

Pennsylvania Member of Congress Tracking Report - 11/15/20

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 Demcast and Pennsylvania Indivisible organizations who host our report and help us share it out to the residents of our Commonwealth!

It's good to be back after our long hiatus of election-volunteering and Protect the Result event-organizing. It is possible that the coming Georgia special elections and the demands of helping out there may cause some upcoming irregularities in the MoCTrack schedule in the coming 7 weeks. Please bear with us as we show 2020 the door and help out with these last senate-deciding elections.

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) | 29.0% | -0.3% |
| Senator Pat Toomey (R) | 88.2% | +0.1% |
| PA-01 Rep. Brian Fitzpatrick (R) | 62.9% | 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. The only items scored since our last report was the confirmation of Supreme Court Justice Amy Coney Barrett.

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Votes of Interest

The Congressional schedule is a fluid thing, but in many years the week after Election Day, the one with Veterans Day in it, is one that Congress has in their home districts. But Senate Majority Leader Mitch McConnell has made it clear by his actions that he is aware that the tenure of this Republican president is growing short. He called the Senate back into session to vote on a last wave of Trump judicial nominees. The first two of these lame duck nominees were confirmed this week, on the Tuesday and Thursday flanking Veterans Day.

In a *Roll Call* article titled "[McConnell: 'We're going to clean the plate' on judges](#)", the Republican leader explained his plans thusly: "We're going to run through the tape. We go through the end of the year, and so does the president. We're going to fill the 7th Circuit. And I'm hoping we have time to fill the 1st Circuit as well."

Additional Reading:

- [“Trump May Get a Dozen More Judges as McConnell Pushes Post-Election Confirmations,”](#) from *Newsweek*
- [“No Stimulus Deal, Lots Of Judges: McConnell’s Lamé Duck Agenda Takes Shape,”](#) from *Forbes*
- [“Feinstein Calls on GOP to Stop Seating Trump Judges in Lamé Duck,”](#) from *Courthouse News Service*

Lamé Duck Judicial Confirmation #1 - Ohio

[Senate Confirmation Vote](#) on James Ray Knepp II to be United States District Judge for the Northern District of Ohio

James Knepp is a graduate of University of Toledo College of Law and he clerked for a judge in the Ohio federal courts before going to work in the private sector. He was appointed to a judicial seat at the magistrate level in the U.S. District Court for the Northern District of Ohio in 2010, where he has served ever since.

His nomination to this seat (a step up, as magistrate judges serve below the district judges) was the product of a bipartisan process, between Democrat Sen. Sharrod Brown and Republican Sen. Rob Portman. Both senators supported and voted for this nominee.

Vote date: November 10, 2020 **Vote Tally:** 64-24

Party Breakdown: All 48 Republican present voted YES. They were joined by 16 Democrats. The 2 Independents and 22 remaining Democrats in the chamber voted NO.

Additional Reading:

- [“Judge James Knepp – Nominee to the U.S. District Court for the Northern District of Ohio,”](#) from *The Vetting Room*
- [“Knepp nominated for federal judgeship in Toledo,”](#) from *The Toledo Blade*
- [“Sen. Perdue says he’s working on COVID. He’s confirming Trump judges instead,”](#) from *The American Independent*
- [“Republicans Denying Biden Win Push Forward With Trump Judge,”](#) from *Courthouse News*

Casey voted NO and Toomey voted YES.

Lamé Duck Judicial Confirmation #2 - Florida

[Senate Confirmation Vote](#) on Aileen Mercedes Cannon to be United States District Judge for the Southern District of Florida

Aileen Cannon is currently an Assistant United States Attorney in Florida. Before she received her legal degree from the University of Michigan Law School, she spent two years as a paralegal with the Civil Rights Division at the U.S. Department of Justice. She clerked with an Appeals Court judge before working for a handful of years in the private sector.

One of the main concerns about Cannon is not her experience, but her age - she is 39. Our friends at *The Vetting Room* explain: “As of this point, the Trump Administration has made an art form of finding attorneys who barely squeeze in under the twelve year practice requirement that the American Bar Association seeks for judges. Cannon, while still under forty, has practiced for approximately twelve years (including her clerkship) and has experience with civil and criminal litigation.”

Vote date: November 12, 2020 **Vote Tally:** 56-21

Party Breakdown: Twelve Democrats joined the 44 Republicans present for the vote in voting YES. One Independent and 20 Democrats voted NO.

Additional Reading:

- "[Aileen Cannon – Nominee to the U.S. District Court for the Southern District of Florida](#)," from *The Vetting Room*
- "[Donald Trump nominates Aileen Cannon for Southern District judge](#)," from *Florida Politics*
- "[This South Florida Lawyer Just Got US Senate Confirmation to Become a District Court Judge](#)," from *Law.com*

Casey voted NO 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.8247](#) - Veterans COMPACT (Comprehensive Prevention, Access to Care and Treatment) Act
- [H.R.8472](#) - Impact Aid Coronavirus Relief Act

As the 116th Congress nears its end, once the House returns to Washington, we should expect more bills to pass by voice vote and unanimous consent.

Our MoCs comment on the 2020 election and the presidential transition process

Some lawmakers have made multiple statements since November 7, 2020, when the presidential race was called and Joe Biden was named President-Elect. When possible, we've chosen their official statement. When no press release was issued, we've chosen the quote that best represents the whole of their comments on the election and ensuing issues (like President Trump's refusal to concede and blocking the transition process).

🗳️ Senator Bob Casey, @SenBobCasey, [11/11/20](#):

This tweet is from the Washington Post Live account, but it is a direct quote from Senator Casey, and the senator retweeted the content.

↻ Senator Bob Casey Retweeted

 **Washington Post Live** @postlive · Nov 11

.@SenBobCasey: "What the president is doing in Philadelphia is not about votes or anything having to do with the election, it's racism...he's not going to be successful in either convincing people there's voter fraud or overturning the results..." youtu.be/ns-i_VXQ6PE



The Washington Post | LIVE

Post Live Election Daily

11K views

0:12 / 1:23

● **Senator Pat Toomey:**

The only lawmaker for whom we cannot include just one quote is our junior senator. Pat Toomey went on a verbal JOURNEY this week, and we must cover each of his three stops on the trip.

First, he discounts the election being called

[11/07/20](#), @SenToomey - "President Trump and former Vice President Biden have run hard, spirited campaigns that have inspired record civic engagement. I applaud both of them for their desire to serve our nation. Today's announcement by the media of the election's outcome is a projection. A final outcome will be reached when the election process concludes, which is after all legal votes have been counted, litigation is resolved, and any recounts are completed.

Next, tentative acceptance of a Biden presidency

[11/09/20](#), WTAE, Pittsburgh's Action news, in an article titled "[Pa. US Sen. Toomey says Trump administration should start cooperating with Biden transition team](#)" - "We're on a path it looks likely Joe Biden is going to be the next president of the United States. It's not 100% certain but it is quite likely. So, I think a transition process ought to begin. And you know, if it turns out that the unlikely scenario actually comes about and it turns out President Trump is determined to have won this election after all, then the transition, of course, becomes moot, and it expires and it evaporates. But I think that's not the likely outcome, so I think it (the transition) should begin."

Then, backtracking

[11/11/20](#), CNN, "[Retiring Republican senator refuses to acknowledge Biden's victory](#)" -

Republican Sen. Pat Toomey of Pennsylvania, who is retiring in 2022, declined to acknowledge Wednesday that Joe Biden is President-elect, but said it does appear Biden will be certified as President-elect "relatively soon."

"I think we're going to adjudicate several disputes. That's all part of this process. It'll be done soon enough, and I think the outcome will be clear," Toomey said, when The Washington Post's Robert Costa directly asked if he considers Biden to be President-elect during an interview on Post Live Election Daily.

Toomey is among the majority of Republican senators who continue to deny recognizing Biden as President-elect, despite the fact that CNN and other major networks have all projected Biden as the winner.

● **PA-01's Rep. Brian Fitzpatrick, via an article in the *Bucks County Courier Times*, [11/11/20](#):**

"We have a president-elect and we have pending litigation. Let it run its way through the courts and we'll get a resolution in an open and transparent manner."

Fitzpatrick joins Pennsylvania's GOP MoCs and casts doubt on the election results

On November 7, 2020, the nine Republican House members from Pennsylvania released [a letter](#), addressed to Pennsylvania's Governor, Secretary of State and Attorney General. The stated goal of this letter was to publicly ask for Attorney General Josh Shapiro to recuse himself from representing the Commonwealth in the lawsuits that have been filed by President Trump and the Republican Party concerning the election. The reason they cite for this is that Shapiro himself was on the ballot in the election (*aside - so were all nine of the lawmakers who signed this letter*).

Upon reading the letter, a second motive for publicly releasing this letter becomes apparent. Here are some excerpts from the letter that make the purpose of the letter clear:

- ...we are deeply concerned with how the Commonwealth has handled the general election...

- ...volunteer legal observers being prevented from having access to vote counting locations...
(note - this was a false allegation)
- ... we remain concerned about the integrity of the election...
- ...these actions continue to chip away at the foundation of our representational democracy...

These excerpts are nearly cut-and-pasted from the talking points coming directly out of both the Trump Administration and Trump-Pence campaign. The lawmakers who issued this correspondence are clearly trying to cast doubt on the validity of the election process, the count and the results.

The full text of the letter is available below:

Dear Governor Wolf, Attorney General Shapiro, and Secretary Boockvar:

As Members of the Pennsylvania Congressional Delegation, we greatly understand that when a legislative body creates law, the duty of an administration is to faithfully execute these laws. However, we are deeply concerned with how the Commonwealth has handled the general Election.

From last minute guidance provided to the counties on the eve of the election, to the Attorney General playing dual roles as a political candidate and legal arbiter with a vested personal interest, to volunteer legal observers being prevented from having access to vote counting locations, we believe these conflicts and irregularities have greatly eroded public trust in the Commonwealth's electoral system.

The citizens of the Commonwealth do not just expect free and fair elections, they deserve free and fair elections.

We believe that every legal vote should be counted, and it is compulsory for the Secretary of the Commonwealth to discount any votes that do not meet the letter of the law. On Friday, November 6, United States Supreme Court Justice Alito issued a temporary order requiring election officials to segregate ballots received after 8 p.m. on election day. While Secretary Boockvar has indicated this has already been occurring in Pennsylvania's 67 counties, there has been little evidence to support these statements.

This uncertainty follows guidance issued to the counties on the eve of the election instructing them to disclose to party operatives individual information associated with rejected mail-in ballots, in an attempt to have corrections made, which is in direct conflict with Pennsylvania election law. We believe that in order to faithfully execute the duties of the office of the Secretary of the Commonwealth it is incumbent upon Secretary Boockvar to follow the law.

Statements made by Pennsylvania's Attorney General, including social media posts calling the outcome of the election, prior to the tabulation of a single vote are troubling and highlight the Attorney General's inability to maintain impartiality and to separate his sworn duties from his political desires. We believe that due to this conflict, the Attorney General must recuse himself from all future election proceedings and appoint an impartial designee moving forward.

As many of these issues will now be addressed by the United States Supreme Court, we remain concerned about the integrity of the election and continued attempts by the administration and its officials to put their thumbs on the scale in pursuit of what they believe should be a preordained outcome. These actions continue to chip away at the foundation of our representational democracy and challenges the citizens of Pennsylvania's faith in their government. We implore you to put politics aside and provide these requests all due consideration.

This letter was signed by all the Republican members of Pennsylvania's Congressional delegation, all of whom were re-elected in the very election they have cast doubt upon in the correspondence quoted above. If it upsets you that Brian Fitzpatrick signed this letter and placed the short term goals of his political party over the health of the democratic process in our country, you may want to contact him to let him know how you feel. Here's a reminder of the various ways to contact Congressman Brian Fitzpatrick:

1. Local district office phone (215) 579-8102
2. Washington DC office phone (202) 225-4276

3. Website contact form (email)
4. Twitter
5. Local district office FAX
6. Washington DC office FAX

<https://fitzpatrick.house.gov/email>
[@RepBrianFitz](#)
(215) 579-8109
(202) 225-9511

Fitzpatrick in the News

Research courtesy of contributor, CC

"We have a president-elect and we have pending litigation. Let it run its way through the courts and we'll get a resolution in an open and transparent manner. It's similar to Bush v. Gore in 2000 in that we have a declared winner and someone who is using his rightful access to the courts to determine facts. The only difference is that election was disputed in one state and this one is being disputed in four.

"I have thus far seen no direct evidence of pervasive irregularities that would lead me to think the determination will be any different. Let this make its proper way through the courts and either clear evidence will be presented or not. If not, this will be dismissed. If there is, then we should definitely want to know that."

— from a 11/11/20 *Bucks County Courier Times* article titled "[Fitzpatrick: Allow legal challenges to presidential election to run their course](#)"



EXCLUSIVE: Congressman Fitzpatrick Sits Down For Election Day Interview

By Rick Rickman - November 3, 2020



Congressman Brian Fitzpatrick stands with FDNY firefighter Terence Pfeifer (son of Ray Pfeifer) and another member of the FDNY on the White House lawn after the bill signing. Credit: Office of Congressman Fitzpatrick.

Just a few hours before the polls close, Congressman Brian Fitzpatrick sat down with WBCB for an exclusive interview. The discussion covered many topics including his vote for president, the rise of China, ANTIFA, and the character of the United States.

In 2016, Congressman Fitzpatrick cast his ballot for Vice President Mike Pence. [This year, he voted for President Donald Trump.](#)

Just in time for Election Day, Congressman Fitzpatrick sat down for an [interview](#) with a reporter for *WBCB News*, an outlet owned by a major Fitzpatrick donor and Bucks GOP politico, Pat Deon. In addition to sharing who he voted for, Fitzpatrick also made the following statements:

- "Neither candidate is perfect. We all know that. I think everybody in this country agrees with that."
- "Do I think [Kamala Harris] has socialist views? Yes I do."

- “I think Joe Biden is a good man. I think most people who know him or met him feel that way. But the concern here is that Joe Biden is an old school Democrat who has been trying to morph to the new caucus that he is seeking to lead.”
- “My vote for any office holder is my personal vote. My vote on the floor of the House is my vote for the district.”
- “I think if people are being honest about this election, and they look at what’s being advocated by the left, it’s very concerning. The fact that a “Defund the Police” movement is even being mildly entertained by the left to me is beyond troubling.”
- “The physical health consequences, the psychological and emotional health consequences, [COVID-19’s] impact on opioid addiction and suicide rates, the economic consequences which are significant, the impacts on parents and school children – how we’re educating our kids and how they deal with child care. It’s completely transformed so many aspects of life and therefore so many issues we talk about.”

Congressman Fitzpatrick also did an interview with Tom Sofield of the *Levittown Now* at the end of October. The resulting, article, titled “[Congressman Fitzpatrick Says He’s ‘Reasonable, Rational & Pragmatic’](#),” is the source of the following quotes:

- “The far-left and far-right want to oppose me because I’m not an ideological purist. I try to be reasonable, rational, and pragmatic.”
- “[Socialism is] a very real threat and my biggest fear.”
- “People should keep an open mind.”

Call to Action - Helping out in Georgia



On January 5, 2021, the two senate run-off races in Georgia will decide whether or not the first two years of the Biden Administration are spent dealing with the much-demonstrated obstructionism of Mitch McConnell, or an evenly-split Senate where Vice President Kamala Harris can break ties. And that has caused a lot of us to turn our eyes to Georgia.

But before we take action, let’s hear some advice from the magnificent Stacey Abrams, speaking on [Pod Save America](#) this week:

“We need volunteers. We do not need the world moving to Georgia. Unless you already had plans to come and establish residency, what we really need the most of is to know who you are, and that you are out there, ready to be called on. But we’ve got a lot of campaigning to do and we’ve got to build this up.

Please, please, please, do not make plans to come to Georgia just yet. This is a local election that has national implications, but we’ve got to do what we did before, and start with the people, start on the ground and build our way up. We’d love your volunteers to sign up with us, and you’ll get information about how to volunteer with us.”

Confession time - your MoCTrack editor was one of those folks who was calling down to Georgia last week, trying to make contacts with activists there before realizing that in doing so she was one of a million folks taking time away from activists who need to quickly rebuild their ground game... and not field a ton of time-wasting calls from well-meaning folks who wanted to be helpful, but were achieving the opposite goal.

So... what can we do to help Georgia?

- a. **Educate Yourself** - Stacey Abrams and her Fair Fight organization have compiled this [How to Get Involved](#) guide. There are great links in there, but the best part is the “message guidance” section, which starts on page 3. In it, you’ll find the key dates in the upcoming run-off process, as well as the granular messaging points that you should familiarize yourself with before volunteering. Every election is different, and while you might have been 100% conversant with all of the talking points in your Pennsylvania district, they don’t necessarily translate to the upcoming run off races.
- b. **DONATE (if you can)** - this is going to be the most expensive run-off race in history. From [CNBC](#), “The coming Georgia Senate runoff between GOP Sen. Kelly Loeffler and Democratic challenger Raphael Warnock is shaping up to cost tens of millions of dollars. Republicans are expected to shell out at least \$100 million, according to a GOP strategist familiar with the plans... The parties are expected to spend even more if the other Georgia Senate election, between GOP Sen. David Perdue and Democrat Jon Ossoff, also heads to a January runoff.” And as we know, that race is indeed part of the run-off. Here are some of the places where you can donate, if your budget permits:
 - a) [Jon Ossoff Senate Campaign](#)
 - b) [Raphael Warnock Senate Campaign](#)
 - c) [GASenate.com](#) - A combined fund sponsored by Stacey Abrams’ Fair Fight, that splits donations between the two candidate campaigns and Abrams’ own organization, which combats voter suppression.
 - d) [New Georgia Project](#) - an organization focused on voter registration, who is working to register thousands of Georgians who turn 18 in the window between November’s Election Day and January 5th.
- c. **Phone Bank** - in this age of reduced physical contact, phone banking is the most effective way you can reach voters from the safety of your home. Both campaigns have set up phone banks for volunteers, using the Mobilize platform.
 - a. [Warnock for Georgia Phone banking](#) - 11/16/20 through 11/21/20
 - b. [Run Your Ossoff Daily Phone Banks](#) - 11/15/20 through 01/05/21
- d. **Adopt a State** - The Crooked Media/Vote Save America folks have a program where they will email you actions that you can take to help out with the Georgia run-off. This is a great system, because many of the post-carding, text-banking and letter writing opportunities are just now being scaled up so that folks from across the country can help, but they aren’t quite ready for an influx of volunteers. So right now, you can adopt Georgia, and then you’ll be contacted as these programs get up to speed. [Adopt Georgia HERE](#).
- e. **Stand With Stacey and FAIR FIGHT** - remember that quote from Stacey Abrams above, where she said the most important thing you can do is let her and her allies know you can volunteer, so that when they are ready, they will let you know how to help? You can do that [right here](#).
- f. **Social media, KNOW the LINGO** - our Georgia-based friends at DemCast have compiled [this document](#) with hashtags specific to the Georgia run-off and local media outlets to tag. If you like to use Twitter and Instagram, these are useful tools that you can start using now.

There is so much we can do to help give Joe Biden and Kamala Harris the best possible inauguration gift - a Senate ready and willing to work with them to get work done that will help ALL Americans. Let’s do all we can to ensure that the 117th Congress will have both a House AND Senate controlled by Democrats.

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

CC

Elayne Baker

Gary Garb

Linda Houk

Susan Vogel

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!