



Written by [Alex Newman](#) on April 15, 2013

Sen. Ted Cruz Slams Obama Over Foiled Power Grabs

Prominent U.S. Sen. Ted Cruz (R-Texas) released a [report](#) documenting President Obama's [lawless attempts to expand executive power](#), citing six failed efforts since 2012 to increase federal authority that were rejected by the entire Supreme Court — even by his own big government-supporting nominees. Among the examples of executive-branch power grabs cited by the popular Republican Senator: tracking citizens using GPS without having probable cause, interfering with churches, depriving property owners of the ability to challenge federal abuses in court, seeking the authority to override state laws at will, and more.



The hard-hitting report, entitled "[The Legal Limit: The Obama Administration's Attempts to Expand Federal Power](#)," cites numerous cases to argue that the president's lust for increased power knows essentially no limits. In fact, the administration's lawlessness has become "so extreme" that Obama's own picks for the Supreme Court — Elena Kagan and Sonia Sotomayor, both infamous for their devotion to broad federal authority — have ruled against him in half-a-dozen recent cases with serious ramifications.

"When President Obama's own Supreme Court nominees join their colleagues in unanimously rejecting his administration's call for broader federal power six times in just over one year, the inescapable conclusion is that the Obama administration's view of federal power knows virtually no bounds," Sen. Cruz said in a [statement](#), adding that the problem deserves further scrutiny. "This is a deeply troubling pattern that we will continue to highlight as long as this administration continues seeking ways to expand its power in direct violation of Americans' constitutional rights."

If the Obama administration had been successful in the first of the six cases detailed in the report, [United States v. Jones](#), the federal government would have been allowed to attach a GPS to a citizen's vehicle and track his or her movements. According to the arguments advanced by the Department of Justice, the federal government and police should have the ability to monitor citizens even without having any cause to believe that the subject has committed or will perpetrate a crime.

In other words, anyone and everyone could be targeted for any reason — or no reason at all. The administration's lawyers argued that the Fourth Amendment to the Constitution, which protects people from unreasonable searches and seizures, did not cover tracking devices; a position Cruz's report dubbed "Orwellian." However, the entire Supreme Court ruled against the Justice Department, finding that using a GPS device to track citizens did indeed constitute a search.

The next case highlighted in the senator's stinging report was [Sackett v. EPA](#). If the Obama administration had succeeded, the U.S. Environmental Protection Agency — a [lawless entity created by President Richard Nixon using an unconstitutional so-called "executive order"](#) — would have been able



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to deprive landowners of the right to challenge fines as high as \$75,000 per day. The president also sought to take away property owners' ability to even have a hearing to contest outrageous EPA actions.

The EPA case in question [drew nationwide outrage](#) against the [already controversial agency](#), which sought to put the Sackett family in a "Catch 22"-type situation after the family put some gravel on their small piece of land to build a home. However, the Supreme Court unanimously rejected what the report described as the administration's "outlandish argument." If the DOJ had won, the EPA would have been allowed to continue to "extort" Americans, Cruz said.

Another unanimous Supreme Court ruling that rejected Obama's lawless power grabs, [Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC](#), stopped the administration from interfering with a church's selection of its own ministers. Incredibly, the Justice Department argued that federal authorities should be allowed to meddle in church affairs by overseeing and regulating religious institutions' employment practices.

The high court, however, slapped down the argument in yet another unanimous blow to Obama's aspirations. "We cannot accept the remarkable view that the Religion Clauses have nothing to say about a religious organization's freedom to select its own ministers," the justices wrote. Cruz applauded the ruling while blasting the administration's "cramped reading of the First Amendment." Nationwide, advocates of religious liberty [celebrated the decision](#) as well.

In [Arizona v. United States](#), the Cruz report continues, Obama sought the power to override state laws whenever the president sees fit. The case dealt with Arizona's immigration laws, which the administration argued should be struck down based on a novel concept it dubbed "federal enforcement-discretion preemption." In other words, the president's tax-funded army of lawyers argued, if Obama chooses not to enforce federal immigration laws, states ought to be categorically prohibited from passing their own laws on the issue as a backup mechanism.

Again, every member of the high court [rejected the administration's wild arguments on that issue](#). "Had the Court accepted DOJ's new theory of preemption, the federal government would have drastically expanded its authority to wipe out state law based on the whims of the executive branch," the senator's report explains.

Two other cases highlighted in the exposé of Obama's warped view of federal power also resulted in a total smack-down of the bizarre arguments advanced by the administration. In *Gabelli v. SEC*, the government sought to drastically extend statutes of limitations in violation of federal law to punish citizens for alleged violations that were committed decades ago. In the other case, *Arkansas Fish & Game Commission v. United States*, the DOJ argued that authorities should be able to destroy private property without paying just compensation. Both arguments were rejected by the Supreme Court.

"If the Department of Justice had won these cases, the federal government would be able to electronically track all of our movements, fine us without a fair hearing, dictate who churches choose as ministers, displace state laws based on the President's whims, bring debilitating lawsuits against individuals based on events that occurred years ago, and destroy a person's private property without just compensation," argued Sen. Cruz, ranking member on the Senate Judiciary Subcommittee on The Constitution, Civil Rights, and Human Rights. "Luckily, we do not have to live in that America."

Of course, the junior senator from Texas is hardly alone in expressing alarm about the administration's zeal for more power. The latest report, released last week, also quotes [Ilya Shapiro](#), senior fellow in



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constitutional studies at the liberty-minded Cato Institute and editor-in-chief of the *Cato Supreme Court Review*. “When the administration can’t get even a single one of the liberal justices to agree with it in these unrelated areas of law, that’s a sign there’s something wrong with its constitutional vision,” Shapiro is quoted as saying in a *Wall Street Journal* piece published last year.

Along with a handful of other principled senators such as [Sen. Rand Paul \(R-Ky.\)](#) and [Sen. Mike Lee \(R-Utah\)](#), Cruz has quickly developed a reputation as one of the strongest supporters of the U.S. Constitution that all politicians take an oath to uphold. While he has served only since the start of 2013, the former Texas solicitor general and law professor has become among the most popular and respected senators in conservative, libertarian, and [Tea Party](#) circles.

He has also been making waves nationwide, drawing fury from big-government advocates and Obama devotees but applause from supporters of the U.S. Constitution. Speaking about his rapidly expanding role in national politics during a luncheon at the Austin Chamber of Commerce, Cruz touched on one of the reasons so many voters in Texas and across America appreciate his efforts. “Washington is a curious place,” the Hispanic senator was [quoted as saying](#) by Fox News Latino. “They are very, very surprised when you go there and actually do what you said you were going to do.”

Photo of Senator Ted Cruz: AP Images

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