

Obama's Unconstitutional "Czars"

By Alan Caruba

Here's a question that has been nagging me for months. Are Obama's ever-growing number of "czars" constitutional? I am not a constitutional scholar, but I have read the document.

"Article II. Section 2. "He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and **all other officers of the United States**, whose appointments are not herein provided for, and which **shall be established by law**; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

As I read it, the Constitution is very specific about whom the President may appoint and he can do so only within parameters "established by law" and this applies specifically to the "heads of departments." I interpret this to mean Cabinet Secretaries, all of whom must be vetted and approved for their positions by the Senate.

The Republican National Committee's conservative caucus recently passed a resolution expressing their concern noting that "The U.S. Constitution explicitly states government officers with significant authority (called 'principal officers') must be nominated by the President and are subject to a vote of the U.S. Senate."

Obama's appointments are clearly "principal officers" though it will be argued that they are only advisors to the office of the President. Clearly, Obama's appointments are not heads of departments, but they appear to have been granted an unknown degree of influence and control as regards their responsibilities. They function "in the dark."

For example, since we have a Department of Labor why do we need an "Auto Recovery" czar, Ed Montgomery, who reports to Larry Summers, the President's top economic advisor? What can he do to effect recovery? And, constitutionally speaking is it lawful for the United States to have "ownership" of General Motors? Or any other private enterprise? I think not.

Why does President Obama need a "Special Envoy for Climate Change"? Todd Stern reports to Secretary of State Hillary Clinton, but we have the Environmental Protection Agency and the National Oceanic and Atmospheric Administration that includes the National Weather Service. What exactly does Stern do and why? Stern is best known for having helped negotiate the Kyoto climate pact which was based on the discredited claims of a global warming that is *not* happening. It was instantly rendered void by the exemption of nations such as China and India.

Meanwhile, the so-called energy and environment czar, Carol Browner, is reportedly coordinating policy in the same area as the "climate change" czar despite the fact that we have both a Department of Energy and an Environmental Protection Agency. Obama's choice for "Green Jobs" czar, Van Jones, is a Marxist radical.

I could go on, but the point, obviously, is that there is an enormous amount of overlap

going on and it involves appointees who give the appearance of being doppelgangers to the existing Secretaries and the huge bureaucracies they oversee. They answer directly to the President, but presumably so do the Secretaries whom we occasionally see gathered around a huge table in cabinet meetings.

If these people who have *not* been approved by the Senate or occupy positions that have *not* been “established by law” and are *not* “heads of departments” exist solely at the pleasure of the President, are we not hip deep in some very muddy waters concerning who is answerable to the Senate or House committees?

I am of the belief that Obama has methodically gone about creating a shadow government of men and women with undefined powers, but who likely have even more influence with the Oval Office than those who hold office under the mandates of the Constitution.

To borrow a term from the White House, it all smells “fishy” to me in ways that go beyond just the provision of advice and which likely intrude deeply into the process by which laws and regulations are drafted and enacted.

There are now some thirty or more of these “czars” and they represent a threat to the authority of the Congress and could be utilized in some manufactured “crisis” to take control of the federal government, dispensing with the rule of law.

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