

North Tulsa moratorium suggestion is not a good idea

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by [Randy Bright](#)

I found last week's City Council meeting to consider a city-wide moratorium on small retail stores disturbing, but I also found it to be encouraging that there seems to be little support for the idea from Tulsa residents.

According to a Tulsa World editorial, the moratorium is an initiative being forwarded by City Councilor Vanessa Hall-Harper in an attempt to stop the spread of small stores (such as the dollar stores) in north Tulsa in order to attract larger stores that offer better food choices.

The author of the editorial wrote, "Hall-Harper's intent is to attract a large-scale store to north Tulsa, a long-sought goal for the area and a legitimate one. A larger store is more likely to offer fresh produce and healthier foods. Large portions of north and west Tulsa are so-called food deserts, meaning there is no source of fresh fruit, vegetables or whole foods within walking distance for residents."

Some of the residents complained that their only option for food in north Tulsa was "one of 15 dollar stores scattered across communities in north Tulsa", but from accounts I have read about the meeting, few people thought a moratorium would solve the problem. It was reported that the city councilors discussed applying the moratorium only to District 1, but the city attorney said that "could open the city up to lawsuits."

Other cities have attempted to control development in their cities using moratoriums. In some cases these have included certain building types (including churches), and in others they entailed large areas of the city to be off limits for any development of any kind.

The problem with moratoriums on construction, besides the fact that they don't work, is that they violate property rights. The owner of a property should be free to develop his or her property as they see fit. But a moratorium, whether it is temporary or permanent, takes that fundamental right away from the property owner.

1. Cleon Skousen, who wrote the book *The 5000 Year Leap, The 28 Great Ideas That Changed the World*, discussed property rights in length, writing that "Life and liberty are secure only so long as the right to property is secure" and that John Locke (an early writer whose work on freedom was studied by our framers in writing our Constitution) pointed out that "all property is an extension of a person's life, energy and ingenuity. Therefore, to destroy or confiscate such property is, in reality, an attack on the essence of life itself".

Though we are not necessarily speaking about property confiscation per se, a moratorium absolutely robs a property owner of his or her use of their property. Even a temporary

moratorium is no exception, because no matter how long the term, opportunities are foregone and confidence in investment in the property is diminished.

Skousen also wrote that “The proper role of government is to protect equal rights, not provide equal things.” The attempt to prevent lesser-desired retail establishments in order to give an advantage to more greatly desired establishments is an attempt to provide equal things, not to provide equal rights.

When our Founders set out to write our Constitution, they were presented with a dilemma. They were forced to look at two ends of a spectrum, one of which was tyranny, and the second was anarchy. With tyranny, the extreme was a monarchy who had absolute power over property, life, death, and law, the latter often being changed at the monarch’s whim. They had seen that with England.

On the opposite side was anarchy, a situation where there is no law, no order, and everyone will do as they wish, regardless of who was injured or killed. They would soon see that with the French Revolution.

The Founders chose a system of government which laid between the two extremes. Government’s role was not to dominate its citizens, but to bring order to society. In our case, it was an order that respected property rights and provided us with an opportunity to succeed or fail on our own merits, and to enjoy or suffer from the rewards that came with either success and failure. This also entails the concept of the marketplace, or more specifically, the free market. When there is a need, and there is freedom, the market will respond either positively or negatively, given the weight of judgment for the odds of success or failure. Competition in the marketplace brings about price control without interference by government.

North Tulsa and west Tulsa may very well need more shopping venues in their midst, and that will eventually happen when conditions are correct. But there is certainly no better way to discourage real results than for local government to pick winners and losers.



Randy W. Bright, AIA, NCARB, is an architect who specializes in church and church-related projects. You may contact him at 918-582-3972, rwbrightchurcharch@sbcglobal.net or www.churcharchitect.net.
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