



Obama's 'second-term blues' have begun

By: Gene Healy – January 28, 2013

Last Wednesday marked the anniversary of President Clinton's historic pronouncement, in the 1996 State of the Union, that "the era of big government is over." "Not by a long shot," President Obama seemed to say in his second inaugural last week.

It was "a surprisingly liberal speech" remarked MSNBC's Chris Hayes: Obama warned us we were in for a "long and sometimes difficult" march toward "sustainable energy sources" and -- because this president "reject[s] the belief that America must choose between caring for the generation that built this country and investing in the generation that will build its future" -- perhaps a presidential war on math.

Maybe it's the era of "collective action." "Preserving our individual freedoms ultimately requires collective action," Obama insisted -- but given his frequent, first-term recourse to government-by-fiat, you could translate that to "expanding my administration's power requires unilateral action."

Obama put it more delicately in an exclusive interview with the New Republic last week, allowing that "a judicious use of executive power can move the argument forward or solve problems that are of immediate enough import that we can't afford not to do it."

On Friday, in *Canning v. NLRB* the D.C. Circuit begged to differ. Obama had violated the Constitution with recess appointments of three members of the National Labor Relations Board, the court held.

In a tart reprimand, Chief Judge David Sentelle wrote that the president's attempted end-run around the Senate confirmation process, "would demolish the checks and balances inherent in the advice-and-consent requirement, giving the President free rein to appoint his desired nominees at any time he pleases," on the "weekend," over "lunch," or even, as in this case, "when the Senate is in session and he is merely displeased with its inaction. This cannot be the law."

Congress hasn't been nearly so bold in defending the Constitution against the president's various assaults. But at Sen. John Kerry's, D-Mass., confirmation hearings last week, Rand Paul, R-Ky, the Senate's libertarian gadfly, showed once again that he knows how to spoil chummy comity on the Hill:

"I agree with candidate Barack Obama who said in 2007 that the president doesn't have the power under the Constitution to unilaterally authorize a military attack," Sen. Paul told the nominee: "I'd like to know if you agree with candidate Barack Obama or if you agree with president Barack Obama, who took us to war in Libya without congressional authority."

Kerry waffled his way through several weak rationales, finally settling on, "the problem is, it just doesn't work in some instances."

We're a long way from sufficient congressional push back on unauthorized presidential war-making. But Congress is certain to push back hard on Obama's "legacy project," using the bully pulpit to push new gun control legislation. That effort is more likely to result in electoral backlash than in sweeping new restrictions.

Recounting the problems of "lame-duck presidents" in *Presidential Studies Quarterly*, political scientist David A. Crockett notes that second terms are characterized by "sixth-year curses" and "second-term blues" for reasons ranging from "re-election hubris, administration fatigue, [to] leadership failure." The short honeymoon usually gives way to scandal (think "Watergate, Iran-Contra, the Clinton impeachment, [and] Katrina") and "a second midterm loss that's usually worse than the first."

In the run-up to Obama's re-election campaign, we saw a rash of speculation about the president's mood. "Does Obama really want to win?" the *Washington Times* asked; "Is Obama Depressed?" a Fox News panel debated on "The Five."

I'm not much for long-distance psychoanalysis, but if this president does tend toward the melancholy, before long, he's really going to need a hug. The "second-term blues" are on their way.