LAND USE

Washington Grabs For Control

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■ At the turn of the century there was a small saloon on Chicago's north side which displayed a large sign that read: "Free Lunch Tomorrow." Those who came back the next day found the same sign was still there. Whether it is the promise of "Free Lunch Tomorrow," a great deal on the Brooklyn Bridge, or a million-dollar payoff from Ponzi, some people never learn.

The confidence game of the hour is a Marxist flim-flam to give federal environmentalists control of every foot of real estate in the United States. Unfortunately, the con men involved are not easy to spot. A few are even sincere, and all wear cloaks of respectability. They cite environmental authorities loaded with impressive-sounding degrees and titles, and they quote "facts" and "figures" faster than you can gasp. Challenged on their statistics, however, they shift the subject to social concerns and moral issues that cannot be quantified. They seek to make their collectivist conscience *your* guide for land-use decisions.

Modern land planning traces its origins back to Karl Marx. In the *Communist Manifesto* of 1848, you will recall, Marx cited ten steps necessary to the establishment of Communism. Step One was "abolition of property in land and application of all rents of land to public purposes." Step Seven called for public use of land "in accordance with a common plan."

Of course, government control of land is basic to dictatorship. Nazi Germany had such a common plan. So did Fascist Italy. And so do the totalitarian states of Russia, Red China, and their captive nations. The Russian Constitution, for example, states: "The land, its mineral wealth, waters, forests, mills, factories, mines, rail water and air transport, banks, communications, large state organized agricultural enterprises (state farms, machine and tractor stations and the like), as well as municipal enterprises and the bulk of dwelling-houses in the cities and industrial localities, are *state property* . . . ."

But ours is not a Communist state. Here, by law and tradition, a man's home is his castle; his lands and properties his to do with as he chooses. Under our American Constitution, the right of the people to own and control property has been a historic check upon government power. Where the government owns or controls the land and the buildings on the land, the people may make no use of real property without government permits. Their property rights in their homes, farms, and businesses are thus abolished. Which is why land control is people control. Thus, land-use planning legislation proposing a common plan for the United States, as determined by federal, state, or

local bureaucrats, would effectively accomplish the same results as the Soviet Constitution.

All of this is not only admitted by the advocates of federal land-use regulation, but they boast of it. Russell Train, head of the Environmental Protection Agency (E.P.A.), was quoted by the *New York Times* of September 3, 1973, as observing: "In my opinion there is no way to avoid integral planning of land use with transportation, housing utilities, farm policy and so on." The very next day another "high federal official" was cited by the *Times* as exploring the need for federal land control. He was quoted as saying: "It would be a miracle if 50 states, operating independently, gave us the exact distribution of farmland, industry, power plants, forests, and public beaches, not to mention population, that would best serve the overall national interest."

That is collectivist doubletalk, and Karl Marx couldn't have put it better. The catch is, of course, that under federal land control the bureaucrats and their Establishment bosses will determine what is in the "national interest," just as they have with bussing, and racist Affirmative Action programs, and the thousand other little tyrannies to which we are being subjected. Control of land, as we said, is *people control.* Karl Marx knew that. Lenin knew that. Hitler knew that. And the Establishment *Insiders* using government to take control of America know it too. To control the people every totalitarian system must control not only its physical territory but the essential environment – and that means central land-use planning and control.

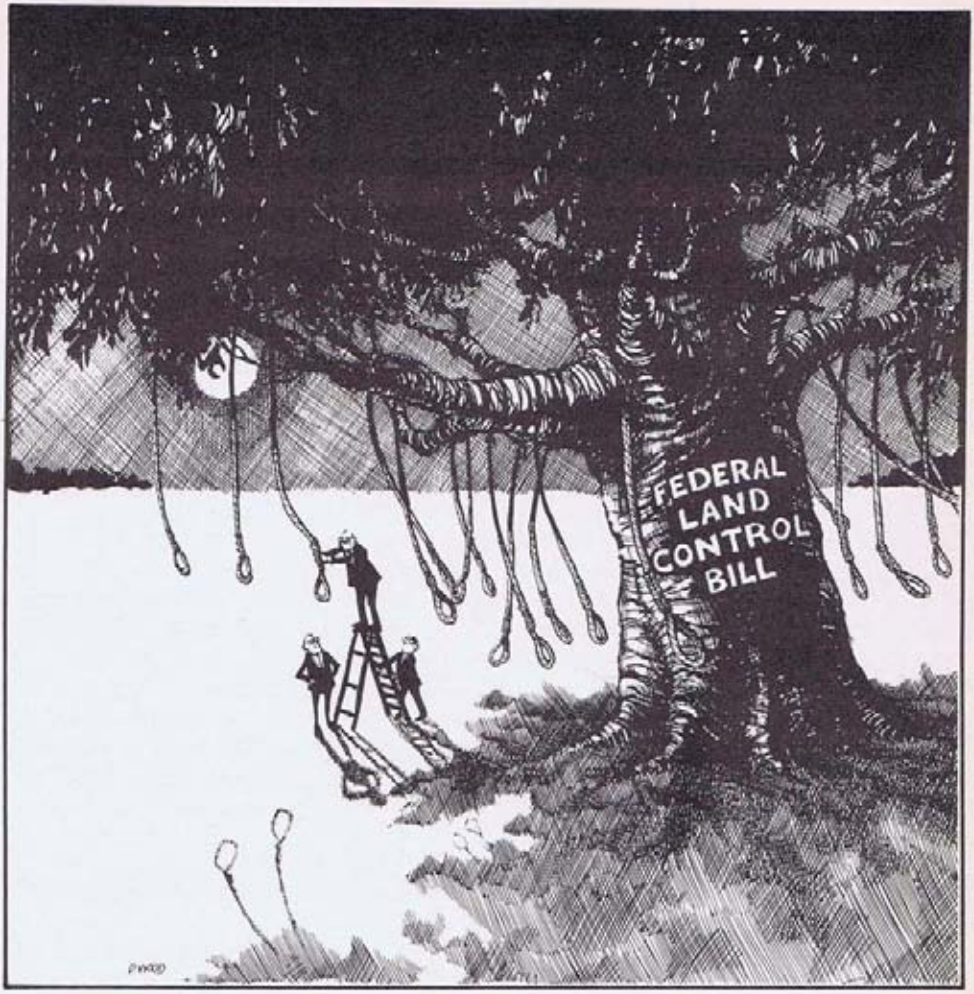
Forget the who and why for a moment. Suppose the advocates of land control are really Philosopher Kings with hearts of purest platinum. How long can we depend on their good intentions? Maurice Malkin helped organize the Communist Party in America, eventually broke with the Conspiracy, and wrote as follows in his powerful memoir, *Return To My Father's House* (New Rochelle, Arlington House, 1973):

> *One lesson I never learned from Marxist and Leninist teaching . . . is that zealots in power with messianic illusions are the world's worst tyrants. There is nothing they will not do to put across their plans for a "better world." They will pour medicine down the throats of their flock, though they strangle and perish while being "helped."*

There are few things more dangerous than a "humanitarian" with a lash and a plan, which is why you should *always* be concerned when the bureaucrats, the politicians, and the elitist zealots set out to lay "plans" concerning your property. In the past five years, federal, state, and local governments have spent over ninety million dollars on regional schemes aimed at land control – and your property is their target.

The drive for political control of privately owned land in the United States began to escalate during the Roosevelt Administration when millions of acres were brought under federal flood control programs. The Tennessee Valley Authority became the prototype for taking a basically conservationist issue and converting it into an economic one, allowing the government to take control of vast acreage and own and manage businesses in direct competition with tax-paying private enterprise.

After World War II, the rationalization for government land grabbing became "recreation," and Congress responded to collectivist pressures by passing several laws authorizing the inclusion or development of recreational facilities on federal land. All of which seemed logical, since the federal government owns one-third of all land in the United States – much of which just happens to be our most desirable land for hunting, fishing, camping, and the like.



Just a few strings attached! Last year the federal land-control bill was passed in the Senate and defeated in the House by only seven votes. It is now back as H. R. 3510, the Land Use And Resources Conservation Act of 1975. This measure would bribe the states with $500 million to take authority over all land use in accordance with federal "guidelines," requiring bureaucratic approval of any use, development, or renovation of real property — including your right to do as you choose in your own backyard. Bureaucratic fiat would wipe out billions of dollars' worth of land values; would mean mountains of red tape and years of delay in major real-estate development; and, would violate the human right of all Americans to enjoy the full use of their own private property. If states refuse to do as the federal land-controllers tell them, the land-control bill would withhold up to 21 percent of their highway, airport, and conservation funds. As Congressman Robert Bauman (R.-Maryland) has remarked: "We are asked to believe that a government that can barely deliver the mail, that takes weeks and months to answer a citizen's inquiry or grant a permit, and treats individuals as so many computer numbers, is now capable of deciding in detail the future use of every square inch of land in these United States. Baloney!"

Those in control refused even to consider the possibility of transferring federal lands to state or private ownership for recreational purposes.

In 1954, Congress added the revolutionary Urban Renewal amendment to the National Housing Act, resulting in the rubbling of low income housing in many of our cities. In the same year, the National Municipal League of New York, a unit of the Rockefeller-endowed political syndicate known as Thirteen-Thirteen, published its proposed Model State And Regional Planning Law, the spearhead of planning and land-use laws for the past twenty years.*

One objective of the Thirteen-Thirteen planning proposal was "to prepare . . . a generalized land-use pattern." In 1957 the Council of State Governments, another Thirteen-Thirteen operation, published and began to promote a model law authorizing state offices of planning services to examine land-use problems and policies. And so it has gone.

Like Common Cause, another Rockefeller enterprise, the purpose of the Thirteen-Thirteen syndicate is to plan and lobby for more collectivist control over the states and the people. Probably only one American in a thousand is even aware of the existence of this powerful and important lobby complex. In the Congressional Hearings, however, the names of the Thirteen-Thirteen fronts pop up again and again as backers of land-control bills. Among these are the Advisory Commission on Intergovernmental Relations, the Council of State Governments, the National League of Cities, the National Conference of Mayors, and the National Association of Counties. All are Rockefeller-controlled enterprises.

It was at the urging of these Rockefeller groups that Congress created the Outdoor Recreation Resource Review Commission in 1958. President Eisenhower, coincidentally, named Laurance S. Rockefeller chairman. On January 31, 1962, Rockefeller submitted a final report to President John F. Kennedy. It included these recommendations:

> *Establishment of an over-all national recreation policy which would heavily emphasize coordination of federal, state, and private activity in the field of outdoor recreation;*
>
> *Creation of a federal bureau of Outdoor Recreation to serve as national coordinator of all such policy and planning;*
>
> *Establishment by Congress of a Land and Water Conservation Fund to finance federal purchases of private land for outdoor recreational purposes, and to subsidize state planning and state purchases of private land for outdoor recreation.*

The Rockefeller proposals were soon implemented. Writing in *The Review Of The News* for June 12, 1974, Dan Smoot noted:

> *In April, 1962, President Kennedy created, by executive action, the Bureau of Outdoor Recreation, and sent a message asking Congress to give the Bureau statutory authority and to authorize the other programs recommended by Rockefeller. In 1963, Congress by law "authorized" the Bureau of Outdoor Recreation, which Kennedy had already illegally set up; and in 1964, the Congress passed the Land and Water Conservation Fund Act.*

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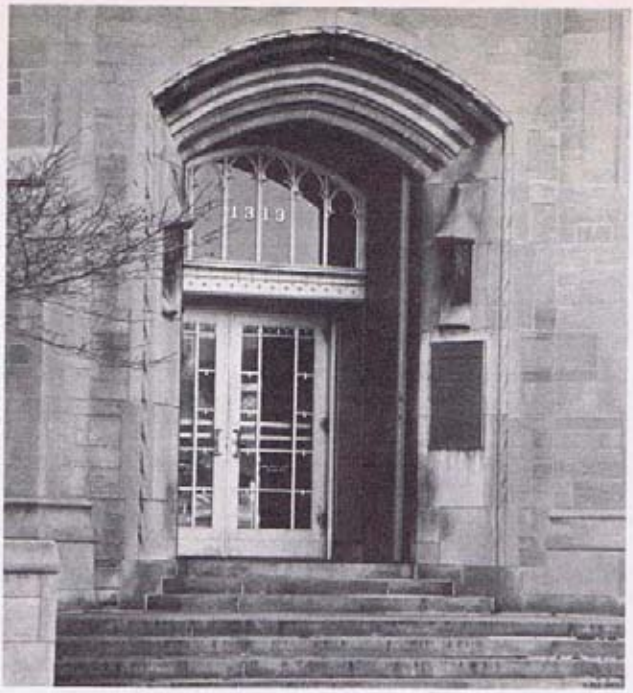
*The term Thirteen-Thirteen comes from the office building at Thirteen-Thirteen East Sixtieth Street in Chicago, which houses twenty-two separate organizations with heavily interlocking officers, directors, and trustees, promoting Rockefeller-funded people planning. This is headquarters for the Metro Government "planners" and social engineers, people-keepers who see their role in life as managers of the rest of us. For details, see the author's article "Beware Metro" in *American Opinion* for January 1973.



Laurance Rockefeller

U.P.I.

Henry Jackson

U.P.I.

Morris Udall

Russell Train

U.P.I.

This building at 1313 East 60th Street in Chicago was built by the Rockefellers to house the 22 lobbies of their Thirteen-Thirteen syndicate, which has long pushed for federal authority over all private property. This has culminated in the land-use proposals fronted by Henry Jackson and Morris Udall. The operation is run by Laurance S. Rockefeller. He got himself named a member of President Johnson's Public Land Law Review Commission to deal with controls on 775 million acres of government-owned land. When the Commission refused to propose federal land-use planning for private land as well, Rockefeller moved on as chairman of the White House Conference on Natural Beauty, the Citizen's Advisory Committee on Environmental Quality, and the Land Use Task Force. All recommended bureaucratic control of private land. The proposals of the Task Force, made to the Council on Environmental Quality, were adopted as part of the Nixon ecology program. They sought total federal planning and control of every inch of American land. When the Jackson-Udall land-control bill was defeated last year, Environmental Protection Agency administrator Russell Train, of the Rockefellers' C.F.R., tried to institute total land-use control by Executive Order. This would require E.P.A. approval to build or renovate everything from an apartment house to an airport.

Propaganda about conservation and the need to establish "recreational areas" easily deceived the public. After all, who wants to be against conservation and recreation? Congress soon passed the National Wilderness System Act, setting aside some nine million acres under total federal control.

The National Wilderness Act of 1964 was the last of the major outdoor recreation bills. On September 18, 1964, President Johnson opened a new front by signing Public Law 88-606, creating the Public Land Law Review Commission. The Commission's job was to study existing public land laws and administrative policies and to report its recommendations for Congressional action.

With 775 million acres of government-owned land in fifty states being administered by scores of agencies through five thousand different statutes, there was need for such a study to consolidate, cut, pare, slash, chop, and hack at the existing bureaucratic monstrosity. And, to the horror of the government land-grab advocates, this is substantially what the Commission recommended.

The nineteen-member Commission was made up of six Senators and six Representatives from the Interior and Insular Affairs Committees. In addition, there were six public members appointed by the President, and a chairman appointed by the other eighteen members. Laurance Rockefeller was one of the six public members. Clinton P. Anderson, a radical Democrat Senator from New Mexico, wanted Rockefeller as chairman. Wayne Aspinall, a moderate Democrat Congressman from Colorado, opposed Rockefeller's selection. President Johnson, trying to settle the dispute, appointed Laurance Rockefeller chairman of a White House Conference on Natural Beauty, another land-control venture. Representative Aspinall was then chosen chairman of the Commission, much to the chagrin of Rockefeller since Aspinall refused to go along with the anticipated land grab.

It soon became apparent that a demonology was necessary to escalate the campaign. Something frightening was needed to justify application of federal land controls. And that something was soon found in "the war against pollution" – an ecology campaign mulched with Rockefeller green. Soon armies of eager young ninnies were marching to save the grasshopper, purify the oceans, and diaper the cows.

When Richard Nixon became President, Laurance Rockefeller was picked to head a Citizen's Advisory Committee on Environmental Quality, which replaced Lyndon Johnson's Citizen's Advisory Committee on Recreation and Natural Beauty. The name had been changed to confuse the innocent, and the name of the game was now environmentalism.

Meanwhile, on June 23, 1970, Representative Aspinall's Public Land Law Review Commission issued its Report, entitled *One-Third Of The Nation's Land: A Report To The President And To The Congress*. And Aspinall, who had the intelligence to see what was going on and the courage to fight it, concluded: "The conservation extremists demand too much of our public land for their own private use."

Many of the Report's 350 recommendations called for useful and realistic changes for harvesting minerals and timber as well as urging the sale of some public land for agricultural and other worthwhile purposes. The collectivists, to put it mildly, were not happy with the results. Rockefeller environmentalists got their pound of flesh in the next election when they put up the money to defeat Wayne Aspinall.

Senator Henry Jackson of Washington, however, was a more obedient member of the Aspinall Commission. By 1970, after successfully sponsoring the National Environmental Policy Act of 1969, he had become the darling of the Rockefeller environmentalists. And he was well aware of their prime objective. Ignoring the

recommendations in the Commission Report, Jackson introduced S.B. 334, the National Land Use Policy Act. A year later he introduced S.B. 632, the National Land Use Planning Act, even stronger than his 1970 proposal. Senator Jackson's reward was suddenly to find himself a national figure with prospects for the Presidency.

During 1971, two important land-control reports were made public. One was a draft financed by the Ford Foundation entitled "A Model Land Development Code." The other was *The Quiet Revolution In Land Use Control*, written by Fred Bosselman and David Callies of President Nixon's Council on Environmental Quality and reflecting Laurance Rockefeller's idea of a new socialistic "land ethic" for America. These two reports became source material for the ideas, statistics, and dialectics used by collectivist Congressmen trying to rid the nation of demons and others possessed with the idea that Americans should have the right to private ownership and use of their real property.

Meanwhile, Laurance Rockefeller had set up his own Land Use Task Force. (When you're a Rockefeller you can do these things.) He not only financed it from the tax-exempt Rockefeller Brothers Fund, of which he is chairman, but he hired personnel away from President Nixon's Council on Environmental Quality to staff his Task Force.

In May 1973, Laurance Rockefeller presented the Council on Environmental Quality with yet another scheme for bureaucratic seizure of real property. Rockefeller published this one as a book called *The Use Of Land: A Citizen's Policy Guide To Urban Growth.* It was put together by the Rockefeller Task Force, financed by the Rockefeller Brothers Fund, and edited by William K. Reilly, who was on loan from the Nixon Council on Environmental Quality. The proposal calls for stringent bureaucratic control over all land in America.

Here are some excerpts from the Rockefeller blueprint for taking control of American real estate:

> *In time, we believe, ownership of open spaces without urbanization rights should become as commonplace as ownership of land without mineral rights. . . . A changed attitude toward land – a separation of ownership of land itself from ownership of urbanization rights – is essential.*

In other words, you can own the property and pay the taxes, but you cannot develop it. Note that there is little difference between this scheme and the Soviet scheme of government ownership in which the property is rented back to the people. Here, too, the government decides how the property will be used and by whom. Under this ruse, much property in private hands would become unsalable and the current owners, unable to sell the land or put it to use, would stop paying taxes. The government would take over by tax default.* The Rockefeller proposal declares:

> *To protect critical environmental and cultural areas, tough restrictions will have to be placed on the use of privately owned land . . . . restrictions that landowners may fairly be required to bear without payment by government.*

*This is exactly what is happening now in New York, Detroit, and other large metropolitan areas as owners of apartment buildings are abandoning their property because rent controls and/or bureaucratic regulations have made owning apartment buildings a money-losing proposition. The big losers in this vicious form of confiscation are the poor, who lose their housing when the property becomes condemned because there is no longer an owner to keep it in repair. Eventually title to the property reverts to the city or to the Department of Housing and Urban Development, and it is years before the building is renovated or replaced.

This would mean that with the stroke of a pen a bureaucrat could wipe out the value of your property and you would have to bear the loss without reimbursement. But what of the Constitution? Laurance Rockefeller has thought of that, observing:

> *. . . legislation, in addition to its direct benefits, can help create a climate of opinion in which lawmakers and judges will regard strong, needed restrictions as a proper exercise of governmental power.*

Rockefeller and his Task Force are saying that unconstitutional laws must be passed to convince politicians that the Constitution gives them the authority to violate our right to full use of our property. The Establishment media can be counted upon to convince the people by trumpeting the hoary and vacuous cliché that "human rights come before property rights." This is a *non sequitur.* All rights are human rights; property has no rights and cannot have. People own property, and that is their human right guaranteed under the Constitution of the United States. We hear about human rights versus property rights only when government is about to take property from some of its citizens in the name of an alleged "greater good" for society. Avoid those who promote that cliché as you would avoid a Prohibitionist with whiskey on his breath – and for the same reason.

The polemical arguments of the Rockefeller Task Force are full of such sinister nonsense about "property rights." And they strike at the heart of the Constitution. The Report says, for example:

> *Historically, Americans have thought of these rights as coming from the land itself, "up from the bottom" like minerals or crops. . . . with such a change, land planning and regulations would come to be seen as giving out rights created by society rather than as restricting or taking away rights that come from the land itself.*

Which is how these people interpret the phrase that all men "are endowed by their Creator with certain inalienable rights." The Rockefeller Task Force presents a total misrepresentation of the source of our rights, which is God and not the government, and proposes the abolition of the Ninth and Tenth Amendments to the Constitution which declare: "The enumerations in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," and "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In fact the Rockefeller Task Force says: "What is needed is a changed attitude toward land, not simply a growing awareness of the importance of stewardship, but a separation of commodity rights in the land from urbanization rights." And that little idea is precisely what all Fascists advocate. You can "own" your land and your business, but the government will tell you how and if you may use it. Which is what land-use legislation is really all about.

Newsweek of June 4, 1973, informs us that this 384-page Rockefeller Report, with its sixty-four recommendations, "falls heavily on the conservationist side." Which may be the greatest understatement since someone observed that it is cool at the North Pole. "It is not enough to think only of conserving what we have," the Rockefeller Report states: "*Conservation must be part of a larger effort to create what we want.*" What they want, evidently, is the destruction of Free Enterprise. One of the recommendations, reports *Newsweek*, is "to prevent commercial development . . . . Federal es-

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tate laws must be amended to permit the government to acquire private land after the owner's death, if the Interior Secretary deems it of national significance. Heirs would receive fair market value *as an offset to their tax liabilities.*"

But what if the family wants to keep the property, or can sell it to someone else for a higher price, or wants its payment in cash here and now? Tough. We can't let property rights stand in the way of Big Brother's totalitarian paradise.

And *The Use Of Land: A Citizen's Policy Guide To Urban Growth* is only one of many efforts aimed at furthering the land-control schemes. Another is "Federalism '76." The purpose of "Federalism '76" is to create the platform, and propagandize the issues, on which the *Insiders* of the Establishment want our nation to focus during the Bicentennial celebration in 1976. Donald Wood, writing in *The Ozark Sunbeam* for March 11, 1974, explained the objective:

> *It will quite simply function as a forum, partially supported by tax monies, and given the semblance of dignity by the Bicentennial banner, from which to broadcast and rally support for regionalism, federal land control, and other favorite causes of the international oligarchists.*

Mr. Wood then tells us that those picking up the cheque for "Federalism '76" are: the John D. Rockefeller III Fund; John D. Rockefeller III, himself; the Ford Foundation; the J.M. Kaplan Fund; the McKinsey Foundation; the Sloan Foundation; the Ward Foundation; the taxpayers, through the American Revolution Bicentennial Commission; and, the Advisory Commission on Intergovernmental Relations and other avatars of the Rockefellers' Thirteen-Thirteen syndicate.

While brother Laurance is overseeing the legislative campaign for land-use legislation, and brother John D. III is guiding "Federalism '76" as a forum to promote further controls, baby brother David Rockefeller is also doing his part. In 1972, a group of environmental masterminds met in Stockholm, under the aegis of the United Nations, to draw up plans for worldwide environment control. Brother David headed the American delegation to the U.N. conference, supported by the usual assortment of Rockefeller "experts," to discuss government land control on an international basis.

Russell Train, a member of the *Insiders'* Council on Foreign Relations and a faithful Rockefeller retainer, was picked to head the new federal Environmental Protection Agency and nationally implement the goals formalized in Stockholm. The ostensible duties of the E.P.A. included "coordinating governmental action to assure protection of the environment by abating and controlling pollution." It sounds nice enough, but it is one more step toward federal control of land use. In practice it works like this. The National Environmental Policy Act (N.E.P.A.) requires all agencies of the federal government to consider the environment in all their decisions. And, in major developments which bureaucrats judge significantly to affect the environment, a detailed environmental impact statement (E.I.S.) must be prepared for examination by the federal ecologists. Those subjected to this control include all those supported in whole or in part through federal contracts, grants, subsidies, loans, or other forms of funding, or subject to a federal lease, permit, license, certificate, or other entitlement for use.

One major consequence of the mandatory E.I.S. was outlined in *California Real Estate Magazine* for February 1975:

> *An adverse EIS is not a basis in law for stopping an action. But because complying with the act's*

procedures is fraught with innumerable chances for oversight and error, resourceful opponents of projects involving a federal presence can tie matters up for years. Delay is often the death-knell of projects, a tactic well understood by obstructionists. Thus NEPA, a federal law, has had considerable direct impact on, and control over, private uses of land.

The practical consequence is to make major land development too risky for those not approved by Establishment *Insiders* and their cooperating armies of ecologists. While the developer fights nuisance suits through the court system, interest rates and the availability of funds can change drastically. The availability and price of materials can skyrocket, as can wages for workmen. Contracts expire. People have to take other jobs. One delay piles on top of another until finally a well-planned project is in shambles and the developer throws up his hands in despair and says: "Forget it!"

Paul Gemmill of the Nevada Mining Association in Reno estimates that the E.I.S. now takes a minimum of "ninety weeks . . . if no adverse action causes additional delay, before a project can proceed." Ninety weeks down the ecological drain. Is it any wonder the construction trades are in a depression?

Speaking at M.I.T., where he was awarded the Eleventh Annual Underwood-Prescott Memorial Award for his contributions to the advancement of food science, Walter A. Mercer, vice president of the National Canners Association and director of its Western Research Laboratory, charged that "regulations promulgated by the Environmental Protection Agency (E.P.A.) are too stringent and not based on reasonable research." Mercer accused the E.P.A. of establishing regulations arbitrarily, and advocated instead a "more reasoned, longterm approach based on research, not politics." This is a typical industry response to government regulators – charging them with unreasonableness, and being unrealistic, and implying that all that is needed is a more qualified set of bureaucrats. Businessmen had better wake up to the fact that the bureaucracy is *very* efficient in doing just what the controllers want: Destroying the private entrepreneur.

So arrogant have the destroyers become that even the Congress is disregarded in these matters. When Congress narrowly killed the Rockefellers' Land Use Bill on June 11, 1974, the E.P.A. was ready to take another course. A mere twenty-eight days later (July 9, 1974), Russell Train's agency published in the *Federal Register* some ten pages of regulations concerning "indirect sources" of pollution. These regulations amounted to a nationwide land-control edict, providing for precisely the same kind of land-control mechanisms as were contained in the defeated Land Use Bill.

The E.P.A. Executive Order defined "indirect sources" of pollution which it would now control as including, *but not limited to*: (a) highways and roads, (b) parking facilities, (c) retail, commercial, and industrial facilities, (d) recreation, amusement, sports, and entertainment facilities, (e) airports, (f) office and government buildings, (g) apartment and condominium buildings, and (h) education facilities. The regulations further provided:

> *No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator of EPA.*

And that Administrator just happens to be Russell E. Train of the Rockefellers' Council on Foreign Relations.

This E.P.A. Executive Order was scheduled to go into effect on January 1,

1975. But following a scathing denunciation of the Order by Congressmen Steven Symms, Bob Casey, and others, Russell Train backed off and announced that implementation would be delayed. At this writing no one seems certain when the E.P.A. land controllers will move to enforce it. But that Russell Train has from the start been seeking bureaucratic control of land is clear enough. The *New York Times* of September 4, 1973, quotes an E.P.A. report as declaring:

> *A national policy must be established to fill the void between the Federal Government's land impact and its* de facto *role. States and localities alone cannot always be expected to make the most appropriate choices. They cannot adequately assess national goals nor determine the aspirations of American society. A national perspective also is necessary to insure that a land use policy is consistent with national policies for growth, energy and population . . . .*

In other words, only Russell Train and his *Insider* bosses – with their national, not to say international, perspective – can decide what our national goals should be. Which is why any land-use decisions must be approved by them before a citizen, a community, or a state can begin development. George Orwell would have smiled knowingly. The *Real Estate Appraiser* for September-October 1974 blasted these super-planners in language Orwell would have approved, declaring: "Their effect is a synergistic nightmare, a paralyzing mishmash . . . . This bubbling cacophony of multitudinous edicts comes from freshman federal administrators attempting to apply new and untried laws whose land-use implications were never adequately considered."

But they *were* considered. And considered very carefully. What is happening is that every effort is being made to nationalize important features of our human right to the full use of our property. Land-use planning is being shifted from individual owners to government bureaucrats under the control of an elite corps of *Insiders.* Little matter that the Fifth and Fourteenth Amendments to the Constitution of the United States provide that "private property" shall not be "taken for public use, without just compensation." The Constitution means little to collectivist planners.

Land-use planning, proposed by the Rockefeller Task Force and made the key to President Nixon's environmental legislative program, first passed the Senate in 1972 by a ratio of three to one, but was blocked in Committee in the House. It was brought up again in 1973 during the first session of the Ninety-third Congress, approved by a smaller margin in the Senate, and sent to the House. When it was finally sent to the floor by the Interior Committee the House last year defeated the bill by a vote of 211 to 204, a margin as thin as a gnat's ankle.

Senator Henry Jackson, who introduced both previous measures in the Senate, has reintroduced the scheme in the current session. But it appears that the mood there may be changing. Senator Paul J. Fannin, one of the original sponsors of the Jackson measure (S.B. 268), is now among those opposing it. The Arizona Senator warns: "The federal government should have no right to dictate to the private property owner how the private property owner must utilize his private land. If we were to allow the federal government to dictate the use of adjacent non-federal lands, then certainly we would be allowing the federal government to usurp that private property for its own use."

Also concerned about the danger of a national land-use law, Senator Carl T. Curtis contends:

> *S.B. 268 is an ingenious scheme to deny the states their right to*

plan for land uses. This elaborate and complicated bill is drafted so that under the guise of "assistance" the federal government will take from the states one of the last vestiges of state police power.

S.B. 268 tells the states they will receive federal dollars if they will but take advantage of the opportunity to plan under the provisions of this bill. Such an invitation seems innocuous, but once that first federal dollar is accepted the Dr. Jekyll becomes Mr. Hyde and before the state knows it – it has become the slave of Washington, D.C.

In the House the land-use bills have been introduced by Presidential hopeful Morris K. Udall of Arizona. The original Udall bill, the one narrowly defeated last year, would have provided eight hundred million dollars over the next eight years to bribe the states to develop comprehensive land-use plans in accordance with federal guidelines. Unlike the Jackson bill, the Udall measure would mandate sanctions against states that refuse to obey. Up to twenty-one percent of their federal funds for highways, airports, and conservation would be withheld for noncompliance. The politicians had promised there would be no strings attached to those federal grants. Udall doesn't want to use his land-control legislation to tie strings to them, he wants to affix a series of hangmen's ropes.

On February 20, 1975, Morris Udall submitted a new land-use bill, this time called "The Land Use And Resources Conservation Act of 1975" (H.R. 3510). This bill would provide five hundred million dollars over a six-year period to bribe the states for the same purposes as before. And, under H.R. 3510, land-use control is detailed for both public lands and private property. The words "private property," however, are not used. Instead the bill slyly refers to government control of "areas of critical State concern" and "large-scale subdivision or development projects" and "non-Federal lands" – including, as it happens, your backyard. "Public lands," on the other hand, are defined as "any land owned by the United States . . . *except lands acquired by the General Services Administration as sites for public buildings and lands which are governed by the Federal Property and Administration Services Act of 1949 . . . land acquired by reason of default, foreclosure . . . Indian reservation and other tribal lands.*"

As usual, the property of everyone is to come under the proposed controls except that of the federal government. Writing of land-use legislation in the *Baltimore Sun* of February 15, 1975, Representative Robert E. Bauman of Maryland, a member of the House Interior Committee, observed: "We are asked to believe that a government that can barely deliver the mail, that takes weeks and months to answer a citizen's inquiry or grant a permit, and treats individuals as so many computer numbers, is now capable of deciding in detail the future use of every square inch of land in these United States. Baloney!"

Congressman Udall responded in the House to such criticism by declaring: "The hysteria of a few right-wing organizations and the selfish interests of a few industries have delayed a bill all Americans need."

The Udall *ad hominem* aside, Congressman Bauman is right, as we can see by looking at any of the state planning agencies now operative. In the Lake Tahoe area, alone, the claims and lawsuits over land control now exceed *three hundred million dollars*. Much of this has resulted from restrictions, established under the Tahoe Regional Commission Planning Act, which have "down-zoned" property. That is, the value of land has been diminished because of environmental or other constraints newly imposed on its use. This has already acquired the descriptive name, "wipeout."

One such "wipeout" victim was Von's Grocery Company, which in 1966 offered to purchase 2.7 acres of a 5.8-acre tract in the City of Cerritos, California, upon the condition that it be rezoned to permit a shopping center. Thereafter the city rezoned the property and approved the subdivision plan. Von's then paid $150,000 for its parcel and H.F.H. Ltd. bought the remainder for $238,000 to develop the shopping center. But in 1971 the city declared a moratorium on the use of various lands, and in 1972 it rejected the shopping center outright. The commercial value of the land was almost four hundred thousand dollars. But as residential property it was worth only seventy-five thousand dollars. A "wipeout" of $325,000!

In this case the owner could afford to seek a solution through the courts, and in the case of *H.F.H. Ltd. vs. Superior Court* the California Court of Appeals for the Second Appellate District ruled in favor of the property owners. But few property owners can afford the tremendous costs and time involved as such a case moves from court to court. And at the end of the trail, after great expense, there is still the danger of losing the case. The government, on the other hand, pays its costs from taxes collected from you. Big Brother has virtually unlimited resources. Only the giant corporations can compete with the government in this game. Under national land-use planning the big will get bigger and the rest of us will be deprived of best use of our property and be subjected to the "wipeout."

More typical would be a couple who buy some acreage as an investment to provide for their retirement. Let us assume the property has been zoned residential or commercial and cost our hypothetical couple ten thousand dollars an acre. Now the planners, at their whim, decide to "down-zone" the property to "agriculture." The property of our couple is no longer worth ten thousand dollars an acre, but fifteen hundred dollars an acre. The planners have produced a per acre "wipeout" of eighty-five hundred dollars. But the family may still owe as much as eighty-five hundred dollars per acre on their investment. Now their prime asset has been turned into a liability and those "golden years of retirement" have been turned into a nightmare.

What do the planners say? They recommend that our couple learn to live on Social Security. But we can rest assured that none of the Rockefeller brothers, who have bankrolled land-use control, will have to live on Social Security. It is their game and they mean to profit handsomely by it.

Another problem with land-use control is the potential for graft and corruption. One can hardly imagine a more ripe opportunity for favoritism, for political payoffs, or for punishing political enemies, than a favorable or unfavorable land-use decision. Favoritism and prejudice are very hard to prove in court. Dr. Donald Hagman, professor of law at U.C.L.A., says: "The temptation to bribery is overwhelming, and too many developers and local government officials have yielded to the temptation. Land-use would rank high on any list of functions to which graft and campaign contributions were attributable."

Even so, we are already neck-deep in land-control schemes sold by the Rockefellers through their Task Force, their Thirteen-Thirteen syndicate, and their well-bankrolled radical ecologists.

In 1972 Congress passed the Noise Control Act, which has implications for airports, railroad yards, and the like. And the act has already resulted in serious reduction of new low-income housing. Builders find they cannot build in the central-city areas, satisfy noise standards, and still meet cost limitations.

Also in 1972, Congress passed the Water Pollution Control Act Amendments, whose total impact is not yet fully apparent. Under this act a permit is required for anything that goes into a

navigable stream from a "point source" such as a pipe. But, in addition, each state is required to adopt *a land-use plan for agricultural run-off*, virtually seizing control of vital agricultural water supplies.

The most obvious of these outrages is the Clean Air Amendments Act, which we mentioned earlier, under which the E.P.A. controls land use for "indirect sources of pollution" such as highways, parking lots, shopping centers, recreational centers, sports complexes, airports, and commercial or other industrial developments. The E.P.A. is now publishing regulations under cover of this legislation which would require the states to divide all land into three zones. In the first, the bureaucrats will allow "essentially no development"; in the second, "moderate growth"; and, in the third, development within the bounds of E.P.A.'s "secondary ambient air quality standards."

Another of these schemes is the National Coastal Zone Management Act of 1972, which applies to the thirty coastal states, in which seventy-five percent of our population now lives. The Coastal Act is designed to induce states to preempt local land-use control to apply federal standards. And it is working. In California, for example, after a massive propaganda campaign making it appear the issue was private greed vs. public good, the voters were persuaded to approve Proposition Twenty, the Coastal Zone Conservation Act of 1972. The Act defined a coastal zone extending from Oregon to Mexico, as far out to sea as the outer limit of the state jurisdiction and as far inland as the highest elevation of the nearest coastal mountain range. Within this coastal zone, that land from the mean high tide inland one thousand yards was designated as a "permit area." Under provisions of the act any development, construction, or modification of property in the permit area could henceforth proceed only after a permit was granted by the bureaucrats of one of six Regional Coastal Commissions.

One thousand yards is more than half a mile from the high-tide line of the ocean. You hardly need be a genius to imagine what happened to the value of undeveloped land in that area. And towns which dot the coastline soon found that all decision making was taken away from local and county officials and placed in regional commissions responsible for pleasing bureaucrats in the District of Columbia.

The National Flood Insurance Act of 1968 is another of the land-grab statutes. It was created under Title Twenty-four of the Housing and Urban Development Act of that year, but it was updated and consolidated with other such acts under the Flood Disaster Protection Act of 1973. This legislation directed H.U.D. to designate all areas in the country that are subject to mudflows in any one year or to a one percent chance of being flooded (that's a chance of one flood per century). An estimated ten thousand communities were thus subjected to the controls. Once designated, communities and citizens are coerced to join the flood insurance program. Those that refuse to participate find that federal monies are withheld – including federal insurance of banks and savings and loan associations. Is it expensive? Flood insurance rates amount to $105 per year on a typical $35,000 home, and they become mandatory under the measure before July 1, 1975. But here is the plague in this flood. To meet H.U.D.'s standards, designated communities are required to come up with a land-use plan acceptable to bureaucrats of the Department of Housing and Urban Development. They have so arranged their control structure that it could be necessary to get the permission of a bureaucrat to so much as move a hedge in your backyard.

And these boys mean business. When only about twenty percent of the designated flood-prone communities had applied for participation as of May 1974, H.U.D. recommended in its "information

kit on flood insurance" that citizens who suffer loss in non-participating communities file damage suits against their local officials.

Seeing the handwriting on the wall, the states now claim they must pass land-use laws or face federal harassment. The radical lobbies are also doing their part. The situation in Maine is typical. The *Maine Times* reports:

> *The just-published Nader study of the Maine pulp and paper industry, "The Paper Plantation," by William Osborne, for the first time injects into a discussion of Maine land use the issue of the rights and needs of low-income people whose livelihood depends on the decisions made about the land.*

The list of thirteen demands made for "the poor," as a result of that study by Pine Tree Legal Assistance, include: stopping "exploitive and oppressive" tactics of the pulp and paper companies (those demons again); calling upon the United States Government to investigate the "exploitation" of people and land; insuring the right of all people to own and economically benefit from Maine land (Marxism again); establishment of a Department of Economic Improvement (for the poor); and, requirement of impact studies by developers to show how any new land use will affect the poor.

The *Vermont Watchman* informs us that, after it rejected the Salmon-Jackson Plan for land use, the 1974 Vermont Legislature created a Land Use Study Committee to make further proposals. In Maryland, according to the *Washington Post*, the Mandel Administration waged a bitter battle to pass a land-use bill. Land-use bills are also being steamrollered through the Northwest. In Idaho, Oregon, and Washington, the E.P.A. employed its land-use authority to rule out the use of DDT to control the tussock moth, and as a result the moths last year killed over twenty thousand acres of timber. Congressman Steven Symms estimated that more than one hundred million dollars in damages and market losses were caused last year by the moths, ninety percent of which could have been prevented had it not been for the E.P.A.'s land-use prohibition of DDT.

California, which boasts of some 100,071,040 acres of land, and a population large enough to produce a gleam in the eyes of even the most sedate planner, is choking in land-use restrictions – all in the name of "clean air" and "clean water" – as owner control of the use of private property has quietly been replaced with control by state and regional planners. In the past ten years Californians have suffered passage of the following land-use laws: (1) The San Francisco Bay Conservation and Development Commission Act of 1965; (2) The California Land Conservation Act of 1965; (3) The Air Resources Act of 1967; (4) The Tahoe Regional Planning Agency Act of 1967; (5) The Water Quality Control Act of 1969; (6) The California Environmental Quality Act of 1970; (7) A Planning Law amendment in 1971; (8) The California Coastal Zone Conservation Act of 1972; (9) The Solid Waste Management Act of 1972; (10) The Geologic Hazards Act of 1972; (11) The Wild and Scenic Rivers Act of 1972; (12) The Forest Practice Act of 1973; (13) The Suisun Marsh Preservation Act of 1974; and, (14) The Energy Resources Conservation and Development Act of 1974.

The point is that the federally promoted encroachment of the state into control over land use is moving at a rapid pace. And dozens of land-use bills are in the hopper of the 1975 California Legislature. Assemblyman Charles Warren, for example, claiming to fear a worldwide famine, contends that the state must control all prime farmlands. His bill (A.B. 15) would create a five-member Agricultural Resources Council which would enjoy dictatorial powers over prime farm-

land. Warren, seeking to control an $8.5 billion industry, simply ignores the fact that in the past ten years an average of thirty-six thousand acres of new farmland has been put into production each year in California without the help of his land-use bill.

But Charles Warren is merely cooperating with the Rockefeller land-control scheme laid down in Stockholm. Remember that this is an international operation. Our neighbor to the north is being subjected to the same Marxist pressures. In British Columbia, Canada, the New Democratic Party has moved to implement similar land-use controls. According to *Barron's*: "All sales of farm land have been frozen pending establishment of a land commission to control its use."

Another issue with nationwide implications is the "Petaluma Plan." Petaluma is a town of some thirty-one thousand population about thirty-eight miles north of San Francisco. Traditionally, it has been a poultry and dairy community with fine old Victorian houses dotting the skyline. But subdividers bulldozed a new housing tract and Petaluma officials began to huddle. The now-famous Petaluma Plan is a "no-growth" ordinance in which building permits are limited to five hundred annually.

The Rockefeller land-control syndicate in Chicago was soon urging this approach on towns throughout the country. The issue is now being thrashed out in hundreds of communities, in thousands of lawsuits, and will be fought all the way to the Supreme Court. The implications are terrifying. Local control is at issue here; but so are the rights of individuals to build on their own land. If a town or city can prohibit growth and development, why not the state or federal government? You can bet the munchkins in Washington are measuring this one from every angle for its future implications.

But the land-control collectivists have something for everyone – city folk, country people, flood victim, ocean lover, mountain goer, miner, and farmer. Miners are particularly concerned about federal efforts to repeal and nullify the Mining Laws of 1872 which have governed mining operations to the advantage of both the miners and the nation alike. Under these laws a miner could establish a mining claim on public lands and legally become the owner, thus reaping the fruits of his often long and arduous search. But recent land-control proposals would deny him his right of ownership, and perhaps even put the development of his claim up for bid to larger operators.

And so it goes, wherever one turns, as the hand of collectivism more firmly grips the land every day. Noting the obvious, Americans should ask themselves some questions. Questions like why the Rockefeller family is so engrossed in promoting government control over land. And why the politicians and bleeding hearts who are so concerned about the rights of criminals, homosexuals, and pornographers are so opposed to rights for those who have invested their hard-earned savings in homes, farms, and investment property.

Remember that we are not talking about just another new bureau which might produce a little more government red tape, bureaucracy, and harassment. Already there are scores of land-control bureaucrats and their power is growing daily. So this issue is fundamental to the survival of your freedom. Your home, your job, and your savings are on the block. Land control *is* people control, and you are the target. Remember that Karl Marx summarized Communism as "the abolition of private property." And that is what land-use planning is all about. If we are to avoid becoming a Communist state it must be stopped. ■ ■