



King Barack's power grab

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President Obama yesterday played a violent game of kickball with the US Constitution, making a number of high-level “recess” appointments — even though the [Senate](#) isn't actually in recess.

He named former Ohio Attorney General [Richard Cordray](#) to head the Consumer Financial Protection Board, a nomination [Republicans](#) have been fighting.

And then he named three new members of the pro-union activist National Labor Relations Board.

Presidents have the right to make temporary appointments when [Congress](#) is away from Washington, of course, and both parties have used that power.

But Obama is the first president to declare that he, and he alone, can decide whether the Senate — which must confirm his appointments — is actually meeting.

In order to block recess appointments, the Senate intentionally has been holding pro forma sessions every few days, each of which lasts only a few seconds.

Senate Majority Leader [Harry Reid](#) — with then-Sen. Obama's support — did the same thing in 2007 to block any recess appointments by President George W. Bush.

But now Obama, with Reid's concurrence, contends that such sessions are actually “gimmicks” — and that the Senate actually is in recess.

So much for the separation of powers and the carefully calibrated system of checks and balances that are hallmarks of the US constitutional system.

Obama, of course, plans to run for re-election against Congress, painting it as Wall Street's puppet.

But what he did yesterday was no shot across the bow; it was, rather, a direct hit — with the Constitution taking the brunt of the blow.

Moreover, as the Cato Institute's Mark Calabria notes, the Dodd-Frank bill, which calls for the creation of the CFPB, explicitly *requires* that its director be "confirmed by the Senate."

That means that Obama's nonrecess "recess" appointment may well violate the law, in addition to coming as part of a blatantly unconstitutional overreach.

Then again, this is not the first time Team Obama has sidestepped Congress; just consider some of its aggressive regulatory measures done with no legislative authorization whatsoever.

Democrats like to criticize anything that smacks of an "imperial" presidency — but now it seems they've got one.