Clinton's Power Grab Through Executive Orders

January 20, 1999

Google Ads are provided by Google and are not selected or endorsed by Eagle Forum

Faced with a Republican Congress unwilling to grant him all the powers he wants, Bill Clinton has unleashed a blizzard of Executive Orders to grab new authority for the executive branch, make broad public policy changes, and even restructure our governmental system.

Executive Orders have a proper place in federal rulemaking and in implementing the routine business of the executive departments. But Clinton has discovered that Presidential Executive Orders function in a Never Never Land of almost unlimited power, and he is pressing the envelope to move his agenda, both domestic and foreign.

Clinton advanced three of his favorite goals when he issued Executive Order (EO) 13107 on December 10. He increased executive branch authority, he moved America closer into the "web" of treaties, which he promised in his address to the United Nations on September 22, 1997, and he rewarded the feminists who are standing by him in his impeachment trial.

EO 13107, entitled Implementation of Human Rights Treaties, sets up an Interagency Working Group, with representatives from major federal departments, to implement our alleged "obligations" under the many United Nations treaties on human rights "to which the United States is now or may become a party in the future."

Clinton's impudence in presuming to implement treaties that the Senate has refused to ratify is becoming characteristic. Congress had to pass legislation last year to forbid him from using funds to implement the Global Warming Treaty, which the Senate won't ratify.

The first treaty listed in EO 13107 is the International Covenant on Civil and Political Rights, which was adopted by the UN in 1966, signed by Jimmy Carter in 1977, and ratified by the Senate during George Bush's Administration in 1992. Aggressive implementation of this treaty can open up a can of worms in regard to our First Amendment rights, criminal law, and unique system of federalism.

The treaty's repeated references to the elimination of sex discrimination are just what the radical feminists want in order to "implement" their exotic judicial interpretations of sex. The treaty's Article 23 even binds governments "to ensure equality of rights and responsibilities of spouses during marriage," one of the UN "rights" to be monitored by the Article 28 "Human Rights Committee" on which the United States may have only one out of 18 members.

Among the unratified UN human rights treaties that could be "implemented" under EO 13107 is the International Covenant on Economic, Social, and Cultural Rights. The Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Reagan and Bush Administrations all rejected this treaty because it refuses to recognize one of the most fundamental American economic rights, the right to own property.

This UN treaty would bind us "to take steps," including "legislative measures," to the "maximum" of our resources in order to achieve "full realization" of "adequate food, clothing and housing" of everyone in the world. It would bind us "to ensure an equitable distribution of world food supplies in relation to need."

The unratified UN Convention on the Rights of the Child would bring about massive UN interference in family life, education, daycare, health care, and standard of living. Article 43 sets up a committee of ten UN "experts" to monitor the raising of children and our "progress" in complying with the treaty's "obligations."

The UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) would require us to follow UN/feminist dictates about "customs and practices," "social and cultural patterns of conduct of men and women," "family education," and even revision of textbooks. The Clinton Administration has already started implementing this unratified treaty through the project launched after the 1995 UN Conference on Women called "Bring Beijing Home."

The term Executive Order does not appear in the Constitution, but the President's authority derives from his Article II, Section 3 power to "take care that the laws be faithfully executed." The validity of particular Executive Orders has often been questioned, but neither Congress nor the Supreme Court has defined the extent of their power, and courts have rarely invalidated or even reviewed EOs.

President Franklin D. Roosevelt proclaimed a national emergency and issued wide-reaching Executive Orders, notably his 1933 bank holiday and prohibition on private possession of gold, but those orders were subsequently ratified by Congress. The notorious EO 9066, under which some Japanese-Americans

were interned during World War II, was subsequently upheld by the Supreme Court under FDR's war powers.

In 1952, the U.S. Supreme Court struck down Harry Truman's EO 10340 to seize the nation's steel mills. In 1996, the Court of Appeals for the D.C. Circuit invalidated Clinton's EO 12954, which attempted to prohibit federal agencies from doing business with companies that had permanently replaced strikers.

Clinton attempts to insulate his Executive Orders against judicial review. He included a clause in EO 13107 declaring that it "does not impose any justiciable obligations on the executive branch."

It's time to stop Clinton's unprecedented use of Executive Orders to implement ratified and unratified treaties. Our freedom and independence are at stake.