

# Watch for infringement of our freedoms in the shadows

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by [Randy Bright](#)



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There are few things as sad as the unfolding crisis happening at our border, where, at the invitation of Obama and others in the Democrat Party, we are being invaded by illegal aliens, including OTM's (other than Mexicans) that likely include terrorists. It is all about getting more votes for the Democratic Party and pushing Americans deeper and deeper into a socialistic system that robs us of our freedoms.

Having said that, one might think that that issue, along with Obamacare, is the biggest threat to our freedom. Both issues are an assault on our freedoms at the macro level.

But there are other assaults as well – call them at the micro level – that don't get as much or any attention by the national media, but still demonstrate the insidious notion that government officials know better than the people or the rule of law that they represent.

An example is the ongoing saga of the Santa Monica's repeated attempts to close its airport.

The City Council of Santa Monica has been trying to get the Santa Monica Municipal Airport closed for years. In 2010 it banned Category C and D type aircraft, which include business jets, presumably in an attempt to reduce the usefulness of the airport in an incremental fashion, to the point that the public would eventually support its closure.

To date, the public still has not supported the closure of the airport.

The FAA ruled that they had no authority to impose the ban, so the City Council took them to court – all the way to the U.S. Court of Appeals for the District of Columbia – losing all the way. In 2011, the court ruled that they could not ban certain categories of aircraft. Had they prevailed, it could have unleashed a tidal wave of other airport at the hands of city officials eager to claim airport lands for development.

Such was the case a decade ago when in the middle of the night then-Mayor Daley in Chicago sent bulldozers onto Meigs Field, Chicago's downtown small airport, to destroy the runways. Daley did so under his own orders, without permission by FAA or the city of Chicago.

The City Council of Santa Monica filed a lawsuit against the FAA in 2013, asking the court to give them free title to the airport so that they could close it. The City Council has claimed that it needs to be closed due to complaints from residents, but a survey done by the AOPA (Aircraft Owners and Pilots Association) found that most of the complaints came from people who were not Santa Monica residents, and that 70 percent of those surveyed wanted to keep the airport open.

The airport was established in 1917, so all of the homes around it were built after the airport was built, yet what few complaints coming from nearby residents come from those who moved to their homes knowing that there would be aircraft operating in their area.

The airport was the home of Douglas Aircraft Company in the 1920s, and it was used for manufacturing aircraft during World War II. During that time the federal government made numerous and substantial improvements to the airport. It was given back to the city on August 10, 1948, with the stipulation that the property was to be maintained as an airport, and that if at any time it ceased to be, the property ownership would revert back to the federal government.

According to a statement from the city, after the war “The airport was returned to the City through an instrument of transfer. The federal government claims that the instrument of transfer obligates the City to operate the Airport ‘in perpetuity’ or forfeit its ownership interest to the federal government. The City disputes this claim.”

But while the FAA and the courts have found that Santa Monica must continue to operate the airport, the City Council continues to look for ways to make the airport useless, by attempting to halt fuel sales or to refuse to renew hangar leases. The city claims that those leases will expire in 2015.

Tenants of the airport, national aviation groups and even actor Harrison Ford have recently filed a lawsuit against the city, claiming that a \$1.6 million federal grant pushes that date back to at least 2023.

Though I believe in limited government, and especially in a smaller federal government, national transportation is one area where the federal government should have a role in maintaining the vital infrastructure that aviation needs to provide for commerce and security. It is no less or more important than our interstate highway system.

This is also an example of why we need to be observant of small infractions on our freedom, even if they are in the shadow of more publicized crises.

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