



Written by [Thomas R. Eddlem](#) on April 18, 2011

## Obama Decides to Break Law on “Czars,” Violate Constitution

The signing statement refers to the section of the [bill](#) that prohibits funds to pay for four "czar" positions advising the White House:

Sec. 2262. None of the funds made available by this division may be used to pay the salaries and expenses for the following positions:

- (1) Director, White House Office of Health Reform.
- (2) Assistant to the President for Energy and Climate Change.
- (3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.
- (4) White House Director of Urban Affairs.



In his signing statement, Obama [wrote](#):

Section 2262 of the Act would prohibit the use of funds for several positions that involve providing advice directly to the President. The President has well-established authority to supervise and oversee the executive branch, and to obtain advice in furtherance of this supervisory authority. The President also has the prerogative to obtain advice that will assist him in carrying out his constitutional responsibilities, and do so not only from executive branch officials and employees outside the White House, but also from advisers within it.

Legislative efforts that significantly impede the President's ability to exercise his supervisory and coordinating authorities or to obtain the views of the appropriate senior advisers violate the separation of powers by undermining the President's ability to exercise his constitutional responsibilities and take care that the laws be faithfully executed. Therefore, the executive branch will construe section 2262 not to abrogate these Presidential prerogatives.

Of course, it is never the President's prerogative to spend funds without the explicit approval of the Congress. [Article I, Section 9](#) of the U.S. Constitution stipulates that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law," and [Section 8](#) stipulates that all laws must be passed by Congress.

President Obama explicitly recognized this constitutional limitation on the executive branch as a Senator and candidate for the presidency. Candidate Obama [told](#) the *Boston Globe* in a December 20, 2007 interview that "it is a clear abuse of power to use such statements as a license to evade laws that the president does not like or as an end-run around provisions designed to foster accountability. I will



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not use signing statements to nullify or undermine congressional instructions as enacted into law."

President Obama now does the opposite of his campaign promises and abrogates the same budget deals he himself brokers. Obama [claimed he asked](#) of Republican officials during the budget negotiations: "You think we're stupid?" But he apparently thinks Republican negotiators are the stupid ones. He may be right on that point. From all appearances, the GOP-led House will do nothing about Obama's blatant attack on the U.S. Constitution. They may have even known Obama's bold usurpation of power was coming, and signed the deal anyway. "It's not surprising that the White House, having bypassed Congress to empower these 'Czars' is objecting to eliminating them," Michael Steel, spokesman for Speaker John Boehner (R-Ohio) [told](#) the Washington, D.C.-based tabloid *The Hill* after Obama released his signing statement.

Of course, if it's not surprising and the Republican leadership suspected this would happen from the start, it's a wonder why the GOP leadership signed the deal with Obama in the first place unless they knew it was coming beforehand.

The power to appropriate money was the last constitutional power of Congress that the imperial presidency had yet to destroy. If Congress doesn't stand up for this last exclusive power it holds under the Constitution, then it will become a mere stage-prop under an all-powerful Presidency. Obama has already usurped [Congress' constitutional power to start a war](#) with his Libya operation, despite explicitly [pledging not to do so as a candidate for President](#).

Congress has only one remedy for this final and complete affront to the U.S. Constitution, impeachment. But there's no indication that many members of Congress have the courage to fulfill their [oath of office](#) to "support and defend the Constitution of the United States against all enemies, foreign and domestic."

*Photo of President Obama: AP Images*

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