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IN THIS ISSUE

Our lead segment has to do with the growing use, and in many cases misuse, of the right of eminent domain by local governments to forcibly acquire private property. Our initial interest in this topic derived from the US Supreme Court's decision last June in *Kelo vs. New London*. Since then we have found the subject (and its abuse) far more widespread than we had imagined.

We will provide incumbency reelection figures for the 2004 Congressional elections and offer some comment on the arguments as to how, why and if New Orleans should be rebuilt.

Finally, we will continue our comment on various aspects, as they appear, of our involvement in Iraq. What is playing out there is a fascinating and dramatic struggle between several forces. Unlike in many other wars, we have not been able to isolate any single event or moment that seems to assure an outcome. Rather, we see ourselves constantly studying reports and claims in the hope that from the ever-changing mix of news we will identify a voice, a gesture, a question, a claim or denial which may have the ability, if followed, to lead us out of war to peace.

IN OUR NEXT ISSUE

Our first two issues in 2003 were devoted entirely to our nation's growing immigration problem. Since then the political and public response throughout the country has undergone great change. As our main topic we will explore this change and what impact it may have upon the Congressional elections this year and the presidential contest in '08. In doing so we will attempt to bring into a reasonable focus the multiple forces and issues both on and below the surface that make this such a difficult and demanding problem. And, after six months of research and calculation, we will provide our estimate of the number of Iraqi deaths attributable to our incursion.

THE RIGHT OF EMINENT DOMAIN IN 21ST CENTURY AMERICA

“... nor shall private property be taken for public use without just compensation.”

US Constitution, Fifth Amendment.
Ratified Dec. 15, 1791

The Right of Eminent Domain (“RED”) was part of our British inheritance and carried with it resentment of its abuse under royal prerogative. As it concerns itself with the strongly emotional confrontation between public power and private property, it is not surprising that language was included in the Bill of Rights that would modify and define our American use of this power.

Our founders were willing to concede that the public good overruled individual preference in our democracy,

but insisted that any taking of private property be for the public's common use/benefit and be accompanied by just compensation. The key words in the above “takings clause” are, as we shall see, “public” and “just”.

There appeared to be a general, if unspoken, acceptance of this principle in its application by various entities and levels of government over the course of our first two centuries of growth.

On June 23 of last year the Supreme Court issued a 5 to 4 ruling in the case of *Kelo vs. New London* that totally changed the concept of RED and how it might be employed in the future. We have witnessed startling high court decisions before that have transformed the way Americans think and live. This one seems to us to

rise to that level of significance.

The Kelo case responded to a plan by the City of New London, CT to undertake an urban redevelopment project on ninety waterfront acres at the center of which would be a \$300 million pharmaceutical research lab for Pfizer Inc. Service businesses, high-end housing, office space, a marina, etc. would also be built. New London officials estimated that the project would create hundreds of jobs and \$680,000 in property tax revenues. The job factor was seen as especially important, as ten years ago the Naval Undersea Warfare Center had been closed, causing a loss of 1,500 jobs.

Within this tract there were 15 homes on about an acre and a half, one of which belonged to Susette Kelo. Kelo and some of her neighbors filed suit and after being rejected by the Connecticut Supreme Court appealed to the US Supreme Court.

The crux of the case is the definition of the word “public” in the Fifth Amendment’s phrase “public use”. Historically, “public use” has been applied to projects such as libraries, parks, highways, bridges, tunnels, and schools etc. that would directly serve and be open to the public, and from which all would, or could, benefit.

The thunderbolt in New London’s plan was that the private property being appropriated by public condemnation was being turned over to various non-public commercial interests! New London cited as justification for its use of public authority on behalf of private businesses that the public (i.e., the city) would benefit from the increase in tax revenues from Pfizer and other new owners.

Public access up to now has been a key element of public use. The use of land by parks, libraries, schools, etc. has an entirely different flavor and quality than that offered by a private laboratory and parking lot under security measures designed to keep the public out.

The High Court’s decision seems to turn a couple of hundred years of RED litigation on its head. Quite simply, it takes the public out of “public use”. However, there was

yet another shock to come.

“... and bull-dozers and back-hoes are parked and waiting in the street.”

In our reading of the Court’s opinion it seems to suggest that people resisting RED property seizure should seek redress through their state legislatures. Such a suggestion might be suitable on a long time-line for crafting future legislation that would amend the states’ general statutes, but it lacks any sense of reality in dealing with a seizure order when an eviction notice has been issued and bull-dozers and back-hoes are parked and waiting in the street.

In early societies tribal chiefs or kings held all power and it flowed from them to their subjects. Land, money, jobs, titles, contracts and other favors were usually dispensed directly by the ruler at regular sessions when petitions were heard.

As we moved away from those simpler times and governments towards nations with legislatures or parliaments that were called from different areas and distances, it became clear that a petition process directed at such a large body could no longer serve the public’s need – efficiently, economically or politically.

The vacuum created in government by this failure was increasingly filled by expansion of the judicial function. It enabled the citizen to have prompt access to the law in order to challenge or clarify it. And, equally important, it removed these two functions from the purview of the legislatures that created the laws, thereby introducing the concept and possibility of an independent judiciary as an effective part of government.

* * *

Our reaction to the Court’s decision was so incredulous that we decided to look elsewhere for further information. We found highly questionable instances of use of RED power in Ohio, Montana and

Florida where arbitrary judgments, seemingly mostly political in nature, caused great pain and hardship to those whose properties were condemned.

In many local statutes the existence of “blight” in a neighborhood is sufficient reason to exercise RED. But in far too many instances it is applied in a way that serves political purpose while ignoring actual fact. The result is that areas are often shown as blighted vacant lots or decaying housing on a community redevelopment plan when actually they contain well-maintained houses with neat and attractive landscaping.

In eminent domain matters blight, it seems more often than not, is in the eye of the beholder, and its definition very much a matter of subjective judgment.

Some of the accounts of those who have faced RED procedures are heartrending, involving people who have spent years paying mortgage and maintenance expenses in order to have a debt-free home for their old age. This is one of the two main reasons that over the years local politicians have been reluctant to apply RED unless its benefit was clear and broad. The other reason is that the RED process inevitably conjures up an image of state power directed against and overwhelming a defenseless individual.

“... the use of eminent domain takings has soared nearly 400% in the last three years.”

Reluctance? Hardly; not today. It’s a nice thought, but, even though the political forces know our human sympathies tend to lie with the individual, the money and power (our political DNA) are just too much to reject. The result is that the use of eminent domain takings has soared nearly 400% in the last three years.¹ Reluctance? On the contrary, what we see looks more like a growth industry.

What are the forces that fueled this change in attitude and practice? Well, the first, not surprisingly, is

population growth. Remember that our population is increasing by about 3 million annually and that for each added unit of population an acre of land must be given over to development for schools, highways, housing, etc.

This presents many localities with the unyielding reality of increased demand and decreasing supply. That part of the expanding population that finds it necessary to be near urban areas makes necessary the extension of suburban areas to ever greater distances from the downtown centers. The latter have experienced a steady loss of use and population during the post-war period because of changing workforce, residential, shopping, traffic and parking patterns. Any reinforcement of city to suburban population movement by new industry further hollows out the downtown area.

But there comes a time when the availability of land to newcomers is outweighed by its increasingly distant location. When the new arrival appears with an open wallet, an expression of mutual interest and a strong marketing plan, local politicians' heads are turned, their hearts won and the moment for urban renewal has arrived.

* * *

TUCSON, GILA BEND AND WITTMANN

Our study of the use of RED in America today led us to the curious events in these three AZ localities, where we found a most unusual and cynical example of government's power to destroy long standing rights of property ownership.²

Technically, the events in Arizona do not constitute a "taking" under RED, as the mechanism employed was the passage by the state legislature of an enabling law that changed existing zoning regulations, but the result was the same — the appropriation of property rights by state government without just compensation to create future financial benefit

for either the state or private interests designated by it.

This is a complicated drama with many players from local and state political offices, as well as military and civilian participants in Washington, and a group of property owners whose rights and values were largely nullified by the passage in the State Legislature of House Bill 2141 (HB 2141).

The property owners have joined together in a protective group, the Arizona Coalition to Protect Property Rights (ACPPR) and claim that the terms of HB 2141 amount to a "taking" of their rights so that the properties can be commercially developed in the future. In this dark tale we find both instantly recognizable and forgettable names, and stealthy actions. We have tried to reduce them to capsule form, although their interplay is the material from which epics can be created. Our present concern may only be with a piece of distant local legislation that targeted a small group of unsuspecting property owners, but it raises issues that can move mountains and shake governments.

* * *

In May of 2004, the AZ State Legislature unanimously passed HB 2141 under the title "Special Road Districts; Technical Correction". This passage was both quiet and quick and provided the public with only minimal information of its existence, and even less of its true purpose. Marilyn Jarrett, the president of the AZ State Senate, revealed afterwards that she had not read the bill, but had voted for it at the end of the legislative session at the urging of its sponsors who stated that "nobody was getting hurt."³

Just what is HB 2141? That is not an easy question to answer because it has been different things to different people. It reclassifies property rights for three separate geographical areas in Tucson, Gila Bend and Wittmann — with a combined population of about 12,000.

The Wittmann property is located about 20 miles from Luke Air Force Base ("LAFB") and is adjacent to

an area referred to as LAFB AUX 1 where pilots practice instrument approaches and exits without landing. The Wittmann property is classified as an Accident Potential Zone (APZ).

HB 2141 drastically rezoned this APZ and prohibited the property owners in the three areas ("the effective area") from making any additions or repairs to their existing homes or from undertaking new construction on vacant land. This was to be accomplished by the denial of construction permits at the county level which would have precluded repairs for storm, fire or other catastrophic damage, and which effectively brought real estate activity, including mortgage financing, to a halt.

"In fact, HB 2141 . . . completely devalued the properties in the effective area."

Under HB 2141 compensation for properties taken by public entities was set at about 1% of current market value with payment to be spread over 20 years. In fact, HB 2141, which was to become effective on January 1, 2005, completely devalued the properties in the effective area.

However, even the most deliberate deceptions can be undone by simple chance or accident, as happened with HB 2141. The Maricopa County Board of Supervisors jumped the gun and in October, prior to the bill's becoming law, shut down its construction permit process in the LAFB AUX 1 area. As no previous announcement had been made, this was the only means by which the LAFB AUX 1 owners were informed of HB 2141's impact upon their property and lives. Determined to resist this "taking" of their property by reducing its value, they joined together to form "ACPPR" to seek legal advice and public recognition of their plight.

At this point, the HB 2141/LAFB AUX 1 situation seemed to be no more than an ill-advised legislative effort of uncertain purpose that was clumsily activated at the county level.

But at the end of 2004, just before Governor Janet Napolitano was to sign the bill, it was announced that its title had been changed to “Military Airports Development; Planning; Zoning” and its stated purpose was to save LAFB from closure by the Department of Defense under its Base Realignment and Closure (“BRAC”) authority. A local campaign, totally unnecessary as it turned out, to “SAVE LAFB” was launched by HB 2141’s proponents through the media and personal statements.

With this new emphasis the whole concept and motivation behind HB 2141 begins to change. The reach of what had seemed to be a local issue now extends to Washington and the Departments of Justice and Defense, and we must change our viewing lens from local to national and even international focus.

It seems to us that ACPPR had strong legal grounds under both AZ law and the Fifth Amendment to resist HB 2141. Without going into extensive detail as to case law we find specific contradiction of HB 2141 in Article 2, Section 17 of the AZ Constitution:

“... whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.”

And at the federal level, we find equally specific language that disqualifies HB 2141 as part of the BRAC process:

“(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.”⁴

This prohibition was given administrative support by the comment

of a Pentagon spokesman:

“If local governments think they can lobby and spend lavish amounts of money to influence the closing of bases, they are wasting both their time and money.”⁵

With language as specific as the above and bearing in mind that HB 2141 challenges our legal system’s general aversion to retroactive laws, one cannot help but admit the possibility that other forces and values drove the passage of this bill from its inception.

* * *

If HB 2141 violates both state and federal laws and is thereby precluded from its stated use, just what is its real purpose? To come up with a plausible answer we have to sort through what is mostly circumstantial, but persuasive, evidence. To do so we must go back to the Clinton/Bush Sr. election in 1992 when independent candidate Ross Perot first introduced NAFTA to the American public by intensely and frequently denouncing it.

NAFTA, the North American Free Trade Agreement, was bitterly contested in Congress and eventually passed in the House by one vote. More recently, it has been followed by CAFTA, which provides similar legislation for the Central American/Caribbean area which again only passed in the House by a close two vote margin. Proposed and planned but not yet submitted to Congress is a third bill, the FTAA, which will include all of South America.

We have opposed all three agreements for a variety of economic, security and cultural reasons, as their intention is to remove most physical and economic borders between South, Central and North America in order to further a free flow of products, services and labor between them.

The administration of these agreements is mostly in the hands of appointed, not elected, representatives who control the decision making and appeals process by force of numbers and whose interests are rarely aligned with ours.

Powerful pressures from corporate America and pro-immigration interests are capable of overwhelming any mild resistance offered by non-caring and non-suspecting Washington. We view the real motivating force behind these “trade” agreements as political, not commercial, and that, if not curbed, they could bring about the greatest self-imposed loss of sovereignty since the fall of Troy.⁶

We do not intend to explore in detail the concept of a single economic/political entity similar to the European Union in the Western hemisphere except to say that we believe special interests are its prime sponsors and will be its main beneficiaries.

“Big money will be spent — and *made*.”

For our purpose in determining the real reason for HB 2141 we must keep in mind the image of the hemisphere’s flow of goods, money and people. One of the methods of implementing this flow established under NAFTA is the construction of a transportation “spine” that will run from Mexico through AZ to Edmonton, Alberta. It is called the Canamex highway and will be accompanied by service areas, storage sites, hotels, restaurants, shops, local airports with their satellite services, and trans-shipment facilities. This is a *big* project. *Big* money will be spent — and *made*.

* * *

Back to HB 2141 — why? The one thing shared by the three communities specified for uncompensated rezoning and construction restriction under HB 2141 is that they all lie adjacent or near to the Canamex route. Agreement in any state legislature is not an easy process. And yet a group of normally divided politicians join in identifying three sites for legislative restrictions.

This was no coincidence!⁷ It was, in the language of Wall Street, a “done deal”, and the HB 2141 property owners, on learning of the Cana-

mex connection, can see their plight as resulting not from a local issue, but rather from an international “trade” treaty which offers the prospect of financial profits to the participants and/or as yet undesignated private interests.

Quite clearly, HB 2141’s devaluation of the property located near the Canamex route allows it to be acquired “on the cheap” for necessary rights of way and/or later commercial development.

Any effort involving the meshing of local, state, national and international political gears requires an extremely efficient lubricant that will maintain the project’s momentum and continuity against potentially disruptive forces from both without and within. This lubricating function is often provided by a political person with power at every level.

In the case of HB 2141 that person has been Senator John McCain whose interest and sponsorship are equally present in HB 2141 and NAFTA/CAFTA. At the local level Sen. McCain is on record in 23 media references backing HB 2141 to keep LAFB open even though federal regulations prohibited the local measures he supported.

In the Senate, McCain was a forceful proponent of both NAFTA and CAFTA. Both bills offered the lure of greater border security to attract wide support, but their real effect has been and will continue to be to facilitate cross-border commercial traffic and to attract ever more illegal aliens and “guest workers” to our country’s many benefits.

The Canamex transportation “spine” is planned as an integral part of this program. We refer to it as a “spine” because, as now planned, the Canamex highway project will include over 40 different East/West and North/South routes.

A publicly stated aim, and probable consequence, of these hemispheric “trade” programs is the effective erasure over time of our southern and northern borders, and the creation of a new economic entity initially composed of Canada, the US & Mexico.

Actually, the Canamex highway

is only one of many projects in process intended to integrate much of our government and trade regulations with those of our neighbors.

This was the way the European Union began, and we can easily recall the extended negotiations for currency realignment necessary to move member states to abandon their own currencies and adopt the Euro.

Any similar process in this hemisphere involving Mexico, Canada and the US would most likely devalue our dollar and raise the peso and Canadian dollar. Under this scenario Mexico would gain the most; we would lose the most; and Canada would gain also, but less than Mexico.

In local AZ areas where the true purpose and effect of HB 2141 have been revealed, and Sen. McCain’s political power felt most strongly, this road project is frequently referred to as the “McCainamex” highway.

As we said before, the ACPPR is dealing with politics at many levels. It faces litigation that will probably be both lengthy and expensive, as it will be fighting entrenched political interests. In the beginning, when it was seeking legal advice, two law firms offered their services, but then had a change of mind/heart and withdrew as the political facts made themselves known.

There’s no telling now whether ACPPR will be successful in its effort to resist this land grab, nor how the lives of its members will be affected by the devaluation of their homes and lands. But, whatever results, this is a sorry chapter in the history of the rights of property owners in our country.

* * *

While many people have become familiar with the NAFTA/CAFTA names, the details of the Canamex highway as to route and cost have not been as widely publicized. Herewith a couple of examples of current highway construction that we think will be part of the Canamex corridor.

A six-lane by-pass road 45 miles long will take traffic around Kingman, AZ and Boulder Dam. It will cross the Grand Canyon by means

of new bridge with a 1600 ft. span 1500 ft. above the river. The span will be free-floating with no vertical supports. The price of this project is stated as \$297 million, and construction has begun.

Salt Lake City is undergoing a \$500 million program of widening its major highways to 8 lanes and strengthening and/or replacing their bridges. This construction has been described as necessary to host a winter Olympics, but this project is on the Canamex route and appears to anticipate far greater traffic than what would be necessary to serve a couple of months of Olympics’ competition. The Canamex highway could accommodate it, and much more.

Recently, our government has accepted the entry into this country without any inspection of trucks that are pre-sealed and pre-approved in Mexico by Mexicans. In addition to legitimate commercial goods these vehicles might also carry arms, terrorists, prostitutes, illegal aliens, uninspected goods, gang members and would appear to be a drug dealer’s delight.

This poses an open invitation to corruption of all kinds at many levels and Mexico has had, and continues to have, one of the most corrupt government structures known. We have become accustomed to a flow of contraband across our borders and have satisfied ourselves that reality only permits us to attempt to restrict it as best we can without antagonizing our neighbors.

NAFTA/CAFTA’s elimination of borders and controls, we think, will be a disaster and bring about a massive cultural alteration, especially in our western plains states that lie between the Rocky Mountains and the Mississippi River.

Using an international viewing lens, the proponents of a single trade zone without borders envision a hemispheric economic entity with origins, and the possibility of future development, similar to the EU.

It’s also fair to assume that they believe that the present and future oil reserves from Cape Horn to Canada’s northern rim could provide energy independence from present sources

in areas wrecked by political and religious strife.

Such a vision is not without some appeal, but the NAFTA/CAFTA/FTAA must be recognized for what it is – globalism on the march! Globalism comes to us from both government and the corporate sector wrapped as a one-size-fits-all blueprint for the future.

There are, however, several drawbacks that should be stated. First, not all growth is good and many countries today face severe population, economic and environmental problems that are due to overgrowth.

Secondly, the globalism genie will not be put back in the bottle. It has been set in motion by the commitment of private and governmental bodies throughout the world. Money has changed hands and it is doubtful that even its sponsors could reverse it.

Thirdly, as we shall probably see as the Canamex highway pushes further into our western states, the impact of globalism can reach deep down to the very roots of our social, economic, political and environmental existence. By its nature it must realign cultural and currency values in ways that are not always predictable and that may cause hardship, injustice and/or pain.

These negatives are not part of the high-level corporate or bureaucratic planning sessions, and are rarely mentioned in the public announcements that emerge from them.

Take note, America! The life that's lost will be your own!

* * *

INCUMBENT REELECTION RATES

SLOW DEMOCRACY AT WORK ?

You may recall highway signs with the message “SLOW – MEN AT WORK” which was then largely replaced by “PERSONS AT WORK”

to assure our gender sensitivity. Today the above politically accurate title might well be posted at the entrance to the Capitol in Washington.

We now have the Congressional incumbent reelection rates for the 2004 elections.⁸ In the House, out of 404 candidates seeking reelection 395 were returned for another term – a 98% victory rate. And in the Senate, 25 out of 26 contestants, or 96%, prevailed.

And then, again, there's Florida where in 2004 103 out of 142 seats were uncontested, and no incumbent congressman or state legislator suffered a loss. That works out to a 100% reelection rate!

These figures pose a couple of questions. How is it that our democratic system that is based on free and multiple choices now delivers statistics that any totalitarian system might find satisfactory?

And, even more challenging to our present sense of government, at a time when both our personal politics and policies are so intensely polarized, how is it that our legislative structure shows such continuing uniformity and resistance to change?

The answers, of course, lie in our political DNA — money and power.

* * *

NEW ORLEANS – REBIRTH OR REPEAT?

Back in the early '50s we worked for a month at the tip of the Mississippi delta where land and sea were joined in a flat, inhospitable marshland mostly covered by clumps of brown grass. Today much of that marsh has been taken over by the sea, and towns such as Pilottown, Burrwood and Port Eads no longer exist. This relentless reclamation of coastal areas, whether by gradual erosion, rising sea level or catastrophic storms, if honestly confronted, raises real questions about the extent and success of the government's attempt to rebuild New Orleans in its former image.

Albert Einstein characterized insanity as doing the same thing over and over again and expecting a different result. Human efforts to oppose and control nature should keep Einstein's definition in mind. We set goals for ourselves to dominate nature and alter it for our own purposes. In doing so, we see ourselves as a contesting force capable of competing on a shared playing field.

“. . . and, far from being its equal or its master, we are merely a part of it. . .”

Nature harbors no such illusions. It recognizes no other force because, in the long reach of time, man and other species will come and go. Only nature will continue to inhabit the playing field. To nature there are no other forces. Whether it is God's language or laboratory; or whether nature is merely a cosmic instant when life and science touched on Earth; it is a continuum. Nature is; and, far from being its equal or its master, we are merely a part of it whose time and destination will be decided by it, not us.

And yet, the failed part can destroy the whole. In man's historical relationship with nature we have not had that capability. Today we do, with the result that our failure as a species to preserve our environment could destroy ourselves and nature *as we know it*.

New Orleans was a tragedy waiting to occur. It occupies a bowl-shaped area below sea level almost totally surrounded by three bodies of water – Lake Ponchartrain, the Mississippi River and the Gulf of Mexico. The destructive power of this formidable alignment had been mostly held in check, until this year, by a system of man-made levees and canals, and the good fortune that the impact of water from the Gulf was not directed at the weakest point.

The damage caused by Katrina was magnified by the government's decision last June to cut \$71.2 million (44%) from the Army Corps of Engineers New Orleans budget

and its emerging policy to ignore increasing threats to wetlands. In both cases it appears that primarily scientific issues have been settled by political/ideological decisions.

Katrina in New Orleans and other catastrophes elsewhere raise the question – Are we the modern King Canute,⁹ commanding the sea’s obedience? In a time of rising sea levels and increasing development of coastal land, do we follow Einstein or Canute? And, if the latter, what cost is to be seen as affordable for the expenditure of taxpayer funds upon a series of local repair and recovery projects that may have only a short life span?

While it may seem heartless to weigh cost and humanity on the same scale, the financial effect of opting for Canute is probably greater than our economy/society can, or should, undertake. The government has estimated and indicated approval of \$200 billion dollars for relief and reconstruction in LA, TX and MS, but, of course, that is bound to grow.

Any extended program, running as this one will for a decade or more, will become encrusted with layers of corruption, litigation, contract/labor disputes, political competition, delivery/design delays and continuing price increases. In all probability what emerges upon completion of this program will bear little resemblance in design or cost to what is now proposed.

“. . . folly on a grand scale.”

What seems evident to us is that any sensible rebuilding program should be responsive to the actual demands of local citizens and commercial activities. This means starting small and repeatedly testing the program’s concept and accomplishment. Any attempt to “build it bigger and better” and hope that it will be the same as it was qualifies as folly on a grand scale.

New Orleans was quaint, historic and unique. There is no guaranty that these qualities, on which its tourism industry was based, can be repli-

cated. Its role as a convention center may not be replayable, although the French Quarter can probably continue as a valid tourist destination, albeit on a reduced scale.

There are parts of the city’s economy, such as its petroleum shipping, storage and refining facilities, that can be repaired relatively quickly and with private capital. Availability of vacant land, as the result of widespread destruction, can permit the expansion of these facilities and/or attract new enterprises that would benefit from relocating near to them.

There is an inviting opportunity now to create a partnership between the city and the oil companies with processing facilities in it to undertake renewal in an agreed upon zone, and to provide within it the housing and transportation services that will be critical for the success of any redevelopment effort. State and federal involvement should be minimal in order to save time and reduce conflict.

Residential redevelopment is far more difficult, as public funding will be required to rebuild many homes for those who wish to stay and to compensate those who would rather go elsewhere.

Many of the destroyed and vacant areas can be put to open uses such as parks, parking, traffic improvement, etc., but throughout the process, regardless of what level, choice or area is involved, it will face daunting property rights problems.

And, recalling Pilottown, Burwood and Port Eads, one has to question whether remaking destroyed areas in their former image makes sense, if their new life expectancy is no more, and perhaps less, than the three towns that disappeared from the delta.

There is a remarkable opportunity in New Orleans for urban planning on a large scale such as that created by the great fires that destroyed much of London and Paris three centuries ago, and made possible their beautiful and symmetrical reconstruction. Unfortunately, given today’s political mechanism, such an outcome is unlikely, and we may just have to hope for the best.

For New Orleans to succeed in its rebirth it may have to create both a new persona and a new city.

* * *

For another view of the conflict between nature and our “build any place” pursuit of commercial development we travel west to our country’s most populous state, CA, where its capital, Sacramento, sits just west of the Sierra Nevada mountains.

Here two rivers, the Sacramento and the American, join and pursue their course west to San Francisco Bay and then the Pacific. Both of these rivers originate in the mountains and are fed by numerous other small tributaries which rush down the steep mountainsides. The natural catastrophe in waiting here is a combination of heavy winter snow accumulation on the peaks with a sudden warming that would release a flood of enormous destructive power.

Throughout the area above, in and below Sacramento levees have been built to contain any such overflow, but these are not Army Corps of Engineers levees. They were originally built in the nineteenth century and are too small to provide effective protection against a truly major flood. Another drawback is their friable soil which weakens their structure.

At Sacramento where these two rivers meet, some of the city’s prime residential real estate lies below the levee and is separated from it by only the width of a two lane road. The water coursing through its channel threatens the adjacent residences in three ways. It can flood over the levee, it can seep through it and it can scour out its side causing it to collapse. Given the right combination of weather factors, the river, swollen by thousands of gallons of run-off, would demolish the levees and cause great damage.

But the worst and greatest folly is in the making below Sacramento in the broad, flat flood plain that leads to San Francisco Bay. Here plans have been developed and approved, and construction commenced, for many thousands of homes. These are not the aged, wood-frame, small houses

built on short brick supports that formed the basic sub-poverty level housing of New Orleans.

Rather they are upscale, of brick and wood construction and are priced at half a million dollars and more. The builder states that prospective buyers are informed of all pertinent risks, and changes the subject as quickly as possible.

Meanwhile, a little over 200 miles south of Sacramento the San Joaquin River emerges from the Sierra National Forest, turns north and then just above Stockton empties into Suisun Bay, as the Sacramento does.

This wide flood plain bounded on the North and South by these two major rivers also is the terminus for other rivers. All are, of course, much smaller than the mighty Mississippi, but the latter makes its way to New Orleans mostly through the flat farmlands of our Midwest. Not so in CA where both the large and small rivers running from their snow-peaks to Sacramento achieve a velocity that will translate into enormous damage if the century-and-a-half old levees are breached.

In CA we are 3,000 miles west of New London and face a different ocean, but the origins of risk are the same – pressures from population growth and commercial development. Some day many people will read about a disastrous flood in the Sacramento watershed and will be surprised. A few, far too few, won't.

The physical characteristics of the threats posed in New Orleans and CA are very different, but they pose the same urgent questions. In a time of increasing natural destabilization and catastrophe does it make sense to continue to attempt commercial development in areas of high disaster potential such as flood plains, fault lines and coastal areas?

And, if the answer is “yes”, should public funds be used to bail out the private buyers and sellers of destroyed property in these high risk zones?

Pilottown, Burrwood and Port Eads were real places fifty years ago, and catastrophic damage is expected to be even greater in the next half

century. Einstein or Canute?

* * *

IRAQ CANDID CAMERA

There are those rare moments across history when the actions of men and governments are starkly revealed as truth, like a thief caught by flash camera committing a crime. These moments are neither burdened nor obscured by the usual excuses, denials, spin, deceptions and exaggerations that have been used to disguise the true motives and methods of leaders lured by the pursuit of military, political, religious, economic or territorial dominance.

Such a moment occurred on Wednesday, November 23, the night before last Thanksgiving Day, when the BBC led off its flagship international nightly TV news program, BBC World, with coverage of American troops in Baghdad having found evidence of the detention and torture by Iraqi government forces of Iraqis suspected of insurgency ties.

According to this report, over 150 prisoners were held in a single room for periods of up to six months without being charged or tried. Various forms of torture and torture equipment had been employed, including allowing those held to use the toilet only once every two days, even though many suffered from disease and diarrhea.

We need not argue about the guilt of the detainees, nor whether their treatment complied with the declarations of the Geneva Convention. Historically, what we saw was fact. It was reality. It was “one picture is worth a thousand words”. It was, quite simply, Iraq's past and its present and possibly, but hopefully not, its future captured and frozen in time.

“. . . the new Iraq
prefers the old ways.”

After almost three years of war and nation building designed to bring about a democratic state that would

reflect our western values; and after using every pressure available to us to create both a constitution and a working government based on it, we find that the new Iraq prefers the old ways.

This was a shoe that was bound to drop, in our opinion. But it is not the only “shoe” remaining in Iraq. The ultimate price we will pay for our Iraqi adventure can only be determined long after we remove our forces, when we see how many more “shoes” drop and the extent to which the Iraqi people and government will continue to prefer their “old ways”.

When, inevitably, the time comes for us to leave, just as inevitably there will be claims of accomplishment from both Democrats and Republicans to make our actions look as good as possible before bringing down the curtain. Nothing new about that; it's time-tested politics, but our presence in Iraq has raised questions about the exercise of power in twenty-first century America.

For, if we do not ask and answer these questions, it is likely to be only a matter of time and circumstance before the process is repeated.

* * *

SHREWD MOVES

We cannot identify in advance those of today's events that will develop over an unknown time period into the broad-brush strokes that reveal the movement and/or direction of history.

While Iraq may or may not be “the central front in the war on terrorism”, it is most assuredly a stage upon which the US projects its role as superpower to a vitally interested and critical audience of other nations, cultures and religions. To compound the difficulty of accurately interpreting this political theatre, the US message is delivered through multiple voices to an audience in constant flux of arrivals and departures.

One recent (early December) development seems to stand out as a forecast of what the future may bring. We note that the Iraqi interim government has made an agreement with

Iran for the latter to assist in training Iraqi security forces. These two neighbors, known more for conflict than cooperation, have also entered into a trade agreement for certain agricultural products, and Iran has opened a billion dollar line of credit in Iraq's favor to enable further commercial exchanges.

The compelling questions posed by these actions are: "Why this?" and "Why then?" We must recall that Iraq and Iran have a long history of hostility between them and that, as recently as their war in the early '80s, Saddam Hussein employed biological weapons supplied by us against his enemies, notably the Kurds in the north and the Iranians along his eastern border.

"Why this?" It may be only that the Iraqi government, reading the US political tea leaves and the increasing anti-war sentiment in which they are brewed, realizes that the US military presence will be greatly reduced or withdrawn sooner than appeared possible as recently as last summer.

Far more likely, however, is that this rapprochement between two former foes carries with it the possibility of a highly significant change in the real-politik of the near East.

These two countries are now controlled by Shiite political/religious parties with that of Iran's new president, Mahmoud Ahmadinejad, viewed as being the more extreme, anti-western of the two.

But that is only a matter of degree. The real importance lies in Iraq and Iran finding sufficient common cause in today's Muslim politics to put aside their previous differences. There is the possibility that this change in attitude is cast in the same cynical mould as the Hitler/Stalin non-aggression pact in August of 1939, and that both countries are buying time for their own reasons, but we think not.

The fact that will not go away is that this movement to the east by Iraq unites two very oil-rich predominantly Muslim countries in a way that has the capability of redrawing the power map of their region and our role in it.

It is almost impossible, given

these circumstances, to see Iraq as a beacon for democracy in the new near east that will result from our military invasion and presence. Indeed, the improved Iraq/Iran relations may be designed to reduce our importance in the region and to allow the emerging Iraqi political structure to remove the taint of its imposed western origins.

This is not a purely political moment. Like everything political in the Muslim world it has a high religious content which we seem to have failed to define. Iraq has "played the religious card" in a way that can go a long way towards marginalizing both its minority Sunni opposition and our status as the dominant international force in the region. If so, our actions and policies in Israel, Egypt, Saudi Arabia and elsewhere may be called into question with some loss of our regional hegemony.

"Why then?" It would seem a strange time, with only a few days remaining before the election of a permanent government, for the interim government to undertake a new policy of such potential importance. Perhaps the political powers were doing nothing more than separating themselves from their close relationship with Americans and declaring themselves as independent Iraqis to the voters.

But we think there is more to it. The Sunni minority, many of whom chose not to vote in the election of the interim government, was then probably at its lowest level of representation. In the Dec. 15 election Sunnis expanded their participation and achieved a greater representation. We believe the timing of the accommodation with Iran and its announcement was occasioned by the Shiite majority wanting to take advantage of the Sunnis' lack of strength and to present the new permanent government with a *fait accompli*.

The more we view the Iraq-Iran accord the more we see what long and varied shadows it casts and how it has the capability to challenge many of our basic assumptions.

Our tendency is all too often to notice events such as this without realizing their significance. Whether this peaceful engagement between

these two Shiite neighbors expands or dissolves, or whether Iraq and Iran revert to previous hostilities, doesn't matter.

What's important is that there is a clear message here – if we involve ourselves in matters of politics and religion, especially other peoples', we are most likely to find that things are not as they appear to be.

". . . but with a bang,
not a whimper."

Throughout the world increasing economic, technological and population pressures are overwhelming cultures and societies unable to defend themselves. The old ways will disappear, *but with a bang, not a whimper*.

* * *

PAST AS PROLOGUE

It was recently reported, without emphasis, that understaffed police forces in Basra and other areas in Southeast Iraq were filling their ranks with members of the Muslim militia that served and supported various mullahs.

We searched in vain for a confirming account in other print or broadcast sources, leaving the impression that this development was of minor importance — a view with which we strongly disagree.

What we see is the possibility that the Shiite mullahs will be able to greatly strengthen and extend their grip on Iraq's emerging power structure.

"There will be both blank
spots and blind spots."

The effect of any law upon a society is largely determined by what it says and how it is enforced. With Iraq undergoing a completely new political and electoral transformation, lacking precedents and institutional boundaries, the flow of power may

well be erratic and subject to usurpation. There will be both blank spots and blind spots.

In a government deeply divided, with all parties feeling that the new democracy favors them, quick and clear legislative victories may not be readily achieved or enforced. But, of course, in the near east there are always “other ways”.

Consider the significance of the Shia militias’ infiltration of local police forces. The application of the mullahs’ spiritual/political power would be dramatically increased, for what could not be gained and exercised through legislation could be applied at the end of a police baton or gun barrel.

We are talking about the near eastern version of “neighborhood policing”, including “late night apprehensions”, mostly directed towards the minority Sunnis. This could be a long, “hardball”, “life or death” power struggle that could continue regardless of our troops presence, or absence.

The heady fumes of democracy may energize the formal levels of government. Certainly, voters will feel they have created a working government and will be so assured by those whom they have elected. There will be a new political comfort zone to be shared by all in theory, if not in fact.

But the “old ways” die hard. The prospect of local police forces being dominated by former militia loyal to their mullahs suggests a return to sectarian violence and the possibility that police forces throughout Iraq will be used as instruments to apply political power and purpose. Democracy “will not have a dog in this fight”.

The next five to ten years will be critical ones for Iraq. There is now in place a framework for representative government, but in order to survive it will have to achieve a state of political equilibrium in which all three competing parties will have to eschew power plays, violence and betrayals.

Trust and acceptance will have to be nurtured so that the operations of government can be conducted with any hope of success. Imagine three

angry men standing in a canoe, each wanting to go in a different direction. It will not be easy, but, if successful, this process, over time, could result in survival rather than self-destruction.

Perhaps we are wrong. Perhaps a great surge of democracy in Iraq will carry away its past and transform its future. Perhaps the militias’ appropriation of police force and function will turn out to be unimportant and only, as lack of wide media coverage suggests, a detail, but we don’t think so.

“. . . today’s details can determine tomorrow’s destiny.”

The trouble with history is that it’s an awkward trip. It’s run through with good or bad fortune, violence, deception, ambition, falsity of character, greed and cruelty. It’s a risky bet — black or red, odd or even, war or peace. And “the devil is in the details”. The problem is that today’s details can determine tomorrow’s destiny. Nowhere, we believe, is this more apparent than in Iraq.



END NOTES

¹ Arizona Coalition to Protect Property Rights (ACPPR). Breaking News from BRAC, p.5 – 10/1/05 @ <http://www.acppr.org>.

²All of our information concerning Luke AFB AUX1 and AZ HB 2141 has been provided by members of ACPPR. For further information its website is www.acppr.org. We have also asked Senator John McCain’s office to state its position, but have not received a reply. If one becomes available after our print date, we will include it in the next issue.

³ ACPPR – 10/30/05 page 3 of 23.

⁴ Defense Base Realignment and Closure Act (Public Law 101-510)

⁵ Raymond Dubois, Chief Architect; BRAC 2005 base closings

⁶ In the Trojan War the Greeks laid siege to Troy on the plain outside the city. They built

a very large wooden horse and abandoned their camp. The good citizens of Troy came out of their city, declared the horse an object of surrender, brought it back within their walls and commenced a victory celebration following which Greek soldiers, hidden within the horse, emerged, opened the gates for their companions and then sacked the city

⁷ Dave Hodges, a founding member and spokesman for ACPPR, estimates the odds of the uncompensated victims all falling within the Canamex corridor as 1.8 billion to one. He can be contacted at the ACPPR website – www.acppr.org or by phone at 602-620-5582.

⁸ Center for Responsive Politics, Washington D.C.

⁹ Eleventh century King of England, Denmark and Norway who believed he could order the sea to obey him, only to tragically find that nature did not recognize his authority.

EDITOR’S BIO

Mr. Ault is retired from business, a graduate of Yale University, and the author of A Retail Food Study (La Roche & Co. NYC, NY 1957) which described the emergence and growing dominance of the supermarket in American food retailing.

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