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**To:** "Citizens' Alliance for Property Rights" <capr-discussion@lists.celestial.com>  
**Sent:** Monday, August 08, 2005 9:14 AM  
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**Sent:** Monday, August 08, 2005 8:22 AM  
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## MORRISON: Shoot, Shovel and Shut Up

Friday, August 05, 2005

By [Joyce Morrison](#)

**OPINION** - Shoot, shovel and shut-up are actions property owners are forced to take when it comes to the Endangered Species Act.

The Endangered Species Act, meant to protect plants and animals, is probably destroying more species than it saves. Landowners fear that plants and animals they would prefer to protect will be discovered and they will lose the use of their property with no compensation.

Rep. Richard Pombo (R-CA), who heads the Resources Committee, has been an advocate for property rights. But when it comes to the ESA, he has left many wondering if he realizes the implications his recommendations will bring when it comes to ESA reform.

"Property rights advocates are voicing concern about a provision that would extend the ESA's reach into so-called "invasive species" -- never before regulated under the law," said David Ridenour, vice president of The National Center for Public Policy Research and long-time activist on land issues.

"I don't want the worst piece of legislation since the income tax to be 'updated and strengthened' -- I want it repealed," said APC president Tom DeWeese. "When lawmakers refuse to stand up for what's right, it's our duty to stand up to lawmakers."

Ryan Balis, of the National Center for Public Policy Research, warns landowners that the new reformed ESA proposals are worse than the unfair policy we now have.

"The Endangered Species Act, however, forces any citizen to "quarter" wolves, panthers, bears, or any of more than 1,200 other species the government declared to be "endangered," said Henry Lamb in his article, "Endangered Species Act debate is heating up."



The bald eagle, the grizzly bear, and the red bellied cooter are three of the more than 1,200 species of animals that have been protected through the Endangered Species Act since it passed in 1973. But, Joyce Morrison asks, at what price?

"There's nothing so absurd that if you repeat it often enough, people will believe it," once said William James, the father of modern psychology. People have been told over and over about endangered and threatened species until they believe everything they hear.

Studies have proven many claims made by environmentalists are not true, but the public does not know this, as it is embedded in their minds that everything is "endangered."

Could the ESA be just another tactic used to control property?

It doesn't take a rocket scientist to see a pattern -- if you follow legislation throughout the United States, you will see the agenda embedded in one bill after another! There is an apparent move to control all land and water and to remove the rights from the property owner.

The conservative Washington D.C. publication *Human Events* lists "The Endangered Species Act" as the 6th most harmful government program.

The program was started in 1973 by President Richard Nixon and a Democrat Congress to protect and restore animal and plant species deemed threatened or endangered:

**What it does:** The ESA empowers the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to determine that a species is threatened or endangered, to determine the "critical habitat" necessary for the survival of the species, and to make regulations to protect the species in that habitat, even if it is privately owned. It also allows individuals to sue the federal government to force it to take action to protect a species.

The law has been used by environmentalists in their efforts to stop development and economically fruitful activity in vast stretches of the West.

**Cost:** In a 2003 report, the FWS estimated that it cost \$610 million in federal and state expenditures in 2000 to enforce ESA. "The true costs are probably four times that-not in the millions, but in the billions," reports the Property and Environmental Research Center (PERC).

**Constitutional provision:** Article 1, Section 8, Clause 3, which gives Congress the power "to regulate Commerce ... among the several States," has been used in federal court to justify ESA-even when the species in question lives in only one state.

President Clinton signed an Executive Order stating that invasive species are "any species, including seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem."

This sounds reasonable until you realize just what is invasive to the United States! What about cats, dogs, cows, potatoes, tomatoes and a very long list of species we take for granted and certainly don't think of as "invasive?"

The legislation now being drafted allows a landowner to be compensated for 50% loss on the part of the property he could not use because it contained an endangered species. This does not sound fair. Why should a property owner have to sacrifice 50% on the chance that it "might" be endangered?

Other problems identified by the National Center included:

- It would require property owners who are compensated for losses under the ESA to transfer title to their land to the federal government. It would make it possible for the government to acquire land at bargain prices. It is not clear, for example, if government could gain 100 percent title by paying for a 50% loss.
- The proposal would exempt ESA advisory committees from the Federal Advisory Committee Act, which, among other things requires public disclosure of advisory committee membership. Important decisions

should not be made in secret by unaccountable and anonymous committees.

There should be no compromise to reform ESA. Is ESA really necessary? Has the ESA ever really been effective in comparison to the enormous cost to landowners and taxpayers? Should a property owner be forced to "quarter" endangered species with no just compensation or only partial payment? Please contact the House Committee on Resources headed by Rep. Richard Pombo and tell them the ESA bill should not become another eminent domain issue.

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What are your thoughts concerning the issues raised in this commentary? Write a letter to the editor at [letters@illinoisleader.com](mailto:letters@illinoisleader.com), and include your name and town.

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### **Joyce Morrison**

Joyce Morrison lives in southern Illinois. She is a chapter leader for Concerned Women for America and she and her husband, Gary, represent the local Citizens for Private Property Rights. Joyce is Secretary to the Board of Directors of Rural Restoration/ADOPT Mission, a national farm ministry located in Sikeston.

She has become a nationally-recognized advocate for property rights.

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