

# Freedom Matters

A News & Opinion Paper

Dane County, Wisconsin

Wednesday, February 8, 2006

Vol. 6, No. 1

Preserving our  
Property Rights

Our republic limits government to securing individual unalienable rights to life, liberty, and property. These rights are eroded by legislatures, and by courts complicit with them. To encourage wise jurists and journalists to help, *Freedom Matters* dedicates itself to the fight to restore that republic.

## Whither Freedom, and *Freedom Matters*

by Bob Bowman and Mike Byrne

Last year saw notable changes at *Freedom Matters*. Two deserve mention. First was the death of one of our four cofounders, William (Bill) Hitzemann. He died of heart complications, unexpectedly, on October 21, 2005. An upcoming issue of our publication will recount his life, with emphasis on his initiatives and involvement in property right matters. His career has lessons for us.

Our editor, Michael Byrne, replaces Bill on our board of directors. Mike's wife, Elena, steps in as editor. She had already done editorial duties, and had designed and implemented our web site (its address is given below). So, our readers have already seen her hand in our work.

The first of the year has always been a time at *Freedom Matters* when we take stock of where we are, what if anything we have accomplished, and where we want to go from here. Our decision has been to pursue another year of publication, and to maintain the web site. Though our use of e-mail and internet save hugely compared to the cost of hard copy distribution, it does not come free. The costs have mainly been borne by the board of directors. It is a fact of life that without active merchandising, fiscal contributions are rare, even if needed.

Thus, to enlighten our readers, and hopefully ourselves, we note here what we see as main issues in protecting our historic and quintessential American freedoms. Central to these freedoms, their bedrock, as is known by data, is the right to own and use property. This right grew out of the experience of the founders of our nation, who had come from societies in which land was owned by the government, and its occupancy by citizens came at the costs of serving as vassals to the government. That feature distinguished the feudal system that prevailed in Europe prior to the American revolution.

### Constitutional Principles

#### Ownership of land is reserved for the citizens:

*"No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."* - *Bill of Rights, 5th Amendment*

#### Powers of the Federal government are Limited:

*"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."* - *Bill of Rights, 10th Amend.*

### Federal Ownership of Land is Limited:

**"The Congress shall have Power to ... exercise exclusive Legislation in all Cases ... over all Places purchased by the consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-yards and other needful buildings ..."** - *Article I, s. 8*

### Role of the Federal Courts:

**"The judicial Power shall extend to all Cases...arising under this Constitution..."** - *Article III, s. 2*

*Yet, they err who see judges as the protectors of our freedoms. We ourselves must protect our freedoms, or judges will not.*

**•As Goal #1 in 2006**, *Freedom Matters* will work to expose judicial complicity in helping government confiscate (steal) property or its value. For common sense, read Richard Epstein, professor of Law. An entry site to his work is: <http://reason.com/9504/epstein.apr.shtml>

Locally, the greatest threat to property rights in Wisconsin is a comprehensive planning law far too broad in its goals and grants of power. As we have said before, **government planning** is like **vitamins**. A little of it is vital to a healthy society. However, as with many vitamins, more of it becomes toxic, and too much of it becomes fatal. The classic case of fatality from excessive government planning is the death of the Soviet Union from the social consequences of such planning.

As examples of the "mere" social toxicity of excessive government planning, we have only to look at "old Europe" or at the sorry economic mess that Argentina has become. Such stagnate or collapsed economies predict our fate, if our state or nation embraces excessive government planning such as that encouraged by our current state law. As antidotes to such excesses, we point to the insights of economist and professor Friedrich Hyak, and others of like thought.

**•As Goal #2 in 2006**, *Freedom Matters* will strive to define the safe limits of government planning. At its most "comprehensive" reach, we believe government should **not** be planning our lives for us, or giving our neighbors the right to do it.

As your goal, please **CONTRIBUTE!** We invite your ideas, questions, articles, money, encouragement or criticisms. Please let us know you are out there, concerned about your local government and its "planning" for the use of your land, that can even include the taking of your home. Laws are made by those who show up.

**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, Elena Byrne, Editor \*\*\*  
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