



The

Phyllis Schlafly Report



VOL. 32, NO. 10

P.O. BOX 618, ALTON, ILLINOIS 62002

MAY 1999

Power Grab Through Executive Orders

Not only does President Clinton not feel any shame about his impeachment (as he told Dan Rather), Clinton now feels stronger than ever, able to override the U.S. Constitution and ignore Congress. He has been exercising extraordinary new powers — never asserted by any prior President — both through Executive Orders (EO) and abuse of his title of Commander in Chief. Rep. Jack Metcalf (R-WA) says that Clinton has “made himself a super-legislator by issuing executive orders that require the appropriation of funds.”

Clinton’s good friend and defender of Oval Office misbehavior, Paul Begala, put it like this: “Stroke of the pen. Law of the land. Kinda cool.” No, it isn’t cool; it’s hot with disdain for the constitutional rules that “all” legislative powers belong to Congress and that “all bills for raising revenues shall originate in the House.” James Madison called the accumulation of executive and legislative powers in the same branch “the very definition of tyranny.”

Clinton will be President for another year and a half. By what the press has variously called a “blizzard” or a “blitz” of Executive Orders, Clinton has grabbed new powers for the executive branch, made broad public policy changes, spent non-appropriated taxpayers’ money, and even tried to restructure our governmental system. Clinton’s Executive Orders are in awesome tandem with his other power grabs through phony “peacekeeping” expeditions, unauthorized bombing of four sovereign countries, plans to create a “Homelands Defense Command” to use the Army for domestic law enforcement, monitoring of our bank accounts, and databasing of our health records.

The term Executive Order does not appear in the Constitution. The Executive Order authority derives from the President’s Article II, Section 3 power to “take care that the laws be faithfully executed.” However, “laws” must mean laws that are already passed, *not* laws that an Executive Order purports to create. The validity of particular Executive Orders has often been questioned, but neither Congress nor the Supreme Court has ever defined the extent of their power, and courts have rarely

invalidated or even reviewed EOs.

President Franklin D. Roosevelt proclaimed a national emergency and issued wide-reaching Executive Orders, notably his 1933 bank holiday and prohibition on private possession of gold, but those orders were subsequently ratified by Congress. The notorious EO 9066, under which some Japanese-Americans were interned during World War II, was subsequently upheld by the Supreme Court under FDR’s war powers. In 1952, the U.S. Supreme Court struck down Harry Truman’s EO 10340 to seize the nation’s steel mills.

In 1996, the Court of Appeals for the D.C. Circuit invalidated Clinton’s EO 12954, which attempted to prohibit federal agencies from doing business with companies that had permanently replaced strikers.

Clinton has issued 279 Executive Orders, but many others are not numbered. The Presidential Decision Directives (PDD) have a different sequence of numbers, and many of them are kept secret, such as the notorious PDD 25, by which Clinton presumed to give himself the power to assign U.S. troops to serve under foreign commanders and under foreign rules of engagement.

Some of Clinton’s Executive Orders are federal land grabs over property that belongs either to the states or to private landowners. Land use and zoning are quintessentially matters of state or local, not federal, jurisdiction.

By Executive Order 13061, the American Heritage Rivers Initiative, Clinton purported to give himself the power to take over 10 rivers a year (later extended to 14), whose adjacent lands will be put under the control of Clinton-appointed River Navigators, each with a salary of \$100,000. Congress never authorized this land grab or appropriated any money for it, so Clinton says he will divert funds from 12 departments. This EO on rivers takes governing authority away from states and localities, and threatens private property rights guaranteed by the Fourth and Fifth Amendments. (For details on EO 13061, see the *Phyllis Schlafly Report*, April 1998, p.4)

Clinton’s surprise grab of 1.7 million acres of Utah land for a national park in 1996 just happened to include

a trillion dollars' worth of clean-burning, low-sulfur hard coal. Clinton's removal of this huge natural resource from commercial availability tremendously enhanced the value of the world's second largest source of environmentally-safe coal, which just happens to be owned by Clinton's Indonesian friends the Riadys, who gave millions of dollars to Clinton's presidential campaigns in 1992 and 1996.

For the Mexican and Brazilian bailouts, Clinton used executive authority to raid a U.S. Treasury Department fund set up in the 1930s for the specific purpose of being available to stabilize the U.S. dollar. The President certainly was not authorized to give this money to foreign governments so they could make their loan payments due to Treasury Secretary Robert Rubin's old firm, Goldman Sachs.

Clinton's EO 13107 on Implementation of Human Rights Treaties attempts to bypass the constitutional requirement that treaties, to be valid, must be ratified by the Senate. This EO sets up a framework to implement our alleged "obligations" under UN treaties on human rights "to which the United States is now or may become a party in the future."

The first treaty listed in EO 13107 is the International Covenant on Civil and Political Rights, which was ratified by the Senate during George Bush's Administration in 1992. Aggressive implementation of this treaty can open up a can of worms in regard to our First Amendment rights, criminal law, our unique system of federalism, and sex discrimination. The treaty's Article 23 even binds governments "to ensure equality of rights and responsibilities of spouses during marriage," one of the UN "rights" to be monitored by the Article 28 "Human Rights Committee" on which the United States may have only one out of 18 members.

There are several unratified UN human rights treaties that could be "implemented" under EO 13107: (1) The International Covenant on Economic, Social, and Cultural Rights was rejected by the Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Reagan and Bush Administrations because it refuses to recognize one of the most fundamental American economic rights, the right to own property. This UN treaty tries to bind us "to take steps," including "legislative measures," to the "maximum" of our resources in order to achieve "full realiza-

tion" of "adequate food, clothing and housing" for everyone in the world. It would obligate us "to ensure an equitable distribution of world food supplies in relation to need."

(2) The UN Convention on the Rights of the Child would bring about massive UN interference in family life, education, daycare, health care, and standard of living. Article 43 sets up a committee of ten UN "experts" to monitor the raising of children and our "progress" in complying with the treaty's "obligations."

(3) The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) would require us to follow UN/feminist dictates about "customs and practices," "social and cultural patterns of conduct of men and women," "family education," and even revision of textbooks. It's easy to see that Clinton's EO on UN treaties is a payoff to the radical feminists who stuck by him during his Paula, Monica and Juanita scandals, as well as a pursuit of his own global agenda.

Other Clinton Executive Orders include his EO 12919 of June 3, 1994, entitled National Defense Industrial Resources Preparedness, which asserts plenary and dictatorial authority over citizens, food, transportation, energy, health, contracts, materials and resources to be exercised by the National Security Council and FEMA (Federal Emergency Management Agency). Many wonder if this EO's real purpose is to grab emergency powers if we are bitten by the Y2K bug.

Clinton's EO 13083 on Federalism of May 14, 1998, which was a transparent attempt to rescind the Tenth Amendment (as well as President Reagan's EO on Federalism), did give Congress a wake-up call. After congressional protest, Clinton said he would suspend it, but it's still viable and Congress should pass legislation to render it inoperative. (For details on EO 13083, see the *Phyllis Schlafly Report*, July 1998, p.4)

Congress and the American people must call a halt to Clinton's assault on our separation-of-powers form of government by his unprecedented use of Executive Orders. One constructive step would be to pass Rep. Jack Metcalf's bill, H.Con.Res. 30. It provides that any Executive Order that "infringes on congressional powers and duties," or requires spending federal funds "not specifically appropriated for the purpose of the executive order," would be advisory only and have no effect.

Clinton's War in Yugoslavia

Congress and the American people should repudiate and call a halt to Bill Clinton's war in Yugoslavia.

1) Clinton unilaterally started this war by allowing a Spanish Marxist, NATO Secretary-General Javier Solana, to order U.S. planes to bomb a sovereign country that never attacked or even threatened the United States or any of our NATO allies. Clinton admitted it is a war when he designated Yugoslavia and Albania as a "combat zone" and called the captured U.S. soldiers Prisoners of War.

2) Clinton's act of aggression was not authorized by the U.S. Constitution, by NATO or UN charters, or by any act of Congress. This is the mark of a dictator, and we must not let him get by with it.

3) Clinton tries to justify his evil bombing raids by calling them a "moral imperative." Like *New York Times* columnist A.M. Rosenthal, we are "moved to nausea" when Clinton claims the war against Yugoslavia is "moral" and "the right thing to do."

4) The humanitarian argument is phony because Clinton's bombing precipitated and exacerbated the tragic refugee problem. All the people Clinton was allegedly trying to help are *far worse off* than before his bombing began. Clinton's bombing has killed innocent people (which he dismisses as "collateral damage"), destroyed civilian property, and united the Serbs behind Milosevic to defend their homeland.

5) Every day of Clinton's bombing creates costly obligations for the U.S. taxpayers to bring refugees to America and to rebuild the infrastructure he is destroying, such as the Danube River bridges and the plants that provide clean water, heat and electricity to civilians.

6) It's Europe's job to deal with the Yugoslav conflict, which has been going on for 600 years. Europe is a rich continent, and it's time to end Europe's dependency on U.S. troops and taxpayer handouts. We have no more national security interest in Yugoslavia than Europe has in Haiti.

7) We should cut our losses and get out before it's too late, as Clinton did after 18 U.S. soldiers were killed in Somalia, and as Ronald Reagan did after 241 Marines were killed in Lebanon. Clinton is bogging us down in a ground war against the Serbs, some of the world's toughest fighters.

Let's answer some of the false arguments put forth to defend Clinton's actions:

1) "We have to support our troops." The best way to support our troops is to cut off the money and bring them home before more troops are killed or captured. Clinton never should have sent those troops to Macedonia in the first place. (Remember, those were the U.S. soldiers ordered to wear UN uniforms.)

2) "Congress authorized Clinton's action in Yugoslavia." That's false; Congress did **not** pass any approval of Clinton's reckless bombing. The Senate resolution on March 23 authorized air operations only, but that was not passed by the House, so it has no legal effect. The House resolution on March 11 authorized troops **only** as part of a peacekeeping operation **after** peace was agreed to by both sides (which never happened), and that was not passed by the Senate, so it has no legal effect.

3) "Yugoslavia isn't worth one American life, but now that Clinton has put us in the war, we have to win it, and that will take ground troops." What a terrible proposition! We cannot permit a no-credibility President to illegally plunge us into war, make horrendous mistakes of judgment about the objectives and the strategy, and then impose the obligation on American servicemen and taxpayers to "win" the war illegally started. "Winning" means U.S. troops will occupy Yugoslavia forever, and we don't want Yugoslavia as a U.S. colony.

4) "We must intervene in order to prevent a wider war." In fact, Clinton's bombing has escalated the war and spread it to other countries.

5) "We have to intervene in Yugoslavia to maintain

our position as world leader." On the contrary, Clinton's bombing shows the world that the U.S. is a trigger-happy bully whose President wants to dictate to other countries but doesn't have the know-how or the credibility.

6) "If we don't win this war, NATO will be discredited and become irrelevant." Americans are not willing to die for NATO's self-esteem. What's much more important is that, if Congress doesn't reclaim its constitutional power to decide whether or not we go to war, Congress itself will be irrelevant.

Was It All "According to Plan"?

State Department spokesman James Rubin has said over and over again that "nothing went wrong," that everything is going "according to plan," that they were "not surprised" by the results, and that the American people are at fault for lacking "patience." If that's true, we must ask the corollary questions.

1) Was it the Clinton-Albright plan to give Milosevic the Rambouillet ultimatum knowing he would never accept it?

2) Was it the Clinton-Albright plan to start the bombing even though the Pentagon predicted that it would *not* force Milosevic to a quick surrender, and therefore would *fail* in its objective?

3) Was it Clinton's plan to create a stream of a million refugees from Kosovo? If so, why didn't he make advance preparations to drop great quantities of food, tents and sleeping bags? That should have been so easy for our immense air delivery system.

4) Was it Clinton's plan to count on heartrending television pictures to arouse the American people to "support our troops" by approving the bombing and then sending ground troops to "win"?

5) Was it Clinton's plan to expect American Prisoners of War? Is that why he kept 450 U.S. troops in Macedonia after their United Nations mission had expired, where they had no stated purpose and would serve only as a trip wire to provoke U.S. involvement in a Balkan war?

6) Was it Clinton's plan to turn the much-disliked Milosevic into a national hero, with the Serbs solidly united behind him, making him far more powerful after the bombing than before?

7) Was it Clinton's plan to expand a civil war, that was wholly contained within one small, faraway country, to other countries, and additionally to stir up anti-American factions in Russia? All these results in "other" countries were wholly predictable: the massive exodus of refugees, the Muslim recruitment of soldiers from elsewhere to fight in Kosovo, and the ominous anti-U.S. and anti-NATO agitation inside Russia.

8) Since Clinton loathes the military, was it his plan to use the bombing to dramatically deplete our supply of bombs and missiles, and drastically reduce the morale of the U.S. Armed Services?

9) Was it Clinton's plan to spend the surplus of revenues now pouring into the U.S. Treasury on war, so that it could not be returned to taxpayers? He has already presented an invoice for \$6 billion, predicted that the war will cost another billion dollars a month, and that doesn't even start to count the money we will be expected to spend to rebuild the bridges and other properties that his bombing has destroyed.

10) Was it Clinton's plan to "wag the dog" with a war in order to shift media and public attention away from his personal, contempt-of-court, campaign-finance, technology-shipment, and espionage-coverup scandals? If so, it certainly succeeded.

Maybe it's really true, as James Rubin said, that "nothing went wrong" and everything is going "according to plan."

Does Sovereignty Still Matter?

Bill Clinton and his Administration gurus are trying to replace the concept of sovereignty, piece by piece, with their global utopian vision. In trying to force the sovereign state of Yugoslavia to kowtow to a U.S.-dictated "peace" agreement, Secretary of State Madeleine Albright demanded that Yugoslavia allow foreign troops to occupy and control a portion of its territory. It is, of course, a critical element of sovereignty that foreign troops must not be allowed jurisdiction over a nation's soil.

Albright cut to the core of the argument with a demand that Yugoslavia surrender a piece of its sovereignty. She said: "Great nations who understand the importance of sovereignty at various times cede various portions of it in order to achieve some better good for their country. We are looking at how the nation-state functions in a totally different way than people did at the beginning of this century."

That ominous ultimatum sounds like a double entendre. Yugoslavia is not a "great nation," but the United States is. It's becoming more and more evident that the Clintonites are pursuing an incremental plan to cede various portions of U.S. sovereignty in order to achieve what they believe is the "better good."

Clinton's chief foreign policy adviser, Strobe Talbott, was frighteningly forthright during his 22 years as a writer for *Time Magazine*. Talbott enthusiastically wrote that "national sovereignty wasn't such a great idea," predicted that "nationhood as we know it will be obsolete," and rejoiced in the coming "birth of the Global Nation."

It's a mistake to relax in the conventional wisdom that Clinton is just muddling along without a coherent foreign policy. Charles Krauthammer accurately defined Clinton's foreign policy as implementing non-traditional elements: "internationalism" (rather than sticking with policies based on what's good for America), "legalism" (the folly that treaties can make nations get along peace-

fully and can even regulate domestic law), and using "humanitarianism" as the excuse for interventionist escapades (rather than U.S. strategic, political or economic interests).

The Clinton Administration repeatedly cites international "obligations" as its authority for issuing overbearing Executive Orders and administrative regulations. Americans are expected to defer to global governance irrespective of whether the order comports with either our Constitution or national security interests, or whether the relevant treaty has even been ratified by the U.S. Senate.

Clinton is using this ploy of global "obligations" in his environmental regulations to implement the unratified Global Warming Treaty (the Kyoto Protocol), and in his "Bring Beijing Home" task force to implement the unratified UN Convention on the Elimination of All Forms of Discrimination Against Women.

We've already seen numerous encroachments on our national sovereignty from NAFTA and the World Trade Organization, under which rulings by committees of foreigners cannot be appealed to American courts and even purport to order changes in U.S. domestic law.

We should also be on guard against probable attempts to subject individual American citizens to regulations and penalties imposed by committees set up under treaties signed by other nations. Treaties that pose dangers to American citizens even though we never ratified them are the treaty creating an International Criminal Court and the new protocol adopted in March under the Convention on the Elimination of Discrimination Against Women.

The most dangerous attack on American sovereignty by the Clinton Administration comes from its pretense that we should abide by the now-obsolete 1972 ABM Treaty with now-defunct Soviet Union. Only those who don't believe in America as a sovereign nation could argue that a treaty with a government that went out of existence seven years ago can limit America's right to protect the lives of our citizens against nuclear attack. A dead treaty with a non-existent government cannot protect us against offensive missiles from Communist China, North Korea, Iran, Iraq, or even from the new countries carved out of the old Soviet Union, which still possess an awesome number.

Join the thousands who have signed Eagle Forum's Petition urging Congress to stop Clinton's war: www.eagleforum.org.

The Phyllis Schlafly Report
PO Box 618, Alton, Illinois 62002
ISSN0556-0152

Published monthly by the Eagle Trust Fund, PO Box 618, Alton, Illinois 62002. Periodicals Postage Paid at Alton, Illinois. Postmaster: Address Corrections should be sent to the Phyllis Schlafly Report, PO Box 618, Alton, Illinois 62002. Phone: (618) 462-5415.

Subscription Price: \$20 per year. Extra copies available: 50¢ each; 3 copies \$1; 30 copies \$5; 100 copies \$10.

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