

# FOIA Marker

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## Records Management, White House Office of Subject Files - FO002 (Diplomatic Affairs - Consular Relations)

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Folder Title:

725163

**THE WHITE HOUSE  
DOCUMENT MANAGEMENT AND TRACKING  
WORKSHEET**



**DATE RECEIVED:** 05/15/2007

**CASE ID:** 725163

**NAME OF CORRESPONDENT:** THE HONORABLE CHRISTOPHER J DODD

*FO 002*

**SUBJECT:** WRITES THE PRESIDENT REGARDING THE RECESS APPOINTMENT OF SAM FOX TO BE THE UNITED STATES AMBASSADOR TO BELGIUM

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION		
		CODE	DATE	TYPE RESPONSE	CODE	COMPLETED
LEGISLATIVE AFFAIRS	CANDI WOLFF	ORG	05/15/2007		C	8/17/07
	<b>ACTION COMMENTS:</b>					
PRESIDENTIAL PERSONNEL	KATJA BULLOCK	A	05/15/2007	NRN	<del>C</del>	3/31/07
	<b>ACTION COMMENTS:</b>					
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	<b>ACTION COMMENTS:</b>					

**COMMENTS:**

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**MEDIA:** FAX

**USER CODE:** 1 ADDL  
SIGNEE

**SCANNED  
BY  
ORM**

ACTION CODES:	DISPOSITION		
A - APPROPRIATE ACTION B - RESEARCH AND REPORT BACK D - DRAFT RESPONSE I - INFO COPY/NO ACT NECESSARY R - DIRECT REPLY W/ COPY	<b>TYPE RESPONSE:</b>  TYPE RESPONSE = INITIALS OF SIGNER NRN = NO RESPONSE NEEDED	<b>DISPOSITION CODES:</b>  A - ANSWERED/ACKNOWLEDGED C - CLOSED X - INTERIM REPLY	<b>COMPLETED DATE:</b>  COMPLETED = DATE OF ACKNOWLEDGEMENT OR CLOSE-OUT DATE (MM/DD/YY)

**REFER QUESTIONS AND ROUTING UPDATES TO DOCUMENT TRACKING UNIT (ROOM 84, OEOP) EXT-62590 KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO OFFICE OF RECORDS MANAGEMENT**

725163

- JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN
- |                                    |                               |
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ANTONY J. BLINKEN, STAFF DIRECTOR  
 KENNETH A. MYERS, JR., REPUBLICAN STAFF DIRECTOR

**United States Senate**  
 COMMITTEE ON FOREIGN RELATIONS  
 WASHINGTON, DC 20510-6225

May 1, 2007

The President  
 The White House  
 Washington, DC

Dear Mr. President:

We write regarding your recess appointment of Sam Fox to be the United States Ambassador to Belgium.

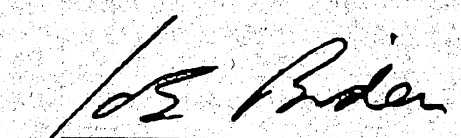
As you know, the Committee on Foreign Relations was planning to vote on the nomination of Mr. Fox on March 28, but you withdrew the nomination just an hour prior to the scheduled commencement of the Committee meeting. We expected your withdrawal of the nomination would end the matter. Instead, a week later, you announced your intention to give Mr. Fox a recess appointment.

We strongly object to your act to circumvent the advice and consent of the Senate. The requirement for such advice and consent is not a political nicety; it is compelled by the Constitution. The recess appointment power was not intended as a way for the President to avoid seeking the advice and consent of the Senate. Rather, it was intended as a mechanism that would allow the Executive Branch to function at full capacity when the Senate was not in session. In this instance, the Committee was poised to act on the Fox nomination when you withdrew it. Such a recess appointment -- following so soon after the withdrawal of the same nomination -- is, so far as we know, unprecedented; it is certainly not what the Framers of the Constitution intended by providing the President with the recess power.

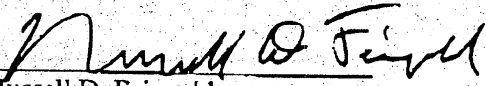
Mr. President, for this government to function well, we must have cooperation between the parties and between the two political branches. When we do not, gridlock often results. The Committee has moved quickly on many of your nominations in the first few months of the 110<sup>th</sup> Congress. By this recess appointment, you have sent us a clear message that you are not interested in cooperating with the majority on the Committee.

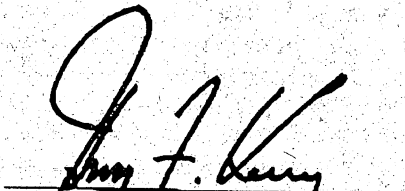
Sincerely,

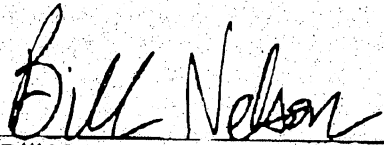
  
 Christopher J. Dodd

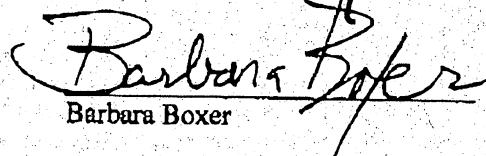
  
 Joseph R. Biden, Jr.

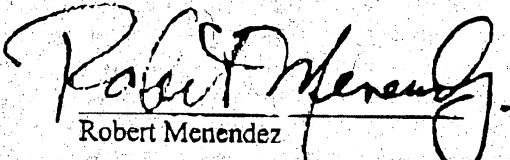
The President  
May 1, 2007

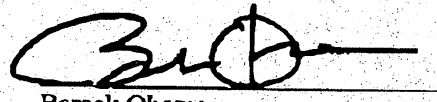
  
Russell D. Feingold

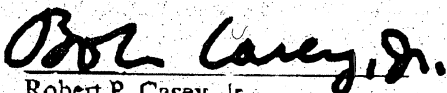
  
John F. Kerry


  
Bill Nelson

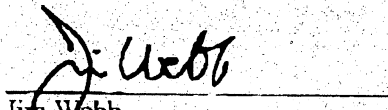
  
Barbara Boxer

  
Robert Menendez

  
Barack Obama

  
Robert P. Casey, Jr.

  
Benjamin L. Cardin

  
Jim Webb