

# The Virginia Land Rights Coalition

P.O.B. 85

McDowell, Virginia FOC 24458

L. M. Schwartz, Chairman  
540-396-6217

www.vlrc.org

July 4, 2005

Chairman Richard Pombo, House Committee on Resources  
US House of Representatives  
1324 Longworth House Office Building  
Washington, DC, FOC 20515

Re: "Fixing" ESA

Dear Chairman Pombo:

During the past year, there has been a nationwide focus on "strengthening," "updating," "modernizing," "fixing" or "improving" the Endangered Species Act, goals sought by a number of Property Rights organizations and by some members of Congress who believe the act is "broken."

Even though these proposals may be well-intentioned, I believe they are misguided and doomed to failure. They will fail, despite any illusory legislative "improvements," because politicians and judges continue to compromise individual Liberties recognized by the Constitution. That document is viewed by many in powerful positions as a "quaint" anachronism. They correctly see our Constitution as an impediment to their goal of the establishment of a global socialistic system of government.

As our governing processes have been transformed into an international circus, a growing number of Americans realize the ESA and similar 'environmental' acts are based on a well-documented United Nations plan, and they are not amused by foreign ringmasters deciding our domestic policies; nor amused by America's NGO clowns, such as The Nature Conservancy and their federally-supported "partners," working as agents for a global power elite.

As long as Congress supports the *status quo*, no amount of political "improvements" or tinkering with the ESA will deter new and more ambitious assaults on private property ownership. Why allow the opportunity for mischief to continue?

On June 23, 2005, you stated in a Western Caucus press release regarding *Kelo v. City of New London*: "It was cowardice on the part of the majority to handle this case in the way it did. Today's decision is reflective of the unlimited appetite of government and yet another notice that we must always be on guard against it. Whether it is done in the name of economic development or the environment, the taking of private property is fundamentally an assault on American liberty."

You are correct on several points, however, if read carefully, the decision was not born of cowardice, but instead, was the purposeful, logical extension of almost a hundred years of judicial usurpation, unchecked by either the legislative or executive branch. Congress has available effective, Constitutional options to rein in the federal judiciary, such as limiting jurisdiction and impeachment. Whether anything meaningful will be done by Congress to address the cause remains to be seen. We do not need more federal "laws" to address the effect. Being "on guard" against the tyranny of government's "unlimited appetite" is of little consequence if there is no will to stop feeding it.

If the *Kelo* decision *is* cowardice, as you state, how should 'we the people' characterize a train of legislative and executive abuses and betrayals of our Founding Law, compromising away every Liberty? The USA PATRIOT Act is but one example. Gradual erosion of the Right to Keep and Bear Arms is another; abdication of American sovereignty through NAFTA, GATT, WTO and now CAFTA; or the refusal to deal with millions of invading illegals...examples are too numerous to cite. If it *is* cowardice, the supreme Court certainly has no monopoly on it.

"...He has erected a multitude of New Offices, and sent hither  
Swarms of Officers to harass our people and eat out their substance."

If, on the other hand, it *is not* cowardice, how then should ‘we the people’ characterize it, along with the legislative and executive branches’ actions and/or lack thereof? It is clear neither *Kelo* nor the ESA resulted from ignorance or stupidity.

You and others believe the ESA can be “fixed.” I believe if you follow such an ill-advised course you are opening the door for more insidious political “amendment.” Because the ESA is driven by a globalist, environmental agenda, Americans will, at best, be tossed another meatless bone by one hand while the other federal hand continues to fatten tax-exempt, environmental organizations which bring legal actions, acquire more private land and erode the very meaning of private property. Is this the definition of “fix” in the Congressional dictionary?

Having followed the actions of The Nature Conservancy and the “land trust” movement for a number of years, including recently publicized investigations and revelations of wrongdoings, it now appears that situation will also be “fixed” by Congress. After the present mess is swept under the rug with “stern warnings,” government’s surrogate real estate agents, the “non-profit land trusts,” will continue “saving” private property by converting it into the public estate, using the ESA and its sister acts as part of their “toolbox” to create “willing sellers.”

The Endangered Species Act has not been successful at recovering species over the past 30 years. No objective person would argue the ESA’s record of “failure.” But few people in or out of government seem willing to openly state the obvious: the act was never intended to recover species. In fact, the purpose of the act has been to provide a vehicle to expand the reach and power of the federal government acting in concert with U.N. agencies, and their control of the American people and their property. Viewed as such, it has been a huge success.

As with the ESA, the Federal Reserve Act was, we are told, intended to do a number of beneficial things, including “maintain[ing] the stability of America’s financial system.” Since 1945, the FRN “dollar” has lost 90% of its value, hardly a measure of stability for the average citizen and property owner. Our real Dollar is a rare and endangered *specie*, virtually extinct. What does Congress propose for its recovery—having been complicit in gradually ‘taking’ the property of Americans for almost 100 years? To continue strengthening and modernizing the private, central banking monopoly, transferring and consolidating more control into a corporate cartel’s hands? The similarities between the two schemes and the lies told about them to the American people are obvious. Like the ESA, the Federal Reserve is the realized dream of the international socialist elite.

I suggest Congress needs look first to our Constitution for guidance. There is no Constitutional authority for the ESA (or for 90% of all else done in Washington). On that basis and with the goal of protecting our national sovereignty, you should be doing everything within your power to kill this foreign, invasive pest.

Perhaps your presently charted course is based on awareness of “political realities.” But I believe you know, in your heart, along with others in Congress and untold numbers of us “little guys” out here on the receiving end, the “political realities” are not going to change until principled, no-compromise, leadership positions are taken by those who have been elected to represent the interests of American citizens, not global socialists.

We may debate whether *Kelo* and the ESA were rooted in cowardice or in tyranny, but on July 4<sup>th</sup> there should be no debate about allowing continuance of either motivations or manifestations.

Respectfully,

L. M. Schwartz