

Freedom Matters

We are a free people in a republic, under a constitution which limits the powers of government to those necessary to secure the unalienable rights of each person to their life, liberty and property. We dedicate this paper to saving and preserving our freedom.

An Opinion Newspaper
Dane County, Wisconsin
Vol. 4, No. 17
Friday, August 20, 2004

Our Freedom Is Our Most Endangered Environment

by Bob Bowman

Yes, the most endangered environment today is the cultural environment of **human freedom**. We would like to think that this is true only of despotic governments around the globe, but it is sadly true also in the U. S. Of course, we have a higher standard here, based on our history and our founding documents, the Declaration of Independence and our federal and state constitutions. Yet, as a social paradox in our nation, those who are most insistent on freedom, in order to indulge license and libertines, are also the most derogatory of our legal and moral bases for all freedoms. Thereby, the "Free Willie" crowd backs legalized theft of wealth from the productive to give to the unproductive.

That is our most critical freedom issue: the legalized theft of property rights, particularly in land. Capitalism is the only system that produces human prosperity, as proven by the history of failures of socialism and more extreme collectivist systems. Private property in land is the basis for capital, and hence for capitalism, whereby the protection of private property rights, especially of property rights in land, is crucial in order to maintain a prosperous and solvent nation.

If this is a concern for rich people, it is even more of a concern for the comfortable middle class, and of the greatest concern if we care for the poor. The poor never rise out of poverty except under capitalism. The poverty of the Third World nations is documented by Hernando De Soto and his colleagues as resulting from the lack of property rights in land in those nations.

The assorted collectivists who ignore or dispute the above overwhelming evidence richly deserve the poverty they will get if they succeed in destroying land rights. We could let them thus descend into poverty, except they will drag us down with them. They are the reason that our freedoms are endangered in America.

The moral basis of property rights was clearly stated 150 years by Frederik Bastiat, in his slim classic book titled "The Law." Simply put, that moral basis rests on the prohibition against slavery. If the work of our hands is not our property, to be disposed of by our own free will, but instead can be taken by others to their own purposes, then we are slaves.

That prohibition should protect property rights in America, right? After all, our Bill of Rights contains an explicit prohibition against slavery, adopted as the 13th amendment. The original 10 amendments also contained a prohibition against **state** slavery, in the form of a prohibition against the taking of private property for public use without just compensation.

Those anti-slavery amendments thereby **conflict** with the 16th amendment, which authorizes the income tax, because a tax on incomes clearly and directly makes the worker a slave of the government. No long term general good can come to a government that makes slaves of its citizens, and many of the ills of our nation flow from the direct taxation of income.

Yet, the 16th amendment is not the only constitutional violation of inalienable property rights. One that rose at about the same time as the 16th amendment is the notorious failure of the U. S. Supreme Court to enforce the 5th amendment assertion of inalienable property rights. That failure is a dereliction that has poisoned our nation, and continues to do so.

A history of that failure is given by Bernard H. Siegan, in his 1997 book *Property and Freedom*, subtitled *The Constitution, the Courts and Land-Use Regulation*. He points out how the court stopped taking land-rights cases in the 1920s [in the spirit of the collectivist politics then sweeping the industrial nations of the world], and for 50 years let legislatures have their will in creating the system of zoning and land use planning that legalized the outright theft of private land rights. Generations of politicians rode to power on that wave, and continue to ride it, and they are endangering freedom and prosperity by doing so.

Property rights web sites: < <http://www.fairnessinlaw.org/> >
< <http://www.takebackwisconsin.com/> >
<<http://www.PropertyRightsResearch.org>>

Help *Freedom Matters* with gifts, ideas, or articles to publish. Make check payable to: Freedom Matters, Inc.

Readers' Bulletin Board. e-mail us your comments. Include your name, for publication by *Freedom Matters*

Published by Freedom Matters, Inc.
Cross Plains, WI. 53528
Bob Bowman, President; Michael Byrne, Editor

To subscribe or unsubscribe, e-mail rebshar@chorus.net, or call (608) 831-6653. Our subscriber list will not be sold or revealed.

Back Issues of *Freedom Matters* are available by return e-mail.