DeWeeseReport

Volume 22 • Issue 3 • March 2016

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Virginia Supreme Court upholds property rights, deals severe blow to land trusts

By Bonner R. Cohen, Ph. D.

A Major Win for Property Rights

The battle for property rights protection is heating up across the nation as Americans begin to realize the dangers they face from over zealous and corrupt NGOs, land trusts and planners.

These powerful, wealthy special interests have had free reign to impose there rules and regulations over property owners, farmers, and businesses through the enforcement of comprehensive development plans. They have been aided by compliant, and sometimes, just plain ignorant local and state elected officials who have passed enabling legislation without questioning the planners' motives or the end result. Consequently, our nation has been changed and property owners are not only suffering, but disappearing at an alarming rate.

However, that is starting to change as the following article by Dr. Bonner Cohen reveals a landmark court decision in Virginia. This decision is the first in the nation that has stood against a land trust and ruled in favor of the property owner over development issues. It opens the way for more courts to finally put a stop to their tyranny. TAD

BONNER R. COHEN, PH. D.

In a landmark decision that is as uplifting for property rights advocates as it is devastating for land trusts throughout the United States, the Virginia Supreme Court on February 12 overwhelmingly ruled in favor of a small Loudoun County winery in its multi-year battle with one of the nation's most powerful environmental groups.

By a 5-2 margin, the Virginia Supremes upheld a lower court decision that Chrysalis Vineyards' plans to upgrade its facilities did not violate the terms of a conservation easement on the property held by Wetlands America

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Trust (WAT), on behalf of Ducks Unlimited (DU). The case, Wetlands America Trust, Inc. v. White Cloud Nine Ventures, L.P., was being watched closely, and its outcome will send shockwaves through the land-trust community, which is coming under increased scrutiny as a result of highly publicized transgressions against rural landowners.

Revelations that the Warrenton (VA) based Piedmont Environmental Council (PEC) hadMartha-Boneta-Cow relentlessly harassed farmer Martha Boneta over a conservation easement it co-holds on her farm garnered nationwide attention and led to enactment of legislation that – for the first time anywhere in the U.S. – subjects land trusts to public accountability. Significantly, the PEC is also involved – and on the losing side — in the case just decided by the Virginia Supreme Court.

Background

What is remarkable about the faceoff before the Virginia Supreme Court is the vast gap in size and influence between the two combatants. Wetlands America Trust is a non-profit organization that holds conservation easements across the country and provides fiduciary services to Ducks Unlimited, an environmental group with headquarters in a high-rent Washington, DC, commercial district just three blocks from the White House. By contrast, Chrysalis Vineyards is a small business in rural Loudoun County operated by another small business, White Cloud Nine.

On land leased from White Cloud Nine, Chrysalis Vineyards planned to construct a farm building housing a creamery, a bakery, and a tasting room. Plans also included constructing a small bridge and roads

DeWeese Report

Vol. 22, No. 3
March 2016

Published by
DeWeese Company Inc.

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ISSN 1086-7937

FEATURED ARTICLE

leading to the farm building as well as putting in a parking lot to accommodate the winery's customers. Jennifer McCloud, Chrysalis's manager, also planned to plant grapes and wheat on the property and to have dairy cows graze on the land. In keeping with the agricultural character of her business, the grapes would be made into wine, the wheat would serve the bakery, and the dairy cows would produce milk for the creamery.

Ducks Unlimited joins forces with the PEC

By the fall of 2010, however, the Piedmont Environmental Council expressed concerns to Ducks Unlimited that Chrysalis's plans violated the conservation easement on the property, and DU responded by questioning McCloud about her intentions.

Convinced that her activities in no way conflicted with the terms of the easement, McCloud went ahead with the expansion of her business. For its part, WAT, acting on behalf of DU, sued White Cloud Nine, alleging 14 violations of the conservation easement.

But in a stinging rebuke to Ducks Unlimited and the PEC, the Twentieth Circuit Court of Virginia on June 19, 2015, rejected, with narrow exceptions, all 14 allegations. Handing a clear victory to Chrysalis Vineyards, Judge Burke McCahill ruled that nothing in the conservation easement prohibited a farm building on the property from housing a creamery, bakery, or tasting room. Citing case law, he also found that the bridge, roads, parking lot, and other upgrades to the property did not violate the easement.

Ducks Unlimited appealed the case to the Virginia Supreme Court, a decision it, the PEC, tasteand a coterie of environmental groups supporting DU now no doubt regret. In upholding the lower court's ruling, the Virginia Supreme Court expressly rejected DU's restrictive interpretation of the conservation easement's language, insisting instead on interpreting the easement as it is clearly written.

For example, the court dismissed DU's/WAT's objections to Chrysalis's plans for the farm building, saying it found "strong support" in the easement that the structure may be used for industrial and/or commercial activities. "Notably, WAT simply ignores

these authorized activities under the Easement in advocating its own restrictive construction of the term 'farm building,'" the court said. In point after point, Virginia's highest court similarly quashed DU's/WAT's objections.

"Common law principle"

"What's important in this decision is that the Court followed the traditional standards in looking at ambiguous easements in land: When an easement in land is ambiguous, the courts should construe strictly against the party trying to enforce it," notes Jim Burling (left), director of litigation and principal attorney for the property rights practice group at the Pacific Legal Foundation. "In other words, when there is doubt over the terms of an easement in land, that doubt will be resolved in favor of the underlying landowner and against the party (here the conservation easement owner) trying to enforce it." Burling cited what he calls the "money quote" in the February 12 Virginia Supreme Court ruling:

Under this common law principle, consistently recognized by and applied by this court for over a century, "[v]alid covenants restricting the free use of land, although widely used, are not favored and must be strictly construed and the burden must be on the party seeking to enforce them to demonstrate that they are applicable to the acts of which he complains." Friedberg, 218 Va. at 665,239 S.E.2d 110 (citing Riordan v. Hale, 215 Va. 638, 641, 212 S.E.2d 65, 67 (1975); Traylor v. Halloway, 206 Va. 257, 259, 142 S.E.2d 521, 522-23 (1965). Accordingly, "[s]ubstantial doubt or ambiguity is to be resolved against the restrictions and in favor of the free use of property." Id. (citing Schwarzschild, 186 Va. at 1058, 45 S.E.2d at 155); see Stevenson v. Spivey, 132 Va. 115, 119, 110 S.E.367, 368 (1922) (restrictive covenants "will not be aided or extended by implication."

Chrysalis Vineyards' McCloud was thrilled over the court's decision. "After years of firm chrysalissignresolve, frustration, time, and money, we have completely prevailed in the lawsuit initiated by Ducks Unlimited in their belligerent attempt to stop my farming activities… They took it all the way to the Supreme Court of Virginia, supported by these bullying 'Big Shot' agencies that wrote to the court in support of DU's arrogant position."

The "Big Shots' McCloud referred to are the regional and national environmental groups that submitted amicus briefs to the court in support of Ducks Unlimited. They include the Piedmont Environmental Council, the Nature Conservancy, the Land Trust of Virginia, The Land Trust Alliance, the National Trust for Historic Preservation, and the Civil War Preservation Trust. Indeed, no less than Virginia Attorney General Mark Herring (D) submitted an Opinion to the state

Supreme Court supporting Ducks Unlimited – all to no avail.

Dark clouds gather over the PEC

Having played a decisive role in instigating and backing Ducks Unlimited's ill-fated suit against the small winery, the PEC continues to see its fortunes wane. And there's more trouble brewing. On January 19, Fauquier County Circuit Court Judge Jeffery Parker refused to dismiss charges filed against realtors Phil and Patricia Thomas, who, along with the PEC, are co-defendants in a suit filed by Virginia farmer Martha Boneta.

Boneta charges that the Thomases and the PEC conspired to interfere with her business and undermine her property rights. As co-holder of a conservation easement on Boneta's 64-acre farm in Fauquier County, the PEC has been caught – in written communications and on camera – abusing its oversight responsibilities. Indeed, the PEC's inspections of Boneta's farm went far beyond the narrowly circumscribed language of the conservation easement and even included demands to see her laundry, closets, and more. Watch the video at https://www.youtube.com/watch?v=_yx0_EZTno

Judge Parker's ruling means the case can move forward to a jury trial, a prospect that neither the PEC nor the Thomases can relish. It turns out, for example, that the conservation easement Boneta signed when she bought the property in June 2006 is not the easement the PEC filed with Fauquier County. By conducting its intrusive inspections of Boneta's farm over many years, the PEC was actually trespassing on her property, because the land trust was enforcing a conservation easement that was invalid from the start.

The Virginia Outdoors Foundation, a state agency that co-holds the conservation easement with the PEC, has determined that the document is a liability to the Commonwealth and is unenforceable. Furthermore, the PEC, which sold the farm to Boneta, advertised it as a property of historical significance, claiming that Confederate General Stonewall Jackson encamped on what is now Boneta's farm in July 1861 on his way the First Battle of Manassas (Bull Run). As Civil War historians have attested, there is no evidence for this claim.

Legal precedent

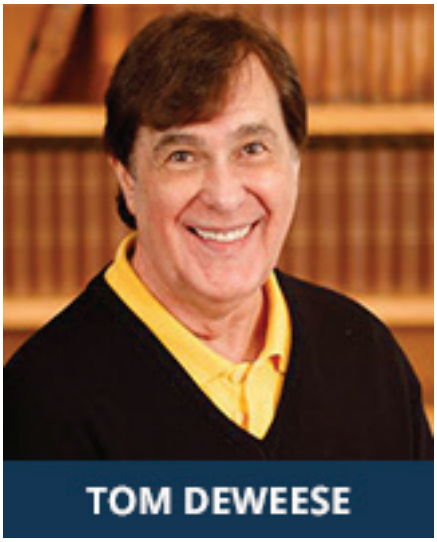
The Virginia Supreme Court's ruling creates a legal precedent that will enable landowners across the country to defend themselves against land trusts planning to use conservation easements as a means to bully people like Jennifer McCloud and Martha Boneta.

Bonner R. Cohen, Ph. D., is a senior policy analyst with CFACT and a member of the American Policy Center's Board of Directors

Private Property Rights Defined

By Tom DeWeese

As the battle to stop Sustainable Development grows, it is important that activists have clear definitions of their points as they deal with elected officials and planners who are making policy in their community. Below is a start in defining private property rights.



In a "Fifth Amendment" treatise by Washington State Supreme Court Justice Richard B. Sanders (12/10/97), he writes: Our state, and most other states, define property in an extremely broad sense." That definition is as follows:

"Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything which destroys any of the elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right."

As a Founding Father, John Adams said:

"The moment the idea is admitted into society that property is not as sacred as the law of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

President Calvin Coolidge said:

"Ultimately, property rights and personal rights are the same thing."

Rancher and Property Rights Activist Wayne Hage said:

"If you don't have the right to own and control property then you are property."

Private Property Rights mean:

1. The owner's exclusive authority to determine how private property is used;

2. The owner's peaceful possession, control, and enjoyment of his/her legally purchased, deeded private property;

3. The owner's ability to make contracts to sell, rent, or give away all or part of the legally purchased/deeded private property;

4. That local, city, county, state, and federal governments are prohibited from exercising eminent domain for the sole purpose of acquiring legally purchased/deeded private property so as to resell to a private interest or generate revenues;

5. That no local, city, county, state, or federal government has the authority to impose directives, ordinances, fees, or fines regarding aesthetic landscaping, color selections, tree and plant preservation, or open spaces on legally purchased/deeded private property;

6. That no local, city, county, state or federal government shall implement a land use plan that requires any part of legally purchased/ deeded private property be set aside for public use or for a Natural Resource Protection Area directing that no construction or disturbance may occur;

7. That no local, city, county, state, or federal government shall implement a law or ordinance restricting the number of dwellings

that may be placed on legally purchased/ deeded private property;

8. That no local, city, county, state, or federal government shall alter or impose zoning restrictions or regulations that will devalue or limit the ability to sell legally purchased/deeded private property;

9. That no local, city, county, state, or federal government shall limit profitable or productive agriculture activities by mandating and controlling what crops and livestock are grown on legally purchased/deeded private property;

10. That no local, city, county, state, or federal government representatives or their assigned agents may enter private property without the written permission of the property owner or is in possession of a lawful warrant from a legitimate court of law. This includes invasion of property rights and privacy by government use of unmanned drone flights.

Obama's Green Agenda May Have Suffered Fatal Blow

From the Global arming Policy Foundation

By Dr. Benny Peiser, Director

State attorneys general called on all states Wednesday to cease all activity on meeting the goals of President Obama's far-reaching climate rules for power plants, given Tuesday night's decision by the Supreme Court to stay the regulations. West Virginia Attorney General Patrick Morrisey, who is leading 29 states in a fight against the regulations, said on a call with reporters that the decision by the Supreme Court's five conservative justices was "historic," freezing Obama's "illegal Clean Power Plan" and lifting all obligations to meet their deadlines until a federal appeals court makes a decision on the merits later this year. Morrisey said all states, even those that support the administration's plan, are obligated under the court's decision to stop all activity related to complying with the plan's goals. --John Siciliano, Washington Examiner, 10 February 2016

Mr. Obama's six years of governance-through-executive-order make his a fragile legacy. Unilateral gambits can be reversed by the next President, and the other branches of government are finally reasserting their constitutional powers. As anarchic as politics can seem these days, the American system of government is still on track—sometimes. --Editorial, The Wall Street Journal, 11 February 2016


DR. BENNY PEISER

The only consensus among climate scientists now is that taxpayer funding is really cool and climate researchers want a whole lot of it, forever. Well, those days are gone. --Tim Blair, The Daily Telegraph, 9 February 2016

The Supreme Court's surprise decision Tuesday to halt the carrying out of President Obama's climate change regulation could weaken or even imperil the international global warming accord reached with great ceremony in Paris less than two months ago, climate diplomats say. In the capitals of India and China, the other two largest polluters, climate change policy experts said the court's decision threw the United States' commitment into question, and possibly New Delhi's and Beijing's. "If the U.S. Supreme Court actually declares the coal power plant rules stillborn, the chances of nurturing trust between countries would all but vanish," said Navroz K. Dubash, a senior fellow at the Center for Policy Research in New Delhi. "This could be the proverbial string which causes Paris to unravel." --Coral Davenport, The New York Times, 11 February 2016

When President Obama hasn't had his way on climate, immigration and so much else, he's rewritten the law and dared critics to stop him. Well, the Supreme Court has accepted his invitation with an extraordinary rebuke. On Tuesday the High Court put a legal stay on the Administration's rules to control carbon emissions in the states, known as the Clean Power Plan, pending judicial review. The stay means in practice that the Clean Power Plan is stopped cold through Mr. Obama's Presidency, and states can safely ignore the EPA's threats until the courts rule on the merits. Even Democratic Governors may decide to wait given the uncertainty and billions of dollars their taxpayers would have to foot. --Editorial, The Wall Street Journal, 11 February 2016

During the past decade, researchers at the CSIRO — along with global warming alarmists everywhere — have been telling us that the "science is settled" when it comes to climate change. In other words, they've delivered their verdict. Bad move. Reasonably enough, with that question answered, Marshall is now taking steps to throw most of the CSIRO's climate researchers out on the street like common circus midgets. More than 300 climate scientists are set to be dismissed over the next couple of years. "Climate will be all gone, basically," one senior scientist told Fairfax as news of the cuts emerged. Naturally, this caused an immediate reversal of opinion among Australia's cashed-up climate change community. Suddenly the science wasn't settled at all. In fact, the science was almost completely unknown! --Tim Blair, The Daily Telegraph, 9 February 2016

I feel like the early climate scientists in the '70s fighting against the oil lobby. I guess I had the realisation that the climate lobby is perhaps more powerful than the energy lobby was

back in the '70s – and the politics of climate I think there's a lot of emotion in this debate. In fact it almost sounds more like religion than science to me. I've been told by some extreme elements that they've put me at the top of the climate deniers list and what perplexes me is how saying that we're going to shift more resources to mitigation – i.e. doing something to address climate change versus just measuring and modelling it – I don't see how that makes me a climate denier. --CSIRO chief Larry Marshall, ABC News, 10 February 2016

1) U.S. Attorneys General Say States Should Ignore Obama's 'Illegal' Climate Rules

Washington Examiner, 10 February 2016

John Siciliano

State attorneys general called on all states Wednesday to cease all activity on meeting the goals of President Obama's far-reaching climate rules for power plants, given Tuesday night's decision by the Supreme Court to stay the regulations.

West Virginia Attorney General Patrick Morrisey, who is leading 29 states in a fight against the regulations, said on a call with reporters that the decision by the Supreme Court's five conservative justices was "historic," freezing Obama's "illegal Clean Power Plan" and lifting all obligations to meet their deadlines until a federal appeals court makes a decision on the merits later this year.

"Don't let them [the administration] spin out of this, this is a very significant win," he said.

The Clean Power Plan is the centerpiece of the president's agenda to fight climate change. The plan requires states to cut their greenhouse gas emissions a third by 2030, which the 29 states argue is an unconstitutional imposition of the federal government on states. The White House said Tuesday night that it will continue to work with states on compliance, downplaying the court's decision as procedural.

Morrisey said all states, even those that support the administration's plan, are obligated under the court's decision to stop all activity related to complying with the plan's goals. The Environmental Protection Agency requires states to begin filing plans on meeting the plan's goals, or ask for extensions, beginning in September.

A number of state utility and environmental regulators, with governor-appointed energy officials, were in Washington to hold a two-day meeting on Clean Power Plan compliance when the decision came down from the court. Morrisey said it is a waste of state resources for them to continue their planning with a stay in place.

"States and utilities are not required to prepare a plan," Morrisey said. He added that the need to change state laws and energy portfolios to comply with the emission regulation "are stayed as well." The court's decision says "put down your pencils because EPA has no authority," he said.

EPA Administrator Gina McCarthy is slated to address the regulators Thursday.

Morrisey told reporters on the call that the court's decision gives states the confidence they will prevail on the merits of their case in the D.C. Circuit Court of Appeals, which is scheduled to hear the case in June. He said the justices would have never halted the rule if they didn't believe the chances are high the states will win on the strength of their arguments.

Full story: http://www.washingtonexaminer.com/attorneys-general-say-states-should-ignore-obamas-climate-plan/article/2582945

2) Supreme Court's Blow To Obama's Green Agenda Casts Doubt Over His Paris Promises

The New York Times, 11 February 2016

Coral Davenport

WASHINGTON — The Supreme Court's surprise decision Tuesday to halt the carrying out of President Obama's climate change regulation could weaken or even imperil the international global warming accord reached with great ceremony in Paris less than two months ago, climate diplomats say.

The Paris Agreement, the first accord to commit every country to combat climate change, had as a cornerstone Mr. Obama's assurance that the United States would enact strong, legally sound policies to significantly cut carbon emissions. The United States is the largest historical greenhouse gas polluter, although its annual emissions have been overtaken by China's.

But in the capitals of India and China, the other two largest polluters, climate change policy experts said the court's decision threw the United States' commitment into question, and possibly New Delhi's and Beijing's.

"If the U.S. Supreme Court actually declares the coal power plant rules stillborn, the chances of nurturing trust between countries would all but vanish," said Navroz K. Dubash, a senior fellow at the Center for Policy Research in New Delhi. "This could be the proverbial string which causes Paris to unravel."

The court did not block the rule permanently, but halted it from being carried out in the states until legal challenges against it have been decided, a process that could take a year or

more. Legal experts said the justices' decision to stop work on the rule before any court had decided against it was unprecedented and signaled that the regulation might ultimately be overturned. That could set back the United States' climate efforts for years, although there would still be a chance for Washington to meet its commitments by 2025.

"If the American clean energy plan is overturned, we'll need to reassess whether the United States can meet its commitments," said Zou Ji, the deputy director general of China's National Center for Climate Change Strategy and International Cooperation, a government think tank in Beijing. Mr. Zou, who was an adviser to the Chinese delegation at the Paris negotiations, said by telephone: "It had seemed that with the American commitments, it was possible to get on the right emissions path globally. But without those commitments, that could be a blow to confidence in low-carbon development. In China domestically, there is also resistance to low-carbon policies, and they would be able to say: 'Look, the United States doesn't keep its word. Why make so many demands on us?'" […]

The top priority for Prime Minister Narendra Modi of India remains to provide cheap electricity to the 300 million Indians without power. If the United States reneges on its commitments, "it really would strengthen the hand of those who say Paris was ineffective and a bad deal for India," Mr. Dubash said.

Full story: http://www.nytimes.com/2016/02/11/us/politics/carbon-emissions-paris-climate-accord.html

3) Editorial: A Supreme Carbon Rebuke

The Wall Street Journal, 11 February 2016

The Supreme Court in Washington D.C. Photo: Getty Images

When President Obama hasn't had his way on climate, immigration and so much else, he's rewritten the law and dared critics to stop him. Well, the Supreme Court has accepted his invitation with an extraordinary rebuke.

On Tuesday the High Court put a legal stay on the Administration's rules to control carbon emissions in the states, known as the Clean Power Plan, pending judicial review. Challengers seeking stays must overcome fearsome legal criteria, and they are rarely granted.

Yet for the first time five Justices blocked what's known as a "generally applicable regulation." The one-page order prohibits the Environmental Protection Agency from enforcing the Clean Power Plan until the D.C. Circuit Court of Appeals rules on the merits, presumably with the Supreme Court as the final word.

The Clean Power Plan nominally applies to power plants, but the EPA is instructing states to reorganize their energy economies across industries and even households. The Court did not explain its reasoning, and the four liberal Justices dissented.

The legal challenges will take years, but the EPA hopes to engineer a fait accompli by bullrushing the states into making permanent revisions immediately. Once the Clean Power Plan starts, it becomes self-executing. If the EPA loses down the road, it will laugh that the opinion is too late and thus pointless.

Speaking last month with the Washington Post's Eugene Robinson, White House chief of staff Denis McDonough mused, "Do I wish that Congress would have passed cap and trade several years ago? Sure." But he added that "what's actually happening on the ground" because of the Clean Power Plan and subsidies for wind and solar amounts to "a continuing revolution in the generation of electricity . . . The next President will not be inclined—or be able to, whether he or she wants to—to change it."

"So President Trump will confront facts on the ground that he won't be able to undo, or won't want to undo?" Mr. Robinson asked. "That's my belief," Mr. McDonough replied….

The stay suggests that a majority of the Court won't allow this deliberate gaming of the slow pace of the legal process to become de facto immunity for anything the EPA favors. It's especially notable because courts tend to be highly deferential to executive regulation….

The stay means in practice that the Clean Power Plan is stopped cold through Mr. Obama's Presidency, and states can safely ignore the EPA's threats until the courts rule on the merits. Even Democratic Governors may decide to wait given the uncertainty and billions of dollars their taxpayers would have to foot….

The larger point is that Mr. Obama's six years of governance-through-executive-order make his a fragile legacy. Unilateral gambits can be reversed by the next President, and the other branches of government are finally reasserting their constitutional powers. As anarchic as politics can seem these days, the American system of government is still on track—sometimes.

Full editorial: http://www.wsj.com/articles/a-supreme-carbon-rebuke-1455149377

For more information from the Global Warming Policy Foundation: Info@GWPF.com

Tax oil to subsidize wind?

Obama wants to punish oil industry to advance climate agenda. So do Hillary, Bernie and Mike

By Paul Driessen

PAUL DRIESSEN

If you want more of something, mandate it, subsidize it and exempt it from regulations. If you want less of something, punish it with taxes and regulations. Put more bluntly, the power to tax and regulate is the power to destroy. This is the First Rule of Government.

No presidency has ever come close to the Obama Administration in employing the rule to advance its ideologies and agendas. No industry has been so favored as renewable energy over the past seven years. No sector has been so thoroughly vilified and subjugated as fossil fuels during that period.

Thankfully, Congress refused to impose a cap-tax-and-trade regime on carbon-based energy and U.S. jobs, families, economic growth and living standards. However, EPA and other Obama agencies simply replaced unsuccessful legislative initiatives with regulations, often employing highly innovative statutory interpretations to justify its actions – and courts too often bowed to this "agency discretion."

Nowhere was this more heavy-handed and destructive than in the coal and climate change arena, where a regulatory tidal wave inundated mines, power plants, companies, families, communities and entire states. Other EPA and Interior Department rules blocked leasing, drilling, fracking and other energy activities on millions of acres of government-administered lands, onshore and off, and even on state and private land.

Thanks to determined efforts by state attorneys general and other parties, however, a number of these regulations were stymied in courts of law. Nowhere was this more important than this week's Supreme Court decision to block implementation of President Obama's Clean Power Plan while lower courts consider some 30 lawsuits over its legality, state sovereignty, the scope of agency discretion in interpreting and rewriting federal laws, and the plan's effects on energy, jobs, health and welfare.

That means this noxious regulation will be "vacated" for the remainder of Obama's presidency. The president, EPA Administrator Gina McCarthy and their allies are not happy. They promise to charge ahead with their "fundamental transformation" of the United States, via other tactics and edicts.

The oil patch is one of the few industries that kept the Obama economy (and presidency) afloat – primarily because of fracking, which slipped in under the EPA/environmentalist radar but is now under constant attack by Interior and Big Green. It created millions of jobs, channeled

billions of dollars to local, state and federal treasuries, brought gasoline prices below $2 per gallon, and saved American families billions: every penny not spent on gasoline puts $1 billion a year back into our pockets.

So how does Obama intend to repay the industry, now that it has fallen on hard times? Amid a sluggish global economy and record oil and gas production, oil prices have plunged below $30 a barrel – forcing the oil patch to lay people off, many companies to retrench or ponder bankruptcy, and many communities to confront reduced employment, consumer spending, real estate values, and revenues.

But as part of his last-gasp, $4.1-trillion, $503-billion-deficit 2017 federal budget, the president wants Congress to slap a $10.25 tax on every barrel of domestically produced or imported oil. He says this will raise some $400 billion over the next ten years.

This will allow him to increase EPA's budget to $8.3 billion, pour $1.7 billion a year into the "climate fund," and channel hundreds of billions into high speed rail, wind, solar, biofuel, "eco-friendly" cars and other "green" energy schemes. It thus means more opportunities for unelected, unaccountable bureaucrats to pick winners and losers, expand their fiefdoms, and pad their bonuses and pensions.

Thankfully, the proposal is "dead on arrival" in Congress. Enough members understand (even if the president does not) that this tax will not be "paid for by the oil companies." It will only be collected by oil companies – and then passed along to every American family and business, in the form of higher gasoline prices and higher costs for everything produced or transported using petroleum: food, clothing, plastics, fertilizers, pharmaceuticals, housing, healthcare, and countless other products and services. Even ethanol and other biofuels require petroleum, as do organic food and electric cars.

Mr. Obama, however, sees additional advantages to a 35% oil tax. It lets him stigmatize Big Oil yet again.

It advances his goal of ending our "addiction" to fossil fuels that still provide 82% of US and 87% of global energy – because they are the most abundant, reliable, affordable energy sources available today; because they sustain modern economies and living standards, and help lift billions out of poverty and disease. Would Obama also have us end our "addiction" to food, shelter and human companionship?

An oil tax would also help him promote the climate treaty he signed in Paris. The Supreme Court's slap-down of EPA's plans to regulate fossil fuels into oblivion means the United States is far less likely to implement the president's unilateral commitment to the accord's emission reduction demands (and massive wealth transfers, via climate "adaptation and reparation" payments) – even assuming the Senate ultimately approves the treaty, under its "advice and consent" authority. That in turn means developed and developing nations alike are even less likely to slash their CO2 emissions, carbon-based energy use, economic growth and living standards, for no progress in controlling nature-driven climate change.

Finally, all that devoutly wished for tax revenue would enable Mr. Obama to repay his debts to crony corporatist friends like Elon Musk. His Tesla Motors company continues to hemorrhage investor money despite massive infusions of taxpayer cash in the form of CO2 rules, subsidies, loans, $7,500 tax credits per car purchased, and free charging stations, so that the wealthiest 1.0 or 0.1 percent will buy the pricey cars. In 2015 alone, Tesla lost another $889 million, on revenues of $4.05 billion.

We've come to expect this from President Obama. Equally depressing, we also expect it from Hillary Clinton, Bernie Sanders, former DemoRepublican candidate-in-waiting Michael Bloomberg, most of today's Democratic politicians, too many Republican pols, most government "public servants," and certainly those who are "feeling the Bern" or think "there's a special place in hell for women who don't help other women" by voting for a certain candidate. (Hint: Ms. Albright didn't mean Carly or Sarah.)

Indeed, Mrs. Clinton wants to have a half billion more solar panels deployed during her first four years in office, "enough clean energy to power every home" in America, at an estimated cost to taxpayers of $200 billion a year. Plus free education, free universal healthcare, and more. Senator Sanders doubtless agrees.

It is a sad, painful assessment of their economic literacy – and of our high schools, colleges, business communities and politicians' ability to empower students and voters through economic literacy, a grasp of socialism's abject failures and horrid excesses, and an appreciation of free enterprise capitalism's incomparable record of improving the health, living standards and prospects of billions.

It's also a sad commentary on liberal-progressive "climate justice" and "compassion" for coal mine, power plant and oil patch workers and families who have been pummeled by their policies – and for poor, minority and blue collar families that would be hit hardest by the Obama oil tax. Those families pay a far larger share of their incomes on energy, food, clothing and other necessities than do Barack, Hillary and Michael's upper-crust friends, Bernie's Wall Street benefactors, or even middle class families:

Families making less than $30,000 a year spend 26% of their after-tax income on energy, while families that make over $50,000 a year spend only 8% – and those in upper 1% spend only a fraction of 1 percent.

Were President Obama to succeed on his oil tax, "stop climate change" and "leave all fossil fuels in the ground" agenda, his "legacy" would be making tens of millions more Americans jobless, energy deprived and impoverished – and keeping billions beyond our borders mired in abject poverty, disease, malnutrition and despair. It's up to informed citizen-voters to ensure this does not happen.

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