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FREEDOM SPEAKS!

**OBAMA'S "CLEAN POWER PLAN" STRIKES AT HEART OF CONSTITUTION:
MORE EXECUTIVE OVERREACH**

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by

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It's just like the Obama administration to ignore what it doesn't like, including constitutional orders from the Supreme Court. As Ronald Reagan famously said in a debate against Walter Mondale, "There you go again."

Fast forward a year and a half: Obama's EPA has put forth what it refers to as the "Clean Power Plan." This rule purports to enact a previously unimagined regulatory program whose avowed purpose is to compel the owners of existing power plants to invest in alternative forms of energy generation. In other words, the goal of the "Clean Power Plan" is to kill the coal industry, usurp powers generally left to the states, and rewrite our country's entire power grid – at a cost of billions of dollars and hundreds of thousands of jobs.

In 2014, Southeastern Legal Foundation successfully challenged the EPA's overreach and unconstitutional regulation of greenhouse gases. Writing for a unanimous Court, Justice Scalia reminded the EPA (and the Obama Administration at-large) that it too was bound by the separation of powers principle. He wrote: "We are not willing to stand on the dock and wave goodbye as EPA embarks on this multiyear voyage of discovery. We reaffirm the core . . . principle that an agency may not rewrite clear statutory terms to suit its own sense of how the statute should operate."

Regardless of your opinion on the proclaimed goals, all Americans should be bothered by the EPA's actions because the "Clean Power Plan" violates several of the most basic tenets of our constitutional Republic.

First, these mandates blow through the proper bounds of administrative authority and trench upon the legislative power reserved to Congress. The EPA claims that the Clean Air Act authorizes it to pursue Obama's war on coal through any means necessary, including promulgating the "Clean Power Plan." It does not. Rather, the provisions of the Clean Air Act squarely foreclose the regulatory overreach announced by the EPA.

Second, these mandates threaten the very foundations of federalism inherent in our Constitution. The federal government may not coerce the state into implementing federal regulatory programs, especially ones like this that go far beyond what the states could have foreseen under the Clean Air Act.

So, like Justice Scalia, we refuse to stand on the dock and wave goodbye as Obama's EPA embarks on yet another voyage of progressive discovery outside the bounds created by our Constitution.