

Harlan Institute Brief

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The president's power of the recess appointment may and should be used to appoint members of the Senate while Congress is not in session under extraordinary matters only. Although there is much controversy and debate about this topic, these powers are explicitly listed in Article II, Section II of the United States Constitution. Generally, when Congress is in session and the president appoints someone in the Senate, the Congress must give their "advice and consent" in order for it to happen. This gives the Congress somewhat power over the President and Executive Branch because they have the ability to reject what the president wants. The president's ability to use this power at any time Congress is in recess, however, is not fair because it gives the president an excessive amount of power. Congress is supposed to appoint its own members and giving this kind of power to the president is interfering with the system of checks and balances which holds a very important place in the United States government system. Also, it can lead to a possible dictatorship because the president will start to believe he has more control over certain matters causing him to want rule completely. Even though many people believe the executive branch holds the most power, the legislative branch is actually the most powerful. This is because they represent everyday citizens like us. Although the president should have some power, too much will not give citizens a chance to express their opinion. Therefore, the recess appointment should only be used by the president in extraordinary cases because the people need to choose who is appointed into Congress so that they have more say in their government.

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