



Written by [Thomas Sowell](#) on August 21, 2012

Obama's Rule by Decree Quietly Dismantling America

There are some very serious issues at stake in this year's election — so many that some people may not be able to see the forest for the trees. Individual issues are the trees, but the forest is the future of America as we have known it.

The America that has flourished for more than two centuries is being quietly but steadily dismantled by the Obama administration, during the process of dealing with particular issues.



For example, the merits or demerits of President Obama's recent executive order, suspending legal liability for young people who are here illegally, presumably as a result of being brought here as children by their parents, can be debated pro and con. But such a debate overlooks the much more fundamental undermining of the whole American system of Constitutional government.

The separation of powers into legislative, executive and judicial branches of government is at the heart of the Constitution of the United States — and the Constitution is at the heart of freedom for Americans.

No President of the United States is authorized to repeal parts of legislation passed by Congress. He may veto the whole legislation, but then Congress can override his veto if they have enough votes. Nevertheless, every President takes an oath to faithfully execute the laws that have been passed and sustained — not just the ones he happens to agree with.

If laws passed by the elected representatives of the people can be simply over-ruled unilaterally by whoever is in the White House, then we are no longer a free people, choosing what laws we want to live under.

When a President can ignore the plain language of duly passed laws, and substitute his own executive orders, then we no longer have “a government of laws, and not of men” but a President ruling by decree, like the dictator in some banana republic.

When we confine our debates to the merits or demerits of particular executive orders, we are tacitly accepting arbitrary rule. The Constitution of the United States cannot protect us unless we protect the Constitution. But, if we allow ourselves to get bogged down in the details of particular policies imposed by executive orders, and vote solely on that basis, then we have failed to protect the Constitution — and ourselves.

Whatever the merits or demerits of the No Child Left Behind Act, it is the law until Congress either repeals it or amends it. But for Barack Obama to unilaterally waive whatever provisions he doesn't like in that law undermines the fundamental nature of American government.

President Obama has likewise unilaterally repealed the legal requirement that welfare recipients must work, by simply redefining “work” to include other things like going to classes on weight control. If we think the bipartisan welfare reform legislation from the Clinton administration should be repealed or amended, that is something for the legislative branch of government to consider.



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There have been many wise warnings that freedom is seldom lost all at once. It is usually eroded away, bit by bit, until it is all gone. You may not notice a gradual erosion while it is going on, but you may eventually be shocked to discover one day that it is all gone, that we have been reduced from citizens to subjects, and the Constitution has become just a meaningless bunch of paper.

ObamaCare imposes huge costs on some institutions, while the President's arbitrary waivers exempt other institutions from having to pay those same costs. That is hardly the "equal protection of the laws," promised by the 14th Amendment.

John Stuart Mill explained the dangers in that kind of government long ago: "A government with all this mass of favours to give or to withhold, however free in name, wields a power of bribery scarcely surpassed by an avowed autocracy, rendering it master of the elections in almost any circumstances but those of rare and extraordinary public excitement."

If Obama gets reelected, he knows that he need no longer worry about what the voters think about anything he does. Never having to face them again, he can take his arbitrary rule by decree as far as he wants. He may be challenged in the courts but, if he gets just one more Supreme Court appointment, he can pick someone who will rubber stamp anything he does and give him a 5 to 4 majority.

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