

# Farmland SEASONS

WINTER 2013



*We plant profitable investment ideas  
in every season*

## REAPING THE BENEFITS OF OPTIMUM LAND MANAGEMENT

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# REAPING THE BENEFITS OF OPTIMUM LAND MANAGEMENT

We're always looking for ways to make your land investments more valuable and earn higher returns. Fortunately, farmland values have remained strong and have historically shown good returns. But there are other ways to improve on your farmland investment. Over the years, we've found one of the most cost-effective ways to earn a higher return from your farmland is to invest in land improvements.

Some investments will improve income (cash return); some investments will increase the value of the farm (through appreciation); while others will do both. With high commodity prices, the return on



By Steve Diedrich, AFM

your investment can be realized in a shorter period of time.

We've outlined three ways to improve a row-crop farm that generally yields a strong return on your investment: Drainage (both subsurface and surface), Field Perimeter Maintenance and Irrigation.

## DRAINAGE IS KEY TO TOP YIELDS

Even in your backyard garden, a well-drained soil maximizes plant growth. It's even more critical in crop fields where, in addition to promoting healthy plant growth, soil drainage is a factor in being timely with planting and harvesting which can influence yields.

Studies have shown that corn in Illinois reaches its full yield potential if planted in a 2-3 week window in April. Of course, much depends on the weather throughout the season, but a good start gives your fields the chance to reach their highest potential.

It may be hard to recall after suffering through this year's drought, but wet springs can be a big problem for Corn Belt farmers trying to get fields planted in a timely manner. In 2009, Illinois had the fifth wettest spring on record since 1895. Two years later, Illinois again battled a wet spring with 15.7 inches of rain falling in March, April and May to make it the 7th wettest spring recorded.

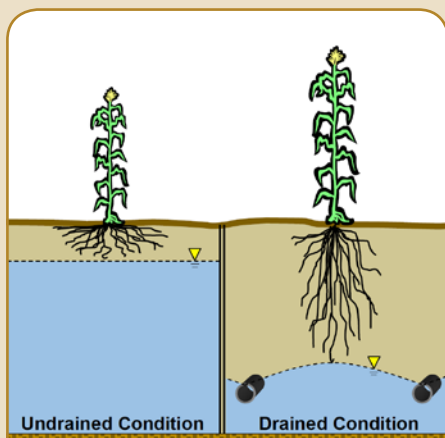
Well-drained soils allow farmers to get back into the fields quickly after a rain. Today's farm tile drainage systems are designed to take a half-inch rain off the surface in a 24 hour period.

Another advantage of well-drained soils is the planted seed doesn't struggle to survive in soggy soil. Even without standing water, crop roots can drown in poorly drained soils. The roots of most Midwest crops cannot tolerate excessively wet conditions for more than a couple of days.

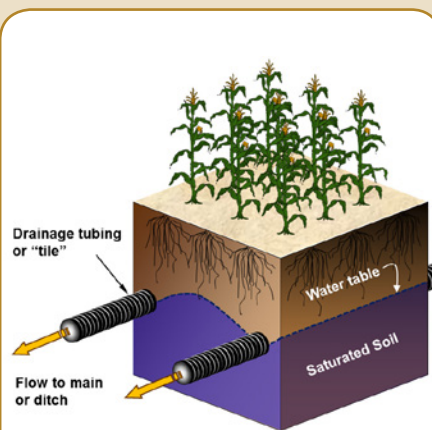
You can see from the yield maps on page 3 that the addition of drainage tile can lead to some dramatic yield improvements.

Before the wide use of precise yield monitors on harvest combines, farmers used tile drainage mainly to remove standing water in low spots. But now they're noticing other areas of the field, even without standing water, will have lower yields when soils stay wet.

On a farm we manage in Ogle County, Illinois, we noticed an area in a field that was producing about 50 bushels less per acre



*Drainage promotes better root growth and plant health when soils have poor internal drainage.*



*Subsurface drainage pipes are typically placed at depths of 3 to 4 feet in poorly drained soils.*

ILLUSTRATIONS: UNIVERSITY OF MINNESOTA, BUSMAN AND SANDS

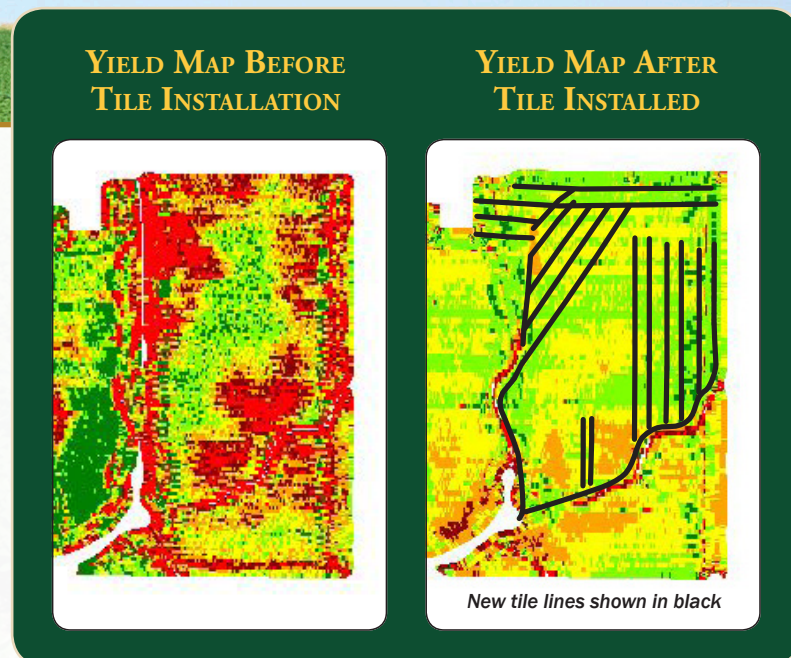


than it should. The crop in that area wasn't drowning in standing water; it was just in very saturated soil. We installed drainage tile and have already seen positive yield results. If you can improve a portion of the farm by increasing its corn yield by 50 bushels per acre, it doesn't take long to see a positive return on your investment.

Ten years ago, one might have been looking at a 10-15 year payback on land improvements such as drainage tile. That's when the average price of farmland was much lower than today and corn prices were around \$2 per bushel. Now, we're seeing that payback period shrink because of higher commodity prices and higher land values.

We have seen an increase in "pattern tiling", rather than simply running a tile line through a wet spot. With pattern tiling, drainage pipes are installed in a grid pattern across parts of the field, or in some cases even the entire field. One farmer who faced frequent drowned out spots in his field, decided to pattern-tiling the entire parcel, and last spring noticed the most even stand (plant emergence) he had ever observed in that field.

But tiling an entire farm can get expensive, and not all farms need extensive drainage systems to coax higher yields from their soils. The cost of drainage tile varies widely depending on how much of the



farm you want to tile and your farm's access to a drainage ditch. To pattern-tiling an entire farm may cost \$1,000 per acre. It's more costly if you have to run a main tile line underneath a road, or for a longer distance to get to an outlet. Some fields may benefit most from just tiling a portion of the acreage. A knowledgeable farm manager can help you evaluate the most cost-effective way to improve drainage on your farm.

Also, drainage doesn't just start and stop on your land; it is part of an entire watershed area. Coordinating with neighboring landowners and the local drainage district is important in putting together a drainage system that works for your farm. We have often worked with other farmland owners to install a drainage system to the benefit of

all involved. The story on page 5 highlights a current project.

In addition to sub-surface drainage, controlling water flow on top of the surface is also important in maintaining the value of your farm.

Well-designed grassed waterways on gently rolling farms conserve soil by limiting erosion. Preventing gully erosion keeps the soil from washing away, and vegetation in the waterway traps sediment washed from the cropland, absorbing chemicals and nutrients from the runoff water.

If properly sized and constructed, grassed waterways safely transport water down natural draws through the field. In years with heavy rains, grassed waterways are priceless in keeping your valuable topsoil on your land.

**The International Energy Agency (IEA) projects** the U.S. to be the largest global producer of oil, over-taking Saudi Arabia by around 2020. The U.S. is predicted to be a net oil exporter by 2030.

The U.S. could surpass Russia as the world's largest natural gas producer by 2018, predicts the IEA.

**The drought has hit the export market.** U.S. corn exports are expected to drop to 1.1 billion bushels, compared to 2.4 billion bushels of corn exported by the U.S. in 2007-08.

**In the November land survey** taken by Iowa State University, average Iowa farmland values rose 23.7% in the last year to \$8,296—the third year in a row with increases of more than 15%. This increase was slightly higher than in surveys reported by the Chicago Federal Reserve Bank in August and the Iowa Chapter of the Realtors Land Institute in September. Researchers attribute this late in the season increase to better than expected yields, and the level of land sale activity increasing before proposed tax rate increases in 2013.



### ENVIRONMENTAL BENEFIT

The combination of well-designed surface and subsurface drainage can have a positive impact on the environment. Surface drainage systems control soil and water movement through vegetative channels on top of the ground, while subsurface drainage filters excess water through the soil. By increasing the movement of water through the soil profile, it helps reduce surface runoff. This is better for the environment than having water from a heavy rain wash across the surface of the farm, displacing soil and nutrients into watersheds.

Research conducted by Ohio State University showed subsurface (tile) drainage reduced surface runoff by 29 to 45 percent, reduced peak flows from watersheds by 15 to 30 percent, and had little impact on the total annual flow from watersheds.

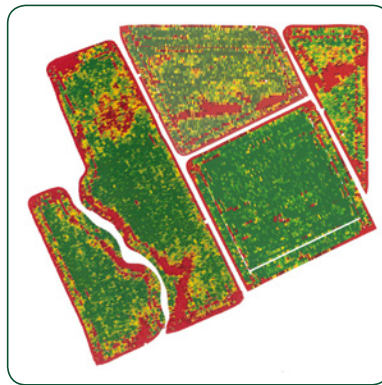
In addition, the sediment loss by water erosion was reduced by 16% to 65% with drainage tile. In terms of total nutrient loss, by reducing the runoff volume and peak runoff rate, a reduction in soil-bound nutrients was found to be 30% to 50%.

### MAINTAINING FIELD PERIMETERS

You wouldn't think trees could be such a nuisance, but you would be surprised at the loss of yield in crop rows located next to trees along the edge of a field.

Trees can suck out the moisture and nutrients from soil up to 50 to 100 feet away from the tree line. This year was especially tough on growing crops when moisture was already hard to come by. We saw some fields with 20 rows next to a tree line producing little to no crop this year.

Yield maps (above) from a farm we manage show a sharp yield reduction (areas



*The yield map on the right shows a significant decrease in corn yield along the treelines.*

in red) along the tree lines on this farm. Corn yields in these areas were below 150 bushels per acre. Compare that to the dark green areas where corn yield was over 200 bushels per acre. On this productive farm, our goal is to improve the low yielding areas to achieve a higher overall average yield.

In one Kansas study, soybeans planted next to pecan trees were stunted 60 feet away from the trees because the trees' roots were sucking up all the available moisture. The researcher noticed a huge crack in the soil at the boundary between the tree's root system and normal-sized soybean plants. He concluded the trees' roots are so efficient at extracting water from the soil that they caused the soil to become abnormally dry and crack. In another example, a vegetable farmer noticed a dramatic drop-off in plant health and growth 20 to 30 feet west of his tree line.

These yield reductions are not only evident in dry years. Even with adequate rainfall, trees can shade parts of a field and limit the photosynthetic capacity of the growing crop. In our experience, lower yields show up in areas with shorter, shaded crops, especially when trees on the south side of the field keep plants in shade most of the day.

We often observe trees creeping into productive land and reducing the number of

tillable acres—sometimes at the rate of 6" to 18" per year. Removing the trees can increase the productivity and the amount of tillable acres.

On a 140 acre farm we manage, removing the old fence lines and trees added 10 additional crop acres to the farm. At a cost of about \$30,000, this farm increased in tillable acres by 8%. It was a winning combination for both the farmer and landowners. Not only did the farmer get more productive land

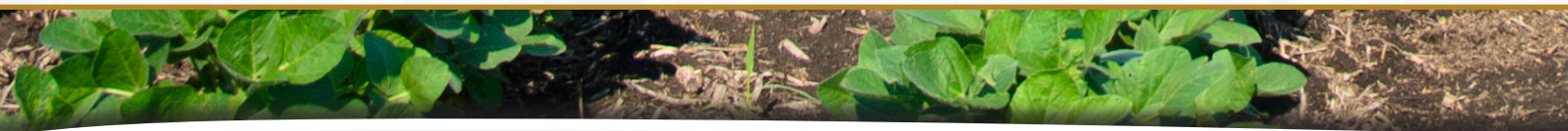
in terms of number of acres and higher yields on the border rows, the underlying value of the farm increased another \$1,000 per acre.

Another way to put more land into production is to clean up old farm building sites. Often these old homestead areas are no longer in use and sit on extremely productive ground. Under-utilized wooded, pasture, or other unused acres can also be cleared and brought into production to increase the return on your farm.

### IRRIGATION

Sales of irrigation systems are sizzling, even east of the Mississippi River which traditionally has not had a lot of corn under irrigation. If anyone doubted the value of irrigation, those doubts evaporated as fields dried out in 2012. One irrigation equipment company representative said irrigated acres expanded in the past year by 40% in the eastern Corn Belt and by 35% in the South. This was on top of a 25% to 30% expansion the year before.

Irrigation helps reduce the risk of inconsistent yields. As genetic yield potentials increase, the crop has intensified its demand on the soil for adequate moisture, fertility and drainage. Even in areas with abundant annual rainfall, precipitation may not come when the crop needs it most.





Irrigation is a big investment and there are many factors that will determine whether it will pay on your farm.

#### WHERE IRRIGATION WORKS:

1. On sandy soils. If your soil has very little water holding capacity, irrigation makes sense. Productive soils can retain water from earlier rains so moisture is available when the crop needs it most. Sandy soils struggle to retain moisture and crops can burn up if water is not available when needed.

Clay and silt-loam soils have a higher water holding capacity and may not benefit as much from irrigation, except in an extremely dry year.

2. In areas with specialty crops. Seed companies now, for the most part, require their seed to be grown under irrigation, even in the central and eastern Corn Belt. Raising seed corn compared to commercial corn can increase profits \$200 to \$300 per acre in some years. In areas near a seed conditioning plant, irrigation could make sense.

3. Near an adequate water source. This is a big problem out west, and even in the Midwest, some irrigators pumped their wells dry in 2012. The level of ease in pumping water certainly affects the upfront costs of putting in a well.

4. Reasonable operating costs. Electric is generally cheaper than diesel fuel to run irrigation systems. However, you'll need to check with your utility company to see if you can access the level of electric power you'll need.

5. Potential for much higher yields. This is a key consideration for irrigating corn and soybeans. Generally, irrigated soybeans do

not bump-up in yield as much as irrigated corn, primarily because in the Corn Belt, soybeans are more susceptible to diseases under irrigation.

With corn, if conditions are dry in five out of ten years, irrigation might make sense. But if a major drought occurs only once in 25 years, the heavy investment in irrigation likely won't pay. Even in the 2012 drought, we were surprised at how good some of the yields were on our dry-land farms with better soils.

Some of the sandy soils have a hard time yielding 135 bushels per acre corn even in good years. With irrigation and the right management, those soils can consistently produce well over

200 bushels per acre.

Under the right conditions, irrigation can greatly improve a farm. It offers a great opportunity for adding value in certain areas.

Many farms in the U.S. could benefit from some improvement. We are blessed to live in an area with the most productive soils in the world. With a combination of good genetics, soil stewardship and intelligent farm management, we can coax more production out of the acres we have. Investing in the right improvements is a win-win for farm operators and landowners in the form of higher yields and more valuable land. It's our job to guide you in obtaining the highest return for your investment dollar.

### FARMERS WORK TOGETHER TO IMPROVE AREA DRAINAGE

At times we come across large areas of farmland, sometimes covering hundreds of acres that would benefit from some type of drainage improvements. Brad Waddell is working with several landowners and farmers on a project to help improve the drainage on their farms, which collectively cover nearly 2,000 acres.

Eleven owners have agreed to pool their resources and share in the cost of installing drainage improvements that will include the installation of new tile lines, correct some problems with existing lines, and provide some excess capacity for future needs. Each owner will pay a percentage of the cost based on the number of acres they have that will benefit from the improvements. In this particular case, the largest owner who has 300 acres in the project will benefit the most and will cover 27% of the cost. The smallest landowner with only 12 acres involved in the project will pay 1% of the cost.

Drainage issues typically do not just affect one farm. The water has to flow somewhere and sometimes that may be down to the next farm. Oftentimes the cooperation of several landowners within a watershed is needed to come up with an optimal system. "It's good to work together on a community project that will benefit everyone involved," says Brad.

The project is still in the planning phase and the group hired a consultant who presented three options to improve the watershed. The proposals range in cost from \$115,000 to \$155,000. "We'll decide on the best course of action and go from there. Hopefully, we can get something started this year."

**Fertilizer prices remain mostly steady**, but the industry is worried about the low water levels of the Mississippi River. About half the fertilizer applied in the spring moves up the river by barge. Without the barge traffic, industry officials say rail or trucking cannot adequately move the amount of fertilizer needed, which would create supply problems and higher prices.

**Japan, China and South Africa have banned imports of beef** from Brazil after confirmation of a case of mad-cow disease in Brazil. Tests on a 13-year-old cow in Brazil showed it carried the disease, although the cow didn't develop the disease or die because of it.

**According to the USDA, National Agricultural Statistics Service:**

The number of farms in the United States in 2011 was estimated at 2.2 million. The average farm size was 420 acres.

## MISSISSIPPI RIVER BLUES: JUST HOW BAD WILL IT GET?

Because you work the land or work on behalf of the people who do, you know what this past year's drought looked like. But for most Americans, the drought has been little more than a headline or a mild increase in their grocery store bill. No longer.

Now, because the tributaries to the Mississippi River have sent less and less water to that main shipping artery, we've got the kind of problem that should grab everyone's attention: Near stoppage of shipments going down the river as well as inputs going up.

American Waterways Operators (AWO) and Waterways Council Inc. say that \$7 billion in key products such as corn, grain, coal, petroleum, chemicals and other products remain at risk right now, including more than 7 million tons of agricultural products worth \$2.3 billion.

And apparently it's going to get worse before it gets better. Hydrologists at the National Weather Service say the Mississippi will drop by another half of a foot by mid-January, barring significant rainfall. This likely will trigger further restrictions on barge traffic, according to the Coast Guard. Although the U.S. Army Corps of Engineers is busy blasting rock pinnacles to ease the water's flow, it remains to be seen whether officials will grant multiple groups' request for a release of water from the Missouri River reservoir.

Mississippi River Basin



SOURCE: NASA/GODDARD CONCEPTUAL IMAGE LAB

As of mid-December, just 7 percent of the contiguous United States was snow-covered, according to the National Oceanic and Atmospheric Administration—the lowest percentage in recorded history. Barring a miracle, either low rain levels or freezing conditions upstream will have closed the river around St. Louis by the time this newsletter reaches you.

"We don't have a challenge, we have a national problem," Dr. Robert Twilley, Louisiana Sea Grant College Program executive director and professor of

oceanography and coastal sciences at Louisiana State University, told participants at a recent America's Wetland Foundation forum on the future of the Mississippi River.

While no one knows what the future looks like, it's hard to find an optimist in the crowd of concerned scientists and industry leaders.

"The damage to U.S. agriculture is already being felt, as orders are curtailed and export projections plummet with the anticipated absence of cost-effective barge transportation," said Tom Allegretti, president and CEO, AWO. "This is a high-risk situation for industries, communities and states that rely on river transportation."

### WHAT'S GOING ON IN THE FARMLAND MARKET?



Farmland sales accelerated throughout 2012 in anticipation of an increase in capital gain rates starting in 2013. This resulted in increased year-end activity surrounding available properties as buyers and sellers looked to complete transactions. That said, we just finished

15 closings for the month of December, of which 80 percent of the buyers were farmers. Despite widespread drought conditions, many farm operators survived 2012 intact, and are now seeking to expand their land base.

A few things stood out for us as 2012 came to a close. We saw farmland values in northern Illinois jump 15-20 percent practically overnight as buyer interest strengthened after a mid-summer lull. The very best farms are now selling in the \$12,000 to \$14,000 per acre range, consistent with farmland values in central Illinois and Iowa. More and more farmland buyers are recognizing the stable returns and increased liquidity that high-quality land offers. Even after real estate taxes and management fees, many investors are seeing 4.0%-5.0% returns. Farmland purchases also represent a strong hedge

against inflation, which is a gathering storm in the minds of many investors these days.

Given the results of this fall's general election, we're not surprised that many in the farmland market are expecting more of the same from Washington moving forward. Buyers have both money to spend and justification for spending it now—particularly with the expected continued devaluing of the U.S. Dollar and low interest rates on loans, plus the fear of future inflation. Meanwhile, sellers are taking advantage of record farmland prices and appreciation, often reinvesting their gains in depressed areas of the economy. Long story short, farmland continues providing strong capital appreciation and income, serving as an investment of choice for both farmers and investors.

—Mark T. Mommsen



# Martin, Goodrich & Waddell LAND LISTINGS

All acreage and mileage figures listed here are approximate

## ILLINOIS PROPERTY

### BOONE COUNTY

- **108.3 acres. Belvidere Farm**, 1.25 mi. S of Belvidere. \$7,250/ac. Sale pending
- **50 acres. Nimitz Farm**, contiguous to the city of Belvidere. \$13,500/ac. Sale pending

### COLES COUNTY

- **130 acres. Hasselmann Farm**, 7 mi. SE of Arcola. \$11,500/ac. SOLD

### DEKALB COUNTY

- **84.8 acres. William Duriavich Estate Farm**, 6½ mi. W of Genoa. \$4,750/ac. SOLD
- **192.2 acres. Boddy Farm**, contiguous to the city of Sycamore. \$4,000/ac. SOLD
- **160 acres. Orchard Farm**, 5 mi. N of Somonauk. \$10,200/ac. SOLD
- **86.9 acres. Williams Farm**, 2¼ mi. SW of Waterman. \$8,750/ac.

### JO DAVIESS COUNTY

- **163 acres. Mary Zemon Farm**, 1¼ mi. NW of Blanding. \$4,000/ac. SOLD
- **160 acres. Hepperly Farm**, 7 mi. SE of Scales Mound. \$6,900/ac.

### KANE COUNTY

- **26.6 acres. Ridgefield of Huntley Farm**, 1 mi. SE of Huntley. \$24,900/ac.
- **203.6 acres. Campton Farm**, 2 mi. NE of Lily Lake. \$12,000/ac. SOLD

### LA SALLE COUNTY

- **38.5 acres. Katz Farm**, contiguous to the city of Mendota. \$24,500/ac.
- **79 acres. Ottawa Property**, ½ mi. E of Ottawa. \$3,835,000
- **43.1 acres. Corcoran Farm**, 8¾ mi. E of Mendota. \$11,900/ac.
- **74 acres. Myre Farm**, 4¾ mi. N of Marseilles. \$7,700/ac. SOLD
- **74 acres. Royer Farm**, 4¾ mi. N of Marseilles. \$8,400/ac. SOLD

### LEE COUNTY

- **36 acres. Shaddick Farm**, 4 mi. S of Paw Paw. \$8,100/ac. SOLD
- **45 acres. Nefstead Farm**, 3 mi. S of Rochelle. \$10,750/ac. Sale pending
- **115 acres. Viola Farm**, 11 mi. S of Rochelle. \$9,500/ac. SOLD
- **400 acres. Danekas Farm**, 3½ mi. S of Rochelle. \$10,700/ac. SOLD

### McHENRY COUNTY

- **41 acres. Prairie Point Land Development Farm**, ¼ mi. N of Johnsburg. \$11,500/ac. SOLD
- **117.5 acres. Fergen/Hart Farm**, 1½ mi. NE of Spring Grove. \$10,900/ac. SOLD
- **199.1 acres. Sangiorgio Farm**, 2 mi. N of Union. \$14,900/ac.



## OUR FEATURE FARM

**DURAND FARM, \$8,750/AC.**

**WINNEBAGO COUNTY, IL.**

*120 acres. 5 ½ miles SE of Durand. ½ mile S of Illinois Route 75, 3 miles N of Illinois Route 70 and 10½ miles N of U.S. Route 20. The property is 99% tillable.*

### OGLE COUNTY

- **76.2 acres. Kishwaukee Road Farm**, ¾ mi. E of Byron. \$7,350/ac. Sale pending
- **274 acres. Oak Grove Road Farm #1**, 8 mi. SW of Winnebago. \$8,250/ac. SOLD
- **52.7 acres. Kishwaukee Road Farm #4**, 1 mi. E of Byron. \$7,200/ac. Sale pending
- **68.6 acres. Grutter Farm**, 3 mi. NW of Rochelle. \$12,275/ac. Sale pending

### STEPHENSON COUNTY

- **211.8 acres. Tarpey Trust Farm**, Contiguous to the city of Freeport. \$6,200/ac. SOLD
- **149.3 acres. Windmill Farm**, 1¼ mi. E of Freeport. \$10,900/ac. SOLD

### WILL COUNTY

- **30 acres. Green Garden Farm**, 4 mi. S of Frankfort. \$12,900/ac. SOLD
- **60.3 acres. Ironwood Farm**, 3½ mi. S of Frankfort. \$12,000/ac. SOLD
- **78.5 acres. Smith Road Farm**, 2 mi. E of Manhattan. \$22,900/ac.
- **128.2 acres. Watermark Farm**, 4 mi. S of Frankfort. \$11,500/ac. SOLD

### WINNEBAGO COUNTY

- **160 acres. Campbell Road Farm**, 5½ mi. SE of Durand. \$3,850/ac.
- **93.9 acres. Castle North Farm**, contiguous to the city of Rockford. \$8,900/ac.
- **97.4 acres. Castle South Farm**, contiguous to the city of Rockford. \$7,900/ac. Sale pending
- **159.2 acres. Dickenson #2B Farm**, contiguous to the city of Rockford. \$19,000/ac.
- **120 acres. Durand Farm**, 5½ mi. SE of Durand. \$8,750/ac.
- **20.5 acres. Farm School Road Farm**, 5½ mi. SE of Durand. \$5,900/ac.

## INDIANA PROPERTY

### LAKE COUNTY

- **135.5 acres. Crown Point Farm**, Crown Point. \$16,975/ac.
- **114 acres. Green Acres Farm & Home**, 2 mi. NW of Hebron. \$9,800/ac.
- **81 acres. Minder Farm**, 2 mi. E of Merrillville. \$12,900/ac.

### NEWTON COUNTY

- **98 acres. Roselawn Farm**, contiguous to the city of Roselawn. \$7,000/ac. SOLD
- **100 acres. Hummingbird Farms on Hummingbird Field**, 1½ mi. SE of Lake Village. \$8,500/ac.

## WISCONSIN PROPERTY

### LINCOLN COUNTY

- **152.4 acres. Behling Family LLC Property**, 7 mi. E of Tomahawk. \$281,000
- **40 acres. Michalski Property**, 9 mi. NW of Tomahawk. \$149,900

### ROCK COUNTY

- **55.9 acres. Vineyard Farm**, 2¼ mi. S of Milton. \$9,900/ac.
- **18.3 acres. Rotamer Ridge Farm**, within the city limits of Janesville. \$12,900/ac.

## AUCTIONS

- **309 acres. Vern A. Davis Trust Farm**, 5½ mi. SE of Durand, IL. SOLD
- **210.1 acres. Kishwaukee Road Farm #2**, 5 mi. SW of Rockford, IL. SOLD
- **176 acres. Silvanus-Peterson Farm**, 2 mi. S of Kirkland, IL. SOLD
- **74.5 acres. Mt. Pulaski Farm**, 6 mi. W of Latham, IL. SOLD
- **68.8 acres. Johnson Farm & Home**, ¼ mi. W of Shabonna Lake State Park. SOLD
- **190 acres. Quenett Farm**, 4 mi. NE of Genoa, IL. SOLD
- **165 acres. Highway 20 Farm**, Contiguous to the city of Rockford, IL. SOLD
- **82.6 acres. Carley Farm & Home**, 1 mi. NE of Sycamore, IL. SOLD

*For details on these properties, call Jeff Waddell, Josh Waddell or Mark Mommensen at 815-756-3606 or visit our website at [www.mgw.us.com](http://www.mgw.us.com).*

# LIBERTY, ONCE LOST, IS LOST FOREVER

Many Americans are willing to surrender their Constitutional rights. Free speech protections, the right to privacy and the right to bear arms to name a few.

We live in a time when the government can detain U.S. citizens without charging them and when federal agents' eavesdropping on emails and cell phones has become commonplace. Homeowners associations can prevent citizens from posting political signs, putting up Christmas lights or simply growing a garden.

These are prime examples of how our liberties are being threatened. And while we can curse the Patriot Act all we want, the truth is that our duly-elected Members of Congress passed that legislation. True, it initially was passed during the highly-emotional, reactionary weeks following 9/11. But then Congress extended it in 2011, with President Barack Obama in favor. The Patriot Act remains a lightning rod of criticism. If you think "it's hard to fight City Hall," it's all but impossible to get Washington to rescind its grip on this kind of power.

But in addition to such big, clear threats to our freedom, we must also watch for everyday threats.

Unlike the craftily-named Patriot Act, most of the threats to our liberty start small and gain momentum and mass. Americans often sign away their liberties while doing something as uncontroversial as buying a home, for instance. In his pivotal book *Privatopia: Homeowner Associations and the Rise of Residential Private Government*, Evan McKenzie, a political science professor and attorney, argues that private, residential government has serious implications for civil liberties. For example, no matter how freely one enters into an agreement with a residential association, the association inhibits choice, particularly as more and more builders form associations in order to control the appearance of their work—a kind of controlled uniformity, if you will.

Or, in the case of farmland usage rights, your land is yours to use only insofar as it doesn't prompt a lawsuit from your neighbors. Just

ask any farmer unfortunate enough to farm in an area of suburban sprawl. Or Google "NIMBY"—Not In My Back Yard—and learn more about the efforts of residential communities efforts to control what is built on land adjacent to theirs... land they don't even own.

It's no longer enough to know your rights and defend them; now, we must always be on the lookout for those instances when people are trying to infringe upon our rights. As Thomas Jefferson noted, "Eternal vigilance is the price of liberty." Indeed, we must be careful to remember that the government is there "not to run your personal life, not to run the economy and not to pretend that we can tell the world how they ought to live," as one pro-rights congressman has put it. "There is only one kind of freedom and that's individual liberty. Our lives come from our creator and our liberty comes from our creator. It has nothing to do with government granting it."

Many of these rights may never return—but that's all the more reason to guard against future losses of liberties. The next time you support a government position that takes away your freedoms, ask yourself: Just what have I agreed to here? How might this process be different if my rights had never been infringed? Diligence is the key to protecting these rights, both for ourselves and for future generations.

"A Constitution of Government once changed from Freedom, can never be restored," John Adams wisely warned. "Liberty, once lost, is lost forever."



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