

Preservation of American rights seems ‘up in the air’

by Randy Bright <http://www.tulsabeacon.com/?p=5405>

According to an article in the Desert Sun and linked to Aviation eBrief (an online newsletter produced by the AOPA Aircraft Owners and Pilots Association), a two-and-a-half-year-long lawsuit has finally been dropped against several people and companies who allegedly flew their hot-air balloons too low over a farm in California.

JCM Farming, Inc. filed the lawsuit, according to the article, “never once having to show proof to a judge that its initial, central complaint was true: that the balloonists had flown too low over its property and caused a nuisance.”

Tom Scott, the executive director of California Citizens Against Lawsuit Abuse, the attorney who defended the balloonists, said that “For \$300, I can upend your life, whether there’s merit or no merit to my case.”

According to the article, about a dozen of the balloonists had closed their business or stopped flying. One of them had incurred \$177,000 in legal fees, and after the FAA investigated the complaints and found that there had been no violations, JCM Farms filed a lawsuit against it. As we enter another grueling presidential election season, there has been a great deal of talk about how we need to reduce regulations and enact tort reform, both of which I agree must be done, but there is another problem that is even more vexing, and that is that Americans are developing an attitude, a psyche, that any time we are made uncomfortable, someone else must pay us.

We all talk about rights, myself included, but the commonly held definition of rights is changing to the point that it bears no resemblance to the rights our Founders set forth in the Constitution. The rights that they wrote about were those that came from God, and were “negative” rights, that is, rights that prevented the government from imposing their will over the people.

You can see this new concept of rights in city planning, when in some locations an individual can scuttle a worthwhile project simply by lodging frivolous complaints. I recall reading about a young teenager who was able to stop a condominium project out on the east coast because the local regulations, in tune with the most progressive of thinking, made it possible for a single person of any age to do so.

We, in the middle of flyover country, are proud that we don’t have the same problems as the East or West coast communities, but the truth is that it can and has happened here. One of my church clients faced a few angry neighbors who did not like how the church’s previous addition looked, claiming it ruined their view. They vowed to object to any new project the church wanted to do, regardless of the value of the project, and proved it by inciting other neighbors to join them at city meetings to protest.

This “me first” attitude toward rights and regulations is sucking the life out of our country. We complain about manufacturers who pull up stakes and move jobs to China, not thinking about the massive regulations, the risk of frivolous lawsuits, or unions demanding high wages and benefits. Think about that - it’s easier to move your operation to the opposite side of the planet than to keep it here? How bad must it be for that to be an option?

As bad as the abuse can be from the citizen side, nowhere can it be worse than from an overbearing government. Few people have the resources to fight onerous regulations or violations of property rights from the government, but I do know of one person who succeeded in doing so.

This gentleman owned property in Colorado with a creek that ran just behind his home. Upstream, beavers had built several dams on his property. Several years ago Colorado experienced a drought, and it was so severe that water officials told him he had to remove the beaver dams from his property and let the water through. He refused to do so, and eventually won his case after several years of legal expenses. The question is, had he removed the dams, what would the wildlife people have done to him?

The crux of the problem is not so much that we have too many regulations and “rights.” The real problem is the shaping of our attitudes and belief systems to the point that we have no tolerance or discernment in the way that we treat others, and that is because we no longer have the religious upbringing that our forefathers had.

This is why our choice of our next president is so critical. We must have a candidate that represents those values, but more importantly, the American people need to “fundamentally change” back to what made America great in the first place. That’s when we can be blessed with peace and prosperity again.

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