

# The Columbus Dispatch

## Other viewpoints: Time to curb presidential overreach

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There was a moment during Barack Obama's 2014 State of the Union address that spoke volumes about the state of our government. The president said he would like to work with Congress, but he made it clear he was not about to let mere legislators impede his policy ambitions. "So wherever and whenever I can take steps without legislation to expand opportunity for more American families, that's what I'm going to do," he told those lawmakers.

You might have expected them to rise up en masse to protest this usurpation of their authority. But Democrats in the House chamber gave that line a standing ovation — cheering Obama's plan to make their branch of government, and them, as irrelevant as he possibly could.

Obama will be remembered for using every opportunity to expand the authority of the president. It was good for his policy priorities while it lasted, but the time is almost up. And it may be dawning on Democrats that the same powers Obama put to use soon will be in the hands of Donald Trump.

Obama couldn't get Congress to pass an increase in the minimum wage, so he issued an executive order requiring federal contractors to pay their workers at least \$10.10 per hour. He told states they could weaken work requirements for welfare recipients, which had been established by federal law. When he couldn't get Congress to approve the DREAM Act, barring the deportation of young people whose parents are in the U.S. without legal permission, he acted unilaterally to implement that policy — something he had earlier said he lacked the power to do — and eventually extended the shield to their parents. Those are just a few examples of his aggressive approach.

His immigration orders were overturned by the courts. But more often than not, Obama has been able to dispense with those inconvenient men and women whom Americans elect to pass legislation — and, sometimes, to reject a president's proposals.

George W. Bush was hardly timid on this front. When Congress approved a ban on torture, Bush signed it with a statement asserting his right to ignore it. He claimed broad latitude to keep presidential records secret, flouting a federal law requiring transparency.

The framers would have expected Congress to jealously guard its prerogatives against presidential encroachment. But the impulse on Capitol Hill has often been to escape political responsibility by ceding control.

Obama was a daily lesson to Republicans of the dangers of this approach. Democrats who found it irresistible under Obama have to feel queasy about how President Trump will exploit it. So

maybe there is a chance for a bipartisan consensus among lawmakers to reclaim their rightful role.

"We've spent the Bush-Obama years making an already imperial presidency vastly more powerful," Cato Institute analyst Gene Healy, author of "The Cult of the Presidency: America's Dangerous Devotion to Executive Power," tells us. "We just watched the two most widely reviled and distrusted major-party candidates in the history of polling fight it out to see who gets powers no one fallible human being should have. If that doesn't concentrate the mind wonderfully on the need to re-limit presidential power, what will?"

Some Republicans may be content to let Trump treat Democrats to a generous serving of their own medicine. But those who believe in the design of the Constitution and the importance of its separation of powers ought to take a longer view and find ways to restrain the person occupying the Oval Office. They may find people on the other side of the aisle unusually receptive. Remember, neither party particularly likes the president-elect.

If they fail to impose some firm limits, GOP lawmakers will mourn the missed opportunity as soon as the next Democratic president arrives. And given Trump's unpredictable nature, the regret may set in even sooner.