

Brief

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According to Article II Section two of the Constitution, the President “Shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.” In recent years, President Obama has used this power too often, some argue to the point of abuse. On January 4, 2012, the president appointed three new members directly to the National Labor Relations Board without waiting for the senate’s confirmation. Rather he relied on the Recess Appointments clause of the constitution. Congress had begun the day before, on January 3, 2012, but had briefly adjourned. In response to this, President Obama was sued by the D.C. Court of appeals. The court ruled that the president could not make recess appointments during inter-session recesses and he cannot use his appointment power to fill a vacancy that existed before the recess. This is a prime example of the president overusing his appointment power and shows that his powers should in fact be limited further.

Our Government was formed on the idea that all sections of the federal government have an equal amount of power, but ever since the presidency of Franklin Delano Roosevelt the executive branch has gained far too much power. This started when FDR took the power to put his New Deal program in place. The entire time he was not limited by congress, and though the supreme court tried to stop him, he ruthlessly proposed the court packing plan which threatened the sanctity of the supreme court, forcing them to back off. A more recent example of the executive branch’s power is the AUMF, or the authorization of the use of military force. Congress gave President George W. Bush the power to fight terrorism wherever it may be. This gave him an extraordinary amount of power, to do whatever he wants if he could use military force against anyone who might be a terrorist. The ignoring of President Obama’s abuse of his recess appointment power is just another example of executive leaders shifting the balance of power to the executive branch. Showing how the President’s abuse of his appointment power can change the balance of power between the executive branch and congress which can lead to more constitutional abuses in the future.

