



Regulating Our Property Rights out of Existence (Video)

Here's a thought most of us don't want to entertain: Could you or I, or a close family member or neighbor, be thrown into jail, publicly branded a criminal, and fined thousands, or even millions of dollars for allegedly violating an obscure federal regulation we didn't even know about?

Yes, it could happen. It has happened to many unfortunate Americans. And it is almost certain to happen with greater frequency, as the Obama administration's regulatory police begin enforcing the avalanche of new federal regulations.

Earlier this year, we [reported](#) at *The New American* on the latest installment of "Ten Thousand Commandments," the annual report of the Competitive Enterprise Institute on the size and scope of federal regulations.

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The main focus of that report is the incredible monetary costs that the tens of thousands of pages of regulations cost our economy: a mindboggling \$1.863 Trillion per year — almost \$2 trillion annually!

However, there is another hidden cost that should be equally, if not more disturbing, to every American; that is the very real cost to our freedoms posed by the federal regulatory state. The federal regulatory bureaucracy is rapidly destroying the constitutional limitations and protections that made America the shining beacon it once was.

America's Founding Fathers gave us a constitutional system that includes many checks and balances, all aimed at dividing up power and preventing the concentration and centralization of power that would inevitably lead to tyranny. First of all, they divided power between the national, or federal, government and the individual states. In this principal/agent compact, the States are the principal and the federal government is the agent. The States delegated to the federal government limited, enumerated powers, and reserved the vast remainder of powers "to the States and to the people."

At the federal level, our Founders divided the legislative, executive, and judicial powers between three branches of government.

The very first sentence of Article I, Section 1 of the U.S. Constitution states: "All legislative powers herein granted shall be vested in a Congress of the United States." It is difficult to get more plain and definitive than that: "All legislative powers." Congress is the legislative branch, and it possesses "all legislative powers."

Nevertheless, Congress has allowed the executive branch to stealthily, steadily build an enormous fourth branch of government — the federal regulatory leviathan — that has usurped legislative,





Written by [William F. Jasper](#) on September 24, 2014

executive, and judicial powers.

Consider that the EPA, FDA, OSHA, SEC, Bureau of Land Management, U.S. Forest Service, and numerous other agencies issue thousands of pages of regulations, which they claim have the force of law. Then they send out their agents to enforce those “laws.” And when they fine you or take your property, you must appeal through their own agency courts.

According to our Founders, this is “the very definition of tyranny.” James Madison, frequently referred to as the “Father of the Constitution,” addressed this issue in essay No. 47 of *The Federalist*, noting: “The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many ... may justly be pronounced the very definition of tyranny.”

Ocie Mills and his son Carey, hardworking middleclass Americans, were sent to jail for 21 months for the “crime” of filling in a small area of their property with clean fill dirt. The EPA and the United States Army Corps of Engineers wrongfully claimed that the Mills property, which had previously been designated “upland,” was now “wetland.”

This was back in 1989. It is a story of incredible injustice that we covered repeatedly in [The New American](#). Unfortunately, Ocie and Carey Mills’ story is but one of many similar stories. More recently, we have [reported](#) on the case of the Sackett family in Idaho, whom the EPA threatened with fines of \$75,000 per day for attempting to build a home on their own property — after already complying with all state and local permits. Again, the EPA made ridiculous claims that the property is a protected wetland. If not for the help of attorneys from the Pacific Legal Foundation, the Sacketts would have already lost their property — and might be in jail. However, the U.S. Supreme Court slapped down what it termed the EPA’s “high-handedness” in violating the rights of Mike and Chantelle Sackett.

And the same plight threatens thousands of other law-abiding Americans. But Congress created these agencies and Congress can and must rein them in and/or abolish them. However, Congress will not do that unless we, the American people monitor their votes and force them to uphold their constitutional oaths. You can do that by finding out how your Congressman is voting on *The New American’s* “[Freedom Index](#),” which rates Congress based on the U.S. Constitution.



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