



Written by [Joe Wolverton, II, J.D.](#) on December 13, 2014

## Mo. Lawmaker's Bill Would Protect Private Property From Agenda 21

A Missouri state lawmaker is trying to protect the Show Me State from becoming subject to the collectivists at the United Nations and their pet private property eliminating project: Agenda 21.

On December 12, Missouri Representative Mike Moon (shown) introduced House Bill 216, legislation that would amend the state code to prohibit political subdivisions of the state from enacting any aspects of Agenda 21 or similar schemes. The bill reads:



Neither the state of Missouri nor any political subdivision shall adopt or implement policy recommendations that deliberately or inadvertently infringe or restrict private property rights without due process, as may be required by policy recommendations originating in, or traceable to Agenda 21, adopted by the United Nations in 1992 at its Conference on Environment and Development or any other international law or ancillary plan of action that contravenes the Constitution of the United States or the Missouri Constitution.

“Political subdivision” is defined in the text of the measure as “any state, county, incorporated city, unincorporated city, public local entity, public-private partnership, and any other public entity of the state, a county, or city.”

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The bill is brief, but direct. The United Nations is called out for having “accredited and enlisted numerous nongovernmental and intergovernmental organizations to assist in the implementation of its policies relative to Agenda 21 around the world.”

Accordingly, that state and its subordinate subdivisions are forbidden from “entering into any agreement with, expending any sum of money for receiving funds from, contracting services from, or giving financial aid to those nongovernmental and intergovernmental organizations as defined in Agenda 21.”

This isn't the first time this legislation has been introduced. Last year, the state Senate and House passed a similar measure, but it was vetoed by state Governor Jay Nixon. Despite being passed overwhelmingly by the state legislature, the House failed to override Nixon's veto.

In [a letter accompanying last year's veto](#), Governor Nixon revealed a common misunderstanding of the scope and purpose of Agenda 21. He wrote:

This resolution, known as Agenda 21, provides a general blueprint for sustainable development. It imposes no mandates on state or local governments and not a single pejorative action in Missouri has been tied to it.

It is fundamentally misguided and unnecessary to require local government officials to become international law experts in order to perform their duties. This legislation would spawn endless



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litigation frivolously attacking governmental action based on a belief that a two decades old United Nations resolution is somehow shaping decisions regarding such issues as health codes and road projects. It is absurd for a city council making a zoning decision to find it necessary to retain a high priced attorney specializing in international law for the purpose of needlessly chasing imaginary shadows around corners.

Governor Nixon apparently knows something about being fundamentally misguided.

What is Agenda 21? Consider this information collected by *The New American's* Alex Newman:

The widely criticized UN scheme, adopted by governments and dictatorships worldwide at the Earth Summit in Rio de Janeiro more than two decades ago, has been marketed as a way to make humanity more "sustainable." According to UN documents, however, Agenda 21 essentially seeks to restructure human civilization under the guise of environmentalism. Even human thought is in the crosshairs, official reports show.

While the UN plot has not been ratified by the U.S. Senate as required by the Constitution, it has been quietly creeping into states and local communities with prodding and bribes from the federal executive branch. "Here in Arizona, Agenda 21 is slowly creeping into the state," popular Arizona state Sen. Judy Burges, a Republican who sponsored similar legislation in her state, told *The New American* recently. "It has its tentacles in everything from the schools to local government all the way up to the state."

Also key to foisting the agenda on communities are "non-governmental organizations" (NGOs). Among the primary groups is the Germany-based ICLEI, formerly known as the International Council of Local Environmental Initiatives. During an interview with *The New American* in Rio last June at the UN Conference on Sustainable Development, ICLEI President David Cadman said he did not understand opposition to Agenda 21 and did not believe state governments could ban it.

"Agenda 21 is a comprehensive plan of action to be taken globally, nationally and locally by organizations of the United Nations System, Governments, and Major Groups in every area in which human impacts [sic] on the environment," the UN admits on its website. Even the relatively tame summary has sparked suspicions from analysts, who point out that virtually every aspect of human existence has some "impact" on the "environment." The UN even claims, for example, that carbon dioxide — a gas exhaled by everyone on Earth and required for all plant life — is a "pollutant" in need of a global CO2 regulation regime.

Regarding the need for hiring a "high priced attorney specializing in international law," as a former attorney, I will give the towns, cities, and counties of Missouri some free advice regarding international law and its relation to the Constitution.

When it comes to treaties — or any act passed by Congress for that matter — the analysis must begin by looking within the four corners of the Constitution.

It only makes sense that the federal government cannot enter into a treaty that would contravene the Constitution. If I tell my teenage son that he can drive my car to the movies, does that give him permission to drive it into a lake?

To put a finer point on it, Article VI of the Constitution says:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the



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supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

That means that in order to have any lawful effect, the object of any treaty signed by the president and ratified by the Senate must lie within their constitutional authority (“the authority of the United States”).

If the Congress and president were to disregard these restrictions on their power (as they so often do), the mandates of the resulting treaty would not be the law of the , as Alexander Hamilton explained in *Federalist* 33:

If a number of political societies enter into a larger political society, the laws which the latter may enact, pursuant to the powers intrusted [sic] to it by its constitution, must necessarily be supreme over those societies and the individuals of whom they are composed.... But it will not follow from this doctrine that acts of the larger society which are *not pursuant* to its constitutional powers, but which are invasions of the residuary authorities of the smaller societies, will become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such. [Emphasis in original.]

Thomas Jefferson echoed that point specifically as it pertains to the topic of treaties. Jefferson wrote, “In giving to the President and Senate a power to make treaties, the Constitution meant only to authorize them to carry into effect, by way of treaty, any powers they might constitutionally exercise.”

At another time, he reiterated this principle of constitutional construction, saying, “Surely the President and Senate cannot do by treaty what the whole government is interdicted from doing in any way.

In a letter to his colleague, collaborator, and friend, James Madison, Jefferson agreed that “the objects on which the President and Senate may exclusively act by treaty are much reduced” by application of the principle that a treaty cannot contradict the Constitution and yet still enjoy the approval of that document. Again, my son couldn’t justify crashing my car into a lake by pointing to my permission to drive it to the movies.

Although in reality, as proved above, treaties that violate the Constitution are prima facie null, void, of no legal effect, the Supreme Court has come down on both sides of the supremacy issue.

In a pair of contradictory decisions, the Supreme Court has held that “No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power” (*Missouri v. Holland*) and “constitutional rights cannot be eliminated by a treaty” (*Reid v. Covert*).

For this reason — and many others — Representative Moon is right to try again to protect the property rights of Missourians from being abridged by the United Nations and sacrificed on the altar of “sustainable development.”

House Bill 216 is not currently on the Missouri House of Representatives’ calendar. If enacted, it would go into effect on August 28, 2015.

*Photo: Rep. Mike Moon*

*Joe A. Wolverton, II, J.D. is a correspondent for The New American. Follow him on Twitter @TNAJoeWolverton.*



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