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**Risch Calls for Supreme Court to Strike Down Obama's Unconstitutional "Recess" Appointments**

Boise, Idaho – U.S. Senator Jim Risch has joined his 44 Republican colleagues in filing an amicus brief in the Supreme Court of the United States that challenges President Obama’s unconstitutional “recess” appointments to the National Labor Relations Board in January 2012.

Under the U.S. Constitution, a president must submit certain positions within their administration to the U.S. Senate for their "advice and consent."  This power to confirm officials and judges is very important in the separation of powers and was put into place by the Founding Fathers.

In early January of 2012, the president ignored this requirement and made appointments to his administration.  He called them "recess appointments" which a president can do when the Senate is in recess.  However, the Senate did not go on recess in January. The Senate met for regularly held sessions every three days during this period and conducted Senate business. By doing this, the Senate remained in session and thus not in a recess.

“The president is circumventing the Constitution and its outline of checks and balances. This is an egregious abuse of executive power and I am hopeful that these “recess” appointments will be struck down by the Supreme Court of the United States” said Risch.

Earlier this year, a three-judge panel of the U.S. Circuit Court of Appeals for the D.C. Circuit unanimously ruled that President Obama’s 2012 “recess” appointments to the NLRB are invalid. The Court said, “Allowing the President to define the scope of his own appointments power would eviscerate the Constitution’s separation of powers.” The Court determined that: “An interpretation of ‘the Recess’ that permits the President to decide when the Senate is in recess would demolish the checks and balances inherent in the advice-and-consent requirement, giving the President free rein to appoint his desired nominees at any time he pleases, whether that time be a weekend, lunch, or even when the Senate is in session and he is merely displeased with its inaction. This cannot be the law.”

The full brief signed by all 45 Republican senators can be found here.