



THE NAKED FISH

We Dare To Print The Naked Truth

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SUSTAINABLE DEVELOPMENT, SMART GROWTH, AND KELO: ORGANIZED THEFT, BY ANY NAME

By Tom DeWeese

Put yourself in the homeowner's shoes. You buy a home for your family. Perhaps it's even handed down from your father, or grandfather. It's a place you can afford, in a neighborhood you like. The children have made friends. You intend to stay, for the rest of your life.

As you plant your garden, landscape the yard, put up a swing set for the kids, and mold your land into a home, unknown to you, certain city officials are meeting around a table with developers. In front of them are maps, plats, and photographs - of your home. They talk of dollars - big dollars. Tax revenues for the city, huge profits for the developer. A shopping center, with all the trimmings, begins to take shape. You're not asked for input, or permission. You're not even notified, until the whole project is finalized, and the only minor detail is to get rid of you.

Then the pressure begins. A notice comes in the mail, telling you that the city intends



to take your land. An offer of compensation is made, usually, below the market price you could get if you sold it yourself.

The explanation given is that, since the government is going to take the land, it's not worth the old market price. Some neigh-

bors begin to sell, and move away.

With the loss of each one, the pressure mounts on you to sell. Visits from government agents become routine. Newspaper articles depict you as unreasonably holding up community progress. They call you greedy. Finally, the bulldozers move in on the properties already sold. The neighborhood becomes unlivable. It looks like a war zone.

Like being attacked by a conquering army, you are finally surrounded, with no place to run, but the courts. However, you're certain of victory. The United States was built on the very premise of the protection of private property rights. How can a government possibly be allowed to take anyone's home for private gain?

Under any circumstances, this should be considered criminal behavior. It used to be. If city officials were caught padding their own pockets, or those of their friends, it was con-

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SHOCK AND AWE IN KING COUNTY'S NEW 9TH DISTRICT

The second most important race in King County's elections this fall will be decided in the primary on September 20, 2005. The most important race, of course, is Sims versus Irons for King County Executive. CAPR has endorsed Irons.

The race for the heart and soul of the Republican Party in King County is happening in the new 9th District. That race pits 9th District Republican incumbent Steve Hammond against 6th District Republican appointed incumbent Reagan Dunn. CAPR has endorsed Hammond.

The platforms the two candidates are running on are nearly identical but the two campaigns are wildly different. Mr. Dunn's campaign is self-described as "Shock & Awe." Even though he is the new kid in the newly gerrymandered block, because he is Jennifer Dunn's son, he has the advantage in name recognition, political machine, and fund raising. Mr. Hammond is the candidate of the grass roots, particularly the rural folks who have borne the brunt of the recent Critical Areas Ordinance.

The new 9th District got off to a shaky start amid much controversy during the redistricting process that resulted when the voters approved the reduction of the King County council from thirteen to nine members. The law requires that a districting committee of two Democrats, two Republicans (even though the Libertarians had major party status at the time) and a non-partisan Chairman redraw the districts. When Republicans Jane Hague and Pete Von Reichbauer (a former Democrat) teamed up with six of the

Democrats (all but Bob Ferguson), that cabal was able to control all five positions on the redistricting committee. The result was predictable. The gang of eight ended up with secure districts with the Democrats retaining power. Republican Irons and Democrat Ferguson (who supported the downsizing) were left to fight for the scraps. The new 9th District was extended all the way from the county line at Enumclaw to I-90 on the north, prompting the comments that the district is approximately the size of Kansas and has two time zones. See the district map on page 8.



To add even further confusion, we started the year off with a new primary system wherein the top two finishers in the primary would be the only ones to advance to the general election. Both the Republican and Democrat parties declared that they would not participate in the primary but would choose their candidates the old fashioned way via caucuses and conventions.

The two most contentious races at the conventions were District 1 where Democrat incumbent Carolyn Edmonds was challenged by displaced Democrat incumbent Bob Ferguson and the race in District 9 with Dunn challenging Hammond. At the conventions, Ferguson beat the Democrat party leadership's favorite Edmonds and Hammond defeated Dunn. Dunn outspent Hammond \$117,000 to \$19,000.

Both losers vowed to continue in the race and run in the primary. They must have had their fingers crossed when pledging their



support of the convention process. The Democrats officially switched their support to Ferguson and gleefully watched while the Republican leadership tore their party in half by ignoring Dunn's loss.

Along came Judge Zilly who threw out the top two primary as unconstitutional and gave both Edmonds and Dunn an easy way

to spin away their loyalty lapses. The Ferguson/Edmonds race has shaped up to be a pretty typical primary race. They have collected and spent similar amounts of money with a slight edge to Edmonds. Ferguson has a reputation for using more shoe leather than money while campaigning. It certainly worked when he knocked off long-time incumbent Cynthia Sullivan.

The Hammond/Dunn race is anything but typical. At the end of August, Dunn had raised \$230,614 to Hammond's \$41,494. Dunn has raised nearly as much as David Irons has for his race for King County Executive. Dunn has been very good at raising money out of the district. See the charts on page 11. You might also want to reread the article titled "You Get What You Pay For" in the March - April, 2004, issue of this publication. Hammond will be beholden to a bunch of modest contributors, most of who live in his district. Dunn will be beholden to the big-money interests of both Washingtons.

Hammond has stated publicly that he would be perfectly happy dying a King County councilman as did Kent Pullen to whose seat he

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NEWSPAPERS AS SCRIPTURE

By Jim Beers

Newspapers have become mediums for disseminating environmental myths. Let a government employee or some "international" expert spout some self-serving myth to advance an unnoticed agenda and the newspapers treat it immediately like an impending doom that only "experts" can avert. The paper is then quoted over dinner tables and lunch counters and clipped by teachers to pass on to their young charges.

A recent article in the Washington Times reads, "Warming Arctic puts polar bears on thin ice". Per the article opener, "Polar bears are facing slow elimination over the next century as their vast frozen habitat melts away". "The 40 member panel of the polar bear specialist group of the World Conservation Union" go on to tell us "summer ice could disappear from the Arctic Ocean by the end of the century" and "polar bears spend their lives stalking seals". They close with the obligatory urban legend that "They (sic, polar bears) are curious" and "Despite a mythic reputation for ferociousness, they often act cautiously around other bears."

Like so many other modern myths, these environmental assertions shrivel when the sunlight of facts strike them. There are both hidden facts and hidden agendas disguised here as "another environmental catastrophe that only your donation and more big government can solve." Like the Endangered Species Act and the Marine Mammal Protection Act and the Animal Welfare Act and the Wilderness Act and proposed Invasive Species legislation, this is yet another example of concocted issues and proposed solutions that do nothing for the issue and generate a host of harms never mentioned originally.

FACT: If indeed warming trends continue for the foreseeable future, the ability of 25,000 plus polar bears to adapt in reduced numbers is not only possible but likely. From 500 AD to 1000 AD Vikings not only settled but indeed grew berries and grapes and grains on the coast of Greenland. During this period according to Dr. Russell of Louisiana State Univ. writing in 1956, "Greenland voyages followed routes which would be impossible today, across seas now regularly blocked by ice." These Viking Greenland settlements had to be abandoned around 1100 AD because the climate was getting so cold that they could no longer grow food.

What did polar bears do during this warm period? Hundreds of years of little ice and warm weather must have been endured somehow. Were polar bears "on the brink of extinction" for hundreds of years?

FACT: Seal numbers in the North Atlantic are higher than at any time in recent memory. The same would be true of the seals in the Bering Sea if very high populations of killer whales were managed to control their depredations on both the seals and the sea otters they are now forced to feed on. All of these mammals (polar bear, seals, sea otters, killer whales) have been given total protection by the US Marine Mammal Protection Act for nearly 40 years. Though the Act gives lip service to allowing use and management of marine mammals after they reach "optimum sustainable populations", these mammals long ago passed both "optimum" and "sustainable" levels. They are not now, nor will they ever be, managed and used as they should be both legally and in accord with common sense. Their continuing ravages on salmon and cod and African lobsters and abalone to mention but a few of their impacts are facts.

If anyone was truly concerned about polar bears and their food, one look at the precarious nature of seals due to their overpopulation and their impact on both man's and their

own food supply and the likelihood of an inevitable population crash would lead a sincere biologist to recommend seal management to cull the herds and maintain sustainable populations to, among other things, assure a self-sustaining polar bear food supply.

Such management is only feasible by non-government hunters paying fees and either using or selling the seals for various uses in open international markets. The markets and the hunters and the management programs are exactly what the Marine Mammal Protection Act was designed to eliminate and succeeded in destroying.

FACT: Polar bears are very dangerous bears for humans to be around. Their "curiosity" may be noteworthy, but in the case of a wild bear weighing half a ton that is hardly an endearing trait. The fact that they may act "cautiously" around other bears may be a cute anthropomorphism on the Discovery Channel special but it is meaningless when considering the current and future interface of polar bear populations and

How does anyone know if a temperature trend will continue for a decade, a century? If trends just continue why are we not still walking around glaciers or continuing to get warm since 1100 AD?

northern settlements or northern human activities. Bear/bear interaction is not the issue. As with grizzlies and wolves and cougars, there are places they should not be and there are population levels they should not exceed.

FACT: Polar bear harvests of surplus animals have been both feasible and desirable for decades. Anti-hunting organizations and both Federal and "international" experts have opposed such harvests. Hunts would have generated income for native peoples, income for taxidermists, outfitters and - most importantly- polar bear managers to monitor populations and trends with real data and not just satellite monitoring.

Buried in the article is the recommendation that polar bears "should now be rated as vulnerable on an international 'red list' of threatened species." Translated this means no hunting by any entity would be allowed unless permitted by the UN bureaucrats and the no-animal-use delegates that swarm to the plush biennial UN CITES meetings at exotic locations where gout from rich foods is a greater probability than anyone advocating any harvest of any animal anywhere.

HIDDEN AGENDA: Global warming is woven throughout the article. The fact that this will continue and that we must all do whatever we must to stop it and "save" polar bears is unquestioned and uncontested. Kids will quote this in school. Congressional staffers will mention it in meetings. Bureaucrats and their Non-government "partners" will mention it casually in interviews and meetings. Nature show moderators will recount it in dulcet tones during shows about everything from the Arctic fox to the Antarctic penguin.

Is global warming a fact? Is it amenable to any human action? Is human activity significant at all? Is it just what that mini-ice age or the glaciers were, a natural change? Is it possible that a warm period may be very beneficial? How does anyone know if a temperature trend will continue for a de-

cade, a century? If trends just continue why are we not still walking around glaciers or continuing to get warm since 1100 AD? Is this article part of the recent deluge (it is summertime, G-8 is meeting in Scotland, Kyoto may be an election issue, a Supreme Court nomination is pending, etc.) of global warming "warnings"?

HIDDEN AGENDA: Ever notice how bureaucrat biologists, environmental extremists, and animal rights radicals are like Chicken Little running around squawking about the sky falling while being helpless to stop it? Look at the (non) success rate of the Endangered Species Act. Look at the environmental mayhem created by the Marine Mammal Protection Act and ask your self what are they creating? Are they recovering spotted owls? What good (versus what horrendous harm) is being wrought by wolf introductions? What wildlife management or forest management (other than buying and closing more land) is being employed on government lands as Wilderness and Roadless and Area and Use Closures proliferate? What solutions are possible other than stopping human activity and eliminating more human freedoms? When did "command and control bureaucracy" replace "identify and recommend government employees"? The only answer we ever get to these problems is the "need" to spend more and how everything to date has been inadequate and how more regulation and enforcement and government power over property and individuals is necessary. Never do they actually describe problems and what they are going to do about them given their expertise and the resources available.

In this vein the article concludes with "Although the group named climate warming and the destruction of the ice habitat as the main threat to the species, it also cited poaching in Russia and threats by contaminants as other problems."

All this "protect everything" philosophy will eventually do away with what it purports to "save". Unmanaged populations of plants and animals will tend to experience "booms" and "busts" until one day the "bust" goes so low they disappear. Look at pre-Endangered Species Act and pre-UN environments and extinctions were not the result of "over" this and that (hunting, farming, human population, fishing, logging, grazing, etc.); they were the result of "under" management (i.e. no concern because of a perceived lack of value).

Today with more knowledge and experience and more sophisticated tools we scurry away from management and use like a Siberian peasant fleeing a wolf in a snowstorm. As long as these thinly-veiled hidden agendas and half truths are given legitimacy in newspapers, things will continue to get worse. It's not rocket science and come to think of it, rocket science is explained much more honestly and understandably to the general public than the simple need for polar bear management and use programs that assure future polar bear populations.

Those who use and benefit from natural resources are the fiercest protectors of those resources. Those who never use natural resources manipulate them for other agendas or support the total protection of such resources during ephemeral periods of their lives when they are either affluent or experiencing an urge to reform things that do not affect them.

Jim Beers is a retired Refuge Manager, Special Agent, & Wildlife Biologist with the U.S. Fish & Wildlife Service.

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We hope you enjoyed this issue and will join us in our attempt to bring some sense and sanity to environmental issues in King County.

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Thinking cannot be carried on without the materials of thought; and the materials of thought are facts, or else assertions that are presented as facts. A mass of details stored up in the mind does not in itself make a thinker; but on the other hand thinking is absolutely impossible without that mass of details. And it is just this latter impossible operation of thinking without the materials of thought which is being advocated by modern pedagogy and is being put into practice only too well by modern students. In the presence of this tendency, we believe that facts and hard work ought again to be allowed to come to their rights: it is impossible to think with an empty mind.

J. Gresham Machen

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SOVIETIZING AMERICA: HOW SUSTAINABLE DEVELOPMENT CRUSHES THE INDIVIDUAL

by Michael Shaw and Edward Hudgins

An unrecognized threat to the liberty and prosperity of each American has spread throughout the country, taking root in every state and county. Its current and most serious manifestation was fashioned by an international organization with the explicit goal of replacing the autonomy of individuals over their own land with a collectivist control system that ultimately destroys the natural rights of each citizen. Its weapons for limiting liberty include councils that are similar to the institution of "soviets" that were pioneered by the communists who once controlled Russia. And yet most Americans see it as a well-meaning attempt to create a cleaner, better planet.



Poster used during election of local deputies to soviets - 1987

Agenda 21 is the guidebook to implementing "Sustainable Development" which is a comprehensive concept for human management adopted by the United Nations summit in Rio de Janeiro in 1992. The land use element of Agenda 21 is implemented in the United States under labels like "Smart Growth," "Comprehensive Planning," "Growth Management," or "Community Visioning." It uses American political activists, politicians, academics, government agencies, non governmental organizations, non profits and "collaborative business" to foster a new economic system; so-called "public-private partnerships." As a result a new form of governance is emerging that is evolving outside the bounds of the preexisting legal and Constitutional framework. Non-elected councils are intended to manage all private property.. This restructure is designed to restrict the owner's rights to the use and enjoyment of his property. It is crucial that citizens recognize the nature of this threat to American individualism if they are to break the political stranglehold that these new soviets place on our liberties.

Government Protection and Protection from Government

In a free society political institutions are constructed to protect the fundamental rights of individuals—including property rights—both from the initiation of force and fraud by other individuals and from the political regime itself. One means by which government is restrained is through voting. Citizens vote for lawmakers including members of the U.S. Congress, state legislatures, county commissions, or city councils. They vote for executive branch members, including the president, governors, mayors, and county executives. Legislative deliberations are open to the public and votes of elected

officials are matters of public record. Ultimately if lawmakers or members of the executive branch do not satisfy the voters, they are voted out at regularly scheduled elections.

Unrestrained democracy and concentrated and centralized powers endanger liberty. That is why the U.S. Constitution assigns limited and enumerated powers to the federal government. This concept forms the framework for the American experience—government exists to protect individual rights by application of the principles of equal justice. That is why the powers of government—executive, legislative and judicial—are separated and limited. America's Founders intentionally made it difficult for majorities to violate the natural rights of a minority including when the minority is but one person.

A major problem especially since World War Two has been the abrogation by legislators of their lawmaking authority to non elected regulatory bureaucracies. The rule-makings by these bureaucracies do not receive the kind of attention and are not subject to the kind of checks that restrain lawmakers. Yet some checks still exist; proposed rules must be posted, public hearings must be held, and agencies are subject to restrictions imposed by legislatures such as requirements for cost-benefit analyses. But this problem of abrogation grows worse, with "regional" bureaucracies joining the effort.

The checks have become impractical and ineffective. Even at the local level, the volume of "vision" meetings, legal postings, public hearings, and public comments results in voluminous rule-making that would require legions of citizens to even monitor and report the activities.

The United Nations's Sustainable Development Threat

Many of the modern assaults on private property have been in the name of environmentalism, and it is no secret that many advocates of such policies are not merely trying to produce a cleaner planet but, rather, the elimination of free enterprise and of ridding much of the planet and America of the presence of human beings. Assaults on land use have taken a new, dangerous form thanks to the federal government's adoption, by executive order, of the United Nations' "Sustainable Development" (Agenda 21) initiative. Sustainable Development requires a much more systematic program, directed in accordance with a globally arranged central plan, than heretofore is found in the local or even federal regulations. The term, Sustainable Development, was defined in the Bruntland Report, *Our Common Future*, at the U.N.'s World Commission on Environment and Development as, "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs." That report set the groundwork for the U.N. Conference on Environment and Development or Rio Earth Summit in 1992 at which 178 governments, including the United States, agreed to Agenda 21. This Agenda and many documents that followed, offered a detailed description of the policies that would allegedly result in "sustainable development".

The Agenda contained the usual socialist class warfare assumptions but couched it in environmentalist language. For example, chapter 4 explains that, "Excessive demands and unsustainable lifestyles among the

richer segments of humanity place immense stress on the environment. The poorer segments, meanwhile, are unable to meet food, health-care, shelter and educational needs. This pattern, which aggravates poverty in the world, is a matter of grave concern."

But as two different indexes of economic freedom, one developed by the Heritage Foundation, the other by an international coalition of think tanks headed by Canada's Fraser Institute, clearly show, the strongest correlation with prosperity is economic freedom and with poverty, economic repression. Yet the Preamble of the Agenda states that to meet its goals will "require substantial new financial assistance for developing countries." Further, Article 8 of the Draft Covenant on Economic Development for the Agenda states that "equity will be achieved ... through transfers of resources to developing countries." Of course, this would follow the hundreds of billions of dollars in U.S. aid that has been dumped into those countries over past decades with no results aside from propping up the governments that keep their own people in poverty by denying them economic freedom.

Agenda 21 sees governments as the answer. The Preamble states that "sustainable development is primarily the responsibility of governments, and this will require national strategies, plans and policies." And chapter 4 states that to produce sustainable development, governments should strive to "promote efficient production and reduce wasteful consumption." The United States submits regular reports to the United Nations to validate the nation's achievement of the Agenda 21 programs and timetables.

What these statements really mean for most Americans was spelled out by Maurice Strong, the Secretary General of the Rio Earth Summit, and Canadian oil billionaire, who wrote that "current lifestyles and consumption patterns of the affluent middle class—involving high meat intake, use of fossil fuels, appli-

of land is lost and the Wildlands Project's goals are advanced.

The urban version of Agenda 21, usually under the name Smart Growth, seeks to concentrate people into more densely crowded city centers with limited transportation options. Put another way, Smart Growth is a war against suburbs with single-family houses with large yards and individuals traveling principally by automobile.

How Agenda 21 Works

Agenda 21 is a kind of handbook that promotes local action to begin the process of implementing Sustainable Development policies. Any number of actors can start the process. Often it is a representative of a non-governmental organization (NGO). NGOs are accredited by the United Nations, most for the purpose of advancing sustainable policies. The process also might be started by a federal regulatory agency or bureaucrat. Or it might be kicked off by a local government official.

The bills initially are often paid for by tax-exempt foundations. These have included the Rockefeller Foundation, Pew Charitable Trusts, the Turner Foundation, the Packard Foundation, the Carnegie Foundation, and the McArthur Foundation.

The institutional instruments that activists seek to establish are so-called stakeholder councils. Activists might place an ad in local papers announcing an initiative to deal with one of any number of purported problems—water, soil, wildlife, housing costs, transportation etc. The initiating party might call other local activists—members of the Sierra Club and other local environmental and business non-profits—to make certain they are at the meeting.

Paid facilitators usually run the meetings. The goal of the facilitators is to reach a "consensus" concerning the problem that is to

**"Current lifestyles and consumption patterns of the affluent middle class—involving high meat intake, use of fossil fuels, appliances, home and work air conditioning, and suburban housing are not sustainable."
— Agenda 21**

ances, home and work air conditioning, and suburban housing are not sustainable." The lifestyle that Americans worked so hard to earn is the explicit target of Agenda 21. Even more ominous for freedom were the words of Harvey Ruvlin of the International Council for Local Environmental Initiatives, who is also a Clerk of the Circuit and County Court in Miami-Dade County, Florida. He defined the issue well when he said "individual rights will have to take a back seat to the collective."

In rural areas of developed countries the goal of Agenda 21's Wildlands Project is to eliminate human presence from "at least" 50 percent of the American landscape according to Reed Noss, an editor for the project's quarterly publication, *Wild Earth*. That means eliminating roads, bridges, dams, farms, houses and any kind of productive activity. Throughout the country Sustainable policies are driving forestland owners, ranchers, farmers and other rural residents off the land. A wave of NGO sponsored conservation easements are setting up rural landscapes for the loss of private management authority. Without management authority the private nature

be addressed. This often involves many meetings, subcommittees, and the like. Ultimately some action plans or "best management practices" are issued. Of course, the actions of these councils themselves do not have the force of law. But usually the councils have been working closely with local government officials friendly to their causes. The officials might then secure an act of the city council, county commission, or other body to adopt the council recommendations.

Sometimes a federal, state or local regulatory agency with jurisdiction over some land use issue in a particular area, for example, over water use or wildlife, might simply issue the council's recommendations as its policy.

Philosophical Problems with Sustainable Development

The U.N.'s concept of Sustainable Development is antithetical to individual freedom and economic liberty. It is, philosophically speaking, unsustainable. Development in this context refers to the use of naturally

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THE TRUE TAKINGS REFORM IMPERATIVE

by Donald J. Kochan

Originally published in *The Freeman: Ideas on Liberty* - February 1997

In recent years, a takings revolution has been occurring, with hundreds of reform bills introduced in state legislatures and with historic legislation pending in Congress. The most protective of these efforts aim to require payment of compensation when governmental actions diminish the value of a property owner's land. One piece of Congressional legislation, for instance, would require the state to compensate an owner any time a federal action diminishes the value of an individual's property by more than 33 percent.

These reforms, while admirable in the effort to ease the harm done to property owners by governmental regulation, should not divert us from the true imperative of the constitutional protection of property. Under the Constitution, the state is obligated to avoid adversely affecting property rights whenever possible.

The reform bills re-enforce the letter of the Fifth Amendment's Takings Clause^[1] as a liability rule. They allow the government almost unlimited power to affect a citizen's property, as long as it pays for its actions. Reparation payments for harms done to property, however, are seldom perfect com-

penensation for an owner's loss. So, while reforms that focus on increasing the compensatory obligations of the government should be embraced, the spirit of the Takings Clause is that the government should employ its power of eminent domain only in situations of necessity—that is, when addressing concerns not susceptible to private solutions.

In the Lockean tradition, the Framers of the Constitution created a government of limited powers, with the protection of property constituting its essential purpose. The great and chief end therefore, of men's uniting into commonwealths, and putting themselves under government, is *the preservation of property*, wrote John Locke, adding, To which in the state of nature there are many things wanting.^[2]

James Madison observed the essential correlation between property and the state when he wrote, Government is instituted to protect property of every sort. . . . This being the end of government, that alone is a *just government*, which *impartially* secures to every man, whatever is his *own*.^[3]

In this light, it is clear that protection and preservation, not merely compensation, must be the focus of just governance.

In an era of burgeoning governmental regulations, we are moving toward a society in which there are many

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occurring materials such as land, forests, rivers, water, and the like. The notion of Sustainable Development assumes that if not managed by some collective body, these materials will be destroyed by individual owners. The United Nations Habitat Conference Report in 1976 stated: "**Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice...Public control of land use is therefore indispensable.**"

This idea plays on the notion that resources are limited. Yet there is no such thing as a "natural resource." There is only matter and energy in the world that we human beings with our remarkable minds are able to make use of for our survival and well-being. Oil, for example, a century and a half ago, was not a resource to a farmer who found it seeping out of his land; it made the land worthless for growing crops or grazing farm animals. Only when men discovered how to use it to heat homes, run electrical generators, and propel planes and automobiles did it become a resource. Since from a human perspective there is no limit to the potentially usable matter and energy in the universe, there is no problem of running out of resources. The only problem is which resources will be developed and at what cost. There is nascent technology, for example, to generate energy via ocean waves or to use orbiting collectors that would convert and beam energy to Earth via microwaves or lasers.

And University of Arizona, Tucson, Professor John Lewis has done serious work on the technology and economics of mining asteroids for minerals.

Sustainable Development is supposed to meet "the needs of the present without compromising the ability of future generations to meet their own needs." This definition is collectivist to the core. Not only does it ignore individual owners of assets, it in effect

bestows title to those assets to an unborn future collective—not even future individuals who might inherit titles to property - but to "future generations." Agenda 21's definition of Sustainable Development was lifted from the 1977 Constitution of the Soviet Union.

In addition, this conception assumes that one can judge at any given time whether some use of an asset will be sustainable in the future. But such knowledge is virtually unobtainable. Estimates a century ago that America would soon lose its forests—a renewable resource — were wrong; we have more woodlands today than at that time. Predictions at that time that America would run out of oil in a few decades also proved spurious. Consider the folly if our ancestors had determined to save whale oil for lighting a few homes during the twentieth century.

But more fundamental is the fact that we cannot know how technology will affect the sustainable use of any given asset in the future. A snapshot is not a movie. America's history shows material progress over past centuries by any measure. If we had asked at any given time whether the use of an asset were sustainable without knowledge of future technologies that are simply unknowable before they are created, not doubt most development and progress would not have occurred.

This brings up another flaw in the definition of Sustainable Development. It is likely that future generations will live better than present ones if governments do not sabotage economic growth through takings, taxes, and regulations. If anything, the present generation makes itself a victim by forgoing the use of resources for the sake of future ones. The present generation bequeaths to the future a wealth of capital and knowledge. That means future generations will not need to reinvent the wheel.

Yet another problem with Sustainable De-

URBAN SPRAWL IS JUST ANOTHER NAME FOR GROWTH AND PROSPERITY

By Charles E. Tomlinson

The media makes urban sprawl sound like some kind of terrible virus that will infect the forests and other green areas of the world and cause them to disappear forever. Urban sprawl refers to replacing forests and farms (which are pretty, and desirable to those who do not have to pay the taxes on them) by other things that are not so pretty like factories, homes, highways, shopping malls, and people.

But factories provide jobs for people to improve their standard of living. Home ownership has defined the American dream. New and better highways make it easier for people to be able to get around. Shopping malls are constructed to fill people's need to buy food, clothing, and other items. And just what is wrong with people moving to areas that were once farms and forests? People have been doing this in this country for over three hundred years. Why should they stop now?

If fields and forests are changed into factories, homes, and other uses that people want, it is because the people who own the fields and forest decide to sell them to the people who want to make factories, homes, etc. The factory and home folks either are successful in making the changes they desire in land use and succeed in their efforts, or they guess wrong and they fail. In either case, they are the ones who profit or lose. You and I, unless we choose to, do not have a dog in the race. The process is market driven, noncoercive (which means that you and I do not have to participate if we choose not to) and reality based.

If we embrace the Trojan horse of urban sprawl what are the results?

Somebody out there (usually a bureaucrat with the word "planner" in his title) decides that the people in his jurisdiction would be better off if the forest was preserved in a green belt and the factory placed over here, the houses over there, and the highways replaced by some urban transit scheme. His

wishes are imposed by regulations, laws, codes, and eminent domain on those who live within his zone of control.

This land use is not market driven, but bureaucratically imposed. You, as a taxpayer, do have a dog in this race because you are paying for it. Your input into the process will be accepted with open arms if you suggest new ways to acquire additional funds, regulations, or power but will be ignored, vilified, and punished if you dare to question the process itself.

So it boils down to this: The issue with urban sprawl is not the change in land use, but whether market forces or bureaucrats will control it. If the bureaucrats do, it is called planned growth; if the market does, it is labeled urban sprawl. The urban sprawl denounced by the media is simply the idea that you get to do what you want to do with the property that you own. Planned growth means that the planners get to do what they want to do with the property that you own. The ultimate result of planned growth is available for all to see the old Soviet Union. The grim, depressing sight of apartments holding 5,000 people each, spaced like huge concrete chicken houses marching off into the gray distance; the wide avenues built for parades but deserted because they do not go where people want to go; and the forest parks made to look like government's idea of what a forest should be; give visual evidence of the final result of the planner's world.

Unless you really like the way Moscow looks and works, you should celebrate urban sprawl and the continuing changes that free men can make in the uses of land when they are stimulated by free markets and a desire to make things better.

Charles E. Tomlinson has been a forest manager and consultant since 1957. He is a writer for the Objectivist Center (www.objectivistcenter.org) in Poughkeepsie, New York. The Objectivist Center is a national not-for-profit think tank promoting the values of reason, individualism, freedom and achievement in American culture.

development is that it does not actually generate demonstrable net benefits. Often Agenda 21 and Smart Growth plans simply define progress in terms of the preservation of a particular asset in a narrow context—preserving a habitat for some particular mouse or insect, for example.

These problems with Sustainable Development show that at best it is a subjective, collectivist muddle and its application inevitably will destroy private control of property and with it freedom itself.

Undermining Constitutional Safeguards

In addition to the philosophical problems with Sustainable Development, the process by which it is promoted through Agenda 21 and the Rio Accords are antithetical to the political institutions of a free society. To begin with, Agenda 21 was never approved by the U.S. Congress. Yet President Clinton in 1993 by Executive Order created the President's Council on Sustainable Development to implement Agenda 21. This is part of an exploding trend to implement what is known as "soft law," that is, international agreements that are not legislatively reviewed or approved. Acting on its own and in violation of separation of powers, and concepts of federalism, the executive branch is acting independently to restructure American governance. American implementation of Agenda 21 is hastening the

decline of objective law.

The strategy of the Sustainable developers is to blur boundaries including those created by private property and political subdivisions and to raid the public treasury. Although implementation of Agenda 21 was never authorized by Congress, Congress appropriates hundreds of billions of dollars each year to programs that further its implementation.

Also the councils set up to develop and implement Agenda 21 locally through Smart Growth or the Wildlands Project are essentially models of the "soviets" or councils that were the basis in theory of the former Soviet Union. The councils are not elected but self-selected. They thus bypass all of the constitutional safeguards to which laws and even bureaucracy-created regulations in the United States are subject. They tend to be dominated by activists whose goals are antithetical to freedom.

The very goals and structures of these new soviets assume the negation of property rights. To begin with, the notion of "stakeholders," who are appointed or designated, not elected, assumes that others have a say over the use of one's property. This is not a situation in which one individual has a claim against another for violating that individual's property rights. For example, if one indi-

Continued on page 5

SOVIETIZING AMERICA

Continued from page 4

vidual dumps pollutants on his own property and it seeps into groundwater that pollutes the lake on another's land, the other might have a case against the polluter. But the notion of a "stakeholder" simply assumes that anyone may have an arbitrary claim over the action or the property of another.

The goal of these soviets is to achieve a consensus among the stakeholders. But a "consensus" by definition means that owners will be forced to use their property or restrict its use in accordance with the soviet's dictates. Of course, there is a good chance that property owners will not consent to having the use of their land restricted. But the final recommendations of the council are not even voted on by the council members with the majority ruling. Rather, the facilitator or designated members who are often the anti-property activists will pull together the plan. Often if they cannot secure a consensus, they will simply write up a report with the expected outcome anyway.

In Santa Cruz, California, Lisa Rudnick, investigative analyst with Freedom 21 Santa Cruz, attended the "Local Santa Cruz Agenda 21" meetings for several years. The program consisted of twelve "roundtables." Participants were not given range to debate the premise of Agenda 21 but did resolve details that mitigated the collectivist goals. The roundtables covered virtually all aspects of life - land use, education, health, reproduction, transportation, housing, jobs, and more. When the report was issued for "soft law" implementation and "adopted" by the elected Board of Supervisors the oppressive recommendations bore no resemblance to results of the "consensus" discussion. Under different titles nearly every county in America has or is undergoing a similar prearranged consensus process for implementation of a predetermined outcome.

An economic objective of Agenda 21 is the establishment of a system of public/private partnerships. Public/private partnerships combine the force of government with the power of business. They consist of coordinated arrangements between government agencies, NGOs, aristocratic foundations, some multinational corporations, other compliant businesses, and many non-profits. Their growing influence, working under the umbrella of Sustainable Development, will eliminate free enterprise altogether. The de facto partnership between The Nature Conservancy, regulatory agencies, and government funding mechanisms has proceeded to significantly implement the Wildlands Project at the expense of the free-enterprise land owners and natural-resource providers. Private housing developers under Urban Smart Growth can receive land, federal and state financial subsidies, and permit processing waivers in exchange for partnering with the local government's "Housing Authority"

and by building to Sustainable Development criteria. These criteria can include: water and electric use masters, provision of government preschool child care, auto-use restrictions, minimum densities, required mixed-use, resale restrictions, rental-rate restrictions, life-style regulations, etc. Even seemingly innocuous partnerships portend of the new world of Agenda 21. The local green restaurant league is a government-funded certification of restaurants granted to those that abide by "voluntary" green rules—water to customers only upon request, no-flush toilets, a menu that only serves from the Packard Foundation's "Sustainable"-fish list, and so on. Government carrots and sticks begin to dominate even the management of running a restaurant. The ultimate

"It is the sacred principles enshrined in the United Nations Charter to which the American people will henceforth pledge their allegiance."

— George H. W. Bush, 1992

criteria for American business under Agenda 21 becomes—Are you a friend of government? Are you compliant with Sustainable policies? Never mind the notion of customer as king. Agenda 21 is the new king in town! Of course, a group of private individuals could decide anything it wanted about how one should use one's property, but those conclusions would merely be opinions that could be ignored by property owners. For example, examine the situation where an individual owner is deep tilling on his own farm. His action in no way harms or measurably damages the property of another. In a free society there is no issue of securing "consensus" from his neighbors or government. If members of some private council do not like this practice, too bad! The farmer's right to his property means he can do with it as he pleases and is answerable to no one unless he violates common-law standards of nuisance.

The council conclusions must be backed by the force of government if the owners' rights are to be violated. Agenda 21 advocates have any number of means by which to give council conclusions the backing of government force. State legislators or county councils might approve the plans. Or a federal agency might impose the agenda under its regulatory authority.

One problem for property owners is that the little soviets work on many levels with many governmental authorities and NGOs. They can call on off-the-shelf plans to be applied to local situations. The owners thus often need lots of money and time to fight battles on many fronts.

State collectivists on both the left and the right serve as collaborators in the emerging sovietization of the American governmental process. Both work their end of a two-sided coin designed to implement Agenda 21's global land use, global education and population control and reduction programs. Often the implementers are unwitting; some are motivated by a paycheck, a grant receipt or insider advantage. Other change agents understand the philosophy and goals behind Agenda 21's political globalization.

Sustainable Development/Agenda 21 is quickly regionalizing America. Regionalization will cause the collectivization of property and of human action. The philosophical target is individualism—the right of each to a life of one's own.

The end game of Agenda 21 is global governance pursuant to the Charter of the United Nations. George H.W. Bush said in 1992, "It is the sacred principles enshrined in the United Nations Charter to which the American people will henceforth pledge their allegiance." Agenda 21 is intended to transform American political culture. The core philosophical concept behind this transformation is apparent by reference to Article 29, Sec 3 of the U.N. Declaration of Human Rights: "Rights and freedoms may in no case be exercised contrary to the purposes

and principles of the United Nations". The unannounced war being waged inside American government is on individual liberty, reason, and equal justice.

Conclusion

The United Nations's program of Sustainable Development, Agenda 21, is a new and dangerous threat to the liberty and property of American citizens. It uses as an instrument of restricting property use a coordinated set of local regional and apex soviets that undermine the political safeguards in a free society. Once the organizations and institutions are in place, it becomes extremely difficult to uproot them. Americans who value their freedom must understand the philosophical and political problems of this threat if it is to be effectively countered. Property rights are an indispensable requirement of a free society—That is why they must be restored.

Michael Shaw is an entrepreneur and abundance ecologist living in Santa Cruz County, California. He is proprietor of Liberty Garden. (www.LibertyGarden.com) He is also a founding participant in Freedom 21 Santa Cruz, an organization dedicated to restoring and protecting personal and family autonomy, private property, and the constitutional administration of government (www.freedom21SantaCruz.net). Edward L. Hudgins is executive director of The Objectivist Center.

May Valley Environmental Council
meets every Monday at 7:00 p.m.
in the basement of **Leonard's**
at the corner of SR 900 & 164th Avenue NE
www.maycreek.com

Four Creeks Unincorporated Area Council

meets the third Wednesday of each month at 7:00 p.m.

May Valley Alliance Church
16431 SE Renton-Issaquah Rd

See their web site at council@fourcreeks.org

Upcoming Elections

The Four Creeks Council has several positions open in the election of November 8, 2005. The deadline for candidates to declare their intention to run and submit 250-word summaries of their qualifications is September 24, 2005. Declarations should be sent to Four Creeks Unincorporated Area Council, P.O. Box 3501, Renton, WA 98056. The open districts are:

- | | |
|--------------------------------------|-----------------------------------|
| 1 - Coalfield, Renhill | 2 - Tanya, O'Donnell, Ida, Brigid |
| 3 - Eastwood, Daniel | 4 - Husky, Valencia |
| 5 - Jacqueline, Hillcrest, Briar | 7 - Tanner, May Valley |
| 9 - Four Lakes, Matthew, Maple Hills | 11 - Tiger Mountain, Hutchinson |

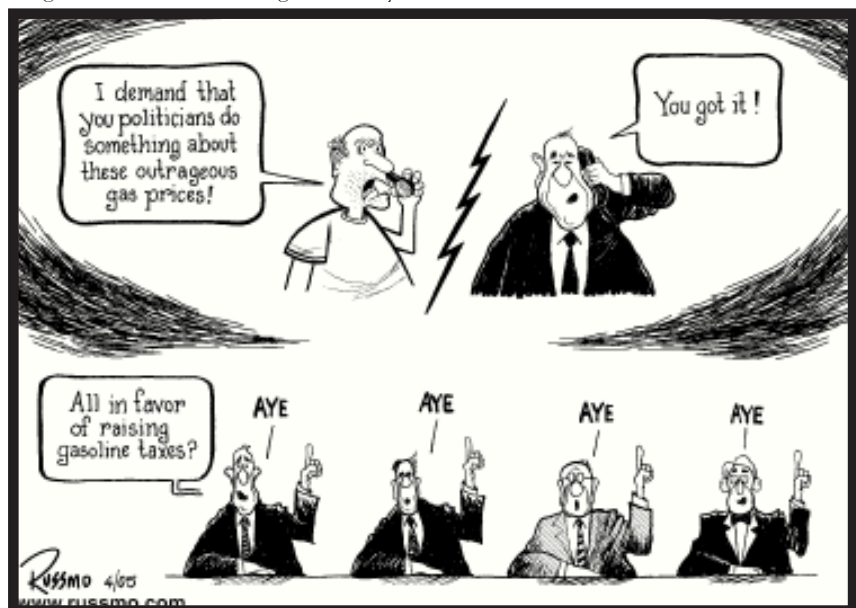
Two AT-LARGE positions are also open. Anyone living in the precincts listed above or Courgar Mt., High Valley, Squak, Naila, McDonald, Mirrmont, Hass, or Colleen are eligible for those two positions.

Greater Maple Valley Area Council

meets the first Monday of each month at 7:00 p.m.

King County Police Precinct #3
22300 SE 231st, Maple Valley

See their web site at
http://www.metrokc.gov/dchs/uac/uac_gmv.htm



Who Benefits and Who Pays for the Destruction of the King County Ecosystem

Turning wilderness or rural land into urban landscape is profitable. The maps and charts that accompany this article illustrate how very profitable increased uses of your property can be. Of course the change from wilderness to urban is a drastic change to the ecosystem of the area. The property owners of rural King County have been forced to give up most uses of their property in order to somehow make up for those changes to King County's ecosystem. Property owners inside the urban growth line are able to maximize the return on their investment while property owners outside the line are asked to minimize their return on investment to maximize the "quality of life" of their urban neighbors.

No matter how you spin the environmental story, it is simply not conscionable for government to use its armed might to squash the dreams of citizens of the rural areas in order to justify the immense monetary gain of those inside the imaginary growth line. Proponents of the status quo will tell you that rural residents that play along with the game get tax breaks, which spread the costs to their urban neighbors. That statement turns out to be smoke and mirrors.

RCW.84.34 provides the mechanism for programs to shift the tax burden from one piece of land to others in King County. Three programs comprise the bulk of the tax shifting in rural King County - the agriculture program, the timberland program, and the public benefit rating system open space program. The total amount of taxes shifted under these programs in 2005 is \$5,656,106. Under RCW.84.35 any taxes that would normally have been collected by the local taxing district are shifted to everyone else in the district. Any county or state assessments are shifted to everyone in the county.

A look at my tax statement for property on the rural side of the growth line reveals that 38% of my bill goes to the county and state, while 62% goes to my local tax district. Your bill may be slightly different depending on the specifics of your tax district. For purposes of this discussion let's use a 60%-40% split. That means that of the \$5,656,106 shifted, 40% (\$2,262,442) will be split among everyone in King County and 60% (\$3,393,663) will be split among property owners in the rural area.

The total assessed value of all real property in King County is \$234,660,183,661 so the cost per \$1,000 (often referred to as a mil rate) for every property owner in King County is \$0.0096. The total assessed value of all real property in rural King County is \$19,337,408,247. To that amount we add the value of the real property in any school districts that extend into the rural area for a total of \$32,925,409,147. Thus the cost per \$1,000 in rural King County is \$0.1031 for the local tax district shift plus the \$0.0096 that everyone pays for a total of \$0.1127 per \$1,000. Rounding to the nearest cent gives 1 cent per thousand in urban areas and 11 cents per thousand in unincorporated King County.

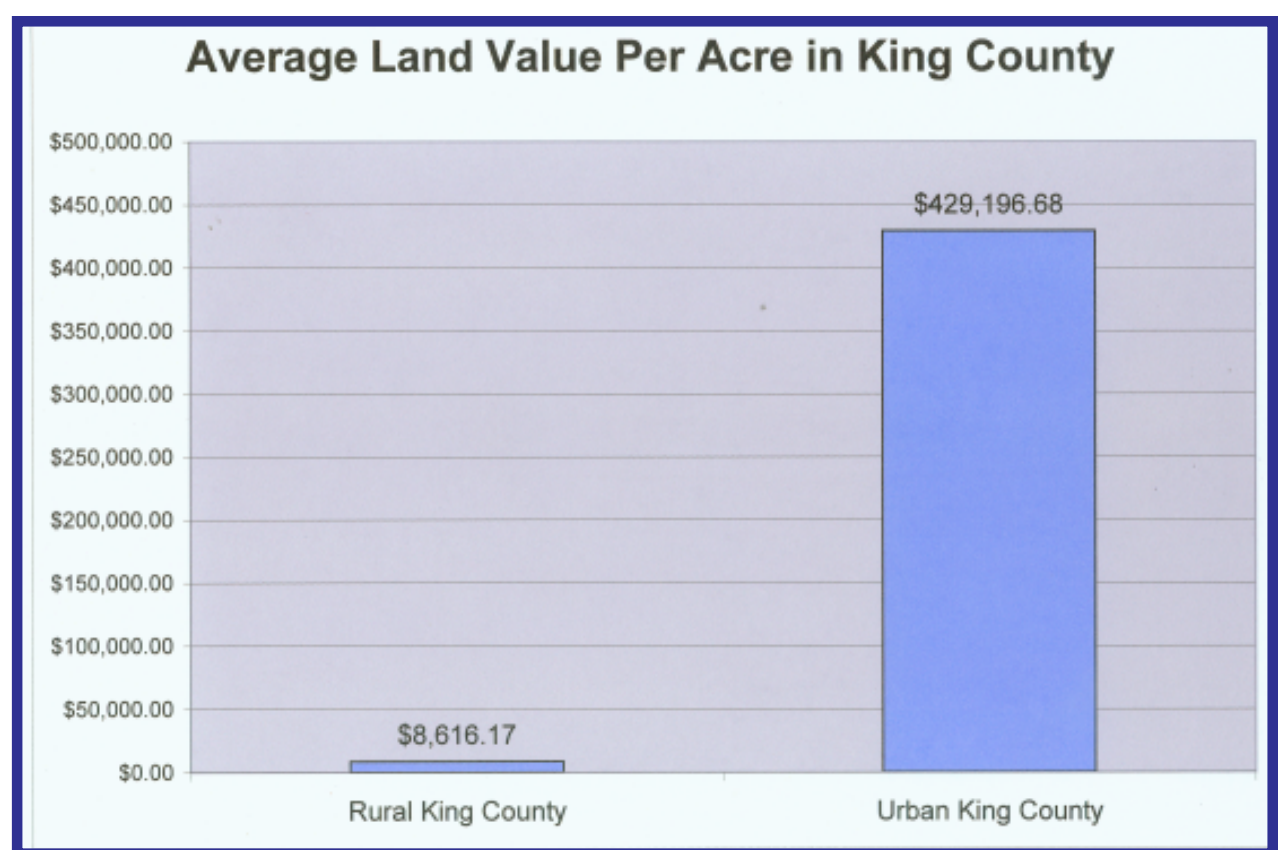
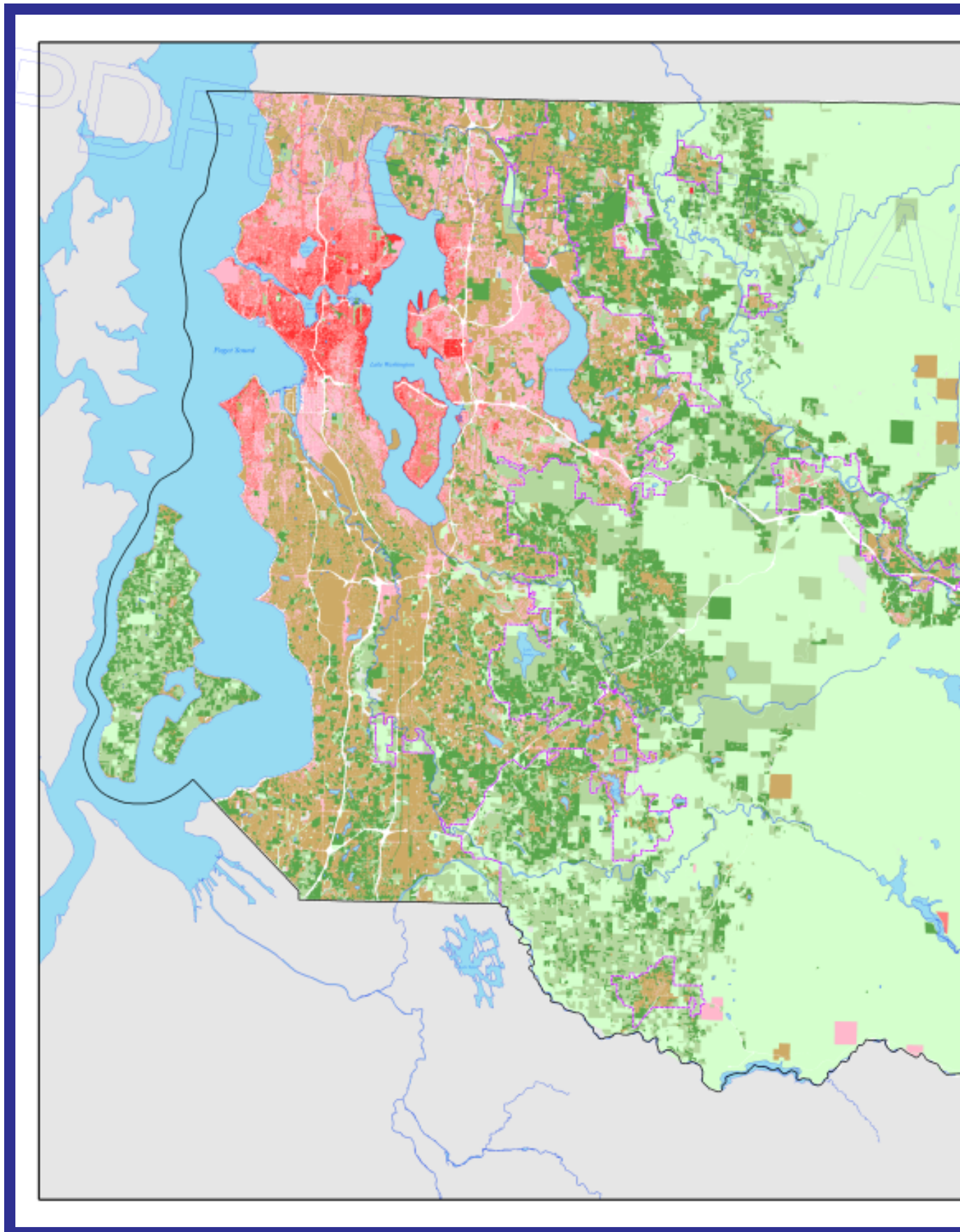
Tax breaks given to rural landowners for locking up their land are paid by their immediate neighbors, not those who live in the cities and get the lion's share of profits from development.

When the issue of fairness is raised it is quickly stated by the urban elite that the urban areas of King County are so completely altered that we can not correct the decisions that were made in the past and we must look to undamaged rural land and its owners to protect the environment.

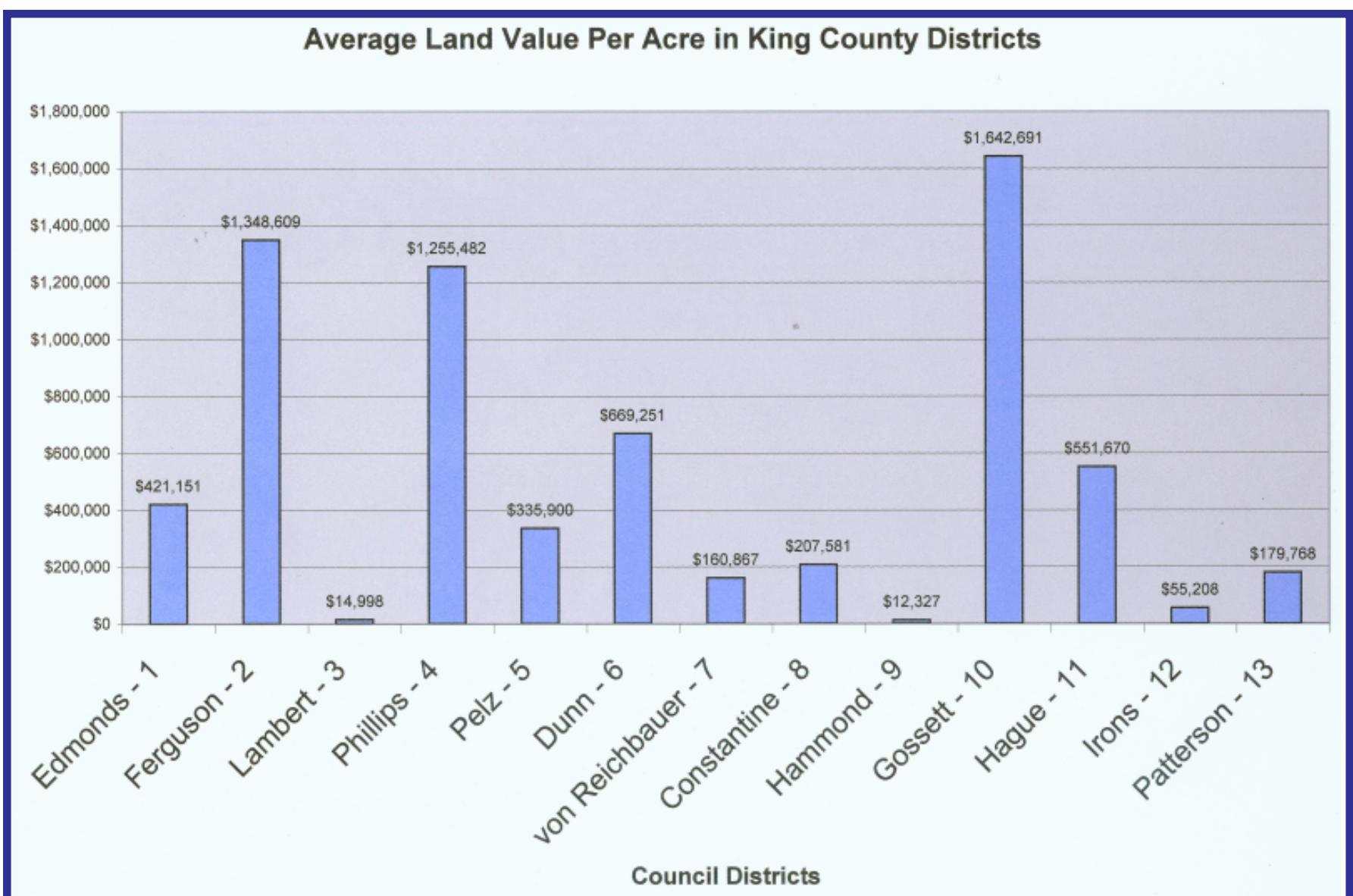
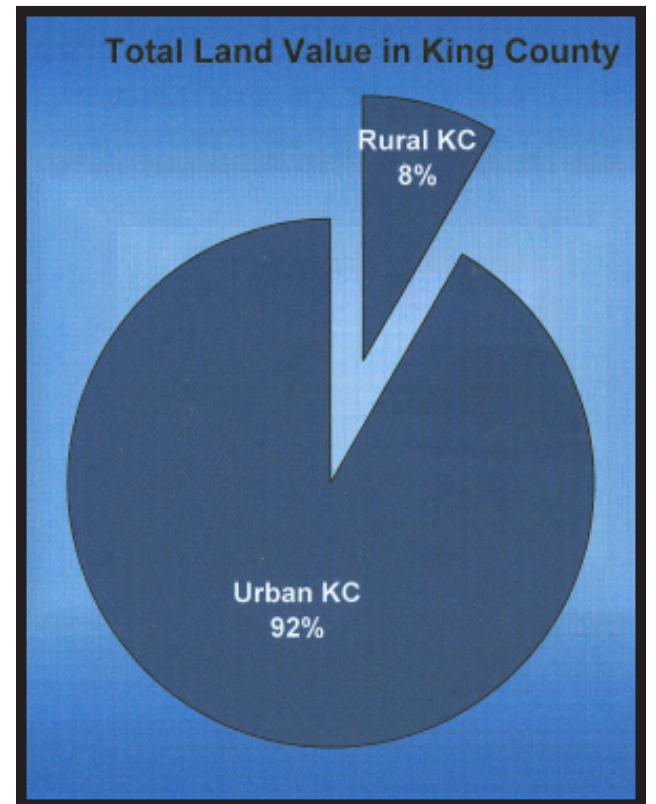
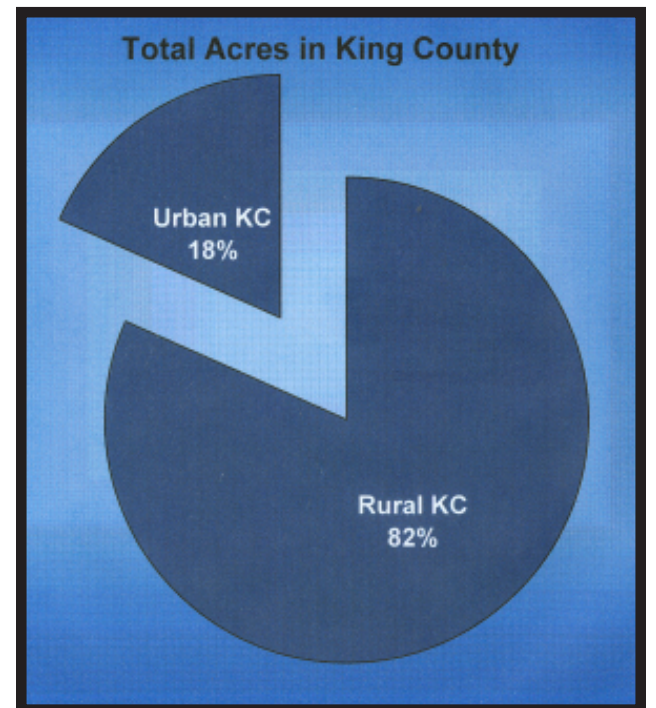
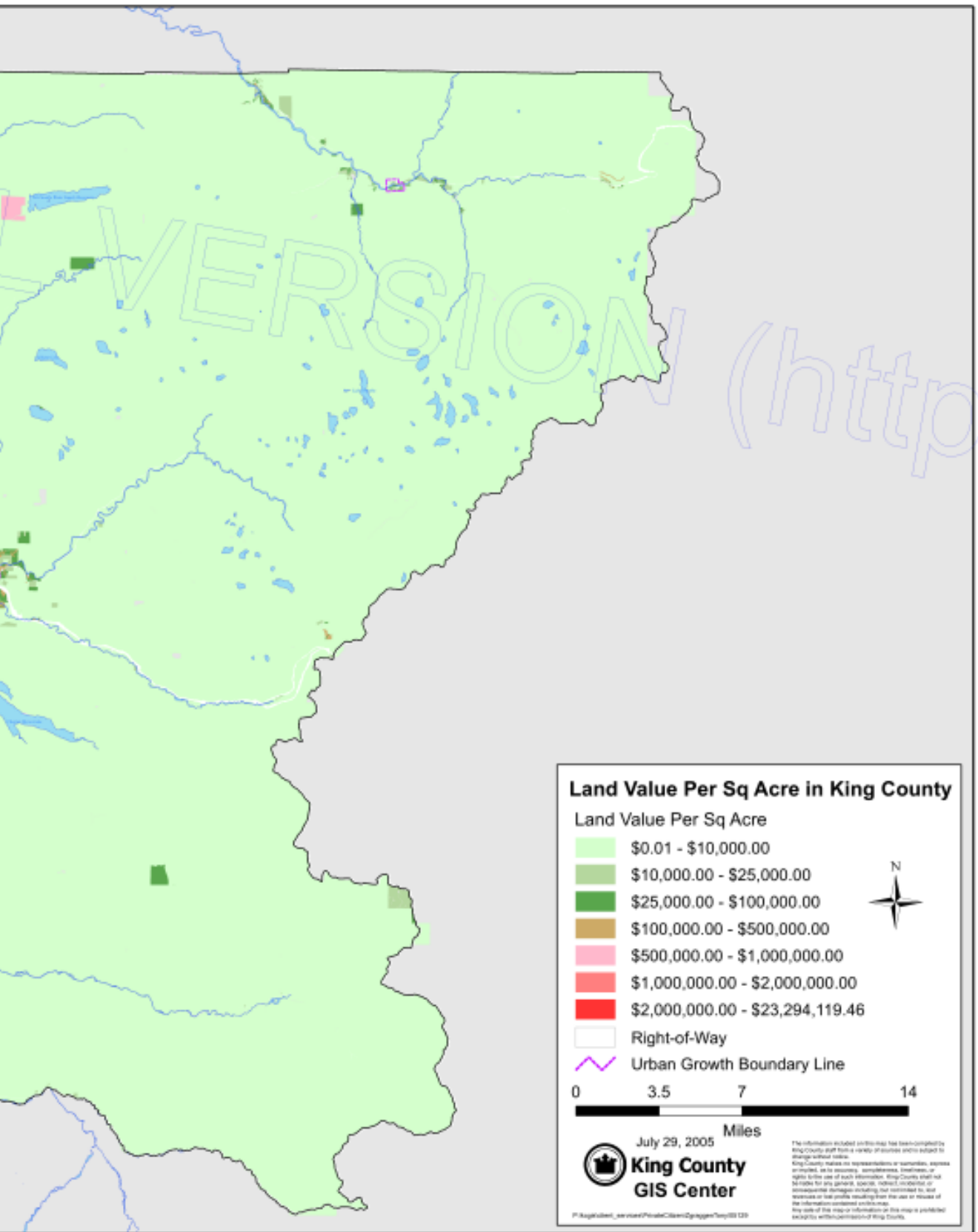
That is a specious argument.

The wealth generated from the destruction of the urban areas has not evaporated. Capital gains, rents and taxes flow in an almost unimaginable stream of dollars to urban property owners, cities and King County government. The increased densities dictated by the GMA will double and triple the relative wealth of urban King County in the next 20 years. It is entirely appropriate to ask those who have benefitted from full development to pay for whatever methods are deemed to be appropriate fixes for any damage their development caused. It is entirely inappropriate to foist all of those costs onto the backs of rural or even suburban property owners.

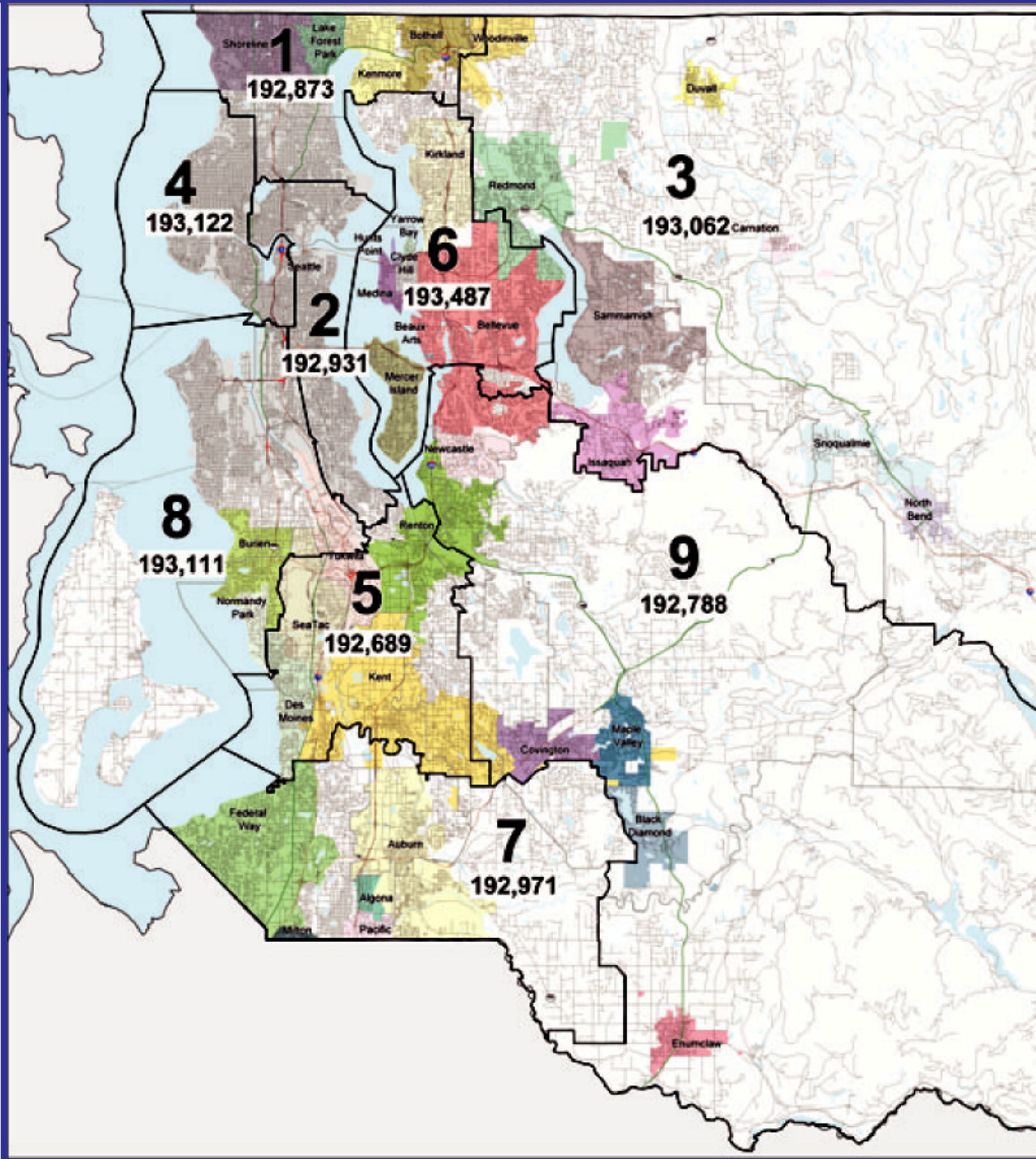
Our constitutions were designed to prevent the majority from expropriating the property of minorities for their own benefit, yet that is exactly what has happened. It is time to stand up for the equal protection of all, not just those who have the votes!



**THE MEDIAN COST OF A HOUSE IN KING COUNTY IS NOW \$375,000
 THAT INCLUDES OVER \$200,000 OF REGULATORY COSTS
 \$200,000 FINANCED FOR 30 YEARS AT 6% COSTS \$431,676
 ARE YOU SURE THE REGULATIONS ARE WORTH IT?
 see <http://post.economics.harvard.edu/hier/2002papers/HIER1948.pdf>**



KING COUNTY COUNCIL DISTRICTS



Mr. Kochan is an adjunct scholar with the Mackinac Center for Public Policy in Midland, Michigan, and author of the Center's recently published report *Reforming the Law of Takings in Michigan*.

LIFE, LIBERTY AND PROPERTY

By John Koster

[John Koster, a Republican representing District 1, is vice chairman of the Snohomish County Council and chairman of the council's Planning and Community Development Committee.]

The state Growth Management Act (GMA) mandates that cities and counties protect the "functions and values" of their critical areas, defined by the GMA as wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

Snohomish County protects these critical areas in Chapter 30.62 of the Snohomish County Code.

The GMA also requires that cities and counties review their critical-areas codes according to the best available science and make such adjustments as are found to be both necessary and effective. We are now engaged in that process.

Our duty of stewardship over our natural resources calls for us to exercise due regard for the use of the land by future generations. We of the present generation should preserve the utility, beauty, and value of the land for the use of future generations.

However, there is a problem. This mandated critical-areas review creates an opportunity for overreaching by those who would use the critical-areas review as a pretext for extinguishing property rights. This recently happened in King County, where adoption of that county's infamous "65/10" ordinance

requires landowners to set aside 65 percent of their land from development and limit impervious surface to 10 percent of their parcel. [Editor's Note: The 10 percent impervious surface limitation was amended out of the final King County CAO.]

Snohomish County is not going there.

Of the many points of conflict over critical areas, the principal one is buffers. State agencies and extreme environmentalists have teamed up to coerce Snohomish

County to unnecessarily increase buffers. If they succeed, they will, in effect, achieve a taking of still more farmland and rural residential land. Does the best available science demand a buffer increase? I seriously doubt it. But we will consult the science and make a decision based on fact and law.

County to unnecessarily increase buffers. If they succeed, they will, in effect, achieve a taking of still more farmland and rural residential land. Does the best available science demand a buffer increase? I seriously doubt it. But we will consult the science and make a decision based on fact and law.

It is ludicrous to imagine that some Seattle activist is more concerned about Snohomish County farmland than Snohomish County farmers are.

County to unnecessarily increase buffers. If they succeed, they will, in effect, achieve a taking of still more farmland and rural residential land. Does the best available science demand a buffer increase? I seriously doubt it. But we will consult the science and make a decision based on fact and law.

Increasing buffers will further devastate our farmers. I am often amused at the environmentalist pretense of concern for farmland while advancing policies that destroy farming. How can this be? It is because the environmentalist has a wholly different mental image of farmland than does the farmer. To the farmer, farmland means livestock and crops. To the environmentalist, it means open space.

arrow in their quiver: their constitutional right to the initiative. I am informed the Washington Farm Bureau is preparing an initiative for the summer of 2006 that would require state and local governments to pay for whatever injury their laws cause to property values.

Such an initiative could be the undoing of the GMA. I support land-use planning and management of growth, but I firmly believe that growth should be managed both locally and constitutionally.

We must never lose our grasp of the connection between property and liberty. It is no coincidence that they are linked in the formula "life, liberty and property."

The American Colonists faced the world's greatest military power to preserve the law that taxation requires consent, and property can never be confiscated. The centerpiece of the American Dream is home and property ownership.

Our second president, John Adams, stated, "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." A society of home and property owners is a free society.

It is my conviction that we can have both reasonable environmental protection and property rights. They need not be in conflict. But I suspect that the masterminds behind the King County critical-areas debacle intend to bring their property-confiscation circus to Snohomish County.

A determined and resolute County Council, buttressed by our enormously competent prosecutor's office, has these past four years stood astride the extreme environmentalist invasion route. With the continued support and fervent effective prayers of the good citizens of Snohomish County, we will continue to stand in the gap.

AVOIDING TAKINGS

By Martha Parker

Thanks to a concerned citizen, I have a copy of an advisory memorandum, issued December 2003 by the then Attorney General of Washington, Christine Gregoire. This memorandum is required by the Growth Management Act, RCW 36.70A.370. It advises Washington state agencies and local governments how to avoid unconstitutional takings of private property. So here I start to quote from the memorandum.

The advice of the Attorney General is "on an orderly, consistent process that better enables government to evaluate proposed regulatory or administrative actions to assure that the actions do not result in unconstitutional takings of private property".

"This process must be used by state agencies and local governments that are required to plan, or that choose to plan, under RCW 36.70A.040 - Washington's Growth Management Act. The process used by state agencies and local government agencies is protected by attorney-client privilege, and a private party does not have a cause of action against a state agency or local government for failure to utilize the recommended process. RCW 36.70A.370(4)".

Get that? It means citizens cannot use the Public Disclosure Act to find out exactly what did happen between an attorney for a local government and that government on whether proposed legislation does imply an unconstitutional taking of private property. So, even though we have a U.S. Constitution 5th and 14th Amendments, and a Washington State Constitution which protects private property, we are left questioning the status of local government actions. This, in spite of the fact that Article I, Section 16, Eminent Domain, says, "No private property shall be taken or damaged for pub-

lic or private use without just compensation having been first made, or paid into court for the owner". Citizens seem to be without any recourse except lengthy, expensive legal action, even though prospective King County Council persons swear a solemn oath to uphold the Washington State Constitution.

Let's continue with the memorandum. "Where state agencies or local governments exercise regulatory authority impacting the use of private property, they must be sensitive to the constitutional limits on their authority to regulate private property rights. The failure to recognize these constitutional limits may result in the judicial imposition of an obligation to pay compensation where regulatory activity is found to have taken private property. In other cases, state agency or local government regulations may be invalidated, and there may be liability for actions taken under those regulations if they are found to exceed applicable constitutional limitations."

The document has an "Executive Summary", which includes the following paragraphs. "The government also may limit the use of property through land use planning, zoning ordinances and development regulations, setback requirements, environmental regulations, and similar regulatory limitations. Land uses may be limited through conditions such as the granting of easements and exactions of private property for public use that are addressed to identifiable impacts from land use activities."

"Nevertheless, courts have recognized that if government regulations go 'too far,' they may constitute a taking of property. This does not necessarily mean that the regulatory activity is unlawful, but rather that the

payment of just compensation may be required. The rationale is based upon the notion that some regulations are so severe in their impact that they are the functional equivalent of an exercise of the government's power of eminent domain (i.e., the formal condemnation of property for a public purpose that requires the payment of 'just compensation')."

After the "Executive Summary", the memorandum goes on to list 5 "warning signals" which may indicate a constitutional issue should be considered.

Then there is discussion of constitutional principles, which includes regulatory takings as in Eminent Domain. Item 2 in this category is headed "Balancing the Severity of Regulatory Activity". Here we find: "In assessing whether a regulation or permit condition constitutes a taking in a particular circumstance, the courts weigh the public purpose of the regulatory action against the impact on the landowner's vested development rights. Courts also consider whether the government could have achieved the stated public purpose by less intrusive means. One factor used to assess the economic impact of a permit condition is the extent to which the condition interferes with a landowner's reasonable investment-backed development expectations."

If you wish to examine this document for yourself, access the internet at www.balancedrights.org. Scroll down partway and select on left Bainbridge Citizens United. When there, select at top right Attorney General's Advisory.

Martha L. Parker, 118028 - 187th Ave. SE, Renton, WA 98058-0628, 425-432-5498

SUSTAINABLE DEVELOPMENT, SMART GROWTH, AND KELO: ORGANIZED THEFT, BY ANY NAME

Continued from page 1

sidered graft. That's why RICO laws were created.

Finally, five black robes named Stevens, Souter, Ginsburg, Kennedy, and Breyer shock the nation, by ruling that officials, who have behaved like Tony Soprano, are in the right, and you have to vacate your property. These four men and one woman have ruled that the United States Constitution is truly meaningless. Their ruling in the *Kelo* case declared that Americans own nothing. After declaring that all property is subject to the whim of a government official, it's just a short trip to declaring that government can now confiscate anything we own; anything we create; anything we believe.

Astonishing! The members of the Supreme Court have nothing to do but defend the Constitution, and keep it the pure document the Founding Fathers created to recognize and protect the rights with which we were born. They sit in their lofty ivory tower, never worrying about job security with their life-time appointments. And yet, they have obviously missed finding a copy of the Federalist Papers, which were written by many of the Founders to explain to the American people how they envisioned the new government would work. They have missed the collected writings of James Madison, Thomas Jefferson, John Adams, and George Washington, just to mention a very few. It's obvious, because otherwise, there is simply no way they could have reached this decision - unless implementing another agenda was their purpose.

I don't have the benefit of the Justices' grand staffs, or unending salaries. But, just a little research has turned up pretty much everything Stevens, Souter, Ginsburg, Kennedy, and Breyer would have needed, to reach a logical conclusion: that protection of private property rights are the most important rights, vital to the very foundation of a free society.

Our Founding Fathers left no doubt in their writings, their deeds, or their governing documents as to where they stood on the vital importance of private property. John Locke, the man whom the Founders followed, as they created this nation, said, "Government has no other end than the preservation of property."

John Adams said,

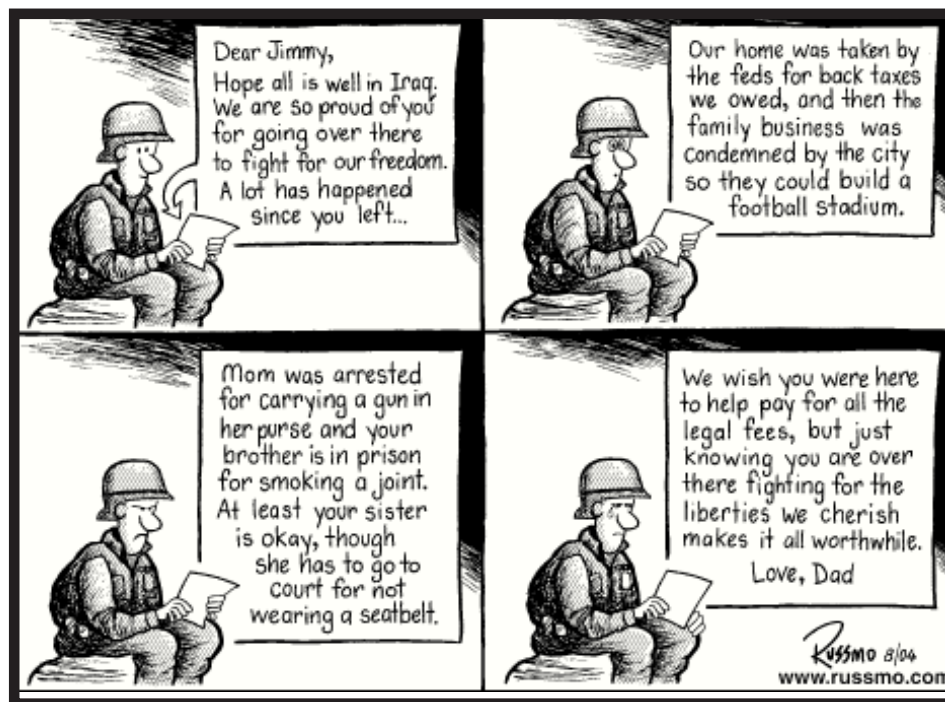
"The moment the idea is admitted into society that property is not as sacred as the laws of God; and there is not a force of law and public justice to protect it, anarchy and tyranny commence."

One would be hard-pressed to find a single

word in the writings of the Founding Fathers to support the premise that it's okay to take private property for economic development. To the contrary, they believed that the root of economic prosperity is the protection of private property.

So, how did Stevens, Souter, Ginsburg, Kennedy, and Breyer miss such a rock-solid foundation of American law? Perhaps they didn't. Perhaps they chose to ignore it, in favor of another agenda. Specifically, *Agenda 21*.

For several years, certain members of the Supreme Court have been discussing the need to review international law and foreign court decisions to determine U.S. Supreme Court rulings. Justice Breyer has been the most outspoken for this policy, saying, "We face an increasing number of domestic legal questions that directly implicate foreign or international law."



What international laws are these? In general, the most pervasive are a series of U.N. international treaties, including several that address issues of climate, resource use, biological diversity, and community development. Specifically, *Agenda 21*, signed by the United States at the U.N.'s Earth Summit in 1992, calls for implementing what former Vice President Al Gore called a "wrenching transformation" of our nation, through a policy called Sustainable Development. Sustainable Development is the official policy of the United States, and in almost every single city and small burg in the nation. Sustainable Development is top-down control, a ruling principle that affects nearly every aspect of our lives, including; the kind of homes we may live in; water policy that dictates the amount each American may use

in a day; drastic reductions of energy use; the imposition of public transportation; even the number of inhabitants that may be allowed inside city borders. Most Americans have heard of a small part of this policy, operating under the name Smart Growth. *Agenda 21* outlines specific goals, and a tight timetable for implementation. In June, 2005, the U.N. held a major gathering in San Francisco, where the mayors of cities from across the nation, and around the world, gathered to pledge to impose Sustainable policies.

In order to meet such goals, federal, state, and local governments are scrambling to impose strict policies on development and land use. The use of Eminent Domain has become a favorite tool. Sustainable Development calls for partnerships between the public sector (your local government) and private businesses.

Now, as the public/private partnerships

ment must either pay full price for any land taken, or waive the regulation, and leave the property owner alone. In Wisconsin, the state legislature passed a bill to stop Smart Growth policies that are destroying property owners. In Michigan, the state Supreme Court overturned the precedent-setting ruling it made more than 20 years ago, that allowed the use of Eminent Domain in taking property for private use. In fact, it was that original ruling that had been used by communities across the nation to justify their own Eminent Domain takings.

Clearly, the nation has started to rise up, to stop this assault on private property. Without the power to grab property at will, the ability for communities to implement Sustainable Development has come into question.

Those who support Sustainable Development and *Agenda 21* needed something big, to put things back on track. The Supreme Court, which has already stated that it must look to international laws and treaties to decide American law, provided the answer. Stevens, Souter, Ginsburg, Kennedy, and Breyer chose Sustainable Development and *Agenda 21*, over the Constitution of the United States.

However, the effort may well be backfiring on the Sustainablists as the nation is reacting in force to protect property rights. Now, state legislatures and the U.S. Congress are rushing to produce legislation to restore property rights protections. Even Americans who have rarely uttered a political thought, are suddenly becoming feverish with zeal for the Fifth Amendment. Americans may be learning, all over again, what the Founding Fathers knew - that the right to own and control private property is the most important right

That is all well and good, of course, but Americans must do much more than just get upset. They need to get behind those legislative efforts, at every level of government, to assure passage. They must dig in at the local level, to foil efforts by their mayors and city councils to impose Eminent Domain against their neighbors. We must run this organized theft (now masquerading as the "common good") out of town on a rail. And, don't forget to leave room on that rail for Stevens, Souter, Ginsburg, Kennedy, and Breyer.

Tom DeWeese is the president of the *American Policy Center* and publisher/editor of "The DeWeese Report," a monthly public affairs newsletter.

However, things have been changing, as such brutal, organized theft has spread across the nation, in the name of community development and environmental protections. Americans have started to fight back to protect their property. In Oregon, people went to the ballot box, and shocked lawmakers by passing Measure 37, which says the govern-

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**SHOCK AND
AWE**

Continued from page 1

was originally appointed. Dunn has publicly stated that he will serve at least one four-year term. He will follow in his mom's footsteps and move on up the political ladder.

Hammond is very fiscally conservative and knows how to pinch pennies. Eight children and thirty years as a preacher provided the training that shows up in his frugal campaign that is in a dead heat with the free-spending Dunn. See the photos below of their cars for a visual of the contrast. Dunn's strength is in bringing home the bacon and spreading it around. He will likely follow the lead of Hague and Von Reichbauer on the King County council in making deals with the Democrats in order to obtain that bacon. Where the bacon would get spread remains unclear, as does the list of tradable items in the district. The rural areas, at least, seem to be devoid of anything else to give up. Perhaps the Bellevue portion has something the Democrats will want.

The new 9th District has many more Republicans than Democrats so the vote in the primary will probably determine who the eventual councilperson will be. King County extracts and spends over \$3,000,000,000 of your tax dollars each year so this is not a trivial office. The primary is on September 20, 2005. You will seldom have such a clear choice of styles.

CONTRIBUTIONS BY LOCATION AS OF AUGUST 31

City State	Amount
NO CITY or STATE	\$1,550
NO CITY in FL	\$100
NO CITY in WA	\$225
ALEXANDRIA VA	\$3,670
ANNAPOLIS MD	\$300
ARLINGTON VA	\$1,510
ARLINGTON WA	\$935
ATLANTA GA	\$50
AUBURN WA	\$440
BAINBRIDGE ISLAND WA	\$2,800
BELLEVUE WA	\$61,162
BELLINGHAM WA	\$100
BLACK DIAMOND WA	\$750
BOTHELL WA	\$1,495
BRADENTON FL	\$100
CALABASAS CA	\$240
CAMANO ISLAND WA	\$100
CARNATION WA	\$900
CLE ELUM WA	\$200
CLYDE HILL WA	\$220
CORONADO CA	\$50
COVINGTON WA	\$50
DALLAS TX	\$100
DUVALL WA	\$85
EASTWENATCHEE WA	\$135
EASTON WA	\$100
EASTSOUND WA	\$50
EDMONDS WA	\$85
ENUMCLAW WA	\$25
EUREKA MO	\$100
FALL CITY WA	\$150
FEDERAL WAY WA	\$340
GIG HARBOR WA	\$2,700
GREAT FALLS VA	\$150
HINSDALE IL	\$500
HOODSPORT WA	\$150
HUNTS POINT WA	\$1,600
ISSAQUAH WA	\$6,765
KENMORE WA	\$525
KENT WA	\$1,095
KETCHUM ID	\$1,000
KIRKLAND WA	\$16,135
LA CONNER WA	\$250
LAKE FOREST PARK WA	\$10
LAKESIDE WA	\$35
LOS ANGELES CA	\$3,200
LYNNWOOD WA	\$135
MAPLE VALLEY WA	\$1,360
MARYSVILLE WA	\$100
MCLEAN VA	\$300
MEDINA WA	\$13,900
MERCER ISLAND WA	\$14,520
NEWYORK NY	\$200
NEWCASTLE WA	\$2,080
NORTH BEND WA	\$1,060
OAKTON VA	\$100
OLYMPIA WA	\$1,150
PACIFIC WA	\$100
PHOENIX AZ	\$500
PLAYA DEL REY CA	\$540
PORT ORCHARD WA	\$1,350
PORTLAND OR	\$1,350
PUYALLUP WA	\$250
REDMOND WA	\$2,130
RENO NV	\$1,000
RENTON WA	\$5,950
SAMMAMISH WA	\$6,285
SAN ANTONIO TX	\$1,300
SANTA MONICA CA	\$100
SEATTLE WA	\$49,685
SHELTON WA	\$100
SHREVEPORT LA	\$250
SNOHOMISH WA	\$90
SNOQUALMIE WA	\$310
TACOMA WA	\$150
TAYLORSVILLE UT	\$40
TEMPE AZ	\$100
TUKWILA WA	\$1,350
TUMWATER WA	\$1,350
VASHON WA	\$100
WASHINGTON DC	\$3,043
WASHINTON DC	\$100
WEST HOLLYWOOD CA	\$1,600
WOODINVILLE WA	\$3,140
YARROW POINT WA	\$575
Grand Total	\$229,974

HAMMOND

City State	Amount
No City	\$1,520
ATLANTA GA	\$50
AUBURN WA	\$3,200
BAINBRIDGE ISLAND	\$625
BELLEVUE WA	\$6,025
BLACK DIAMOND WA	\$625
BUCKLEY WA	\$210
CARNATION WA	\$1,300
CORONADO CA	\$50
COVINGTON WA	\$30
CURTIS WA	\$250
DESMOINES WA	\$25
DUVALL WA	\$335
EAST ALTON IL	\$400
EASTSOUND WA	\$50
ENUMCLAW WA	\$4,095
FEDERAL WAY WA	\$100
HOUSTON TX	\$344
ISSAQUAH WA	\$650
KENT WA	\$1,010
KIRKLAND WA	\$100
LEAVENWORTH WA	\$100
LOS ALAMITOS CA	\$50
MAPLE VALLEY WA	\$459
MORTON WA	\$50
NEWCASTLE WA	\$20
NORTH BEND WA	\$300
OLYMPIA WA	\$100
PACIFIC WA	\$100
PUYALLUP WA	\$25
RAVENSDALE WA	\$50
REDMOND WA	\$1,950
RENTON WA	\$1,750
SAMMAMISH WA	\$2,080
SEATTLE WA	\$4,445
SNOHOMISH WA	\$50
ST. CHARLES MO	\$199
SUMNER WA	\$50
VASHON WA	\$600
WOODINVILLE WA	\$475
Grand Total	\$33,847

FROM THE PRESIDENT

RODNEY MCFARLAND

King County's Department of Development and Environmental Services (DDES) has had a long-standing marketing program known unofficially as "1-800 Turn in Your Neighbor." It has been a very effective way to bring in the funds necessary to make payroll each month, since DDES must finance its operations through fees and fines rather than tax dollars. Their newest marketing program is designed to get folks to turn in themselves. It is called "Amnesty."

A quick look at the *law.com dictionary* shows the following definition:

Amnesty - n. a blanket abolition of an offense by the government, with the legal result that those charged or convicted have the charge or conviction wiped out.

The DDES amnesty falls rather short of the definition. If you turn yourself in, the fees you pay will be half what you will pay if your neighbor turns you in. It's a bureaucracy's idea of a half-price sale.

I think it would be entirely appropriate for DDES to have a real amnesty for property owners. Currently, property owners are held liable for any improvements done to their property without the appropriate fees paid to DDES even if those improvements were by previous owners. Over the years, DDES and its predecessor BALD, have done a pathetic job of catching those doing unpermitted work. Concurrently, those department's ineptitude has caused long lead times and high costs to get official permission which has led many to not bother asking for that permission. Meanwhile, DDES has no fiduciary responsibility to property owners whose work they do inspect when they fail to identify life-threatening conditions. They collect

fees as though they are professionals but are not held to any professional standard whatever.

I can personally attest to the futility of asking DDES a pre-purchase question such as, "Has the accessory dwelling on the property I am about to purchase been permitted?" The answer was "Yes" before the purchase but "No" four years later.

It is outrageous that buyers, who have no way to determine undisclosed problems with DDES, should be held responsible for the sins of previous owners. DDES should be held accountable for not doing their job when the infraction occurred. Some future owner who has done nothing wrong should not pay for their incompetence. Those future owners should be held harmless by King County.

It is time to wipe the slate and start over. Put a real amnesty in place now and forgive all past transgressions. Activity on any property that is causing provable harm to some neighbor can be stopped via the common law courts. Put a system in place at DDES so that future buyers have a guarantee backed by the County that they are not liable if the current owner has not followed the rules after the amnesty date. Allow buyers to sue King County when they discover that work inspected by DDES is not to code and is unsafe. Ratchet down the regulations to a point where permits can be obtained quickly and for low cost. Move most DDES employees to inspections instead of lengthy plan review. Plan review should be the job of engineers and architects who have a fiduciary responsibility to, and can be sued by, property owners for failures of their professional obligations.

TUKWILA CITY COUNCIL GETS IT RIGHT

The ink was barely dry on the Supreme Court's decision in *Kelo v New London*, when the Tukwila city council was faced with an eminent domain issue of their own.

They have been working hand-in-hand with a major developer to extend and widen South Center Parkway to the south of the existing South Center development. They began design and started working on financing after receiving a promise that the developer would donate any right-of-way needed. They had already spent a million dollars when they discovered late in June that the developer didn't actually own all the necessary right-of-way. A portion of the necessary property is leased by the developer but still actually owned by Schoenbachler LLC. The developer won't actually own the property until Herman Schoenbachler dies. Mr. Schoenbachler is currently 83 and appeared hail and hearty at the hearings that were held to contemplate taking his property via eminent domain.

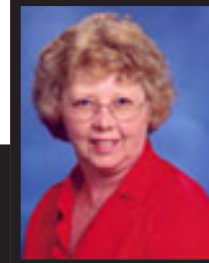
In 2003, Mr. Schoenbachler and his son Robert had negotiated a long term lease as well as a purchase and sale agreement with the developer. Those agreements provided for Herman and his wife to be able to live in their home until they died and to have the use of a pasture for Mrs. Schoenbachler's llamas. Mrs. Schoenbachler died last fall. The widening of South Center Parkway was anticipated and an 85 foot wide strip along the current road was agreed upon.

Problems arose when the developer requested that the road not only be widened

but also realigned so as to give more room for development between the road and the river. That realignment, while not actually destroying Herman's house, would make it impractical for him to live there. Since Mr. Schoenbachler was not willing to do that, the developer proposed that the Council take what was needed for the realignment via eminent domain.

Hearings were held on two consecutive Monday evenings. The Schoenbachlers and their attorney testified the first night. At the second hearing the developers presented their testimony. Their presentation was choreographed by former Washington State Supreme Court Justice Phil Talmadge and included testimony by State Senator Margarita Prentice and King County Councilwoman Julia Paterson. Several audience members and CAPR President Rodney McFarland spoke against the condemnation.

In the end the members of the council, who are pictured here, voted unanimously to do what was right. They decided to continue working to widen the road in its present location so that Mr. Schoenbachler can live out his days in his long-time home. Mr. Duffie was out of town but left word via other council members that indicated he would have voted in favor of their action. It was very refreshing to witness local government standing up for a single constituent over the powerful and well connected just because it was the right thing to do. Well done.



Pam Carter



Jim Haggerton



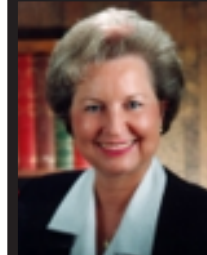
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Voice of taxpayers.

Councilman Hammond has worked to ensure value for every tax dollar spent and has fought for County budgets that give priority to transportation spending. He was the leading voice for the reform of King County's Elections office.

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Our Councilman.

Steve Hammond has done an outstanding job as our Councilman, and has earned our support for re-election. He has been an effective, conservative voice for taxpayers, property owners, working families and citizens who deserve to be heard.

