

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4324

January 9, 2012

The Honorable Barack Obama  
The President  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500-0005

Dear Mr. President:

I am writing to express my strong objection to the recent appointments of Richard Cordray as Director of the Consumer Financial Protection Bureau (CFPB) and Sharon Block, Terence Flynn, and Richard Griffin to the National Labor Relations Board (NLRB).

The recess appointments clause of the Constitution is an important aspect of the President's appointment powers designed to maintain the continuous operation of government during periods in which the Senate is not in session and is unable to perform its advice and consent function. This unprecedented and blatant attempt to override legislative power effectively erases the advice and consent of the Senate from the appointments clause and imperils the legislative checks on executive power that the Founders thought necessary to prevent the emergence of tyranny.

The appointment of Mr. Cordray is especially egregious. On December 8, 2011, the Senate rejected a motion to invoke cloture on Mr. Cordray's nomination. Mr. Cordray's appointment is clearly an attempt to override the judgment of the Senate and circumvent its constitutional role.

Furthermore, the CFPB is to be funded by the Federal Reserve. As such it is insulated from Congressional oversight, and can potentially affect almost every facet of American business. By preventing the Senate from engaging in an honest and open questioning of Mr. Cordray, the American people have been robbed of the last and only check on a nearly unaccountable yet extremely powerful position.

These appointments establish a dangerous precedent that threatens the confirmation process and undermines the system of checks and balances embedded in the Constitution. Many of my Congressional colleagues and I stand committed to undoing the damage these appointments have done to our republic and expect that these appointments will be

determined to be unconstitutional and invalidated by both the courts and the American people.

Sincerely,

A handwritten signature in blue ink that reads "Kenny Marchant". The signature is written in a cursive style with a large initial "K" and a long, sweeping underline.

Kenny Marchant  
Member of Congress