

Obama's "Drop the Politics" Plea: Demagoguery in Disguise

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By **Peter Berkowitz** - July 8, 2014

Sometimes a speech is just a speech. And sometimes it furnishes a window on a politician's temperament and provides clarifying insight into how he understands political opponents, his office, and fellow citizens.

In a prepared statement delivered last Monday in the Rose Garden, a frustrated President Obama belittled House Republicans for blocking efforts to reform U.S. immigration policies, promised aggressive executive action in the face of congressional inaction and, in vowing to accomplish the nation's business, casually assumed the people's trust.

His apparent aim was to show that he is in charge and relevant. Yet far from serving to reassure an anxious public that the country was in capable hands, the president's Rose Garden remarks showcased the very qualities of mind and character that have done so much to cast doubt on his ability to keep the rousing promise that he made in 2008: to bring the country together by finding pragmatic solutions to the problems that beset the nation.

The president's formal statement on immigration reform illustrated his penchant for reducing conservative opposition to his policies to the selfish quest for partisan political advantage. Conservatives, in his account, are engaged in nothing but "obstruction"—not only to his preferred reforms but to all reform. Portraying House Republicans as implacable foes who have placed stymieing him ahead of helping the nation, the president ruled out any possibility that viewpoints other than his own can be sincerely held.

Obama also patted himself on the back for exercising restraint in having "held off on pressuring" presumably reasonable GOP leaders "for a long time to give Speaker Boehner the space he needed to get his fellow Republicans on board."

But the Republican leadership has failed, according to the president, because they're cowards. He managed to condemn all Republicans—the reasonable and unreasonable ones—by declaring that reasonable Republicans "have proven again and again that they're unwilling to stand up to the Tea Party in order to do what's best for the country."

Of course the president is a spectator by choice to the drama taking place within Congress. Other options are available to him. He might have, for example, reached out to Tea Party-affiliated Republicans by inviting them to the White House one by one, or in small groups, for face-to-face conversations in which, in the search for common ground, he could press his case and they theirs.

In the Rose Garden, Obama indicated why he considers such an option out of the question: Opponents of the Senate immigration bill, he believes, have no legitimate argument while the legislation he champions is, in his eyes, constructive beyond any reasonable doubt.

But is that true?

Critics affiliated with the Tea Party contend that last year's Senate bill—passed with Republican support and embraced by the president—neglects border security and therefore won't really do anything to stem the flow of illegal immigration. They also say that the legislation cedes extensive authority to unelected and unaccountable officials; unfairly awards lawbreakers while disadvantaging immigrants who follow lawful procedures; is unwieldy and all but impossible to understand; will prove much more costly than the price tag affixed to it; and grants amnesty without making adequate provision for providing the education that millions of new citizens will need to exercise their rights responsibly.

Some of these arguments may be overstated or on balance wrong. None, though, as the president determinedly suggests, are simply unreasonable.

In addition, the president's Rose Garden statement displays a disdain for the separation of powers. To show his determination to act on behalf of the public despite Congress's unwillingness or inability to pass comprehensive legislation, the former University of Chicago professor of constitutional law declared that he takes "executive action only when we have a serious problem, a serious issue, and Congress chooses to do nothing."

But the Constitution does not vest the president with the power to take executive action just because of congressional inaction, no matter how strongly he disapproves. The Constitution certainly does not vest him with the power to rewrite old laws or write new ones, and that's true regardless of how urgently he believes the nation needs them.

Nor does the Constitution leave the president powerless in the present circumstances. It gives him extraordinary means—vastly greater than those of any other citizen—to converse with members of Congress, to cajole and twist arms, and to find ways to work with the nation's lawmakers—particularly skeptical Republicans—to take action that both sides can see as better than the status quo. However, this vital power, the power of persuasion that comes with occupying the White House, is one the president has truculently refused to exercise.

When he burst on the scene as a national candidate, Barack Obama inflated expectations to impossible heights, promising a fundamental transformation of America. To the extent that he swallowed his own rhetoric whole, it's understandable that he would be frustrated at having his every initiative second-guessed or opposed by a determined minority party. But succumbing to frustration in the face of robust dissent is unbecoming of the chief executive of a liberal democracy.

The president was correct to declare in the Rose Garden that this is no time for demagoguery. And he is right that with a surge of unaccompanied children on our border we confront “an actual humanitarian crisis.” But by insisting that this “only underscores the need to drop the politics,” Obama continues to play politics. For him to demand, moreover, that now we have only one choice, which is to “fix our immigration system once and for all,” is an example of the very demagoguery he decries.

The president does have another choice. It involves an approach that is authentically liberal and democratic. In the present circumstances, instead of railing against conservatives it would be the better part of wisdom for him to announce his determination to enlist lawmakers—particularly those who have stood against him—in the fashioning of incremental reform that specifically addresses the present crisis.

The president might begin with a speech. If he wants the speech to succeed, though, he will need to do some soul-searching—and possibly consult speechwriters outside the White House cocoon—and craft it based on a revised and more reasonable understanding of his political opponents, his office, and the quality of his leadership over the last 5½ years.

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