Clinton Is Selling Us down the Rivers

March 4, 1998

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Can you believe the chutzpa of Clinton? Without any constitutional or Congressional authority, he is proceeding with a vast plan for the federal bureaucracy to take over our nation's rivers and their adjacent lands.

Of course, this grab for power has a lovely label: American Heritage Rivers Initiative (AHRI). Behind that name is an attempt to institute national land-use planning and zoning over wide strips of land along U.S. rivers, starting with ten rivers this spring, and adding 20 more by the year 2000 and ultimately as many as 114 rivers.

Clinton's Rivers Initiative would restrict the property rights of private property owners living along the banks of the rivers. AHRI would put hundreds of thousands of acres of land under the control of federal regulators with authority over the "characteristics of the natural, economic, agricultural, scenic, historic, cultural, or recreational resources of a river."

Clinton announced his Rivers Initiative in his 1997 State of the Union Message. On September 11, 1997, he issued Executive Order 13061 prescribing its implementation.

Nothing in the Constitution gives the executive branch the authority to take over our rivers or to engage in land-use planning. Under our Constitution and system of federalism, Congress regulates navigable waters, and jurisdiction over land-use planning, water rights, and local zoning is reserved to the states.

The Founding Fathers believed that the separation of powers is essential to freedom, and that the accumulation of legislative, executive and judicial power in the same branch is, as Madison wrote in the Federalist Papers, "the very definition of tyranny." Four Congressmen filed suit in December to challenge the AHRI on constitutional grounds.

Even if the AHRI could pass constitutional muster, it has no statutory authority because Congress has not designated any American Heritage Rivers or authorized the President to do so. The U.S. Constitution gives Congress jurisdiction over interstate commerce, federal lands, and the appropriation of money, and

Congress has not transferred any of those powers to the executive branch.

Clinton's Rivers Initiative is a direct threat to the private property rights of Americans which are enshrined in the Third, Fourth, Fifth, and Seventh Amendments. The liberal elite looks upon private property rights as inconvenient barriers to bureaucratic planning and regulation.

The AHRI process has a thin veneer of local community participation. A local community can nominate its river to the President's Council on Environmental Quality if the community sets forth an elaborate plan for the future of the river and for controlling the property alongside of it.

Then, the Council on Environmental Quality appoints an American Heritage Rivers Interagency Committee to make recommendations to the President. That's where the pork-barrel connection rolls into the picture.

Clinton's Council on Environmental Quality let the cat out of the bag when it wrote in a memo that the selection committee will recommend more rivers than will actually be designated as American Heritage Rivers (AHR) in order to allow the President to choose any rivers he wants and thereby "ensure that designated AHRs serve political purposes."

The obvious "political purpose" is designating rivers that just happen to flow through the districts of Congressmen who won by only narrow margins in the last election and therefore can be significantly impacted by a new influx of federal spending. The first three rivers expected to be selected to fulfill this criterion are the Willamette in Oregon, the Yellowstone in Montana, and the Mississippi north of St. Louis, which touches eight marginal districts.

The AHRI also purports to give Clinton the power to appoint ten River Navigators, each paid $100,000 per year, whose job is to guide the local citizens through the federal programs (i.e., to browbeat them into acquiescing in federal land management of their property and in blocking river bank development). The President can appoint ten more Navigators in each succeeding year.

Clinton is planning on getting the money to finance AHRI by diverting funds from 12 federal departments and agencies. That means using funds that Congress has appropriated for other purposes.

Clinton's Rivers Initiative is part of the Clinton-Gore attempt to "reinvent government." The AHRI violates constitutional and statutory law, imposes a new layer of federal bureaucracy, reduces the domain of the states, restricts private property rights, is a political boondoggle, and will stifle economic activity.

Rep. Helen Chenoweth (R-ID), with 46 cosponsors, has introduced H.R. 1842 to stop the funding of Clinton's Rivers Initiative by any federal agency. Congress should pass this bill before we lose any of our rivers and lands to the federal regulators.