



CONSERVATIVE  
PATRIOTS GROUP

# The E-Newsletter

7362 W. Parks Hwy #343, Wasilla, AK 99654 ★ [www.conservativepatriotsgroup.org](http://www.conservativepatriotsgroup.org)

Vol. 1, No. 3 December 28, 2009

## In This Issue

- NOAA to Designate Upper Cook Inlet as Critical Habitat for Beluga Whales
- Opting Out of Medicare
- \$28.2 Million in Energy Stimulus Funding – Where Did It Go?
- Climategate: The Mother of All Deceptions
- Treaties and Executive Orders – Part 1

## Important Links

[Click here](#) for the CPG web site  
*Conservative Patriots Group*

[Click here](#) for ATP  
*Alaska Tea Party home page*

## CPG Board of Directors & Officers

**Jennie Bettine, J.D. - Director/President**  
[jen@conservativepatriotsgroup.org](mailto:jen@conservativepatriotsgroup.org)

**Dave Jenkins - Director/Vice President**  
[dave@conservativepatriotsgroup.org](mailto:dave@conservativepatriotsgroup.org)

**Mark Fish - Director**  
[mark@conservativepatriotsgroup.org](mailto:mark@conservativepatriotsgroup.org)

**Frank Bettine, P.E., Atty - Director/Counsel/Public Relations**  
[frank@conservativepatriotsgroup.org](mailto:frank@conservativepatriotsgroup.org)

**Amy Thomas – Director**  
[amy@conservativepatriotsgroup.org](mailto:amy@conservativepatriotsgroup.org)

**Rick Bryant – Director**  
[rick@conservativepatriotsgroup.org](mailto:rick@conservativepatriotsgroup.org)

## NOAA to Designate Upper Cook Inlet as Critical Habitat for Beluga Whales

*By Mary Barr*

In October 2008, the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service listed the Cook Inlet Beluga Whale as an endangered species. The Endangered Species act of 1973 requires the designation of a “critical habit” for the endangered population.

An amendment to the Endangered Species Act in 1978 defined critical habitat as the specific area, occupied by the species, that is critical to the conservation of the species and any specific areas outside the geographical area occupied by the species that are essential for the conservation of the species. The Cook Inlet Beluga whales are found only within the Cook Inlet and Knik Arm, and do not mingle with the other populations of Belugas inhabiting the waters off Alaska.

The territory under consideration is roughly one-third of Cook Inlet, 3,016 square miles, including upper Cook Inlet, Knik Arm and the western shore of Cook Inlet, and all of Kachemak Bay. Alaska Marine Mammal Stock Assessments of 2008 indicate that the northernmost parts of Cook Inlet, including the Susitna Delta, Knik Arm, and Chickaloon Bay are the focus of the stock’s distribution in both summer and winter. Public testimony will be accepted on this designation through January 31, 2010.

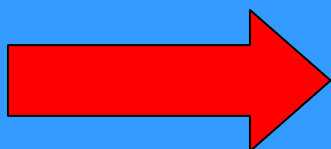
Designation of critical habitat in this area will severely restrict development. Federal agencies are required to consult with NOAA’s Fisheries Service to ensure they do not fund, authorize, or carry out any project that will destroy or adversely modify the critical habitat. This designation also opens the door for lawsuits to prevent any private development in the area. Since the area includes the mouths of freshwater streams flowing into the inlet, any inland development that might affect water quality or fish stocks will also be prohibited or subject to lawsuits.

Habitat concerns identified by the Alaska Marine Mammal stock Assessments of 2008 include competition with fisheries for available prey; contaminants and sounds associated with oil and gas exploration in Cook Inlet; waste management and urban runoff; and construction projects in Upper Cook Inlet that may alter the physical habitat. The Knik Arm Bridge, port improvements, and operation or development of mining operations are all potential victims of this designation.

The State of Alaska Citizen’s Advisory Commission on Federal Areas

Newsletter Editor: Margaret Sharpe  
margaret@conservativepatriotsgroup.org

What can you do about it?



**ACT NOW!**

has formally requested the National Marine Fisheries Service (NMFS) to schedule public hearings on the proposed regulations at 50 CFR Part 226 to designate critical habitat for Cook Inlet beluga whales (74 FR 63080). The Commission requests that, at a minimum, hearings be held in the following Alaska communities: Anchorage, Homer, Girdwood, Soldotna, Kenai, Homer, Seldovia, Nikiski, Tyonek, Ninilchik, Anchor Point, Palmer, and Wasilla.

The NMFS proposes to designate 4 species of Pacific salmon (Chinook, sockeye, chum, and coho) as primary constituent elements essential for the conservation of Cook Inlet beluga whales. This listing has the potential to dramatically affect future use of salmon by residents of the Cook Inlet Region.

Because of the potential economic and social impacts from this proposed action, the NMFS has an obligation to hold hearings in all affected communities. It is important that area residents understand the effects this proposed listing may have on their use of salmon.

---

**Time to Act:** Comments on the proposed critical habitat area must be received by Jan 31, 2010. You can submit comments by hand, mail, fax, or electronically. Address all correspondence to: Kaja Brix, Assistant Regional Administrator, Protected Resources, Alaska Region, NMFS, ATTN: Ellen Sebastian. Comments must be identified by "RIN 0648-AX50" and sent by any one of the following methods:

**Electronic:** Submit at <http://www.regulations.gov>. [Note: The quickest way to find the proposed rule is to enter "beluga" in the "key word" search box.]

**Mail:** P.O. Box 21668  
Juneau, AK 99802-1668

**Fax:** 907-586-7557

**Hand Deliver:** Federal Building  
709 West 9th Street, Room 420A  
Juneau, Alaska

As soon as we find out when the public hearings are scheduled, we will get that information out.

---

## Opting Out of Medicare

*By Ilona Farr, MD*

*I am the head of a call group that represents 17 Family Practice MDs (20% of family physicians in Anchorage) and a lifelong Alaskan who went through the WAMI program in 1979. This issue really concerns all Alaskan providers, and this reform will impact every Alaskan. The following represents some of the thoughts and concerns of several physicians in private practice.*

It is a heart-wrenching decision as a physician to opt out of Medicare after working with Senator Stevens, Senator Murkowski, and Representative Young for a decade to insure seniors would be able to continue to receive medical services in Alaska.

This was precipitated by U.S. Preventive Services Task Force's recommendation that breast cancer screening mammograms should only be done on women between age 50 and 74. Approximately 48% of my patients with breast cancer developed it before age 50. Up to

1.2% of my practice, mostly young mothers, could have died if this were to become a national guideline. The Reid bill has this task force determining what tests will and will not be allowed on patients. Penalties will be imposed on us for going against guidelines. The Hippocratic oath compels us to protect the health of all humans throughout life, and many provisions in these healthcare bills would cause us to violate that oath.

Physicians and patients (not government) should decide the best, most cost-effective medical treatment for patients. Government should not fine providers for healthcare decisions or mandate which tests can or cannot be done. Medicine is changing too rapidly for guidelines to be made at a national level. One section in Reid's bill says Medicare will no longer pay for labs, X-rays, prescriptions, or other services written by MDs who have opted out of Medicare. Many talented physicians have had to opt out of Medicare to stay in business, so seniors will no longer be able to see these physicians because of government financial restrictions or they will be forced to pay all medical bills associated with these visits themselves.

Bills under consideration cut Medicare spending by \$460 billion, raise fees on medical services, increase physicians administrative burdens, promote electronic medical records with mandated reporting of outcomes data, and increase business costs so it will be impossible for small practices to survive. On a visit costing \$115.00, Medicare pays \$40.00, secondary insurance pays \$7.00, and the rest is a loss (\$68.00 – not a tax write-off). It takes six insurance-paying patient visits to offset losses from one Medicare or Medicaid patient. HR3950/HR3962 increases the number of people not paying their share of the costs and will result in premature retirement, or Medicare opt out, of physicians (59% in a recent survey) or practice closures. I have worked in government medical facilities and in private practice for the last 26 years. Physicians can provide timelier, less costly, and more patient-oriented care if not overseen by hordes of nonproducing government administrators.

Anchorage has 75 Family Physicians, down from 180. Family Practice Residencies are filled with foreign medical graduates because of high costs (>\$200,000) associated with medical school. Low physician reimbursement rates make it difficult to repay loans.

Physician shortages are caused by government interference in the free market. Government controls the number of residency slots and artificially keeps reimbursement rates low, forcing other patients, and insurance companies, to pick up the additional costs. Medicare and Medicaid auditors are paid on commission, can fine us \$2,000 to \$50,000 for one charting mistake or billing error, extrapolate this over the practice and drive us out of business... all for one minor mistake. There is fraud, but this system that penalizes us severely for simple errors is untenable. In these bills malpractice reform is blocked, health savings accounts (which help reduce costs and fraud) are essentially eliminated, and taxes and fees on insurance and medical services are increased; there are no Medicare rate or rule reforms, or tax write-offs for business losses.

I am in favor of reform, but the current bills before congress will collapse our health care system and work against the freedoms we are guaranteed under the constitution. Government should not be allowed to force people to purchase health insurance with severe fines or jail time if you do not, mandate what healthcare services you are allowed, or increase our taxes astronomically to support a huge

government healthcare bureaucracy that will bankrupt us as individuals and as a nation.

---

## \$28.2 Million in Energy Stimulus Funding - Where Did It Go?

These are the funds rejected by Governor Palin and then accepted by the Legislature in the August veto override. Palin refused the funds because accepting the funds will require the State to implement a building energy code (or codes), Statewide, for residential buildings that meets or exceeds the most recently published International Energy Conservation Code.

Ask yourself, where are the long-term permanent jobs created by accepting and spending these funds? Answer – there are none. When the funds dry up, so do the jobs.

The Legislature gave up a portion of our State's sovereignty for an amount that represents about 0.3 percent of the \$9 billion FY2009 Alaska budget. These are the same Legislators that, only a few months prior in April, unanimously signed an Alaska Sovereignty Resolution advocating State's rights pursuant to the 10th Amendment.

The following information, on how the money is to be spent, was provided courtesy of Representative Carl Gatto, at the Request of CPG.

**ARRA State Energy Program Approved Allocations  
State of Alaska - Office of the Governor  
Office of Management and Budget  
September 28, 2009**

<b>Program</b>	<b>Allocation</b>	<b>Lead Agency</b>
State facilities energy efficiency projects	\$10,000,000	DOT/PF
Schools and municipal facilities energy efficiency projects	\$8,000,000	AHFC
AHFC low income housing facilities energy efficiency projects	\$2,500,000	AHFC
Village facilities energy efficiency program	\$3,732,000	AEA
Energy efficiency resources and tools for communities and businesses	\$4,000,000	AHFC
<b>TOTAL</b>	<b>\$28,232,000</b>	

Key:

AHFC = Alaska Housing Finance Corporation.

AEA = Alaska Energy Authority.

ARRA = American Recovery and Reinvestment Act.

DOT/PF = Department of Transportation and Public Facilities.

---

### Program Summaries

**State facilities energy efficiency projects – \$10,000,000:** This program will continue and expand DOT/PF's successful energy performance contracting project to further reduce energy costs in State facilities. The list of buildings and specific projects to be included will be determined based on energy audits. High profile buildings that will be included if cost-effective are: Atwood Building, Governor's residence, and Fairbanks Regional Office Building.

The \$10 million in ARRA energy funds allocated for this program will be leveraged with debt financing to accomplish the maximum number of energy efficiency projects and corresponding energy cost savings to the State. This is similar to the approach the State of Arizona is using for its ARRA energy funds and State buildings. Up to \$40 million in energy efficiency projects can be funded, using a combination of the \$10 million in ARRA funds and \$30 million in debt financing. The debt service will be paid entirely through the cost savings from the energy efficiency projects, and the savings will be guaranteed by the contractor, so there is no financial risk to the State.

In the short term, financing will be through either the State's master lease line of credit under the Department of Revenue, or through a private bank or financing firm. AHFC bonds would be an additional option and may offer a lower interest rate, but they would require an appropriation at the next legislative session.

**Schools and municipal facilities energy efficiency projects – \$8,000,000:** Under this program, every school district and municipality in the State will be offered the ability to use the State's energy performance master contract to reduce their energy costs. The suggested approach is that DOT/PF manage the actual contracts, and AHFC provide project management support and outreach efforts to provide a turn-key energy savings program. This approach will avoid the need for school districts and municipalities to reinvent the wheel. As with the State building program described above, the ARRA energy funds will be leveraged with borrowed funds – either private financing or AHFC bonds – to increase the number of projects that can be funded. Using the same ratio of 25% cash/75% borrowed funds as for State buildings, the \$8 million in ARRA funds could pay for \$32 million in energy projects for schools and municipal facilities. The emphasis in expending the \$8 million will be on schools. Additional projects beyond this \$32 million total can be funded using energy performance contracting, but this will need to be 100 percent debt financed.

One caveat is that the smallest school districts and village municipalities may not have large enough facilities to make energy performance contracting cost-effective. As an alternative, AHFC can use a portion of this allocation for the residential weatherization crews that are already planning work in many rural communities to perform energy efficiency improvements to village schools and community buildings.

**AHFC low income housing facilities energy efficiency projects – \$2,500,000:** A number of AHFC housing facilities were constructed in the 1970s and 1980s, and are not energy efficient. Adding insulation, sealing air leaks, and upgrading heating systems will substantially reduce operating costs.

**Village facilities energy efficiency program – \$3,732,000:** This program will expand AEA's successful work in rural villages to improve energy efficiency in both public facilities and small businesses. AEA will coordinate with AHFC to avoid duplication of efforts with AHFC's weatherization crews. This program will enable AEA to provide energy efficiency services to villages where AHFC is not doing weatherization work.

**Energy efficiency resources and tools for communities and businesses – \$4,000,000:** Under this program, AHFC will provide the following resources and tools for communities and businesses

across Alaska. Estimated allocations are included:

- Energy efficiency training and outreach, including provision of training for contractors to perform the residential energy efficiency projects funded through the residential energy rebate program – \$1,750,000;
- Commercial and small business energy audit training and support – \$1,250,000;
- Enhancement of the AKWarm energy modeling software, which is the basis of the residential energy rebate program. The software will be enhanced to include commercial buildings and to better model energy use and determine cost-effective improvements – \$850,000.
- Building energy code analysis and support for municipalities. As Alaska's designated energy agency for the federal State Energy Program, AHFC needs to comply with the ARRA requirements, including assistance to municipalities on energy codes – \$150,000.

---

## Climategate: The Mother of All Deceptions

*"The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary." – H.L. Mencken (1918).*

*"Our job is to give people not what they want, but what we decide they ought to have." – Richard Salent, Former President CBS News.*

The recent exposures of fraud coming from the Hadley Climate Research Unit, then followed by similar exposures at New Zealand's NWIA, Australia's climate center, and NOAA have only confirmed the doubts arising from the obviously NON-scientific methods employed by the Anthropogenic (man-made) Global Warming supporters, hereinafter called the "Global Warming Cult." They are a cult because of the abandonment of scientific methods together with a recent British Court decision that declared belief in Global Warming was accorded the status of a religion.

Human-caused global warming is not being researched; it is being promoted by Al Gore and his fellow investors. They expect to reap billions in profits from the trading of Carbon Credits, a "license to pollute" available for a price and subject to brokerage fees. To any real objective observer, the methods employed by the Cult are not those of science and research but of salesmanship, propaganda, and scare tactics.

Coincident with the desire to reap huge profits from the general population of the world is the agenda to promote a global government. Currently, the push is for a global government leading to a surrendering of national sovereignty; this was scheduled to occur at the December Copenhagen Conference.

Is there really a crisis? Would it really be a bad thing if the Earth were getting warmer?

Warmer temperatures mean longer growing seasons. Longer growing seasons mean more food. And at a time when much of the world's population is going hungry, more food is a good thing.

Is carbon dioxide (CO<sub>2</sub>) really such a bad thing? Carbon dioxide occurs naturally. The major sources are volcanoes and respiration from animal life on Earth. As carbon dioxide increases, plant life – which uses carbon dioxide for photosynthesis – will grow more abundantly.

Is carbon dioxide a greenhouse gas? Yes, it is. But it is not the only one. Water vapor is by far the most abundant greenhouse gas in the atmosphere. Methane is also a greenhouse gas, more potent than carbon dioxide. But you cannot tax water vapor, and methane is produced by termites and deep-sea microbes, so the Global Warming Cultists have settled on carbon dioxide as the villain because a small portion of carbon dioxide in the atmosphere, as shown in the table below, can be traced to human activity.

**Anthropogenic (man-made) Contribution to the "Greenhouse Effect,"  
expressed as % of Total (water vapor INCLUDED)**

Based on concentrations (ppb) adjusted for heat retention characteristics	% of Greenhouse Effect	% Natural	% Man-made
Water vapor	95.000	99.999	0.001
CO <sub>2</sub>	3.618	3.502	0.117
CH <sub>4</sub>	0.360	0.294	0.066
N <sub>2</sub> O	0.950	0.903	0.047
Misc. gases	0.072	0.025	0.047
Total	100.00	99.72	0.28

**Key:**  
CFC = chlorofluorocarbon; CH<sub>4</sub> = methane; CO<sub>2</sub> = carbon dioxide; N<sub>2</sub>O = nitrous oxide; and ppb = parts per billion.

- When greenhouse contributions are listed by source, the relative overwhelming component of the natural greenhouse effect (water vapor) is readily apparent.
- Water vapor, responsible for 95% of Earth's greenhouse effect, is 99.999% natural (some argue, 100%). Even if we wanted to, we can do nothing to change this.
- Anthropogenic (man-made) CO<sub>2</sub> contributions cause only about 0.117% of Earth's greenhouse effect (factoring in water vapor). This is insignificant!
- Adding up all anthropogenic greenhouse sources, the total human contribution to the greenhouse effect is around 0.28% (factoring in water vapor).

Now this may not seem like very much, and indeed it isn't. With volcanoes producing far more carbon dioxide than humans, one wonders what all the fuss is about regarding our cars and industry. But the Global Warming Cult has a handy explanation. The Global Warming Cult likes to claim that natural sources of carbon dioxide are already balanced out by natural sinks for carbon dioxide. Volcanoes are offset by trees. The carbon dioxide emitted by sea life is absorbed by seaweed. By claiming that there is no natural counterpart to human-caused carbon dioxide, the Global Warming Cult tries to claim that 0.117% of Greenhouse effect caused by man-made carbon dioxide is upsetting the balance of nature. A convenient theory, but it

“There is no dispute at all about the fact that even if meticulously observed, (the Kyoto Protocol) would have an imperceptible effect on future temperatures – one-twentieth of a degree by 2050.”

~ Dr. S. Fred Singer, atmospheric physicist, Professor Emeritus of Environmental Sciences at the University of Virginia, and former director of the US Weather Satellite Service; in a Sept. 10, 2001 Letter to Editor, Wall Street Journal

is wrong. Experiments with enhanced CO<sub>2</sub> in greenhouses confirm that as CO<sub>2</sub> levels rise, plants will grow larger, absorb more CO<sub>2</sub>, driving levels back down again.

How do we know an agenda is involved? Simple: if the global warming alarmists were really only interested in the welfare of the Earth, one would expect them to be delirious with joy that the threat of anthropogenic global warming doesn't really exist after all. The Earth has actually been cooling for the past 12 years.

The Kyoto Protocol calls for mandatory carbon dioxide reductions of 30% from developed countries like the United States. Reducing man-made CO<sub>2</sub> emissions this much would have an undetectable effect on climate while having a devastating effect on the U.S. economy. Can you drive your car 30% less, reduce your winter heating 30%? Pay 20 to 50% more for everything from automobiles to zippers? And that is just a down payment, with more sacrifices to come later.

Such drastic measures, even if imposed equally on all countries around the world, would reduce total human greenhouse contributions from CO<sub>2</sub> by about 0.035%. This is much less than the natural variability of Earth's climate system!

While the greenhouse reductions would exact a high human price, in terms of sacrifices to our standard of living, they would yield statistically negligible results in terms of measurable impacts to climate change. There is no expectation that any statistically significant global warming reductions would come from the Kyoto Protocol.

Sources: (1) Climategate: A Crime Against Humanity-Updated; Global Warming-A Closer Look at the Numbers, by Michael Rivero  
(2) [http://www.geocraft.com/WVFossils/greenhouse\\_data.html](http://www.geocraft.com/WVFossils/greenhouse_data.html): Putting it all together: total human greenhouse gas contributions add up to about 0.28% of the greenhouse effect.

---

## Treaties and Executive Orders - Part 1

Several people have contacted CPG to express concerns on the threat to U.S. sovereignty if the U.S. joins the treaty to be debated in Copenhagen this December.

The Treaty Clause can be found in Article II, Section 2 of the U.S. Constitution, which grants power to the President to make treaties with the "advice and consent" of two-thirds of the Senate.<sup>1</sup> This is different from normal legislation that requires approval by simple majorities in both the Senate and the House of Representatives.

U.S. law distinguishes what it calls treaties, which are derived from the Treaty Clause of the U.S. Constitution, from congressional-executive agreements and executive agreements. All three classes are considered treaties under international law; they are distinct only from the perspective of internal United States law. The distinctions are made by the way they are ratified (by two-thirds of the Senate, by normal legislative process, or by the President alone) and their relationship to domestic law. Part 1 of this article will address treaties. Part 2, printed in a subsequent E-newsletter, will address executive orders.

There is a misconception that the U.S. Constitution says a treaty takes precedence over the Constitution, that the President can make

it U.S. law by signing it, and that nothing can be done to reverse it. The Constitution is an act by "We the People." Treaties and federal statutes are the enactments of our representatives. The U.S. Supreme Court has acknowledged the supremacy of the Constitution over both treaties and statutes enacted by Congress.

The United States takes a different view from many other nations concerning the relationship between international and domestic law. Unlike nations that view international treaties and statutes as always superseding domestic law, international agreements instead are incorporated into the body of U.S. federal law. As a result, Congress can modify or repeal treaties by subsequent legislative action, even if this amounts to a violation of the treaty under international law.

In 1920, the Supreme Court ruled in *Missouri v. Holland* that international treaties carry the same weight as does any provision of the Constitution, and are binding on all states of the Union regardless of their own individual laws. This was seen as a possible means of subverting constitutional provisions by way of a bilateral treaty. Nearly 40 years later, though, in *Reid v. Covert*,<sup>2</sup> the Court specified that any international agreement inconsistent with the U.S. Constitution is void under domestic law – the same as any other federal law in conflict with the Constitution.

The United States is not a party to the 1969 Vienna Convention on the Law of Treaties. However, the State Department has taken the position that it is still binding, in that the Convention represents established customary law. The United States has systematically, in the past, included in treaty negotiations the reservation that it will assume no obligations that are in violation of the U.S. Constitution, as mandated by the Supreme Court's ruling in *Reid*.<sup>3</sup>

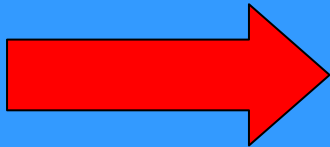
The repeal by Congress of the "self-executing" clauses of a treaty as "law of the land" does not of itself terminate the treaty as an international contract, although it may very well provoke the other party to the treaty to do so.

Where in the Government of the United States does the Constitution lodge the power to unmake treaties? Reasonable arguments may be made giving such power to the President alone, to the President and Senate, or in the Congress. Presidents generally have asserted the foreign relations power reposed in them under Article II. Because the Constitution requires the consent of the Senate for making a treaty, it can logically be argued that its consent is required for terminating it. Finally, because treaties are, like statutes, the supreme law of the land, it may well be argued that, like statutes, they may be undone only through law-making by the entire Congress. Definitive resolution of this argument has yet to occur.

There are examples of treaty terminations in which both the President and Congress jointly acted and instances where the President acted alone. President Lincoln was the first to give notice of termination in the absence of prior congressional authorization. President Carter terminated the Mutual Defense Treaty of 1954 with the Republic of China, Taiwan, and the Department of State cited many examples of the President acting alone to justify this action – although many of the reasons cited are ambiguous.

It is contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights to construe Article VI<sup>4</sup> as permitting the United States to exercise power under an international agreement that supersedes the Constitution.

What can you do about it?



**ACT NOW!**

In effect, such construction would permit amendment of that document in a manner not sanctioned by Article V.<sup>5</sup> The Constitution was designed to apply to all branches of the Federal Government and it cannot be nullified by the Executive or by the Executive and the Senate combined. Thomas Jefferson was clear on this point: "If the treaty power is unlimited, then we don't have a Constitution..."<sup>6</sup> Alexander Hamilton agreed: "a treaty cannot be made which alters the Constitution of the country or which infringes any express exceptions to the power of the Constitution of the United States."

This Supreme Court has also repeatedly taken the position that an Act of Congress, which must comply with the Constitution, is on a full parity with a treaty, and that when a statute which is subsequent in time is inconsistent with a treaty, the statute to the extent of conflict renders the treaty null. It would be completely inconsistent to say that a treaty need not comply with the Constitution when such an agreement can be overridden by a statute that must conform to that instrument.

In spite of all of the obvious above, some people doggedly insist that "treaties supersede the Constitution" because they want treaties to supersede the Constitution so they can escape the chains of the Constitution!

Yet we can never be certain when a liberal judge may seek to legislate from the bench and overturn Reid. The best defense to insure that the Obama administration does not attempt to enforce any treaty intended to undermine U.S. sovereignty is to demand the Senate never ratified the treaty. **Therefore, contact your Senators and insist they reject ratification of any treaty that may seek to undermine our sovereignty.**

Sources: Foreign policy of the United States, Wikipedia encyclopedia; Vienna Convention on the Law of Treaties.

#### **Footnotes:**

1. Article II, Section 2 - He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur...
2. Reid v. Covert, 354 U.S. 1 (1957), is a landmark case in which the United States Supreme Court ruled that the Constitution supersedes international treaties ratified by the United States Senate. According to the decision, "this Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty," although the case itself was with regard to an executive agreement and the treaty has never been ruled unconstitutional.
3. There is no guarantee that the Obama administration will include such reservation.
4. Article VI - Debts, Supremacy, Oaths: 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 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.
5. Article V – Amendment: The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments...
6. Thomas Jefferson quoted from his Manual of Parliamentary Practice and Alexander Hamilton from The Federalist Papers cited by Hoar WP. Treaties v. the constitution – which law is supreme. The New American 1995; 11(7):55.