

Extra Feature Story

Obama Cabinet Picks Create Open Senate Seats, and Controversy

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As top Democrats move from the U.S. Senate into jobs in President-elect Barack Obama's White House, the process of filling those Senate seats without elections has, in some instances, led to charges of nepotism or bribery.

The recent arrest of Ill. Gov. Rod Blagojevich, a Democrat, illustrates the high stakes of one person choosing a senator. Federal authorities said he tried to sell the appointment to Mr. Obama's vacant Senate seat for a top job or for campaign contributions.

Every state but Arizona fills open Senate seats by allowing the governor of that state to choose whomever he or she wants.

Blagojevich was caught on tape saying that Obama's Senate seat was “**expletive* valuable” and that it wasn't something to be given away for free.

And while there have been no accusations of wrong doing, the governors of New York, Delaware and possibly Colorado will soon be picking replacements for Secretary of State nominee Hillary Clinton, Vice President-elect Joe Biden and potentially for Ken Salazar who is reported to be President-elect Obama's choice for Secretary of the Interior.

Appointment History

Until 1913, senators were chosen by state legislatures, not by a direct vote of the people. The Seventeenth Amendment to the Constitution mandated that senators be elected just like members of the House of Representatives, the lower chamber of the U.S. Congress.

According to presidential historian Michael Beschloss, the process of selecting senators via state legislators bred corruption.

“The reason why the 17th Amendment in 1913 changed all that was that the Senate was brought so many cases where people said, 'This guy became a senator because of bribery and intimidation,' they felt you needed direct election,” Beschloss told the NewsHour.

Columnist and NewsHour commentator Mark Shields said that governors have sometimes appointed quality lawmakers to empty Senate seats, but are mostly looking to make safe picks – while possibly helping themselves out in the process.

“They want somebody who's not going to be under indictment or detox in six months, but at the same time there are political considerations. This guy took it -- governor of Illinois -- took it to a level or a depth so beyond in terms of craven, avariceness, greed, amorality,” Shields told the NewsHour.

Dynasty in the Senate

With Clinton expected to be approved by the Senate to be the next Secretary of State, her New York Senate seat will need to be filled with an appointment by New York Governor David Paterson.

Caroline Kennedy, daughter of assassinated U.S. president John F. Kennedy, has asked Paterson to consider her as for Clinton's Senate seat.

Although she campaigned for Barack Obama and helped raise millions of dollars for New York City's school district, Caroline Kennedy has largely stayed out of the public spotlight until now.

Some question whether she deserves to be a senator or whether it's just because she's a famous member of a political dynasty.

"In the current and incoming Senates, at least 16 members are the children or spouses of prominent politicians. Do we really need another?" National Journal columnist John Mercurio wrote.

Some of the individuals who want a Senate seat actually hire a lobbying company to try to convince the governor to pick them.

"There's nothing untoward about any of these folks in New York expressing to the governor their interest in serving out that seat. But I think what has happened in Illinois, the suggestions being that, when you have governors basically being lobbied to fill an appointment position, this takes that person further away from the people," the Hotline's Amy Walter told the NewsHour.

Appointment Politics

In Delaware, when the governor appointed Vice President-elect Biden's chief of staff to his vacated seat, there was speculation the choice was a "placeholder" until Biden's son returns from Iraq.

However, the younger Biden responded that if he wanted a Senate seat, he would run for it himself.

According to Congressional expert Thomas Mann of the Brookings Institution, the Illinois scandal could spur state governments to hold special elections to fill Senate seats instead.

"These temporary appointments have often been subject to abuse or tacky behavior," Mr. Mann told the New York Times. "I suspect this will lead a number of states to dispense with the temporary appointments and go directly to a special election."

-- Compiled by Quinn Bowman for NewsHour Extra

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