

# Presidential Recess Appointments

Article II, Section 2, Clause 3, states: “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.” [CLICK for LINK](#)

Presidents of both political parties have violated the “power of recess appointments.”

The President has the power to: “fill up all vacancies that may happen *during* the recess of the Senate...” (click on the underlined words for the definitions when the Constitution was written – the same resource is available at the above [CLICK for LINK](#))

May happen is a conditional statement. The vacancy must have happened or occurred *during* the recess. If it was intended that the President could wait until a recess to fill a vacancy that preceded a recess, Clause 3 would have so stated – “The President shall have power to fill up all vacancies that [*exist* rather than] *may happen* during the recess of the Senate,” or “fill up vacancies that may have happened prior to the recess.”

This power was reserved for the President so that he could continue the normal operation of government when the Senate was not in session and unable to confirm normal presidential appointments. This authority was not provided so that presidents could wait and fill vacancies that happened before recesses, and then appoint nominees during a recess that could not otherwise have been placed in office over known objections of the Senate.

Originally the states appointed their Senators so that they could maintain some control over the federal government. You can rest assured that the people and the states would not have written a loophole into the Constitution that would have allowed the president to make an end run around the Senate and some state control over presidential appointments.

President Obama recently made four appointments that existed prior to his claim of a recess when the Senate was still in session. This is the most flagrant violation of our Constitution by a president in modern history.

The Congress should immediately declare that these appointments are null and void as the presidents actions were well outside of his presidential powers.

The House could pass a resolution that these appointments are null and void, and failure of the appointees to immediately vacate the offices will be grounds for immediate impeachment hearings.

Please contact your Senators and representatives and demand that they fulfill their responsibility to reverse these unconstitutional actions by the president and his unconstitutional appointees.<sup>1</sup>

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