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A GOP-led Senate could mean more Obama executive orders

By [Dave Boyer](#)

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If you're enjoying President Obama's year of escalating executive actions, you'd love the final two years of his presidency with a Republican Senate.

With polls showing the GOP in a good position to pick up the six seats needed to regain control of the Senate, political analysts say it would result in Mr. Obama relying even more often on his executive pen during his last two years in office. And with that comes the prospect of a diminishing presidency.

"It's going to be battles of inches rather than yards," said Karlyn Bowman, a specialist on politics and polling at the American Enterprise Institute in Washington. "Obama's going to try to do a lot of things by executive action because everything will slow down further in Congress."

It's not like Mr. Obama has a productive relationship with the current Congress. The president's inability to move his agenda on Capitol Hill, coupled with the need to motivate Democratic voters in the mid-term election, prompted him to start off this year by vowing to use his presidential "pen and phone" to bypass Congress with executive orders.

Mr. Obama has taken more than 60 executive actions this year, ranging from hiking the minimum wage of federal contractors to easing student loan debt, with a highly anticipated order on immigration still to come after the election. But many of Mr. Obama's executive actions have yet to take full effect — for example, a proposed "MyRA" plan to create new retirement accounts won't be ready until the end of this year, at the earliest.

Gene Healy, vice president of the Cato Institute, said Mr. Obama's reliance on executive actions this year hasn't produced much in the way of lasting impact.

"A lot of what you've seen after the president starts talking about the 'pen and the phone' has been a been a lot of Clintonian small-ball," he said, referring to executive actions taken by President Clinton. "The big line item of unilateral executive authority in the State of the Union address [in 2014] was raising the minimum wage for federal contractors, which was a fairly big deal but not what most people were worried about."

A Republican takeover of the Senate could also result in Mr. Obama wielding his veto pen more often, if the GOP approves legislation to curb Mr. Obama's executive actions on immigration, move forward with construction of the Keystone XL pipeline, or repeal Obamacare.

Former Republican Sen. Larry Pressler of South Dakota, running as an independent, said Wednesday he doesn't agree with "hardly anything" Mr. Obama is doing these days — but that he does need working partners in the Senate.

"Barack Obama needs friends in the United States Senate," he said. "I think Barack Obama has kind of gone astray but if I get there, I'm going to try to help him and work with him."

Perhaps the most serious area of conflict with a Republican-led Senate would be judicial nominations, especially if a vacancy opens up on the Supreme Court.

"That's where it does matter," said William Rosenberg, a political science professor at Drexel University in Philadelphia. "If someone like [Justice Ruth Bader] Ginsburg ends up stepping down, it's going to be a really difficult situation."

Mr. Obama told Democratic donors this summer that "we're going to have Supreme Court appointments, and there are going to be a whole host of issues that many people here care about that are going to be determined by whether or not Democrats retain the Senate." A White House official later said the president was speaking hypothetically.

Justice Ginsburg, 81, who has battled cancer, said this year she plans to remain on the court "for a while."

Mr. Obama would likely face a tougher road on all nominations, with a Republican majority like to revoke the so-called "nuclear option," a move Democrats implemented to permit confirmation by a simple majority, rather than the three-fifths vote formerly required to overcome a filibuster.

The prospects for major legislation, slim now, would virtually vanish, analysts say. That's partly because of Mr. Obama's weak reputation among both parties as a dealmaker.

"His relations with Congress have been so poor for so long, I just don't see much on the radar screen to suggest things will improve for him or his agenda," Ms. Bowman said. "He just hasn't reached out very much and that's one of the failures of his presidency. I'm not sure you can repair that in the last two years."

If there's any consolation for Mr. Obama, it could be that he's not alone among presidents who've endured troublesome second terms.

"If the GOP takes the Senate, I think his political malaise will continue and may even be enhanced," Mr. Healy said. "The second half of second-term presidencies, you typically see a large midterm loss, more scandals, more investigations. It tends to be even less fun than usual."