

BY FAIR MEANS OR FOWL

HOW THE GOP'S FIGHT AGAINST LAME-DUCK
CONFIRMATION VOTES BUCKS TRADITION



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Introduction

Despite public calls for bipartisanship after their electoral gains, Congressional Republicans continue to use every means possible to block the Obama administration from governing. Beyond their legislative roadblocks, Republicans are obstructing routine approval of qualified and noncontroversial nominees and judges. A scan of recent history shows that confirming presidential nominees in a lame duck session has been as much a fall tradition as the pardoning of a turkey, until now.

President Obama has put forward quality candidates for consideration. There are dozens of critical vacancies in the executive branch, including the surgeon general, an assistant secretary for homeland defense, and a bevy of ambassadorships critical to our national security. Many of these nominees are long-overdue for a vote and their absence is impeding the government's ability to function.

There are also currently dozens of judicial vacancies on the US Court of Appeals and US District Courts. The price we pay for these vacancies is steep. According to a recent Brennan Center for Justice study, judicial vacancies "slowed the court's ability to resolve motions and try cases, which drove up litigation costs, caused evidence to go stale, made it harder to settle civil cases, and in some instances, pressured clients to plead guilty."

Republican presidents and senators have supported confirmations during lame-duck sessions in the past. President George W. Bush said in October of 2008:

Next month, the Senate will hold a "lame duck" session to finish their legislative business for the year. One item that should be at the top of their agenda is a long list of qualified judicial nominees still waiting for Senate action. If Democrats truly seek a more productive and cooperative relationship in Washington, then they have a perfect opportunity to prove it - by giving these nominees the up- or-down vote they deserve.

Similarly, Senator Mitch McConnell said in 2005, "Let's get back to the way the Senate operated for over 200 years, up or down votes on the president's nominee, no matter who the president is, no matter who's in control of the Senate. That's the way we need to operate."

Senator John Cornyn, member of the Senate Judiciary Committee, said in 2006, "It is my hope that with the election behind us, the Senate could move forward in a bipartisan manner that treats all qualified judicial nominees fairly and assures them a simple, up-or-down vote."

Senate Republicans should heed their own advice. Qualified nominees are waiting in the wings to fill important posts that remain vacant thanks to irresponsible Republican obstruction. Calling for the confirmation of these nominees isn't asking much – merely for the Senate to do their job.

In The Senate, Republican Obstruction Is the Norm

Mitch McConnell Decided To Obstruct The Obama Administration Even Before Obama Took Office.

According to the New York Times, “Before the health care fight, before the economic stimulus package, before President Obama even took office, Senator Mitch McConnell, the Republican minority leader, had a strategy for his party: use his extensive knowledge of Senate procedure to slow things down, take advantage of the difficulties Democrats would have in governing and deny Democrats any Republican support on big legislation.”

[New York Times, [3/10/10](#)]

Current Congress Is One Of The Least Productive In History. According to NBC News, “The 113th Congress remains on track to be arguably the least productive Congress in modern history, according to the best available statistics on legislation that has been enacted into law. With it about to depart on its five-week August recess, just 142 public bills have become law in this current Congress (2013-2014) – down from the 906 the 80th ‘Do-Nothing’ Congress passed in 1947-48, and the 333 that were enacted during the Newt Gingrich-led 104th Congress of 1995-96.” [NBC News, [7/31/14](#)]

Current Congress Passed Just 185 Laws. According to the Washington Post, “The 113th Congress — this Congress, that is currently back on Capitol Hill for a few days before graduation — has been the least productive in terms of bills passed since at least 1973. That's as far back as GovTrack.us goes, and it's as good a metric as any. This has been the least productive Congress in 40 years, because it has enacted 185 laws — 99 fewer than the 112th Congress, which was reviled as the least productive in history two years ago.” [Washington Post, [11/12/14](#)]

- **Under President Ronald Reagan, An Average Of 618 Laws Were Passed By Each Congress.** According to NBC News, the 97th Congress passed 473 laws; the 98th Congress passed 623 laws; the 99th Congress passed 663 laws; the 100th Congress passed 713 laws. [NBCNews.com, [7/31/14](#)]
- **Under President George H.W. Bush, An Average Of 620 Laws Were Passed By Each Congress.** According to NBC News, the 101st Congress passed 650 laws; the 102nd Congress passed 590 laws. [NBCNews.com, [7/31/14](#)]
- **Under President Bill Clinton, An Average Of 443 Laws Were Passed By Each Congress.** According to NBC News, the 103rd Congress passed 5 laws; the 104th Congress passed 333 laws; the 105th Congress passed 394 laws; the 106th Congress passed 580 laws. [NBCNews.com, [7/31/14](#)]
- **Under President George W. Bush, An Average Of 454 Laws Were Passed By Each Congress.** According to NBC News, the 107th Congress passed 377 laws; the 108th Congress passed 498 laws; the 109th Congress passed 482 laws; the 110th Congress passed 460 laws. [NBCNews.com, [7/31/14](#)]
- **Under President Barack Obama, An Average Of 283 Laws Were Passed By Each Congress.** According to NBC News, the 111th Congress passed 383 laws; the 112th Congress passed 283 laws. According to the Library of Congress, the 113th Congress has passed 185 laws as of November 14, 2014. [NBCNews.com, [7/31/14](#); Thomas.loc.gov, accessed [11/14/14](#)]

GOP Obstruction Impeding Government's Ability To Function

Critical Pentagon Posts Remain Vacant. According to Politico, “The Pentagon faces more than just a growing global workload and shrinking budgets. Seven of its nominees are still awaiting Senate approval, including an assistant secretary for homeland defense, a Navy under secretary and the top lawyers for the Army and Air Force.” [Politico, [9/9/14](#)]

- **One Of Seven Nominations Withdrawn.** According to Defense News, “After languishing more than a year in political purgatory, the name of Jo Ann Rooney has been quietly withdrawn to become undersecretary of the US Navy. The White House made the announcement late Wednesday. Rooney’s name was among two withdrawals in a list of 17 presidential nominees for various positions.” [Defense News, [11/13/14](#)]

Surgeon General Nomination Held Up In Midst Of Ebola Crisis. According to the Huffington Post, “President Barack Obama nominated Dr. Vivek Murthy to serve as the nation's top doctor in late 2013, but his nomination has stalled in the Senate ever since. The reason? The National Rifle Association has been pressuring Republicans and conservative Democrats to oppose him over his positions on gun control. [...] The result is the country is now dealing with cases of Ebola without a surgeon general at the top, providing public education and guidance on the situation.” [Huffington Post, [10/23/14](#)]

Ambassadors To Critical Countries, Including Turkey, South Korea, And Sierra Leone, Are Awaiting Confirmation. According to the Boston Globe, “As fighters affiliated with the self-declared Islamic State roll across the porous Turkish border into Syria, the United States has a problem: It has no ambassador to Turkey. As the Ebola virus rages in Sierra Leone, the United States has no ambassador there. And as North Korea poses a nuclear threat, the United States has no ambassador in South Korea. Nominations for the posts are among dozens languishing in the Senate, many for months. The would-be ambassador to Sierra Leone, for example, has been waiting more than 400 days for an up-or-down vote. Veteran diplomats say the Senate’s persistent gridlock over domestic matters is hurting the United States on the world stage.” [Boston Globe, [9/1/14](#)]

Single Republican Senator Holding Up Confirmation Of 25 Career Diplomats. According to the Boston Globe, “Just before the Senate left on a five-week recess on July 31, Menendez tried to win full Senate approval for a slate of 25 career diplomats. But Senate rules allowed a single senator, Mike Enzi of Wyoming, to effectively block the approval by forcing hours of debate for each nominee. Enzi explained that he was objecting to Democrats’ rules change in November. ‘This is the procedure that the majority set up,’ Enzi said on the floor. ‘And the majority are going to be stuck with their decision to delay people, thinking that they could speed them up and take away some of the minority rights. So I object.’” [Boston Globe, [9/1/14](#)]

Ambassadors To Several West African Countries Contending With Boko Haram Are Awaiting Confirmation. According to the National Journal, “The Senate has yet to send a top U.S. diplomat to Niger, Cameroon, and Mauritania, several of Nigeria's regional partners in the fight against the terrorist organization Boko Haram. Almost three months ago, Boko Haram stepped up its terrorism campaign by kidnapping hundreds of Nigerian schoolgirls. While the world's attention has faded, the kidnappings have continued, with the group taking advantage of Nigeria's porous borders.” [National Journal, [6/30/14](#)]

Large Number Of Judicial Vacancies Are Clogging Up The Courts

There Are Seven Judicial Vacancies On The US Court Of Appeals. According to USCourts.gov, there are seven judicial vacancies on the US Court of Appeals. [USCourts.gov, accessed [11/14/14](#)]

There Are 48 Judicial Vacancies On The US District Courts. According to USCourts.gov, there are 48 judicial vacancies on the US District Courts. [USCourts.gov, accessed [12/1/14](#)]

“Nearly 20 Percent Of All District Court Vacancies Are In Texas.” According to Newsweek. “Republican senators have substantial powers to block nominees in their states. Senators can stall in the consultation process with the administration over nominee selection—Bannon says the fact that a substantial number of vacancies without nominees are concentrated in states with GOP senators is an indication that this is indeed happening. [...] Nearly 20 percent of all district court vacancies are in Texas, for example, and most of those seats don’t even have

nominees awaiting confirmation yet. [...] The Eastern District of Texas has two vacancies, including one in Sherman. The first current vacancy came in October 2011, the second in March 2012.” [Newsweek, [7/21/14](#)]

Brennan Center For Justice: “Vacancies...Drove Up Litigation Costs, Caused Evidence To Go Stale, Made It Harder To Settle Civil Cases, And In Some Instances, Pressured Clients To Plead Guilty.”

According to the Brennan Center for Justice, “In this study, the Brennan Center interviewed more than 20 chief judges, court administrators, and practitioners from 10 districts which either currently or recently had judicial vacancies to get a firsthand account of how vacancies impact our trial courts. These judges reported that vacancies slowed the court’s ability to resolve motions and try cases, which drove up litigation costs, caused evidence to go stale, made it harder to settle civil cases, and in some instances, pressured clients to plead guilty.”

[BrennanCenter.org, [7/21/14](#)]

Brennan Center For Justice: “Vacancies Created Heavier Caseloads, Which Meant Judges Had Less Time To Spend On Cases, And Resulted In Fewer Administrative Staff, Which Left Courts Unable To Effectively Manage Dockets.”

According to the Brennan Center for Justice, “They also said vacancies created heavier caseloads, which meant judges had less time to spend on cases, and resulted in fewer administrative staff, which left courts unable to effectively manage dockets. Although some districts are able to compensate for empty seats, their stopgap solutions do not fix the problem and only underscore the need to fill those seats.”

[BrennanCenter.org, [7/21/14](#)]

Brennan Center For Justice: “Two Judges From Other Divisions In The [Texas] District Regularly Travel 350 Miles To Hear Cases In Sherman, Typically Spending Several Days Per Month Traveling.”

According to a report from the Brennan Center for Justice, “The Sherman Division currently has only one resident judge who hears cases. To compensate for the vacancy, two judges from other divisions in the district regularly travel 350 miles to hear cases in Sherman, typically spending several days per month traveling.” [Brennan Center for Justice Report,

[July 2014](#)]

American Bar Association: Vacancies Have “Real Consequences For The Financial Well-Being Of Businesses And The Personal Lives Of Litigants.”

According the American Bar Association, “Persistently high numbers of judicial vacancies slows the wheels of justice, erodes public confidence, and deprives the nation of a federal court system that is equipped to serve the people. This has real consequences for the financial well-being of businesses and the personal lives of litigants whose cases may only be heard by the federal courts -- e.g., cases involving challenges to the constitutionality of a law, unfair business practices under federal antitrust laws, patent infringement, police brutality, employment discrimination, and bankruptcy.” [American Bar Association, accessed

[11/21/14](#)]

Judicial Vacancies Increase The Cost To The Taxpayer By Increasing The Length Of Pretrial Detention.

According to a column by Ashley Belleau, President of the Federal Bar Association, “The FBA also is in the process of distributing an op-ed on judicial vacancies to newspapers across the country that will highlight the costly crisis in our federal courts. The goal is to educate the American public with respect to how these judicial vacancies impact their lives on an individual basis. Record caseloads in many federal judicial districts where vacancies exist cause trials to be delayed. Not only do the delays add to the costs of litigation for the party litigants, but the delays cost the individual taxpayer. For example, the cost to detain and house criminal defendants while awaiting trial increases the cost to be paid by the individual taxpayer. Just last year, the federal cost of pre-trial detention alone was \$1.4 billion, according to the Department of Justice.” [Ashley Belleau – Federal Bar

Association, [5/11](#)]

Lame-Duck Confirmations During G.W. Bush Presidency Include High-Level Appointees

2006 Lame-Duck Session

Democrats Took Control Of House And Senate In 2006 Elections. According to CNN, “Democrats took control of both the House of Representatives and the Senate for the first time in a dozen years in the 2006 midterm elections, and President Bush and top Democrats quickly promised to get along despite a rancorous campaign.” [CNN, accessed [11/18/14](#)]

After 2006 Elections, Senate Confirmed 64 Bush Administration Appointees To Various Policy Level Jobs In The Lame-Duck Session. According to the Library of Congress, 64 Bush administration appointees were confirmed for various policy level positions between the 2006 midterm elections and the end of the congressional session. [Library of Congress, accessed [11/14/14](#)]

Confirmations Included 1 Cabinet Level Position, 3 Under Secretary-Level Positions, 5 Assistant Secretary-Level Positions, 1 Administrator-Level Position, And 2 Commissioner-Level Positions. According to the Library of Congress, The 64 confirmations included 1 cabinet level position, 3 under secretary-level positions, 5 assistant secretary-level positions, 1 administrator-level position, and 2 commissioner-level positions. [Library of Congress, accessed [11/14/14](#)]

Of Those 64 Nominations, Only 3 (Or Less Than 5%) Required Roll Call Votes. According to the Library of Congress, only 3 nominees required a roll call vote to get confirmed. They were: Bob Gates for Defense Secretary, Andrew von Eschenbach for Commissioner of Food and Drugs, and Kent Jordan for US Circuit Judge for the Third Circuit. [Library of Congress, accessed [11/19/14](#)]

Of These 64 Nominees, Only 2 (Or 3%) Required A Cloture Vote. According to the Library of Congress, only 2 nominees required a cloture vote. They were: Andrew von Eschenbach for Commissioner of Food and Drugs and Kent Jordan to be a US Circuit Judge for the Third Circuit. [Library of Congress, accessed [11/19/14](#)]

Robert Gates Confirmed As Secretary Of Defense In Lame-Duck Session. According to the Library of Congress, Robert Gates was confirmed as Secretary of Defense on December 6, 2006. [Library of Congress, accessed [11/7/14](#)]

Mark Keenum Confirmed As Under Secretary Of Agriculture For Farm And Foreign Agricultural Services In Lame-Duck Session. According to the Library of Congress, Mark E. Keenum was confirmed as Under Secretary of Agriculture for Farm and Foreign Agricultural Services on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Paul Schneider Confirmed As Under Secretary At DHS In Lame-Duck Session. According to the Library of Congress, Paul Schneider was confirmed as Under Secretary of Management at the Department of Homeland Security on December 6, 2006. [Library of Congress, accessed [11/7/14](#)]

Sara Tucker Confirmed As Under Secretary Of Education In Lame-Duck Session. According to the Library of Congress, Sara A. Tucker was confirmed as Under Secretary of Education on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Anthony Ryan Confirmed As Assistant Secretary Of The Treasury In Lame-Duck Session. According to the Library of Congress, Anthony Ryan was confirmed as Assistant Secretary of the Treasury on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Eric Solomon Confirmed As Assistant Secretary Of The Treasury In Lame-Duck Session. According to the Library of Congress, Eric Solomom was confirmed as Assistant Secretary of the Treasury on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

John Kneuer Confirmed As Assistant Secretary Of Commerce For Communications And Information In Lam Duck Session. According to the Library of Congress, John M. R. Kneuer was confirmed as Assistant Secretary of Commerce for Communications and Information on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Michele Davis Confirmed As Assistant Secretary Of The Treasury In Lam Duck Session. According to the Library of Congress, Michele A. Davis was confirmed as Assistant Secretary of the Treasury on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Phillip Swagel Confirmed As Assistant Secretary Of The Treasury In Lam Duck Session. According to the Library of Congress, Phillip L. Swagel was confirmed as Assistant Secretary of the Treasury on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Andrew Von Eschenbach Confirmed As Commissioner Of The Food And Drug Administration In Lam Duck Session. According to the Library of Congress, Andrew von Eschenbach was confirmed as Commissioner of the Food and Drug Administration on December 7, 2006. [Library of Congress, accessed [11/7/14](#)]

Molly O'Neill Confirmed As Assistant Administrator Of The Environmental Protection Agency In Lam Duck Session. According to the Library of Congress, Molly A. O'Neill was confirmed as Assistant Administrator of the Environmental Protection Agency on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Jovita Carranza Confirmed As Deputy Administrator Of The Small Business Administration In Lam Duck Session. According to the Library of Congress, Jovita Carranza was confirmed as Deputy Administrator of the Small Business Administration on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Kevin Martin Reconfirmed As A Member Of The Federal Communications Commission In Lam Duck Session. According to the Library of Congress, Kevin J. Martin's reappointment to the Federal Communications Commission was confirmed on November 16, 2006. [Library of Congress, accessed [11/7/14](#)]

Rachel Paulose Confirmed As United States Attorney For The District Of Minnesota In Lam Duck Session. According to the Library of Congress, Rachel K. Paulose was confirmed as United States Attorney for the District of Minnesota on December 9, 2006. [Library of Congress, accessed [11/7/14](#)]

Kent Jordan Confirmed As United States Circuit Judge For The Third Circuit In Lam Duck Session. According to the Library of Congress, Kent A. Jordan was confirmed as United States Circuit Judge for the Third Circuit on December 8, 2006. [Library of Congress, accessed [11/7/14](#)]

Ronald Spogli Confirmed As Ambassador To San Marino In Lam Duck Session. According to the Library of Congress, Ronald Spogli was confirmed as Ambassador to San Marino on November 16, 2006. [Library of Congress, accessed [11/7/14](#)]

Craig Roberts Stapleton Confirmed As Ambassador To Monaco In Lam Duck Session. According to the Library of Congress, Craig Roberts Stapleton was confirmed as Ambassador to Monaco on November 16, 2006. [Library of Congress, accessed [11/7/14](#)]

2004 Lam Duck Session

Republicans Increased Seats In The House And Senate In 2004 Elections. According to CNN, Republicans increased their control in the House and Senate. [CNN, accessed [11/18/14](#)]

After 2004 Elections, Senate Confirmed 173 Bush Administration Appointees To Various Policy Level Jobs In Lam Duck Session. According to the Library of Congress, 173 Bush administration appointees were

confirmed for various policy level positions between the 2004 midterm elections and the end of the congressional session. [Library of Congress, accessed [11/21/14](#)]

Confirmations Included 3 Under Secretary-Level Positions, 15 Assistant Secretary-Level Positions, 1 Administrator-Level Position, And 10 Commissioner-Level Positions. According to the Library of Congress, The 173 confirmations included 3 under secretary-level positions, 15 assistant secretary-level positions, 1 administrator-level position, and 10 commissioner-level positions. [Library of Congress, accessed [11/21/14](#)]

Of Those 173 Nominations, Only 1 Required A Roll Call Vote. According to the Library of Congress, of the 173 positions that were confirmed during the lame-duck session, only the nomination of Francis Harvey for Secretary of the Army received a roll call vote. [Library of Congress, accessed [11/21/14](#)]

None of The 173 Nominees Required A Cloture Vote. According to the Library of Congress, of the 173 positions that were confirmed during the lame-duck session, not a single one required the invoking of cloture. [Library of Congress, accessed [11/21/14](#)]

Francis Harvey Was Confirmed As Secretary Of The Army In Lame-Duck Session. According to the Library of Congress, Francis J. Harvey was confirmed as Secretary of the Army on November 16, 2004. [Library of Congress, accessed [11/12/14](#)]

John Shaw Confirmed As Assistant Secretary Of Energy In Lame-Duck Session. According to the Library of Congress, John Shaw was confirmed as Assistant Secretary of Energy (Environment, Safety, and Health) on December 8, 2004. [Library of Congress, accessed [11/7/14](#)]

Karen Harbert Confirmed As Assistant Secretary Of Energy In Lame-Duck Session. According to the Library of Congress, Karen Harbert was confirmed as Assistant Secretary of Energy (International Affairs and Domestic Policy) on December 8, 2004. [Library of Congress, accessed [11/7/14](#)]

Veronica Stidvent Confirmed As Assistant Secretary Of Labor In Lame-Duck Session. According to the Library of Congress, Veronica Stidvent was confirmed as Assistant Secretary of Labor on December 8, 2004. [Library of Congress, accessed [11/7/14](#)]

Michael Harrison Confirmed As Assistant Secretary Of Agriculture In Lame-Duck Session. According to the Library of Congress, Michael Harrison was confirmed as Assistant Secretary of Agriculture on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Jonathan Adelstein Confirmed As Member Of The Federal Communications Commission In Lame-Duck Session. According to the Library of Congress, Jonathan Adelstein was confirmed as a Member of the Federal Communications Commission on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Deborah Majoras Confirmed As Federal Trade Commissioner In Lame-Duck Session. According to the Library of Congress, Deborah Majoras was confirmed as Federal Trade Commissioner on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Jon Leibowitz Confirmed As Federal Trade Commissioner In Lame-Duck Session. According to the Library of Congress, Jon Leibowitz was confirmed as Federal Trade Commissioner on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Catherine Todd Bailey Confirmed As Ambassador To Latvia In Lame-Duck Session. According to the Library of Congress, Catherine Todd Bailey was confirmed as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Richard Roper III Confirmed As United States Attorney For The Northern District Of Texas In Lame-Duck Session. According to the Library of Congress, Richard Roper III was confirmed as United States Attorney for the Northern District of Texas on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Lisa Wood Confirmed As United States Attorney For The Southern District Of Georgia In Lame-Duck Session. According to the Library of Congress, Lisa Wood was confirmed as United States Attorney for the Southern District of Georgia on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Christopher Boyko Confirmed As United States District Judge For The Northern District Of Ohio In Lame-Duck Session. According to the Library of Congress, Christopher Boyko was as United States District Judge for the Northern District of Ohio on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Keith Starrett Confirmed As United States District Judge For The Southern District Of Mississippi In Lame-Duck Session. According to the Library of Congress, Keith Starrett was confirmed as United States District Judge for the Southern District of Mississippi on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Robert Pittman Confirmed As Assistant Secretary Of Veterans Affairs In Lame-Duck Session. According to the Library of Congress, Robert Pittman was confirmed as Assistant Secretary of Veterans Affairs (Human Resources and Administration) on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Albert Frink Jr. Confirmed As Assistant Secretary Of Commerce In Lame-Duck Session. According to the Library of Congress, Albert Frink Jr. was confirmed as Assistant Secretary of Commerce on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Micaela Alvarez Confirmed As United States District Judge For The Southern District Of Texas In Lame-Duck Session. According to the Library of Congress, Micaela Alvarez was confirmed as United States District Judge for the Southern District of Texas on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Aldona Vos Confirmed As Ambassador To Estonia In Lame-Duck Session. According to the Library of Congress, Aldona Vos was confirmed as Ambassador to the Republic of Estonia on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Charles Untermeyer Confirmed As Ambassador To Qatar In Lame-Duck Session. According to the Library of Congress, Charles Untermeyer was confirmed as Ambassador to the State of Qatar on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

David Nahmias Confirmed As United States Attorney For The Northern District Of Georgia In Lame-Duck Session. According to the Library of Congress, David Nahmias was confirmed as United States Attorney for the Northern District of Georgia on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Robert Balfe III Confirmed As United States Attorney For The Western District Of Arkansas In Lame-Duck Session. According to the Library of Congress, Robert Balfe III was confirmed as United States Attorney for the Western District of Arkansas on November 21, 2004. [Library of Congress, accessed [11/7/14](#)]

Edward McPherson Confirmed As Under Secretary of Education In Lame-Duck Session. According to the Library of Congress, Edward R. McPherson was confirmed as Under Secretary of Education on November 21, 2004. [Library of Congress, accessed [11/12/04](#)]

Eugene Hickok Confirmed As Deputy Secretary of Education In Lame-Duck Session. According to the Library of Congress, Eugene Hickok was confirmed as Deputy Secretary of Education on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

James Kunder Confirmed As Assistant Administrator of the United States Agency for International Development In Lam-duck Session. According to the Library of Congress, James R. Kunder was confirmed as Assistant Administrator of the United States Agency for International Development on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Timothy Bitsberger Confirmed As Assistant Secretary of the Treasury In Lam-duck Session. According to the Library of Congress, Timothy S. Bitsberger was confirmed as Assistant Secretary of the Treasury on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Brett Palmer Confirmed As Assistant Secretary of Commerce In Lam-duck Session. According to the Library of Congress, Brett T. Palmer was confirmed as Assistant Secretary of Commerce on November 11, 2004. [Library of Congress, accessed [11/12/14](#)]

John Rood Was Confirmed As Ambassador To The Bahamas In Lam-duck Session. According to the Library of Congress, John D. Wood was confirmed as Ambassador to The Bahamas on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Benjamin Wu Was Confirmed As Assistant Secretary of Commerce for Technology Policy In Lam-duck Session. According to the Library of Congress, Benjamin H. Wu was confirmed as Assistant Secretary of Commerce for Technology Policy on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Jonathan Dudas Was Confirmed As Under Secretary Of Commerce For Intellectual Property And Director Of The United States Patent And Trademark Office In Lam-duck Session. According to the Library of Congress, Jonathan W. Dudas was confirmed as Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Romolo Bernardi Confirmed As Deputy Secretary of Housing and Urban Development In Lam-duck Session. According to the Library of Congress, Romolo A. Bernardi was confirmed as Deputy Secretary of Housing and Urban Development on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Benjamin Grumbles Confirmed As Assistant Administrator of the Environmental Protection Agency In Lam-duck Session. According to the Library of Congress, Benjamin Grumbles was confirmed as Assistant Administrator of the Environmental Protection Agency on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Ann Klee Confirmed As Assistant Administrator of the Environmental Protection Agency In Lam-duck Session. According to the Library of Congress, Ann R. Klee was confirmed as Assistant Administrator of the Environmental Protection Agency on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Edward McPherson Confirmed As Under Secretary of Education In Lam-duck Session. According to the Library of Congress, Edward R. McPherson was confirmed as Under Secretary of Education on November 21, 2004. [Library of Congress, accessed [11/21/14](#)]

Theodore Kassinger Confirmed As Deputy Secretary of Commerce In Lam-duck Session. According to the Library of Congress, Theodore W. Kassinger was confirmed as Deputy Secretary of Commerce on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Dennis Shea Confirmed As Assistant Secretary of Housing and Urban Development In Lam-duck Session. According to the Library of Congress, Dennis C. Shea was confirmed as Assistant Secretary of Housing and Urban Development on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Cathy MacFarlane Confirmed As Assistant Secretary of Housing and Urban Development In Lame-Duck Session. According to the Library of Congress, Cathy M. MacFarlane was confirmed as Assistant Secretary of Housing and Urban Development on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Raymond Finch Confirmed As Judge for the District Court of the Virgin Islands In Lame-Duck Session. According to the Library of Congress, Raymond Finch was confirmed as Judge for the District Court of the Virgin Islands on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Pamela Iovino Confirmed As Assistant Secretary of Veterans Affairs In Lame-Duck Session. According to the Library of Congress, Pamela M. Iovino was confirmed as Assistant Secretary of Veterans Affairs on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Stephen Johnson Confirmed As Deputy Administrator of the Environmental Protection Agency In Lame-Duck Session. According to the Library of Congress, Stephen L. Johnson was confirmed as Deputy Administrator of the Environmental Protection Agency on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Lisa Kruska Confirmed As Assistant Secretary of Labor In Lame-Duck Session. According to the Library of Congress, Lisa Kruska was confirmed as Assistant Secretary of Labor on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Curtis Gomez Confirmed As Judge for the District Court of the Virgin Islands In Lame-Duck Session. According to the Library of Congress, Curtis V. Gomez was confirmed as Judge for the District Court of the Virgin Islands on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

J. Russell George Confirmed As Inspector General for Tax Administration At The Department of the Treasury In Lame-Duck Session. According to Library of Congress, J. Russell George was confirmed as Inspector General for Tax Administration at the Department of the Treasury on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Michael Gallagher Confirmed As Assistant Secretary of Commerce for Communications and Information In Lame-Duck Session. According to the Library of Congress, Michael D. Gallagher was confirmed as Assistant Secretary of Commerce for Communications and Information on November 21, 2004. [Library of Congress, accessed [11/12/14](#)]

Gregory Jackson Confirmed As Associate Judge of the Superior Court of the District of Columbia In Lame-Duck Session. According to the Library of Congress, Gregory E. Jackson was confirmed as Associate Judge of the Superior Court of the District of Columbia on November 21, 2004. [Library of Congress, accessed [11/12/04](#)]

2002 Lame-Duck Session

Republicans Continued Control Of House, Increased Control of Senate In 2002 Elections. According to CNN, Republicans maintained their 18 seat lead in the House and increased their control of the Senate by two seats. [CNN, accessed [11/18/14](#)]

After 2002 Elections, Senate Confirmed 125 Bush Administration Appointees To Various Policy Level Jobs In Lame-Duck Session. According to the Library of Congress, 125 Bush administration appointees were confirmed for various policy level positions between the 2002 midterm elections and the end of the congressional session. [Library of Congress, accessed [11/21/14](#)]

Confirmations Included 1 Under Secretary-Level Positions, 2 Assistant Secretary-Level Positions, And 6 Commissioner-Level Positions. According to the Library of Congress, The 125 confirmations included 1 under secretary-level positions, 2 assistant secretary-level positions, and 6 commissioner-level positions. [Library of Congress, accessed [11/21/14](#)]

Of Those 125 Nominations, Only 1 Required A Roll Call Vote. According to the Library of Congress, of the 173 positions that were confirmed during the lame-duck session, only the nomination of Dennis W. Shedd for United States Circuit Judge for the Fourth Circuit required a roll call vote. [Library of Congress, accessed [11/21/14](#)]

None of The 125 Nominees Required A Cloture Vote. According to the Library of Congress, of the 125 positions that were confirmed during the lame-duck session, not a single one required the invoking of cloture. [Library of Congress, accessed [11/21/14](#)]

William Campbell Confirmed As Assistant Secretary Of Veterans Affairs In Lame-Duck Session. According to the Library of Congress, William Campbell was confirmed as Assistant Secretary of Veterans Affairs (Management) on November 19, 2002. [Library of Congress, accessed [11/7/14](#)]

Dennis Shedd Confirmed As United States Circuit Judge For The Fourth Circuit In Lame-Duck Session. According to the Library of Congress, Dennis Shedd was confirmed as United States Circuit Judge for the Fourth Circuit on November 19, 2002. [Library of Congress, accessed [11/7/14](#)]

James Loy Confirmed As Under Secretary Of Transportation For Security In Lame-Duck Session. According to the Library of Congress, James Loy was confirmed as Under Secretary of Transportation for Security on November 18, 2002. [Library of Congress, accessed [11/7/14](#)]

Mary Carlin Yates Confirmed As Ambassador To Ghana In Lame-Duck Session. According to the Library of Congress, Mary Carlin Yates was confirmed as Ambassador to Ghana on November 15, 2002. [Library of Congress, accessed [11/7/14](#)]

Kevin O'Connor Confirmed As United States Attorney For The District Of Connecticut In Lame-Duck Session. According to the Library of Congress, Kevin O'Connor was confirmed as United States Attorney for the District of Connecticut on November 15, 2002. [Library of Congress, accessed [11/7/14](#)]

Michael McConnell Confirmed As United States Circuit Judge For The Tenth Circuit In Lame-Duck Session. According to the Library of Congress, Michael McConnell was confirmed as United States Circuit Judge for the Tenth Circuit on November 15, 2002. [Library of Congress, accessed [11/7/14](#)]

Maura Ann Harty Confirmed As Assistant Secretary Of State In Lame-Duck Session. According to the Library of Congress, Maura Ann Harty was confirmed as Assistant Secretary of State (Consular Affairs) on November 14, 2002. [Library of Congress, accessed [11/7/14](#)]

David Greenlee Confirmed As Ambassador To Bolivia In Lame-Duck Session. According to the Library of Congress, David Greenlee was confirmed Ambassador to the Republic of Bolivia on November 14, 2002. [Library of Congress, accessed [11/7/14](#)]

Kim Holmes Confirmed As Assistant Secretary Of State In Lame-Duck Session. According to the Library of Congress, Kim Holmes was as Assistant Secretary of State (International Organizations) on November 14, 2002. [Library of Congress, accessed [11/7/14](#)]

John Keane Confirmed As Ambassador To Paraguay In Lame-Duck Session. According to the Library of Congress, John Keane was confirmed Ambassador to the Republic of Paraguay on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Freda Wolfson Confirmed As United States District Judge For The District Of New Jersey In Lame-Duck Session. According to the Library of Congress, Freda Wolfson was confirmed as United States District Judge for the District of New Jersey on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Jose Linares Confirmed As United States District Judge For The District Of New Jersey In Lame-Duck Session. According to the Library of Congress, Jose Linares was confirmed as United States District Judge for the District of New Jersey on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Robert Kugler Confirmed As United States District Judge For The District Of New Jersey In Lame-Duck Session. According to the Library of Congress, Robert Kugler was confirmed as United States District Judge for the District of New Jersey on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Rosemary Collyer Confirmed As United States District Judge For The District Of Columbia In Lame-Duck Session. According to the Library of Congress, Rosemary Collyer was confirmed as United States District Judge for the District of Columbia on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Mark Fuller Confirmed As United States District Judge For The Middle District Of Alabama In Lame-Duck Session. According to the Library of Congress, Mark Fuller was confirmed as United States District Judge for the Middle District of Alabama on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Wayne Abernathy Confirmed As Assistant Secretary Of The Treasury In Lame-Duck Session. According to the Library of Congress, Wayne Abernathy was confirmed as Assistant Secretary of the Treasury on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Kent Jordan Confirmed As United States District Judge For The District Of Delaware In Lame-Duck Session. According to the Library of Congress, Kent Jordan was confirmed as United States District Judge for the District of Delaware on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Jeffrey White Confirmed As United States District Judge For The Northern District Of California In Lame-Duck Session. According to the Library of Congress, Jeffrey White was confirmed as United States District Judge for the Northern District of California on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

William Smith Confirmed As United States District Judge For The District Of Rhode Island In Lame-Duck Session. According to the Library of Congress, William Smith was confirmed as United States District Judge for the District of Rhode Island on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

James Kinkeade Confirmed As United States District Judge For The Northern District Of Texas In Lame-Duck Session. According to the Library of Congress, James Kinkeade was confirmed as United States District Judge for the Northern District of Texas on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Robert Klausner Confirmed As United States District Judge For The Central District Of California In Lame-Duck Session. According to the Library of Congress, Robert Klausner was confirmed as United States District Judge for the Central District of California on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Alia Ludlum Confirmed As United States District Judge For The Western District Of Texas In Lame-Duck Session. According to the Library of Congress, Alia Ludlum was confirmed as United States District Judge for the Western District of Texas on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Linda Reade Confirmed As United States District Judge For The Northern District Of Iowa In Lame-Duck Session. According to the Library of Congress, Linda Reade was confirmed as United States District Judge for the Northern District of Iowa on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Thomas Phillips Confirmed As United States District Judge For The Eastern District Of Tennessee In Lame-Duck Session. According to the Library of Congress, Thomas Phillips was confirmed as United States District Judge for the Eastern District of Tennessee on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Daniel Hovland Confirmed As United States District Judge For The District Of North Dakota In Lame-Duck Session. According to the Library of Congress, Daniel Hovland was confirmed as United States District Judge for the District of North Dakota on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

John Hamilton Confirmed As Ambassador To Guatemala In Lame-Duck Session. According to the Library of Congress, John Hamilton was confirmed Ambassador to the Republic of Guatemala on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Kyle McSarrow Confirmed As Deputy Secretary Of Energy In Lame-Duck Session. According to the Library of Congress, Kyle McSarrow was confirmed as Deputy Secretary of Energy on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Ronald Leighton Confirmed As United States District Judge For The Western District Of Washington In Lame-Duck Session. According to the Library of Congress, Ronald Leighton was confirmed as United States District Judge for the Western District of Washington on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

William Martini Confirmed As United States District Judge For The District Of New Jersey In Lame-Duck Session. According to the Library of Congress, William Martini was confirmed as United States District Judge for the District of New Jersey on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Stanley Chesler Confirmed As United States District Judge For The District Of New Jersey In Lame-Duck Session. According to the Library of Congress, Stanley Chesler was confirmed as United States District Judge for the District of New Jersey on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

John Rogers Confirmed As United States Circuit Judge For The Sixth Circuit In Lame-Duck Session. According to the Library of Congress, John Rogers was confirmed as United States Circuit Judge for the Sixth Circuit on November 14, 2002. [Library of Congress, accessed [11/12/14](#)]

Glenn Suddaby Confirmed As United States Attorney For The Northern District Of New York In Lame-Duck Session. According to the Library of Congress, Glenn Suddaby was confirmed as United States Attorney for the Northern District of New York on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Robin Renee Sanders Confirmed As Ambassador To The Congo In Lame-Duck Session. According to the Library of Congress, Robin Renee Sanders was confirmed as Ambassador to the Republic of Congo on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Grover Rees Confirmed As Ambassador To East Timor In Lame-Duck Session. According to the Library of Congress, Grover Rees was confirmed as Ambassador to the Democratic Republic of East Timor on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Francis Taylor Confirmed As Assistant Secretary Of State In Lam Duck Session. According to the Library of Congress, Francis Taylor was confirmed as Assistant Secretary of State (Diplomatic Security) on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Carol Chien-Hua Lam Confirmed As United States Attorney For The Southern District Of California In Lam Duck Session. According to the Library of Congress, Carol Chien-Hua Lam was confirmed as United States Attorney for the Southern District of California on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Joseph Huggins Confirmed As Ambassador To Botswana In Lam Duck Session. According to the Library of Congress, Joseph Huggins was confirmed as Ambassador Extraordinary And Plenipotentiary of the United States of America to Botswana on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Antonio Garza Jr. Confirmed As Ambassador To Mexico In Lam Duck Session. According to the Library of Congress, Antonio Garza was confirmed as Ambassador to Mexico on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Richard Allan Roth Confirmed As Ambassador To Senegal And Guinea-Bissau In Lam Duck Session. According to the Library of Congress, Richard Allan Roth was confirmed as Ambassador to Senegal and Guinea-Bissau on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Linda Watt Confirmed As Ambassador To Panama In Lam Duck Session. According to the Library of Congress, Linda Watt was confirmed as Ambassador to Panama on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

David Lyon Confirmed As Ambassador To Fiji In Lam Duck Session. According to the Library of Congress, David Lyon was confirmed as Ambassador to Fiji on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Charles Ray Confirmed As Ambassador To Cambodia In Lam Duck Session. According to the Library of Congress, Charles Ray was confirmed as Ambassador to Cambodia on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Gene Christy Confirmed As Ambassador To Brunei Darussalam In Lam Duck Session. According to the Library of Congress, Gene Christy was confirmed as Ambassador to Brunei Darussalam on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

John Dawson Confirmed As Ambassador To Peru In Lam Duck Session. According to the Library of Congress, Gene Christy was confirmed as Ambassador to Peru on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Carolyn Peoples Confirmed As Assistant Secretary Of Housing And Urban Development In Lam Duck Session. According to the Library of Congress, Carolyn Peoples was confirmed as Assistant Secretary of Housing and Urban Development on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Alberto Faustino Trevino Confirmed As Assistant Secretary Of Housing And Urban Development In Lam Duck Session. According to the Library of Congress, Alberto Faustino Trevino was confirmed as Assistant Secretary of Housing and Urban Development on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

Charles Abell Confirmed As Deputy Under Secretary Of Defense In Lam Duck Session. According to the Library of Congress, Charles Abell was confirmed as Deputy Under Secretary of Defense for Personnel and Readiness, a new position, on November 12, 2002. [Library of Congress, accessed [11/12/14](#)]

GOP Presidents Called For Congress To Work During The Lame Duck

PRESIDENT GEORGE W. BUSH

2008

George W. Bush: “Next Month, The Senate Will Hold A ‘Lame Duck’ Session...One Item That Should Be At The Top Of Their Agenda Is A Long List Of Qualified Judicial Nominees Still Waiting For Senate Action.” According to the prepared remarks of President George W. Bush, “Next month, the Senate will hold a ‘lame duck’ session to finish their legislative business for the year. One item that should be at the top of their agenda is a long list of qualified judicial nominees still waiting for Senate action.” [President George W. Bush Remarks - White House Press Release, 10/6/08]

Bush On “Lame Duck” Session: “If Democrats Truly Seek A More Productive And Cooperative Relationship In Washington, Then They Have A Perfect Opportunity To Prove It - By Giving These Nominees The Up- Or-Down Vote They Deserve.” According to the prepared remarks of President George W. Bush, “Next month, the Senate will hold a ‘lame duck’ session to finish their legislative business for the year. One item that should be at the top of their agenda is a long list of qualified judicial nominees still waiting for Senate action. If Democrats truly seek a more productive and cooperative relationship in Washington, then they have a perfect opportunity to prove it - by giving these nominees the up- or-down vote they deserve.” [President George W. Bush Remarks - White House Press Release, 10/6/08]

Bush On Senate Confirming Judicial Nominees During “Lame Duck” Session: “Our Democracy Requires Us To Come Together And To Get Things Done For The Citizens Of This Great Republic.” According to the prepared remarks of President George W. Bush, “According to the prepared remarks of President George W. Bush, “Next month, the Senate will hold a ‘lame duck’ session to finish their legislative business for the year. One item that should be at the top of their agenda is a long list of qualified judicial nominees still waiting for Senate action. [...] Our democracy requires us to come together and to get things done for the citizens of this great republic. I am confident we can do that. And I am grateful that there are dedicated people like you who are working so hard to help us put good judges on the courts and to help invest the American people in the process.” [President George W. Bush Remarks - White House Press Release, 10/6/08]

Bush: “The American People Expect The Nomination Process To Be As Free Of Partisanship As Possible And For Senators To Rise Above Tricks And Gimmicks Designed To Thwart Nominees.” According to the prepared remarks of President George W. Bush, “The American people expect the [judicial] nomination process to be as free of partisanship as possible and for Senators to rise above tricks and gimmicks designed to thwart nominees.” [President George W. Bush Remarks - White House Press Release, 10/6/08]

2006

White House Press Secretary Tony Snow On White House Meeting: “It Was Primarily Focused On The Lame-Duck Session” Including The Confirmations Of “John Bolton And Also, If Possible, Bob Gates.” According to The New York Times, “The White House said today that it would seek Senate confirmation of Defense Secretary Donald H. Rumsfeld’s successor in the lame duck Congress that is about to reconvene, and that it would seek confirmation of United Nations Ambassador John R. Bolton as well. [...] ‘The readout I got from the meeting is, it was primarily focused on the lame-duck session,’ Mr. [Tony] Snow said at a White House briefing. He ticked off a list of pending issues, which he said included ‘the nominations of John Bolton and also, if possible, Bob Gates.’” [New York Times, [11/9/06](#)]

2004

White House Press Secretary Scott McClellan: “The Senate Has A Constitutional Obligation To Vote Up Or Down On A President's Judicial Nominees.” According to CNN, “‘The Senate has a constitutional obligation to vote up or down on a president's judicial nominees,’ [White House Press Secretary Scott] McClellan said. ‘The president looks forward to working with the new Senate to ensure a well-functioning and independent judiciary.’” [CNN.com, [12/24/04](#)]

2002

White House Spokesman Scott McClellan On Lame-Duck Senate Voting On Two Of President Bush's Nominees: “As The President Said, All Judicial Nominees, Now And In The Future, Deserve Consideration By The Full Senate.” According to a transcript of a White House Press Briefing by Scott McClellan, “A little more than a week ago the American people went to the ballot box and said they wanted their elected leaders to work together, Democrats and Republicans alike, to get things done. The President called on Congress to work in a bipartisan way to act on important priorities for the American people. [...] Also today, the Senate Judiciary Committee moved forward two of the President's circuit court nominees: Michael McConnell and Dennis Shedd are both extraordinarily well qualified nominees who have been pending since May of last year. And we are very pleased that they have been voted out of committee and are now headed for a floor vote to be confirmed by the Senate. And as the President said, all judicial nominees, now and in the future, deserve consideration by the full Senate. The voice of the entire Senate deserves to be heard.” [White House Press Briefing Transcript via WhiteHouse.archives.gov, [11/14/02](#)]

White House Press Secretary Ari Fleischer: “The President Still Thinks It Would Be Very Constructive For The Congress In This Lame Duck Session To Create Jobs.” According to a transcript of a White House Press Briefing, “MR. FLEISCHER: The President still thinks it would be very constructive for the Congress in this lame duck session to create jobs. There is legislation pending in the Congress, particularly to help blue collar construction workers, that creates an estimated 300,000 jobs as a result of passage of terrorism insurance legislation.” [White House Press Briefing, via Presidency.ucsb.edu, [11/6/02](#)]

Fleischer On Lame Duck: “It's Important For Congress To Fund The Priorities The President Has Established, Such As The Increases For Education, The Increases For Domestic Homeland Security, For Bioterrorism, And The Other Items In The President's Budget.” According to a transcript of a White House Press Briefing, “MR. FLEISCHER: Well, two down, 11 to go. And we'll see. I think that nobody knows, given the fact that Congress has now decided that these decisions won't get made until a lame-duck session of the Congress takes place. Nobody knows what the ultimate outcome will be. There are many different factors that influence how productive lame-duck sessions are. And we'll have to wait and see what happens when they come back. The President's position will remain unchanged, and that is, that it's important for Congress to fund the priorities the President has established, such as the increases for education, the increases for domestic homeland security, for bioterrorism, and the other items in the President's budget. He's gratified that they passed a defense appropriations bill. And then Congress has to adhere to the spending ceilings that have been set in the level of the House budget resolution.” [White House Press Briefing, via Presidency.ucsb.edu, [10/23/02](#)]

Scott McClellan: “The President Called On Congress To Work In A Bipartisan Way To Act On Important Priorities...We Are Encouraged By The Tremendous Progress Congress Is Making During This Lame Duck Session.” According to a transcript of a White House Press Briefing by Scott McClellan, “A little more than a week ago the American people went to the ballot box and said they wanted their elected leaders to work together, Democrats and Republicans alike, to get things done. The President called on Congress to work in a bipartisan way to act on important priorities for the American people. We are encouraged by the tremendous progress Congress is making during this lame duck session, in a very short amount of time, particularly on the top priority of creating a department of homeland security so that we can continue doing a better job of protecting the American people.” [White House Press Briefing Transcript via WhiteHouse.archives.gov, [11/14/02](#)]

PRESIDENT RONALD REAGAN

1982

Ronald Reagan: “Our Administration Will Also Push In The Lame-Duck Session For Passage Of Our Enterprise Zones Initiative.” According to a transcript of remarks by President Ronald Reagan, “Our administration will also push in the lame-duck session for passage of our enterprise zones initiative. This bill can revive the most impoverished areas of America, provide new incentives to develop business and create jobs. In a time of high unemployment, there is no excuse for further delay on enterprise zones. We must not slam shut the doors of opportunity on those who look to us for help.” [Reagan Remarks via Presidency.ucsb.edu, [11/19/82](#)]

Reagan Passing A Highway And Bridge Repair Program During The Lame-Duck Session: “It's My Hope That This Package Can Be High On The Agenda When The Congress Returns To Washington Next Week.” According to a transcript of remarks by President Ronald Reagan, “We've just completed a meeting of the Cabinet, and I wanted to tell you that, after weighing all the considerations, I have decided that we should move forward now with a program to repair the Nation's major highways and bridges. [...] It's my hope that this package can be high on the agenda when the Congress returns to Washington next week.” [Reagan Remarks via Presidency.ucsb.edu, [11/23/82](#)]

Reagan On His Legislative Priority For The Congressional Lame-Duck Session: “We Need To Pass The Clean Air Bill.” According to The New York Times, “Just one sentence about clean air legislation at the end of President Reagan's recent televised speech on the economy was enough to throw a sizable number of environmentalists, business lobbyists and Congressmen into something of a tizzy. The sentence described the last of five ‘top economic priorities’ that Mr. Reagan said must be addressed by Congress when it returns for its lame duck session. He said, ‘We need to pass the clean air bill which, while protecting the environment, will make it possible for industry to rebuild its productive base and create more jobs.’” [New York Times, [10/23/82](#)]

Reagan On Crop Swap Plan: “In The Lame-Duck Congress, The House Passed The Plan. The Senate Also Favored It, But It Didn't Come To A Vote Even Though Only About 1 Percent Of The Senate Opposed It.” According to a transcript of remarks by President Ronald Reagan, “Now, I know the Farm Bureau already supports our crop swap plan. In the lame-duck Congress, the House passed the plan. The Senate also favored it, but it didn't come to a vote even though only about 1 percent of the Senate opposed it. Well, farm families need the benefits this program can offer.” [Reagan Remarks via Presidency.ucsb.edu, [1/11/83](#)]

Reagan: Rep. Dan Rostenkowski “Turned His Skills Toward Passage Of The CBI [Caribbean Basin Initiative] In This Short, Lameduck Session And Was Able To Produce An Overwhelming Vote Of 260 To 142 In The House Of Representatives.” According to a transcript of remarks by President Ronald Reagan, “I want to report to you today on the status of our Caribbean Basin Initiative. This initiative is part of America's contribution to a collective partnership for peace, prosperity, and democracy in the Caribbean and Central America. [...] But what I want you to know is that the Caribbean Basin Initiative will not die. The tremendous efforts that the leaders of your countries have put into this bill will not be in vain. It was your leaders who were most responsible for capturing the attention of one of this country's most able legislators, Dan Rostenkowski. He turned his skills toward passage of the CBI in this short, lameduck session and was able to produce an overwhelming vote of 260 to 142 in the House of Representatives. Working together, I'm sure that we can count on his leadership again when the session resumes next -- or the new Congress comes in next year.” [Reagan Remarks via Reagan.UTexas.edu, [12/22/82](#)]

Reagan: The Nuclear Waste Policy Act Of 1982 “Made It Over Whatever Final Hurdles There Were During The Last Frantic Hours Before Adjournment...That's A Tribute To The Dedication Of Leaders Like Senators McClure And Stafford.” According to a transcript of remarks by President Ronald Reagan, “You must know that something good has happened when you see all these members of the Congress and of the administration and we're all smiling at the same time. [...]The 97th Congress received its share of criticism for some

things that happened during the lame-duck session. But today we're signing a vital piece of legislation [Nuclear Waste Policy Act of 1982] that made it over whatever final hurdles there were during the last frantic hours before adjournment. That's a tribute to the dedication of leaders like Senators McClure and Stafford and Simpson and Johnston, Representatives Broyhill, Dingell, and Udall. They and many of their colleagues provided the bipartisan muscle needed to push the bill through the legislative maze—as it always appears to me to be.” [Reagan Remarks via Presidency.ucsb.edu, [1/7/83](#)]

President-Elect Reagan On Lame Duck: “I Think That There Are Proposals...That Were Already In Discussion Or In Legislative Form. And I'm Quite Sure That As The Congress Reconvenes That They'll Go Forward With Those, And I'll Be Delighted To See Them Do It.” According to a transcript of remarks by session of Congress, or such a cut in Federal spending? A. I think that some of our own Congressmen - and now that we have a majority in one House, in the Senate, I think that there are proposals that I was talking about and many times referred to that were already in discussion or in legislative form. And I'm quite sure that as the Congress reconvenes that they'll go forward with those, and I'll be delighted to see them do it.” [Press Conference, via Presidency.ucsb.edu, [11/6/80](#)]

GOP Senators Previously Said That Nominees Deserve An Up-Or-Down Vote

LEADERSHIP

Sen. Mitch McConnell (R-KY)

Sen. Mitch McConnell: “Let's Get Back To The Way The Senate Operated For Over 200 Years, Up Or Down Votes On The President's Nominee, No Matter Who The President Is, No Matter Who's In Control Of The Senate.” According to a transcript of an interview with Sen. Mitch McConnell for CBS News’s Face the Nation, “Well, the judge that--as Senator Durbin was talking about a while ago, I did vote to invoke cloture on that particular nominee. Those nominees are on the court. We handled them exactly the way they should have been handled. That's the whole issue here. Let's get back to the way the Senate operated for over 200 years, up or down votes on the president's nominee, no matter who the president is, no matter who's in control of the Senate. That's the way we need to operate. The Senate's got a chance to get back to normal by invoking cloture on Justice Priscilla Owen come Tuesday morning. I'm optimistic that'll happen.” [CBS Face the Nation, [5/22/05](#)]

McConnell: “If The Democrats Want Our Cooperation, They'll Give The President's Judicial Nominees An Up-Or-Down Vote.” According to the Washington Post, “The Senate's next Republican leader issued a veiled threat to block action on legislation if Democrats refuse to allow confirmation votes on President Bush's troubled judicial nominations. [...] If the ‘Democrats want our cooperation, they'll give the president's judicial nominees an up-or-down vote,’ McConnell said.” [Washington Post, [11/17/06](#)]

Sen. Roy Blunt (R-MO)

Sen. Roy Blunt: “I Know A Few Of My Colleagues Have Said The Lame-Duck Congress Shouldn't Do Anything, But I Think There Are A Few Things You Can Do That The Next Congress Won't Do Dramatically Differently.” According to McClatchy DC, “Sen. Roy Blunt of Missouri, the vice chair of the Senate Republican Conference, thinks soon-to-be ex-lawmakers will handle their lame-duck duties just fine. ‘I know a few of my colleagues have said the lame-duck Congress shouldn't do anything, but I think there are a few things you can do that the next Congress won't do dramatically differently,’ Blunt told reporters this week. ‘As long as you have a Republican House, I don't think senators need to be overly worried about what a lame-duck Senate is going to do.’” [McClatchy DC, [11/6/14](#)]

JUDICIARY COMMITTEE

Sen. John Cornyn, Minority Whip (R-TX)

Sen. John Cornyn: “It Is My Hope That With The Election Behind Us, The Senate Could Move Forward In A Bipartisan Manner That Treats All Qualified Judicial Nominees Fairly And Assures Them A Simple, Up-Or-Down Vote.” According to the Deseret Morning News, “If the nominations are not acted on before the first of the year, Bush will have to renominate them in January. ‘It is my hope that with the election behind us, the Senate could move forward in a bipartisan manner that treats all qualified judicial nominees fairly and assures them a simple, up-or-down vote,’ said Sen. John Cornyn, R-Texas, a member of the Senate Judiciary Committee.” [Deseret Morning News, 11/17/06]

Sen. Charles Grassley (R-IA)

Sen. Chuck Grassley: “As Always, The Constitution Sets The Standard. The President Nominates. The Senate Deliberates. And Then, We Are Obligated To Give Our Advice And Consent By An Up-Or-Down Vote On The Nomination.” According to Sen. Chuck Grassley’s opening statement at the hearing for Samuel Alito’s nomination to the Supreme Court, released by his office, “And, I’m hopeful my colleagues will give Judge Alito a civil, fair and dignified process, as well as an up or down vote on the floor. Because, as always, the Constitution sets the standard. The President nominates. The Senate deliberates. And then, we are obligated to give our advice and consent by an up-or-down vote on the nomination.” [Chuck Grassley Press Release, [1/9/06](#)]

Sen. Orrin Hatch (R-UT)

Sen. Orrin Hatch: “No Matter Which Party Controls The White House Or Senate, We Should Return To Our Tradition Of Giving Judicial Nominations Reaching The Senate Floor An Up Or Down Vote.” According to a press release from the office of Sen. Orrin Hatch, “No matter which party controls the White House or Senate, we should return to our tradition of giving judicial nominations reaching the Senate floor an up or down vote. Full, fair, vigorous debate is one of the hallmarks of this body, and it should drive how we evaluate a president's judicial nominations.” [Orrin Hatch Press Release, 5/10/05]

Hatch: “Senators Are Free To Vote Against Nominees They Feel Are Extreme, But They Should Not Be Free To Prevent Other Senators From Expressing A Contrary View.” According to a press release from the office of Sen. Orrin Hatch, “Honoring the Constitution's separation of powers, however, requires that our check on the president's appointment power not highjack that power altogether. This means debate must be a means to an end rather than an end in itself. Senators are free to vote against nominees they feel are extreme, but they should not be free to prevent other Senators from expressing a contrary view.” [Orrin Hatch Press Release, 5/10/05]

Hatch: “Though Republicans Controlled The Senate For Three-Fourths Of President Clinton's Tenure, Each Of His 378 Judicial Nominees Reaching The Senate Floor Received An Up Or Down Vote.” According to an op-ed by Sen. Orrin Hatch for the Deseret Morning News, “The American people also expect fair treatment, which at least means an up or down vote for every judicial nominee reaching the full Senate. Though Republicans controlled the Senate for three-fourths of President Clinton's tenure, each of his 378 judicial nominees reaching the Senate floor received an up or down vote and all but one confirmed. Senators may vote for or against any judicial nominee for any reason, but we must vote.” [Orrin Hatch – Deseret Morning News, 2/10/04]

Hatch: “The Senate Has Confirmed An Average Of 47 Judicial Nominees In Presidential Election Years Since The 1970s.” According to an op-ed by Sen. Orrin Hatch for the Deseret Morning News, “The Senate has confirmed an average of 47 judicial nominees in presidential election years since the 1970s. In three-quarters of those years, confirmations continued into October. As long as President Bush's nominations provide enough time for Senate evaluation, there's no reason this pattern should not continue this year.” [Orrin Hatch – Deseret Morning News, 2/10/04]

Hatch: “The American People Expect Honest Debate And Fair Treatment In The Judicial Confirmation Process.” According to an op-ed by Sen. Orrin Hatch for the Deseret Morning News, “The American people expect honest debate and fair treatment in the judicial confirmation process. Even in an election year, and even in the face of unprecedented obstruction tactics, we have the chance to meet those expectations. Utah Sen. Orrin G. Hatch is chairman of the Senate Judiciary Committee.” [Orrin Hatch – Deseret Morning News, 2/10/04]

Sen. Jeff Sessions (R-AL)

Sen. Jeff Sessions: “I Believe It's Time For This Senate To Make Sure That Judges Get An Up-Or-Down Vote.” According to the transcript of a press conference held by Senate Republicans, “SESSIONS: [...] Two years later, in the last Congress, we had, for the first time in the history of America, a systematic filibuster of federal judge nominees. That was a change. That was a historic explosion that occurred. This Republican majority has worked carefully with them, tried to do everything possible to bridge this gap. This past election in large part hinged, as George Allen said, on a debate over the judiciary and whether or not obstruction was justified. I think the American people sent a clear message and I believe it's time for this Senate to make sure that judges get an up-or-down vote.” [U.S. Senator George Allen (R-Va) And Other Senate Republicans Hold A Media Availability, 3/15/05]

OTHER SENATORS

Sen. John McCain (R-AZ)

Sen. John McCain: “Whomever” President Bush Nominates “Deserves An Up Or Down Vote.” According to the Washington Times, “This point was endorsed by Sen. John McCain of Arizona, a Republican who helped broker a pact with Senate Democrats to move forward on several stalled lower-court judicial nominees. ‘During the campaign, President Bush said he will appoint judges who will strictly interpret the Constitution,’ the senator said in Dallas. ‘Thinking anything else is either amnesia or ignorance.’ ‘Whomever he nominates deserves an up or down vote and no filibuster,’ Mr. McCain said. ‘And an up or down vote is what we will have.’” [Washington Times, 7/13/05]

Sen. Tom Coburn (R-OK)

Sen. Tom Coburn: “If I Wanted To Get An Applause Line, Anywhere...Whether It Was Solid Democrat Territory Or Republican Territory, All I Had To Say Was, ‘I’m Going To Make Sure We Vote On The Judges.’” According to the transcript of a press conference held by Senate Republicans, “COBURN: I'd just say I don't think this is a partisan issue that they think it is. I don't care whether you're a Democrat or Republican, I think the people are sick of the tactics that have been used to withhold judges from a vote. And if I wanted to get an applause line, anywhere I went in Oklahoma, whether it was solid Democrat territory or Republican territory, all I had to say was, ‘I'm going to make sure we vote on the judges.’ And so it's a matter of fairness. It's also a matter of the history of the Senate and doing the right thing. And I, kind of, relish the fact that we're going to do the right thing and I believe that history will prove that we are going to do the right course.” [U.S. Senator George Allen (R-Va) And Other Senate Republicans Hold A Media Availability, 3/15/05]

Sen. Bill Frist (R-TN)

Sen. Bill Frist: “I've Made It Clear What The Principle Is, A Fair Up-Or-Down Vote.” According to CNN, “If Democrats try to block them by refusing to end debate, Frist has said he will move to change Senate rules by a simple majority to prevent filibusters of judicial nominees -- a step dubbed the ‘nuclear option.’ ‘I've made it clear what the principle is, a fair up-or-down vote,’ Frist told reporters Tuesday. ‘And we will have whatever debate is required to really exhaust the discussion on these candidates.’” [CNN, [5/18/05](#)]

Sen. Roger Wicker (R-MS)

Sen. Roger Wicker: “A Lame Duck... Is An Opportunity To Get Things Done By Consensus, Which Is The Way We’ve Historically Done Things In The Senate Anyway.” According to McClatchy DC, “Sen. Roger Wicker, R-Miss., believes ‘there should be an accommodation’ in the lame duck ‘based on the people having spoken so emphatically’ in the elections. But he’s not scared or worried about what zombie lawmakers will do in Congress’ closing days. ‘A lame duck, where there is a transition at the end, is an opportunity to get things done by consensus, which is the way we’ve historically done things in the Senate anyway,’ Wicker said.” [McClatchy DC, [11/6/14](#)]

House GOP Have Supported Robust Lame-Duck Agendas

Prior To 2006 Elections, GOP Leaders Dismissed “Do-Nothing” Label By “Promising That A Robust Post-Election Session Would Put The Accusation To Rest.” According to the Washington Post, “Before the midterm elections, GOP leaders had dismissed the Democrats’ ‘do-nothing’ label for the 109th Congress as political posturing, promising that a robust post-election session would put the accusation to rest.” [Washington Post, [12/3/06](#)]

Republican Leaders “Compiled An Ambitious To-Do List” After The 2006 Elections. According to the New York Times, “Republican leaders have compiled an ambitious to-do list, hoping to dispose of energy legislation, a trade deal or two, a civilian nuclear treaty with India and other favored bills before turning over the keys to the House and Senate chambers to the Democrats in January.” [New York Times, [11/13/06](#)]

Politico: “Republicans Used Lame-Duck Sessions To Attempt To Pass Major Legislation When They Controlled Congress.” According to Politico, “The right wing is also making noises about a prospective lame-duck session — even though Republicans used lame-duck sessions to attempt to pass major legislation when they controlled Congress.” [Politico, [7/14/10](#)]

Washington Post Opinion: “If You’ve Ever Wondered What The Term ‘Situational Ethics’ Means, Just Look At” Republican Flip-Flopping On The Lame Duck. According to an opinion by Stephen Stromberg in the Washington Post, “If you’ve ever wondered what the term ‘situational ethics’ means, just look at how the Republicans were against this lame-duck session of Congress before they were for it. And why? Could have something to do with a phrase that begins with ‘t’ and ends in ‘ax cuts.’” [Washington Post, [12/9/10](#)]

Republican Leaders Prior To 2006 Lame Duck Said “They Intend To Use The Lame-Duck Session To Work On” Measures Such As Surveillance Authorization And Free Trade Agreements. According to Bloomberg, “In addition to passing spending measures, Republicans leaders in both chambers say they intend to use the lame-duck session to work on such measures as one to allow surveillance of suspected terrorists, and on free-trade agreements with Vietnam and Peru.” [Bloomberg, [9/29/06](#)]

Rep. John Boehner (R-OH)

The Atlantic: John Boehner’s Vote To Impeach Clinton During The Lame Duck Coined The “Boehner Rule” – “Your Lame Ducks Are Evil; Mine Are Noble.” According to an opinion by Garrett Epps in The Atlantic, “Before we get to [John] Boehner’s constitutional point, let’s savor the irony detected by Steve Benen of The Washington Monthly. In 1998, Republicans lost five House seats when they had expected to win 15 or so. The will of the voters was clear: forget impeaching Clinton. Republicans, however, rejected pleas to wait for the new Congress to convene (most new members of either party would probably have voted no). The lame-duck House voted Articles of Impeachment. Voting to impeach was Rep. John Boehner. This illustrates what I call ‘the Boehner Rule’-- your lame ducks are evil; mine are noble. Over and over in American history, important decisions have been made by presidents and Congresses already repudiated by the voters. It’s a perennial crisis of legitimacy. Like Boehner, most politicians like it fine when it helps their side win.” [Garrett Epps – Atlantic, [7/26/10](#)]

Boehner Attempted To Pass A Bill Opening The Gulf Of Mexico To Drilling During The 2006 Lame-Duck Session. According to the Associated Press, “[The bill] would open 8.3 million acres of the Gulf that is now

off limits to drilling and also steer hundreds of millions of dollars of federal royalty payments to four Gulf coast states — a windfall for Louisiana, which would get about half the money. [...] “The House will revisit the offshore drilling legislation again at some point before the end of this week, though details on the mechanics of how the measure will be considered have yet to be decided,” Kevin Madden, spokesman for House Majority Leader John Boehner, said in a statement. The drilling bill is one of a string of measures House GOP leaders have readied for this week's ‘lame-duck’ session under an expedited procedure that bars amendments, but also requires a two-thirds vote for approval.” [FoxNews.com, [12/5/06](#)]

Boehner “Would Bring The Congress Back” During The Lame Duck To Vote On Authorizing Military Force In Syria, Despite Previously Saying It Wouldn’t Be “Appropriate” For A Lame Duck To Do So.

According to CNN, “Just days after suggesting lawmakers might not debate U.S. military involvement in Syria until next year, House Speaker John Boehner said he'd agree to call Congress back into session to vote if President Barack Obama sends up a resolution asking for the authority. Boehner told ABC's George Stephanopoulos that if the President wanted a vote, ‘I'd bring the Congress back’ -- never mind that the U.S. has already begun airstrikes inside Syria as part of a coalition. [...] He told the [New York] Times he doesn't believe it was appropriate for the so-called ‘lame duck’ Congress to vote on military action since so many members would be leaving and those just elected wouldn't be eligible to vote until January.” [CNN.com, [9/29/14](#)]

In 2012, Boehner Signaled That The House Would Take Up The Farm Bill In The Lame-Duck Session.

According to the Delta Farm Press, “Boehner confirms no farm bill until lame duck session: On Thursday morning (September 20), House Speaker John Boehner confirmed that the House will not take up the ‘farm bill issue’ until after November elections. Current law is set to expire at the end of this month.” [Delta Farm Press, [9/20/12](#)]

After 2006 Election, Boehner Was “Intent On Finishing All [Legislative] Action” In The Lame Duck And Reacted Positively To Extending The Session Until The Week Before Christmas.

According to the Center for Effective Government, “Per Congressional Quarterly, the latest speculation from House Majority Leader John Boehner (R-OH) on what to expect in the post-election lame-duck session, the swan song for the 109th Congress: Boehner continues to expect that the lame-duck session will extend well into December. And, while he was unwilling to predict a possible closing date, he nodded positively when asked whether the session could extend until the week before Christmas, as was the case last year. Boehner said he expects ‘there will be a tax bill’ that will be enacted. Although he did not give details, he said ‘there are options’ with the trifecta bill that the House passed this summer, which includes provisions on tax extenders, estate and gift tax cuts, and a minimum-wage hike. Although he did not discuss the prospects for action on the nine uncompleted FY07 appropriations bills, he emphasized that appropriators are intent on finishing all action this year. Sounds like a Boehner expects a busy and productive lame-duck session.” [Center for Effective Government, [10/26/06](#)]

Boehner In December 2010, Four Months After Voting To Block The Lame-Duck Congress From Meeting: “The Lame-Duck Congress Should Do The Right Thing And Vote Immediately To Cut Spending And Stop All The Tax Hikes.”

According to an opinion by Stephen Stromberg in the Washington Post, “How about Speaker-designate John Boehner, who voted in August to block the lame-duck? Here's what he's said: ‘The lame-duck Congress should do the right thing and vote immediately to cut spending and stop all the tax hikes.’” [Washington Post, [12/9/10](#)]

Newt Gingrich (Former Speaker of the House, R-GA)

Newt Gingrich Called 1998 Lame Duck Session To Impeach Clinton After GOP Lost Seats; Gingrich Soon After Announced His Resignation.

According to Slate, “Rep. Newt Gingrich, R-Ga., won his last election on Nov. 3, 1998. Not enough of his fellow Republicans came with him. Gingrich's party lost five seats in the House of Representatives after a year exploring impeachment charges against President Bill Clinton. Gingrich, who was House speaker, acknowledged the unexpected setback by announcing his resignation. His final act of power was to call a lame-duck session of Congress to deal with the impeachment. [...]Republicans who were retiring or being

replaced by Democrats were going to provide votes for impeachment that wouldn't be there when the new, Gingrich-free Congress took over in January.” [Slate, [8/5/10](#)]

Rep. Tom Price (R-GA)

After 2006 Election, Representative Price Argued That The Lame Duck Should Stick Around “As Long As We Need To Get As Much Done As We Can Do Realistically.” According to the Washington Post, “Some members say they are willing to stick around, but with limits. ‘Most members feel we ought to stay in as long as we need to get done as much as we can do realistically,’ said Rep. Tom Price (R-Ga.). ‘If that's a week, fine. If that's four weeks, fine.’” [Washington Post, [12/3/06](#)]

Rep. Tom Cole (R-OK)

Rep. Tom Cole: Lame-Duck Session “Would Provide A Good Indication Of Whether Republicans Will Be Able To Get Things Done.” According to E&E News, “Rep. Tom Cole (R-Okla.), an ally to Speaker John Boehner (R-Ohio), said on MSNBC's ‘Morning Joe’ this week that the coming weeks would provide a good indication of whether Republicans will be able to get things done and show voters that their control of Congress does not mean gridlock is assured. ‘The lame duck, to me, is the first sign,’ he said. ‘Can we pass an omnibus spending bill so we don't risk the government shutdown? Can we actually pass the tax extender so we have some certainty in the tax code?’” [E&E News, [11/12/14](#)]

Conservative Talking Heads Have Favored Action During Lame-Duck Session

Charles Krauthammer

Charles Krauthammer Argued In Favor Of Impeaching Clinton During The 1998 Lame Duck. According to an opinion by Charles Krauthammer for the Chicago Tribune during the 1998 lame-duck session, “The House Judiciary Committee should therefore present the House with two simple articles of impeachment. No elaborate preambles, no fancy clauses, simply this: 1) Whereas President William Jefferson Clinton deliberately and repeatedly lied under oath before a federal criminal grand jury ... 2) Whereas President William Jefferson Clinton deliberately and repeatedly lied under oath, obstructed justice and tampered with witnesses in a civil case before the U.S. District Court of the Eastern District of Arkansas. [. .] Up or down, yes or no, nothing less. Let the Republicans have it on record that they considered perjury and obstruction of justice grave offenses against the state. And let Barney Frank and friends have it forever on record that they did not.” [Charles Krauthammer – Chicago Tribune, [11/30/98](#)]

Krauthammer: Loretta Lynch Is “By The Book” And “Should Have An Easy Passage” In The Lame Duck. According to a transcript of Fox News’s Special Report with Bret Baier, “[Anchor Bret] BAIER: One nominee that now they are dealing with is the attorney general nominee. [...] [Charles] KRAUTHAMMER: She is not a lightning rod. She apparently is sort of the by the book prosecutor. She doesn't have a paper trail. She won't arouse, unless something is discovered, ideological ire. She should have an easy passage, which is what I think Obama wanted.” [FoxNews.com Special Report, [11/7/14](#)]

Deroy Murdock – National Review Online

NRO Columnist Deroy Murdock: “While They Still Can, Republicans Should Employ Their House And Senate Majorities To Enact These Pro-Market, Limited Government Initiatives That They Failed To Deliver Before The Midterm Elections.” According to an opinion by Deroy Murdock for the National Review Online, “Battered Republicans and triumphant Democrats met Monday to launch a lame-duck congressional session that should adjourn by Christmas. While they still can, Republicans should employ their House and Senate majorities to enact these pro-market, limited government initiatives that they failed to deliver before the midterm elections.” [Deroy Murdock – National Review Online, [11/14/06](#)]

Murdock: The Senate Should Move “Promptly” To Confirm Bush’s Nominees, Including Secretary of Defense and Ambassador to the UN. According to an opinion by Derooy Murdock for the National Review Online, “The Senate promptly should confirm Robert Gates’s nomination as Pentagon chief. America’s enemies should not be given a reason to regard the Defense Department as adrift between secretaries. 9) Likewise, United Nations Ambassador John Bolton should have his recess appointment extended into full confirmation. Bolton is busy finding diplomatic means to keep Iran and North Korea from becoming nuclear powers. The Senate should assist him in this vital effort, as well as in the rest of his duties at the world body. Step one is to strengthen his hand by extending his tenure until Bush’s departure.” [Derooy Murdock – National Review Online, [11/14/06](#)]

George Will

George Will: Presidents “Should Enjoy Some Deference As They Try To Staff Their Administration,” So Congress Should Move On Nominees During 2014 Lame Duck. According to a transcript of Fox News’s Special Report with Bret Baier, “[ANCHOR BRET] BAIER: It’s never been done. George, the lame duck Congress, what can or will or won’t get done? GEORGE WILL, SYNDICATED COLUMNIST: In the first place, the whole spectacle is a little bit odd. Congress containing -- a large number of people repudiated by the voters. They are not going to make laws for people who repudiated them. But leaving that aside, there are 38 State Department nominees and 24 district court nominees. And presidents do have -- should enjoy some deference as they try to staff their administration. They can move those ahead.” [FoxNews.com Special Report, [11/7/14](#)]

Mitt Romney

As Massachusetts Governor, Mitt Romney Nominated Eleven Judges During Lame Duck Despite Pledge Not To Do So. According to the Boston Globe, “Gov. Mitt Romney on Wednesday nominated four people to the bench, despite vowing at the beginning of November not to make any ‘lame duck’ appointments [...] All four, if approved by the Gov.’s Council, would have lifetime appointments [...] The nominations, coming just 15 days before Romney leaves office, appear at odds with earlier pledges by Romney that he would not make any nominations after Nov. 8. [...] They are not the first appointments since Romney’s self-imposed deadline. On Nov. 23, he nominated three to the bench and on Nov. 29 he made one judicial nomination. On Nov. 8, the start of Romney’s deadline, he nominated seven to the bench.” [Boston Globe, [12/20/06](#)]

Senate Must Vote On Nominees Even If It Means Extending Session

Cabinet-Level Appointees Require 30 Hours Of Floor Time Before A Vote, District Court Judges Require 2 Hours. According to ABC News, “Complicating the task is Republican senators’ continuing rage over Democrats’ unilateral weakening of filibuster rules a year ago, ending the GOP’s ability to block Obama’s nominees. Ever since, Republicans have required Democrats to use the maximum time Senate rules require for most nominations, which range from two hours for federal district court judges to 30 hours for Cabinet-level appointees.” [ABC News, [11/10/14](#)]

STAYING LATE IS NORMAL

Congressional Research Service: The Average Adjournment Date For Lame-Duck Sessions Has Been “December 20 For The House, December 19 For The Senate.” According to the Congressional Research Service, “Lame duck sessions have most often finally adjourned sine die in about mid-December, or at least before Christmas. The average date has been December 20 for the House, December 19 for the Senate.” [Congressional Research Service, [9/19/14](#)]

CRS: Adjournments As Late As January 3rd Have Happened During Several Lame Ducks, Including 2008 and 2012. According to the Congressional Research Service, “Two of the three most recent Congresses with lame

duck sessions adjourned *sine die* on some of the latest days during this period. In both the 110th (2008) and 112th (2012) Congresses, the Senate adjourned *sine die* on January 2, 2009, and the House on January 3. Prior to this recent period, in the 76th Congress, the House adjourned on January 2, and the Senate on January 3. Other late terminations occurred in the 81st and 91st Congresses, both of which adjourned *sine die* on January 2 (1951 and 1971, respectively), and, as already noted, in the 80th Congress, when both houses adjourned *sine die* on December 31, 1948, after a one-day lame duck session.” [Congressional Research Service, [9/19/14](#)]

CRS: Recent Lame Ducks Have Tended To Be Longer. According to the Congressional Research Service, “Measured by days of session as well as by calendar days, after lame duck sessions started to become routine, they tended to be brief. In the six lame duck sessions starting in 1994, the House convened on a mean of seven days and the Senate on a mean of eight days. In contrast, the three most recent lame duck sessions were convened for a mean of 17 days in the House and 27 days in the Senate.” [Congressional Research Service, [9/19/14](#)]