



Law Professor: President Oversteps Authority on Obamacare

By: Greg Richter – December 3, 2013

President Barack Obama is overstepping his constitutional authority by choosing to ignore certain laws, says a Georgetown University law professor.

"What this president has done in a number of cases looks a lot more like rewriting the law than executing it," Nicholas Quinn Rosenkranz said Tuesday on Fox News Channel's "On the Record With Greta Van Susteren."

Article 2 of the U.S. Constitution charges the president with executing the laws of the United States, but Obama's suspension of the Obamacare employer mandate for a year violated that charge, Rosenkranz said.

President George W. Bush occasionally declined to execute statutes because he thought they were unconstitutional, Rosenkranz said, and a president does have power to do that.

"But President Obama is declining to execute laws without a claim of constitutionality – just for political convenience or policy preference," he said.

Congress does not have the standing to challenge Obama in court, Rosenkranz said, but a lawsuit might be admissible from a person who should have received employer coverage this year but didn't because of Obama's actions.

Congressional testimony earlier Tuesday heard from people ranging from the libertarian Cato Institute to the liberal legal scholar Jonathan Turley, warning that if people see the president as unconstrained by the law, they may decide that they, too, are unconstrained.

Rep. Bob Goodlatte, R-Va., chairman of the House Judiciary Committee, told Fox News Channel's Megyn Kelly that Congress should seek bipartisan ways to curb presidential overreach.