

teaches us — that often we do the most important work of living just by being a friend — one person at a time.

Mother Theresa put it this way: “Only rarely in our lives are we called upon to do great things. But every day of our lives we are called upon to do little things with great love.” I expect that sounds hokey and maudlin, yet I know the truth of it. During my challenging times I was, of course, cheered by the “big things” done and grand gestures made on my behalf. But it was the small, day-to-day kindness and thoughtfulness that really got me through.

**T**HE EFFORT to do “little things with great love” can be a challenge, as it requires a humility that isn’t necessarily natural to us. We, after all, grow up dreaming of big things, especially those of us in politics or the public eye. Most of us, myself included, define a successful life in financial terms ’way too frequently. Following Mother Theresa’s road may make the world better, but it’s unlikely to make us rich or famous. It probably

won’t even get you noticed — except of course by the recipient of your thoughtfulness.

But there are other rewards. Standing before the Almighty on Judgment Day, would you rather be able to say you helped elect presidents, senators, and governors, or that you helped mend someone’s spirit when that spirit was tattered? That you drove only the finest cars, or that you took the five minutes necessary to brighten an estranged friend’s heart? That all your sweaters were cashmere or that you comforted all you met with love and laughter? All these things aren’t mutually exclusive certainly, but far too many of us do not have them prioritized properly.

As we consider December 25, let us contemplate the message of the child born in Bethlehem. And as we do so, let us keep in mind the admonition of Mother Theresa, who is doubtless one of His saints. Let us, by all means, do the “great things” that life brings to us, if that is our lot. But let us — every day — remember to do the little things with great love. By doing so we can impact the world enormously, just as George Bailey did, one person at a time. It’s the secret to a wonderful life.

CPR



## The Law

### Through the Looking Glass

*Leftists apply ‘Kafkaesque’ reasoning to steal property and vaporize constitutional rights.*

LUKE A. WAKE

**Y**OU COULD forgive Edward and Nancy Klumpp, a Moorestown, New Jersey, couple, for thinking that they’ve fallen down Alice in Wonderland’s rabbit hole. Their legal battle with the Borough of Avalon over its seizure of their beachfront parcel has transported them into a world where — to quote Lewis Carroll’s

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Alice — “Nothing would be what it is, because everything would be what it isn’t.”

The New Jersey Supreme Court recently agreed to hear the Klumpps’ case, so they may yet be rescued from the topsy-turvy world of Avalon’s bureaucrats, who have behaved as if basic property rights protections can be ignored and government is free to grab land without paying for it.

Because core constitutional rights are at issue, the case carries implications for everyone who owns a home or other property — even in California. In fact,

Golden State residents have strong reasons to monitor the Klumpps' case because the California Coastal Commission and other land-use regulators on the "Left Coast" always seem to be looking for new routes around the Constitution's protections for property owners. If Avalon is allowed to pioneer a new formula for swiping property, it might give some local governments in our neck of the woods some ideas.

**A**VALON'S OWN records have listed the Klumpps as owners of their beachfront land for nearly 50 years. The Klumpps have received regular property tax bills and they've duly paid them. So imagine their shock four years ago when Avalon suddenly claimed that it — not the Klumpps — had actually owned the land for more than four decades.

In essence, Avalon is trying to make the Klumpps' property interest vanish — like the disappearing Cheshire Cat in Alice's tale.

The seeds of the dispute go back to 1962, when the great northeaster destroyed the Klumpps' seaside home. Following the storm, the borough came onto the Klumpps' land to build protective sand dunes, but it did so without securing their permission, and after constructing the dunes, it ended up blocking the road that led into their property.

A decade later, seeking a permit to rebuild their beach house, the Klumpps asked a court to guarantee their access to their land. The borough's first response acknowledged that the Klumpps did indeed own the property.

But in 2005, in a legal motion of its own, Avalon changed its tune, claiming — for the first time — that ownership had transferred to the borough in 1962 when it trespassed on the parcel for sand dune construction.

As things now stand, the Klumpps will probably never get to rebuild. In addition to the ownership battle, they're hampered by a web of regulations to pro-

tect the sand dunes, and contracts between the borough, the New Jersey Department of Environmental Protection and the Army Corps of Engineers.

But shouldn't the Klumpps at least be paid for having their property taken? The Fifth Amendment requires reimbursement when private land is appropriated for public use.

Instead of honoring this principle, the borough is fighting to be recognized as owner of the Klumpps' land without having to give them a penny.

Astonishingly, earlier this year a New Jersey state appellate court sided with Avalon. In a decision that one legal commentator has described as "Kafkaesque," the court held that the borough had, in fact, taken effective ownership of the property in 1962, but that the Klumpps weren't owed money because the taking occurred through "inverse condemnation."

The decision turned the "inverse condemnation" concept inside out. Correctly understood, it is a legal action launched against, not by, the government. And a successful inverse condemnation action results in exactly the opposite of the court's decision: The property owners are reimbursed, because government has denied them the use of their land.

As the New Jersey Supreme Court takes up the Klumpps' case, the stakes are high. If the appellate decision is not reversed, don't be surprised if we see other communities adopt Avalon's scheme for taking over private land without the inconvenience of formal notice, eminent domain proceedings, and reimbursement. In a *Through the Looking Glass* world where "reality" is what bureaucrats say on any day, agencies could intrude on private property for some ostensibly public purpose, and claim, years later, that — presto — this intrusion transformed a private place into a public space. Constitutional property protections must be safeguarded and enforced against such arbitrary government actions. Avalon's strategy must not become a blueprint for communities to evade the Fifth Amendment mandate that property must be paid for, not stolen. CPR

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## Correspondence

*(Continued from page 2)*

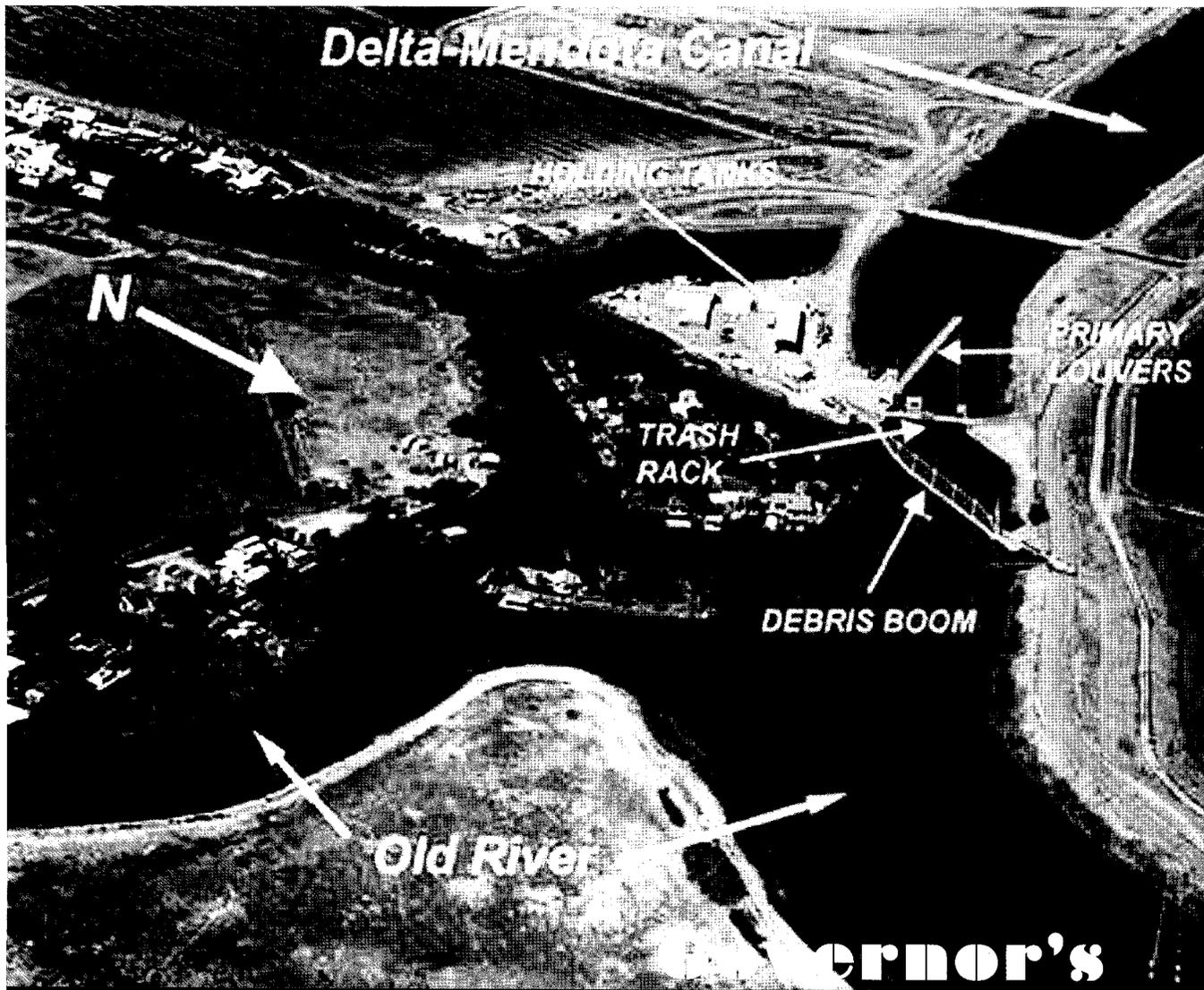
tion of two parts: 1) Why should we think Steve Poizner's "no to taxes" assurances are worth any more than Governor Schwarzenegger's, and 2) If he is elected governor, how can we help him stay true to those assurances? The first point comes down to a personal judgment: Arnold Schwarzenegger has prov-

en himself a bald-faced liar. Steve Poizner would appear to be a man of personal honor who will admit it when he disagrees with you. If he thought raising taxes was necessary to solve California's budget problems, he'd say so.

The second point is far more important: because, whether Poizner or Whitman are elected governor, the existence of an organizational, anti-tax infrastructure to help stiffen their resolve in the

face of the usual media and Democrat cabal howling to raise taxes, will be essential. The Howard Jarvis Taxpayers Association — [www.hjta.org](http://www.hjta.org) — does yeoman's work in the battle against tax increases. This publication also has been on the front lines of that battle. We simply cannot go on blaming Republicans in office for failing to stiffen

*(Please turn to page 14)*



*Tracy Fish Collection Facility*

by **M. David Stirling**

# Governor's decision leaves water-crisis fix years off

**T**he Delta smelt is a tiny fish whose habitat is the Sacramento-San Joaquin River Delta (the Delta) from Sacramento south to the federal and state water projects' pumping stations near Tracy. From 1973 to 1993 — when it was listed as a “threatened” species under the federal Endangered Species Act — the fish’s population dropped tenfold. Despite years of work and funds expended by federal and state wildlife agencies since 1993 to determine the causes of and to reverse the Delta smelt’s decline, no success has been achieved; the fish’s numbers have continued to drop.

Several factors contribute to the smelt’s de-

cline. These include diminished Delta water quality, predator fish, numerous invasive species that consume the smelt’s food source, and the California Water Project pumps. For more than 35 years, water from Northern California rainfall and snow-pack has passed down the Sacramento-San Joaquin River Delta, where the projects’ pumps have redirected it to household,

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