

Thursday, June 30, 2005.  
Baton Rouge, Louisiana.

**YOUR PROPERTY PLEASE,  
I WANT TO BUILD A BURGER KING!**

Last week's U.S. Supreme Court decision granted cities the power to destroy homes so that corporations can erect office buildings. And this is supposed to be "public use?" Just imagine what the Bard would have said about such a preposterous idea.

*“If thou has a thing so fine  
that I've resolved to take what's thine,  
and by foul deeds I made it mine  
would not this theft be called a crime?”*

*But what if to a judge I go  
and claim the state would get more dough  
if but to me thine thing should flow?  
And if the court decrees it so  
is that not a certain sign  
that what thou owned was never thine?”*

The Fifth Amendment to the U.S. Constitution permitted, or so we thought, government taking of private property only for a "public use." Not so anymore. Look for cities, in conjunction with private developers, to bulldoze neighborhoods in order to erect shopping centers and business complexes with the noble "public" goal of generating additional tax revenue. It's all about money. So what if your personal property rights are sacrificed in the process?

And Louisiana is no exception. You could just picture local developers, rubbing their hands together, in anticipation of more deals in concrete. Remember the Joni Mitchell song? "They paved paradise and put up a parking lot." The director of the Baton Rouge Downtown Development District jumped right in with apparent glee. "Obviously, it opens up the opportunity for good projects that might be confronted with difficulties and this could help move them forward," he told the local paper.

I was an elected delegate to the 1973 Louisiana Constitutional Convention. Protection of private property rights was a major issue of concern involving lengthy discussion. The final document went way beyond the federal government's Fifth Amendment protections. The Louisiana language is much stronger.

“Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is

public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. “

But now, it would seem that the U.S. Supreme Court has gutted Louisiana's stronger property rights protection, and has imposed a new rule that says "public use" is anything the legislature says it is. Reminds one of the frustrations expressed in Alice in Wonderland:

“When I use a word," Humpty Dumpty said, in a rather scornful tone, "it means just what I choose it to mean - neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master - that's all."

So the bottom line is that someone can live in a local neighborhood all their lives, then be uprooted and evicted by private developers who can pay more taxes. The term “public use” has been thrown out the window. Like I said, it’s all about money.

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### MORE MONEY GRUBBING

A top retired FBI agent has now come forward to confess that he is deep throat, the guy that spilled the beans during the Watergate scandals. After all these years, he is now going public, and will write a book that no doubt will line his pockets.

Deep Throat a hero? Give me a break. He was a bitter public employee who sought revenge when he was passed over for the top job at the FBI. Where is the integrity with this guy? Why didn't he just go public? Why didn't he lay out his case to Congress?

Remember Colleen Rowley, who retired from the FBI after exposing the agency's lapses before 9/11? She set out her concerns in a detailed written memorandum. Now she's running for Congress, and I hope she wins. She had the courage to "speak out" about the ineptness she observed. She didn't sneak around back alleys, passing on tidbits of information to further her own agenda.

Two lessons learned here. One is that you should be careful not to upset a guy who may have a lot of dirt on you. Second, when all is said and done, Deep Throat is now following his own famous line when he said, “Just follow the money.” That's really what it's all about, anyway, isn't it?

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And be careful what you check out of the library. You see, a majority of Louisiana Congressmen want the government to be able to secretly monitor what you read

without requiring any judicial order. Although the U.S. House of Representatives voted overwhelmingly to prohibit such "fishing" of your library records, Louisiana Republican Congressmen voted in lockstep to let Big Brother keep a close eye on you. Fortunately, 58 other Republicans join the majority in requiring some checks and balances on your right to be left alone. Just let Big Brother keep an eye on you.

Look, any reasonable person would agree that law enforcement officials should be able to get information, including library records, about specific individuals they feel may reasonably be suspected of a crime. But having your privacy invaded and putting you under suspicion, based on the books you read, flies in the face of the basic freedoms every American should expect. Kudos to those members of Congress who opposed restrictions on searches involving any fishing expedition. And the next time you see your Congressman, ask him why he wants your privacy violated and your reading habits exposed.

Benjamin Franklin said it pretty well some years back:

"Those who would sacrifice freedom for security deserve neither."

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And lastly, there's some good news from Washington. The statue of the Spirit of Justice has been finally freed. Remember the statue at the Justice Department that stood tall since the 1930s, with her arms raised, and one breast exposed? Former Attorney General John Ashcroft spent over \$8,000 to have drapes installed covering up the Lady.

The new Attorney General last week quietly had the drapes removed. Who knows where they will end up. But I guess he felt that if the statue survived over 80 years without a blink of controversy, what's the big deal. So there she stands. Right there in the Justice Department's ceremonial Great Hall. Uncovered with her arms raised high, and her single breast fully exposed. Sounds familiar, doesn't it? January, 2004. Super Bowl. Hummmm. It's Janet Jackson redux.

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"The most important political office is that of private citizen."

~ [Louis Dembitz Brandeis](#) (1856-1941)

American Supreme Court Justice

Peace and Justice.

Jim Brown