



Written by [John F. McManus](#) on September 11, 2014

The Mushrooming Trend to Skirt the Constitution

[Claims about global warming have been countered](#) so effectively by a growing number of scientific skeptics that promoters of the flawed theory have abandoned use of the global warming term. They now refer only to climate change. But their goal remains the same: propagandize the public with predictions of calamities, and force a reduction in carbon dioxide emissions which they insist are heating the globe, melting polar icecaps, raising sea levels, causing weather-related catastrophes, creating droughts, and even impacting food production.



Carbon dioxide emissions, mainly from coal-fired power plants and automobiles, were targeted by the 1997 Kyoto Protocol, a United Nations agreement that the United States wisely refused to endorse. At Copenhagen in 2009, environmentalists hoped that the United States and other nations would sign on to a similar pact, but that gathering likewise produced nothing. Now, another UN-led try to force drastic cutbacks in carbon emissions will be held in Paris in mid-2015.

Not waiting for the Paris meeting, the Obama administration plans to add new requirements to an already existing 1992 treaty as a way to counter climate change. These will greatly stifle coal-fired energy production. Also, the Obama team will employ what is known as “reflexive law,” which is not a law in the full sense of the term but the use of pressure to force acceptance of some attitude or requirement that could not be gained legally.

Environmentalists have the ear of most journalists. Their impact on the public’s attitude regarding something as questionable as climate change can be considerable. It can lead to achievement of the desired goals by “naming and shaming” opponents, essentially browbeating them into compliance. The result would not be a law in the traditional sense but something called “soft law,” a combination of pressure and inevitability directed at opponents. If resistance persists, far more onerous government-imposed regulations — also unconstitutional — would be forthcoming.

Obama administration personnel plan to add their “soft law” gains to an existing 1992 treaty. Changes in a treaty, of course, should require approval by two-thirds of the Senate. A *New York Times* article entitled “[Obama Pursuing Climate Accord in Lieu of a Treaty](#)” quoted Jake Schmidt, a National Resources Council expert, who noted that promoters of new regulations “are trying to move this as far as possible without having to reach the two-thirds threshold” required by the Senate. Will the senators allow this?

President Obama has already boldly indicated that he will unconstitutionally use his pen to create law by Executive Order. Now, his administration intends to skirt the Constitution via “reflexive law” or “soft law.” He obviously doesn’t like the constitutional restrictions placed on a president. Will Congress allow such conduct to continue? Will the American people continue to elect members of Congress who won’t stop the drive toward total government?



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Mr. Obama and his merry band of dictatorship builders have to be stopped. Blocking the plans noted above would be a good way to begin.

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