

# How Treaties Trump the Constitution

By Henry Lamb

NewsWithViews.com, July 19, 2004 - Nothing in the U.S. Constitution authorizes the federal government to regulate private property. Nothing in the U.S. Constitution authorizes the federal government to manage wildlife or prescribe land use regulations within the various states.

By what authority, then, has the federal government constructed the expansive bureaucracy that now forces wolves, panthers and bears on states and communities that don't want them, or levies fines, and jails people who dare dig a ditch, or dump a load of sand on their own private property?

This federal power arises from the treaty clause (Article VI(2)) of the U.S. Constitution.

Alabama attorney, Larry Becraft, provides an excellent analysis of just how and when this treaty power was discovered. This power has been exploited dramatically in recent years, and is the basis for imposing a global environmental and social agenda on the United States.

Before the Ramsar Treaty, no American was jailed for dumping sand on his own private property. Ocie Mills and his son spent 21 months in a federal prison, and a decade in litigation, for dumping 19 loads of building sand on his own property, after securing a county building permit, and approval from the state department of environmental protection.

Before the CITES Treaty, no one would fault a person for shooting a charging bear. John Shuler was fined \$7,000, and spent nine years in litigation because he shot a grizzly - charging toward him only 30-feet away from his front porch.

**Environmental extremists, inside and outside the government, are using international treaties to expand the power of government far beyond the power granted originally by the Constitution.**

The process has been refined to an art. Environmental organizations pour millions of dollars into the campaigns of elected officials. When elected, the officials repay the favor by appointing executives of the environmental organizations to powerful governmental positions. The Clinton/Gore administration appointed at least 27 of these extremists to powerful positions, including Bruce Babbitt, from the League of Conservation Voters, to head the Department of Interior, and George Frampton, from the Wilderness Society, to head the Fish and Wildlife Service.

More than 50 major U.S. environmental organizations, and six federal agencies (including the U.S. State Department), are members of the International Union for the Conservation of Nature, an international non-government organization that has drafted virtually all of the international environmental treaties for half-a-century. Delegations that represent the U.S. in treaty negotiations are headed by the U.S. State Department. **When a treaty is adopted by the U.N. body, the federal agencies and the environmental organizations that helped draft the treaty, then lobby Congress and their constituents to demand ratification.**

The League of Conservation Voters supported the Clinton/Gore ticket in 1992. They got their reward. Now the LCW is supporting the

Kerry/Edwards ticket. They expect, and will undoubtedly get their reward, if the two Johns are elected.

When George Bush was elected in 2000, the international community was bitterly disappointed, and had cause to be. Bush immediately withdrew from the Kyoto Protocol, which Al Gore personally navigated through the contentious 1997 U.N. conference in Kyoto, Japan.

Bush immediately withdrew the U.S. signature from the International Criminal Court, which the Clinton administration signed just hours before the deadline. Bush also pulled the plug on a decade-long strategy to authorize U.N. global taxation, when he forced a rewrite of the document produced by the U.N.'s High Level Panel on Financing Development, in Monterrey, Mexico.

**The power of U.N. treaties over domestic policy is not limited to environmental regulations. Increasingly, the U.N. is developing treaties to govern the Internet, the oceans, space, domestic taxation, trade, and virtually every other area of human activity.**

The Bush administration was right in withdrawing from U.N. activity, but it is a meager first step in a process of withdrawal that must be accelerated. Sadly, many internationalist, environmental extremists remain embedded in the Bush administration and in Congress. The recent revival of the U.N.'s Law of the Sea Treaty, pushed by John Turner in the State Department, and Senator Richard Lugar, is evidence that a more thorough cleansing of government is needed.

The elections in November are a referendum on whether to continue to disrupt the U.N. process of dominating domestic public policy, or whether we will return to the Clinton/Gore days of advancing the internationalist/environmental agenda through U.N. treaties. John Kerry has made clear his intention to restore international favor by subjecting the United States to the will of the international community. 2004 Henry Lamb - All Rights Reserved

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For eight years, he was CEO of a national trade association for contractors, headquartered in Chicago, coming to that position from CEO of a private construction company specializing in erosion control and water management structures. His background includes teaching at the secondary school level, and serving four years as a legislative analyst for a county government in Florida. E-Mail: henry@freedom.org

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