



Written by [Raven Clabough](#) on December 31, 2010

Obama Again Circumvents Congress With Recess Appointments

Senate confirmation is typically required for envoy appointments, but President Obama opted instead to utilize the recess appointment process to fill the posts. Likewise, recess appointments are generally preserved for when the Senate is not in session, and the appointments are short-term, lasting until the end of the next session of Congress.

The [Congressional Research Service](#) describes recess appointments:

Under the Constitution (Article II, Section 2, clause 2), the President and the Senate share the power to make appointments to high-level policy-making positions in federal departments, agencies, boards, and commissions. Generally, the President nominates individuals to these positions, and the Senate must confirm them before he can appoint them to office. The Constitution also provides an exception to this process. When the Senate is in recess, the President may make a temporary appointment, called a recess appointment, to any such position without Senate approval. (Article II, Section 2, clause 3)



Furthermore, equally as controversial as Obama's bypassing Congress for the appointments are some of his choices for the post. His nominees include Matthew Bryza for Azerbaijan, Norman Eisen for the Czech Republic, Francis Ricciardone for Turkey, and Robert Ford for Syria.

Again, Fox News:

Specific senators had blocked or refused to consider the confirmations of the nominees for various seasons, including questions about their qualifications. But in the most high-profile case, that of the new envoy to Syria, Robert Ford, a number of senators objected because they believed sending an ambassador to the country would reward it for bad behavior.

The Obama administration contends that sending an ambassador to Syria — designated a “state sponsor of terrorism” by the State Department — may help persuade Syria to change its policies regarding Israel, Iraq, and Lebanon, as well as its relationships with terrorist groups. Under the George W. Bush



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administration, Syria's ambassador was withdrawn after accusations of terrorist connections surfaced. The removal of the ambassador was also said to be in protest of the assassination of former Lebanese Prime Minister Rafik Hariri.

Republican Representative Ileana Ros-Lehtinen, incoming chairman of the House Foreign Affairs Committee, remarked of the Syrian appointment:

Making undeserved concessions to Syria tells the regime in Damascus that it can continue to pursue its dangerous agenda and not face any consequences from the U.S. That is the wrong message to be sending to a regime which continues to harm and threaten U.S. interests and those of such critical allies as Israel.

In addition to frustrations over the Syria appointment, Senator Sam Brownback staunchly opposed Ricciardone's appointment, citing concerns over efforts to promote democracy when in Cairo. Likewise, Senator Charles Grassley opposed Eisen's appointment, indicating that he misrepresented himself to Congress about the firing of a federal official.

For the position of Deputy Attorney General, President Obama appointed [James Cole](#), who was unable to clear the Senate Judiciary Committee over the summer after Republicans questioned his past consulting work with bailed-out insurance giant AIG and his terrorist prosecutions.

Representative Peter King, incoming chairman of the House Homeland Security Committee, remained particularly opposed to Cole's appointment, citing a 2002 *Legal Times* column wherein Cole called the September 11 terrorist attacks "criminal acts of terrorism against a civilian population," similar to that of the Oklahoma City bombing. In the same article, Cole compared the terrorist attacks on September 11 to other "forms of devastating crime" from the drug trade to organized crime.

Fox News explains:

King said Cole's appointment indicates the administration wants to continue to implement "dangerous policies" of treating terrorism as a criminal issue. Attorney General Eric Holder, Cole's new boss, has pushed for criminal trials but has struggled to bring mastermind Khalid Sheikh Mohammed stateside for prosecution.

King contends:

I find it absolutely shocking that President Obama would appoint someone who has diminished the 9/11 terrorist attacks by comparing them to the drug trade and who believes that a civilian courtroom is the appropriate venue for 9/11 trials. I strongly oppose the recess appointment of James Cole to lead the national security team at the Department of Justice.

For the position of Public Printer, Obama appointed William J. Boarman. While the Senate Rules Committee held a hearing for Boarman's appointment in May, the Senate did not manage a vote on the appointment. Now that Obama has utilized the recess appointment process to appoint Boarman, a Senate vote is unnecessary.

Photo: President Obama



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