

Opinion Page

MAY 2, 1997

Natural rights vs. coercion

Ships Log: Friday, May 2, 1997: Location: On the high seas of money scandals and budget sorcery. Situation: Chicom's (Chinese Communists) cash scandals send Skipper Clinton's credibility into free-fall along with fellow felon "Solicitor General" Algore after their comic attempts to explain the unexplainable. Fellow traveler "AG Reno" sings a new tune, "Ain't no more justice at Justice til I'm gone, blues." Helmsman Newt discovers "friendly" source for a creative borrowing caper. Crew ponders mutiny as First Mate Lott caves in on Chemical Weapons Treaty. Weather: Democrat anti-truth storm continues to drive ship off course. Rocks and shoals ahead.

Starboard Views

By Al Woodson



General Quarters: At the dawn of our nation, a young colonial named Thomas Paine reasoned, "... the government cannot be applied to invade the natural rights of man which are retained in the individual, and in whom the power to execute is as perfect as the right itself." This sentiment, affirmed by Jefferson, is God's gift to mankind — as man's inalienable right to "Life, Liberty and Pursuit of Happiness."

Others of more recent vintage have taken this idea to task and

have said that government must correct the inability or unwillingness of the individual to produce "proper" results.

Elite leftwing liberals refuse to sanction these natural rights and think it's a legitimate effort of the government to remedy what individuals fail to achieve. Theirs is the underlying idea of utilitarianism — the central obligation of the state is to secure the greatest happiness for the greatest number even when individuals will not choose such action through the democratic process. Individuals, they say, must be coerced to do "the right thing."

The big problem with this view is the definition of "natural rights" is transferred from the individual to the government. In the shift, natural rights become positive rights to be supplied to selected groups by the labor and services from other persons or, expressed another way, taking from those who earn it and giving to those who don't.

"The right thing" is expressed through the government's remedial "one size fits all" regulatory policies that favor raw utilitarianism and ignore individual liberty. In a nation where the people are sovereign, a government so engaged is out of control.

Two prime candidates for the out-of-control coercion award are the regulations and policies of the federal Environmental Protection Agency and the Virginia Department of Environmental Quality.

Under cover of environmental law, using faulty science and self proclaimed, but erroneous, conclusions as facts they forge fictitious standards and engage in forcing unfunded mandates on local governments to gain perceived "improvements" in the environment; scientific errors and conflicting information notwithstanding. They avoid the full cost of their activities by stealing the resources of others (involuntary servitude anyone?)

Thus, we see a stealthy and declared legal growth of governmental coercion in the service of counterfeit values along with a corresponding growth in individual exemptions from the moral restraints of society.

A coercive out-of-control government assumes that some people have superior intellects and moral character and that it's wise to give them the power over the rest of us. But, under our Constitution they do not have that power — because they are not owed involuntary servitude from us or our fellow citizens. Nevertheless they've set up a "process" to work their will.

Throwing reason to the winds, this oppressive "process" is driven by bureaucrats who are not elected but exercise enforcement power, who make up their own rules but have no legislative power, who sit in judgement of those rules but have no judicial power.

See RIGHTS, page 8

From RIGHTS,

page 4

A stacked deck of bureaucratic tyranny if I've ever seen one and if you disobey their deceptions they have the power to take your property, empty your pockets and possibly put you in jail.

Once upon a time in America the separation of powers as set forth in Articles I, II and III of the Constitution guaranteed our natural rights every bit as much as did the Bill of Rights. What went wrong?

Fundamentally, the fall of communism was the triumph of freedom over coercion. It seems that our elected officials, political appointees and bureaucrats have gone over to the failed side of coercion but shouldn't they be for freedom?

Liberty's last hope may lie only in judges that are bound by the law; the principles of the text, whether Constitution or statute, as generally understood at the time of enactment.

In the words of U.S. Supreme Court Justice George Sutherland, "... The three rights (God's gifts) are so bound together as to be essentially one right. To give a man his life but deny him his liberty, is to take from him all that makes his life worth living. To give him his liberty but take from him the property which is the fruit and badge of his liberty, is to still leave him a slave." Welcome to the plantation folks.

Galley Gossip: Seaman Salty says, "I wish the EPA would explain how freon, weighing more than five times heavier than air, can float up to the stratosphere and gobble up the ozone."

Ships Log: Godspeed until next time.

Sources: Judge Robert H. Bork, Tibor R. Machan, Justice George Sutherland and Thomas Paine.