

# THE HUFFINGTON POST

## **We Hold These Truths to Be Inconvenient**

**By Dave Helfert**

**February 18, 2015**

Among the most sacred rights enumerated in the U.S. Constitution is the ownership and control of private property. It's not quite as sacred as our God-given right to cruise Main Street with military-style automatic weapons, of course, but still pretty sacred.

The Cato Institute, a libertarian think tank founded by Charles Koch and funded by his sons, David and Charles, publishes a Handbook for Policymakers. The Cato handbook calls property rights, "the foundation of every right we have, including the right to be free," and points out that "John Locke, the philosophical father of the American Revolution and the inspiration for Thomas Jefferson when he drafted the Declaration of Independence, stated the issue simply: 'Lives, Liberties, and Estates, which I call by the general Name, Property.'"

"And James Madison, the principal author of the Constitution, echoed those thoughts when he wrote that "as a man is said to have a right to his property, he may be equally said to have a property in his rights."

These statements of bedrock conservative principle make it a tad contradictory for Congressional Republicans to continue their nearly-maniac support for extending the Keystone XL Pipeline through parts of rural Nebraska, which requires a trampling of private property rights. What's even more incongruous is that the property rights "trampler" being cheered on by Republicans is a foreign corporation. TransCanada has been using the powers of eminent domain to force the sale of land, much of it productive American farmland, from American owners who don't want to sell, to build its Canadian pipeline.

How can a foreign corporation use the eminent domain process to take property in America from Americans? Good question. It's because they have good lawyers -- and lots of them. Their lawyers have been able to convince a number of courts that the "taking" is for a public purpose. That's how private property can be taken -- to build highways, schools, public buildings; things that benefit the public -- and then the landowner is paid a fair market price set by the court. In this case, though, the public purpose is for private gain: to allow the TransCanada corporation

and its investors to make more money by transporting crude oil, primarily from Tar Sands deposits in Alberta, to petroleum refineries in Texas and Louisiana.

Trying to evade obvious questions about their support for taking private property from owners to allow its use by other private interests, Republicans have cited the overwhelming public bonanza of job creation -- nearly 4,000 over two years of pipeline construction, and as many as 35 to 50 permanent positions, according to the U.S. Department of State's analysis.

They've also cited its impressive projected economic impact, although the impact is mitigated somewhat by the fact that the refineries that will process the tar sands oil have existed for many years, as do the vast bulk of the refinery jobs.

Next were claims about the North American energy independence that will result from the infusion of Canadian oil into U.S. reserves-- except the oil is already slated to be sold on the world market.

In fact, there are two fundamental reasons for Republicans supporting the use of eminent domain to take private property for private sector profit:

- Absolute and slavish fealty to the oil and petrochemical industry that pumps so many millions of dollars into Republican campaigns coffers; and
- The party's visceral hatred for President Barack Obama and anything he favors.

It's not the first time we've seen such flexibility on inviolate and deeply-held principles.

Remember that the original blueprint for the Affordable Care Act came from the conservative American Enterprise Institute. Many of the same leading Republicans who now fulminate about the evils of Obamacare and deem it socialist and horribly intrusive used to support its approach until it was supported by Barack Obama.

The Congressional Republicans' willingness to turn their backs on the "sanctity" of private property rights demonstrates a lack of genuine belief in anything beyond "feed the kitty." It seems like this presents Congressional Democrats with a huge opportunity to make a convincing case that the Keystone XL pipeline is hardly the answer to full employment or energy independence dreams, and that Republicans' strident support is based simply on helping corporations that help them.

You'd think Democrats would be on this like a chicken on a June bug. You'd think.