

- FOXNews.com Phil Kerpen

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## A Secret White House Power Grab Is In Full Swing

It's one thing for President Obama to surround himself with the advisers he'd like to have, but it's another to bestow on them sweeping powers to broker secret negotiations and push forward vast new regulations that could cost American families thousands of dollars.

Cap-and-trade energy tax legislation appears stalled, at least for now, in the U.S. Senate. But that doesn't mean the cap-and-trade energy tax isn't imminent.

Senate Environment Committee Chairwoman Barbara Boxer hasn't even introduced the bill yet; new Senate Agriculture Committee Chairwoman Blanche Lincoln has declared the House bill dead on arrival; and there are several other cross-cutting controversies that divide Democrats on the bill. The Obama administration is unfazed. They are moving full steam ahead with an even more costly regulatory scheme in the name of global warming—shoehorning the regulation of greenhouse gases into the 1970 Clean Air Act, a bill passed before anyone had ever thought of global warming and that couldn't be less suited to the task.

Driving the push for this massive power grab and circumvention of the elected branches is a key White House official who avoided Senate confirmation by being installed not as EPA director, but instead as White House Climate Czar: Carol Browner.

Long before the Supreme Court ruled in a highly questionable 2007 case, *Massachusetts v. EPA*, that the EPA has the legal authority to justify its proposed 18,000 pages of greenhouse gas regulation under the Clean Air Act, Browner (then EPA director under President Bill Clinton) had her general counsel, Jonathan Cannon, prepare a now-infamous memorandum arguing—for the first time—that the EPA possessed such a power. At the time it was dismissed as a wild-eyed overreach that Congress would never allow. Now it's happening, and Browner is right at the center of it.

Mary Nichols, the chair of the California Air Resources Board, has confirmed that Browner was the lead White House negotiator in establishing new automobile emissions standards, which for the first time rely on EPA's presumed authority to regulate greenhouse gases under the 1970 Clean Air Act. Nichols told [The New York Times](#) that Browner quietly orchestrated private discussions from the White House with auto industry officials. "We put nothing in writing, ever," Nichols said.

Left unchecked, Browner will move beyond automobiles to EPA's entire staggering 18,000-page blueprint for regulating the U.S. economy. It will eventually regulate everything that moves (light-duty trucks, heavy-duty trucks, buses, motorcycles, planes, trains, ships, boats, tractors, mining equipment, RVs, lawn mowers, fork lifts, and just about every other piece of equipment that has a motor) and lots of things that don't (any building over 100,000 square feet could be pulled in, along with smaller carbon dioxide emitters, like restaurants, schools, and hospitals that have commercial kitchens with gas burners).

It's bad enough that the EPA is moving ahead with plans to pursue expensive global warming regulations instead of leaving the complex issue to Congress, the branch of government constitutionally tasked with making laws. It's made much worse by the fact that the effort is being led not by Lisa Jackson, the duly confirmed and therefore accountable administrator of the EPA, but by Carol Browner, the unaccountable, unconfirmed White House Climate Czar.

Browner was made a czar so that her powers could be more sweeping than they would be in any single official appointment—witness her cross-agency role in the secret automobile emissions regulations—and to avoid the scrutiny of Senate confirmation, which would have been difficult for Browner. Since leaving the Clinton administration she has moved further left, even becoming one of the 14 members of the "Socialist International Commission for a Sustainable World Society" [on whose Web site she was listed as a member](#) as recently as January 5, the day she was named White House Climate Czar.

This Commission pursues a clearly socialist agenda of centralized control under a regime of "global governance" that would enforce extreme environmental political correctness on a global basis. It's far outside the political mainstream and would have presented serious problems for centrist Democrats facing a confirmation vote.

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Fortunately, we'll be able to see this week where members of the U.S. Senate stand on allowing Carol Browner to direct taxpayer dollars and pursue vast new regulatory power grabs. Sen. David Vitter of Louisiana has introduced an amendment (SA 2440) to the Department of the Interior appropriations bill that prohibits any federal funding for Browner's policy directives. Any senator who votes against it is voting to support not just Carol Browner, but also her vast regulatory power grab and the president's system of unaccountable czars.

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