



Written by [Alex Newman](#) on December 17, 2014

Obama Hides Executive Abuses by Calling Decrees “Memoranda”

Despite [promising](#) repeatedly on the campaign trail to rein in George W. Bush’s executive-branch usurpations of power, Obama has been spewing a particular type of unconstitutional decree at a rate unprecedented in U.S. history. While the Obama administration has indeed unleashed a full-throated attack on the Constitution using “executive orders,” even more of his decrees have come in the form of so-called “presidential memoranda” — an almost identical type of executive action that he has used more than any previous U.S. president, according to a [review](#) published this week by *USA Today*.



Since taking office, Obama has issued 198 decrees via memoranda — that is 33 percent more than Bush, the runner up for the record, issued in eight years — along with 195 executive orders. Among other policy areas, Obama’s memoranda edicts have been used to set policy on [gun control](#), [immigration](#), [labor](#), and much more. Just this week, Obama issued another memoranda decree purporting to declare Bristol Bay in Alaska off limits to oil and gas exploration — locking up vast quantities of American wealth and resources using his [now-infamous and brazenly unconstitutional “pen and phone.”](#)

“Like executive orders, presidential memoranda don’t require action by Congress,” reported *USA Today* as part of its investigation into Obama’s decrees. “They have the same force of law as executive orders and often have consequences just as far-reaching. And some of the most significant actions of the Obama presidency have come not by executive order but by presidential memoranda.” However, despite the newspaper’s obvious confusion on constitutional matters — only Congress can make law, not the White House — the review raises a number of important issues.

For instance, as the paper implies, Obama has been using deception to conceal his radical — [imperial or dictatorial](#), according to many lawmakers — machinations purporting to change policy and law by fiat. “The truth is, even with all the actions I’ve taken this year, I’m issuing executive orders at the lowest rate in more than 100 years,” Obama claimed in a speech last July, without mentioning that he has issued more “memoranda” than any American president in history. “So it’s not clear how it is that Republicans didn’t seem to mind when President Bush took more executive actions than I did.”

Other leading Democrats have made similarly deceptive arguments to dupe “stupid” voters, as [ObamaCare’s Gruber put it](#). Aside from the fact that previous abuses by Republicans do not legitimize or excuse current abuses, the oft-heard claim that Obama has issued fewer “executive order” decrees than other presidents is more a matter of semantics than substance. “There’s been a lot of discussion about executive orders in his presidency, and of course by sheer numbers he’s had fewer than other presidents,” Andrew Rudalevige, a presidency scholar at Bowdoin College, told *USA Today*.



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“So the White House and its defenders can say, ‘He can’t be abusing his executive authority; he’s hardly using any orders,” Rudalevige continued. “But if you look at these other vehicles, he has been aggressive in his use of executive power.” Indeed, as *The New American* has documented extensively, Obama has been purporting to rule by executive fiat on everything from [gun rights](#) and the [“climate”](#) to [immigration](#), [education](#), [national security](#), [foreign relations](#), and [health](#).

However, according to constitutional experts and even the president himself (before he took office), none of the “law”-making by presidential decree is actually legitimate. According to the U.S. Constitution, which created the federal government and granted it a few limited powers, only Congress has the power to make laws — assuming they are constitutional. The president’s job, by contrast, involves merely enforcing the laws passed by Congress and signed by the president, not making them up while hiding behind patently bogus claims of imagined “executive authority.”

Obama, of course, understands that well — or at least he claimed to less than seven years ago. “I taught constitutional law for ten years,” then-Senator Obama [told gullible voters in 2008](#) amid his first run for the presidency. “I take the Constitution very seriously. The biggest problems that were facing right now have to do with George Bush trying to bring more and more power into the executive branch and not go through Congress at all, and that’s what I intend to reverse when I’m President of the United States of America.”

Except rather than reversing the illegitimate usurpation of unconstitutional power, Obama expanded it by leaps and bounds — to the point where his administration openly creates pseudo-“law” and [pseudo-“treaties,”](#) and then [mocks Congress about it](#). Among the “memoranda” used by Obama thus far was the purported creation of the MyRA “savings” scheme, a [widely ridiculed and criticized unconstitutional plot](#) that analysts said would be used to extract more wealth from Americans under the guise of “helping” them. Even Congress does not have the authority to create such a program — much less the administration.

Obama, though, [regularly brags about his lawless pseudo-lawmaking](#). “One of the things that I’ll be emphasizing in this meeting is the fact that we are not just going to be waiting for a legislation [sic] in order to make sure that we’re providing Americans the kind of help that they need,” Obama announced at the beginning of the year, right before his first cabinet meeting. “I’ve got a pen and I’ve got a phone — and I can use that pen to sign executive orders and take executive actions and administrative actions that move the ball forward.”

Shortly after that, in his State of the Union speech to Congress, he [brazenly told the American people’s elected representatives that he would ignore them](#) if they did not promptly submit to his demands. “America does not stand still — and neither will I,” Obama threatened before lawmakers stood up and applauded the outlandish behavior. “So wherever and whenever I can take steps without legislation to expand opportunity for more American families, that’s what I’m going to do.” Many lawmakers were furious, [blasting Obama as a “socialistic dictator,” calling for his impeachment, and more](#), and the [public was horrified](#), but the rule-by-decree continued.

Indeed, unlike his false campaign promises, Obama did indeed make good on his threats to continue ignoring Congress and the Constitution to rule by unconstitutional decree. Behaving more like a [Third World dictatorship](#) than a U.S. presidential administration, the White House even [trotted out senior officials](#) to tell the press that even the American people’s elected representatives [would be unable to stop the usurpations and abuses](#). In addition to the “executive orders” and “presidential memoranda,” which the administration itself considers to be essentially the same, Obama has also unleashed dozens



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of so-called “presidential policy directives.”

Of course, there can be some legitimate functions for executive orders — outlining the manner in which the administration plans to faithfully execute the constitutional laws passed by Congress, for example. However, purporting to make and change law — or even contradict existing federal law, such as Obama’s radical amnesty-by-decree scheme supposedly preventing the enforcement of immigration law — are certainly not among those legitimate functions.

The solution to the imperial decrees and pretended acts of legislation from the White House is simple: [Congress must refuse to fund it](#). However, despite being elected on a wave of popular outrage against the Obama administration’s usurpations of power, lawmakers on both sides of the aisle [recently voted to fund virtually all of the White House’s illegal decrees through next September](#). The only way to put a stop to the scheming will be for an educated American electorate to hold their elected representatives accountable to the oath they swore, with a hand on the Bible, to uphold the U.S. Constitution.

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Photo of President Obama: AP Images

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