



January 30, 2012

The Honorable
United States Senate
Senate Office Building
Washington, D.C. 20510

Re: Leaders Oppose President Obama's Unconstitutional Appointments

Dear Senator:

The undersigned represent some of the largest faith-based and policy organizations in the country. We urge you to use your standing as members of the Senate to prevent the consideration and approval of any further nominations unless and until President Obama secures the resignations of the individuals he unconstitutionally appointed earlier this month.

According to Article II, Section 2 of the Constitution, the President is required to obtain the advice and consent of the Senate for his appointments. A narrow exception to that requirement allows the President to "fill up all Vacancies that may happen during the Recess of the Senate."

However, the Senate was not in Recess when President Obama appointed Richard Cordray to the Consumer Financial Protection Bureau and Sharon Block, Terence Flynn, and Richard Griffin to the National Labor Relations Board on January 4, 2012. In fact, the House of Representatives did not consent to the Senate taking a Recess, and therefore, the Senate was in a pro forma session.

Not only did the President make appointments without the advice and consent of the Senate, but he appointed one, Richard Cordray, whom the Senate had previously rejected.

The Founding Fathers included the advice and consent requirement in the Constitution for a reason. In Federalist No. 76, Alexander Hamilton notes that the President is required to have the co-operation of the Senate because "a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. ... A man disposed to view human nature as it is, without either flattering its virtues or exaggerating its vices, will see sufficient ground of confidence in the probity of the Senate, to rest satisfied, not only that it will be impracticable to the Executive to corrupt or seduce a majority of its members, but that the

necessity of its co-operation, in the business of appointments, will be a considerable and salutary restraint upon the conduct of that magistrate.”

As Senator Grassley stated on the Floor of the Senate, President Obama’s unconstitutional appointments are "the latest escalation in a pattern of contempt for the elected representatives of the American people and the constitutional separation of powers."

It is time for the Senate to hold the Executive accountable by refusing to provide Unanimous Consent or otherwise consider nominations made by the President, unless and until he secures the resignations of the individuals he unconstitutionally appointed on January 4, 2012. Thereafter, should he desire to do so, President Obama may resubmit the nominations of Mr. Cordray, Ms. Block, Mr. Flynn, and Mr. Griffin for proper consideration by the Senate.

Sincerely,

Mathew Staver
Founder and Chairman
Liberty Counsel
Dean and Professor of Law
Liberty University School of Law

Anita Staver
President
Liberty Counsel

Deryl Edwards
President
Liberty Counsel Action

Mandi Campbell
Legal Director
Liberty Center for Law and Policy

Susan A. Carleson
Chairman, CEO
American Civil Rights Union

Sandy Rios
Vice President
Family Pac Federal

Phil Kerpen
Vice President, Policy
Americans for Prosperity

Tom Minnery
Executive Director
CitizenLink

Phillip Jauregui
Founder and President
Judicial Action Group

Tom McClusky
Sr. Vice President
Family Research Council Action

James Martin
Chairman
60 Plus Association

Andrea Lafferty
President
Traditional Values Coalition

Penny Nance
President and CEO
Concerned Women for America

Eunie Smith
Eagle Forum of Alabama

C. Preston Noell III
President
Tradition, Family, Property, Inc.

James Backlin
Christian Coalition of America

Kerri Toloczko
Senior Vice President for Policy
Institute for Liberty

Linda Harvey
Mission America

Rick Joyner
President
The Oak Initiative

Timothy F. Johnson
President/CEO
The Frederick Douglass Foundation

Ken Hagerty
Vice President of Policy
Renewing American Leadership *Action*

Dr. Jim Garlow
Chairman
Renewing American Leadership *Action*

Gary Bauer
President
American Values

William Wilson
President
Americans for Limited Government

Jeffrey Mazzella
President
Center for Individual Freedom

Curt Levey
Executive Director
Committee for Justice

Steven W. Fitschen
President
The National Legal Foundation

Denise Cattoni
Illinois Tea Party
Illinois State Coordinator
Tea Party Patriots

Paul Caprio
Director
Patriotic Veterans

Rabbi Jonathan Hausman

Diane Gramley
President
American Family Association of
Pennsylvania

Janet L Shaw
Chairwoman
West Suburban Patriots

Daniel Pennell
CEO
WMtek

Dr. Rod D. Martin
President
National Federation of Republican
Assemblies

Rick Needham
President
Alabama Republican Assembly

Charlotte Reed
President
Arizona Republican Assembly

Dr. Pat Briney
President
Arkansas Republican Assembly

Celeste Greig
President
California Republican Assembly

Rev. Brian Ward
President
Florida Republican Assembly

Paul Smith
President
Hawaii Republican Assembly

Ken Calzavara
President
Illinois Republican Assembly

Craig Bergman
President
Iowa Republican Assembly

Mark Gietzen
President
Kansas Republican Assembly

Sallie Taylor
President
Maryland Republican Assembly

David Kopacz
President
Massachusetts Republican Assembly

Chris Brown
President
Missouri Republican Assembly

Travis Christensen
President
Nevada Republican Assembly

Nathan Dahm
President
Oklahoma Republican Assembly

Ray McKay
President
Rhode Island Republican Assembly

Paula Mabry
President
Tennessee Republican Assembly

Hon. Bob Gill
President
Texas Republican Assembly

Patrick Bradley
President
Utah Republican Assembly

Ryan Nichols
President
Virginia Republican Assembly

Mark Scott
President
West Virginia Republican Assembly