



President runs roughshod over founding document

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Obama is running roughshod over the Constitution, legal scholars say, by disregarding it, changing laws outside the legislative process, and extending federal power in unprecedented ways.

The president has "profound disdain for the Constitution," said David Rivkin, a lawyer at the BakerHostetler law firm in Washington, DC.

"Across a whole host of policy areas, President Obama and other high officials in his administration have pushed the envelope of anything attempted before," said Ilya Shapiro, a constitutional expert at the Cato Institute.

Under the president's judicial philosophy, legislation ideally "streamlines government action" so it can "grow and experiment," all while overcoming barriers like the checks and balances built into the Constitution, said Charles Kesler, a professor of government and constitutional scholar at Claremont McKenna College.

A pending lawsuit against the Dodd-Frank Wall Street Reform and Consumer Protection Act exemplifies several aspects of the complaints legal scholars have against the president's treatment of the Constitution.

The State National Bank of Big Springs, Texas launched a lawsuit against Dodd-Frank in June, joined by the Competitive Enterprise Institute and the 60 Plus Association.

The lawsuit argues that three parts of the bill—the Consumer Financial Protection Bureau (CFPB), the Orderly Liquidation Authority, and the Financial Stability Oversight Counsel (FSOC)—all violate the Constitution, according to Adam White, a lawyer at Boyden Gray & Associates who is working on the lawsuit.

Three states—Oklahoma, South Carolina, and Michigan—joined the lawsuit in September, arguing that the Orderly Liquidation Authority is unconstitutional.

The CFPB and the FSOC, said White, both violate the separation of powers.