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# The Washington Times

## KNIGHT: Obama tears up the Constitution

*The scope of his lawless disregard expands by the day*

By Robert Knight

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The Constitution of the United States, whose adoption we celebrate every Sept. 17, clearly lists the powers of each branch of the [national government\(/topics/national-government/\)](#). Let's take a look at what Barack Obama, like any president, is empowered to do and see if it squares with his actions. In Article II, Section 1, he is sworn to "preserve, protect and defend the Constitution of the United States." Section 2 names the president as commander in chief of the armed forces, grants him the power to make treaties with the advice and consent of the [Senate\(/topics/senate/\)](#) and to appoint ambassadors, federal judges, Cabinet officials and other federal officers. Section 3 says the president "shall take care that the laws be faithfully executed."

In his two years and nine months in office, President Obama has compiled a spectacular record of noncompliance with the Constitution. Here are just some of the ways his administration has failed to execute the laws while using raw, unauthorized power:

**The Defense of Marriage Act (DOMA):** On Feb. 23, Attorney General [Eric H. Holder Jr.\(/topics/eric-h-holder-jr/\)](#) announced that under Mr. Obama's direction, the [Justice Department\(/topics/department-of-justice/\)](#) would no longer defend DOMA, which is under attack in several federal courts. DOMA, which was passed by overwhelming majorities in [Congress\(/topics/congress/\)](#) and signed into law by President [Clinton\(/topics/clinton/\)](#) in 1996, defines marriage for all federal purposes as the union of a man and a woman and allows states under the full-faith-and-credit clause not to be forced to recognize unions from other states that do not comport with their state marriage laws. Forty-five states have moved to strengthen their marriage laws, with 30 enacting constitutional amendments. Mr. Obama, who has played coy with the marriage issue while aggressively promoting the homosexual agenda, is violating his oath of office to appease the gay lobby.

**The 15th Amendment:** Under Mr. Obama, the [Justice Department\(/topics/department-of-justice/\)](#) has effectively become a race-based enforcement unit. After [New Black Panther Party\(/topics/new-black-panthers/\)](#) members were caught on tape intimidating voters at a Philadelphia polling place in 2008, the [Justice Department\(/topics/department-of-justice/\)](#) declined to defend the convictions and thus sent the message that baton-wielding thuggishness on Election Day is no big deal. Former [Justice Department\(/topics/department-of-justice/\)](#) attorney [J. Christian Adams\(/topics/j-christian-adams/\)](#), who laid out the case before the [U.S. Civil Rights Commission\(/topics/us-civil-rights-commission/\)](#), described the administration's dismissal of charges as "lawless hostility toward equal enforcement of the law."

**Illegal Immigration:** The Obama administration has ignored the illegal actions of "sanctuary cities" and sued the state of Arizona in July 2010 for enforcing federal law. Then, last month, the administration announced a new policy that, in effect, ends enforcement of illegal immigration, providing the illegal alien meets the requirements of the Dream Act, a bill [Congress\(/topics/congress/\)](#) failed to pass. So, Mr. Obama is ignoring current federal law while creating rules based on a law that never passed.

**"Cap and trade":** In 2010, the [Senate\(/topics/senate/\)](#) rejected a sweeping environmental bill that would have created a massive federal carbon regulation system. Despite this, the Environmental Protection Agency announced that it would treat carbon dioxide (the air we breathe out) as a pollutant and begin cracking down on America's businesses and power plants. The EPA has become a law unto itself. The Obama administration also has ignored a federal judge's ruling that it acted illegally in prohibiting new drilling in the Gulf of Mexico.

**Obscenity laws:** The Obama administration, like the George W. Bush administration before it, has ignored federal laws against selling obscene materials, prosecuting only a handful of cases. Even though the law is clear and courts routinely hand down convictions, U.S. attorneys don't bother to enforce the law anymore, given the direction from the top. The result is that the Internet is awash in illegal obscenity and even

mainstream hotels peddle obscene materials via pay TV.

The Fifth Amendment: The Constitution guarantees that no one is deprived of his or her property without “due process of law” or “just compensation.” The [National Labor Relations Board \(/topics/national-labor-relations-board/\)](#)’s absurd order to the Boeing Co. not to open a newly built \$750-million Dreamliner facility in right-to-work South Carolina, because unions in Boeing’s home state of Washington object, violates that guarantee. Even liberal New York Times columnist Joseph Nocera commented, “Seriously, when has a government agency ever tried to dictate where a company makes its products? I can’t ever remember it happening.”

The First Amendment: The [NLRB \(/topics/national-labor-relations-board/\)](#) struck again this year, declaring two Catholic universities - St. Xavier University in Chicago and Manhattan College in New York - not sufficiently “religious.” If the holdings stand, the schools may see the [NLRB \(/topics/national-labor-relations-board/\)](#) assert jurisdiction and rope the faculty and employees into a union election.

While ignoring laws that he is obligated to enforce, Mr. Obama has added other duties that would leave America’s Founders scratching their heads. As columnist Don Feder notes, “Right out of the gate, there was his salaam to the Saudi king and his declaration in the course of a 2009 speech at Cairo University that ‘I consider it part of my responsibility as president of the United States to fight negative stereotypes of Islam wherever they appear.’ That’s in the Presidential-Responsibility-To-Fight-Negative-Stereotypes-Of-Islam section of the Constitution.”

More frightening is Mr. Obama’s heavy-handed seizure of the nation’s health care system and Obamacare’s unconstitutional mandate for everyone to purchase health insurance. Nowhere, not even in the much-abused commerce clause, does the Constitution give the [government \(/topics/national-government/\)](#) the right to force citizens to engage in commerce. If Obamacare is upheld, government bureaucrats can pretty much order us to do anything they want.

This list, which could be longer, should include Mr. Obama’s failure as commander in chief to lead our armed forces with honor. Can you imagine George Washington’s or Gen. George S. Patton’s response to the Obama administration’s doctoring of results of a troop survey, leaking misleading “findings” to the press, ignoring strong opposition by combat troops and ramming through a policy of homosexualizing the armed forces? This violates 235 years of tradition in the world’s finest military.

Paraphrasing Ted Koppel’s comment about the Ten Commandments, the Constitution is not a set of suggestions. The Constitution’s enumerated powers and limitations ensure maximum liberty in a free republic. When the chief enforcer shows such profound contempt for the Constitution, he needs to be reminded that no one is above the law. Not even The One.

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