

# Recess Appointments

Article II, Section 2, Clause 3 of the United States Constitution:

*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.*

President	Number of Recess Appointments
Joseph Biden	0
Donald Trump	0
Barack Obama	32
George W. Bush	171
Bill Clinton	139
George H. W. Bush	77

The mainstream media is trying to make it out that recess appointments have never or are rarely done but as you can see from the chart above that isn't quite true. Until relatively recently, recess appointments were done as a matter of fact in the course of government operations. It has been 10 years since there has been a recess appointment but this is due to the political dynamics drastically changing and in which recess appointments fell by the wayside.

Since Obama, the Senate has used pro-forma sessions to gavel in even when the chamber is on recess in part to avoid recess appointments. And paired with the elimination of a 60-vote threshold for nominees in 2013, making it easier for the majority to make confirmations.

How do the Recess Appointments work? Under the Constitution, both chambers have to agree to adjourn for three days or more. In 2014, the Supreme Court gave the Senate more authority to prevent the recess appointment maneuver and determined that the Senate must be away for 10 days or more before recess appointments could occur. Even with that recess appointments only give the president the ability to **temporarily** fill vacancies while the Senate is in recess. Appointees must go through a confirmation process for them to stay in their position for more than the end of the following session of the Senate. This means they would be in that position for as short of time as a couple of weeks to possibly two years.

If the Senate is in recess, the President would be empowered to make appointments for any federal official without the advice and consent (confirmation) of the Senate. This includes cabinet officials, the heads of federal departments, agencies, boards, and commissions, as well as to the federal judiciary.

All of this would not be necessary if the Senate does its job moving nominees along, vetting and confirming Trump's nominees at rapid clip. If Senate Democrats obstruct the confirmation proceedings, Republicans may have to resort to other options.

But Speaker of the House Mike Johnson has asserted that, " I wish the Senate would simply do its job of advice and consent and allow the president to put the persons in his Cabinet of his choosing," and "if this thing bogs down, it would be a great detriment to the country, to the American people ."

And as expressed by South Dakota Senator and next Senate Majority Leader, John Thune, "We must act quickly and decisively to get the president's nominees in place as soon as possible, [and] all options are on the table to make that happen, including recess appointments." Further he stated, "We cannot let Schumer and Senate [Democrats] block the will of the American people."

**America! What a great place to live.**

*Thanks, Semper Fi, and Stay Safe !*

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