

**TOM MARINO**

10TH DISTRICT, PENNSYLVANIA

COMMITTEE ON THE JUDICIARY

COMMITTEE ON HOMELAND SECURITY

COMMITTEE ON FOREIGN AFFAIRS

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**Congress of the United States**  
**House of Representatives**  
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January 5, 2012

The Honorable Lamar Smith  
Chairman, House Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Smith,

The purpose of this letter is to express my deep concerns regarding President Obama's recess appointments to the Consumer Financial Protection Bureau (CFPB) and the National Labor Relations Board (NLRB) and to respectfully ask that the House Judiciary Committee hold a hearing to review the Constitutional questions raised by the President's action.

On Wednesday, January 4, President Obama took the unprecedented step of announcing the recess appointments of Richard Cordray as head of the Consumer Financial Protection Bureau and Democrats Sharon Block and Richard Griffin, as well as Republican Terry Flynn to the National Labor Relations Board (NLRB). These appointments appear to be in direct conflict with the U.S. Constitution; the established, long standing history of the recess appointments clause, as well as the exclusive power of the House and Senate to determine "the rules of its proceedings," as described in Article I, § 5, cl. 2. Furthermore, I believe that these appointments establish a dangerous precedent that will allow this any and other President to subvert Article II, § 2, cl. 2 of the U.S. Constitution whenever it is politically convenient.

This crucial matter transcends party politics. It is essential that the balance of power between the Executive and Legislative Branches be maintained in order to ensure the integrity of the separation of powers that is at the heart of our Constitution. I believe that the House Judiciary Committee must play a prominent role in examining the Constitutionality of the President's recess appointments and holding him accountable for the damaging precedent his actions could set for the future.

Sincerely,

A handwritten signature in blue ink that reads "Tom Marino".

Tom Marino  
Member of Congress