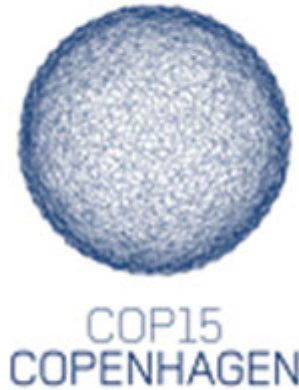




## Lord Monckton, the Copenhagen Treaty, and the Constitution

In an October 14 speech to the Minnesota Free Market Institute in St. Paul, Lord Christopher Monckton, former science adviser to British Prime Minister Margaret Thatcher, delivered a devastating fusillade against the alleged science underpinning the hysterical claims of global-warming alarmists. Lord Monckton's brilliant presentation, combining a stunning array of slides, charts, graphs, scientific studies, and statistical facts with scathing, satirical wit, became an instant Internet sensation.



The greater part of Monckton's discourse was aimed at dispelling the innumerable fallacies parading as "scientific consensus" concerning the supposedly imminent apocalyptic demise resulting from human-caused climate change. As such, he introduced little that was different from what he and other climate realists have been saying for years. It was several provocative statements in his closing comments that created an uproar, earning him both plaudits on the Right and venom from the Left.

Here is where he lit the phosphorus:

At [the 2009 United Nations Climate Change Conference in] Copenhagen, this December, weeks away, a treaty will be signed. Your President will sign it.... And what it says is this, that a world government is going to be created. The word "government" actually appears as the first of three purposes of the new entity. The second purpose is the transfer of wealth from the countries of the West to Third World countries, in satisfaction of what is called, coyly, "climate debt" — because we've been burning CO<sub>2</sub> and they haven't, and we've been screwing up the climate. We haven't been screwing up the climate but that's the line. And the third purpose of this new entity, this government, is enforcement....

So, at last, the communists who piled out of the Berlin Wall and into the environmental movement, and took over Greenpeace so that my friends who funded it left within a year, because [the communists] captured it — now the apotheosis as at hand. They are about to impose a communist world government on the world.

It's easy to see why the "greenies" and globalists, who have invested so much time, effort, and money since Stockholm '72 (the United Nations Environment Programme, UNEP) and Rio '92 (the United



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Nations Conference on Environment and Development, UNCED, more popularly known as the Earth Summit), would get all frothy at the mouth over having their plans so baldly exposed. But Lord Monckton is on very solid terra firma, as anyone who has read the Copenhagen treaty texts and/or has followed the continuous exposés in these pages over the past three decades of the UN's environmental agenda for global control, would surely recognize.

Annex I, Article 38 of the Copenhagen treaty (officially known as the United Nations Framework Convention on Climate Change, or UNFCCC) states: "The scheme for the new institutional arrangement under the Convention will be based on three basic pillars: government; facilitative mechanism; and financial mechanism."

Yes, as the excerpt above indicates — along with many others in the text — the conveners of the Copenhagen summit envision a world government. Here's how they describe it in the same article 38 of the UNFCCC (page 18):

The government will be ruled by the COP [Conference of the Parties] with the support of a new subsidiary body on adaptation, and of an Executive Board responsible for the management of the new funds and the related facilitative processes and bodies. The current Convention secretariat will operate as such, as appropriate.

No checks and balances worthy of the name. No legitimate "rule of law," despite the constant appeal to that phrase by those perpetrating this perversion of the principle. Only a blatant assault on national sovereignty and outrageous usurpation of virtually unlimited power to rule, regulate, and tax the entire planet. This is what the UN and its one-world advocates have been pursuing for decades. That is what French President Jacques Chirac was heralding in 2000 when he praised the predecessor to Copenhagen, the Kyoto Protocol, as "the first component of an authentic global governance."

Lord Monckton's reference to the communist character of the Copenhagen scheme has also caused predictable rage, gnashing of teeth, and catcalls from the usual quarters that object to any exposure of the Marxist-Leninist pedigree and bearing of any favored project, individual, or organization. But, once again, Monckton is spot on. Many of the communists became "Watermelon Marxists": green on the outside, red on the inside. And the lead watermelon, Mikhail Gorbachev, founder of Green Cross International, kicked off the wholesale transformation with his celebrated 1992 "End of the Cold War" speech in Fulton, Missouri.

"The prospect of catastrophic climatic changes, more frequent droughts, floods, hunger, epidemics, national-ethnic conflicts, and other similar catastrophes compels governments to adopt a world perspective and seek generally applicable solutions," Gorbachev declared. And to make this desired objective happen, he said, would require "some kind of global government."

"I believe," said Gorbachev, who still describes himself as a Leninist, "that the new world order will not be fully realized unless the United Nations and its Security Council create structures ... which are authorized to impose sanctions and make use of other measures of compulsion." Compulsion, force — on a global scale — that's what it's all about. That is what UN Secretary-General Ban Ki-moon was saying, in a more subtle way, in his October 25, 2009 *New York Times* op-ed about Copenhagen. "A deal must include an equitable global governance structure," the Secretary-General proclaimed. Like Gorbachev, he invoked apocalyptic rhetoric to justify his proposed world government, asserting, "All agree that climate change is an existential threat to humankind."

## **Where Monckton Goes Awry**



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As Lord Monckton's timely speech continues to circulate, it will undoubtedly do much to awaken many Americans and speed the crumbling of the incredible non-crisis hoax known as climate change. However, in his effort to stir Americans to action against the Copenhagen treaty, Lord Monckton has inadvertently fallen into a trap, one that has claimed many another otherwise well-informed and well-intentioned Jeremiah. He warns, in these grave words:

And the trouble is this; if that treaty is signed, your Constitution says that it takes precedence over your Constitution, and you can't resign from that treaty unless you get agreement from all the other state parties. And because you'll be the biggest paying country, they're not going to let you out of it.

So, thank you, America. You were the beacon of freedom to the world. It is a privilege merely to stand on this soil of freedom while it is still free. But, in the next few weeks, unless you stop it, your President will sign your freedom, your democracy, and your humanity away forever. And neither you nor any subsequent government you may elect will have any power whatsoever to take it back.

Unfortunately, Lord Monckton, like most Americans, has fallen victim to the intentional campaign of disinformation concerning the "supremacy clause" in the United States Constitution. Like many other texts in our Constitution, this section has been ripped out of context and twisted by those who hope to undo the protections the Founders of our Republic struggled so intensely to give us. One of the most important proponents of this attack on our constitutional system was John Foster Dulles, who would become Secretary of State under President Dwight D. Eisenhower. In an April 11, 1952 speech, Dulles declared:

Treaties make international law and also they make domestic law. Under our Constitution, treaties become the supreme law of the land.... Treaty law can override the Constitution. Treaties, for example, ... can cut across the rights given the people by their constitutional Bill of Rights.

John Foster Dulles was a founding member of the Council on Foreign Relations (CFR), which has been the lead organization promoting the notion that treaties and "international law" trump the Constitution. As far back as 1928, in its *Survey of American Relations*, the Council complained against our Constitution's checks and balances and separations of power. These features, which most Americans would consider the most cherished blessings of our form of government, the CFR authors claimed "militate against the development of responsible government." According to the CFR, it would be more "responsible" to model our government after the European parliamentary system and make treaties easier to pass by substituting "a majority of both houses for two-thirds of the Senate in treaty ratification." Why? Because Dulles and his one-world cohorts at the Council wanted to use the treaty power gradually to intertwine and merge the American government into a global government.

They didn't succeed in changing the two-thirds Senate vote requirement in the Constitution, but they have very nearly succeeded by winning many politicians, jurists, and legal scholars over to the position that not only treaties, but executive agreements, "international norms," and even "testimony" and "statements" by so-called "experts" at international fora can override the Constitution because they constitute "international customary law."

What does the Constitution actually say concerning treaties? The treaty powers are dealt with in Article II, Section 2 and Article III, Section 2, but the main cause of confusion is Article VI, Section 2, the "supremacy clause," which states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and



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all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Dulles and the advocates of unlimited treaty power have exploited confusion over the grammar and syntax in the above passage to make it say something that it doesn't. It is important to note first of all that when referring to "this Constitution," the Founders are referring to the United States Constitution, while the later "the Constitution" refers to State constitutions. Secondly, they are stating that the U.S. Constitution is the "supreme law of the land," along with federal laws and treaties that are "made in pursuance of" and "under the authority of" that Constitution. Obviously, if a treaty or federal law clashes with the Constitution, then it does not meet those qualifications and is null and void. That is not merely this writer's opinion, but the stated intent of the men who framed the great document and our earliest and most-esteemed jurists.

James Madison, who was the secretary of the Philadelphia Convention and has justly been called "the Father of the Constitution," said of the scope of the treaty power:

I do not conceive that power is given to the President and the Senate to dismember the empire, or alienate any great, essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation.

In addition to his many other famous words and deeds, Thomas Jefferson authored the authoritative reference work, *A Manual of Parliamentary Practice*, which became a standard handbook for both the House and Senate. In it, Jefferson said of treaty power:

1. It is admitted that it must concern the foreign nation, party to the contract, or it would be a mere nullity.... 2. By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty, and cannot be otherwise regulated. 3. It must have meant to except out of those the rights reserved to the states; for surely the President and Senate cannot do by treaty what the whole government is interdicted from doing in any way.

This is both sound legal opinion and plain, common sense. If the Bill of Rights and the whole Constitution were to have any lasting force and meaning, it could not have been intended that they could be completely undone by means of treaty. Or as Jefferson rightly observed: "I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution."

Alexander Hamilton, one of the principal authors of *The Federalist*, concurs on this important point. "A treaty cannot be made," Hamilton maintained, "which alters the Constitution of the country or which infringes any express exceptions to the power of the Constitution of the United States." This is the consistent position taken by the authors of *The Federalist* on the supremacy clause in essays #33 (Hamilton), #44 (Madison), and #64 (Jay).

The United States Supreme Court in *Reid v. Covert* (1957) restated these foundational principles. After quoting the same Article VI, Section 2 supremacy clause we quoted above, the Court declares:

There is nothing in this language which intimates that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution. Nor is there anything in the debates which accompanied the drafting and ratification of the Constitution which even suggests such a result.... The prohibitions of the Constitution were designed to apply to all branches of the National



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Government and they cannot be nullified by the Executive or by the Executive and the Senate combined.

Nevertheless, the advocates of world government (or “global governance,” as they prefer to call it today) boast a stellar lineup of judges, law-school professors, Senators, Congressmen, journalists, and academics who insist American sovereignty must yield to global “necessity,” and our Constitution must give way to “international law.” And Copenhagen is but one of many UN treaties and agreements that are battering our constitutional ramparts. It is up to the American people to hold the feet of their Senators and Representatives to the fire and strike down as a “mere nullity” (Jefferson’s words) these boundless grabs for power.



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