



Written by [Thomas Sowell](#) on November 6, 2012

Waiving Freedom: Obama's Exercise of Arbitrary Power

Among the objections to ObamaCare, one that has not gotten as much attention as it should is the president's power to waive the law for any company, union or other enterprise he chooses.

The 14th Amendment to the Constitution provides for "equal protection of the laws" for all Americans. To have a law that can cost an organization millions of dollars a year either apply or not apply, depending on the whim or political interest of the President of the United States, is to make a mockery of the rule of law.



How secure is any freedom when there is this kind of arbitrary power in the hands of one man?

What does your right of freedom of speech mean if saying something that irritates the Obama administration means that you or your business has to pay huge amounts of money and get hit with all sorts of red tape under ObamaCare that your competitor is exempted from, because your competitor either kept quiet or praised the Obama administration or donated to its reelection campaign?

Arbitrary ObamaCare waivers are bad enough by themselves. They are truly ominous as part of a more general practice of this administration to create arbitrary powers that permit them to walk roughshod over the basic rights of the American people.

The checks and balances of the Constitution have been evaded time and time again by the Obama administration, undermining the fundamental right of the people to determine the laws that govern them, through their elected representatives.

You do not have a self-governing people when huge laws are passed too fast for the public to even know what is in them.

You do not have a self-governing people when "czars" are created by Executive Orders, so that individuals wielding vast powers equal to, or greater than, the powers of Cabinet members do not have to be vetted and confirmed by the people's elected representatives in the Senate, as Cabinet members must be.

You do not have a self-governing people when decisions to take military action are referred to the United Nations and the Arab League, but not to the Congress of the United States, elected by the American people, whose blood and treasure are squandered.

You do not have a self-governing people when a so-called "consumer protection" agency is created to be financed by the unelected officials of the Federal Reserve System, which can create its own money out of thin air, instead of being financed by appropriations voted by elected members of Congress who have to justify their priorities and trade-offs to the taxpaying public.

You do not have a self-governing people when laws passed by the Congress, signed by previous Presidents, and approved by the federal courts, can have the current President waive whatever sections



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he does not like, and refuse to enforce those sections, despite his oath to see that the laws are faithfully executed.

Barack Obama, for example, has refused to carry out sections of the immigration laws that he does not like, unilaterally creating de facto amnesty for those illegal immigrants he has chosen to be exempt from the law. The issue is not — repeat, NOT — the wisdom or justice of this President's immigration policy, but the seizing of arbitrary powers not granted to any President by the Constitution of the United States.

You do not have a self-governing people if President Obama succeeds in having international treaties under United Nations auspices govern the way Americans live their lives, whether with gun control laws or other laws.

Obama's "citizen of the world" mindset was revealed back in 2008, when he said "We can't drive our SUVs and eat as much as we want and keep our homes on 72 degrees at all times ... and then just expect that every other country is going to say okay."

The desire to circumvent the will of the American people was revealed even more ominously when Barack Obama said to Russian President Medvedev — when he thought the microphone was off — that, after he is reelected and need never face the voters again, he can be more "flexible" with the Russians about missile defense.

There are other signs of Obama's contempt for American Constitutional democracy, but these should be more than enough. Dare we risk how far he will go when he never has to face the voters again, and can appoint Supreme Court justices who can rubber stamp his power grabs? Will this still be America in 2016?

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