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# Obama Bypasses Senate Process, Filling 15 Posts

By SHERYL GAY STOLBERG

WASHINGTON — **President Obama, making a muscular show of his executive authority just one day after Congress left for spring recess, said Saturday that he would bypass the Senate and install 15 appointees, including a union lawyer whose nomination to the National Labor Relations Board was blocked last month with the help of two Democrats.**

Coming on the heels of Mr. Obama's big victory on health care legislation, Saturday's move suggests a newly emboldened president who is unafraid to provoke a confrontation with the minority party.

Just two days ago, all 41 Senate Republicans sent Mr. Obama a letter urging him not to appoint the union lawyer, Craig Becker, during the recess. Mr. Obama's action, in defiance of the Republicans, was hailed by union leaders, but it also seemed certain to intensify the partisan rancor that has enveloped Washington.

"The United States Senate has the responsibility to approve or disprove of my nominees," Mr. Obama said in a [statement](#). "But if, in the interest of scoring political points, Republicans in the Senate refuse to exercise that responsibility, I must act in the interest of the American people and exercise my authority to fill these positions on an interim basis."

It was the first time the president has used his constitutional authority to fill vacant federal positions by making recess appointments, thus avoiding the requirement for the advice and consent of the Senate. Mr. Obama, who currently has 217 nominees pending and 77 awaiting action on the Senate floor, said Republicans had given him little choice.

"At a time of economic emergency, two top appointees to the Department of [Treasury](#) have been held up for nearly six months," Mr. Obama said. "I simply cannot allow partisan politics to stand in the way of the basic functioning of government."

With lawmakers back in their home states and Mr. Obama spending a quiet family weekend at Camp David, the White House issued the statement announcing the president's intent to appoint Mr. Becker, and 14 others, mostly to fill positions on his economic and homeland security teams.

The White House said the 15 nominees had been waiting, on average, seven months to be confirmed. They are expected to begin work over the next week; the president's action will enable them to serve without Senate confirmation until the chamber adjourns at the end of 2011.

Communications Workers of America Local 4250  
3055 Glenwood-Dyer Road, Lynwood, Illinois 60411  
Elizabeth R. VanDerWoude, President (708) 757-4065 (Office)  
[evp4250@sbcglobal.net](mailto:evp4250@sbcglobal.net) (E-Mail)  
<http://www.cwalocal4250.org> (Website)

Republicans, who have cast Mr. Becker as a pro-labor radical, issued a flurry of angry statements. They wasted little time in reminding reporters that when [George W. Bush](#) was president, then-Senator Obama had railed against the recess appointment of [John R. Bolton](#) as ambassador to the [United Nations](#), saying that Mr. Bolton would be “damaged goods” and lacked credibility without Senate confirmation.

Senator [Mitch McConnell](#) of Kentucky, the Republican leader, called the president’s move “yet another episode of choosing a partisan path despite bipartisan opposition.”

Another Republican, Senator [Tom Coburn](#) of Oklahoma, said in an interview that he could understand Mr. Obama’s frustration; he said that most of the other nominees were noncontroversial and that his concern was centered primarily on Mr. Becker. “He has a precedent,” Mr. Coburn said of the president, “Others have done it, so I’m not critical of him doing it. But I am critical of the Becker appointment because he doesn’t have the votes.”

Recess appointments are a common tool for presidents frustrated by the confirmation process. Mr. Obama’s action puts him on a par with Mr. Bush, who had made 15 recess appointments by this point in his presidency. Mr. Bush had an especially intense tussle with Democrats over judicial appointees; during the course of his two terms in office, he made a total of 171 recess appointments, although 72 were to part-time positions, according to the Congressional Research Service. President Clinton made 139 recess appointments.

With the exception of Mr. Becker, the White House said most of the 15 nominees being installed by Mr. Obama have bipartisan support. Indeed, in a sign that Mr. Obama did not want to go too far in inflaming partisan passions, he resisted using his executive powers to install one of his most contentious candidates, [Dawn Johnsen](#), an [Indiana University](#) law professor, to lead the Office of Legal Counsel at the Justice Department. Ms. Johnsen has drawn the ire of Republicans for her work as a lawyer for NARAL Pro-Choice America as well as her outspoken opposition to the Bush administration’s counterterrorism policies.

Saturday’s announcement is certain to cheer some of Mr. Obama’s strongest supporters, who have been arguing that the president should take on Republicans in a more forceful way. Gay rights advocates were elated to see [Chai R. Feldblum](#), a [Georgetown University](#) Law professor who advocates on gay issues, claim a spot on the [Equal Employment Opportunity Commission](#) as a result of Mr. Obama’s action.

But perhaps no group will be as heartened as union leaders.

For months they had complained that Mr. Obama was too timid in responding to Republican opposition to Mr. Becker, a former associate general counsel for the [A.F.L.-C.I.O.](#) and the [Service Employees International Union](#). Labor leaders were also unhappy that the labor relations board has been largely paralyzed since January 2008

because only two of its five seats have been filled since then. Mr. Obama also appointed Mark Pearce, a New York labor lawyer, on Saturday to fill a fourth seat on the board.

Last month, the Democrats fell eight votes short of the 60 needed to overcome a threatened Republican [filibuster](#) of a vote for Mr. Becker. Two Democrats, [Blanche Lincoln](#) of Arkansas and Ben Nelson of Nebraska, joined Republicans in the 52-to-33 vote.

In their letter to the president, Republicans wrote that Mr. Becker, a former law professor at [U.C.L.A.](#) and the [University of Chicago](#), “could not be viewed as impartial, unbiased or objective” in labor board cases. A law review article he wrote, saying that employers should not have a voice in unionization elections, angered many businesses and Republicans. But in Congressional testimony, Mr. Becker said that those were his personal views and as a labor board member, he would follow the letter of the law.

Two other candidates who are getting recess appointments, Jeffrey Goldstein, the nominee for a high-level job at the Department of Treasury as under secretary for domestic finance, and Alan D. Bersin, the nominee for commissioner of the [Customs and Border Protection](#) division of the [Department of Homeland Security](#), were still being vetted by the Senate Finance Committee. Mr. Obama’s decision to bypass the vetting drew criticism Saturday from the senior Republican on the panel, Senator [Charles E. Grassley](#) of Iowa.

Mr. Grassley said Mr. Goldstein was still answering the panel’s questions about his work for a [private equity](#) firm, and Mr. Bersin was answering questions about “what appeared to be conflicting information about his documentation and disclosure” of household employees — questions that, the senator said, were “directly relevant” to the positions they will hold.

*Steven Greenhouse contributed reporting from New York.*