TRANSCRIPT

Thank you all for taking the time to listen to me today. My name is Richard Averitt and my family homestead in Nelson County is in the proposed path of the Atlantic Coast pipeline, but I'm really here today to give voice for all of us and for those who couldn't be here. I think in honor of what Carolyn and others have said - this whole notion of property rights is called into question in this context when you really think about whose rights they are and the way in which they were taken from those who came before us. But in the current construct the rights are the way in which we get to be stewards of the land and so I'm going to speak to that for a few minutes.

So in Paris on December 10th of 1948 the UN Universal Declaration of Human Rights was signed to establish a global compact among free nations to protect the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. And article 17 of that declaration has two points: the first one - everyone has the right to own property alone as well as in association with others, and the second - no one shall be arbitrarily deprived of his property.

Well in 1966 the UN General Assembly adopted the International Covenant on Economic, Social and Cultural Rights and part 1, article 1 of that covenant states all people may for their own ends freely dispose of their natural wealth and resources without prejudice; in no case may a people be deprived of its own means of subsistence.

So why are we talking about this? Because as Calvin Coolidge said: ultimately property rights and personal rights, human rights, are the same thing and our human rights are under assault by our corporations who want to strip-mine the wealth and resources of our people as they have strip-mined our natural resources for decades. They are aided and abetted by a government that has sold its vote and its conscience to the highest bidder. Our economic and human freedom is founded on individual property rights and government should very seldomly and carefully be permitted to take those away. As I understand it, eminent domain is an important tool for a cohesive society and still it is an extraordinary power of the state to take the private property of an individual for any public need. With such great power comes great responsibility.

The founding fathers were very specific when they defined the use of eminent domain. In short the power requires at least two key conditions are met. First, the state must demonstrate that there is true public need, and second, the value or asset of the property which is transferred should go into the hands of the community: a city, a county, a state, even the federal government for the benefit of all. But over the years our elected officials and our courts have been persuaded by corporations to extend the idea of need. First to purpose, a shift that meant that the state might like to take the land for a new use but it may not actually be necessary; and finally with the Kelo decision in 2005, they shifted further from need to purpose to this notion of benefit. Benefit opened the door to any argument by virtually any business or government entity to allow seizure of your land for any purpose that they deem is a better use of that land than the purpose that you have for that land.

The effect of this ruling was to open the floodgates to the seizure of the land of poor rural and economically disadvantaged communities for the sake of redevelopment and exploitation. As Justices Connor and Thomas predicted, extending the concept of public purpose to encompass any economically beneficial goal guarantees that the losses or takings will fall disproportionately on poor communities. The efficacy of our property rights and free societies depend on our ability to build and maintain barriers against takings. America's founders clearly understood that private property is the foundation not only of prosperity but of freedom itself. Through the common law, state law and the Constitution they protected our property rights: the rights of people to freely acquire, use and dispose of property. These same founders would be appalled to see what we have done to property rights in the 20th century. One would never know that their status in the bill of rights was once equal to that of any other right.

The time has come to restore respect for these most basic of our rights: the foundation of all of our rights and freedoms. Despotic governments have long understood that if you control property you control the media, the churches, the political process itself. We may not yet be at that point but if regulations allow the public to seize land for capricious public benefit, the poor will pay an increasingly heavy price.

In Virginia these despots they have a name - we call them Dominion. And to quote other citizens who are in this fight who I greatly admire, I can tell you today that Dominion energy will never have dominion over me. I will not cede my rights, my water or my land. I will not give up the rights that are the foundation of a free people.

Eminent domain abuse is essentially Robin Hood in reverse; it is the taking from the poor to give to the wealthy, politically-connected developers. The only real solution is to change the laws that enable this so our government institutions are designed to serve us, not to subjugate us. No company, no law, not even a government, can overcome the will of a people who will not quit until they have restored decency and respect and justice in their land. History is clearly on our side on this point and we the people will not stand down.

Thank you.