

This Is How Ben Carson Could Be Successful at HUD

Dr. Ben Carson is a brilliant physician, has good conservative instincts and by showing courage and Christian humility during the Republican primaries, he endeared himself to millions of conservatives.

But Dr. Carson's initial reaction to the idea that he should join the Trump administration was "I don't have any experience running a big bureaucracy," and he was right—the Department of Housing and Urban Development or HUD is one of the largest and in many ways most corrupt bureaucracies in Washington.

And it will take an entirely different skill-set from the one Ben Carson used as a world renown brain surgeon to make him a success as secretary of Housing and Urban Development and for him to avoid "being captured by the building" as Washingtonians term what happens when a secretary with no knowledge or connections in the bureaucracy goes native and adopts the ways of the bureaucracy rather than reforming it.

Here are three people we suggest for key positions upon whom Dr. Carson could rely to help him understand how the Department of Housing and Urban Development has gone off the rails and the dangers to constitutional government of Obama's policies, such as his wildly overreaching Affirmatively Furthering Fair Housing (AFFH) initiative.

First, we suggest **Wendell Cox**, a fellow at the Heritage Foundation and the Heartland Institute.

Mr. Cox is principal of Demographia, an international public policy firm located in the St. Louis metropolitan area. He has served as a visiting professor at the Conservatoire National des Arts et Metiers in Paris since 2002. His principal interests are economics, poverty alleviation, demographics,

urban policy and transport. He is co-author of the annual Demographia International Housing Affordability Survey. He has an MBA from Pepperdine University and a B.A. in Government from California State University, Los Angeles.

Mayor Tom Bradley appointed him to three terms on the Los Angeles County Transportation Commission (1977-1985), and Speaker of the House Newt Gingrich appointed him to the Amtrak Reform Council to complete the unexpired term of New Jersey Governor Christine Todd Whitman (1999-2002).

Cox is also the author of a number of books, including the *War on the Dream: How Anti-Sprawl Policy Threatens the Quality of Life*.

In *War on the Dream*, Cox makes the case that people around the world associate the “universal dream of home ownership” with an unprecedented improvement in quality of life. But there is a war on this dream, the result of policies that seek to control urban sprawl or suburbanization. The proponents and governments that implement such anti-suburban policies do so with little debate and virtually without any serious analysis of the consequences.

Anti-suburban policies outlaw development on large swaths of land, creating scarcity and increasing housing prices. This means less home ownership in the future and less wealth creation. Anti-suburban policies hopelessly seek to force people to use mass transit instead of cars while failing to build roadway capacity to accommodate rising demand. The result is more intense traffic congestion, air pollution and less productive urban areas.

He has deep expertise on housing issues and is especially good at peeling back layers of regulation and fighting the left’s so-called “smart growth” policies.

Next, we suggest **John Anthony**, the founder of Sustainable Freedom Lab.

Mr. Anthony is the former director of sales and marketing for Paul Mitchell Systems, Inc. In 1989, he founded Corporate Measures, LLC, a management development firm. In 2012, Mr. Anthony turned his attention to community issues including the balance between federal agency regulations and local autonomy.

In January 2016, Mr. Anthony was a guest at the prestigious Rutgers University School of Management Fellowship Honoring Dr. Louis Kelso. In March 2016, he was the keynote speaker on property rights at the Palmetto Panel at Clemson University.

Mr. Anthony understands in a way Dr. Carson may not that the federal agency bureaucracy, not Congress, is now the primary lawmaking body in Washington DC. In 2015, while Congress passed 115 laws, over 400 agencies churned out 3,378 regulations, all with the full force of a congressional law.

Mr. Anthony understands the danger to constitutional government this system of "*sub rosa* lawmaking" represents. Our founders never intended to create a nation swimming in laws. They knew more laws encourage citizens to lose their self-reliance and become increasingly dependent on government for fairness, support and decision-making. That is why Congress alone has law-making authority, and why the people control Congress.

Mr. Anthony's article for CHQ, "A Trump Strategy to Neuter HUD's Attacks on Local Rule," provides a solid blueprint for reining-in HUD's anti-constitutional attacks on local government and state jurisdiction over land use.

Among his recommended strategies are:

- **Review the Cost-Benefit Analysis for HUD's AFFH.** Though law requires it, agencies are notorious for ignoring or submitting shoddy cost benefit analyses. Review the actual financial effects of AFFH on communities. If appropriate, bring legal action to halt the program.
- **Form a HUD Action Review Committee.** Require HUD

departments to submit proposed compliance reviews or legal actions against grant recipients to HARC for approval. HARC reports to the HUD Secretary.

- **Encourage whistle-blowers to expose dubious *sub rosa* activities.** Begin a process of removing guidance documents, threats and practices that are antagonistic to local rule and property rights. Replace these activities with pro-local autonomy practices and policies.
- **Congress can pass new legislation to counter the effects of AFFH.** Courts tend to disfavor legislation designed to block existing agency regulations. Therefore, it will be necessary to have strong Constitutional voices on the Supreme Court to uphold the new laws that protect local rule and property rights.
- **Redirect the Justice Department to focus on the primacy of property rights and local rule.** DOJ actions should first consider the Constitutional rights of states and of the people above federal agency initiatives.
- **Use the appropriations process to limit regulatory activity.** So far, Republicans have found it difficult say no to agency appropriations. With a member of their own party in the presidency, this is now a viable solution.
- **Work with Congress to amend the Congressional Review Act.** Congress has 60 days of legislative sessions following issue of a rule in which to issue a joint resolution of disapproval and rescind an agency rule. The CRA generally fails because Congress lacks the votes to override the president's likely veto. Since the CRA passed in 1994, agencies have issued 84,310 regulatory rules, not counting hundreds of thousands of guidance documents. The CRA process rescinded one. The president can work with Congress to amend the CRA to make it easier to rescind regulations.
- **Amend the Administrative Procedures Act.** Change the act to require Congressional approval for major regulations.

- **Pass legislation requiring Congressional oversight of guidance documents.** Agencies issue 20 times as many guidance documents as they do rules, though they can have a powerful and terrifying effect on citizens, businesses and jurisdictions. It is time for Congress to review or limit them. And finally, investigate attempts of agencies to use guidance documents to sidestep the Administrative Procedures Act or any regulatory oversight.

The final person on our list of people upon whom Dr. Carson could rely to actually reform and repeal Obama's anti-constitutional agenda at HUD is our old friend **Tom DeWeese**, president of the American Policy Center, and one of the nation's leading advocates of individual liberty, free enterprise, private property rights, personal privacy, back-to-basics education and American sovereignty and independence.

Mr. DeWeese has been a fierce opponent of HUD's overreach and perhaps more than anyone has been able to capture the emotional impact Americans feel when they are deprived of their property rights by AFFH and other HUD overreaches.

DeWeese's series for CHQ, "The First American Right To Be Killed By Barack Obama's Tyranny" is a point-by-point analysis of Obama's attack on the constitutional principles of property rights and federalism.

As a result of current Smart Growth policies, says Mr. DeWeese, federal subsidized low-income housing is taking the place of single-family homes, thus eliminating the ability of low-income Americans to buy their own property and achieve their own wealth—what was once called the American Dream.

For some 20 years, Tom DeWeese has warned that our American form of representative government will be replaced by non-elected regional councils and dictated to by a central government. That free enterprise will be replaced with

fascist-style public private partnerships as international corporations use their influence with government to stomp out mom-and-pop stores; government agents will join in group hugs with non-governmental organizations and corporate presidents as they carve up the goods of our once-free society.

Now that Dr. Carson has accepted Donald Trump's offer to join his administration as secretary of Housing and Urban Development we hope he understands that running HUD isn't brain surgery, but it will still require a team of skilled surgeons like Wendell Cox, John Anthony and Tom DeWeese, who know the issues and are prepared to excise the cancerous anti-constitutional policies Barack Obama has put in place. {eo}

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