



Written by [Raven Clabough](#) on June 25, 2014

House Speaker Plans to File Suit Against Obama's Abuse of Power

House Speaker John Boehner (shown) announced on Wednesday that he would be filing suit against President Obama over his abuse of executive power. Boehner indicates that he had been mulling over the decision recently but that his concerns over Obama's refusal to comply with constitutional limitations has helped him to decide in favor of a suit.



"The Constitution makes it clear that a president's job is to faithfully execute the laws. In my view, the president has not faithfully executed the laws," the Ohio Republican said on Wednesday. "When there are conflicts like this between the legislative branch and the administrative branch, it's ... our responsibility to stand up for this institution."

Boehner's announcement is not a complete shock, as Republicans have been vocal about their frustration with the president's abuse of executive powers, particularly in his second term.

Fox News reports, "Republicans have voiced frustration with Obama's second-term 'pen and phone' strategy of pursuing policy changes without Congress — particularly environmental rules via the Environmental Protection Agency."

In March, the House of Representatives passed a bill that would speed up potential lawsuits against the president, but the Senate refused to take up the bill.

According to Boehner's spokesman Michael Steel, the Senate's failure has forced the House to pursue alternative options. "The president has a clear record of ignoring the American people's elected representatives and exceeding his constitutional authority, which has dangerous implications for both our system of government and our economy," Steel said in a statement.

And though Boehner's announcement follows on the heels of various threats to launch impeachment proceedings against the president, he assures that the lawsuit is not about impeachment, but about ensuring that the president adheres to constitutional authority.

"This is not about impeachment — it's about him faithfully executing the laws of this country," Boehner said. "My view is the president has not faithfully executed the laws. What we have seen clearly over the last five years is an effort to erode the power of the Legislative Branch." Boehner added that it is not simply that Obama ignores the law, but that he virtually "brags about" doing so.

President Obama had said that 2014 would be a "year of action," and he has spent much of it issuing executive orders on things such as minimum wage, federal pay discrimination, and newly announced



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regulations from the Environmental Protection Agency on carbon admissions. The president has also taken administrative action to delay parts of the Affordable Care Act.

Boehner has not yet filed the lawsuit, but said on Wednesday that he plans to do so. In a memo submitted to House Republicans on Wednesday, he detailed his plans for the suit:

I intend to bring to the floor in July legislation that would authorize the House of Representatives — through the House General Counsel and at the direction of the Bipartisan Legal Advisory Group (BLAG) — to file suit in the coming weeks in an effort to compel the president to follow his oath of office and faithfully execute the laws of our country. The legislation would follow regular order and be considered by the Rules Committee following its introduction, prior to its consideration by the full House.

Under our system of government, the Judicial Branch has the power to resolve disputes between the Executive and Legislative Branches. When there is a failure on the part of the president to faithfully execute the law, the House has the authority to challenge this failure in the Judicial Branch by filing suit in Federal Court in situations in which:

There is no one else who can challenge the president's failure, and harm is being done to the general welfare and trust in faithful execution of our laws; There is no legislative remedy; and There is explicit House authorization for the lawsuit, through a vote authorizing the litigation against the president's failure.

In the memo, Boehner outlined the foundation for his decision to pursue the suit:

On one matter after another during his presidency, President Obama has circumvented the Congress through executive action, creating his own laws and excusing himself from executing statutes he is sworn to enforce — at times even boasting about his willingness to do it, as if daring the American people to stop him. On matters ranging from health care and energy to foreign policy and education, President Obama has repeatedly run an end-around on the American people and their elected legislators, straining the boundaries of the solemn oath he took on Inauguration Day.

Still, the decision to bring suit does not rest simply with Boehner. It must be approved by a group of House leaders, followed by the entire House. If approved, the plaintiff in the case would be the House of Representatives.

As noted in Politico, if the lawsuit does indeed go forward, there remains a possibility that it would take longer to work its way through the court system than the remaining two years of Obama's second term.

Naturally, the reaction from the White House and key Democrats has been contentious. During a Wednesday briefing, White House Press Secretary Josh Earnest railed against Republicans for pursuing what he called a "taxpayer-funded lawsuit against the president of the United States for doing his job." "It seems that Republicans have shifted their opposition into a high gear," he said. "Frankly, it's a gear that I didn't know previously existed."

House Democratic Leader Nancy Pelosi also remarked, "I make of it as subterfuge. They're doing nothing here. So they have to give some aura of activity."

And Democratic Congressional Campaign Committee Chairman Steve Israel said the lawsuit was "a reprehensible waste of taxpayers' money and a desperate political stunt."

Despite accusations by Democrats that the move is merely a political stunt, Boehner asserts that the purpose of the suit is to restore the authority of the Constitution.



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Photo of Speaker of the House John Boehner (R-Ohio): AP Images



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