Congress of the United States
Washington, DC 20515

January 6, 2012

The Honorable Barack Obama
The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500-0005

Dear Mr. President:

As members of the United States House of Representatives who have taken an oath to support and defend the Constitution, we write to express our strong objection to the recent appointments of Richard Cordray as Director of the Consumer Financial Protection Bureau (CFPB) and Sharon Block, Terence Flynn, and Richard Griffin to the National Labor Relations Board (NLRB).

The recess appointments clause of the Constitution is an important aspect of the President's appointment powers designed to maintain the continuous operation of government during periods in which the Senate is not in session and is unable to perform its advice and consent function. These appointments were made at a time in which the Senate was demonstrably not in recess. This unprecedented and blatant attempt to override legislative power effectively erases the advice and consent of the Senate from the appointments clause and imperils the legislative checks on executive power that the Founders thought necessary to prevent the emergence of tyranny.

The appointment of Mr. Cordray is especially egregious. On December 8, 2011, the Senate rejected a motion to invoke cloture on Mr. Cordray's nomination. Mr. Cordray's appointment is clearly an attempt to override the judgment of the Senate and circumvent its constitutional role.

Furthermore, the CFPB is to be funded by the Federal Reserve, is insulated from congressional oversight, and can potentially affect almost every facet of American business. By preventing the Senate from engaging in an honest and open questioning of Mr. Cordray, the American people have been robbed of the last and only check on a nearly unaccountable yet extremely powerful position.

These appointments establish a dangerous precedent that threatens the confirmation process and undermines the system of checks and balances embedded in the Constitution. We stand committed to undoing the damage these appointments have done to our republic and expect that these appointments will be determined to be unconstitutional and invalidated by both the courts and the American people.

Sincerely,

Scott Garrett

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Member of Congress

MARLIN STUTZMAN
Member of Congress

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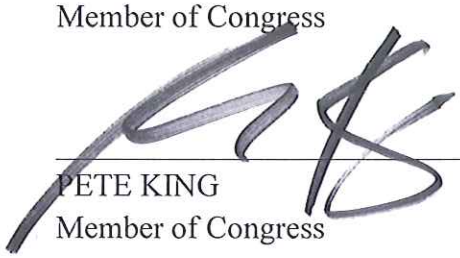

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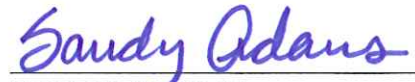

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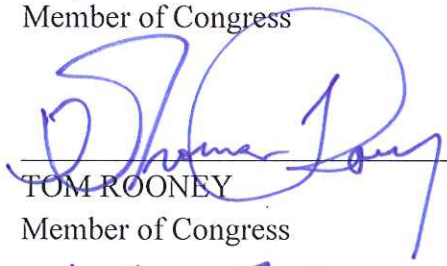

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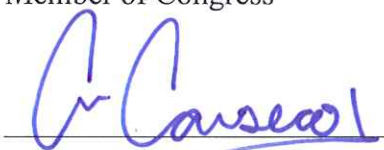

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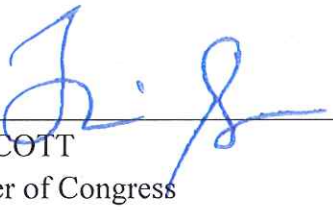

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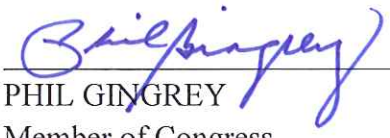

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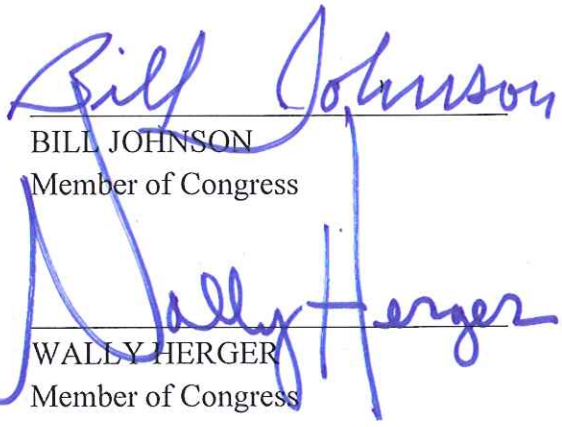

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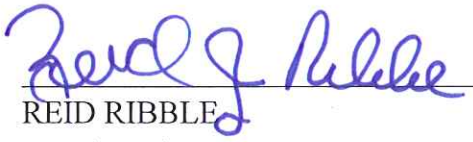

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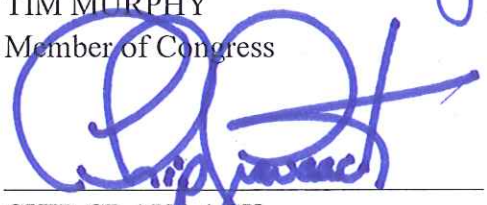

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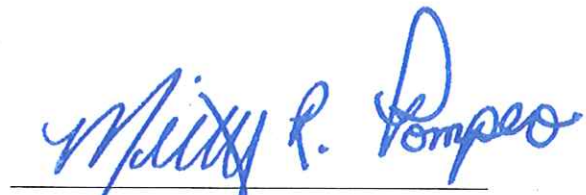

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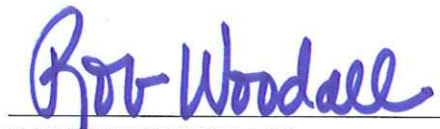

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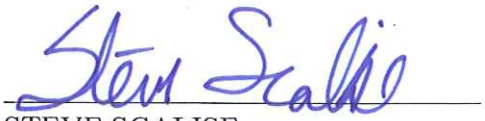

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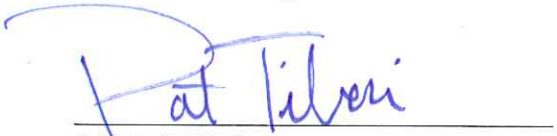

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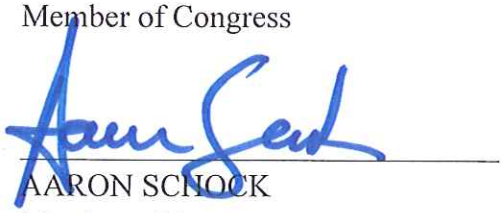

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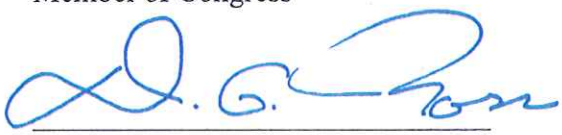

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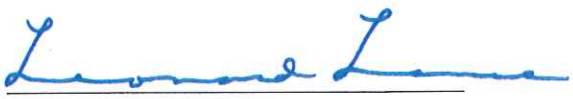

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