

HIP, HIP, HORMEL!

Loophole allows Clinton to slip James Hormel into long-vacant Luxembourg ambassadorial post by Bob Roehr

James Hormel's long wait to become U.S. ambassador to Luxembourg finally came to an end June 4, when President Clinton installed Hormel to the post via a "recess appointment." The action makes Hormel the first openly gay or lesbian person appointed ambassador.

The recess procedure allows a president to appoint a nominee when Congress is not in session and allows that person to serve through the remainder of that session of Congress. Hormel will be able to serve until Jan. 3, 2001.

Clinton has made 57 recess appointments during his six and a half years in office. That is fewer than George Bush's 80 or Jimmy Carter's 70 during their four-year terms, and Ronald Reagan's 270 appointments over eight years.

The 65-year-old Hormel, a San Francisco philanthropist, is heir to the Spam meatpacking fortune. He is also a major donor to Democratic politicians.

Hormel was nominated to be ambassador in 1997. He received a favorable hearing from the Senate Foreign Relations Committee chaired by Jesse Helms, a conservative Republican senator from North Carolina.

The nomination stalled in the Senate, however, when four members initiated a procedural hold, lest he promote a "gay agenda" in Luxembourg. Senate Majority Leader Trent Lott did not take action to override the hold, and the nomination died in the last Congress.

Clinton renominated Hormel to the post earlier this year, but the hold was revived as well. Observers have long believed that Hormel not only had the majority of votes necessary for approval but also the 60 votes necessary to cut off a possible filibuster over the nomination.

"It came down to a couple of senators who thought that he shouldn't be ambassador because he's gay," says White House spokesman Joe Lockhart. "And the president thinks that's wrong and discriminatory and that's why he moved ahead with the recess appointment."

David Smith, spokesman for the Human Rights Campaign, adds: "This fight never was about trying to get the first openly gay ambassador. This always has been about making sure that anti-gay bias was not a barrier to good people doing public service for their country."

Sen. Diane Feinstein, D-Calif., calls the action "long overdue," pointing out that Clinton could have made the move during earlier congressional recesses. She describes the refusal to vote on the nomination as "a black spot on the U.S. Senate."

"A recess appointment is fair and will hopefully be the end of this conflict," says Rich Tafel, executive director of Log Cabin Republicans, a

gay-identified group. He notes that a number of Republican senators—including Oregon's Gordon Smith—publicly supported Hormel's nomination for some time.

Not surprisingly, some from the conservative realm were upset by Clinton's move. The Family Research Council issued a statement saying the appointment proves that "Clinton puts politics before principle."

Lott spokesman John Czwartacki dubbed the appointment "a slap in the face to Catholics everywhere," citing Lott's concern about Hormel's support for groups critical of the Catholic Church.

Sen. James Inhofe, a conservative Republican from Oklahoma, is threatening to hold up "every single presidential nomination" to protest the appointment.

Several nominations are currently before the Senate, including that of Lawrence Summers to be treasury secretary.

"President Clinton has shown contempt for the Congress and the Constitution," Inhofe asserts. "The president has forfeited the presumption of cooperation on any remaining appointments he wants to make while in office."

According to an Associated Press report, Inhofe said he was acting on a precedent set by Sen. Robert Byrd, a West Virginia Democrat, who in 1985 placed holds on Reagan's appointments until Reagan agreed to refrain from making recess appointments.

Though Lott wasn't pleased by the appointment, he told reporters it wasn't his "inclination" to allow any one senator to single-handedly block every nomination.

Still, he said, Inhofe had the right to use delaying tactics to slow down nominations on a case-by-case basis—tactics that can be overcome only by a 60-vote majority in the 100-member Senate.

To that, White House spokesman Barry Toiv said: "It's hard to think that the Senate would allow itself to be blocked from fulfilling its constitutional responsibility because one member is upset because of a political appointment."

Elizabeth Birch, HRC's executive director, commented: "Inhofe's temper tantrum is an embarrassment and indicative of the thinly veiled anti-gay discrimination that kept James Hormel from getting confirmed. The Senate's role in the confirmation process is to advise and consent. The framers of the Constitution never saw the process as a means in which to derail qualified nominees based on prejudice. Furthermore, Senator Inhofe does not seem to understand that there isn't a constitutional right to place a hold on nominations."

Hormel will present his credentials to the government of Luxembourg this summer.



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—David Smith, Human Rights Campaign spokesman

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