



Republicans are right, Obama should be held accountable for his power grabs, but the problem didn't begin when he took office

By Jason Pye
June 27, 2014

Speaker John Boehner (R-OH) indicated this week that he's preparing a lawsuit against President Barack Obama over his many abuses of executive power, which, he said in a memo to House Republicans, gives the executive branch "king-like authority at the expense of the American people and their elected legislators."

Republicans, of course, have a legitimate complaint against President Obama, one that brings up very real concerns about separation of powers. This White House has run roughshod over the Constitution by ignoring laws passed by a duly elected Congress or enacting new laws through executive and regulatory fiat. But there's also a hint of hypocrisy from the GOP.

Fox News host Neil Cavuto brought up the hypocrisy in a contentious interview with Rep. Michele Bachmann (R-MN) on Wednesday afternoon.

"Where was your rage when Democrats were going after President [George W.] Bush on the same use of executive orders?" Cavuto asked. "Because I think you knew then that was a waste of time then, and I think you know in your heart of hearts this is a waste of time now," telling Bachmann that there are "more important things that you guys have to be addressing than filing lawsuits past each other."

"Listen, I'm not the one — I'm not the one talking about that," Bachmann replied. "What I'm saying is that what we have — what's very important is this, the President trying to establish lawlessness in the United States. That's a big issue."

Cavuto, again, noted that Democrats had the same complaints about the Bush administration, but they were ignored by a Congress that was controlled by Republicans for much of his presidency. Bachmann said that she wants to "defund the executive branch" and impeach officials who have broken the law.

"Defund? Wait. Think about what you're saying. Defund the executive branch," Cavuto said, incredulously. "If Democrats — Congresswoman, if Democrats had said to you, we're going to just defund President Bush, we're going to defund the executive, you would have laughed them out, and so you should have then."

“I think Democrats would be in their right mind to laugh you out now,” he added.

The back and forth between Cavuto and Bachmann continued for a little longer, with the host eventually saying that he “respectfully disagree[d]” with his guest, who was subsequently cut off by a commercial break while she was still talking.

Cavuto was far too dismissive of the lawsuit, though, in his defense, Bachmann isn’t the ideal person to present House Republicans’ case on this very serious issue. At the same time, however, the Fox News host brought up a very legitimate point.

Republicans were just as silent on Bush’s many abuses of power as Democrats are about Obama’s. A 2006 Cato Institute study, *Power Surge: The Constitutional Record of George W. Bush*, examined the executive power consumed by the most recent Republican president. Many of the issues raised in that study are similar to the complaints about Obama.

It’s completely unsurprising, of course, that politicians from one party would wail and gnash their teeth at the actions taken by a president from an opposing party. Water is wet, the sky is blue, and Democrats and Republicans disagree with each other.

There have been a few politicians willing to call out a president from their own party — a couple that immediately come to mind are former Reps. Ron Paul (R-TX) and Dennis Kucinich (D-OH) — but there’s a severe lack of principle from congressional leaders from both parties.

Lost in this hypocrisy from both sides of the aisle is the rights and liberties of the American people. That’s problematic, as former Rep. Bob Barr (R-GA) warned in congressional testimony in 2008, because it puts the country on a very slippery slope.

“Every administration, in my view, and I think history bears this out, takes the power that it inherited from its predecessor and considers it a floor, not a ceiling,” Barr told the House Judiciary Committee. “If we don’t get a handle on this now in some fashion, the next administration, regardless of party, will take these abuses of power, these liberties with the fundamental institutions of our government, and take them to even higher and higher levels.”

The Constitution is, of course, more important to than any party’s desire for political power. Most realize and agree on that, but it just seems that they don’t fully understand the crisis until someone from the opposing party wins the White House.

Though Republicans are absolutely right to hold President Obama accountable for his power grab, this is a bipartisan problem, one that won’t end on January 20, 2017, when he leaves the White House.