

James

From: Harmon L. Taylor [holmes221@earthlink.net]
Sent: Friday, August 27, 2010 11:30 AM
To: Legal Reality
Subject: Texas fights global-warming power grab

27 August A.D. 2010

Ms. Venable, the author of the note forwarded, is rightfully concerned about the growth of "federal" powers. Yet, she is proposing a political solution to a commercial problem.

She's concerned that the EPA will move forward with its agenda without any legislative "approval." She has reason to be concerned. OF COURSE the EPA will move forward under the appearance of "dictatorial" (non-congressional) activity! OF COURSE they will.

Her solution includes supporting political action activity so that more political activity may be brought to bear on the matter. How many "political action"-oriented organizations are there in this nation? How much money goes through those organizations? However much it is, it is 99% futile and laboring in vain. No amount of money to any "political" organization on the face of the planet is going to stop, curtail, alter, derail, etc., any of the God-hating, America-hating, Nazi-communo-fascist agenda. That hardly means there's "no solution." It just means that the person with the solution is also the person with the problem, and that's the person we see in the mirror. In short, no "political" activity is required!

As the EPA moves forward independently from legislative pre-approval, how does that work, legally? Same way as everything else works with/for the "federal government:" "federal" means "federal." "Federal" does not mean "national," and it most certainly doesn't mean "constitutional." "Federal" means "federal." At the level of a "state," "federal" means "by compact" or "by treaty." At the level of the individual, "federal" means "by private obligation."

There are two generic types of private obligations: contracts and trusts.

How does the EPA have any "teeth" to do what it does? By what legal mechanism does any "environmental" "regulation" apply to any entity or individual at any time for any reason? By the very same legal mechanism that the "federal" systems uses for *all* regulatory matters: that entity or individual has first to agree to be regulated. ("Federal" means "federal.")

This author isn't pretending to know where (all) the "environmental" "gotcha agreement(s)" may be entered into, i.e., what it is that is signed by which the entity or individual thereby agrees to be regulated by the EPA. That has yet to be a priority focus, thus where those "gotcha agreements" get started is relevant, but that's not the focus of this note.

(With the traffic ticket matters, the "agreement" is formed at trial. In the traffic scenario, there isn't really a trial. There's a "negotiation." The party that doesn't object to the assertion of an agreement has, by that silence, agreed that there's an agreement. Thus, this author doesn't rule out the possibility that the agreement with the EPA is formed when the EPA shows up and the responding party doesn't ask, right off the bat, "Who are you?" and "Where's the agreement?")

The focus here is whether any Nazi-communo-fascist regime may move forward with its "environmental" "war on America" without congressional "approval." And, the reality is yes it/they may. Whatever is started under

the obama-nation will not stop under the next leader of "the party's" regime. That which started under FDR has remained; same with LBJ, and Carter, and Klinton. Same with Nixon, Reagan, Bush 41, and Bush 43. We're dealing with "one party," and that party's agenda will just continue. The reason is that its mechanism is commercial, i.e., "federal," not political.

One of the most foundational false presumptions that permeates the general mindset in America is that the "feds" operate "by law." That's marginally applicable, but outside Title 18 the law that applies will be the law of contract and/or trust. The EPA's authority no more comes from the fact of its existence than it comes from the man in the moon. The EPA *has* authority, to be sure. All the "federal" "agencies" *have* authority. The trick is that it comes by way of signature of those being regulated. The fact that the EPA exists is irrelevant. The EPA does not have authority because it exists. The fact that the party being regulated has somehow agreed to be regulated is extremely relevant. Thus, as with any "federal" "agency," the authority derives from a signature provided by the party being regulated.

This is the thing about the present "federal" system. Politics are 99% irrelevant. Why is there so much controlled media attention given to political matters? Because when it really matters, politics are *ineffective*. If politics were an avenue of control by the people over the wold-be tyrants, that method and process would most assuredly not be marketed. The mere fact that the political activity is so heavily marketed is one of the best factors tending to suggest the completely *ineffective* nature of that process.

The successful magicians find all kinds of ways to get the audience to focus somewhere else when the key part of the trick occurs. The magicians with "the party" intend for the controlled media to keep us focused away from their tricks. So far, it's worked brilliantly. We still think, on the whole, that who holds what office matters. It doesn't matter who holds what legislative or executive office. (Who the judges are and what they understand about the reality matters tremendously. In the federal system, those are appointed positions, not elected positions. Those in the elected positions take suggestions from the leaders of "the party," anyway, so there is no concern whatsoever that the people in the judicial positions that matter are intellectually uninformed of our present reality. They *have* to know it, or "the party's" system falls apart. And, we know they know it, for they've been teaching us our reality since Day One.) Thus, it's in no way accidental that we're "taught," all our lives, about the *political* process. For so long as we're focusing there, we're missing how the trick works, and our missing how the trick works is extremely deliberate. So long as we're asking the wrong questions and investing time, "money," and energy in all the wrong directions, "they" remain "in power."

We think, on the whole, that what gets printed in the US Codes has authority solely because it's printed there. Outside Title 18, where there is no commercial nexus, there is no enforcement mechanism. "Federal" means "federal." Thus, "nothing" has authority solely because it's found printed in the statute books. If that language has authority, it's for one reason and one reason only: the individual or entity being subjected to enforcement of that language has agreed to be regulated by that language.

What we've all been raised to think is that it takes "group think" to change these outrageous policies. For so long as we can be talked into that perspective, we can be talked out of our Liberties. For so long as we are talked into thinking that we're dependent on someone else's actions to have a solution, especially where that someone else is a majority of a legislative body, we're talked into "group think" and out of "individual responsibility." Thus, we're distracted, quite masterfully, from the legal mechanism of private obligation, and we end up perpetuating the very problem we oppose by (A) continuing to agree to be regulated without realizing that fact, and far, far worse, (B) promoting political solutions to these 100%-commercial problems, which helps keep our family, friends, and neighbors thinking "group think," as well, rather than "individual responsibility."

In short, it doesn't matter what sort of "black smoke" policy is being pumped out of the DC Smokestacks. It doesn't matter, because those people have no authority as a by-product of the mere existence of their office.

They have no more authority than the bookstore down the street. The bookstore down the street has no authority over us. It exists, and we choose to trade there or not. That's how the "federal" system functions, namely "by private obligation." It exists, and we choose to trade there or not. Nothing except our informed judgment and morality exists to prevent our entering into agreements with those modern-day Canaanites. (God told all Israel, through Joshua, as they crossed into the Land of the Canaanites, essentially this: "Don't enter into any agreements with the Canaanites." Of course, they did anyway. And, despite the textbook fraud by the Gibeonites, God held Israel to that treaty. Thus, many generations later, when Saul sought to annihilate the Gibeonites, God prevented it, and then God Judged all Israel by putting Israel into a drought/famine. God holds Israel to their agreements to this day.)

Thus, of what possible value is *more* political activity relative to the EPA? None. Truly, it's like supporting the NRA, etc. Of what *possible* value is more political activity? None. If we don't yet see that the "political" process has been completely and totally derailed, corrupted, rendered useless, via this "obama-scare death/health" ("tax") bill, then we are truly blinded by Divine Intervention. What level of overwhelming popular opposition to that "bill" existed? "Reported" was somewhere in the 80% area, which means it was closer to 97%. (That 3% is that area where AT&T doesn't have coverage, yet.) If the "representatives" represented the *people*, there'd be no "obama-scare death/health" "tax" bill. It wouldn't exist. Yet, here it is. This is simply one more example of the reality that the people are not the key voice in the "federal" system. The voice that is heard is the "commercial" voice, i.e., the voice of the players who own/run/control this present "federal" system.

The point is that the more they prove the commercial nature of their "power," the more we should be ready, willing, and able to "see" that fact. The more they derail everything we've been "taught" about the "constitutional" system, the more clear should be the overwhelming evidence that we're not dealing with a "constitutional" system. Eventually, the disconnect has to be great enough that the logic kicks in and we face the horror of the reality that we're simply not in Kansas right now.

We can get back, but we've got to follow the Yellow Brick Road. Gold is a good example, and silver is a better one, of an honest system of weights and measures. In other words, the problem is commercial, which means that the solution is commercial.

The EPA doesn't exist politically. It exists commercially. To say this another way, no president or congress may/can ever in a million years compel anyone to agree to be regulated by the EPA. They can set up the EPA; they can show pictures of a snarling tiger with very sharp teeth and claws; they can publish all their "Look what we did to THIS company (who we suckered into agreeing to be regulated)!" administrative and judicial results. But, they can never compel anyone to agree to be regulated. All the marketing is hollywood stunting in the classic sense and form. But, nothing about hollywood stunting changes the fact that the EPA is just one more house of cards staring down a Texas tornado.

In that exact same breath as it is said that no president or congress has the authority to compel anyone or any entity to agree to be regulated by the EPA, it's also the case that no president or congress has any ability to terminate any such agreement once it's entered into. Thus, the problem is commercial, and the solution is commercial. The politicians can neither compel our participation in their scams nor provide relief once we've ensnared ourselves. The problem is individual, and so is the solution.

The modern-day job of the politician is to live whatever life of worldly passions seems good to him/her, and to vote for "the party" was "the party" demands it. Those people are bought and paid for, and they're controlled via black mail or gray mail, and the like. No one who has a clean record is eligible for office, for there is no control mechanism over them. That group of "party" members just keeps pumping out the "black smoke" legislation, no matter what the people think, say, or do, for they are not responsible to the people; they are responsible to "the party."

And, they don't have that much to do with the EPA. The EPA operates by suckering people and businesses into agreeing to being regulated. The congress (and president) set up that "company," and now it runs pretty well on its own. Obviously, there'll be an appearance of "oversight," as is given to the irs from time to time, but there's no intent on "the party's" part to stop their "control of everything" agenda.

The people do have a control mechanism, and "the party" tells us what that is every time they describe themselves. "Federal" means "federal," i.e., "by private obligation." That means that all of everything about the present "federal" system is voluntarily entered into. For this reason, the EPA agenda may and will move forward administratively in an apparent attitude, a marketed presence, of rogue (dictatorial) independence. To know the reality is to know how the trick works so as not to be fooled by it.

The solution starts with identifying correctly the problem. Once we recognize the problem for what it is, we realize that the solution is to apply the "Just say no!" approach in our commercial activities. The only people regulated by the EPA are those who so agree, and there's nothing any STATE can do to stop any individual or any commercial enterprise from agreeing to be regulated by the EPA. For any STATE to try to prevent such agreement is for that STATE to engage in tortious interference. Thus, it's a matter of individual responsibility. Again, no "political" activity required! That time, "money," and energy are far more prudently invested in learning where the "gotcha agreements" are so that there's no commercial nexus giving rise to EPA authority.

It's just a guess, but given the nature of the "income tax" obligation, it may be that "taxpayers" have already also agreed to be regulated by the EPA. Where and how the EPA "gotcha agreements" are formed is not yet a matter of focus, but it's possible that "taxpayers" have already also agreed to be regulated by the EPA, given the commercial nexus with the property involved.

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----- Original Message -----

Subject: VENABLE: Texas fights global-warming power grab

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VENABLE: Texas fights global-warming power grab
Lone Star state won't participate in Obama's lawless policy

By Peggy Venable

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The Washington Times

6:08 p.m., Wednesday, August 25, 2010

MugshotIllustration: Texas and the EPA by Linas Garsys for The Washington Times

The state's slogan is "Don't mess with Texas." But the federal Environmental Protection Agency (EPA) is doing just that, and at stake is whether the Obama administration can impose its global-warming agenda without a vote of Congress.

President Obama's EPA is already well down the path to regulating greenhouse gases under the Clean Air Act, something the act was not designed to do. It has a problem, however, because shoehorning greenhouse gases into that 40-year-old law would force churches, schools, warehouses, commercial kitchens and other sources to obtain costly and time-consuming permits. It would grind the economy to a halt, and the likely backlash would doom the whole scheme.

The EPA, determined to move forward anyway, is attempting to rewrite the Clean Air Act administratively via a "tailoring rule," which would reduce the number of regulated sources. The problem with that approach? It's illegal. The EPA has no authority to rewrite the law. To pull it off, the EPA needs every state with a State Implementation Plan to rewrite all of its statutory thresholds as well.

Texas Attorney General Greg Abbott and Texas Commission on Environmental Quality Chairman Bryan W. Shaw saw the tailoring rule for what it really is: a massive power grab and centralization of authority. They are fighting back, writing to the EPA:

"In order to deter challenges to your plan for centralized control of industrial development through the issuance of permits for greenhouse gases, you have called upon each state to declare its allegiance to the Environmental Protection Agency's recently enacted greenhouse gas regulations - regulations that are plainly contrary to U.S. laws. ... To encourage acquiescence with your unsupported findings you threaten to usurp state enforcement authority and to federalize the permitting program of any state that fails to pledge their fealty to the Environmental Protection Agency. On behalf of the State of Texas, we write to inform you that Texas has neither the authority nor the intention of interpreting, ignoring or amending its laws in order to compel the permitting of greenhouse gas emissions."

Texas leaders are doing what Congress so far has been unable to do (a Senate vote to stop the EPA's global-warming power grab got just 47 votes on June 10): take on the EPA. Good thing, because Texas would be hit especially hard by these regulations.

Federalist principles have allowed Texas to become the strongest state in the union. The Lone Star State leads the nation in job creation, is the top state for business relocation and has more Fortune 500 companies than any other state and is the top state for wind generation. President Obama said he wants to double U.S. exports in five years; he could look to Texas, as we are the top exporting state in the country. The Obama administration could learn a lot from Texas.

Instead, it is attempting to ride roughshod over Texas, and it goes beyond the greenhouse-gas issue.

For 16 years, the EPA allowed Texas to run its own permitting program to meet federal air-quality standards. But in May, the agency announced- out of nowhere - that the state is not in compliance with federal regulations. Even though Texas had met its clean-air obligations, the EPA announced it was taking over permitting.

Texas is the nation's energy-production capital, but the air we breathe is cleaner today than it was in 2000, even

though the state's population has grown by nearly 3.5 million people. Between 2000 and 2008, Texas' nitrogen oxide levels decreased by 46 percent and ozone levels dropped by 22 percent, compared with national reductions of 27 percent and 8 percent, respectively. All major Texas metropolitan areas meet the 1997 federal eight-hour ozone standard, with the exception of the Dallas-Fort Worth area, which is within 1 part per billion of meeting the standard.

According to Department of Energy and EPA data, since 2000, Texas' carbon dioxide emissions from fossil fuel usage have fallen more than those of almost any other state and every country except Germany as a result of our policies to foster renewable energy, make the electricity market more competitive and efficient, and improve our environment.

When the EPA issued rules to reduce nitrogen oxide and ozone, we complied, but we did it the Texas way.

Now Washington is trying to federalize the air-permitting process and force Texas to ignore our state laws and the plain language of the Clean Air Act in order to allow an illegal rewriting of the federal statute. But Texas has neither "the authority nor the intention" of doing so. The Lone Star State is strong, and so are our leaders - and the law is on our side.

Peggy Venable is Texas state director of Americans for Prosperity.