

No, We Haven't Stopped Being Angry

By
Blake Hurst

How
Americans
Continue
to be
Harmed by
Overbearing
Government

Roger Stoles was annoyed. His ire was aimed at yokels from Missouri, and when a group of us yokels traveled to Washington recently to meet with him, he let us know exactly, and at some length, why we made him so upset. Stoles is the U.S. State Department official in charge of the U.N.'s Man in the Biosphere project

(a giant environmental effort to designate special natural areas around the globe), and he felt wronged by the reluctance of Missouri landowners to embrace their prospective status as residents of a U.N.-chosen haven. Stoles left the distinct impression that he views us Missouri landowners as chewin', spittin', whittlin' paranoids who spend too much of our time spinning conspiracy theories about the U.N. and black helicopters.

I was, to put it mildly, a little upset by his assumption that we Missouri farmers are a bunch of crazies. And we were all annoyed that he couldn't seem to understand why landowners in the 1990s might be a little suspicious of government initiatives involving their property.

For the benefit of Mr. Stoles and others, let me offer from my own recent experience a little true-life story. It may help him fathom a little better those of us who seem (to Washingtonians) so cranky about the government. This is just one local example among thousands of such cases from around the country, but it offers a good illustration of why

farmers and many other Americans now perk up their ears very sharply indeed any time government regulators brush up against their lives and property.

Locust Creek is a small waterway that bisects Pershing State Park, located in Linn County in northern Missouri. After the tremendous midwestern flood of 1993, a logjam formed in the creek in the middle of the state park. Growing until it is now several thousand feet in length, the jam has effectively dammed the creek. Much like a clogged basement drain, the accumulated trees have stopped normal drainage, and the backed up water has flooded thousands of acres of land, damaged internal drainage structures on nearby farms, ruined private landowners' levees, and inundated a local hunting club.

In 1995, local farmers met with Missouri's Department of Natural Resources, which administers state parklands, to ask that they clear the logjam. The law, after all, is clear: If a private landowner's failure to keep a stream open causes his upstream neighbors' fields to flood, the downstream owner is responsible for restoring drainage.

In the vain hope that an environmental agency would treat farmers with respect, or at least common sense, the affected growers tried to use simple persuasion rather than legal means to convince the DNR to restore the creek's flow. But delay after delay followed. The U.S. Corps of Engineers required hundreds of thousands of dollars worth of studies. The U.S. Fish and Wildlife Service further delayed any dredging while researching the possible effects that clearing the creek would have on endangered species. They required that

a number of trees on private property near the creek be left undisturbed, because the designated timber might serve as a possible habitat for the endangered Indiana bat. The State Highway Department and the State Natural Resource Conservation Service also had their say.

More trees were piling up all the while, but finally everyone was in agreement. The clearing was slated to begin in August of 1997. After losing the use of their ground for three years, landowners could look forward to farming again.

Then David Schorr, head of the Department of Natural Resources, announced that his agency would approve clearing only 60 percent of the logjam. This capricious reversal incensed landowners, because partial clearing will still leave slow drainage and allow a full logjam to re-form. But Schorr announced that removing more than 60 percent of the blockage would cause too much environmental damage to the state park. In a blistering letter to the president of the Missouri Farm Bureau, Schorr said that the "best management practice to preserve and protect Pershing State Park and continue its ecosystem is the no-action alternative." He goes on to blame the logjam on the upstream landowners (since the debris came from upstream)—ignoring the natural disaster of the flood of 1993, and the fact that if his agency had acted responsibly and cleared the obstruction immediately, both environmental damage to the park and economic damage to the neighboring landowners would have been much less.

Mr. Schorr then revealed his alternative plan, stating quite frankly why he and his bureaucrats had allowed the inunda-

tion of neighboring farmland to continue. The state of Missouri, he wrote, had decided to buy out the landowners bordering on Pershing State Park.

Several of the farms in question have been owned by the same families for generations, and the individuals involved are understandably quite reluctant to sell. But if their land remains under water because the logjam stays in place, they will have no alternative. The old joke about the land-greedy farmer is that he "doesn't want any more land except his neighbor's." Much the same could be said of Mr. Schorr, the state natural resources regulators, and the whole environmental community.

Economists are now urging that we more carefully add up the costs of environmental regulations and measure them against the benefits. For the folks that farm upstream of Pershing State Park, the loss in crops is easy enough to count in the "millions of dollars." But there are other costs to this episode as well, costs that are much harder to quantify. Regulator Schorr and the federal agencies acting in concert with him have changed the rules of the game, without notice, and now nobody knows what to expect. Keep-

ing drainage open for those above you in a watershed has always been part of being a good neighbor with proper respect for the rights of other property owners. It is in everybody's best interest; and it is the law. On our farm, we have spent thousands of dollars running tile lines and dredging ditches to carry water that runs off of our neighbors' fields. Our downstream neighbors have done the same to allow our fields to drain. Mr. Schorr has ignored several centuries of law with his action—and that is an example of government power grown out of control.

When conservatives talk about the overgrown scope of the government, they tend to focus on things like the deficit, the percentage of GDP that ends up in state pockets, and the transformation of self-reliant citizens into slaves of entitlement bureaus. But the power that David Schorr has over farmers in Missouri can't be captured by the size of his budget, large as it may be. Far beyond the economic costs he can impose, he has an unenumerated power to destroy livelihoods and living patterns, to block men's free actions and their use of their own property, to use his phalanx of agency employees and powers to intimidate, harass, and frighten private citizens into submission.

Much has been written about the collapse of the budget-cutting fervor of the Republican Congress after the debacle of the government shutdown and the reelection of Bill Clinton. But the retreat on regulatory reform has become an even worse rout. With Clinton in the White House and Republicans on Capitol Hill, legislation to compensate private owners for "takings" of their property, to reform the Endangered Species Act, or to introduce common sense into wetlands regulations seems as distant as the speck of a black helicopter fleeing over a far horizon.

Whether in a battle like Locust Creek, implementation of the Rails to Trails Act, or some historic preservation measure, governments from the municipal to the federal level are increasingly forcing individual property owners to pay for public goods. That it has become so easy to override property rights is a very bad sign. Instead of cavalierly ridiculing my neighbors, perhaps officials in Washington and our state capitols should ask themselves why locals who ought to be worrying about getting the hay up and the calves weaned are so concerned instead about defending their farms and homes against government action.



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Welfare "Cuts"?

By
James L. Payne

**The
Crown Jewel
of Recent
Government
Downsizing
is a
Fake**

"Welfare Cuts Will Leave Thousands Homeless," insists a recent *New York Times* headline. "Worried Welfare Recipients Bemoan Cuts in Benefits" adds the *Los Angeles Times*. The *Washington Post* claims that the 1996 welfare reform makes "deep and gratuitous cuts in all manner of federal aid to the poor." The *Wall Street Journal* agrees, reporting "deep cuts in food stamps." And the *Christian Science Monitor* reports with precision that welfare reform means "federal spending would drop an estimated \$59 billion over the next seven years"—a situation it deplores in an editorial entitled,

"Overdoing Welfare Cuts."

These are not isolated comments and reports. The National Newspaper Index shows the overall pattern. Since 1989, the nation's major papers have printed 183 stories which feature the keywords

welfare and *cuts*, but only 13 stories with the keywords *welfare* and *increases*—a 14-to-1 ratio.

Yet this picture of a fast-shrinking welfare system is simply not true: Nobody is cutting welfare today. There may be great controversy over welfare programs, with many voices raised against them, but neither the public nor lawmakers really control welfare spending. The American welfare system is a self-sustaining industry dominated by the special interests that run it and profit from it. These forces, probably the most powerful lobby the country has ever known, have ensured that welfare spending remains on a continuous upward spiral. True welfare reform will require understanding how this biased system has entrenched itself and devising a way to overcome it.

The allegations of welfare "cuts" go back at least 30 years, and they have been flatly false for just as long. The proof is in the authoritative "Green Book," the yearly compilation of welfare programs made by the staff of the House Ways and Means Committee. This vol-

ume—which, by the way, does not include all welfare programs—shows that real federal, state, and local spending on low-income programs went from \$64 billion in 1968 to \$345 billion in 1994, the latest year for which complete data are available. (These numbers are in constant 1994 dollars, adjusted for inflation.) Real welfare spending has gone up under *every* administration—heartless Republican and soft-touch Democrat alike. And it has risen by 56 percent, after inflation, just from 1989-94.

All right, the reader might say, perhaps welfare hasn't been cut in the past. But all that changed with the 1996 federal welfare reform. Wrong. It's true that certain categories of recipients will lose benefits under the '96 reform, but this will be more than counterbalanced by the addition of new recipients and the growth of average payments.

According to projections from the Congressional Budget Office, total spending in the programs affected by the '96 welfare reform will definitely increase from 1995-2002. Food stamps (which the *Wall Street Journal* said would

James L. Payne recently edited a volume of writings by Celavina Hill, a social worker. The Book of the Living is a social assistance without a book.