The owner's peaceful possession, control, and enjoyment of his/her lawfully purchased, real private property;
- The owner's ability to make contracts to sell, rent, or give away all or

part of the lawfully purchased/real private property;

- That local, city, county, state, and federal governments are prohibited from exercising eminent domain for the sole purpose of acquiring lawfully purchased/real private property so as to resell to a private interest or generate revenues;
- That no local, city, county, state, or federal government has the authority to impose directives, ordinances, fees, or fines regarding aesthetic landscaping, color selections, tree and plant preservation, or open spaces on lawfully purchased/real private property;
- That no local, city, county, state, or federal government shall implement a land use plan that requires any part of lawfully purchased/real private property be set aside for public use or for a Natural Resource Protection Area directing that no construction or disturbance may occur;
- That no local, city, county, state, or federal government shall implement a law or ordinance restricting the number of outbuildings that may be placed on lawfully purchased/real private property;
- That no local, city, county, state, or federal government shall alter or impose zoning restrictions or regulations that will devalue or limit the ability to sell lawfully purchased/real private property;
- That no local, city, county, state, or federal government shall limit profitable or productive agriculture activities by mandating and controlling what crops and livestock are grown on lawfully purchased/real private property;
- That no local, city, county, state, or federal government representatives or their assigned agents may trespass on private property without the consent of the property owner or is in possession of a lawful warrant from a legitimate court of law. This includes invasion of property rights and privacy by government use of unmanned drone flights, with the exceptions of exigent circumstances such as protection of life, limb or the private property itself.

These points speak specifically to the right of use of the property. They do not infringe on a local government's ability for local rule or to impose local, reasonable, legal zoning policy, so long as such policies recognize and protect the owner's use of their private property.

Under current policies being implemented in every state and nearly every community, each of these points are being violated daily. Local governments are creating partnerships with private developers, using the powers of eminent domain to confiscate property for the building of private entities and enterprises such as shopping malls, manufacturing plants, and housing developments with the express purpose of raising tax revenues.

Federal agencies such as HUD, EPA and Bureau of Land Management (BLM) are systematically fining property owners, even confiscating and locking away private land, prohibiting its use and destroying traditional industry and farming.

State and local governments are forcing developers to set aside large tracts of land to enforce open space and green areas, which imposes punitive financial impositions on the property owners.

Finally, governments at every level routinely trespass on private land to measure, photograph and map, with the express purpose of creating new regulations.

Each of these actions is taken by government for the sole purpose of controlling the use of the land. The very idea of “unrestricted right of use” by the property owner terrifies the powers in charge as they race to control every inch of land and its use. Meanwhile, under such plans the very idea of private property rights have become ignored and voided by government edict. The owner, then, has no ability to defend his property, or control who has access. The result is that private property rights, according to Justice Sanford’s definition, have ceased to exist.

Nearly an unlimited variety of government programs, schemes and tricks are employed to control land use and violate the concept of private property. There are international rules and treaties, federal regulations and programs, state projects, and local plans -- many interconnected to one specific goal designed to change our society, form of government, and way of life. Each focuses on control or destruction of private property to achieve its goal. Leading that drive are powerful forces, such as government agencies and planning groups, in partnership with private organizations, each having specific agendas and nearly unlimited funds effecting and affecting policies necessary for bringing it about.

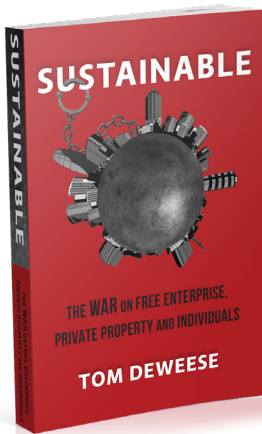
To preserve our freedom it is vital that every American understand who is behind such a reorganization of our society, why it is being done, and – especially how.

To learn more about the growing assault on private property and how to combat it in local communities and state legislatures...

All the details can be found in Tom DeWeese's revealing new book!

Sustainable: The WAR on Free Enterprise, Private Property and Individuals describes in detail the process being used at every level of government to reorganize our society under the excuse of environmental protection. Author Tom DeWeese pulls back the curtain to reveal the policies and the powers behind them that are systematically changing our culture and system of government to impose a political agenda of top-down control at every level. He provides invaluable insight as to how elected officials are pressured by an army of private organizations, planners and federal agencies, armed with federal grants to impose specific regulations in the name of Sustainable Development. Sustainable serves as a hand book for property rights activists to organize opposition. It provides vital information to a news media that is basically clueless to these policies, and it provides a blue print for fighting back as it offers hope to those who are its victims.

Vital Questions Answered in SUSTAINABLE



- How America is being transformed away from prosperity, stability and freedom
 - Why private property matters
 - The only real solution to eradicating poverty
 - The lost definition of property rights
 - 10 points to define true property freedom
 - Sustainable Development – good policy or threat?
 - Who's behind the transformation?
 - 10 real questions city planners should be asking the public
 - 10 vital questions to ask before signing a conservation easement
 - 10 facts every community needs to know about regional plans
 - Who takes the “Walk of Shame” in the destruction of property rights?
 - How to restore private property rights
- ...And much more

Available at SustainableDevelopment.com