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# Revolution Under Way

## In defense of private property rights

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On Oct. 14, 1774 Congress passed a "Declaration of Rights." In part, the Declaration reads, "That they (the people) are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without consent."

Amendment Five of the United States Constitution says, "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."

The importance of private property was clearly on the minds and in the hearts of the Founders. Events unfolding over the past year affirm that private property rights remain on our minds and in our hearts.

A private property rights rebellion is blooming across the land. Recent events confirm the growing momentum of citizen's outrage at government seizures of property.

I participated in my second of three town hall meetings on property rights hosted by state Sen. Sam Aanestad in Redding. The first meeting was in Yuba City and next week a meeting is to be held in Lincoln. The senator has initiated these meetings to inform the public and to solicit their thoughts.

The Yuba City Council and the Shasta Board of Supervisors chambers were packed with people even standing outside. These meetings were widely advertised. No one spoke in favor of the U.S. Supreme Court's Kelo eminent domain decision or the Yolo County seizure of the Conaway Ranch. All defended the property rights provisions in the Declaration and in the Bill of Rights.

Citizens expressed outrage about their own sad experiences with eminent domain. I was struck at how frequently government is usurping the property rights of Californians, not in San Diego or San Francisco, but right here.

An 80-year-old man related how he has had to spend most of his limited financial resources in a multi-year fight against an agency that wants to put a road through his property. This man is willing to give up his financial security to save property that has been owned by his family for generations. For him fighting government is not an inconvenience, it is a crusade.

The consistent theme is how heavy-handed government is, how frustrating it is to fight city hall and bureaucracy and how angry people are.

I have not seen such outrage since the Proposition 13 Property Tax Rebellion in 1978. Then two obscure, long suffering tax crusaders Paul Gann and Howard Jarvis joined efforts and finally struck a responsive chord among taxpayers. This rebellion was born in California and took the nation with a power and conscience that still affects governmental leaders' decisions today.

The Private Property Rights Rebellion gained national impetus with the Kelo decision. Kelo encouraged formerly quiet citizens who were just taking it to say enough and to become, in the motto of Proposition 13, to become "Mad as hell" and unwilling to "take it any more." The Yolo County eminent domain seizure has become a part of all of this as it is increasingly being reported in media all over the country. In city upon city across the nation property owners are standing up, telling their sad tales and they are translating their anger into legislation passing in statehouse after statehouse.

For historical perspective I have been offering another egregious example of government taking from the late 1970s at these town hall meetings. National and state agencies had refused to grant permits to repair levees on thousands of acres of land north and south of Highway 37 between Vallejo and Sears Point. Heavy rains and high tides breached the levees in the winter of 1978. Soon bureaucrats from the state Lands Commission were rushing in to claim the property.

The property was conveyed to citizens under patents dating from the 1847 Arkansas Swamp Act. This Homestead Act-like law encouraged brave, pioneering Americans to occupy and reclaim swamplands making millions of former malarial swamps productive. Much of California's Sacramento and San Joaquin valleys were settled in this manner.

After the floods the state Land Commission notified property owners that the state now owned the land. The Lands Commission claim was based on the assertion that, with levees breached the property was subject to the ebb and flow of tides and was no longer Swamp and Overflow land. Tidelands are state land so voila, your land is now our land. Owner's title to millions of acres in California was compromised by virtue of a "Catch-22" act of government.

It appears government lust for private property has not diminished since the American Revolution and it appears the peoples resolved to protect their property is even stronger.

*- Jim Nielsen is a former state senator who writes for The Daily Democrat.*