

The Crippling and Destructive Power of the Endangered Species Act

by Tom Remington

The [Endangered Species Act of 1973](http://epw.senate.gov/esa73.pdf) is a draconian law that offers no flexibility, ruling out any semblance of common sense; strips states of their sovereign right to manage and care for their own flora and fauna; denies property owners of the right to use their land for the pursuit of life, liberty and happiness; allows for the destruction of the country's economic well being; and abdicates this nation's sovereignty to International powers, to name a few.

What began, at least back to the days of Teddy Roosevelt, as attempts by the government to protect specific species, resulted in a culmination of efforts and pressure from the international community and more precisely the United Nations, that ended in the signing of the Endangered Species Act of 1973, by President Nixon. Nixon at the time had been through hell with his Watergate turmoil and many believe he hadn't the foggiest notion of what he was signing.....or did he?

Perhaps the first most formal attempt at protecting species happened in 1966 with the signing of the Endangered Species Preservation Act. This law gave authority to the Secretary of Interior (DOI) to make a list of "endangered" domestic fish and wildlife. It also gave the U.S. Fish and Wildlife Service (USFWS) \$15 million to buy up land to protect endangered species habitat.

Over the next few years, the United States made attempts to expand their reach of "protecting" and "conserving", even reaching out and listing species outside the U.S. and signing agreements with foreign entities in collaboration to "protect" and "conserve".

Included in the first attempts at saving plants and animals, were such words as "insofar as is practicable and consistent with their primary purpose." This, according to certain international entities wasn't strong enough nor specific enough language to accomplish the agendas of "protecting" and "conserving" species.

It was pressure from the International Community that prompted the drafting and signing of the Endangered Species Act of 1973 (ESA). Within the ESA very strong and deliberate language was included that offer effectively no means of any kind of flexibility, that would allow for waivers or exemptions or to accord anyone some leeway of practicality and common sense.

The first real test of the strength of the language incorporated into the ESA of 1973, came when

the Tennessee Valley Authority (TVA) began construction of the Tellico Dam. After construction began, a University of Tennessee biologist named David Etnier, discovered what was believed at the time to be a very rare and tiny little fish called *persina tanasi* (snail darter), and declared that under the ESA the dam construction had to cease to save the fish.

It was during this time that some, including many who had voted for the ESA, began to realize parts of the ESA were impractical. Their thoughts were, "Who would allow for the stoppage of a multi-million dollar dam that was providing jobs and tons of cheap electricity when it was completed". Their answer came from the Supreme Court.

[Tennessee Valley Authority v. Hill et al](http://scholar.google.com/scholar_case?case=11603759272819987617&q=tva+v.+hill+437+u.s.+153,+172+%281978%29&hl=en&as_sdt=40003) - 437 U.S. 153 (1978), let Congress, the TVA and the rest of the world know that according to the ESA, there were no provisions to make any exceptions for endangered species no matter what the costs.

Chief Justice Warren Burger wrote the majority opinion. (Lore has it that Mr. Burger, an appointee to the Supreme Court by Nixon, was on the minority but changed his vote so he could write the majority opinion. Believing this case to be so ridiculous, he thought his opinion would prompt Congress to begin immediate amendments to the ESA.)

Mr. Burger used language from the ESA like "admits of no exception" and "jeopardize the continued existence" and "halt and reverse the trend of extinction, whatever the cost". The order was to stop the construction of the dam, even though during this entire time of litigation, building of the dam continued.

This was the onset of resolution when Congress was able to amend the ESA (Section 7) to "create a special exemption process". Part of this "special exemption process" was the forming of a "Committee" which became commonly known as the "god squad" - the purpose of which was to examine cases such as Tellico and determine, under very strict criteria, if any exemption should be granted. This amendment is believed by some to have actually made the language of the amended ESA even more strict, if that were at all possible, raising serious questions as to the purpose and who or what was behind it.

The "god squad" would not grant TVA an exemption and so, what do you think happened? After all, there is a dam there now. Congress was able to attach an appropriations bill rider to the

Energy and Water Appropriations Act for FY 1980. The 1978 Amendment to the ESA was a bust.

So, where did Congress or the United States Government get its authority over species and state sovereignty? That's the million dollar question in which I hope to be able to answer for you. Who or what was pushing the United States to stiffen its grip on the people through wildlife and habitat protection? In addition, under what legal avenue did the United States Government assume their authority over state sovereignty and their right to manage and care for their own wildlife? Not only is it ironic but intently troublesome that during drafting of the ESA, our own National Wildlife Federation lobbied that management of endangered and threatened species remain with the states.

Let's take a quick examination of the ESA that tells us where this authority, contrary to the U.S. Constitution, comes from.

<blockquote>Section 2. (4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to—

- (A) migratory bird treaties with Canada and Mexico;
- (B) the Migratory and Endangered Bird Treaty with Japan;
- (C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;
- (D) the International Convention for the Northwest Atlantic Fisheries;
- (E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;
- (F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- (G) other international agreements; and

(5) encouraging the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is a key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in fish, wildlife, and plants.(emphasis added)</blockquote>

I will examine some of these treaties and others that are very relevant to the crippling and destructive power of the Endangered Species Act.

A nail hammer is a tool used for construction. It can also be used for destruction. Using a hammer as a tool to construct can also create other forms of destruction if not wielded in the manner in which it was intended for use. Envisage the Endangered Species Act of 1973 (ESA) and all its amendments as a hammer, a tool for construction with an iron head and no claws. If something

gets built wrong, there's no tool available to tear back down and make changes. The tool begins a metamorphosis.

Many believed and still do, that the ESA was a brilliant tool that was going to make sure that man's eagerness to grow and prosper wouldn't come at the risk of destroying our flora and fauna. On a rudimentary level, who could argue the importance of saving species being needlessly destroyed. Rudimentary became intricate, convoluted, obscure, corrupt and difficult to understand. The hammer became a rusty vise.

In <http://mainehuntingtoday.com/bbb/2011/04/08/the-crippling-and-destructive-power-of-the-endangered-species-act-part-i/> Part I, I explained how that not long after President Richard Nixon signed the ESA, the first real test of the Act came when a biologist supposedly discovered a rare tiny fish living in an area along the Tennessee River where a dam was being built. As a result, an amendment was added to the ESA, thought to provide options. I wrote:

<blockquote>This amendment is believed by some to have actually made the language of the amended ESA even more strict, if that were at all possible, raising serious questions as to the purpose and who or what was behind it.**</blockquote>**

In 1973 and the result of the Tellico Dam litigation revealed the ironclad and inflexible language of the ESA. Add to that the misinterpretation of the intent of the ESA, the overreaching of the Federal Government, the abuse of litigation-addicted environmental groups, no concrete amendments to the ESA to ease this suffocation, and the giant vise becomes immeasurable, able to constrain the largest of objects while prohibiting the original intent. This all seems so asphyxiating and we haven't begun to discuss the international treaties that threaten our national sovereignty.

The United States Constitution, Article I, Section 8 reads, "[The Congress shall have Power] 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;". It may be difficult to ascertain which came first in our society. Was it the twisting of the words and intent of the Constitution by lawyers, eager to take advantage of judges more interested in "progressing" the laws of the land than interpreting them or did Congress realize the power they brandished in Article I, Section 8, Line 3, now more familiarly known as the Commerce Clause?

It may be a combination of both. Regardless, the proliferation of the Commerce Clause and how it might be applied in administration of the ESA, has left many a sane mind baffled. Whether we

agree with Congress' view on their power grab, matters little as invoking the Commerce Clause in ESA matters is very common these days and as such further tightens the grip of the enormous and growing vise.

Over three years ago, I began my serious research and self-educating about the ESA, Commerce Clause and international treaties as they pertained to the ESA. I knew at that time that [Hugh Hewitt](http://www.hughhewitt.com/blog/) was once an Endangered Species Act expert and legal council under President Ronald Reagan for that very purpose. I contacted him to ask him questions about the Commerce Clause, not being able to believe that what was written in the U.S. Constitution 220 years ago was intended to be used in order to protect endangered species. The response I got back was straight and to the point.

The ESA is an exercise of the Commerce Clause power, unrelated to Treaty, and that's where most of the big litigation has been in recent years.

In subsequent short communications and reading some of Hewitt's articles on the ESA, he warned that this continued power grab of the Commerce Clause in conjunction with extended intrusions into our lives by the Environmental Protection Agency (EPA), including the Supreme Court Ruling giving the EPA authority to regulate carbon dioxide, would destroy commerce in this country. The vise grows ever larger.

In recent years, some states have attempted some kind of push back against the federal government, believing the Feds are infringing on the state's Tenth Amendment rights, i.e. state sovereignty (*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.*)

It appears that the courts have always pretty much agreed that the Commerce Clause trumps the Tenth Amendment. Let me reference only one example, as there are many. http://scholar.google.com/scholar_case?case=2845651612071320093&q=gibbs+v.+babbitt&hl=en&as_sdt=2,10 *Gibbs v. Babbitt*

In North Carolina, a private landowner (Gibbs) and others, questioned the rule of the U.S. Fish and Wildlife Service (USFWS) that "taking" of red wolves on their land was forbidden under the ESA. The red wolves in question were part of an "experimental" population of wolves. The plaintiff (Gibbs, et al) challenged the USFWS rule as a violation of the Tenth Amendment, believing the state of North Carolina and thus the counties involved had the authority over the federal government to regulate its own wildlife. The courts disagreed citing the Commerce Clause as the

government's authority.

The court, in brief, explained that the red wolves were part of a "\$29.2 billion national wildlife-related recreational industry that involves tourism and interstate travel.", even referencing "'howling events'—evenings of listening to wolf howls accompanied by educational programs." Because these red wolves were believed to be a part of the commerce in the region and because red wolves moved freely about across state lines, the U.S. Government was the rule of law when it comes to red wolves.

Was this the intent of the Founding Fathers when they drafted Article I, Section 8, Line 3? Was it also intended or should it even be a part of our laws today that because Congress feels the need to dictate to the states what they can and can't do by overstating the Commerce Clause, they tread on the Tenth Amendment?

A simple hammer has become a tool that was never intended. I have heard the ESA referenced as the most powerful Act that exists in the United States and it may very well be. Perhaps that is why it has become so difficult over the years to propose and succeed at implementing much needed amendments to bring the ESA back to the simple hammer that was supposedly designed to save species.

As crippling and constraining as the ESA has become, we all should be asking what function does it now serve? Is it actually saving any species? How are we measuring the success of this Act? Or does any of this really matter anymore? Did it ever?

This is only one more aspect of the crippling and destructive power of the ESA, and I have barely scratched the surface. There's more, which just might be even more troublesome.

The United States Constitution reads in Article II, Section 2, Line 2; "2: He [president] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;"

Please recall in <http://mainehuntingtoday.com/bbb/2011/04/08/the-crippling-and-destructive-power-of-the-endangered-species-act-part-i/> Part I, I listed the treaties signed by our presidents and ratified by our Senate, that gives power to the administration of the Endangered Species Act. I'll look at those closer, later.

The United States Constitution, Article II, Sec. 2 in part reads, "He [the president] shall have

power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur;"

Even more importantly, Article VI, in part reads, "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

While you continue reading and taking in information I will present you, please consider Article VI and in particular "supreme law of the land" and "judges....shall be bound.....to the contrary notwithstanding".

How many international treaties exist that you are aware of that any U.S. president has signed, in which two-thirds of the Senate have concurred? It may frighten you to know and it may dishearten you to discover how those treaties affect our unalienable rights referenced for us in the Declaration of Independence. And how many of them are you aware of are the "supreme law of the land", and laws our judges "shall be bound" to uphold regardless of our own constitutions?

[The Endangered Species Act](http://epw.senate.gov/esa73.pdf), Sec. 3 (4), reads:

"(4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to—

- (A) migratory bird treaties with Canada and Mexico;
- (B) the Migratory and Endangered Bird Treaty with Japan;
- (C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;
- (D) the International Convention for the Northwest Atlantic Fisheries;
- (E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;
- (F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- (G) other international agreements;"

It is from the above that the Endangered Species Act (ESA) draws its power and authority. [Michael S. Coffman, Ph.D.](http://www.discerningtoday.org/problem_esa_full.htm) for the American Land Foundation wrote in 2002 that the ESA epitomized, "all anti-human, anti-property rights laws." He also points out that the opening sentence of Sec. 3, declares that the United States "cedes sovereignty to the international community" by saying it is committed to

upholding programs by the standards of the international community. Is any treaty, other than surrender, that cedes sovereignty to another, including an international entity, in the best interest of the American people?

When such treaties are signed and the administration of those treaties are in effect, the American people as a whole are ignorant of, 1.) the existence of the treaty, and 2.) what the treaty says and how it affects us all. But it's not entirely the fault of a deficient citizenry.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is an organization in which the United States is involved in some of those "other international agreements" quickly mentioned in the ESA, Sec. 3 (4)(G). More on UNESCO and others in depth at a later time.

The United State's involvement with UNESCO and other sub organizations of the United Nations (UN), involves the designation of "natural" and "cultural" landmarks/properties in which our signed treaties have given the U.N. power over. There are [guidelines crafted by UNESCO](http://whc.unesco.org/archive/convention-en.pdf) to the states (countries) on how to go about nominating a natural and/or cultural property of which each member state has sworn to do. It is clearly pointed out that those doing the nominating, in our case here in the United States, are to do so without "undue publicity". Now why would that be an important issue in an open society where once life, liberty and the pursuit of happiness were important forerunners?

In the same instructions they are told not to involve the local people so they can't "prejudice future decision-making by the Committee." Essentially they are saying that when the nominating committee here in the U.S. decides your state, your country, your town, or your own private land, is necessary for the preservation of "natural and cultural" properties and habitat world wide, you shouldn't know about it.

As I said, our ignorance of the ins and outs of these treaties isn't completely our own fault. Even our own government is insuring we are sheltered from knowing the truth. Ah, the dangers of big government.

Each of the treaties listed in the ESA are problematic to the United States in several ways. All of them in some form or other usurp this country's sovereignty, destroys our collective and individual independence, endangers our economy and makes shambles out of our property rights. In addition the "science" behind these treaties is often poor at best, non existent most of the time and is so poorly monitored and vetted for accuracy, detrimental events can take place destroying

human rights.

The [Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere](http://www.oas.org/juridico/english/treaties/c-8.html), is one of the listed treaties that empowers the ESA. The Convention claims to desire the protection of flora and fauna in the Western Hemisphere, along with, "scenery of extraordinary beauty, unusual and striking geologic formations, regions and natural objects of aesthetic, historic or scientific value, and areas characterized by primitive conditions". Doesn't that entail an awful lot of places in this country?

Signing onto the Convention, the United States agrees to establish, "national parks, national reserves, nature monuments, and strict wilderness reserves". When the United States has so designated lands and ceded them to the "Convention", they also must promise to prohibit, "hunting, killing and capturing of members of the fauna and destruction or collection of representatives of the flora in national parks". The Convention so designates the "park authorities" as the only ones who can make decisions on wildlife management, especially if it involves "taking". (Now you should better understand why the National Parks won't shut down and open them up to hunting to thin out game herds.)

Also included on the list of treaties within the ESA, CITES - [Convention on International Trade in Endangered Species](http://www.cites.org/). CITES primary function is to, "ensure that international trade in specimens of wild animals and plants does not threaten their survival." Sounds simple enough, except that there is still that area of concern over just who it is that decides what species to consider and above all the "science" that is used to determine how international trade is going to threaten a specie survival.

We know the abuse that can and does exist when international entities dictate to the United States what it can and cannot conduct for trade involving certain species. Such power can easily put a real damper on a country's economy. If such power is being wielded, shouldn't we have some sort of assurance that at least the science is compelling and accurate?

Appendix I on the CITES website, lists the Indian flapshell turtle as an endangered species. We know not why or how this turtle made the list of endangered species for CITES. We do know however, that because it was listed there, our USFWS decided to list that same turtle as an endangered species under our own Endangered Species Act. This is not real encouraging when one is of the belief that our ESA is an independent law. It was only after the listing that USFWS tried reviewing documents to support this listing and found none. Scurrying to save face, the USFWS contacted turtle experts and learned it was a very common turtle and had no explanation

as to why CITES would list such a species. Reassuring, eh?

Do we want to rely on some Third World, agenda-driven "scientist" to dictate to our nation what we must do with our properties, our wildlife and the habitat to support that wildlife? This example shows that our own scientist can't even get it right.

So far, I've only examined a couple of the "treaties" that empower the administering of the Endangered Species Act. Do you see why you and I have little or no say about matters pertaining to that Act and why the Federal Government refuses to act to satisfy the wishes of the people? Hamstrung by treaties that become "the supreme law of the land", forcing our judges to recognize and abide by those laws regardless of how it aligns or doesn't with our own constitution, is a serious predicament in which I have grievous doubts few Americans are even aware of.

I can offer no comfort and can only say it is even much worse than this. It's those "other international agreements" that will leave your mind boggled.

Please also consider that at around the same time our ESA was being written and was signed, was the same time frame in the U.S. signing of many of these treaties, including those I've yet to discuss.

As we've plodded along learning about who or what was behind the drafting of the Endangered Species Act, and why that Act is so crippling and destructive to the American dream, seemingly focused directly on our freedoms and achieving the ultimate "American Dream", perhaps even more troubling for us are those "other international agreements".

I briefly referenced UNESCO (United Nations Educational, Scientific and Cultural Organization) in Part III, so let's take a closer look.

On July 12, 1973, the United States signed on to the World Heritage Convention (WHC). (Is it mere coincidence that the United States signed onto many treaties and conventions all around a short period of time in which Richard Nixon signed the Endangered Species Act? I think not. It appears much of it was orchestrated and all geared toward accomplishing the same goals.) In 1972 the directive of the WHC was the, "protection of the world cultural and natural heritage". A strategy was soon developed to construct a "World Heritage List" that was "balanced" and diverse. In other words, they wanted more properties, of different kinds, in more countries.

The WHC strategy sounds oppressive and power seeking, that is unless you advocate the abdication of sovereignty while advancing a United Nations-led one world government:

By adopting the Global Strategy, the World Heritage Committee wanted to broaden the definition of World Heritage to better reflect the full spectrum of our world's cultural and natural treasures and to provide a comprehensive framework and operational methodology for implementing the World Heritage Convention.

This new **vision** goes **beyond the narrow definitions of heritage and strives to recognize and protect sites that are outstanding demonstrations of human coexistence with the land as well as human interactions, cultural coexistence, spirituality and creative expression.**

Crucial to the Global Strategy are efforts to **encourage countries to become States Parties to the Convention, to prepare Tentative Lists and to prepare nominations of properties from categories and regions currently not well-represented on the World Heritage List.** (emboldening added)

<http://whc.unesco.org/archive/convention-en.pdf> Article 8 of the WHC establishes that the WHC is part of UNESCO, a United Nations entity.

Because the U.S. is a signed member of WHC/UNESCO, we are obligated through this convention to designate and/or establish "World Heritage sites", i.e. Statue of Liberty, Independence Hall, Yellowstone National Park, the Everglades, etc. This convention also demands the protection of habitat for listed threatened or endangered species.

Ceding control of these public properties is troubling enough, but the Convention becomes even more far reaching. WHC/UNESCO is granted power through this treaty, signed by the U.S. to take "buffer zones" around "World Heritage properties" if they so deem it necessary for the protection of "their" property. These "buffer zones" can be as wide as 5 miles, or whatever is necessary to "preserve" world heritage. It just could be your land and your property.

Who decides what WHC/UNESCO will do? When WHC was established as a function of UNESCO, a "committee" was formed to administer the Convention. 21 members come from the membership of signed countries. "States Parties" include: Australia, Bahrain, Barbados, Brazil, Cambodia, China, Egypt, Estonia, Ethiopia, France, Iraq, Jordan, Mali, Mexico, Nigeria, Russian Federation,

South Africa, Sweden, Switzerland, Thailand, United Arab Emirates. Oops! Well, I'll be! The United States isn't even on this committee.

Three other seats on the WHC Committee are filled with a representative from each of the following organizations: [International Union for Conservation of Nature](http://www.iucn.org/) (IUCN). The IUCN, "helps the world find pragmatic solutions to our most pressing environment and development challenges". The IUCN brings together all the world governments, along with all the non governmental organizations, i.e. environmental groups, many of which are behind efforts like restoration of gray wolves and other stifling projects in the U.S.; [International Centre for the Study of the Preservation and Restoration of Cultural Properties](http://www.iccrom.org/) (ICCROM). Centered in Rome, the "ICCROM is an intergovernmental organization (IGO) dedicated to the conservation of cultural heritage. It exists to serve the international community as represented by its Member States". It should also be pointed out that the brainchild for ICCROM was UNESCO.; [International Council of Monuments and Sites](http://www.icomos.org/) (ICOMOS). An international organization, a branch of UNESCO in reality, focused on "conservation" with an eye to the preservation of "architectural heritage".

So, in addition to the 21 committee members from member states, UNESCO saw to it that their other international organizations covered, preservation of environmental and development properties (IUCN), preservation of cultural heritage (ICCROM) and the preservation of architectural heritage (ICOMOS). Again, these organizations and the utilization of them is not merely coincidental.

The WHC Committee, all connected and interconnected to and within the United Nations, sees to it that each member state fulfills its obligations to designate "World Heritage properties", including habitat to save threatened and/or endangered species. So who gets to decide which properties and which habitats from the U.S. get turned over to the WHC?

Please bear in mind that I am still writing about the Endangered Species Act. I have been trying to help you establish from whence the ESA gets its authority as listed but not well defined in the ESA Sec. 3.

The WHC Committee ultimately decides which properties or habitat will become listed as a World Heritage property. Even though some members of the committee can and do make "recommendations", i.e. they can recommend properties and habitat not necessarily in their own country, WHC has authority to work with non governmental agencies and/or non members of WHC

to derive a list. We know that U.S. groups like the Greater Yellowstone Coalition, American Rivers and the National Parks and Conservation Organization, worked with WHC to get Yellowstone, through UNESCO, designated as, "World Heritage in Danger". This was in 1995. (Note: Odd that this would happen at just about the same time gray wolves were being "reintroduced" to Yellowstone. So you now should have a better understanding as to how worldwide the effort was and still is.)

Are you beginning to get the idea that Americans are losing their parks and wildlife places, along with historic properties and vast amounts of land designated as critical habitat for endangered species, to someone other than just the United States Government? Is surrendering our sovereignty acceptable? Just who is in charge around here?

As a member of WHC/UNESCO, the United States works with the WHC Committee through the [US/ICOMOS](http://www.usicomos.org/), a "committee" in the U.S. that works toward living up to the requirements of the Convention. It's not an easy chore finding information on US/ICOMOS, but we do know that it is administered through the U.S. Department of State's Office of International Organization and the Department of Interior's National Park Service.

The authority to implement the World Heritage Convention and work with non governmental organizations (ngo) comes from passage of the [National Historic Preservation Act of 1966](http://www.achp.gov/nhpa.html) and subsequent amendments. The Amendment of 1980, which sequentially gave the U.S. authority to establish "heritage" places, fails to reveal that 7 years prior, the U.S. signed the World Heritage Convention and the purpose really of this amendment was to meet its obligatory responsibilities to WHC. Interestingly enough, the Amendment of 1980 states:

(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

It says it all without saying it all. Is it really "necessary and appropriate" that our federal government should expand its power and reach to take private property with the ultimate goal of essentially gifting it to international interests?

A Federal panel for World Heritage was formed within US/ICOMOS, also through amendments of the National Historic Preservation Act, to ensure administration of and cooperation with the WHC and to process nominations for World Heritage properties.

That panel is comprised of the following:

- 1.) <http://www.doi.gov/whowere/tomstrickland.cfm/index.cfm>>Office of the Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior;
- 2.) <http://www.nps.gov/index.htm>>National Park Service
- 3.) <http://www.fws.gov/>>U.S. Fish and Wildlife Service
- 4.) <http://www.whitehouse.gov/administration/eop/ceq/>>President's Council on Environmental Quality
- 5.) <http://www.si.edu/>>Smithsonian Institution
- 6.) <http://www.achp.gov/index.html>>Advisory Council on Historic Preservation
- 7.) <http://www.noaa.gov/>>National Oceanic and Atmospheric Administration
- 8.) <http://www.state.gov/>>U.S. State Department

While it is important to know from what organizations this committee represents, it is even more important to recognize that this committee has the authority to work with NGOs, i.e. radical environmental groups who could care less about the United States of America and have proven time and again that this is true. Membership to the US/ICOMOS is 500 strong I have been told but not able to confirm and made up mostly of non governmental environmental groups. What possibly could go wrong?

What has gone wrong is that the scope of what one might think began with only a mere administration of a committee to work with the World Heritage Convention, has actually grown so large in size with seemingly no end to it, that it is little wonder the Endangered Species Act is often considered the most powerful law on America's books and has become an implement to destroy this sovereign nation. Is this all by chance or by design?

As you can easily see, research into the connections of groups and individuals associated with representatives of the Federal World Heritage panel is mind boggling. There is no end to the power that exists that begins with one person or one group, nominating a piece of land, a building, a scenic vista, a museum, habitat to protect anything, environmental interests, and it can end with implementation of the most crippling and destruction law that exists in America today, foisted onto us by International powers. Is this the America envisioned by our Founding Fathers?

Most will say that even though all the elements are in place to allow authority of UNESCO over us, this has not and will not happen. Won't it? Hasn't it already, at least to some degree? After all, a treaty signed is the "supreme law of the land". The power is there. The process exists. It has yet to become necessary to exert that full authority because a satisfactory level of incremental steps toward cessation are enough to satisfy UNESCO.....for now.

So who really controls the UNESCO and how deeply rooted into UNESCO are the 8 representative organizations or their representatives to the US/ICOMOS?