

## *The Equal Right to Land*

THE SUPREME COURT of the United States decided unanimously on May 3, 1948 that the Constitution proscribes the enforcement of restrictive covenants which deny to "all persons" the "equal right" to occupy and hold land, within the domain of that State. The case is *Shelley v Kraemer* (334 US 1), and the concurring separate opinion by Mr. Justice Frankfurter is even more vigorous about this equal protection in the Constitution than the main opinion.

Not so many years ago, this same Court ruled that "slaves" were private property, secured by provisions in the U. S. Constitution. (*Dred Scott v Sanford*, 19 How. (US) 393). It cannot be forgotten that those who were told by the Court that they could "own" another man, fought, bled and died in the effort to defend that ownership. In 1868 the United States Constitution was amended (14th Amdnt) to try and make impossible a return of slavery, in any form or degree, but not until May 3, 1948 was this provision passed on squarely by the highest court in respect of "rights" in the field of land tenure.

Eminent authorities attach far-reaching importance to this ruling. Any State or Nation which allows any people unequal rights or privileges to hold land, must violate the equal right of others to life, liberty and the pursuit of happiness. The words "All men are created equal," written not only in our Declaration of Independence, but enacted as an integral part of our law, (1 U. S. Statutes at Large, at p. 1), and also written into the Constitution in 1868, are given a force and effect by this decision never before clearly announced by our highest court.

The way is now clear for people of good will, sincerely seeking peace and justice, to urge the repeal of all present tax laws that have the force and effect of allowing special economic privileges to the holders of land, which those not holding land cannot enjoy.

Only when all laws which allow landholders unequal privileges, have been repealed, and only when there has been a skillful restructuring of our tax laws, will peace and justice be established, and only then will our political structures provide the equal protection to both weak and strong, which history warns us they must provide if liberty is to survive, in this constitutional Republic.

*"God . . . hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation."* (ACTS, 17: 26).

San Francisco

J. RUPERT MASON