

DoJ Releases Opinion on President's Controversial Recess Appointments

Written by Grassley Press
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Thursday, January 12, 2012

Senator Chuck Grassley made the following statement after an opinion was released by the Justice Department's Office of Legal Counsel regarding the President's ability to make recess appointments under certain circumstances. Grassley, Ranking Member of the Senate Judiciary Committee, led committee Republicans in [questioning the Justice Department's role](#) in the White House's position. Grassley expects a full response from the Justice Department.

"The Justice Department opinion is unconvincing. Its conclusion is at odds with the text of the Constitution and the administration's own previous statements. It fundamentally alters the careful separation of powers between the executive and legislative branches that the framers crafted in the Constitution. It relies on no Supreme Court decision and many conclusions are unsupported in law or the Constitution. It recognizes that the courts might well disagree. And it flies in the face of more than 90 years of historical practice. Taken together with a laundry list of other assertions of the power to act without Congress, this is clearly an escalation in a pattern of contempt for the elected representatives of the American people. The Senate will need to take action to check and balance President Obama's blatant attempt to circumvent the Senate and the Constitution, a claim of presidential power that the Bush Administration refused to make."