

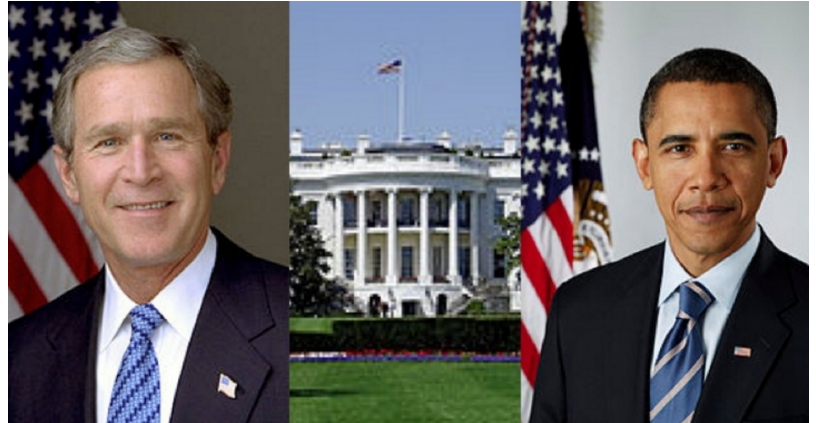


Written by [Michael Tennant](#) on June 22, 2012

Obama's Power Grabs Rival Bush's, Contradict Promises

Would a second term for President Barack Obama really represent a fourth term for President George W. Bush? In many respects, says a [McClatchy Newspapers article](#) by Steven Thomma and William Douglas, the answer is yes.

"For years, Obama talked about the limits on presidential power," write Thomma and Douglas. "Now, driven either by principle or political expediency, he's working to build and maintain a powerful presidency that pushes the edge of what it can do, while often telling Congress and the courts to mind their own business."



In other words, he's acting like Bush — and Bush's Vice President, Dick Cheney, who the authors note has "pursued [such presidential power] ever since he served as White House chief of staff to Gerald Ford and watched Congress take power away from a presidency weakened by Vietnam and Watergate."

For example, Obama was highly critical of the Bush administration's assertion of executive privilege — an extra-constitutional "concept invented by President Eisenhower to stonewall the investigations of communism by Senator Joseph McCarthy in the 1950s," according to *The New American's* [Thomas R. Eddlem](#) — to stymie a Senate investigation into Karl Rove's involvement in the firing of U.S. Attorneys.

"There's been a tendency on the part of this administration to try to hide behind executive privilege every time there's something a little shaky that's taking place," Obama said in 2007. "There doesn't seem to be any national security issues involved.... I think the American people deserve to know what was going on there."

Fast-forward to 2012. Obama himself is now claiming executive privilege to shield Attorney General Eric Holder from a congressional inquiry into the Fast and Furious "gunwalking" scandal. Fast and Furious, an operation carried out by the Justice Department's Bureau of Alcohol, Tobacco, and Firearms, deliberately put more than 2,000 high-powered weapons in the hands of Mexican drug cartels and has contributed to much of the violence in Mexico and on the U.S.-Mexico border, where U.S. Border Patrol agent Brian Terry was murdered, most likely by a bullet fired from one of those guns.

Fast and Furious is more than "a little shaky," to borrow Obama's turn of phrase from five years ago; and while it may have implications for Obama's administration, it has few, if any, for national security. Like his predecessor, Obama seems to be invoking executive privilege simply to prevent embarrassment for his administration.

While he was running for President in 2008, Obama decried the Bush administration's use of the "state secrets" privilege to get cases thrown out of court and promised to make "government more open and transparent" on his watch. But just this week Obama [asked](#) a federal court to dismiss lawsuits seeking information on his death-by-drone program because the information is classified. Even admitting that the program exists, let alone providing any details on it, could be harmful to U.S. counterterrorism



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operations, the administration argued. This has not, however, stopped the administration from bragging about its successes with the program or from leaking many details of it to favored news sources.

"The notion that the CIA's targeted killing program is still a secret is beyond absurd," said [Jameel Jaffer](#), deputy legal director of the American Civil Liberties Union, one of the organizations seeking the information under the Freedom of Information Act. "Senior officials have discussed it, both on the record and off. They have taken credit for its putative successes, professed it to be legal, and dismissed concerns about civilian casualties. If they can make these claims to the media, they can answer requests under the Freedom of Information Act."

"We continue to have profound concerns with the power the administration is claiming and with the proposition that the President should be permitted to exercise this power without oversight by the courts. That the administration believes a power so sweeping should be exercised in secret is astounding," Jaffer added.

Obama has also taken it upon himself to effectively amend or repeal laws with which he disagrees without waiting for Congress to act, even if it means blatantly — and rapidly — reversing himself.

In May 2011, under pressure to stop deporting the children of illegal immigrants, Obama said he couldn't "just bypass Congress and change the law [him]self" but that the policy change could only come about if Congress passed the DREAM Act. "Last week," observed Thomma and Douglas, "his administration announced that it would use prosecutorial discretion to stop the deportations of those young, illegal immigrants."

Likewise, rather than wait for Congress to amend the No Child Left Behind Act, Obama unilaterally granted waivers to 10 states that were unable to meet its requirements provided they met certain conditions stipulated by the administration.

"It's not simply that a waiver is granted, but that it comes with strings attached," Gene Healy, author of *The Cult of the Presidency: America's Dangerous Devotion to Executive Power*, told Thomma and Douglas. "The administration as a condition of lifting some of the strictures will require certain actions that were never written into federal law.... The executive branch is essentially rewriting law with elements that never passed the legislature."

In addition, the President has chosen not to defend the Defense of Marriage Act in court even though Congress has never repealed it.

Since taking office Obama has [committed](#) nearly all the offenses for which he criticized the Bush administration. Besides those already mentioned, he has used signing statements to void portions of laws he has approved and has appointed individuals with close ties to industry to high positions in his administration. Perhaps most egregiously, having [declared](#) in 2007 that "the President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation," Obama unilaterally authorized attacks on Libya when that country was in no way threatening the United States.

Democrats may not want to believe it, but the truth is that they've given Bush a third term and are trying their hardest to give him a fourth. Meanwhile, Republicans repulsed by Obama would do well to consider whether a victory by their party's nominee might not turn into a second Obama term. There is often, as George Wallace so memorably put it, not a dime's worth of difference between the two parties.



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