

Senator Lee - Written Statement for Nominations Hearing of B. Todd Jones as ATF Director (June 11, 2013)

I share the concerns stated by the Ranking Member. Article II, Section 2, paragraph 2 of the Constitution provides that the President shall appoint principle officers “by and with the Advice and Consent of the Senate.” The Constitution thus vests in the Senate an important function that is essential to the proper operation of our constitutional system of checks and balances. I take very seriously the duty of reviewing each candidate submitted by the President to this body for confirmation. By looking closely at a candidate’s record and his or her qualifications, as well as by asking questions in person and in writing, members of this body are able to determine whether a candidate is qualified and will faithfully and impartially administer the law, or whether a candidate lacks sufficient experience and will likely be motivated unduly by political considerations.

Because I take so seriously my constitutional duty to advise and consent to the President’s nominees, I am especially disappointed that we are prematurely holding this hearing today. With an open investigation before the Office of Special Counsel, we do not have the necessary information to ask effective questions regarding an important—and potentially dispositive—set of issues. I do not believe it is proper for this Committee’s sole chance to question Mr. Jones during a hearing to come at a time when we do not have the results of an investigation because that investigation has not been concluded.

Mr. Jones has a record of public service and appears to have the necessary experience and qualifications. But these are not the questions that form the basis of doubt among a number of my colleagues as the propriety of his nomination. Rather, Mr. Jones has been the subject of a number of serious and troubling complaints from those who have worked with him. For us to pass judgment on whether we believe Mr. Jones can faithfully and impartially carry out the difficult and at times politically challenging role of director of the ATF, we must sort out the veracity and credibility of these accusations.

All the more reason that it is deeply troubling for us to be holding Mr. Jones's hearing at a time when we do not have the results of an open investigation and thus lack relevant information regarding one of these serious complaints.