

Section 8

Regional Government Usurping On The Move

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Conference on Federalism or The Tension of Interdependence
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Section 8 (a)

**Advisory Commission on Intergovernmental Relations (ACIR)
Conference on Federalism or The Tension of Interdependence
Don Bell Reports (3/14/1975)**

ACIR'S CONFERENCE ON FEDERALISM

----- or -----

THE TENSION OF INTERDEPENDENCE

FEDERALISM IN ACTION? ✓

A conference to complete the structuring of the "new order," or "Regional Governance" was held at the Statler Hilton Hotel in the Nation's Capital, February 20-22, 1975. It was called by the Advisory Commission on Intergovernmental Relations (ACIR), was assisted financially by the National Science Foundation, was assisted by the Office of Management and Budget (OMB), the General Services Administration (GSA), and by the following satellite organizations of the Rockefeller-endowed 1313:

- The Council of State Governments
- The International City Management Association
- The National Association of Counties
- The National Governors' Conference
- The National League of Cities
- The National Conference of State Legislatures
- The U.S. Conference of Mayors

There were some 30 speakers and a roster of about 350 conferees which included 49 Federal officials, 72 State officials, 18 Regional officials, 64 County officials, 80 City officials, 66 Academics, 31 Education officials, 42 representatives of national organizations associated with "1313," 23 representatives of State organizations affiliated with "1313," 17 representatives of "private research" institutions (such as Aspen, Carnegie, Brookings, etc.), 14 officials of business and labor organizations, 23 representatives of private industry, 8 representatives from foreign countries, 5 Press representatives, and 25 who were classified as "Miscellaneous" registrants. Not all of this last group were in sympathy with the activities of ACIR, and were there to act as citizens' representatives insofar as this is possible in such a "closed conference."

Your reporter did not attend the conference, but he did receive reports from reporters who did gain entry, and has been supplied with copies of the propaganda material that was distributed among the registrants, as well as copies of all the speeches delivered by the

proponents of Regional Government (we are deeply grateful to those patriots who were able to supply us with this information in order that we might relay the "highlights" to our readers).

Our first general impression is that the Planners were not at all happy with the way their plans did not materialize as planned in 1974. ACIR Chairman Robert E. Merriam was of the opinion that Watergate was the reason since there had developed a growing distrust of politicians and government officials in general, both elected and appointed. He temporized and explained that:

"The shifting sands of American governmental actions alternately form solid dunes of accomplishment only to be blown into endless deserts of mediocrity. The alternate ebb and flow of these sands has been the subject of intense wonder in the rest of the world—and with reason." (We suspect that had Mr. Merriam recalled what Jesus said of houses built on sand, he would have used a different illustration to explain the failures of ACIR in 1974).

Harlan Cleveland, former U.S. Ambassador to NATO, CFR member, and presently director of Aspen Institute's Program in International Affairs, was more direct in his explanation: "We Took Our Eye Off the Ball."

In case any reader is unfamiliar with ACIR, here is Chairman Merriam's description of it: "ACIR is a national bipartisan body established by Congress in 1959 to study points of intergovernmental conflict and tension and to make recommendations for easing them and thereby improving the system. Because of its unique stature as a permanent commission, ACIR is able to follow-up on its recommendations, encouraging and assisting the legislative and executive branches of Federal, state and local governments to implement them. The work of the Commission flows in three stages: staff research and information gathering at the direction of the Commission; policy making by the Commission; and efforts by both Commission and

County

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created since the Constitutional Convention itself. Lacking the action mandate of that great body, the ACIR nevertheless has over the years forged an important agenda as we move into the third century of this vast American experiment."

This is, of course, no idle boast. ACIR and its cooperating organizations have been able to influence the Federal Executive into dividing this Nation into Ten Federal Regions, and into inducing Congress to accept the validity of the Executive Orders that so divided this Nation.

Now ACIR and its satellites are busily promoting sub-state regions, in placing such regions under the control of the Federal Government through what the Planners call "Federal Mandating."

In a "Legislator's Guide to Substate Districting" which is sent to all State Legislators by ACIR, we learn that "Nearly all the States have adopted a substate planning district system for the purpose of coordinating State, Federal and locally encouraged planning operations... The question no longer is whether there will be systems of regional governance. These structures exist and more are being created every year. The ... ACIR has four objectives for governing at this crucial level:

- to coordinate areawide agencies and reduce their proliferation;
- to develop a framework for responsive decision-making at the areawide level;
- to curb special districts; and
- to establish a short-term environment of cooperation between regional agencies and local governments that still facilitate long-range government modernization and reorganization."

"To this end," the ACIR action agenda continues, "the Commission has developed a three-pronged strategy: umbrella multi-jurisdictional organizations at the multicounty level; modernized counties and reorganized local governments; and systematic assignment of government functions among these levels. This strategy is the product of a far-reaching, two-year ACIR study, *Substate Regionalism and the Federal System*, published in six volumes."

Translation: Local and County Governments must be "modernized" so that all their activities will be under the control of substate district commissions; these, in turn, will be under the control of areawide, multicounty,

control of the White House Executive Office.

Thus is formed a bureaucratic dictatorship extending to the community level, managed absolutely and without appeal by a newly invigorated Domestic Council (which in turn, is dominated and controlled by appointed agents of the appointed Vice President, Nelson Rockefeller).

This Bureaucratic Dictatorship called Regional Governance (which is one branch of a Corporate Socialist State that is being built to replace our representative republic) is to be accomplished by ACIR and its cooperating organizations, by means of what the Planners sometimes call "Federal Mandating." A "mandate" is an order from the Central Authority to a subordinate body such as a substate district, which must be followed—or else. Examples of such Federal Mandates: Revenue Sharing, OSHA, PSRO, Flood Insurance, and the hoped-for Federal Land Use Planning.

ACIR issued a paper entitled "Federalism in 1974: The Tension of Interdependence." The following is quoted from a section of that paper. Please read with discernment:

FEDERAL MANDATING

The Congress and the Federal executive took a series of actions in 1974 which showed their continued ability to mandate policies affecting the operations of the states and local governments when they choose to do so...

With the interdependence of the revenue systems of the partners in the federal system, and with the continued substantial Federal assistance provided to the states and local governments, the Federal government has ample means to set guidelines for local programs and practices...

On December 31, 1973, President Nixon signed the *Flood Disaster Protection Act of 1973*... Effective July 1, 1975, Federal mortgage guarantees and insurance, mortgage loans, and other lending by Federally insured or regulated financial institutions, as well as other forms of Federal assistance for financing the capital costs of construction and equipment, will not be available to businesses and individuals in identified flood hazard areas unless the community has qualified for the Federal Disaster Protection Program by adopting Federally determined land use controls. By this means, and

Mandate

flood control planning in several thousand communities nationwide.

(End of quotation)

Now, let's see how this one particular Federal Mandate—the racket called National Flood Insurance—will operate on and after July 1, 1975. We are indebted to Cal Steinberger of Fairfax, Oklahoma, who analyzed and published the following:

We are using as our references: (1) the National Flood Insurance Act of 1968, (2) the Flood Disaster Protection Act of 1973, and (3) the National Flood Insurance Manual. In order that we may understand the meaning of these documents, let us first define several terms:

Community means any State or political subdivision thereof, such as its counties and municipalities.

Land Use and Control Measures means zoning ordinances, subdivision regulations, building codes, health regulations and other applications and extensions of the normal police power to provide standards and effective enforcement provisions for the prudent use and occupancy of flood-prone areas.

Flood-Prone Area means any area which might become inundated from a flood which might occur at a frequency of at least once in 100 years.

Structure means any building which is used for residential, business, agricultural, or religious purposes of which is occupied by a private non-profit organization or which is owned by a State or local government or an agency thereof.

With the above definitions in mind, we find that in order for a community to be eligible for flood insurance—and all flood-prone communities have been ordered by the federal government to enter such a program by July 1, 1975—it must adopt the above described land use and control measures for the entire area within its jurisdiction. The Dept. of Housing and Urban Development (HUD), must approve these regulations and when once approved they may not be modified or changed without HUD's permission. The community must also appoint an agency or official with the authority and means to implement (enforce) such regulations. Here is how the scheme works:

First: HUD determines for your community the flood plain elevation of the area.

broker promoters who are "induced" with the promise of receiving a "cut" of at least 15% of the amount of premiums sold—with a minimum guarantee of at least \$10 per policy. A separate policy is written for each structure (i.e., blanket coverage by an owner is not permitted). The NFIA—headquartered at 160 Water Street in New York City—"cooperates" with the Federal Insurance Administration (a department of HUD). It is a virtual closed shop for certain elite insurance companies. All premium checks are made payable to the NFIA, and policies written in each State are "assigned" to certain of the elite companies which act as the NFIA Servicing Agent.

Fourth: The NFIA insurance policy (which is subsidized by the federal government) is a nationwide standardized policy with the premium varying according to the number of feet difference in elevation between the structure's first floor and the 100-year flood plain elevation—and whether it is "above" or "below" such elevation, and whether or not there is a basement involved. The premium is a minimum of \$25, is for a one-year term, and is payable in advance. It has a mandatory \$200 (or 2% of the amount of the loss to the building, whichever is greater) standard deduction clause.

And finally the catch: HUD then informs the community and all owners of structures within the flood plain area that all existing non-conforming uses shall not be expanded, and they are "advised" that such flood plain areas should be reserved for "open space purposes." And, that all new construction or substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the level of the 100-year flood—with attendant utility and sanitary facilities to be flood-proofed up to such a level. The community is also informed that it must conform to all pollution control edicts of the Environmental Protection Agency (ERA) to prevent pollution from spilling into the flood plain area.

By this time the community (including the entire State and all counties) has learned to its dismay that its entire incorporated area has been coerced into adopting restrictive zoning, standardized building and housing codes, subdivision regulations, health regulations, etc. which its citizens do not want, and they have lost all control over the implementation of such laws. Also, property

owners are forced to buy the flood insurance under the threat of the community losing all federal grants-in-aid. In fact, we are now learning that banks, savings and loan companies, and other federal mortgage lending agencies will not lend the property owners any money without their first buying such flood insurance!

Any idea that a person might entertain as to whether or not the federal government will control the property being insured, is quickly dispelled upon reading the policy's fine print. It blatantly states that: "Any terms of the policy which are in conflict with the statutes of the State are hereby amended to conform to such (present or future) statutes, *except that in cases of conflict with applicable Federal law or regulation, such Federal law or regulation shall control the terms of this policy.*"

(End of explanation of the Federal Flood Insurance racket).

The foregoing explains how land control has been attained by Federal Mandate, but it applies only to areas where the flood plain description can be utilized, to "several thousand communities nationwide," says an ACIR report. What ACIR wants is total control of the use of *all land* within the fifty United States. And still to be desired, therefore, is a *federal land use planning bill* of the type introduced—but defeated—in the 93rd Congress. Here is ACIR's official report on this development:

FEDERAL LAND USE PLANNING BILL

...The Congress... considered the proposed Land Use Planning Act in 1974. The bill was the product of a hard fought compromise between those who sought strong sanctions against states which did not set up land use planning programs and those who saw land use planning as a threat to private property. In its final form, the bill would have authorized \$100-million a year for eight years for states to establish and implement land use planning. The bill, which encouraged and provided a framework for state land use... was killed by the House when it sent the conference report back to committee on June 11, 1974. But Congress did pass and the President signed a rejuvenated *Planning Assistance Act* under which the Department of Housing and Urban Development will continue their assistance to state, regional, and local planning efforts *only if the planning covers land use.* (Italics added).

(End of quotation from ACIR Report)

In addition to flood insurance and the HUD

assistance regulations, there is one other type of Federal Mandate which can be used to attain Federal control of land use in the States and communities of the Nation; this is by the application of certain land control regulations that were enacted by Executive Order in 1974 by the Environmental Protection Agency (EPA). These regulations were to have become effective on January 1, 1975 but for some reason or reasons not publicly announced (to our knowledge), enforcement of these regulations was delayed until further notice. It is this reporter's belief that enforcement was postponed because such action might jeopardize the passage of a new Federal Land Use Planning Act in this first session of the 94th Congress. ACIR does not like to depend on Executive Orders when there is a possibility of obtaining the same power through legislative action. For example, ACIR's current major project is the establishment of these substate districts in all States. In ACIR's most recent *Substate Districting Analysis*, it is noted that 42 of the fifty States have established substate districts as per "advice" of ACIR. However, of those 42 States only 18 have established their sub-regions through legislative action; while the other 23 States have been subdivided by Executive Orders issued by the respective Governors of those States. ACIR knows that State Legislatures can—even as the Federal Legislature can if it ever wakes up—rescind an Executive Order. Thus, says ACIR: "if a substate districting system is to successfully coordinate Federal, State, and local substate planning operations, it should have the following characteristics: * First, it must be securely *created in law* rather than *executive order.*" (Italics added for emphasis).

When the Ten Federal Regions were created by Executive Order, the authority for doing so was provided by Public Law 90-577; so there was a law to back up this Executive Order. This would hardly be the case with an Executive Order issued by EPA Chairman Russell Train, and ACIR wants its land control power "securely created in law."

And so; on Feb. 20, 1975, a new Federal Land Use Control Bill—H. R. 3510—was introduced in the House of Representatives. It is similar to last year's bill and *must also be deleted if property rights are to be retained!*

More on this subject in future letters...

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