



## Obama: I can't work with others; sue me

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In January, President Barack Obama outlined his strategy for 2014. "I've got a pen, and I've got a phone," he said. The president planned on using his pen to sign executive and administrative orders and his phone to call outside groups — not Congress — to rally behind his pet programs.

Obama forgot to mention his third favorite instrument — the teleprompter. Rather than working with Congress, Obama's second term is all about blaming Congress for whatever goes wrong. In that can't-do spirit, Obama mocked House Speaker John Boehner's threat to take legal action against the White House's imperial ways. "So sue me," Obama said to laughter. As long as House Republicans are "doing nothing, I'm not going to apologize for trying to do something."

Pretend for a moment that George W. Bush had said that. Then imagine what Rep. Nancy Pelosi, D-Calif., would have said. But it's hard to imagine Bush crying uncle, because he was able to woo across the aisle, even to persuade Hillary Clinton and John Kerry to vote for the Iraq War.

Obama?

"He throws out things he knows we won't go for," noted Don Stewart, spokesman for Senate Minority Leader Mitch McConnell. Then he grouches when the GOP won't go along.

In the "sue me" speech, Obama railed against the GOP for not supporting a minimum wage increase, paid family leave and pay equity for women — despite his administration's sorry record in that department. Where Obama could garner bipartisan support — approving the Keystone XL pipeline and ending the medical device tax and Obamacare's employer mandate — Stewart added, he is not engaged.

The lawsuit, Boehner wrote in an opinion piece for CNN, would be aimed at Obama's failure at "faithfully (executing) the laws of our country." To wit, the president unilaterally has rewritten parts of his health care law and made recess appointments deemed illegal by the Supreme Court unanimously.

The administration's most well-known act of obstruction is the Deferred Action for Childhood Arrival directive. In essence, the president enacted the DREAM Act — to stop the deportation of unlawful residents who came to the U.S. as minors — without Congress.

Walter Olson of the libertarian-leaning CATO Institute told me that he likes some things the administration has done unilaterally but that the statutory authority may be “on thin ice.” Olson also observed that after years of railing against activist courts, suit-happy Republicans don't quite have the high ground.

Neither does the can't-work-with-others president. As a constitutional law professor, Obama should not need the House Judiciary Committee to tell him, “If the President disagrees with that law, he must convince Congress to change it.” Now he's arguing with himself — gearing up to deport children, encouraged by his own directive.