



Pennsylvania Landowners' Association

Individual vs. United States of America

By: *Hillarie Brace*

"Can the government lock up your land for some bureaucratically contrived public purpose without justly compensating you?" According to the Fifth Amendment of the United States Constitution, the answer is no. The government's actions, however, are causing Robert Brace along with others to ask this question (Chronology). This past week, Brace was back in court again, this time in the Court of Federal Claims, fighting for his rights (Bartlett). Brace began fighting back in 1987 when the wetland enviro-police showed up on his family farm and told him he could no longer use a portion of his land because it was wetlands. He would still be forced to pay taxes on it. If the land was put to its best use, it could have a value in excess of three million dollars. I am very familiar with Brace and his case, as he is my grandfather. He is not alone. Soon after he was told he could no longer use his land, he founded the Pennsylvania Landowners Association (PLA), which led him to meet others in situations like his own. The government cannot take an individual's private property without justly compensating them, although it is much more common than most believe. This horrible act must be stopped. Our government is breaking the constitution.

In 1923, Bob Learzaf's uncle bought a parcel of land for one hundred and fifty dollars. Five years later, the federal government acquired the land surrounding the property. Fast-forward to 1996. Now the owner of the land, Bob Learzaf is told he must evacuate it and burn his cabin, because the land belongs to the government. Learzaf was even able to present the original bill of sale. The government's response was simply, "That is not worth a thing. You don't have a claim. You've got to remove the building and leave," (Lamb). Learzaf refused, and in 2000, was sentenced to one year's probation and fined two thousand dollars. The government burned his cabin, took his land, and then called him a criminal (Victim). The real criminal is the government. The Fifth Amendment reads, "No person shall be...deprived of life,

liberty, or property, without the due process of law; nor shall private property be taken for public use without just compensation," (Findlaw). The government did just that, they deprived Learzaf of his property and did not compensate him for it. We must stand up to the government and not allow them to deprive us of our rights.

Brock Evans is an environmentalist. In his mind, all of the land should be public land. He says, "Let's take it all back." Many

As Hillarie stated to her fellow classmates.....

"You hold the key to the future...."

Fight for what is right."

– Hillarie Brace

environmentalists believe that, "No one actually owns property. We're only stewards of it for a short time. Then we pass on and someone else takes over," (Walters54). I agree that we only are here for a certain time and therefore can only use the land for that short time. I do, however, disagree with, "No one actually owns property." We are forced to pay a purchase price and then pay property taxes for the rest of our lives on our land. Many people are hard working, average citizens who have worked and worked for their property. It is the only thing they have, and they need it to survive. They live on it, work it for food and profit, and die on it. The land is their life and is rightfully theirs. It will be passed down through the generations. According to a Pastoral letter of the French Roman Catholic Hierarchy in 1919, "The right to hold property is a national right. It is the safeguard of family life, the stimulus and reward of work," (Walters19). I strongly believe every word of that, because without the land, my grandfather, uncle, and father, would not be as successful farmers as they are today. If the government were to take all of the land that is

rightfully theirs, they would be at a loss. Even the small amount the government has taken has prevented them from making millions of dollars off of the land, along with outrageous legal bills fighting to get the land back. Brace says, "Without private property ownership and a strong economy, everyone loses, including private citizens who depend upon the existence of the business community for their livelihoods..." (Walters 23). This is so true.

According to Rhonda McAtee, executive director of the PLA, it is our federal laws which are at fault, because they are inconsistent (Flowers). When Robert Brace was told he had broken the law, he was following the plan which had been encouraged by the federal government and was recommended by the United States Department of Agriculture. The judicial system needs to be fixed as to be clear in its meaning and to make sure that organizations, such as the Department of Agriculture, do not recommend plans which would be breaking the law in some situations.

In conclusion, we must step up and fight for our rights, and prevent the government from breaking the Constitution. We must force the law to change so that it is no longer contradictory. To quote my grandfather, " '...People need to realize that their voice does make a difference, and that the days of thinking things will magically get better or that 'someone else will take care of it' are over. They need to contact their congressmen and senators about the unfairness of it all...before it's too late,'" (Walters23). So please, take a stand for your land, and fight for what is right.



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