Congress Must Deal With Executive Orders

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Not only does President Clinton not feel any shame about his impeachment; as he told Dan Rather recently, Clinton now feels stronger than ever, able to ignore and override the U.S. Constitution by exercising extraordinary new powers that no President has ever exercised before. 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 misdeeds, 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 "all bills for raising revenues shall originate in the House."

Executive Orders (EO) originate with the constitutional text that says the President shall "take care that the laws be faithfully executed." However, "laws" must mean laws that are already passed, not laws that the executive order purports to create.

Metcalf is trying to rein in Clinton's attempts to take over powers that belong to Congress by introducing 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.

Some of Clinton's executive orders (now up to 279, but others are not numbered) 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 EO 13061, Clinton purported to give himself the power to take over 10 rivers a year (later extended to 14), whose adjacent lands of indeterminate size would 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 Rivers EO takes governing authority away from states and localities. It threatens private property rights guaranteed by the Fourth and Fifth Amendments.

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 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 tries to bypass the constitutional requirement that treaties, to be valid, must be ratified by the Senate. By this EO, Clinton purports to set up an apparatus to implement our alleged "obligations" under the UN treaties on human rights "to which the United States is now or may become a party in the future."

UN treaties that the Senate has refused to ratify, but would be included in this EO, include one on economic rights (which refuses to recognize private property rights), one on the rights of the child (which would set up a global committee of "experts" to monitor childrearing), and one on women (which would interfere with our social relationships and textbooks).

Clinton's EO 12919 of June 3, 1994, entitled National Defense Industrial Resources Preparedness, 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, which was a transparent attempt to rescind the Tenth Amendment, did give Congress a wake-up call. After congressional protest, Clinton said he would suspend it, but it's still viable and needs Metcalf's bill to make it inoperative.

Clinton has almost two more years as President. His unprecedented grab for new powers by a blitz of executive orders is in awesome tandem with his other power grabs through phony "peacekeeping" expeditions, 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.

Congress and the American people must call a halt to Clinton's assault on our separation-of-powers form of government. James Madison called the accumulation of executive and legislative powers in the same branch "the very definition of tyranny."