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Jeff Kottkamp: Preserve public notice and our property rights

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Jeff Kottkamp

Written by
Jeff Kottkamp
My View

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"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

The radical idea set forth in the Declaration of Independence — that all people are equal and have certain natural rights that are not given to them by government but are granted to them by God — literally changed the course of history.

The idea of natural rights was principally influenced by 17th century scholar John Locke. Locke's famous "Second Treatise Concerning Civil Government" was in fact considered so radical that he did not sign his name to it. He only acknowledged authorship in his will. A key component of Locke's philosophy emphasized the natural right to own and protect property.

Locke believed the preservation of property is the reason for which people enter into society.

Our Founding Fathers carried forward Locke's philosophy of natural right and the importance of protecting private property rights. The father of the Constitution, James Madison, believed that the protection of private property "is the first object of government."

For as long as we have been a country, one of the principle tools used to protect and preserve property rights has been public notice. Whether by an act of government or by a private citizen, before someone can take your property you receive notice. Notice is essential to fulfill the constitutional mandate of due process.

During this year's session of the Florida Legislature, we again have seen attempts to ignore this American tradition and diminish notice —

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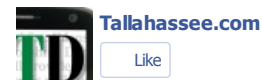
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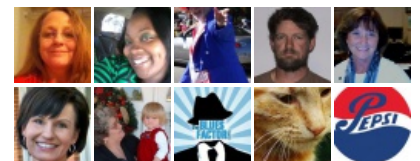
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specifically public notice in print media. Those efforts are usually pushed by those who view public notice in terms of dollars and cents rather than as important tool in protecting property rights.

There is one proposal this year that would harm property rights in mortgage foreclosures. The proposal would set the stage to do away with public notice in print media and drive all of the business to a for-profit company's website. Over the last few years, there have been well documented problems with foreclosure fraud — and even cases of people's homes being improperly foreclosed. Why would we want to make it harder for people to discover that their property rights are being impacted?

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Jeff Kottkamp was Florida's 17th lieutenant governor and is now the general counsel for the Keep the Public Notice Coalition.

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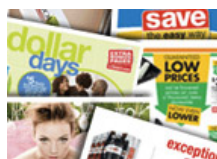
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