

Power Line Blog: John Hinderaker, Scott Johnson, Paul Mirengoff

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DANGER HEARTBREAK DEAD AHEAD

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[Patrick J. Michaels](#) is a Distinguished Senior Fellow in the School of Public Policy at George Mason University. He is a past president of the American Association of State Climatologists and was program chair for the Committee on Applied Climatology of the American Meteorological Society. Michaels was also a research professor of Environmental Sciences at University of Virginia for thirty years. Michaels is a contributing author and reviewer of the United Nations Intergovernmental Panel on Climate Change.

Over the past several years Michaels has been warning against the EPA's threat to issue a finding that carbon dioxide and other greenhouse gases constitute a danger to the public health health. Such a finding is a predicate to the EPA wielding authority [to regulate just about anything and everything](#) under the Clean Air Act.

The Cato Institute has now posted the recent article by Michaels and Paul Knapenberger on "[The scientific shortcomings in the EPA's endangerment finding from greenhouse gases.](#)" Now that the [EPA has pulled the trigger](#), the Michaels-Knapenberger article is mandatory reading.

The underlying threat to our form of government represented by the EPA finding is that presented by the administrative state erected by the congressional delegation of power to administrative agencies under numerous federal statutes. This is the theme elaborated in the scholarship of Paul Rahe, for example, and touched on in his posts here such as "[Obama's tyrannical ambition.](#)"

The architects of the modern administrative state with its vast array of administrative agencies combining legislative, executive, and judicial powers have sought to displace the system of self-government imagined under limited powers into being by the American Constitution. As we see in the case of the EPA endangerment finding, they have achieved extraordinary success.

it is important to understand what is happening at its roots so that resistance can lead to restoration. Given the abdication of the courts under the doctrine of the living Constitution -- meaning, as my friend [Steven Hayward](#) says, that the written Constitution is dead -- It remains in the hands of Congress to take back the powers it has ceded to administration.

And if not this Congress with the blessing of this president, then another Congress with the blessing of the next president.
