

Golden Oldie #2: Independence Day

In two days we celebrate America's 239th birthday, certainly a joyous occasion. But we have to wonder: why are the ideals put forth in the Declaration of Independence so lacking in public policy in Pennsylvania? This *Brief*, "*Chains Around the Cradle of Liberty*" (Volume 5, Number 26), was written in June of 2005 and it explored the spirit of Independence Day, the position of the individual against special interests, and several key policy areas where we could use a significant dose of the Founders' vision today.

The impending celebration marking our nation's Declaration of Independence from Great Britain reminds us that we are endowed by our Creator with inalienable rights including life, liberty, and the pursuit of happiness. These rights were secured two centuries ago by the establishment of a government that derives its powers from the consent of the governed. Our Commonwealth is rightly regarded as the birthplace of our heritage of independence and freedom.

Sadly, the arrival of Independence Day also reminds us how far the consent of the governed in Pennsylvania has traveled down the road of surrendering individual liberty in exchange for the needs and wants of powerful special interests and "the greater public good." Indeed, a prominent state senator has said the purpose of government is to do for people what they cannot do for themselves. Certainly a very far cry from the notions and ideals of the Founders.

Two of the most egregious examples of surrendering liberty have been with us for so long we simply accept them as part of the natural order and only a bold few are even willing to challenge them. First, we have compulsory school attendance for all children ages 8 to 17. Parents can go to jail for failing to make sure their kids are in class. Taxpayers can go to jail or lose their homes for refusing to pay taxes to support the public school system.

But teachers can walk out during the school year and stay out two weeks without economic loss or penalty before having to return. Thus, while teachers can walk out with impunity, students and parents are in legal jeopardy if they were to do it. There are only

a handful of states that will countenance such an outrage. Unfortunately, Pennsylvania is one of them.

If Pennsylvanians were more concerned about liberty than some misguided notion that egalitarian outcomes can be reached by forcing students into publicly run schools, they would force a massive shift in education policy. Such a shift would feature vouchers that can be used in private schools. Of course, the entrenched powerful education interests and their supporters will never permit that to happen.

Second, as incredible as it sounds, Pennsylvanians do not have the basic right to work where they choose without joining a union or paying dues if the employer has a collective bargaining agreement. At the same time, all but a few government funded construction projects over \$25,000 must pay prevailing wages, which essentially means the union wage rate. Thus, non-union workers are effectively frozen out of public projects even though they could save taxpayers millions of dollars each year.

Finally on the labor front, Pennsylvania has an absolutely absurd law governing collective bargaining between government entities and police and fire unions--a binding arbitration provision called Act 111. This law has basically eliminated bargaining power for any government entity in Pennsylvania, quite unlike arbitration laws in surrounding states that give municipalities some ability to set terms. As a result, contract awards by arbitrators in Pennsylvania have been increasingly generous to the unions, leading to serious financial problems for municipalities across the Commonwealth, including, most notably, the City of Pittsburgh.

A more recent assault on individual rights has come through the use of eminent domain by development authorities and local governments to acquire private property from an owner so that it can be sold to a "developer" who will put it to a better economic or social use. And now that the U.S. Supreme Court has ruled that such taking is permitted under the U.S. Constitution, there is little to prevent the practice from becoming widely used in Pennsylvania. Under Pennsylvania's Redevelopment Act, socially or economically undesirable use of land is a criterion of blight. And in Pennsylvania blighted property is subject to eminent domain. Further, since government officials get to decide what is economically undesirable, "visionary" officials bent on redevelopment have virtually complete power to get land they want, one way or another.

In another government restraint on the people, Pennsylvanians do not have the right of initiative and referendum. Nor do they have the power to recall elected officials. Any statewide referendum must be put on the ballot by the Legislature. Limiting state taxes through popular vote such as have occurred in Colorado and California cannot happen unless the Legislature first votes to put it on the ballot. Want to change the size of the Legislature? Not likely. Since the Legislature is unlikely to reduce its own numbers, a constitutional amendment would be required. But that referendum won't happen because the Legislature must first approve such an amendment in two consecutive sessions and put it on the ballot.

So much for government of the people, by the people and for the people.

Lastly, in a comparison of economic competitiveness as measured in part by several indicators of economic freedom in the 50 states, Pennsylvania ranks in the lowest quintile according to American Legislative Exchange Council. Not surprisingly, the constraints on economic freedom correlate quite closely with weak growth. So not only have we sacrificed liberties on the altar of expediency, we get nothing in return for it economically.

Our liberties were hard won, and have been too readily given up. Now is the time to begin reclaiming our lost liberties.

Happy Fourth of July.

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