



FEDERAL ELECTION COMMISSION
Washington, DC 20463

U.S. SENATE COMMITTEE
ON RULES AND ADMINISTRATION

OPENING STATEMENT OF
STEVEN T. WALTHER
June 13, 2007

Madam Chairman, Ranking Member Bennett, and Distinguished Members of the Senate Committee on Rules and Administration:

Thank you for scheduling this hearing for consideration of my nomination and the nominations of my colleagues who were appointed with me to serve on the Federal Election Commission.

At the outset I want to express my appreciation to the President for the appointment I received in January of last year to serve on this Commission. It has afforded me an extraordinary opportunity and it has been a true honor to serve as Commissioner during this period.

Leaving my beloved State of Nevada, which has been the home of my family since my great-grandfather arrived in Virginia City as a young Swiss boy in 1861, the same year Nevada became a territory, took no small amount of consideration. It also meant leaving a very enjoyable law practice of 37 years. These personal and professional factors were balanced against the support of my wonderful family and friends, and my interest in a new challenge and the opportunity to serve my country in this capacity. I am glad these latter considerations ultimately prevailed.

Above all, I want to thank my wonderful family, my wife Diane, my daughter Natalie and my sons Mario and Wyatt for their love and support. Their views were critical to my decision. This decision changed each of their lives significantly, and there was never a question of their support and enthusiasm for this new family direction and opportunity.

I would also like to thank Brad Deutsch, my Executive Assistant, for the unflinching support and professional help I have received from him, as well as for his special effort in helping me prepare for this hearing. Brad left a comfortable position in the higher echelons of the Office of General Counsel to join me, and I am very grateful for his willingness to take that step. His help and counsel have been indispensable to me.

I have now had the privilege to serve as a Commissioner for over 17 months. I would like to offer the following observations based upon my time on the Commission to date.

First, I would like to mention my admiration and respect for the fine staff at the Commission. I found when I arrived that there were a very large percentage of persons who had been here for nearly three decades, some since the very first days of the Commission. They have tremendous loyalty to the Commission and to the philosophy underlying its creation. Many have given their entire professional lives to the Commission, and it is quite a fine feeling to join this very dedicated family of hard working public servants.

Second, it has been a special pleasure to have enjoyed the atmosphere of collegiality that exists among the Commissioners. It was unclear to me when I made a decision to join the Commission, if given the opportunity, as to what kind of working relationship might exist. Historically, there had been some uneasy times, and difficult votes, and I had some trepidation about the kind of methodology there might be to getting our work done. To my pleasant surprise I immediately found a strong desire to work productively, openly, and courteously, and that atmosphere still dominates the workings of the Commission. Each of the members has added constructively and significantly to the work of the Commission. Former Chairman Michael Toner was an excellent Chairman, and he guided us through some difficult votes with the utmost of civility, diplomacy, fairness and intellectual strength, and in many ways he set the tone for the fine working relationship we now enjoy. Vice Chairman David Mason is not a lawyer but in my opinion possesses one of the best legal minds I have encountered. He has been an excellent resource on Commission history, very collegial, and very willing to seek consensus whenever possible. Commissioner Ellen Weintraub was my first contact with the Commission and she was very helpful to me prior to my decision to accept a nomination. She enjoys a well earned reputation for constant vigilance in improving our processing of legal matters, for upgrading our ethics rules, and for creating more openness in our deliberative process, and her efforts have recently paid off with some significant policy adoptions by the Commissioners in those areas. Our current Chairman Robert Lenhard is extremely hard-working, thoughtful, and knowledgeable, and brings to the Commission a strong sense of discipline for getting our work done and for tackling some difficult issues that have been on the backburner here for some time. Commissioner Hans von Spakovsky is a very hard-working, conscientious, knowledgeable, collaborative Commissioner, and brings to the table cogent arguments for his positions and a very good analytical mind. Collectively, and as a team, the Commissioners have established a good and productive working relationship while not sacrificing our strongly held beliefs. The composition of the Commission has brought a fresh look at old issues, and a renewed desire to improve our system of operation, and a kind of openness that is healthy to our deliberations on these matters. And, we like and respect each other, ingredients that are not always present in deliberative bodies.

Third, this is a time of important and, as I understand it unprecedented, transition for the Commission, and I am proud to be a part of it. Many of our most important staff

members have reached retirement age. Also, due to the passage of the law providing for limited terms for Commissioners, the Commission is now composed of three relatively new members, soon to be five new members. It is also a time to consider the effects of the significant changes in the law regarding campaign finance and the Supreme Court decisions that have been handed down, and are soon to be handed down, defining the Constitutional parameters that are available under those laws and the regulations we have adopted. We have much work to do, and we are anxious to undertake that work.

Fourth, I wish to state my strong support for the Federal Election Campaign Act, as amended by the Bipartisan Campaign Reform Act. I support the principles which gave rise to the legislation, and I am happily and firmly committed to its goals. I believe in the transparency that results from disclosure that is a cornerstone of the statute. Transparency is the most fundamental component of a successful democracy, and, I believe, affords citizens their strongest weapon to assure their will is achieved. Without transparency, no other Constitutional or legislative provision designed to ensure democracy can have a realistic chance of fulfillment. Additionally, in my view, the structure of limited contributions does act to reduce corruption, and certainly the appearance of corruption; additionally, in certain instances, it also serves to level the playing field for those wishing to participate in our great democracy by seeking to represent us in Congress and in the Office of the Presidency.

Last, and perhaps most important, I wish to state my strong belief in the mission of the Commission. I consider the obligations and responsibilities of the Commission to be among the most important of any governmental agency in our country, and I make sure that they are fulfilled to the best of my ability. I strongly believe in the rule of law, and I will look first to the language and intent of our laws we have sworn to uphold as my lodestone for all decisions that come before me as a Commissioner.

In his prepared testimony, Chairman Lenhard mentions many achievements of the FEC during 2006 and so far this year. These include record fines through settlement, improved management of increased filings, expanded use of our website, increased efficiency in the enforcement process from beginning to end, establishment of incentives for self-reporting of violations, seeking greater uniformity in our fines, adoption of policies providing greater guidance to the treasurers of committees, initiation, on a trial basis, of an opportunity for oral argument before the Commission, and several others. I will not expand upon those here. Many are the product of hard work before 2006, but many are also the result of hard work of our current Commissioners, acting collegially, during the last several months.

In addition to those achievements, there are several internal operational improvements that have been made or are under consideration. There is a strong interest in improving our methods of oversight, management and planning. I have had the good fortune to serve on the Finance Committee, the Personnel Committee and the Litigation Committee, each of which is comprised of two Commissioners. In each committee, we are examining old precepts, and examining ways to improve our inner processes and management of the Commission. The Litigation Committee, for example, a committee

which is new to the Commission, is designed to improve our communication with our Office of General Counsel, and to work in a collaborative manner to improve our performance and efficiency in litigation. Working with OGC, there is now improved communication with OGC staff, greater advance consideration of the briefs and their content, and re-activated moot court program, with Commissioner participation, for important oral arguments. As a result, we have also fostered a better understanding of the immediate and long term needs of the Litigation Division in terms of technology, personnel, structure, and ongoing professional training. This process has allowed us to better ensure the Litigation Division will have the support it needs to carry out its functions.

During many years of my professional career I have sought to improve the legal and judicial professions through education. Toward that end, I have been actively involved with organizations that have those roles, and have taught or participated in educational programs, in the United States and elsewhere, designed to teach people in other countries about democracy-building, separation of powers, the value of due process, and civil and human rights of individuals. I was pleased to learn upon my arrival that the FEC is able to provide, and does provide, information to representatives of other countries, by working with other agencies in our government, such as the State Department, as well as private organizations, which have the same educational objectives. Recently, I was privileged to provide information to a group of foreign dignitaries who joined us at our offices under the auspices of the State Department. They were astounded to learn that anyone anywhere in the world can get on a computer and, through our website, find out the identity of every donor who has made a contribution over \$200 to a particular Federal candidate, or the identity of every Federal candidate that has received a contribution over \$200 from any particular donor, since the Commission began placing that data on-line several years ago. It was a valuable reminder that the Commission provides a transparency role not available to that extent in any other country. It is a shining example of democracy at its best.

Thank you for the opportunity to appear before you. It is a privilege that I will never forget. If confirmed by the Senate, I will work hard to serve our country and the Commission well.