

Unilateral action by the obama administration



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Introduction

One of the main features of the American system of government is the push and pull between the executive and legislative branches when it comes to the extension of powers of the federal government (Ellis, 2015: 403).

Furthermore, the issue of the unilateral action taken by the executive in order to advance certain political issues has also been a source of great controversy throughout American political history. In the first part of the paper, there will be a treatment of differences between the perspective on unilateral action taken by the Obama administration and that espoused by Senator Ted Cruz. The second section of the paper tackles the level of impact of unilateral action as a tool for political change.

The differences between the perspective on unilateral action taken by the Obama administration and Senator Ted Cruz

Senator Ted Cruz (R-TX) compiled a list in which he outlines a series of important occasions in which President Obama implemented decisions regarding issues affecting public life through the use of executive fiat.

Senator Cruz's list outlined some general areas where President Obama used executive fiat, included provisions regarding the entitlement to stay in the country for certain groups of immigrants and the recognition of same-sex marriage in the state of Utah (Cruz, 2014).

At the same time, Senator Cruz's list also included the implementation of provisions regarding Obamacare, national security, measures that affected the American economy, appointments to positions in the federal government and the adoption of measures concerning free speech and privacy. In

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addition to this, the list compiled by Senator Cruz specified certain “ abuses of power” allegedly committed by the executive that appears to be tantamount to mere political stances typical of any incumbent president (Cruz, 2014).

At the very core of Senator Cruz’s stance, there is a clear indication regarding his disapproval on how these moves expanded the power of the federal government. The Senator backed up its claims by issuing a warning regarding the dangers of departing from the idea laid down by the Founding Father, which concerns the need to ensure that the United States will continue to be a “ Republic of Laws, and not of Men” (Cruz, 2014).

A cursory look at the list compiled by the White House shows that the president used executive order, as granted to him by the law, in order to put forward provisions that would advance his agenda on progressive issues (President’s News Conference, 2014). For example, during 2014, which the White House branded as the “ year of action”, there was a particular interest placed on equal employment opportunity, fair pay for workers and environmental issues (The American Presidency Project, 2014). The evidence presented in both lists suggests that although the executive took unilateral action on a number of issues deemed to be of paramount importance to the Obama administration, those were mostly dealt through the issuing of executive orders (White House statement, 2014).

It appears that the main difference between the list of executive orders issued by the Obama administration and the list provided by Senator Cruz resides in the fact that the latter concentrates on minute actions that may

not even be directly attributed to the President but to the different departments of the executive. There is, in this context, a highly tendentious element attached to the Senator's list. The executive highlighted the need to collaborate with the U. S. Congress in the passing of legislation. However, the contents of the executive order issued by the president also have, in spite of the president's pragmatic position, a clearly partisan slant, as seen in the interest placed on environmental and healthcare issues (Rudalevige in Rockman, Rudalevige and Campbell (eds.), 2011: 190).

A close examination of both lists demonstrates that the one compiled by Senator Cruz is mostly centred on the unilateral actions taken by the White House without using executive orders. There is therefore a considerable difference between the two lists. This indicates the political element attached to the extension of the federal government and the way in which the U. S. Congress, in this case through the auspices of Senator Cruz, acts as a balancer in the quest of the executive to be the main determinant of the course of events in American politics.

The impact of unilateral action on the continuation of the status quo

From the examination of both lists, it transpires that the power of the executive in order to exert political change seems to be curtailed by the need to attain a good working relationship with the U. S. Congress; a fundamental feature of the U. S. system of government, based on the principle of checks and balances. At the same time, the discretionary use of executive powers remains a controversial area in U. S. politics (Ellis, 2015: 405). The ability of the executive to advance the causes that it deems

necessary to the betterment of society is restrained by the electoral process, which places a great degree of scrutiny on the actions of the president. The Obama administration was able to pass Obamacare and speed up some of the measures pertaining to its implementation at a time when the Democrats had a majority in Congress (Rudalevige in Rockman, Rudalevige and Campbell (eds.), 2011: 183). For all the reasons cited above, it could be argued that unilateral actions can only in very specific circumstances become an instrument for the change of the status quo.

Conclusion

By way of conclusion, it could be posited that the controversy arising from the use of unilateral action on the part of the Obama administration (as seen in the report compiled by Senator Cruz) is indicative of the highly partisan nature of the issue. The findings of these investigations show that the use of discretionary powers by the executive is severely curtailed by the system of checks and balances and the influence exerted by public opinion on the actions of the executive.

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