



The Legal Limit Report No. 4

The Obama Administration's Abuse of Power

By U.S. Senator Ted Cruz (R-Texas)

**THE LEGAL LIMIT: THE OBAMA ADMINISTRATION'S
ATTEMPTS TO EXPAND FEDERAL POWER**

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By U.S. Senator Ted Cruz (R-TX)

Ranking Member

Senate Judiciary Subcommittee on The Constitution,
Civil Rights and Human Rights

Of all the troubling aspects of the Obama presidency, none is more dangerous than the President's persistent pattern of lawlessness, his willingness to disregard the written law and instead enforce his own policies via executive fiat.

The President's taste for unilateral action to circumvent Congress should concern every citizen, regardless of party or ideology. The great 18th-century political philosopher Montesquieu observed: "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates." America's Founding Fathers took this warning to heart, and we should too.

Rule of law doesn't simply mean that society has laws; dictatorships are often characterized by an abundance of laws. Rather, rule of law means that we are a nation *ruled* by laws, not men. No one—and especially not the president—is above the law. For that reason, the U.S. Constitution imposes on every president the express duty to "take Care that the Laws be faithfully executed."

Rather than honor this duty, President Obama has openly defied it by repeatedly suspending, delaying, and waiving portions of the laws that he is charged to enforce. When President Obama disagreed with federal immigration laws, he instructed the Justice Department to cease enforcing the laws. He did the same thing with federal welfare law, drug laws, and the federal Defense of Marriage Act.

In the more than two centuries of our nation's history, there is simply no precedent for the White House wantonly ignoring federal law and asking others to do the same.

For all those who are silent now: What would they think of a Republican president who announced that he was going to ignore the law, or unilaterally change the law? Imagine a future president setting aside environmental laws, or tax laws, or labor laws, or tort laws with which he or she disagreed.

That would be wrong—and it is the Obama precedent that is opening the door for future lawlessness. As Montesquieu knew, an imperial presidency threatens the liberty of every citizen. Because when a president can pick and choose which laws to follow and which to ignore, he is no longer a president.

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Governing by Executive Fiat

1. Disregarded 1996 welfare reform law in granting broad work waivers for work requirements of Temporary Assistance for Needy Families (TANF).¹
2. Implemented portions of the DREAM Act, which Congress rejected, by executive action.²
3. Ended some terror asylum restrictions, by allowing asylum for people who provided only “insignificant” or “limited” material support of terrorists.³
4. Allowed immigrants in the U.S. illegally, who are relatives of military troops and veterans, to stay in the country and get legal status.⁴
5. Extended federal marriage benefits by recognizing, under federal law, same-sex marriages created in a state that allows same-sex marriage even if the couple is living in a state that doesn’t recognize same-sex marriage.⁵
6. Recognized same-sex marriage in Utah, even though the Supreme Court stayed the court order recognizing same-sex marriage in Utah and Utah said it would not recognize same-sex marriages performed before the stay.⁶
7. Refused to prosecute violation of drug laws with certain mandatory minimums.⁷
8. Issued signing statements, refusing to enforce parts of congressional-enacted statutes.⁸
9. Illegally refused to act on Yucca Mountain’s application to become a nuclear waste repository.⁹

¹ Caroline May, [Obama administration ‘guts’ welfare reform with new HHS rule](#), Daily Caller, Jul. 13, 2012.

² Mark Krikorian, [Today is A-Day](#), National Review Online, Aug. 15, 2012.

³ Reid J. Epstein, [Obama administration ends some terror asylum restrictions](#), Politico, Feb. 5, 2014.

⁴ Julia Preston, [Immigrants Closely Tied to Military Get Reprieve](#), N.Y. Times, Nov. 15, 2013.

⁵ Matt Apuzzo, [More Federal Privileges to Extend to Same-Sex Couples](#), N.Y. Times, Feb. 8, 2014.

⁶ Charlie Savage, [U.S. to Recognize Utah Gay Marriage Despite State Stance](#), N.Y. Times, Jan. 10, 2014.

⁷ Pete Williams & Michael O’Brien, [Holder: ‘New Approach’ to reduce mandatory drug sentences](#), NBC News, Aug. 12, 2013.

⁸ Charlie Savage, [Obama Takes New Route to Opposing Parts of Laws](#), N.Y. Times, Jan. 8, 2010.

⁹ Joel B. Pollak, [Nuclear fallout: Yucca decision would affect immigration, obamacare](#), Breitbart, Aug. 14, 2013.

National Security

1. Falsely portrayed the Benghazi terrorist attack as a spontaneous protest against an anti-Muslim YouTube video,¹⁰ and then lied about the White House's involvement.¹¹
2. Illegally revealed the existence of sealed indictments in the Benghazi investigation.¹²
3. Failed to enforce the Magnitsky Act as required by law, by not adding Russian human rights abusers to a list of people not permitted to travel to or do business in the U.S.¹³
4. Killed four Americans overseas in counterterrorism operations without judicial process.¹⁴
5. Continued to give Egypt aid after the military took over its government, even though federal law prohibits aid to Egypt in the event of a coup.¹⁵

¹⁰ Bill Flax, [Benghazi: Four Americans Died, Obama Lied, and the Press Complied](#), Forbes, Oct. 18, 2012.

¹¹ Michael D. Shear, [Email Suggests White House Strategy on Benghazi](#), N.Y. Times, Apr. 30, 2014.

¹² Mike Levine, [President Obama's Surprise Revelation of Sealed Benghazi Indictment](#), ABC News, Aug. 9, 2013.

¹³ [Obama's Magnitsky Walkback](#), Wall St. J., Jan. 5, 2014.

¹⁴ Karen DeYoung & Peter Finn, [U.S. acknowledges killing of four U.S. citizens in counterterrorism operations](#), Wash. Post, May 22, 2013.

¹⁵ [White House says U.S. has not cut off aid to Egypt](#), Reuters, Aug. 20, 2013.

Obamacare

1. Granted a “hardship” exemption from the individual mandate for people whose health plans were canceled because their plans weren’t Obamacare compliant.¹⁶
2. Delayed the individual mandate for two years.¹⁷
3. Allowed individuals to buy health insurance plans in 2014 that did not comply with Obamacare.¹⁸ Extended this delay until 2016—past the mid-term elections.¹⁹
4. Extended the deadline to enroll in Obamacare.²⁰
5. Illegally granted businesses a waiver from Obamacare’s employer mandate.²¹ Twice.²²
6. Illegally continued the Obamacare employer contribution for congressional staffs.²³
7. Illegally delayed the Obamacare caps on out-of-pocket healthcare payments.²⁴
8. Illegally delayed Obamacare verification of eligibility for healthcare subsidies.²⁵
9. Illegally required people to violate their faith via the Obamacare contraception mandate.²⁶
10. As of May 2011, over 50% of Obamacare waiver beneficiaries were union members (who account for less than 12% of the American work force).²⁷

¹⁶ Margaret Talev & Alex Wayne, [Obama Lifts Health Mandate for Those With Canceled Plans](#), Bloomberg.com, Dec. 20, 2013.

¹⁷ [ObamaCare’s Secret Mandate Exemption](#), Wall St. J., Mar. 11, 2014.

¹⁸ Stephanie Condon, [Obama letting people keep canceled health plans for another year](#), CBSNews.com, Nov. 14, 2013.

¹⁹ Louise Radnofsky, [Obama Gives Health Plans Added Two-Year Reprieve](#), Wall St. J., Mar. 5, 2014.

²⁰ David Martosko, [Busted! After promising ‘no delay’ in final Obamacare sign-up deadline, Obama administration unveils new ‘honor system’ extension through mid-April](#), Daily Mail, March 25, 2014.

²¹ Sarah Kliff, [White House delays employer mandate requirement until 2015](#), Wash. Post, July 2, 2013.

²² Juliet Eilperin & Amy Goldstein, [White House delays health insurance mandate for medium-seized employers until 2016](#), Wash. Post, Feb. 10, 2014.

²³ Ezra Klein, [In 2014, Congress gets Obamacare. Here’s how they’ll pay for it.](#), Wash. Post, Aug. 1, 2013.

²⁴ Avik Roy, [Yet Another White House Obamacare Delay: Out-Of-Pocket Caps Waived Until 2015](#), Forbes, Aug. 13, 2013.

²⁵ Avik Roy, [Not Qualified for Obamacare’s Subsidies? Just lie – Govt. To Use ‘Honor System’ Without Verifying Your Eligibility](#), Forbes, July 6, 2013.

²⁶ Joel Gehrke, [Little Sisters of the Poor sue over Obamacare fines, contraception requirement](#), Wash. Examiner, Sept. 24, 2013.

²⁷ Milton Wolf, [Obamacare waiver corruption must stop](#), Wash. Times, May 20, 2011.

Economy

1. Ordered Boeing to fire 1,000 employees in South Carolina and shut down a new factory because it was non-union.²⁸
2. Implemented a moratorium on offshore drilling after the Deepwater Horizon oil spill without statutory authority, and continued to enact new versions after federal courts repeatedly invalidated the moratorium.²⁹
3. Treated secured creditors worse than unsecured creditors in the Chrysler bankruptcy.³⁰
4. Terminated the pensions of 20,000 non-union Delphi employees in the GM bankruptcy.³¹
5. Had SWAT teams raid a Gibson guitar factory and seize property, on the purported basis that Gibson had broken India's environmental laws—but no charges were filed.³²
6. Government agencies are engaging in "Operation Choke Point," where the government asks banks to "choke off" access to financial services for customers engaging in conduct the Administration does not like—such as "ammunition sales."³³

²⁸ Steven Greenhouse, [Labor Board Tells Boeing New Factory Breaks Law](#), N.Y. Times, Apr. 20, 2011.

²⁹ Frederic Frommer, [Government takes third attempt at drilling moratorium](#), Associated Press, Jul. 13, 2010.

³⁰ [An offer you can't refuse](#), The Economist, May 7, 2009.

³¹ [Emails: Geithner, Treasury drove cutoff of nonunion Delphi workers' pensions](#), Daily Caller, Aug. 7, 2012; [Report: Obama administration played key role in GM Bankruptcy as pensions cut for salaried workers, not unionized ones](#), Associated Press, Aug 16, 2013.

³² Deborah Zabarenko, [Gibson Guitar CEO slams U.S. raids as "overreach"](#), Reuters, Oct. 12, 2011.

³³ Frank Keating, [Justice Puts Banks in a Choke Hold](#), Wall St. J., Apr. 24, 2014.

Executive Nominees and Personnel

1. Made illegal “recess” appointments to the Consumer Financial Protection Bureau and the National Labor Relations Board when Congress wasn’t in recess.³⁴ Ignored the rulings of three federal courts of appeals that held those nominations unconstitutional.
2. Appointed czars to oversee federal policy specifically because czars do not require Senate confirmation, earning criticism from stalwart Democrats such as West Virginia Sen. Robert Byrd³⁵ and Wisconsin Sen. Russ Feingold.³⁶
3. As of January 2012, 36 of the President’s executive office staff owed \$833,970 in back taxes.³⁷
4. As of 2011, 311,566 federal employees or retirees owed \$3.5 billion in taxes.³⁸

³⁴ Timothy Noah, [Cordray’s Recess Appointment Sure Doesn’t Look Constitutional to Me](#), New Republic, Jan. 4, 2012.

³⁵ John Bresnahan, [Byrd: Obama in power grab](#), Politico, Feb. 25, 2009.

³⁶ Jordan Fabian, [Feingold questions Obama ‘czars’](#), The Hill, Sept. 16, 2009.

³⁷ Andrew Malcolm, [36 Obama aides owe \\$833,000 in back taxes](#), Investors Business Daily, Jan. 26, 2012.

³⁸ Richard Rubin, [Number of Tax-Delinquent Government Workers Up 11.5%](#), Bloomberg, Mar. 8, 2013.

Free Speech and Privacy

1. Illegally targeted conservative groups for heightened IRS scrutiny.³⁹
2. Circumvented the Freedom of Information Act, by requiring White House Counsel review of all documents to be released under the Freedom of Information Act that the Administration believed pertained to “White House equities”—and then delayed in producing many of these documents by FOIA’s statutory deadline, or didn’t produce them at all.⁴⁰
3. Got secret permission from the FISA Court to reverse restrictions on the National Security Agency’s use of intercepted phone calls and emails, permitting the NSA to search American’s communications in its databases.⁴¹
4. The Consumer Financial Protection Bureau is seeking to monitor about 80% of U.S. credit card transactions.⁴²
5. Targeted Fox News reporter James Rosen by falsely labeling him a possible “co-conspirator” in a criminal investigation of a new leak.⁴³
6. Secretly obtained phone records from staff at the Associated Press.⁴⁴
7. Had meetings with lobbyists in coffee shops near White House to avoid disclosure requirements.⁴⁵

³⁹ Greg Sargent, [Conservatives have themselves a real scandal on their hands](#), Wash. Post, May 10, 2013.

⁴⁰ Mark Tapscott, [‘Most transparent’ White House ever rewrote the FOIA to suppress politically sensitive docs](#), Wash. Examiner, Mar. 18, 2014.

⁴¹ Ellen Nakashima, [Obama administration had restrictions on NSA reversed in 2011](#), Wash. Post, Sept. 7, 2013.

⁴² Richard Pollock, [CFPB’s data-mining on consumer credit cards challenged in heated House hearing](#), Sept. 13, 2013.

⁴³ [Another Chilling Leak Investigation](#), N.Y. Times, May 21, 2013.

⁴⁴ Mark Sherman, [Gov’t obtains wide AP phone records in probe](#), Yahoo News, May 13, 2013.

⁴⁵ Eric Lichtblau, [Across From White House, Coffee With Lobbyists](#), N.Y. Times, June 24, 2010.

Other Lawless Acts

1. Aided drug cartels instead of enforcing immigration laws—as found by a federal judge. Border Patrol agents, multiple times, knowingly helped smuggle illegal immigrant children into the U.S.; “the DHS is encouraging parents to seriously jeopardize the safety of their children.”⁴⁶
2. Illegally sold thousands of guns to criminals, in the operation known as Fast and Furious,⁴⁷ and then refused to comply with congressional subpoenas about the operation.⁴⁸
3. Dismissed charges filed by Bush Administration against New Black Panther Party members who were videotaped intimidating voters at a Philadelphia polling station during the 2008 election.⁴⁹
4. Argued for expansive federal powers in the Supreme Court, which has rejected the Administration’s arguments unanimously 9 times since January 2012.⁵⁰
5. Sued Louisiana to stop school vouchers and keep low-income minorities trapped in failing schools.⁵¹
6. Threatened to arrest military priests for practicing their faith during the partial government shutdown.⁵²
7. Muzzled the speech of military chaplains.⁵³
8. Sued fire departments saying their multiple-choice, open-book written employment tests were racially discriminatory.⁵⁴
9. Gave 23,994 tax refunds worth more than \$46 million to aliens here illegally using the same address in Atlanta, GA.⁵⁵

⁴⁶ Stephen Dinan, [Border Patrol helps smuggle illegal immigrant children into the United States](#), Wash. Times, Dec. 19, 2013.

⁴⁷ DOJ Inspector General, [A Review of ATF’s Operation Fast and Furious and Related Matters](#), Sept. 2012.

⁴⁸ Jerry Seper & Stephen Dinan, [GOP sues to force Obama, Holder compliance on Fast and Furious](#), Wash. Times, Aug. 13, 2012.

⁴⁹ Kevin Bohn, [Justice Department drops charges in voter intimidation case](#), CNN.com, May 28, 2009.

⁵⁰ Senator Ted Cruz, [The Legal Limit: The Obama Administration’s Attempts to Expand Federal Power](#); Senator Ted Cruz, [Addendum – More Cases on Obama DOJ’s Expansive View of Federal Power](#); Senator Ted Cruz, [Addendum 2 – More Cases on Obama DOJ’s Expansive View of Federal Power](#).

⁵¹ [Obama, Holder Stand in Louisiana Schoolhouse Door](#), Investors Business Daily, Aug. 30, 2013.

⁵² Alex Pappas, [Priests threatened with arrest if they minister to military during shutdown](#), Daily Caller, Oct. 4, 2013.

⁵³ George Neumayr, [Muzzling Military Chaplains](#), The American Spectator, Jan. 9, 2013.

⁵⁴ [Editorial: Firehouse flunkies](#), Wash. Times, Mar. 7, 2011.

Other Abuses of Power

1. Released a mentally ill Guantanamo detainee,⁵⁶ who had been a high-risk al Qaeda fighter in jihad combat since the 1980s.⁵⁷
2. Backed release of the Lockerbie bomber, Abdel Baset al-Megrahi.⁵⁸
3. President Obama told NASA administrator to “find a way to reach out to the Muslim world.”⁵⁹
4. Claimed the Fort Hood shooting was “workplace violence” rather than terrorism.⁶⁰
5. Signed a stimulus bill that spent money on bonuses for AIG executives,⁶¹ and then acted shocked and outraged at the bonuses.⁶²
6. Gave \$535 million to Solyndra, which went bankrupt; Solyndra shareholders and officials made substantial donations to Obama’s campaign.⁶³
7. Reneged on a campaign promise to cut the deficit in half by the end of his first term in office.⁶⁴
8. Increased the national debt more in one term than President Bush did in two terms.⁶⁵
9. Extended mortgage assistance to people who bought multiple homes during the housing bubble.⁶⁶
10. Proposed rules that would have decimated family farms, by prohibiting children under 18 from doing many forms of farm work.⁶⁷

⁵⁵ Terence Jeffrey, [IRS Sent \\$46,378,040 in Refunds to 23,994 ‘Unauthorized’ Aliens at 1 Atlanta Address](#), CNSNews.com, June 21, 2013.

⁵⁶ [U.S. judge orders release of mentally ill Guantanamo prisoner](#), Yahoo News, Oct. 4, 2013.

⁵⁷ [The Guantanamo Docket: Ibrahim Othman Ibrahim Idris](#), N.Y. Times.

⁵⁸ Jason Allardyce & Tony Allen-Mills, [White House backed release of Lockerbie bomber Abdel Baset al-Megrahi](#), The Australian, July 26, 2010.

⁵⁹ Alex Pepper, [White House, NASA, Defend Comments About NASA Outreach to Muslim World Criticized by Conservatives](#), ABCNews.com, July 6, 2010.

⁶⁰ Aaron Goldstein, [Obama Still Doesn’t Get 9/11](#), American Spectator, Sept. 11, 2012.

⁶¹ Dana Bash & Ted Barrett, [Bonuses allowed by stimulus bill](#), CNN.com, Mar. 18, 2009.

⁶² Helene Cooper, [Obama Orders Treasury Chief to Try to Block A.I.G. Bonuses](#), N.Y Times, Mar. 16, 2009.

⁶³ [Bankrupt solar company with fed backing has cozy ties to Obama admin](#), Daily Caller, Sept. 1, 2011.

⁶⁴ Josh Gerstein, [5 unmet promises of President Obama](#), Politico, Oct. 16, 2012.

⁶⁵ Mark Knoller, [National Debt has increased more under Obama than under Bush](#), CBSNews.com, Mar. 19, 2012.

⁶⁶ Prashant Gopal, [Boom-Era Property Speculators to Get Foreclosure Aid: Mortgages](#), Bloomberg, Mar. 5, 2012.

⁶⁷ [Washington Elitists Want to Take Over the Family Farm](#), Investors Business Daily, Apr. 26, 2012; Dave Jamieson, [Child Labor Farm Rules Scrapped by White House Under Political Pressure](#), Huffington Post, Apr. 27, 2012.

11. Former “safe schools czar” has written about his past drug abuse and advocated promoting homosexuality in schools.⁶⁸
12. Nominated Timothy Geithner—who had significant tax issues⁶⁹—to head the Treasury Department, which enforces tax laws.
13. Reneged on campaign promise to broadcast healthcare reform negotiations on C-SPAN.⁷⁰
14. Reneged on a campaign promise to wait five days before signing any non-emergency bill (at least 10 times during first 3 months in office).⁷¹
15. Unilaterally, increased the minimum wage for federal contract workers from \$7.25 to \$10.10, via executive order.⁷²
16. Cancelled all White House tours after sequestration—purportedly saving \$18,000 per week—even though President Obama had spent more than \$1 million in tax money to golf with Tiger Woods one weekend a few weeks before.⁷³
17. Adopted pro-union “ambush election” rules.⁷⁴
18. Pressured Ford to pull an anti-auto-bailout TV ad.⁷⁵
19. Actively, aided in George Zimmerman protests.⁷⁶
20. Tried to seize a privately owned motel when guests used illegal drugs at the motel.⁷⁷
21. Shut down the Amber Alert website, while keeping up Let’s Move website, during the partial government shutdown.⁷⁸
22. Gave supervised release to a convicted criminal (an alien here illegally) who later killed a nun in a DUI.⁷⁹

⁶⁸ Maxim Lott, [Critics Assail Obama’s ‘Safe Schools’ Czar, Say He’s Wrong Man For the Job](#), FoxNews.com, Sept. 23, 2009.

⁶⁹ Jonathan Weisman, [Geithner’s Tax History Muddles Confirmation](#), Wall St. J., Jan. 14, 2009.

⁷⁰ Chip Reid, [Obama Reneges on Health Care Transparency](#), CBSNews.com, Jan. 7, 2010.

⁷¹ Jim Harper, [The Promise That Keeps on Breaking](#), The Cato Institute, Apr. 13, 2009.

⁷² Ed Henry, [Obama to sign executive order raising minimum wage for federal contractors](#), FoxNews.com, Jan. 28, 2014.

⁷³ Tom Blumer, [Our Petty, Country-Be-Damned President](#), PJ Media, Mar. 8, 2013.

⁷⁴ Senator John Thune, [NLRB’s ambush elections would hurt local businesses](#), The Hill, Apr. 19, 2012.

⁷⁵ Daniel Howes, [WH Pressures Ford to Pull Bailout Ad](#), FoxNews.com, Sept. 27, 2011.

⁷⁶ [Documents Obtained by Judicial Watch Detail Role of Justice Department in Organizing Trayvon Martin Protests](#), Judicial Watch, July 10, 2013.

⁷⁷ George Will, [When the looter is the government](#), Wash. Post, May 18, 2012.

⁷⁸ [Update: Let’s Move Website Works Fine – Obama plays Politics with Lost Children, shuts down Amber Alert website](#), The Right Scoop, Oct. 6, 2013.

23. Shut down an Amish farm for selling fresh unpasteurized milk across state lines.⁸⁰
24. Spent \$7 million per household in “stimulus funds” to connect a few Montana households to the Internet.⁸¹
25. Spent \$205,075 in “stimulus” funds to relocate a shrub that sells for \$16.⁸²
26. Fired an inspector general after investigating an \$850,000 AmeriCorps grant received by a nonprofit run by former NBA star and Obama supporter Kevin Johnson (now mayor of Sacramento).⁸³

⁷⁹ [*JW Forces Release of DHS Report on Illegal Alien Charged with Killing Virginia Nun in August 2010 Drunk Driving Incident*](#), Judicial Watch, Mar. 4, 2011.

⁸⁰ Stephen Dinan, [*Feds shut down Amish farm for selling fresh milk*](#), Wash. Times, Feb. 13, 2012.

⁸¹ Nick Schulz, [*How Effective Was The 2009 Stimulus Program?*](#), Forbes, July 5, 2011.

⁸² Thomas Cloud, [*Shovel Ready in San Fran: \\$205,075 to ‘Translocate’ One Shrub from Path of Stimulus Project*](#), CNSNews.com, Apr. 12, 2012.

⁸³ Susan Crabtree, [*Allies of official fired by Obama mount defense*](#), The Hill, June 24, 2009.



Office of Senator Ted Cruz

185 Dirksen Senate Office Building

Washington, D.C. 20510

(202) 224-5922

<http://www.cruz.senate.gov>