

PA-01 Member of Congress Tracking Report - 09.20.20

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)	63.3%	-0.3%

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. One House vote was 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.

Words from Our Nation's Sages



"Fight for the things that you care about, but do it in a way that will lead others to join you."

— Supreme Court Justice Ruth Bader Ginsburg, [May 29, 2015](#)
upon receipt of the Radcliffe Medal at Harvard University

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Votes of Interest

Equity and Inclusion Mandated in Educations Programs that Received Federal Funds

[House Vote](#) on [H.R. 2574](#): Equity and Inclusion Enforcement Act

This is the [Library of Congress](#) summary of this bill - "This bill authorizes private civil causes of action for disparate impact violations (to the same extent as intentional violations) of federal regulations of general applicability that prohibit discrimination on the ground of race, color, or national origin in programs or activities receiving federal financial assistance.

Education programs that receive financial assistance authorized or extended by the Department of Education (ED) must designate at least one compliance coordinator to carry out these nondiscrimination responsibilities and investigate complaints.

The bill requires ED to appoint a Special Assistant for Equity and Inclusion to (1) promote, coordinate, and evaluate equity and inclusion programs; and (2) advise ED on matters relating to equity and inclusion."

Vote date: September 16, 2020

Vote Tally: 232-188

Party Breakdown: All Democrats voted YES and they were joined by three Republicans. All other Republicans and Libertarian Justin Amasha voted NO.

Additional Reading:

- ["House passes bill to allow private lawsuits against public schools for discriminatory practices,"](#) from *The Hill*
- ["Equity and Inclusion Enforcement Act passes House of Representatives,"](#) from *The Augusta Free Press*
- ["The Leadership Conference Statement on the House Passage of Equity and Inclusion Enforcement Act,"](#) from *The Leadership Conference on Civil and Human Rights*
- ["House Passes Signature Bills on School Integration and Discrimination,"](#) from *Education Week*

Brian Fitzpatrick voted YES.

Pregnant Workers Protected from Discrimination

[House Vote](#) on [H.R. 2694](#): Pregnant Workers Fairness Act

This is the [Library of Congress](#) summary of this bill - "This bill prohibits employment practices that discriminate against making reasonable accommodations for job applicants or employees affected by pregnancy, childbirth, or related medical conditions. Specifically, the bill declares that it is an unlawful employment practice to (1) fail to make reasonable accommodations to known limitations of such job applicants or employees, unless the accommodation would impose an undue hardship on an entity's business operation; (2) deny employment opportunities based on the need of the entity to make such reasonable accommodations to an applicant or employee; (3) require such job applicants or employees to accept an accommodation that they do not want, if such accommodation is unnecessary to perform the job; (4) require such employees to take paid or unpaid leave if another reasonable accommodation can be provided to their known limitations; or (5) take adverse action in terms, conditions, or privileges of employment against an employee requesting or using such reasonable accommodations.

The bill sets forth enforcement procedures and remedies under various statutes that cover different types of employees in relation to such unlawful employment practices.

The Equal Employment Opportunity Commission must provide examples of reasonable accommodations that shall be provided to affected job applicants or employees unless the employer can demonstrate that doing so would impose an undue hardship.

The bill prohibits state immunity under the Eleventh Amendment to the Constitution from an action for a violation of this bill."

Vote date: Thursday, September 17, 2020 **Vote Tally:** 329-73

Party Breakdown: All Democrats present voted YES and they were joined by 103 Republicans. Seventy-two Republicans and the lone Libertarian voted NO.

Additional Reading:

- ["Microsoft, Salesforce And Other U.S. Employers Urge Congress To Strengthen Laws For Pregnant Workers,"](#) from *Forbes*
- ["House passage of Pregnant Workers Fairness Act called 'huge win for women',"](#) from *The Record* (content provided by *Catholic News Service*)
- ["The Pregnant Workers Fairness Act Is Good News for Feds,"](#) from *Government Executive*

Brian Fitzpatrick voted YES.

A New Education Department Diversity Grant Program Passes the House

[House Vote](#) on [H.R. 2639](#): Strength in Diversity Act of 2020

This is the [Library of Congress](#) summary of this bill - "This bill directs the Department of Education (ED) to award grants to specified educational agencies (e.g., local educational agencies) to develop or implement plans to improve diversity and reduce or eliminate racial or socioeconomic isolation in publicly funded early childhood education programs, public elementary schools, or public secondary schools.

Specifically, ED may award planning and implementation grants to specified educational agencies. A recipient of a planning grant must use the grant to support students through certain activities, such as developing options to improve diversity in schools (e.g., weighted lotteries or school boundary redesign).

Further, a recipient of an implementation grant must implement a high-quality plan to support students. This plan must, among other things, include a comprehensive set of strategies that are designed to improve academic outcomes for all students, particularly students of color and low-income students. A grant recipient may also use the grant for certain activities such as recruiting additional teachers and staff, investing in specialized academic programs, and developing innovative and equitable school assignment plans.

Additionally, ED may carry out national activities under the grant program, such as developing best practices for grant recipients and other experts in school diversity.

The bill also requires ED to establish performance measures for the program and its related activities.”

Vote date: Tuesday, September 15, 2020 **Vote Tally: 248-167**

Party Breakdown: All Democrats present voted YES and they were joined by 21 Republicans. Of the Republicans, 166 voted NO along with Libertarian Justin Amash.

Brian Fitzpatrick voted YES.

Pandemic Funding and Safety Assistance for Child Care Facilities Passes

[House Vote](#) on [H.R. 7909](#): Ensuring Children and Child Care Workers Are Safe Act of 2020

This is the [Library of Congress](#) summary of this bill - “This bill provides federal support to mitigate the spread of COVID-19 (i.e., coronavirus disease 2019) in child care provider settings during the period of community spread of the virus.

Specifically, the Department of Health and Human Services (HHS) must (1) provide technical assistance to states, Indian tribes, and tribal organizations regarding the acquisition and use of protective equipment and training related to COVID-19 transmission prevention, among other things; and (2) publish specified information and facilitate the sharing of best practices related to the safe operation of child care providers. HHS may also make grants for the designated lead agency in a state to provide assistance and guidance to child care providers.”

Vote date: Wednesday, September 16, 2020 **Vote Tally: 387-33**

Party Breakdown: All Democrats present voted YES and they were joined by 160 Republicans. Of the Republicans, 32 voted NO along with Libertarian Justin Amash.

Additional Reading:

- [“Guthrie childcare bill passes House,”](#) from *WNKY 40*

Brian Fitzpatrick voted YES.

The House takes on Covid-inspired anti-Asian sentiment

[House Vote](#) on [H.Res. 908](#): Condemning all forms of anti-Asian sentiment as related to COVID-19

The following are the key phrases from the text of the bill:

“Whereas the use of anti-Asian terminology and rhetoric related to COVID–19, such as the Chinese Virus, Wuhan Virus, and Kung-flu have perpetuated anti-Asian stigma...

Whereas the increased use of anti-Asian rhetoric has resulted in Asian Americans being harassed, assaulted, and scapegoated for the COVID–19 pandemic...

Whereas, on February 27, 2020, the Secretary of Health and Human Services stated ethnicity is not what causes the novel coronavirus and that it is inappropriate and inaccurate to call COVID–19 the Chinese virus...

Whereas, on March 10, 2020, Dr. Robert Redfield, the Director of the CDC, testified that use of the term Chinese coronavirus is wrong and inappropriate...

...the House of Representatives calls on all public officials to condemn and denounce any and all anti-Asian sentiment in any form... condemns all manifestations of expressions of racism, xenophobia, discrimination, anti-Asian sentiment, scapegoating, and ethnic or religious intolerance... and calls on Federal law enforcement officials, working with State and local officials... to expeditiously investigate and document all credible reports of hate

crimes and incidents and threats against the Asian-American community in the United States... and to hold the perpetrators of those crimes, incidents, or threats accountable and bring such perpetrators to justice.”

Vote date: Thursday, September 17, 2020 **Vote Tally:** 243-164

Party Breakdown: All Democrats present voted YES and they were joined by 14 Republicans. The remaining 164 Republicans voted NO along with Libertarian Justin Amash.

Additional Reading:

- [“House passes resolution condemning anti-Asian sentiment,”](#) from *CNN Politics*
- [“House condemns anti-Asian sentiment during pandemic,”](#) from *American Bazaar*
- [“House condemns racism against Asian Americans amid pandemic,”](#) from *KLTV 7*

Brian Fitzpatrick voted YES.

Widespread Approval of Budget Clarity and Transparency in the House

[House Vote](#) on [H.R. 4894](#): Congressional Budget Justification Transparency Act of 2020

This is the [Library of Congress](#) summary of this bill - “This bill requires federal agencies to make budget justification materials available to the public. The bill also requires the Office of Management and Budget to make certain details regarding the materials available to the public, including a list of the agencies that submit budget justification materials to Congress, the dates that the materials are submitted to Congress and posted online, and links to the materials.”

Vote date: Monday, September 14, 2020 **Vote Tally:** 402-1

Party Breakdown: All present voted YES except lone dissenter Andy Biggs of Arizona.

Additional Reading:

- [“House Passes Bipartisan Bill to Boost Agencies’ Spending Transparency,”](#) from *Government Executive*
- [“House passes Portman, Peters bill to improve transparency of federal spending,”](#) from *The Highland County Press*

Brian Fitzpatrick voted YES.

Credit Cards and Charging Stations allowed for Federal Electric Vehicles

[House Vote](#) on [S. 2193](#): Charging Helps Agencies Realize General Efficiencies (CHARGE) Act

This is the [Library of Congress](#) summary of this bill - “This bill requires the General Services Administration to issue (1) guidance to clarify that federal agencies may use a charge card to pay to charge federal electric motor vehicles at commercial charging stations, and (2) a charge card for such payments to each agency for each of the agency’s electric motor vehicles.”

Vote date: Monday, September 14, 2020 **Vote Tally:** 403-2

Party Breakdown: All present voted YES except Republicans Andy Biggs of Arizona and Louie Gohmert of Texas.

Additional Reading:

- [“House Lawmakers to Introduce Bipartisan Bill to Advance Agencies’ Use of Electric Vehicles,”](#) from *NextGOV*
- [“House Considers Electric Vehicles Legislation,”](#) from *Transport Topics*

Brian Fitzpatrick voted YES.

New Judge #1

[Senate Confirmation Vote](#) on Franklin Ulyses Valderrama to be United States District Judge for the Northern District of Illinois

Franklin Valderrama worked in the private sector before his thirteen-year tenure as a judge on the Cook County Circuit Court in Illinois. Votes against him are likely due to some notable cases he presided over during that time. Those include a dismissal of a lawsuit filed against Chicago gun shops brought by gun control advocates; or perhaps the time he “dismissed a lawsuit brought by the Chicago Public School System challenging the state’s school funding formula as discriminatory,” a situation outlined by *The Vetting Room*.

Vote date: Thursday, September 17, 2020

Vote Tally: 68-26

Party Breakdown: All Democrats, one Independent and 24 Republicans voted YES. Twenty-six Republicans voted NO.

Additional Reading:

- [“Judge Franklin Valderrama – Nominee to the U.S. District Court for the Northern District of Illinois,”](#) from *The Vetting Room*
- [“Illinois senators split on judge votes, exposing division,”](#) from *Roll Call*

Casey voted YES and Toomey voted YES.

New Judge #2

[Senate Confirmation Vote](#) on Stephen P. McGlynn to be United States District Judge for the Southern District of Illinois

Illinois judges are elected, which explains how this new federal court judge could have three separate stints as an Illinois judge (suffering two election losses). It is no surprise, then, that McGlynn has had a fairly active political history. This recap is from *The Vetting Room*:

McGlynn has an extensive political history, including having served as the GOP Chairman of St. Clair County and as the Vice Chairman of the Illinois Republican Party. Notably, McGlynn was instrumental in recruiting Alan Keyes to challenge then-state senator Barack Obama in running for the U.S. Senate in 2004. Keyes, however, lost badly, getting only 30% of the vote after a series of controversial statements, including describing same-sex relationships as “selfish hedonism.” McGlynn was also active in the campaign of Supreme Court Justice Lloyd Karmeier, who would later promote McGlynn to judgeships three times.

Vote date: Thursday, September 16, 2020

Vote Tally: 55-41

Party Breakdown: All the Republicans voted YES and they were joined by three Democrats - Chris Murphy of Delaware, Dick Durbin of Illinois and Joe Manchin of West Virginia. Forty Democrats and one Independent voted NO.

Additional Reading:

- [“Judge Stephen McGlynn – Nominee to the U.S. District Court for the Southern District of Illinois,”](#) from *The Vetting Room*
- [“Senate Confirms Nominations Of Four Illinois District Judges,”](#) from *River Bender*

Casey voted NO and Toomey voted YES.

New Judge #3

[Senate Confirmation Vote](#) on David W. Dugan to be United States District Judge for the Southern District of Illinois

Our allies at the Leadership Conference on Civil & Human Rights were adamantly opposed to this nominee. They noted that “Mr. Dugan has a disturbing record of opposition to reproductive freedom, and to abortion in particular,” because Dugan himself filled out a 2017 survey from the anti-abortion organization Illinois Right to Life Action, wherein he wrote “I do believe that, for a number of reasons, the case of Roe v. Wade is sorely misplaced” and “my belief is that life begins at conception and that from that moment forward, taking that child’s life is the taking of a human life.”

The Leadership Conference also notes that David Dugan belonged to the far-right legal organization Alliance Defending Freedom (ADF), a group that the Southern Poverty Law Center designates as a hate group, for three years. As an example to the extreme positions of the ADF, they have “defended state-sanctioned sterilization of transgender people.”

In the confirmation process, Judiciary Committee Ranking Member Senator Dianne Feinstein asked Dugan about his membership in the National Rifle Association, and if the nominee would discontinue his membership if confirmed. [Dugan responded](#), “it is my intention to remain a member of the NRA.”

Vote date: Thursday, September 16, 2020

Vote Tally: 55-41

Party Breakdown: All the Republicans voted YES and they were joined by three Democrats - Doug Jones of Alabama, Dick Durbin of Illinois and Joe Manchin of West Virginia. Forty Democrats and one Independent voted NO.

Additional Reading:

- [“Judge David Dugan – Nominee to the U.S. District Court for the Southern District of Illinois,”](#) from *The Vetting Room*
- [“Senate confirms four to federal trial bench in Illinois,”](#) from *Chicago Daily Law Bulletin*
- [“Oppose the Confirmation of David Dugan to the U.S. District Court for the Southern District of Illinois,”](#) from *the Leadership Conference on Civil & Human Rights*

Casey voted NO and Toomey voted YES.

Five Uncontroversial Judicial Confirmations

All of these federal court judges were confirmed with the approval of more than 75 senators. If you click on their name, you will be brought to their profile on *The Vetting Room*, while the link on the vote tally will take you to the GovTrack details on the vote itself.

- [Mark S. Scarsi](#) was confirmed to be United States District Judge for the Central District of California on Tuesday, September 15, 2020 in a vote of [83-12](#). **Casey voted YES and Toomey voted YES.**
- [Stanley Blumenfeld](#) was confirmed to be United States District Judge for the Central District of California on Tuesday, September 15, 2020 in a vote of [92-4](#). **Casey voted YES and Toomey voted YES.**
- [John Holcomb](#) was confirmed to be United States District Judge for the Central District of California on Tuesday, September 15, 2020 in a vote of [83-12](#). **Casey voted YES and Toomey voted YES.** Interesting tidbit about this new judge - while at Harvard Law School, he was a research assistant to Senator Elizabeth Warren!
- [Todd Wallace Robinson](#) was confirmed to be United States District Judge for the Central District of California on Tuesday, September 15, 2020 in a vote of [86-10](#). **Casey voted YES and Toomey voted YES.**
- [Iain Johnston](#) was confirmed to be United States District Judge for the Northern District of Illinois on Thursday, September 17, 2020 in a vote of [77-14](#). **Casey voted YES and Toomey voted YES.**

Unanimously passed legislation

The following bills were passed through unanimous consent or voice vote (which presumes unanimity, as any member can object to the voice vote and ask for a roll call). This list excludes bills related to post offices, stamps, memorials, awareness weeks and other ceremonial activities.

- [H.R.1668](#) - IoT Cybersecurity Improvement Act of 2020
- [H.R.2575](#) - AI in Government Act of 2020
- [H.R.6021](#) - Northern Mariana Islands Small Business Development Act
- [H.R.6078](#) - Microloan Transparency and Accountability Act of 2020
- [H.R.6079](#) - Microloan Improvement Act of 2020
- [H.R.6133](#) - STEP Improvement Act of 2020
- [H.R.3659](#) - Danny's Law
- [H.R.4979](#) - Rural STEM Education Act

- [H.R.4990](#) - Election Technology Research Act of 2020
- [H.R.8162](#) - 21st Century Community Learning Centers Coronavirus Relief Act of 2020
- [S.881](#) - PROSWIFT "Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow Act" Act
- [S.3051](#) - America's Conservation Enhancement Act
- [S.924](#) - Jenna Quinn Law
- [S.1160](#) - Supporting Family Mental Health in CAPTA Act

Our Senators respond to the passing of Justice Ruth Bader Ginsburg

● Senator Bob Casey, @SenBobCasey, [09/18/20](#):

"Tonight our Nation mourns the passing of Associate Justice Ruth Bader Ginsburg. Justice Ginsburg was a pioneer for gender equality, a champion for human rights and a fierce defender of workers on an increasingly corporate Supreme Court.

Justice Ginsburg served our Nation honorably and with distinction for four decades. Her heroic battles with cancer inspired countless Americans. I extend condolences to her family and may her memory be a blessing to millions of Americans.

Consistent with the precedent set by Majority Leader Mitch McConnell in 2016, Justice Ginsburg's seat should not be filled until the presidential election concludes and the candidate chosen by voters is sworn into office."

● Senator Pat Toomey, via his official website, [09/19/20](#):

"Our nation mourns the death of Supreme Court Justice Ruth Bader Ginsburg. Renowned for her legal intellect and sharp opinions, Justice Ginsburg served on our nation's highest court for nearly three decades with distinction and honor. As just the second woman to serve on the Supreme Court, Justice Ginsburg was a trailblazer in the legal profession. While I usually disagreed with her legal and political views, she proved time and again that it is possible to disagree with someone without being disagreeable. Simply put, Justice Ginsburg left an indelible mark that will resonate for generations. I extend my prayers and deepest condolences to Justice Ginsburg's family, friends, and colleagues."

● PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [09/18/20](#):

"Incredibly saddened to hear of Justice Ruth Bader Ginsburg's passing. She was a pioneer for women in law and dedicated her life to gender equality. Her work on the Supreme Court will live forever and inspire generations to come. May she Rest In Peace."

Bonus Flashback: Senator Toomey provides his position on filling Supreme Court vacancies during election years, from [February 2016](#)

Washington, D.C. - Sen. Pat Toomey (R-Pa.) released the following statement on the Supreme Court vacancy created by the passing of Justice Antonin Scalia.

"I have long stated my belief that objective qualifications and adherence to the rule of law should matter more than ideology when it comes to judicial appointments. I have acted accordingly, working closely with Senator Bob Casey on filling 16 vacancies on the federal bench in Pennsylvania and supporting numerous appointments by President Obama, including his appointment of Justice Sonia Sotomayor to the Supreme Court.

"The current vacancy on the Supreme Court, following the tragic death of Justice Antonin Scalia, however, presents an unusual context. In the final year of a presidency, it is common for vacancies that arise on the Supreme Court to await the outcome of the next election. Given that we are already well into the presidential election process and that the Supreme Court appointment is for a lifetime, it makes sense to give the American people a more direct say in this critical decision. The next Court appointment should be made by the newly-elected president. If that new president is not a member of my party, I will take the same objective non-partisan approach to that nominee as I have always done.

"President Obama insists that he will nominate someone for the Court. He certainly has the authority to do so. But let's be clear - his nominee will be rejected by the Senate. In addition to the normally high level of scrutiny accorded to a Supreme Court nominee, this nominee would have to pass an additional level of scrutiny, which is the question of whether he or she ought to receive a lifetime appointment this year, when one could be made with a broad public stamp of approval less than a year later. That is a standard no nominee is likely to be able to meet.

"It has been less than 72 hours since Justice Scalia's passing. There has already been too much politicking around the issue of his replacement. This decision should not be rushed, and it should not be made amid the clamoring of a presidential election season. We should honor Justice Scalia's legacy, and we should put off a decision on his replacement until the newly-elected president can make his or her choice."

MoC Tweets of the Week

Senator Bob Casey, @SenBobCasey, [09/18/20](#):

The Morning Call is not only a source of high-quality, local news for the Lehigh Valley, but a pillar of the community. Vacating the downtown office building after 100 years represents a great loss for Allentown and for the Morning Call staff, who are steadfast in their commitment to the important work of keeping the community informed. I will continue to stand with the Morning Call Guild in their fight to preserve local journalism in the Lehigh Valley."



● **Senator Pat Toomey, @SenToomey, [09/17/20](#):**

“Once again, the Pennsylvania Supreme Court has decided that laws have no meaning. The current state election statute, which was signed by Governor Wolf less than a year ago, is clear that mail-in ballots must be received by 8:00 PM on Election Day in order to be counted.

Today’s blatantly political decision to violate the law irresponsibly heightens the risk that our state will experience a lengthy, disputed, and controversial outcome in what is expected to be an extremely close presidential race.”

● **PA-01’s Rep. Brian Fitzpatrick, @RepBrianFitz, [09/15/20](#):**

“Today is #InternationalDayOfDemocracy. As a member of the House Foreign Affairs Committee, I am proud to be a staunch supporter of promoting democracy at home and around the world.”



International Day of
Democracy
September 15th

Fitzpatrick in the News

Research courtesy of contributor CC - There was only one direct Brian Fitzpatrick quote this week. The only other item was from a group letter.

“We wanted to make sure smaller restaurants had a place in line.”

— from a [Bucks County Courier Times](#) article titled “[Bucks restaurants, bars seek more virus relief aid from Congress](#)”

“The coronavirus pandemic has affected every corner of U.S. government, including foreign aid and development... USAID’s mission is vital to America’s international relationship building. Congress needs a thorough understanding of how the pandemic has impacted that mission if we hope to continue our global basic education programs successfully in the future.”

— from a letter co-authored by Rep. Mike Quigley and Rep. Brian Fitzpatrick, co-chairs of the International Basic Education Caucus, as reported in the [Ripon Advance](#) blog post titled “[Fitzpatrick’s bipartisan bill calls for study on global education loss during pandemic](#)”

Casey Quote of the Week

Courtesy of contributor Linda Houk

“Unfortunately [President Trump] does have a plan on healthcare, his plan is very clear, it’s to destroy the Patient Protection and Affordable Care Act, taking away protections for people with pre-existing conditions, eliminate Medicaid expansion, and cut Medicare. It’s clear that the Republican plan all along has been the destruction, dismantling, and the de-funding of the Affordable Care Act, Medicaid, and Medicare.”

—from an article in the [Times Leader](#), titled “[Casey, Cartwright highlight what’s at stake for health care in election](#)”

Toomey Quote of the Week

Courtesy of contributor Elayne Baker

“A full-grown man, wielding a large carving knife over his head while charging an officer, obviously poses a mortal threat to that officer. In general, police officers in this type of situation are well within their rights to use deadly force to protect themselves and the public. The body camera footage released by the Lancaster City Bureau of Police seems to detail this exact scenario. It’s not clear why anyone would protest a police officer defending his own life. However, those who wish to protest should do so peacefully. Destroying property and blocking roadways without a permit, as occurred last night in Lancaster, is not peaceful protesting.”

— from a [WKOK](#) article titled “[U.S. Senator Toomey statement on police shooting in Lancaster](#)”

Call to Action - Blocking the confirmation of a new Supreme Court Justice



This Call to Action comes directly from Meagan Hatcher-Mays, the Director of Democracy Policy for Indivisible. She writes:

I wanted to give you an update on developments happening around Supreme Court Justice Ruth Bader Ginsburg's death and the impending fight around a Trump's nominee to replace her a mere 45 days before the election.

This is a hard one for all of us, and for me personally. My coworkers here in D.C. will tell you that I keep a signed picture of Justice Ginsburg on my desk. She was a brilliant lawyer who became a great Supreme Court justice, and she was an inspiration for generations of lawyers and non-lawyers alike.

As a progressive, and as a lawyer, who was deeply inspired by Justice Ginsburg, it is physically painful for me to think about Donald Trump choosing her replacement. So, we have to fight our buns off.

This is a winnable fight -- but we need to be loud. Yes, this will be an uphill battle. So our immediate focus must be to peel off enough Republicans who are willing to follow Mitch McConnell's own rule from 2016 ([see: this great video Pablo from our team made](#)) that the Senate cannot confirm a Supreme Court justice in an election year. But you're not off the hook if you have Democratic Senators: For Democrats, we want to shore up their unified opposition to a nominee even before he/she is announced by Trump (which we're hearing could happen as early as Wednesday).

What does that mean for us? It means we need to drive thousands of calls to all Senate offices over the next few days. You can find all our asks [here](#) and we'll continue updating that page as things develop, but here's the details as of right now...

The remainder of her message is designed to be applicable for the entire nation, so MoCTrack took her list of actions and personalized it for Pennsylvania.

1. Contact Senator Bob Casey to tell him you fully support his [position](#) of waiting until after the voters of our country has chosen a new President to fill the vacancy on the court. Do this at least once a week.
 - a. Phone - 866.461.9159 or 866.802.2833
 - b. Website [contact page](#)
 - c. Tweet - [@SenBobCasey](#)
2. Contact Senator Pat Toomey and remind him of his [2016 position](#) on filling Supreme Court vacancies in presidential election years, and advise him that you expect him to keep that position.
CONTACT HIM DAILY.
 - a. Phone - 855.552.1831 or 202.224.4254

- b. Website [contact page](#)
- c. Tweet - [@SenToomey](#)

Here is some template text you might use in your contact with Senator Toomey, from [Indivisible](#) (with slight Pennsylvania specific modifications):

Senator Toomey, I am a concerned Pennsylvanian, residing at: [your location].

I am emailing you today about the late Supreme Court Justice Ruth Bader Ginsburg. Majority Leader Mitch McConnell, who held open a Supreme Court seat for over a year in 2016 to prevent Barack Obama from filling it, has already declared he will bring Trump's nomination to the floor for the vote. You cannot let this happen.

I am demanding you REFUSE to confirm a new Supreme Court Justice until the new president is inaugurated. The American people deserve to have their voice heard in what could shift the courts irreparably for our lifetimes.

Mitch McConnell even said so himself four years ago:
<https://twitter.com/IndivisibleTeam/status/1307168901898395648>

And you yourself said, "The next Court appointment should be made by the newly-elected president. If that new president is not a member of my party, I will take the same objective non-partisan approach to that nominee as I have always done."

Now, in September 2020, I expect you to live up to the statement you made in February 2016.

Sincerely,
[your name]

Folks, we have had calls to action before this, but there have been non that have been nearly as important as this one. When we say that Senator Toomey needs to hear from us DAILY, it is no joke. GET ON IT, TEAM!

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!