



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • www.citizen.org

President Barack Obama
1600 Pennsylvania Ave, NW
Washington, DC 20500

June 21, 2011

Dear President Obama:

On behalf of more than 225,000 Public Citizen members and supporters, I urge you to install Professor Elizabeth Warren as director of the Consumer Financial Protection Bureau (CFPB)—including by recess appointment if necessary.

Few would dispute that Professor Warren is the best candidate to lead the CFPB. She is among the nation's leading experts on consumer financial protection. At the same time, she is no ivory-tower academic. Her expertise is complemented by an understanding of the financial problems of ordinary Americans and a passion for making markets work for them. She is also a superlative spokesperson and, in standing up the CFPB, she has shown that she is a highly competent manager and administrator.

There is no legal obstacle to making Professor Warren the CFPB's first director. Contrary to press reports, the House of Representatives cannot hold the Senate open to block a recess appointment. When the House and Senate cannot agree on the timing of adjournment, the Constitution explicitly provides the President the power to adjourn the Congress:

[H]e may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper

U.S. Const. Art. II, § 3 (emphasis added). The use of this "adjournment power" would be particularly appropriate if the House prevents Senate adjournment in a bid to interfere with the appointment of certain public officials, a matter that the Constitution explicitly assigns to the President and the Senate.

Senate rules permit just 41 senators to block the Senate from voting on a nominee, and 44 Senate Republicans have stated that they will oppose any nominee for the CFPB unless the

agency is weakened. Negotiating to weaken the CFPB is unacceptable. Unless at least four senators change their minds, thereby providing the 60 votes necessary to hold a simple majority vote on a nomination, you will need to make a recess appointment to secure a director of the CFPB.

I urge you to nominate Prof. Warren to head the CFPB and, if House obstructionism makes it necessary, to use your adjournment power so that you can appoint her during a Senate recess.

Sincerely,

David Arkush

Director

Public Citizen's Congress Watch division

cc: The Honorable Harry Reid, Senate Majority Leader