

## Testimony

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Let me express my gratitude to the chairman and members of this committee for inviting me to testify on this important matter.

For almost 30 years, I have been a student of the presidential appointments process. In that time, I have had frequent and often lengthy conversations with almost everyone who has served as a principal personnel advisor to all of our presidents back to President Truman. I have spent many days up here observing confirmation hearings and debates and asking questions of members of this body and the staff directors and chief counsels of these committees. I have served on or directed most of the blue-ribbon commissions that have studied the appointment process over the past two decades, including one chaired by two distinguished former Senators, Mac Mathias and John Culver.

In these years, I have interviewed hundreds of presidential appointees, collected and sorted and analyzed data, probed for patterns, sought broader meanings. That is the work of scholarship, and that is my business. My work is not partisan; I have no one's axe to grind nor ox to gore.

What has carried me through all these years is a simple notion: that in a democracy the purpose of an election is to form a government. Those who win elections should be able to govern.

But in a democracy as large and complex as ours, no one leader can govern alone. As the Brownlow Committee noted in 1937, "The President needs help." And these days presidents need the help of hundreds of people possessed of courage and stamina and creativity. It is fundamental and essential that victory in a presidential election should be swiftly followed by the recruitment and emplacement of the talented Americans who will help a president to do the work the American people elected him or her to do.

That is to say, simply, there ought to be a presidential appointments process that works -- swiftly, effectively, rationally. Nothing could be more basic to good government.

But we do not have a presidential appointment process that works. In fact, we have in Washington today a presidential appointments process that is a less efficient and less effective mechanism for staffing the senior levels of government than its counterparts in any other industrialized democracy. In this wonderful age of new democracies blooming all around us, many have chosen to copy elements of our Constitution and the processes that serve them. But one process that no other country has chosen to copy is the one we use to fill our top executive posts. And for good reason. Even those untutored in democracy know a lemon when they see one.

In the early 1980s, I helped to write a book called America's Unelected Government that complained about some of the flaws in the presidential appointments process. Watching the travails of the Reagan administration as it sought to get its appointees in place, it was hard then to imagine that things could get much worse. But in retrospect that seems almost like a golden age for presidential appointments. The average Reagan appointee was confirmed and in place in a little over 5 months. That was about twice as long as it took the Kennedy appointees to get into place, and we made much note of that.

How fast that now seems. In the two administrations after President Reagan's, the pace slowed even further. For

both Bush I and Clinton appointees, the average time from inauguration to confirmation was more than 8 months. Every indication now is that the current administration will be hard pressed to move any faster.

Think what that means. It means for nearly a quarter of his term, a new president must operate without his full team on the field. Most Washington veterans know that the first year in office is the time ripest with opportunity for a new president: the honeymoon, the window of opportunity. But too often our presidents are unequipped to take advantage of that time because their administrations are caught up in the agonies of staffing rather than in the responsibilities of governing. What recent president hasn't been diverted and slowed by appointment snags and controversies, by false starts and restarts as candidate after candidate turns down an appointment offer, or new recruits accept job offers then confront the realities of the appointment process and change their minds?

And then, as soon as the initial round of staffing is finally completed, the new administration's appointees start to leave and the process starts again.

How did we get into this mess? The answer is not simple, but there is one explanation we can reject out of hand. No one planned this appointment process, no one designed it, no one approved it. I can tell you that in several decades of conversations with presidents, their personnel advisors, senators, their committee staffs, and appointees themselves, I have never heard a single person praise the appointments process. I have heard many, however, who would like to bury it.

Can you imagine in your wildest fantasies any group of rational people sitting down and designing an appointment process like the one we're discussing today, a process:

- Where an average position requires more than six months, and frequently a year or more, to fill.
- That reaches down so deeply into the federal hierarchy that new administrations have to come up with thousands of recruits and somehow hope to meld them into effective management teams.

- That imposes on potential appointees so many torturous, humiliating and invasive questions and investigations that far too many refuse to accept the president's call to service, and many who do so come through it feeling bloodied and abused.
- That virtually ensures that a quarter or more of the top positions in the government will, at any moment in time, be without an incumbent who is a confirmed presidential appointee.

No rational body would design such a process, and none did. The presidential appointment process -- the in-and-out system, as we sometimes call it -- was one of the great inventions of American political genius. It sought to tie the government directly to the people by ensuring a constant flow of new people, drawn from real lives in the real world of affairs, into their government for tours of energetic and creative service. We Americans early on rejected the notion that government was an enterprise best left to a governing class, turning instead to a new idea: that government should be the responsibility of the best of the governed.

And for much of our history it was that, as men and women like Josephus Daniels, Henry Stimson, Herbert Hoover, Frances Perkins, and John Foster Dulles set aside their private pursuits, often at great financial sacrifice, to lend their estimable talents to the service of their country.

In those times, Americans looked with pride on their appointment process and the kinds of leaders it produced. Transitions were swift and smooth. The White House called, the candidate accepted the job, he or she was at work in Washington a few weeks later. Investigations, questionnaires, hostile confirmations, bludgeoning of reputations all were largely unknown. Public service was an honor and, to most of those who undertook it, it felt that way.

But those are times past, and increasingly — and distressingly — these days we find that our appointments process is hostile and alien to the very Americans we would like to welcome to public service. So instead of a steady flow of leaders in and out of the private sector and from all over the country, we have instead a process that

relies heavily on the Washington community and on people already in the government or lobbying the government as its major source of personnel.

Here is a stunning measure of how the yield of the appointment process has changed. In the years from 1932 through 1964, barely a quarter of all presidential appointees were working in the Washington metropolitan area at the time of their appointment. In the last three presidential administrations, the number of appointees drawn from the Washington area was nearly 60%.

We have come perilously close now to relying on the very governing class that our Founders and most previous generations of Americans rejected.

Have we done this because, after careful and thoughtful consideration, we decided to junk our old system and debunk our old notions and replace them with a new approach to staffing the highest levels of our government? Of course not. Change occurred unintentionally because we let our appointments process fall into a desperate state of disrepair so that now it often undermines the very purposes it was designed to serve. It doesn't welcome talented leaders to public service; it repels them. It doesn't smooth the transition from the private to the public sector; it turns it into a torture chamber. It doesn't speed the start-up of administrations just elected by the American people; it slows the process almost to a standstill.

All of us who have allowed this to happen — citizens and representatives and leaders — should be ashamed. We deserve better, we need better, and we once had better. Then we let it slip away.

But hope is not lost. The appointment process is not irreparably broken, not by a long shot. And what it will take to restore this uniquely American idea to high gloss is clear and in most cases highly possible.

Tomorrow, the leaders of the Presidential Appointee Initiative will testify here and will present some proposals for fixing the presidential appointments process. These are not very complex and many of them are not very new. We have known for some time what ails the

appointments process and what steps we must take to cure those ailments.

What is needed now is some common sense, some commitment to undertake this task -- commitment that reaches across party and institutional lines -- and, most importantly, some leadership.

I hope these hearings will be the incubator for these reforms and that this committee will be their shepherd. That is noble and important work.

Lead us to a restoration of pride in public service. Help us reconstruct an appointments process that draws this society's best leaders to government, facilitates a smooth and rapid transition, and keeps them here long enough to have real impact. Re-establish that article of our democratic faith that American elections do -- in fact, not just in theory -- produce governments that can govern.

If you succeed in all of this, I will be out of business. And after 30 years, I will be the happiest unemployed person in America.

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