

OPENING STATEMENT



**Prepared Statement by Chairman Fred Thompson (R-TN)
Committee on Governmental Affairs**

Hearing on the State of the Presidential Appointments Process

Wednesday, April 4, 2001

Good afternoon. I welcome everyone to this hearing of the Committee on Governmental Affairs. Today's hearing is the first of two the Committee will conduct on the state of the presidential appointment process. We will hear this afternoon from our panels of respected witnesses on the process presidential appointees currently undergo, problems that have developed, and whether they are a barrier to public service.

Tomorrow morning, our witnesses will be the Honorable Amy Comstock, Director of the Office of Government Ethics, former Senator Nancy Kassebaum Baker, and former Director of the Office of Management and Budget, Franklin Raines. At that time, both the Office of Government Ethics and the Presidential Appointee Initiative will release their recommendations for reform of the system. Senator Kassebaum Baker and Mr. Raines will be testifying on behalf of the Presidential Appointee Initiative. Ms. Comstock will be presenting to the Committee her report examining the current financial disclosure requirements and recommendations on streamlining the process.

When our system of government was designed more than two hundred years ago, the Founding Fathers realized that the work of the people would need to be supplemented by the service of non-elected public servants. Yet they grappled with the question of accountability. Since these high-ranking officials would not be elected, what would prevent them from abusing their significant power? Thus our Founding Fathers included in the Constitution a requirement that certain high-ranking officials receive the advice and consent of the Senate in order to assume their influential positions. The theory behind this process is that even though the appointees themselves are not elected, the public can hold the President and the Congress responsible for the appointee's actions while he or she serves the public interest. It is incumbent on the President and the Congress to ensure that appointees meet exacting standards.

For certain high-ranking positions, a candidate is selected, undergoes background investigations, is nominated, and finally, undergoes

confirmation by the Senate. On the surface, this process appears to be simple and straightforward. I presume the Founding Fathers intended that the appointment of these influential public servants be done quickly. Yet, this system has evolved into a bureaucratic maze which requires potential nominees to bear significant burdens.

All too often the process becomes mired in politics. Further, nominees face burdensome, duplicative, perhaps unnecessary paperwork, and confusing ethics laws which may have lost sight of their initial purpose. In fact, the entire appointment process has become so complex that some of the best-qualified people are reportedly turning down the opportunity to serve the public. Citing privacy concerns, severe post-employment restrictions, and the sometimes low public image of government officials, potential appointees are reluctant to enter the fray.

The key to a successful administration is its ability to get its people in place in a timely manner. Democracy is thwarted when the President's ability to carry out this task is hampered by a reluctance to serve and unnecessary delays. From most accounts, the ability of the President to appoint good people to key positions in government on a timely basis is in doubt.

The Committee on Governmental Affairs is actively evaluating the current state of the presidential appointment process and will closely examine all proposals for reform. The ability of a President-elect to attract the best to public service and put them to work is obviously of critical importance. As early as 1937, a blue ribbon panel was commissioned to study the process. Since 1985, nearly a dozen other major studies by highly regarded individuals have examined the way we staff a Presidential administration. It is worth noting that many of the problems first identified in President Roosevelt's 1937 Brownlow Committee report continue to exist today. Clearly, there is a strong consensus that reform is needed, and each successive study has reached agreement that changes in the process are achievable.

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