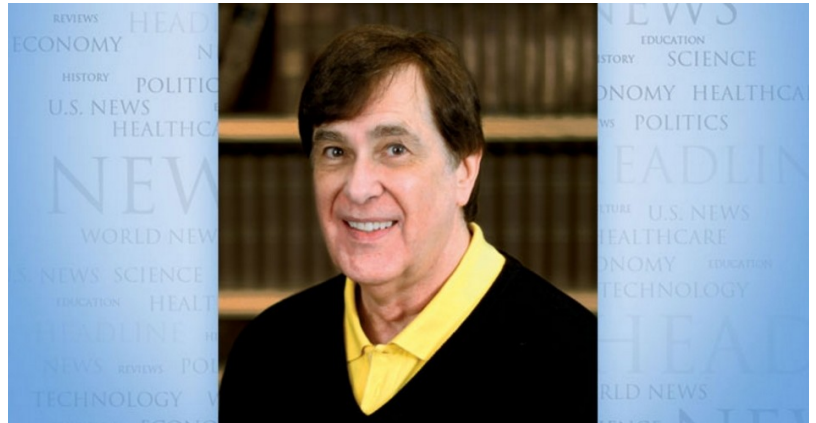




## National Heritage Areas: The Land Grabs Continue

**Nineteen counties in Southern Virginia are being included in a proposed Heritage Area called The Crooked Road National Heritage Area. The excuse for this new federal land control program is that it will honor and bring nationwide attention to the rich musical heritage of the area that was home to such famous acts as the June Carter Family. Plans call for a 300 mile Heritage Corridor that will connect nine major heritage venues and more than 50 affiliated music venues. Tourism and economic growth are the promises.**



**It all sounds so American until you begin to look at the details, including documents not open to the public, refusal to announce the plan to those in the affected area, and a hoard of federal agencies and special interest groups ready to suck up the tax dollars.**

**In desperation, local activists and scared property owners asked me to journey to the area and give them the facts on the dangers of National Heritage Areas. Below is what I told them.**

National Heritage Areas. What does that term mean to you? We hear it a lot. There are many government programs dealing with historic preservation.

There is the Scenic Rivers designation. The American Heritage Rivers Initiative. And then there's the National Register of Historic Places and the National Historic Landmarks Program, to name a few. By the way, National Heritage Areas are not to be confused with United Nations Heritage Sites. That's a different animal.

Americans love history. And we love preserving significant places that played an important role in the making of our unique nation. So when we hear of a new plan in our area presented as a chance to preserve some of our local heritage we are interested and even supportive.

But, in this day of massive government control over so much of our land, our economy, and our basic ability to live free lives, we must be cautious and look at the details of plans, no matter how innocent or well meaning they may seem. National Heritage Areas are such a concern.

I've been studying them for about a decade, and have grave reservations. In fact, my organization, the American Policy Center, has been one of the only groups in the nation to testify in Congress concerning Heritage Areas.

Here's what I know about them: Heritage areas are sold as a means to honor historic or cultural events that took place in a specific locale. We are told that they will preserve our culture and honor the past. That they will preserve battlefields where our forefathers fought and died for freedom. That they will preserve birth places, homes, buildings, and hallowed grounds for posterity. And we are assured that they will help build tourism and boost local economies.

Is all of this true? Is that what National Heritage Areas are really about? Well let's take a look.

**Pork and top-down land control**

Specifically, what is a National Heritage Area? To put it bluntly, it is a pork barrel earmark that harms property rights and local governance. Let me explain why that is. Heritage Areas have boundaries. These are very definite boundaries, and they have very definite consequences for folks who reside within them. National historic significance, obviously, is a very arbitrary term; so anyone's property can end up falling under those guidelines.

Here are the details as to how a Heritage Area operates: Specifically, funding and technical assistance for Heritage Areas is administered through the National Park Service, a federal agency with a long history of hostility toward private landowners.

The recipients of these funds, in partnership with the Park Service, become a "managing entity," which typically consists of strictly ideological special interest groups and local government officials. The managing entity sets up non-elected boards, councils, and regional governments to oversee policy inside the Heritage Area.

In the mix of special interest groups you're going to find all of the usual suspects: Environmental groups; planning groups; historic preservation groups; all with their own private agendas — all working behind the scenes, creating policy, hovering over the members of the non-elected boards (perhaps even assuring their own people make up the boards), and all collecting the Park Service funds to pressure local governments to install their agenda. In many cases, these groups actually form a compact with the Interior Department to determine the guidelines that make up the land use management plan and the boundaries of the Heritage Area itself.

Now, after the boundaries are drawn and after the management plan has been approved by the Park Service, the management entity and its special interest groups are given the federal funds, typically a million dollars a year, or more, and told to spend that money getting the management plan enacted at the local level.

Here's how they operate with those funds: They go to local boards and local legislators and they say, "Congress just passed this Heritage Area. You are within the boundaries. We have identified these properties as those we deem significant. We have identified these businesses that we deem insignificant and a harm to these properties and a harm to the Heritage Area. We don't have the power to make laws but you do. And here is some federal money. Now use whatever tools, whatever laws, whatever regulatory procedures you already have to make this management plan come into fruition."

Yet, incredibly, proponents argue that National Heritage Areas do not influence local zoning or land use planning. Yet by definition this is precisely what they do. Found right in the language of Heritage Area legislation, including a new bill before Congress right now — H.R. 4099, the management entity is specifically directed to restore, preserve, and manage anything and everything that is naturally, culturally, historically, and recreationally significant to the Heritage Area.

This sweeping mandate ensures that virtually every square inch of land within the boundaries is subject to the scrutiny of Park Service bureaucrats and their managing partners. That is the way it works. It's done behind the scenes — out of the way of public input.

It is also worth noting that these are permanent units of the Park Service. Proponents claim NHAs are merely seed grants, and that sooner or later, they will attain self-sufficiency and no longer need federal funding. Yet National Heritage Areas almost never meet their funding sunset triggers. Once created, they are permanent units of the National Park Service and always dependent on increased federal



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funds. And the Park Service has testified several times that they, indeed, could be considered permanent units of the Park Service because they always need oversight.

In addition, within the Heritage Areas, the Park Service looks for opportunities to create other Park Service programs. Former Deputy Director of the National Park Service, Donald Murphy, testified before the Senate Subcommittee on National Parks that one of the things the Park Service does when administering National Heritage Areas is survey land that would be suitable for future National Parks or National Park expansions.

Of course, as with so many other invasive planning schemes, we are always assured that these are local initiatives, and that these are something citizens want in order to bring an honorary federal designation to help drive tourism into their regions.

It simply isn't the case. For the most part, Heritage Areas are first dreamed up by national organizations or small wealthy organizations within the locality which are looking to promote their own agendas — paid for by federal tax dollars.

The process then becomes federally driven by the National Park Service, which uses the legislation to hand out cash to the very groups that are pushing them.

### **The connection between Heritage Areas and Sustainable Development**

But there is another driving force behind Heritage Areas — something with which all you may very familiar.

I mentioned H.R. 4099, a bill now before Congress to “Authorize a National Heritage Area Program, and for other purposes...” The bill describes the need for Heritage Areas this way: “Certain areas of the United States tell nationally significant stories; they illustrate significant aspects of our heritage; possess exceptional natural, cultural, scenic, and historic resources; and represent the diversity of our national character.”

So, name a section of our nation that doesn't contain “significant stories.” Or locate a place where people from the past didn't walk, live, or carry out their lives. That definition is simply too broad to be practical — if the real purpose is to honor our heritage.

But the bill goes on to explain: “In these areas, the interaction of natural processes, geography, history, cultural traditions, and economic and social forces form distinctive landscapes that should be recognized, conserved, enhanced, and interpreted to improve the quality of life in the regions and to provide opportunities for public appreciation, education, enjoyment, and economic sustainability.”

Where have we heard these very words before — economic and social forces; conserve; improve the quality of life?

Well, let's try this quote from the President's Council on Sustainable Development which said, “Sustainable Communities encourage people to work together to create healthy communities where natural resources are preserved, jobs are available, sprawl is contained, neighborhoods are secure, education is lifelong, transportation and health care are accessible, and all citizens have opportunities to improve the quality of their lives.”

The President's Council on Sustainable Development, by the way, was organized by Bill Clinton in the 1990's to create policy to reduce or eliminate “unsustainable” activities by controlling such things as consumerism, high meat intake, use of fossil fuels, roadways, automobiles, dams, pastures, golf courses, and much more.



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So, now, wait a minute. Are we talking about historic preservation where we just want to honor our past — or are we talking about a massive zoning process involving central planning? Because that's what Sustainable Development is. Even the planning groups will admit that.

So, why is the same language of Sustainable Development in a bill on Heritage Areas? Could they be from the same top down agenda?

In that light, consider this additional quote from the President's Council: "Private land use decisions are often driven by strong economic incentives that result in several ecological and aesthetic consequences ... the key to overcoming it is through public policy." That means new legislation and government programs. And so, what are Heritage Areas but legislation for a new government program.

Did the people of the affected areas ask for it — or did it just appear for no apparent reason? Is there an emergency? Is there a dire need? If so, can anybody name those needs? These questions must be asked before such policy is put in place.

And finally, there is this quote from the same policy making source — the President's Council: "We need a new collaborative decision process that leads to better decisions, more rapid change and more sensible use of human, natural and financial resources in achieving our goals." Better decisions for whom — by whom? More sensible use of resources according to whom?

This description of government leads away from elected representatives doing the people's bidding. Instead it establishes non-elected boards, councils, and regional government entities in which local citizens have little or no input. My friends, the language is the same between Sustainable Development and Heritage Areas because they are both part of the same "collaborative" process.

As proponents talk about historic preservation and heritage inside the Heritage Area, you will also find the catch words "resource conservation" and "resource stewardship," for example. It's all about control. Control of the land. Control of resources, control of decision making. And how does that fit with the claim of preserving the American culture — which was built on the ideals of free enterprise and private property? The fact is, it doesn't.

In reality, National Heritage Areas are nothing more than land targeted by NPS for future national parks, historic sites, landmarks, and land acquisition. The Rivers of Steel Heritage Area in Pennsylvania has existed almost exclusively as a NPS lobby — outwardly campaigning for federal land acquisition authority and national park status.

Proponents of NHAs also claim that they are "locally driven" projects. Nothing could be further from the truth. Landowners within the boundaries of proposed Heritage Areas are left in the dark throughout the entire process. Why? Because each and every Heritage Area bill refuses to include simple written notification to property owners. Seemingly the Park Service and their management "partners" are not too eager to share all the good news with the local citizenry.

I have personally been in meetings with congressional staffers to discuss Heritage Areas; specifically, the staff of Congressman Frank Wolfe. I asked them if they intended to notify affected land owners living inside the boundaries of a specific Heritage Area. They looked at me like I had two heads. They shuffled their feet and looked down at the table and then said "there's no way to do that." "It would be too costly." "How could we reach everyone?" And then they quickly moved to change the subject.

Of course the ability is there. The mailman delivers to each and every one of the homes in the designated area every day. The fact is, they don't want to tell you in advance. You might object. And



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that would disrupt the “process.” No matter how noble a project may sound, alarm bells should go off when proponents want to enforce their vision in secret.

If these National Heritage Areas were truly driven by local enthusiasm we wouldn't even be here today. Instead, local enthusiasm would have attracted and generated local funding to create local Heritage Areas. Such locally-supported Heritage Areas are plentiful across the nation. Instead, National Heritage Areas depend on federal tax dollars because they lack local interest — and not a single Heritage Area has ever succeeded in attracting that interest throughout their entire infinite lives.

The federal money is the villain. If you just wanted to honor an area for its historic or cultural achievements, a simple resolution from congress and a plaque at the county line could do that. But of course, it's not about that. It's about money, control and agendas.

### **49 Heritage Areas so far**

There are 49 National Heritage Areas across the country so far — with several more, including the proposed Crooked Road, now being considered. Cooked Road, if legislated, will affect 19 Southern Virginia counties. That's a massive area to cover.

Let me tell you what I know about a few of the existing Heritage Areas and paint a picture of what you might expect from the proposed Crooked Road. Here's just a few tidbits.

The entire city of Baltimore is a National Heritage Area.

The entire State of Tennessee is covered by the Tennessee Civil War National Heritage Area.

In Waterloo, Iowa, which is a major part of the nation's breadbasket and home of John Deere tractors, Silos and Smoke Stacks Heritage Area was sold as a means to “honor” the farmers.

Since its creation, not much has changed for farmers inside the Heritage Area. There has been no focus by its leaders to actually help farmers by keeping taxes down or helping them compete with overseas competitors. Instead, they are essentially putting American farm land in a museum.

But Waterloo's slum lords who owned dilapidated buildings and empty store fronts in the downtown area did receive massive taxpayer funding to fix up their buildings and raise their rents.

There are strict controls on use of the buildings, including how they can be repaired or upgraded. Grants flow like water to special interests in the name of historic preservation. There are educational programs paid for by taxpayers for such vital subjects as — why manure is important to farm life. And in the process, downtown Waterloo has been designated as an historic area. There's only one problem — nothing of historic significance ever happened in downtown Waterloo. As usual, follow the money.

Along the Mississippi River there are two Heritage Areas, Mississippi Delta National Heritage Area and Mississippi Gulf Coast National Heritage Area. Now here is a region rich in history. There must be all kinds of good things happening along the mother of all rivers.

Well, today you won't find people participating in one of the grand historic traditions of the river — living on river boats. There were once whole generations of river people living on such boats. Talk about American Heritage — right out of Mark Twain. But, back in the 1990s, as part of Bill Clinton's American Heritage Rivers Initiative, those living on house boats were moved off the river. Certain other boat traffic and river activities were also curtailed. It was all in the name of environmental protection, of course.

In addition, the traditional flood plain designations were moved to an extreme distance from the river,



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making it impossible for existing homes to get flood insurance, and stopping any further building along the river. This was land use planning — right out of the Sustainable Development plan and the Wildlands project. So, the Heritage Areas were used to honor what? Certainly not life on the river. They are essentially putting the Mississippi River in a museum.

In West Virginia we find the National Coal Heritage Area. Introduced in 1996 by Congressman Rahall, it was sold as a way to honor the coal industry.

Apparently, Rahall thought that since the miners have all lost their jobs to environmentalism, perhaps, he can make up for it by throwing a few extra bucks their way to give tours of their bankrupt area.

I will make this challenge — just try to mine a lump of coal inside the National Coal Heritage Area. Not on your life. Restricted. Taboo. In short, they have put West Virginia coal in a museum. Do you get the picture?

As I said, these examples are just tidbits of information I've picked up over the years as we've watched the spread and development of National Heritage Areas.

### **The Journey Through Hallowed Ground**

But let me tell you about one that I know of personally — because I live in it. Not only that, I led the attack to stop it and succeeded for more than three years before we were betrayed by two Republican members of Congress.

It's called the Journey Through Hallowed Ground Heritage Area. Much of what I am about to tell you is taken directly from Congressional testimony presented by the American Policy Center's former legislative director, Peyton Knight.

The Journey Through Hallowed Ground Heritage Area created a 175 mile long federal corridor, encompassing portions of Virginia, Maryland, and Pennsylvania. Of course it was sold as a means to honor and protect some of the most precious historic areas of the nation, running from Jefferson's Monticello to the Gettysburg battlefield.

Chief Sponsor was Virginia Republican Congressman Frank Wolfe, who promoted it saying, "The Journey Through Hallowed Ground Corridor holds more American history than any other region in the country and its recognition as a National Heritage Area will elevate its national prominence as deserved." He also claimed that it was an "effort to create economic opportunity by celebrating the unique place in American history the region holds."

The legislation assigned the usual "management entity" consisting of the Journey Through Hallowed Ground Partnership. This was an umbrella group of preservation activists and lobbyists which helped power the legislation through Congress. They now stand to directly benefit from the power gained from the bills passage. Also strongly pushing for passage was the Department of Interior, which saw the Heritage Area as a means to oversee development and land use in the area.

One example of a group that pushed hard to establish the JTHG Heritage Area was the National Trust for Historic Preservation. Another was Scenic America. Both of these are national groups which have very benign titles but very serious missions. But are they interested in just historic preservation or massive top-down controlled land use restrictions?

Well, here is some insight into the answer to that question. You may have heard about Measure 37 in Oregon passed in 2004. This is a basic property rights initiative that isn't very hard to support no matter who you are, even if you are indifferent to property rights. All it does is reaffirm the Fifth



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Amendment to the Constitution. It simply says that when state or local governments pass laws that take away somebody's property rights and devalue their property, those states and local governments have to compensate that person, or if they can't compensate that person, they have to waive the regulation. It is that simple. It basically stops state and local governments from stealing private land.

It passed overwhelmingly despite a massive campaign by Greens to try and prevent its passage, and it was even upheld by the Oregon Supreme Court. And groups like the National Trust for Historic Preservation and Scenic America actually fought this ballot initiative tooth and nail. It had nothing to do with historic preservation *per se* or a scenic America, but, obviously these groups support a much bigger agenda.

So beware. When Heritage Areas come to your region, you are inviting these groups in to oversee your land use decisions.

As I said, proponents often claim these are just honorary designations that are designed to enhance tourism. But the bills that they actually create have very little to do with driving tourism to the region. Tourism is typically a result of good advertising. The bills have very little to do with advertising, but they have a lot to do with giving these groups power to influence land-use decisions.

### **No Protection of Private Property Rights**

But, when property owners express concern that their property could be taken in the process — they have a ready made answer. Don't worry, they say — they quickly point to language in the Heritage Area bills that assure property rights protections.

Congressman Griffith has specifically issued such assurances in recent letters to constituents concerning the proposed Crooked Road Heritage Area. The language he quoted from yet another Frank Wolfe Heritage Area bill said: "Nothing in this subtitle ... abridges the right of any property owner ... including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area..."

In other words, that language is written to give assurance that that you actually have the right to opt out of the Heritage Area — so there is absolutely no threat to your property rights. Having talked with him directly, I know Congressman Griffith is sincere in his desire to assure protection of private property and the language certainly sounds like it would do that. However, further study has shown us that this language is basically worthless.

The fact is, it is physically impossible to opt out of an official government boundary that you live inside. It is also impossible to simply declare that you are going to opt out of any of the land-use regulations, down zoning, or other restrictions that result from the Heritage Area designation. When your local government passes legislation that affects your property rights because of the Heritage Area, you can't go to him and say, wait a minute. I opt out. He will just laugh.

Don't believe me? Then go down to the County Supervisor's meeting next week and tell them you want to opt out of any rules that say you have to have a building permit for a new porch.

### **Property Rights Experts say "No" to National Heritage Areas**

So, as we worked to oppose Heritage Areas, we asked proponents in Congress if they had asked property rights experts to look over the legislation to find any dangers. We said, "Have you put these bills before experts, specifically before public interest property rights attorneys?" And the answer in at least one instance was, "no, and we don't plan to."



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Well, we did, and let me tell you what some had to say, specifically about the Journey Through Hallowed Ground National Heritage Area. And keep in mind, these comments really apply to all Heritage Areas, by and large, because the legislative language is fairly boiler plate.

James Burling, who is a principle property rights attorney for the Pacific Legal Foundation, had this to say about this particular Heritage Area bill: “This bill suggests that Congress still doesn’t get it. The so-called protections for private property are largely symbolic; so long as regulators can browbeat landowners into becoming ‘willing sellers’ we will continue to see the erosion of fee simple property ownership in rural America. With the influx of federal funding, the regulatory pressure on landowners to sell will, in many cases, be insurmountable. The legacy we will leave to future generations will not be the preservation of our history, but of the preservation of a façade masquerading as our history subverted by the erosion of the rights that animated our history for the first two centuries of the Republic.”

Joe Waldo, who is president of a Virginia property rights law firm, Waldo and Lyle, said this regarding this particular Heritage Area bill: “The bill before Congress has nothing to do with a heritage trail, but will result in a trail of tears for those least able to stand up for their property rights. This is no more than an effort to overreach by the federal Government with regulations that will restrict homeowners, farmers and small business people in the use of their property.”

He went on to say: “Traditionally the elderly, minorities and the poor are most impacted by regulatory measures that restrict property owners in the use of their land. Protecting our heritage is a noble ambition; however these matters need to be handled at the local level by those closest to the issues at hand. It is important that the fundamental right of private property not be threatened by more misguided federal legislation.”

What he is talking about is that once a Heritage Area goes into effect, locals find themselves with a federal special interest wedge between them and the people who are elected to serve them. And they can’t break through that wedge because the wedge is wealthy and has federal money. It has influence, and it is put there purposely between those people who enact an agenda and those people who may not agree with it.

R. J. Smith, a well know property rights advocate with the Competitive Enterprise Institute, had this to say in regard to the Journey Through Hallowed Ground Heritage Area: “The name itself for this National Heritage Area raises serious questions. It seems improper, even indecent, to name this the Hallowed Ground corridor and claim it is to appreciate, respect and experience this cultural landscape that makes it uniquely American, when it tramples on the very principles of private property rights, individual liberty and limited government that the Founding Fathers risked and gave their lives for.”

Said Smith, “Lincoln himself reminded us in the Gettysburg Address that ‘we cannot dedicate, we cannot consecrate, we cannot hallow this ground.’ He reminded us that we must be dedicated to see that this new nation, ‘conceived in liberty,’ had ‘a new birth of freedom,’ and did ‘not perish from the Earth.’ Rejecting the very principles of the Founding Fathers that created our liberty and freedom is not a journey any free person should want to undertake.”

Roger Pilon, the renowned constitutional scholar from the Cato Institute, says, “There is nothing wrong with historic preservation. In fact, it is commendable. But it has got to be done the right way. Indeed, it is not a little ironic to simply take those historic rights in the name of historic preservation.”

### **Congressmen in Opposition to National Heritage Areas**





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The late Representative Gerald Solomon from New York wrote a letter September 19, 1994, to his colleagues regarding a National Heritage Area program for the Park Service. His letter said: "I urge you to defend property rights and strongly oppose the American Heritage Area Participation Program. The environmentalists advocating this bill have federal land use control as their primary objective. The bill wastes tax dollars that could be more appropriately spent on maintaining our national parks. Property rights defenders have legitimate concerns about the provision in the bill requiring localities to obtain approval by the Secretary of Interior for land use plans. Why spend \$35 million on non-federal heritage areas when our national parks desperately need funds for maintenance and repair? Again, I ask you to defend property rights and oppose this bill."

Little has changed in the eighteen years since Congressman Solomon warned his colleagues about the imprudence and danger of National Heritage Areas. The advocates of this program still have federal land use control as their primary objective. Heritage Areas still waste tax dollars that would be better spent on a Park Service maintenance backlog that now numbers in the billions of dollars. And the Secretary of Interior still has the ultimate say over the management and land use plans of each Heritage Area. Clearly, National Heritage Areas are nothing less than federal land use policy.

Representative Bob Smith from Oregon penned a letter to Congressman Richard Pombo, also in 1994, warning him about Heritage Areas. He wrote:

Dear Richard, On Tuesday, the House will consider legislation that I consider to be the most significant threat to private property rights I have seen during my twelve years in Congress.

This legislation will threaten private property by authorizing a broad new program of federal land use controls, extending from coast to coast. There are nearly 100 Heritage Areas currently under consideration and it's likely that your constituents will be impacted by these incredible restrictions on private property.

This program is based on the existing Columbia Gorge Scenic Area in Oregon and Washington. The management plan for the Gorge regulates nearly every detail of private property use, including the color landowners can paint their homes and the species of trees they can plant in their own yard. Your constituents, like mine, will be outraged at this gross abuse of government over-regulation if this bill is enacted. Believe me, you do not want to be part of a town hall meeting after masses of your constituents learn the federal government has the final say over what they can do on their own property.

Getting to that situation, we have an example of just what happens when a Heritage Area is formed and the people eventually do find out about it.

In 2000, Congress designated the Yuma Crossing National Heritage Area in Arizona. Less than 10 years later citizens became upset with how their property rights were being restricted. A bill was introduced in Congress, but never passed, to try to restrict and redesign the boundaries of that heritage area to comply with all the outrage that is still happening with the citizens in Yuma.

Accompanying that bill was a report that was submitted by the chairman of the House Resources Committee, Congressman Pombo. His report explained the situation in Yuma. The report states:

When the Yuma Crossing Heritage Area was authorized in 2000, the public in Yuma County did not understand the scope of the project and was surprised by the size of the designation ... Concerns were raised by citizens about the size of the designation and the potential for additional Federal oversight. The fear of adverse impacts on private property rights were realized when local



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government agencies began to use the immense heritage area boundary to determine zoning restrictions.

That's how they work. The reason that the citizens of Yuma were surprised is because citizens didn't find out about Heritage Area designations until they actually happened.

Just allowing for notification, as I mentioned before, would help make this a fairer, more open and honest process. Proponents fight this tooth and nail, obviously, because they would rather spring it on unsuspecting landowners than tell them about it first.

### **Republican Betrayal**

The American Policy Center took these facts as I have related them here today to the senior staff of Congressman Frank Wolfe. As we entered the meeting room, Wolfe's Chief of Staff greeted us by sitting in his seat with his arms folded in front of him and a look of contempt on his face. As we began to present our case, he interrupted us and said, "Look, you're going to make your protests about property rights and then we're going to pass this bill. So this meeting is over." And he left. So much for listening to constituents, of which I was one.

From there, we went to Senator George Allen. We again presented our opposition and appealed to his legislative director to join us in upholding property rights. We begged him not to co-sponsor this bill. The staffer assured us he would take our concerns to the Senator. Allen then became the chief Senate sponsor of the Journey Through Hallowed Ground Heritage Area.

As an interesting side note, just a few weeks ago, in my home County of Fauquier, Tea Party Activists staged a protest outside the County building. It took place as a vote was being taken by County Supervisors to uphold and enforce incredible punitive regulations over farmers and wineries and how they do business. At the protest, a representative for George Allen spoke and assured the crowd that Allen was with them in spirit. I was rude enough to ask him where Allen's spirit was a few years ago when he had a real chance to stand up for property owners. He said he would present my concerns to Allen and see what he could do. I'm still waiting.

### **Indirect control and why National Heritage Areas are such a threat**

True private property ownership lies in one's ability to do with his property as he wishes. Zoning and land-use policies are local decisions that have traditionally been the purview of locally elected officials who are directly accountable to the citizens that they represent.

But National Heritage Areas corrupt this inherently local process by adding federal dollars, federal mandates, and federal oversight to the mix. Along with an army of special interest carpet baggers who call themselves Stake Holders.

It must be understood the Heritage Area affects all the land in the designated area, not just recognized historic sights. The federal designation, made from congressional legislation creating federal regulations and oversight through the National Park Service, require a form of contract between state and local governmental entities and the Secretary of the Interior. That contract is to manage the land-use of the region for preservation. That means federal control and zoning, either directly, under the terms of the "management pact," or indirectly.

Such "indirect" control is the real danger. In spite of the specific language in the bill which states property rights will be protected, the true damage to homeowners may well come from private groups, non-governmental organizations (NGOs), and preservation agencies which receive public funds through



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the Park Service to implement the polices of the Heritage Area.

The funds flowing from the Park Service provide a seductive pork barrel system for private advocacy groups to enforce their vision of development of the Heritage Area.

The experience with at least 49 such Heritage Areas now in existence nationwide clearly shows such groups will convert this money into political activism to encourage local community and county governments to pass and enforce strict zoning laws.

While the tactic makes it appear that home rule is fully in force, removing blame from the federal designation, the impact is fully the fault of the Heritage Areas designation. The result being private property owner's rights are diminished and much of the local land use brought to a standstill.

Specifically, when an area is designated a National Heritage Area, the Park Service partners with environmental or historic preservation special interest groups to "restore, preserve, and manage" anything and everything that is naturally, culturally, historically, and recreationally significant to the Heritage Area.

This sweeping mandate ensures that every square inch of land, whether private or public, is a prime target for regulation or acquisition.

But what of the promised tourism that is supposed to help local communities? Many members of Congress admit they support the concept of Heritage Areas for that very reason: jobs created by people visiting their little part of the world to see why it's so special. Is it true? As I said, those boundaries have consequences — strict control over the use of the land.

Certain industries may prove to be too "dirty" to satisfy environmental special interests. Eventually such existing industrial operations will find themselves regulated or taxed to a point of forcing them to leave or go out of business.

Property that is locked away for preservation is no longer productive and no longer provides the community with tax dollars. Roads most assuredly will be closed (to protect the integrity of the historic area). That means land is locked away from private development, diminishing growth for the community. It also means hunting and recreational use of the land will most certainly be curtailed.

Eventually, such restrictions will take away the community's economic base. Communities with sagging economies become run-down and uninviting. Preservation zoning and lack of jobs force ordinary people to move away. Experience has shown tourism rarely materializes as promised. And it's never enough to save an area economically.

These are the reasons why the specific language in the Heritage Area legislation designed to protect private property rights is basically meaningless to the actual outcome. Congress needs to learn this fact. While the land is not specifically locked away in the name of the federal designation, its very existence creates the pressure on local government to act. The result is the same.

### **Most significant historic spots already preserved**

The fact is the Heritage Area designations are completely unnecessary. Most of the historic sites are already under the control of the National Park Service, including Thomas Jefferson's home, Manassas Battle field (Bull Run — to any Yankees) and Gettysburg Battlefield. Several other birthplaces and significant historic sights are also well preserved.

The boundaries of Gettysburg, for example, were specifically laid out by the men who fought there.



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Most of the land was private and donated to the park by the owners more than 125 years ago. While protecting private property and the farms across which the battle raged, they preserved the most significant parts into what today is a comprehensive memorial.

This old system of voluntary contributions and non-coerced purchases of the land is far superior to a process that uses the massive power of the federal government to rip out the roots of property owners who are simply unlucky enough to live near something that should be special and precious. Given their way, many preservationist special interest groups would set out to turn the entire nation into a museum.

In contrast, it is significant to note that today, as a coercive preservation policy is imposed in Gettysburg, the community has seen the near destruction of its once vital downtown where private businesses are being forced out. Many parts of downtown now are void of significant businesses like clothing shops or hardware stores. Most businesses in the downtown area today are restaurants and tee-shirt shops designed for the tourist industry. That's not the way for a town to build a future.

Every step of land in America had something from the past occur on it. But let us remember, those who fought on these fields of "hallowed ground" did so to protect our liberty, including ownership of private property.

One must ask how those soldiers of the past, from the Revolution of 1776 to the War between the States, would react to huge government restrictions over the land now, simply because they fought there. One can envision them again taking up arms to free it from government clutches.

Proponents of Heritage Areas are using our great love of history as an emotional sledgehammer to impose a massive federal pork barrel scheme that enriches the pockets of private advocacy groups by helping to impose draconian controls over the dreams of average American homeowners.

The Crooked Road Heritage Area being proposed possesses all of the classic ingredients of all other Heritage Areas now enforced across the nation. It is massive in size. It is being pushed by the same special interests. The language included designed to assure us that property rights are protected is empty and meaningless. Proponents refuse to notify those living inside the boundaries. And above all, there is simply no reason for it.

Now is the time to stand up in defense of your property rights — before the legislation is written and presented.

We are engaged in a battle to preserve the unique American system that our Founding Fathers worked so hard to guarantee. I feel those founders are watching us now. They knew one truth that we must all relearn very quickly. They knew that the only way to make sure government doesn't abuse its power is to not grant it in the first place.

Arm yourselves with that knowledge, and then step by step, stop these intrusive raids on your rights and your property.

**Tom DeWeese** is one of the nation's leading advocates of individual liberty, free enterprise, private property rights, personal privacy, back-to-basics education and American sovereignty and independence. Go to [americanpolicy.org](http://americanpolicy.org) for more information.



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