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Rokita Sends Letter to President Obama Urging Retraction of Unconstitutional Appointments

Washington, DC – Late yesterday Rep. Todd Rokita and 26 co-signers sent a letter to President Obama urging the retraction of unconstitutional appointments to the National Labor Relations Board and Consumer Financial Protection Bureau:

“Going back to our nation’s founding, Americans viewed executive power as a grave threat to freedom. To guard against the threat of unchecked executive power, our Founding Fathers devised a Constitution based on the principle of the separation of powers to ensure, as John Adams put it in 1780, that we have “a government of laws and not of men.”

The President’s recent appointments are unconstitutional and are an egregious example of executive overreach. While the President may view the Constitution as an impediment to his agenda, we are asking the President to uphold his oath to protect and defend the Constitution. We urge him to retract his appointments and refrain from attempting to circumvent the Constitution by making appointments while the Senate is in pro forma session.”

In addition to requesting that the President retract his appointments and refrain from making similar appointments in the future, the letter responds to the opinion from the Justice Department’s Office of Legal Counsel arguing that pro forma sessions are not real sessions, despite the President’s willingness to use a pro forma session to pass an extension of the payroll tax holiday in December.

The letter also calls into question the OLC’s assertion that the President has the power to determine when the Senate is available to perform its constitutional obligations. The Constitution makes explicit that each chamber holds the power to determine when it is available to perform its obligations and proceedings.

[Read the letter here.](#)

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