

GOOD *to be* KING

The Foundation of Our Constitutional Freedom

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To my parents, John and Elaine Badnarik, who devoted their lives to raising my brothers and me to be good Americans, and who always taught us to be the very best we could be.

CHAPTER 2

Rights vs. Privileges

The most important concept in this book is the difference between rights and privileges. For that reason, this chapter can be downloaded from my web site at no charge, and may be reproduced and distributed without written permission, as long as it is copied intact and without modification.¹ A right is defined by *Black's Law Dictionary* as “a power, privilege, (sic) faculty, or demand, inherent in one person and incident upon another ... the powers of free action.”² Please note that rights are “inherent” in a person. This means that it is physically impossible for rights to be extracted from a person by any means.

Imagine a brick made of lead. The first thing that will cross your mind is that this object will be heavy. Extremely high density or weight is an *inherent* quality of lead. If an object isn't heavy, you can be certain that it's not made of lead. You cannot put a lead brick into a vacuum and “suck out the heavy.” You cannot put a lead brick into a microwave and zap it until it becomes light and fluffy. The quality of being heavy is one of the distinguishing attributes of lead.

Now recall some of the dreams that you've had. You can't put the unpleasant ones into a bag and bury them in the back yard. You can share your dreams with others, but you don't have to worry that someone will steal them from you when you're not looking. Your dreams are an *inherent* part of who you are. No one can extract your dreams from you. The same thing is true about your rights. When you die, your dreams will die with you. If someone kills you, they will deprive you of life, but they can never deprive you of your right to life.

I define a right as something you can do without asking for permission. The opposite of a right, therefore, is something you cannot do without asking for permission. Any time you need permission to do something it is a privilege. *Black's Law Dictionary* defines this as "a particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond the common advantages of other citizens. An exceptional or extraordinary power or exemption."³ Rights and privileges are opposites. I have three corollaries to the definition of rights. They are:

- All rights are derived from property;
- Every right implies a responsibility; and
- The only limitation on your rights is the equal rights of others.

Let me demonstrate the principle behind my first corollary with an example. Suppose I walk out of my house onto my land. I can walk back and forth, back and forth, across my land anytime I want without asking anyone's permission. Walking across my land is a right. Now suppose I want to walk to the store located on the other side of your land. Can I walk back and forth across your land anytime I want to? Certainly not. Not without your permission. It is a privilege to walk across your land. Assuming that we've been neighbors for a while, it is possible that your response would be, "Sure you can take the shortcut, Mike. What are friends for?" So on Monday, Tuesday, and Wednesday I walk to the store making my way across your land. Let us now assume that something unpleasant happens to you. You misplace a winning lottery ticket, or your significant other leaves you for your best friend. You wake up Thursday morning in a terrible mood, looking for an opportunity to vent your frustrations. As I begin to make my way across your land you shout, "Hey, mister! Walk around! That's what fences are for!"

The important concept here is that privileges are granted, and they can be revoked at any time for any reason. Once again, rights and privileges are opposites.

Property! This is the one-word answer to any question regarding the Constitution. Any time there is a dispute about rights, the argument can be settled by determining who owns the property in question. Prior to the American Revolution, a man born into the proper family was thought to possess all of the land in England, and he claimed all rights as well. The king could bestow privileges on the people he favored and, being the king, he could revoke those privileges at any time. He could also have a person sentenced to death for any action he found insulting. All his power came from his ownership of property. When Christopher Columbus marched out of the water onto a beach in North America, he immediately proclaimed ownership of the entire continent for Queen Isabella of Spain. Subsequent settlers would each declare ownership of the land for the royalty they felt they owed allegiance to. The king's power and prestige was directly related to how much land he possessed—which explains why human history consists almost exclusively of continuous warfare.

The Declaration of Independence states “they are endowed by their creator with certain unalienable rights.” This statement refutes the idea that only the king had any rights. Instead of accepting privileges controlled by a human king, we claim the same rights that every king has ever claimed. We consider this to be “self-evident” now, but it was necessary for us to defend this idea by fighting a bloody revolution that ended with the Treaty of Paris in 1783. The significance of this treaty was to transfer ownership of the land from the king to the people in America. Hence, the American Revolution was ultimately about the right to own property. The ownership of property is the most important distinction between freedom and tyranny. This idea is so important that John Adams, the twelfth president (right after George Washington) wrote: “The moment the idea is admitted into society that property is not as sacred as the law of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.”⁴

Regardless of your religious views, I think it can be safely said that anything as sacred as the law of God would hold considerable weight in any argument. Unfortunately, not everyone in America holds property is such high regard.

Most of our problems in the United States can be traced to a blatant disregard for private property. Examine the quote of another American president, Theodore Roosevelt: “Every man holds his property subject to the general right of the community to regulate its use to whatever degree the public welfare may require it.”⁵

If I own a piece of property, I control what happens to it. If the community has the “right” to regulate my property whenever it wishes, then I do not truly own the property. I am merely occupying it through the generous will of the majority. Both statements cannot be true at the same time.

This is a very simple concept understood by every two-year-old. Every two-year-old has two favorite words. Both are attempts to express their will over their environment. The first word is “no!” which is the equivalent of a royal veto—an attempt to forbid mother from doing something we don’t approve of. This statement is rarely a *successful* veto, but it is uttered with the same assumption of autonomy as any king who ever lived. Their other favorite word is “mine!” frequently shouted with a presumption of unquestioned authority, regardless of the item being claimed. The child claims ownership of any item they wish to have control over. They already understand that if it is “mine!” then I am the one who will determine what happens to the item. In other words, “I have the right to do what I want with it.” Of course children have an incomplete understanding of property, having a much more difficult time with the concept of “yours.” Parents spend countless hours trying to teach their offspring not to touch other children’s toys unless they are given permission. The problem does not go away in later years, either. Siblings sharing the same room will often draw a line down the center of the room to establish “ownership” and control over a given area and the property that it contains.

Adults assume that they have a much better understanding of property than children do, but that is not necessarily the case. Americans do not legally own property in the manner that they believe they do, because they do not exercise autonomous control over their property. What would happen if you erected a derrick in your backyard and started drilling for oil? Would you be surprised if the county sheriff drove up and asked to see your permit? In order to drill for oil you must own the property under “allodial title.” Unfortunately, if you pay property taxes, then you do not own your property to the degree that you thought you did.

It may surprise many of you to learn that the federal government claims ownership of much of the land in each of the states, especially in the western states.⁶ Much of the rest is claimed by the states themselves. This is clearly an important topic, unfortunately not one that I have time to explore rigorously here.

You probably don't own your car the way you think you do. If I give you a "gift certificate," do you have the gift, or just a piece of paper that represents that gift? When you finish making payments on your auto loan, does the bank send you the "title" to the car, or simply a "certificate of title"? The certificate of title is a piece of paper that only *represents* the title of the car. Each car that is manufactured has an MCO, or "manufacturer's certificate of origin," that is the true title for the car. Because most cars are purchased on a payment plan, the dealer sends the MCO to the state agency that controls the registration of vehicles. The MCO is microfilmed and then shredded to make it much more difficult for you to obtain the actual title. If you are able to pay cash for your car and you know enough to demand the MCO as part of the purchase agreement, it is possible for you to purchase an automobile and own it the way you currently believe that you own it. The figure on next page shows a copy of an MCO obtained by a patriot friend of mine. He is not required to register his car with the state, and he travels in it without license plates. All of this is perfectly legal—although you may admittedly have some difficulty convincing the police officer who has detained you for what appears to be a traffic violation.

Property may be an adequate source of rights for land, but what is the source of your right to life? Many will argue that your right to life comes from God, however that debate is outside the scope of this book. Whether divinely created or scientifically evolved, one thing that is indisputable is the fact that your body exists. It is also widely assumed, at least in the contemporary United States, that you own your own body. If someone else owns your body, then you are a slave. The institution of slavery was based on the premise that other humans were considered to be property, and thus could be bought and sold like any other commodity. That idea is loath to many of us now, however the Thirteenth Amendment prohibiting slavery and involuntary servitude was not passed until December of 1865. You cannot successfully claim your right to life until those around you respect your body as property that you alone con-

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CERTIFICATE OF ORIGIN FOR A VEHICLE

TOYOTA

DATE 2001-07-	VEHICLE IDENTIFICATION NO. JT2BG22K	YEAR 2001	INVOICE NO. 607
BODY TYPE 4-DOOR SEDAN	H.P. (S.A.E.) 136	G.V.W.R.	MAKE TOYOTA
ENGINE NO.		NO. CYLS. 4	SHIPPING WEIGHT 3027
			SERIES OR MODEL CAMRY LE

I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the Invoice Number indicated to the following distributor or dealer.

NAME OF DISTRIBUTOR, DEALER, ETC.

TOYOTA
AUSTIN, TEXAS

It is further certified that this was the first transfer of such new vehicle in ordinary trade and commerce.
CERTIFIED FOR ALL 50 STATE MISSIONS

GULF STATES TOYOTA, INC.

BY: *Dayl Kungler* Vice President-GST Planning
(SIGNATURE OF AUTHORIZED REPRESENTATIVE) (AGENT)

HOUSTON, TEXAS

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Copy of a Manufacturer's Certificate of Origin (MCO).

trol. Even today the women in Middle-Eastern countries are treated as the property of men, and children are still sold into slavery around the world.

The second corollary on the subject of rights is the fact that every right implies a responsibility. Rights and responsibilities are as inseparable as the heads and tails of the same coin. You cannot have one without the other. I have a right to wear a gun on my hip, but I also have the responsibility to make sure that no one is injured by it. Furthermore, carrying a gun does not give me a right to your property. I only have a right to my property, not to yours.

It is a widely held position that a six-year-old child has the right to life. I have never personally met anyone who has argued otherwise, but do not assume that this is a universal proposition. Does a six-year-old child also have the right to keep and bear arms? Very few of us—not even I—would allow a child to walk around with a loaded firearm. That’s because a child does not have the mental capacity to grasp the possible consequences and implicit responsibilities of using a gun. To a child, everyone is immortal just like Wile E. Coyote in the Road Runner cartoons. A child thinks that if you fall off a cliff, there is a brief puff of dust and a few seconds later you’re zipping along on rocket roller skates. Unfortunately, that type of rapid recovery isn’t possible in the real world.

Americans have grown weary of their responsibilities, and our government has been only too eager to relieve us of those burdens. When two people have a child, they have a responsibility to determine what the child will learn and what values it should adopt. Over the years parents have become complacent about that responsibility, turning it over to government schools that offer “one size fits all” education. Then parents have the audacity to wonder why their children haven’t adopted the values they would like them to have.

Instead of planning for their future, our parents and grandparents allowed the Socialist Insecurity Administration (sic) to take money from their paycheck to create their retirement program. Today, everyone is concerned that Social Security doesn’t return enough money for basic subsistence, much less the money people need to enjoy their golden years. If people had retained that responsibility for themselves, placing their money in a simple savings account with 5 percent interest, they would easily have more money than they currently get from the government. By allowing the government to assume our responsibilities, we have gradually given away many of our rights.

My third corollary on the subject is that the only limitation on your rights is the equal rights of others. To put it another way, you only have the right to your property. You do not have the right to anyone else's property.

Many people believe that they have a right to health care. There is even a presidential candidate who recently suggested a constitutional amendment guaranteeing that right. A right to health care suggests that you should be able to walk into a doctor's office and insist that she or he correct your illness for free, or for a significantly reduced cost. Would you be willing to do your job for free for anyone who steps in off the sidewalk? I sincerely doubt it. You'd be very busy—and very, very poor. Why should your doctor provide services for free after spending all the time and money required to graduate from medical school? “Don't worry!” people tell me, “the government will pay the doctor's salary.” Oh, really? And where does the government get the money to pay the doctor's salary? From taxes, of course. But for every \$100 the government takes from my wallet, they keep \$50, the HMO keeps \$25, and the doctor gets what's left. Wouldn't it be easier and far more efficient for you to walk into my house to take \$100 out of my wallet yourself? You'd be able to pay for even better treatment than you're getting right now. There is, of course, one small problem with that plan. I am a strong Second Amendment supporter. If you come into my house in an attempt to take money from my wallet, you will soon be going to the doctor for something far more serious than whatever you were suffering from in the first place.

You should have learned this in grade school, but just in case you missed it, you do not have a right to other people's property, not even when the government takes it away from them and gives it to you. That is the basis for socialism, and that is exactly what the Constitution is intended to prevent.