## The Christian Science Monitor

"You have a power to stop deportation for all undocumented immigrants in this country!" the young South Korean man yelled at President Obama during a speech on immigration reform last November in San Francisco. Waving away security guards, Mr. Obama turned and addressed Mr. Hong, himself undocumented. "Actually, I don't," the president said. "And that's why we're here."

"We've got this Constitution, we've got this whole thing about separation of powers," Obama continued. "So there is no shortcut to politics, and there's no shortcut to democracy."

The reality isn't so simple. Obama, a former constitutional law lecturer, was once skeptical of the aggressive use of presidential power. During the 2008 campaign, he accused President George W. Bush of regularly circumventing Congress. Yet as president, Obama has grown increasingly bold in his own use of executive action, at times to controversial effect.

The president (or his administration) has unilaterally changed elements of the Affordable Care Act (ACA); declared an anti-gay-rights law unconstitutional; lifted the threat of deportation for an entire class of undocumented immigrants; bypassed Senate confirmation of controversial nominees; waived compliance requirements in education law; and altered the work requirements under welfare reform. This month, the Obama administration took the highly unusual step of announcing that it will recognize gay marriages performed in Utah – even though Utah itself says it will not recognize them while the issue is pending in court.

Early in his presidency, Obama also expanded presidential warmaking powers, surveillance of the American public, and extrajudicial drone strikes on alleged terrorists outside the United States, including Americans – going beyond Mr. Bush's own global war on terror following 9/11. But more recently, he has flexed his executive muscle more on domestic policy.

In the process, Obama's claims of executive authority have infuriated opponents, while emboldening supporters to demand more on a range of issues, from immigration and gay rights to the minimum wage and Guantánamo Bay prison camp.

To critics, Obama is the ultimate "imperial president," willfully violating the Constitution to further his goals, having failed to convince Congress of the merits of his arguments. To others, he is exercising legitimate executive authority in the face of an intransigent Congress and in keeping with the practices of past presidents.

The course of Obama's final three years in office, in which he has promised continuing assertive use of executive action, will be shaped by this debate.

## The tug of history

On the eve of Obama's fifth State of the Union message, on Jan. 28, the president faces a steep challenge. His job approval has plummeted to the low 40s, following the disastrous rollout of his health-care reform and public outrage over massive data collection by the National Security Agency. Unemployment is falling steadily but remains high, at 6.7 percent.