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United States Senate
WASHINGTON, D.C. 20510

August 7, 1984

Kelly 8/7/84
Handwritten
5/15/84

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The Honorable Edward M. Kennedy
United States Senate
Washington, D.C. 20510

Dear Ted:

I received your letter of July 30, 1984, which takes issue with the President's recent recess appointments to the seven vacant council positions within the National Endowment for the Humanities.

As you know, Article II, Section 2, of our Constitution grants the President the power to make appointments "that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next session." Historically, Presidents use this Executive authority when the Senate is believed to be less than diligent in the expeditious consideration of nominees' credentials.

On April 23 of this year, the committee received the nomination papers for the recess appointments in question. Since that time, committee action on these NEH nominees has been subject to other senators' "holds" on action to consider these nominations. Sensitive to the need for a full and functioning NEH council, the President has, in my opinion, taken the only responsible course available to him in the wake of four months of legislative inaction on this matter.

Concerning Mrs. Helen Marie Taylor, we do not have the FBI file, but I am sure the FBI would share that file with you and with me as well. In the interim, however, I believe that you would share my belief that whatever nomination difficulties Mrs. Taylor suffered in pursuit of the Corporation for Public Broadcasting position should not automatically disqualify her for appointment to another organization being reviewed by a different Senate committee.

Warmest personal regards,



Orrin G. Hatch
United States Senator

OGH:fp