



## Obama Skirts Capital Deadlock by Using Executive Power to Favor Key Groups

By Mike Dorning - Feb 28, 2012 12:00 AM ET

President [Barack Obama](#) is targeting the concerns of political constituencies pivotal to his re-election one signature at a time.

Stymied in Congress by Republican opposition, Obama has used his executive power in recent months to issue a battery of presidential directives aimed at goals of Democratic-leaning interest groups and voters in battleground states.

Environmentalists saw the [Keystone XL \(TRP\)](#) pipeline stopped and automobile fuel-efficiency standards raised. Young people gained new rules to ease repayment terms for student loans. Hispanics got a policy shifting the focus of deportations to criminals.

Women's groups watched the White House stand firm against Catholic bishops on providing free coverage for contraception. Consumer advocates won the appointment of a financial watchdog during a Senate recess, and unions got three other recess appointments to the National Labor Relations Board.

While the use of executive power has sparked complaints among Obama's critics that he's abusing his office, such moves - - which are commonly made by presidents -- can generate enthusiasm among Democratic voters at a time when the Republican Party base is fired up about defeating the president, said [Tad Devine](#), a Democratic strategist.

“When you put together a basket of proposals like this and you demonstrate you have the capacity to deliver on them, you energize the core constituency,” said Devine, who worked on the Al Gore and John Kerry presidential campaigns.

### ***Forget the Past***

Even though Obama pushed through some of the most comprehensive legislation in decades during the first two years of his term covering health care, financial rules and economic stimulus, that isn't enough to get him re-elected, said Devine.

“The shelf life on progress in the minds of voters is shorter than it is for fresh fruit,” he said.

The challenge Obama confronts in mobilizing supporters is clear: 53 percent of Republicans say they are more enthusiastic than usual about voting in this election compared with 45 percent of Democrats who say so, according to a Gallup/USA Today [poll](#) conducted Feb. 16-19.

After spending much of last year failing to strike a debt-reduction deal with Republicans, Obama looked weak to his core supporters, said Andrew Baumann, a vice president of the Democratic polling firm Greenberg Quinlan Rosner.

The use of executive authority, combined with a more confrontational approach toward Congress that Obama has pursued since September, “creates a sense with his base voters that he's fighting,” Baumann said.

### ***'Undemocratic and Unhealthy'***

It has also spurred protests from Republicans and libertarian groups.

“Even the president's supporters ought to remember that the presidency periodically changes hands and it's undemocratic and unhealthy to lodge this much power in one person's hands,” said Gene Healy, a vice president of the [Cato Institute](#) and author of the 2008 book “The Cult of the Presidency: America's Dangerous Devotion to Executive Power.”

Since October, the White House has mounted a sustained campaign of regular presidential announcements to focus public attention on executive actions. Using the slogan “We Can’t Wait,” the effort has portrayed Obama as producing results while criticizing Congress for inaction.

### ***Battleground States***

Obama has also incorporated presidential directives with special resonance to voters in states his re-election campaign has identified as battlegrounds in the general election.

He announced rules easing [mortgage refinancing](#) for homeowners who owe more than their property is worth during an October trip to [Nevada](#), an epicenter of the housing bust where 58 percent of residential loans are underwater. The settlement of federal and state probes into foreclosure abuses this month also allowed Obama to tout billions of dollars in debt forgiveness and refinancing aid funded by the industry.

In January, he traveled to Walt Disney World outside [Orlando](#), Florida, to announce an initiative to boost tourism.

The president has also sought to appeal to moderate voters. He unveiled a “Veteran Gold Card” on Nov. 7 for returning service members that entitles them to six months of enhanced counseling at government-sponsored career centers. Last week, the White House announced voluntary agreements with Internet companies to provide a “Do Not Track” option on web browsers.

The executive actions figure more prominently in Obama’s re-election-year strategy than that of President [Bill Clinton](#), who negotiated with Republican leaders on a welfare overhaul and deficit reduction, said Bill Galston, who was a Clinton domestic policy adviser.

### ***Different Times***

“Clinton was much more focused on legislation,” said Galston, an analyst at the [Brookings Institution](#) in [Washington](#). “But those were different circumstances when it was possible to talk about a major piece of legislation.”

The White House has signaled it has low expectations for getting much done with Congress this year. Deputy Press Secretary [Josh Earnest](#) said Dec. 31 that a full-year extension of a payroll tax cut was the last “must-do” legislation before the election. Congress did that this month.

“The president can spend his days handing out small-bore goodies to his political allies, but none of these things are going to create the jobs we need,” [Brendan Buck](#), a spokesman for House Speaker John Boehner, an [Ohio](#) Republican, said in an e-mail. “But the White House has already made clear they’re done governing until after the election.”

### ***‘Fair Shake’***

Deputy White House Press Secretary Jamie Smith said Obama “remains ready and willing to work with Congress to pass legislation that ensures everyone gets a fair shake, a fair shot and plays by the same rules.” She added, “if Congress won’t act, the American people cannot wait and he will do all he can to make sure our economy is strong and thriving.”

Obama is hardly the only president to use executive authority to appeal to constituencies. In 2002, President [George W. Bush](#) departed from his free-trade support to impose tariffs on steel imports, a measure popular in Ohio, [West Virginia](#) and [Pennsylvania](#). Five months before the Republican Bush’s 2004 re-election, he tightened travel and financial restrictions on Cuba, winning praise from the exile community in [Florida](#).

Even President Harry Truman’s 1948 executive order to desegregate the armed forces may have had political dimensions, said Adam Warber, an associate political science professor at Clemson University in [South Carolina](#) and author of “Executive Orders and the Modern Presidency.”

Warber said there's "anecdotal evidence" that the order, issued just weeks after Southern delegates walked out of the Democratic National Convention over civil rights, was partly "a way to reach out to African-American voters."

By several measures, Obama has been less active than other recent presidents in using his powers.

### ***Fewest Since Roosevelt***

Last year, he issued 34 executive orders and averaged 36 per year during his first three years in office, according to [the National Archives](#). That's fewer than any president since Franklin Roosevelt during equivalent periods of their terms.

Bush averaged 42 per year during his first three years, and Clinton just over 50. Even with Obama's recess appointments of [Richard Cordray](#) to head the Consumer Financial Protection Bureau and of three members to the NLRB on Jan. 4, he has made less use of his power to bypass the confirmation process than his immediate predecessors. He has averaged fewer than 11 such appointments per year against an average of more than 21 per year by Bush and more than 17 by Clinton, according to the [Congressional Research Service](#).

### ***Public Profile***

Still, Obama has raised the public profile of his executive actions.

"He's not being subtle about wanting to claim credit and to win favor with constituencies," said [Julian Zelizer](#), a presidential historian at [Princeton University](#). Obama surrounded himself with home health-care workers on Dec. 15 and announced a proposed regulatory change to provide federal overtime and [minimum wage](#) protection to almost 2 million such workers. The step was lauded by leaders of the Service Employees International Union and the American Federation of State, County and Municipal Employees.

Obama has also highlighted steps taken to assist immigrants, in interviews with the Spanish-language Univision television network and Univision radio.

The administration said Aug. 18 it would do a case-by-case review of pending deportation cases that would curtail removals of illegal immigrants who arrived as young people, college students, veterans and spouses of military personnel. A regulation proposed Jan. 6 would allow illegal immigrants who are immediate family members of U.S. citizens to remain in the country while they apply for legal residency without a prolonged absence from the country.

“They coincide specifically with what we asked him to do,” said Representative Luis Gutierrez, an Illinois Democrat who was arrested outside the White House July 26 protesting the record level of deportations under Obama. Before the administrative actions, Hispanic immigration advocates were “very, very angry and disillusioned” with Obama, he said.