

Congress of the United States
Washington, DC 20515

September 15, 2009

The Honorable Gregory B. Craig
Counsel to the President
The White House
Washington, D.C. 20050

Dear Mr. Craig:

Since taking office, President Obama has appointed a number of senior Administration advisors, otherwise known as “czars.” These appointees, most of whom are not confirmed by the Senate, are responsible for coordinating high-level Administration policy within the Executive Office of the President and across the agencies. Some of these policies address the President’s domestic agenda, including healthcare initiatives, the expenditure of \$700 billion in Troubled Asset Relief Program (“TARP”) funds, and the regulation of the auto industry. Others, however, focus upon homeland security, the intelligence community, and our military efforts overseas. While these are important issues affecting our country, there is considerable confusion surrounding the exact nature of these positions, the level of decision-making authority granted to them by the President and Department heads, and the vetting undertaken by this Administration during its hiring processes. These issues, in turn, raise concerns with respect to the privileges bestowed upon the Legislature by Article II, Section 2 of the U.S. Constitution, and with this Administration’s promises of transparency and accountability.

According to publicly available information, there are 53 czar positions. Of these, approximately 45 are currently filled. Though the degree of importance varies from czar to czar, some of these officials wield considerable power and decision-making authority. For example, TARP Czar Herb Allison is responsible for managing \$700 billion in bailout funds. Likewise, Stimulus Accountability Czar Earl Devaney oversees the tracking of \$787 billion in American Recovery and Reinvestment Act spending. With respect to U.S. efforts overseas, Afghanistan Czar Richard Holbrooke is the senior-most official responsible for coordinating civilian and military efforts on behalf of the Administration. Together, these three individuals oversee nearly \$1.5 trillion in spending and manage some of the most high-profile Administration initiatives.

Other Administration czars have significant impact upon policies affecting the American people, though their job descriptions are less clear. Energy and Environment Czar Carol Browner, who works within the Executive Office of the President, advises the President directly on energy and climate change policy. Diversity Czar Mark Lloyd, who reports to FCC General Counsel Austin Schlick, is tasked with leveling the playing field in the communications marketplace. Green Jobs Czar Van Jones, who resigned on September 6, 2009, held the official title of Special Advisor for Green Jobs, Enterprise, and Innovation within the White House’s Council on Environmental Quality. Though his

exact duties remain a mystery, he was purportedly responsible for developing policies that promote the creation of environmentally friendly jobs.

The latter group of presidentially appointed positions gives rise to a number of issues that this Congress must address. The first issue is whether these positions rise to the level of appointments that necessitate the advice and consent of the Senate. Article II, Section 2 of the U.S. Constitution states that the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law. . .”. The Constitution also provides that Congress may vest in the President the authority to appoint certain inferior officers. This means that the authority vested in certain officers and their ability to effectuate policy is proportional to the need for Congressional approval. The level of authority possessed by Carol Browner, Mark Lloyd, Van Jones, and other similarly situated individuals may, indeed, rise to this level.

There is also grave concern that, in the absence of the requirement for Senate confirmation, the Administration may be appointing individuals who would not otherwise withstand Congressional scrutiny. According to publicly available information, a pattern of behavior and associations maintained by some individuals runs contrary to the very core of our democracy. For example, former Green Jobs Czar Van Jones was a self-described communist, and when asked about his job in the Administration, he described it as a “community organizer within the federal family.” As EPA Administrator for eight years under President Clinton, Energy and Environment Czar Carol Browner presided over an agency festering with racial problems, according to a February 23, 2001 *Time Magazine* story. Shortly before her czar appointment, reports indicated that she was a commissioner of an organization called Socialist International, a worldwide organization of social democratic, socialist and labor parties. At the National Conference for Media Reform in 2008, FCC Diversity Czar Mark Lloyd described Venezuelan President Hugo Chavez’s takeover of privately owned media outlets as “incredible and democratic.” These types of statements and ideologies raise serious questions as to whether this Administration lacks the appropriate standards for its senior unconfirmed political appointees.

Thus, it is vital that the Administration explain its hiring process, including what criteria it uses to vet senior-level appointees, the means by which it gathers background material, and which Administration officials, particularly within the Presidential Personal Office, are responsible at each level of the hiring process. Additionally, the Administration must provide specific information regarding the nature of each position and the duties performed by each czar. This information will assist this Congress in determining whether, in the absence of Congressional scrutiny, the Administration is employing the proper standards for hiring these public servants, and whether this Congress will need to legislate further on these matters.

As such, we respectfully request that the Administration provide the following information regarding these senior officials:

1. The names of all Administration ‘czars’, their job titles, the nature of their duties, the matters in which they exercise discretion, their employing agency, and the physical location of their offices;
2. Dates of Presidential appointment and tenure of employment;
3. The total compensation of each individual including, but not limited to, salaries, bonuses, stipends, or any other such benefit or emolument;
4. All records and communications, including employment contracts, referring or relating to the requests set forth in items 1, 2 and 3;
5. A detailed job description of any person described in item 1 including, but not limited to, the areas of responsibility, any budgetary responsibility, the number of employees under their supervision, authority to hire and terminate personnel, and the name of the czar’s immediate supervisor;
6. A detailed description of the organizational structure of these persons, including any relevant documents and illustrations, such as organization charts;
7. A detailed work history including, but not limited to, any existing or proposed policies that impact the private sector or alter the existing federal government structure;
6. All records and communications referring or relating to the policies and procedures by which these individuals are selected, reviewed, “vetted” or otherwise approved for appointment;
7. All records and communications referring or relating to the development of any policy or procedure for the selection, review, and approval of these appointees;
8. All records and communications referring or relating to the selection, review, and approval of each appointee referenced in item 1. This includes records of any oral or written responses submitted by Administration candidates in response to information requests or forms provided by the Administration; and

9. Indicate whether, in keeping with promises of transparency and accountability, this Administration will, without subpoena, agree to make these individuals, both confirmed and unconfirmed, available to testify before relevant House and Senate committees of jurisdiction regarding their duties and policymaking decisions.

We respectfully request that the Administration provide the requested information **no later than September 29, 2009**. Please note that, for purposes of responding to this request, the terms “records,” “communications,” and “referring or relating” should be interpreted consistently with the attached Definitions of Terms.

As you are aware, the Committee on Oversight and Government Reform is the main investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, it has authority to investigate the subjects within the Committee’s legislative jurisdiction as well as “any matter” within the jurisdiction of the other standing House Committees. This broad jurisdiction includes the oversight of Executive Branch operations and administrative functions.

Thank you for your prompt attention to this very important matter. We look forward to working with the Administration to resolve these matters of transparency and accountability to the American people. If you have any questions, please do not hesitate to contact Thomas Alexander, Senior Counsel, at (202) 225-5074.

Sincerely,



Darrell Issa,
Ranking Member
Committee on Oversight and
Government Reform



Lamar Smith
Ranking Member
Committee on the Judiciary

Definitions of Terms

1. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.