

PA-01 Member of Congress Tracking Report - 09.13.20

This is a 100% volunteer effort brought to you by a handful of progressive Democrats and Independents who share a vision of an informed electorate. We want to offer a big thank you to the Pennsylvania Together and Pennsylvania Statewide Indivisible organizations who host our report and help us share it out to the residents of our Commonwealth!

A note on MoCTrack reports from now through the election:

Our MoCTrack volunteers want to give as much of their time as they can to phone banking, text banking and other activities to drive support for our preferred candidates. So, you will notice that our reports are going to be leaner from now through Election Day. We hope you'll understand and will join us in volunteering for your favorite candidates in these last two months that will decide our future!

Tracking Congress in the Age of Trump

The lower the number, the more the legislator votes in opposition to the Trump agenda.

Member of Congress	This week's score	Change from last report
Senator Bob Casey (D)	29.3%	0.0%
Senator Pat Toomey (R)	88.1%	0.0%
PA-01 Rep. Brian Fitzpatrick (R)	63.6%	0.0%

Nate Silver's [FiveThirtyEight website](#) assesses the voting records of our MoCs to provide this index, by comparing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion. No votes were scored this week. And don't forget - if you click on the name of any legislator, you will be brought to their 538 webpage where all of the positions that went into the index are listed in an easy-to-read format.

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Words from Our Nation's Sages

"Without volunteers, we'd be a nation without a soul."

— Rosalynn Carter,
former First Lady of the United States

Votes of Interest - Mitch McConnell's Judicial Confirmation Jamboree

The only major congressional votes this week took place in the Senate. Senate Majority Leader Mitch McConnell is pushing through cloture and confirmation votes on judges with the urgency of a man who thinks he has a limited period of time to pack in lifetime judicial appointments. It is interesting that many of this week's choices don't have any significant conservative history, but instead have lots of experience on the prosecutorial side of the law profession. By moving through qualified, unobjectionable candidates, Mitch McConnell can pack in even more Trump appointees before the end of the 116th Congress.

For a more in-depth look at this pattern, please see this week's piece in *The Hill* titled "[An issue senators can agree on is ... judges?](#)" The author, Chris Gotti, looks at this week's action and observes that all "five judges were confirmed on overwhelmingly bipartisan votes to district court benches in states that have at least one Democratic senator. All those senators voted in favor of each of the judges confirmed this week. The lowest vote total any of them received was 79 votes." He also notes that Mitch McConnell has another 8 confirmations scheduled for next week.

Judicial Confirmation #1 - PENNSYLVANIA

[Senate Confirmation Vote](#) on Christy Criswell Wiegand to be United States District Judge for the Western District of Pennsylvania

Christy Wiegand is a highly regarded prosecutor in the U.S. Attorney's Office for the Western District of Pennsylvania. She has a compelling story about having fought off a knife-wielding attacker while jogging, and how it motivated her to change her career from corporate law to criminal law. She clerked left her position in a private firm to clerk with a judge on the U.S. Court of Appeals for the Third Circuit. Since that clerkship she has worked as a public prosecutor. *The Vetting Room* highlights Wiegand's work taking on for-profit colleges. The observed, "she was part of a legal team suing Education Management Corp. (EDMC), a for-profit education conglomerate that was charged with violating federal laws." Wiegand's only political contribution was for \$1,000 to Senator Toomey during his 2016 campaign.

Vote date: September 9, 2020

Vote Tally: 82-14

Party Breakdown: All Republicans present, 28 Democrats and one Independent voted YES. The 14 NO votes all came from Democrats.

Additional Reading:

- "[Christy Wiegand – Nominee to the U.S. District Court for the Western District of Pennsylvania,](#)" from *The Vetting Room*
- "[Senate confirms Christy Wiegand as federal judge, filling bench for first time since 2013,](#)" from the *Pittsburgh Post-Gazette*
- "[Toomey, Casey Applaud Nomination of Christy Wiegand to U.S. District Court in Pennsylvania,](#)" from *Pat Toomey's press release page on his website*

Senator Casey voted YES and Senator Toomey voted YES.

Judicial Confirmation #2 - NEW YORK

[Senate Confirmation Vote](#) on Diane Gujarati to be United States District Judge for the Eastern District of New York

Diane Gujarati was originally nominated to this judicial vacancy by President Obama in 2016. That nomination was blocked by Mitch McConnell. But with this seat sitting vacant since that time, her name was put forth again by the Trump Administration, and she was successfully confirmed this time around.

Gujarati is a Yale Law School graduate who clerked for a judge on the U.S. Court of Appeals for the Second Circuit. She worked briefly for a private firm before moving into a position as an Assistant U.S. Attorney for the U.S. Attorney's Office for the Southern District of New York.

Our friends at [The Vetting Room](#) offered this assessment :

Generally speaking, any nominee put forward by both Obama and Trump is likely to be considered a consensus nominee. After all, if two Presidents with fairly different criteria for selecting judges can come to a consensus on a nominee's fitness, it is unlikely that senators will disagree. Setting that aside, Gujarati clearly has the requisite qualifications to be a district court judge. Her history of both prosecuting and supervising prosecutors ensures that she has the legal and organizational abilities to handle a courtroom.

Vote date: September 10, 2020

Vote Tally: 79-19

Party Breakdown: This was unanimous. The only senator not voting was Kamala Harris, who is out on the campaign trail.

Additional Reading:

- "[Diane Gujarati – Nominee to the U.S. District Court for the Eastern District of New York](#)," from *The Vetting Room*
- "[In Unanimous Vote, Senate Confirms Manhattan Federal Prosecutor as Eastern District Judge](#)," from *The New York Law Journal*
- "[Trump Renominates Indian-American Diane Gujarati for Federal Judgeship](#)," from *News 18*

Senator Casey voted YES and Senator Toomey voted YES.

Judicial Confirmation #3 - VIRGINIA

[Senate Confirmation Vote](#) on Thomas T. Cullen to be United States District Judge for the Western District of Virginia

Thomas Cullen's career path looks much like the previous two nominees described above. He went to a notable law school before clerking with an Appeals Court judge. He has worked in the private sector, but also has experience in public service. Cullen spent four years in the U.S. Attorney's Office for the Western District of North Carolina before moving to the U.S. Attorney's Office for the Western District of Virginia.

[The Vetting Room](#) has a detailed summary of Cullen's work in the U.S. Attorney's office. Of particular note is this:

During his tenure, Cullen notably led the prosecutions relating to the 2017 Unite the Right rally in Charlottesville, including for the death of Heather Heyer, who was killed by White supremacist James Fields. Fields was charged federally related to the death of Heyer and plead guilty to 29 hate crimes. Cullen also prosecuted the Rise Above Movement, a white supremacist movement, for violence caused in rioting in Charlottesville...

...after his prosecutions related demonstrations and attacks in Charlottesville by far-right protestors, Cullen authored an article critical of far-right extremism. In the article, Cullen wrote that "white supremacy and far-right extremism are among the greatest domestic-security threats facing the United States. He also urged Congress to pass stricter hate crime laws to help prosecutors address the rise of far-right extremism.

Vote date: September 10, 2020

Vote Tally: 99-0

Party Breakdown: All Republicans present, 25 Democrats and one Independent voted YES. The NO votes came from 18 Democrats and one Independent.

Additional Reading:

- "[Thomas Cullen – Nominee to the U.S. District Court for the Western District of Virginia](#)," from *The Vetting Room*
- "[The Trump Appointee Who's Putting White Supremacists in Jail](#)," from *The Washington Post*
- "[U.S. Attorney Thomas T. Cullen to become U.S. District Judge in Western District of Va.](#)," from *WCYB News* (a Sinclair-owned NBC affiliate in Bristol, Virginia)

Senator Casey voted YES and Senator Toomey voted YES.

Judicial Confirmation #4 - MICHIGAN

[Senate Confirmation Vote](#) on Hala Y. Jarbou to be United States District Judge for the Western District of Michigan

This tidbit from [The Vetting Room](#) sets the stage for the fourth of this week's five judicial confirmations:

In 2019, the Trump Administration negotiated an agreement over two district nominees with Michigan's Democratic senators. Ironically, the Republican half of the agreement, Michael Bogren, withdrew due to opposition from Republican senators, while the Democratic half, Judge Stephanie Davis, sailed to confirmation. Now, Bogren has been replaced as a nominee by Judge Hala Jarbou, who would, if confirmed, be the first Chaldean-American on the federal bench.

Jarbou has worked her entire legal career in public service. She started in the Oakland County Prosecutor's Office before moving into the U.S. Attorney's Office for the Eastern District of Michigan. After five years in that office she was appointed to a county judicial position in Michigan where she served until this week's confirmation.

Jarbou is a registered Republican. She supported President George W. Bush's re-election and has one political contribution recorded, to a GOP House member. She is a member of the Federalist Society.

Vote date: September 10, 2020 **Vote Tally:** 83-15

Party Breakdown: All Republicans present, 29 Democrats and one Independent voted YES. The NO votes came from 14 Democrats and one Independent.

Additional Reading:

- "[Judge Hala Jarbou – Nominee to the U.S. District Court for the Western District of Michigan](#)," from *The Vetting Room*
- "[Trump taps Oakland County judge, first Chaldean, for federal bench](#)," from *The Detroit News*
- "[Oakland County judge to be first Chaldean on federal bench](#)," from *The Detroit Free Press*

Senator Casey voted YES and Senator Toomey voted YES.

Judicial Confirmation #5 - WISCONSIN

[Senate Confirmation Vote](#) on Brett H. Ludwig to be United States District Judge for the Eastern District of Wisconsin

Brett Ludwig is a magna cum laude graduate of the University of Minnesota Law School, and he clerked for a judge on the U.S. Court of Appeals for the Eighth Circuit. He spent his entire career at the private firm Foley & Lardner, where he rose to the position of Partner and Vice Chair of Insurance & Reinsurance Litigation Practice. In 2017 he was confirmed to a position as a judge in the federal bankruptcy court.

As with most matters judicial, we rely on this assessment from [The Vetting Room](#), who noted, "Ludwig lacks a strong record of controversial statements, has little to no involvement in politics, and has spent his entire career in insurance and bankruptcy litigation, an area that generally attracts little controversy."

Vote date: September 9, 2020 **Vote Tally:** 91-5

Party Breakdown: All Republicans present, 37 Democrats and one Independent voted YES. The 5 NO votes all came from Democrats.

Additional Reading:

- "[Judge Brett Ludwig – Nominee to the U.S. District Court for the Eastern District of Wisconsin](#)," from *The Vetting Room*
- "[Senate approves Ludwig for federal court seat in Milwaukee](#)," from *The Milwaukee Journal Sentinel*
- "[U.S. Senators from Wisconsin Pick Candidates for Federal Court Vacancy](#)," from *The State Bar of Wisconsin*

Senator Casey voted YES and Senator Toomey voted YES.

Status Update - Coronavirus Phase 4 Relief Legislation

The shortest possible update - there is little to no hope of any coronavirus relief legislation making any progress before the election.

The Senate put forth what has been referred to as a “skinny” relief package. The \$500 billion package was notable as a scanty covering for Mitch McConnell’s ultimate goal - the passage of corporate coronavirus indemnity, a financial shield that would allow business owners to put workers back in unsafe circumstances and then be free from legal liability for that action. If you would like a taste of the debate on the McConnell relief package, check out this segment of the [Congressional Record](#) from Illinois’s Dick Durbin and Alaska’s Lisa Murkowski. The bill needed 60 votes to achieve clotures, and it did not pass that threshold, in a 52-47 vote (Republican Rand Paul voted with all the Democrats). **Senator Casey voted NO and Senator Toomey voted YES.**

This excerpt from a [Slate](#) piece best encapsulates how the parties are moving farther and farther away from each other in their concepts of how to address the needs that the pandemic has imposed upon us.

When last we left it, the discussion was between the administration, dangling \$1 trillion in relief, and Democratic leaders, moving down to \$2.2 trillion from \$3.5 trillion. Now Senate Republicans are organizing around a bill that’s around \$500 billion.

But we should be clear that Republicans organizing around a messaging bill is not “movement” toward a legislative product that helps humans. It is an opportunity for McConnell to give some cover to his incumbents and to try to blame Democrats for the standstill. (The bill, which will have a vote this week, will indeed be blocked.) Movement is when Democratic leaders and the administration come together and start to budge toward each other. There is absolutely no indication that is happening.

That same piece goes on to explain that the bill Mitch McConnell offered as coronavirus relief was actually an exercise in “vote-buying” - there is a rare earth mineral mining segment designed to attract Alaska’s Lisa Murkowski, school choice measures to cater to Texas’s Ted Cruz and Utah’s Mike Lee, and then “the word fisheries, which means Susan Collins.”

The article closes on this dismal assessment: “Republicans no longer feel the urgency to act at all, and Democrats don’t feel the urgency to settle for whatever they can get.” So, buckle up for an even more brutal autumn.

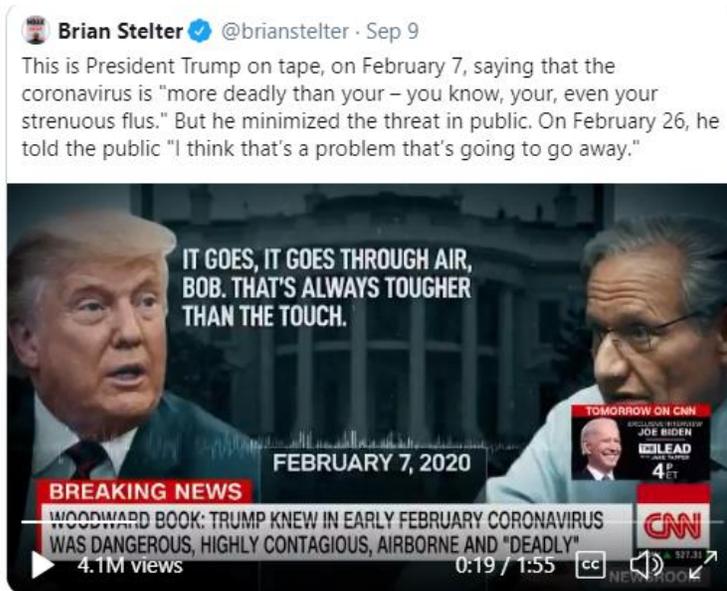
Additional Reading:

- [“Senate paralyzed over coronavirus relief,”](#) from *Politico*
- [“Why Congress Is No Closer to Passing the COVID Relief Bill America Needs,”](#) from *Slate*
- [“Senate Democrats block Republican Covid relief proposal,”](#) from *Politico*
- [“Hopes Dim for More Stimulus as Democrats Block Narrow G.O.P. Plan,”](#) from *The New York Times*

Tweets of the Week

🕒 **Senator Bob Casey, @SenBobCasey, 09/09/20:**

“Over the next few days, you’re likely to hear a lot of Republicans in Washington offering excuses or flat out denying these reports. Don’t believe them. It’s literally on tape.” *the senator’s comments were made when retweeting [this content](#) from Brian Stelter of CNN News*



- **Senator Pat Toomey, @SenToomey, [09/07/20](#):**
 "Intimidating people to get your demands met isn't peaceful protesting.

Damaging or destroying reeling businesses hurts workers and isn't peaceful protesting.

These are crimes. Until elected officials support the prosecution of these criminals, they'll continue."
content shared when the senator retweeted an article from WTAE titled "[Pittsburgh police investigate after videos surface of protesters clashing with the public](#)"

- **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [09/10/20](#):**
 "I was proud to join House and Senate colleagues during the unveiling of Boeing's first Chinook Block II off the assembly line. Boeing will be sending an additional 23 Chinooks to the United States Army."



Fitzpatrick in the News

Research courtesy of CC - please note that all content this week has been taken from the lawmaker's press releases, and none of these quotes represent words Representative Fitzpatrick actually said.

"Our bipartisan TREAT Act will provide our veterans with integrative health options for the treatment of post-traumatic stress disorder, depression and anxiety. I am proud to work with my friend Rep. Lamb on improving our veterans' access to the care that they deserve."

— from a [Ripon Advance](#) blog post titled [“Fitzpatrick’s bipartisan bill would improve mental health support for veterans”](#)

“It is imperative that our nation’s veterans receive access to the highest quality medical testing and holistic treatment options, including for mental health.”

— from an article in [The Beaver Times](#) titled [“Lamb partners with GOP colleagues on three veteran-focused bills”](#)

“The mission of the SAFER grant program is to enhance the ability of recipients to attain and maintain 24-hour fire department staffing and to better assure that their communities have adequate protection from fire and fire-related hazards.”

— an excerpt of a statement from the Congressman’s office, from the [Levittown Now](#) article titled [“Levittown-Fairless Hills Rescue Squad, Newportville Fire Company Receive Federal Grants”](#)

“We are thrilled the House increased U.S. security and development assistance to Ukraine for Fiscal Year 2021. In doing so, the U.S. continues to demonstrate the American people’s unwavering support for the Ukrainian people’s prosperous and democratic future, free from Russian aggression. With this increase in security assistance, Ukraine will be able to strengthen its naval defenses in the strategic Black Sea and beyond. The development and anti-corruption assistance will be crucial in the fight against the influence of the rapacious oligarchs, whose greed stifles Ukraine’s forward progress. We look forward to working with our Senate colleagues to ensure these increases pass Congress and make it to the president’s desk for signature.”

— from a letter issued by Rep. Fitzpatrick and his three co-chairs of the House Ukraine Caucus, as reported in an article titled [“Ukraine Caucus applauds House passage of programs supporting Ukrainian democracy”](#) from [The Ukrainian Weekly](#)

“As we continue to address challenges associated with COVID-19, it has become clear that additional flexibility will be required to ensure that CARES Act funding is appropriately utilized in a manner consistent with the intent of the law... [the current December 30th deadline] restricts many of these governments from establishing robust plans that would otherwise be responsive to COVID-19 and further the purpose for which Congress created the Coronavirus Relief Fund.”

— an excerpt from a letter submitted by six House members including Rep. Fitzpatrick, as reported in a [Ripon Advance](#) blog post titled [“Thompson, Fitzpatrick request deadline extension for spending Coronavirus Relief Funds”](#)

“As long-time supporters of liberty in Central and Eastern Europe, we write in strong solidarity with the people of Belarus in their struggle for freedom following that nation’s August 9 fraudulent presidential election... in response, the Belarusian people took to the streets demanding dignity, liberty and an election that reflects the will of the people, not dictators.

Tragically, these peaceful protests have been met with violent crackdowns from security services, arbitrary arrests, information lockdowns, persecution of civil society, as well as large-scale torture and ill-treatment of the Belarusian people... For these reasons, we urge you and the administration to provide greater leadership and to continue diplomatic efforts.”

— an excerpt from a letter submitted by twenty-one House members including Rep. Fitzpatrick, as reported in a [Ripon Advance](#) blog post titled [“Kinzinger, Fitzpatrick seek U.S. involvement in protecting people of Belarus”](#)

Casey Quote of the Week

Courtesy of contributor Linda Houk

“If (Sen. Majority Leader) Mitch McConnell really wants to get something done that helps to tackle the virus and help people that are in the middle of a jobs crisis, he needs to come to us for support... That would mean negotiating with us on a more robust bill.”

—from an article in [Erie News Now](#), titled “[Senate Democrats block GOP 'skinny bill' coronavirus relief package](#)”

Toomey Quote of the Week

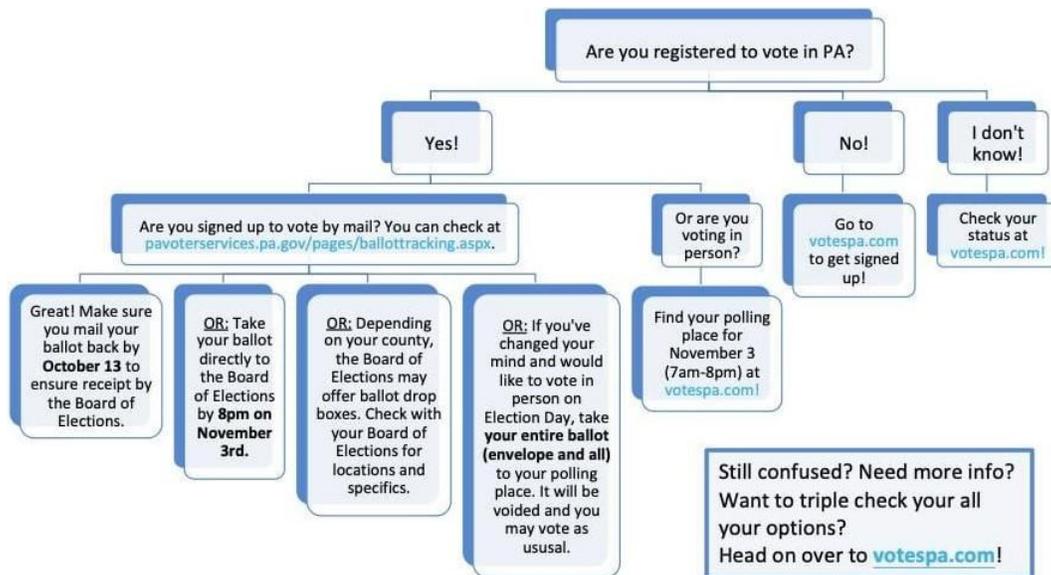
Courtesy of contributor *Elayne Baker*

“They unanimously voted against this measure because it does not spend enough borrowed money on unrelated projects from the left-wing wish list. For the good of the country, it’s time for Senate Democrats to stop filibustering and start legislating.”

— from a 09/11/20 [Pittsburgh Post-Gazette](#) article titled “[Senate fails to garner votes for COVID-19 relief package, dimming hopes for a deal](#)”

Your Voting Status in Pennsylvania - A Resource

Our allies in the New Hope Democratic Committee produced this excellent flow chart to help folks figure out what Pennsylvania-run websites should be used to determine the status of the voter registration and mail in ballot applications, along with deadlines for signing up for particular options. *And a big thanks to Kristin Donnelly of the NHDC for sharing this flowchart with us!*



Election Volunteering Resources

This week we highlight the volunteering opportunities offered by the excellent folks at [Turn PA Blue!](#)



This is how the Turn PA Blue organization describes themselves:

“Turn PA Blue is actively working to turn the Pennsylvania State Legislature blue, district by district, through volunteer recruitment, training, and mobilization to elect Democrats up and down the ballot. Founded in 2017, Turn PA Blue strategically deploys a grassroots army of volunteers to flippable districts across Pennsylvania.

Turn PA Blue organizes door knocking (when it can be done safely), phone banking, texting, postcards, and Vote by Mail outreach in targeted, winnable state legislative races. We are also committed to increasing Democratic turnout for Joe Biden across the Commonwealth.

Since 2017, Turn PA Blue volunteers have:

- Knocked over 200,000 doors
- Provided volunteer coverage at hundreds of polling locations
- Helped to send over 2 million texts to voters and volunteers
- Written close to 300,000 postcards
- Helped make over than 1 million phone calls to voters
- Hosted hundreds banking parties and fundraisers”

Your MoCTrack editor has participated in several Turn PA Blue phone banking events and can attest that they are well-organized and fun! They provide a supportive environment, training that manages to be both comprehensive and concise (not an easy needle to thread!) and they select candidates to support based on the chances of flipping districts. It’s a great combo. [Find upcoming Turn PA Blue phone-banking events here.](#)

They also provide post-card kits for purchase. These kits include 50 pre-addressed cards aimed at encouraging Pennsylvania Democrats in targeted districts to vote. The purchase price (\$8.00) covers the printing costs, and participants are expected to provide their own postage for the cards (supporting our embattled US Postal Service). Again, your MoCTrack editor has purchased postcards packs from Turn PA Blue and can affirm that the instructions are thorough and the cards are lovely. [Turn PA Blue postcard kits are available here.](#)

Please consider volunteering with Turn PA Blue in the next 50 days!

This report is brought to you by the Pennsylvania MoCTrack team...

CC	Linda Houk
Elayne Baker	Susan Vogel
Gary Garb	Kierstyn Piotrowski Zolfo

We can always use extra help. Our Congresspeople are always busy and there is always more for us to cover — tasks big and small to fit any level of time commitment or experience. Would you be willing to listen to a committee hearing and transcribe a few quotes from Pennsylvania lawmakers? Or are you a topic specialist on an issue of concern to activists, and would you like to contribute an occasional column? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!