

Faced with re-election, little action in Congress, Obama acts alone

By LESLEY CLARK

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WASHINGTON -- Declaring that Republicans in Congress will block almost every initiative that has his name on it, President Barack Obama is going around them.

Under the banner of "We Can't Wait," the president on Monday rolled out his latest solo act: directing the Food and Drug Administration to beef up efforts to prevent prescription drug shortages, an issue that lawmakers have been debating but haven't resolved.

"It is the belief of this administration ... that we can't wait for action on the Hill," Obama said from the Oval Office as he signed an executive order that calls on the FDA to work with the Justice Department to determine whether there's been price gouging or stockpiling of medication. "We've got to go ahead and move forward."

The executive order is the latest in a series of measures that the president has championed in the past week, including easing repayment terms for student loans, incentives to encourage jobs for veterans and help for mortgage holders who owe more than their homes are now worth.

Administration officials say they expect more: Obama himself told a crowd last week at the University of Colorado in Denver that his administration will "look every single day to figure out what we can do, without Congress."

"We can't wait for Congress to do its job, so where they won't act, I will."

Strategists said the moves, which come as the president's \$447 billion jobs package remains stalled in Congress, gave the chief executive the opportunity to present himself as the executive in charge. He wants to be seen as working to improve the economy, despite an obstinate Congress.

Republicans say he'd be better off working with them, and they accuse him of giving up on talks about ways to improve the economy to take to the campaign field instead and bash the opposition.

"If the president's serious, he ought to be up here working with us to find common ground to solve issues that the American people want us to solve," House Speaker John Boehner of Ohio said in an interview last week with conservative radio commentator Laura Ingraham, noting that "this idea that you are just going to go around the Congress is almost laughable."

Boehner noted that Obama can take some steps without congressional authorization but added, "We're keeping a very close eye on the administration to make sure they are following the law and following the Constitution."

White House spokesman Jay Carney called the criticism misplaced, saying the president is acting "well within his constitutional authority."

"These are all measures he can take administratively, and he will continue to take them," Carney said, suggesting that if Boehner is concerned, he can take up Obama's job package.

The president isn't abandoning the jobs plan. He's scheduled to deliver remarks Wednesday before a bridge in Washington that the White House says needs repairs and could benefit from a provision in the measure that calls for putting construction workers back to work by spending on public works projects.

Analysts say that without Congress, which has the primary power over taxes and spending, there's little Obama can do unilaterally to move the needle on job creation. But he can work on his image.

"It's small stuff in reality, but by perception it can pay off," said William Galston, a former policy adviser to President Bill Clinton who's a senior fellow at the Brookings Institution, a center-left policy research center. "He looking to present himself as if he's on the little guys' side, fighting for them. He cares about jobs; the others guys don't. That's the message they're trying to reinforce through a series of steps."

Political observers have suggested that Obama is taking a page from Clinton, whose penchant for signing executive orders led an adviser to boast: "Stroke of the pen, law of the land. Kinda cool."

Gene Healy, a vice president at the Cato Institute who has researched executive power, notes that reaching for the pen is familiar ground for presidents in similar situations.

"Presidents resorting to executive orders when they're politically embattled isn't new," Healy said. "Particularly toward the end of the term, when popularity erodes whatever control they had over the legislative process, this is a favorite device."

He noted that while there have been sweeping executive orders - John F. Kennedy created the Peace Corps through one - more recent administrations have used them for "micro initiatives."

"I can't imagine there's enough wiggle room to make any substantial change in the unemployment rate, but it's symbolic," Healy said. Still, he added, "it's not the way the system is supposed to work. Congress is supposed to make the laws, with the participation of the president."