

## Conservative Action Project

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The Conservative Action Project (CAP), founded in 2008 by many conservative leaders with former **Attorney General Edwin Meese III** serving as the Founding Chairman. CAP is currently chaired by **The Honorable Becky Norton Dunlop** and is designed to facilitate conservative leaders working together on behalf of common goals. Participants include the CEOs of over 100 organizations representing all major elements of the conservative movement-economic, social and national security.

### Memo for the Movement

#### *The Senate Needs to Confirm President Trump's Nominees*

October 10, 2017  
Washington, DC

As President Trump approaches the end of his first year in office, his ability to implement his agenda across the executive branch has been hindered by the Senate's failure to confirm his nominations.

Under unified government, President Trump has still faced a slower pace of confirmations than that of Presidents Bush or Obama, both of whom had nearly half of their nominees confirmed by this time in their respective terms. Specifically, President Bush had 358 of his 610 nominations cleared. President Obama had 341 out of 505 nominations confirmed. Currently, President Trump has only had 161 confirmations of the 398 individuals nominated.

The slow pace of Senate confirmations is exacerbated by the Senate's continued insistence on working no more than 2 ½ days a week – arriving on Monday evening for a handful of votes, and departing, on average, by 2:30 p.m. each Thursday afternoon.

Previous Senates worked harder. The Reid Senate of 2009 averaged a departure time of 6:15 p.m. every Thursday, and oftentimes stayed as late as 11:30 p.m. to finish their work. In fact, the Reid Senate of 2009-2010 spent nearly 2,500 hours in session, compared to the McConnell Senate of 2015-2016, which spent just 1,855 hours in session.

Also troubling is the Republican insistence that Democrats are “obstructing” votes on these nominations, as claimed in a recent press release from the Senate Majority Leader's office. It is unclear what obstruction is taking place. Democrats no longer have the ability to filibuster any nominees, judicial or executive. Any simple objections they do make – such as running all post-cloture time – are simply process objections that can be easily overcome.

Moreover, if Democrats are going to insist on all post-cloture time to be run, Majority Leader McConnell can easily make this painful for them by forcing continuous session overnight and through the weekend. If the Senate stayed in session continuously for a week (including the weekend), they could confirm up to five nominees every week *even if* Democrats made them run the full post-cloture time on each nomination.

Democrats may be able to delay consideration of nominees for a short time, but they ultimately can no longer obstruct. In the absence of the filibuster, the fate of every nominee rests solely with Majority Leader McConnell and the will of the GOP conference to do the necessary work.

Personnel is policy. In delaying the confirmation of President Trump's appointees, the Senate is directly limiting the President's effectiveness. This is not only true because positions remain vacant and work is not being accomplished, but because without the direction of Trump's political appointees, career officials are left unsupervised. As has been documented in many instances, career officials that disagree with the President have taken measures to actively thwart his priorities.

Furthermore, continued delay results in ongoing unanswered partisan attacks designed to tarnish the personal and professional reputations of the president's nominees. Both Russell Vought, nominated to the Deputy Director of the Office of Management and Budget, and Amy Coney Barrett, nominated to the 7<sup>th</sup> Circuit Court of Appeals, have been subject to scurrilous attacks by Democratic senators who have attempted to link the faith of Vought and Barrett to their qualification for office. Not only is this an unconstitutional religious test, but such statements subject both Vought and Barrett to unwarranted and offensive criticism to which they cannot give a robust response. Other nominees are being unnecessarily delayed because Republican Senators failed to appear at committee meetings where the nominations were to be voted upon, forcing cancellation of the committee's action on the nomination.

The Republican Senate should prioritize these nominations and others like them. Vought and Barrett are both immensely qualified for the positions to which they've been nominated, and the GOP should confirm them swiftly, not only because of their excellent credentials, but also as a definitive answer to the Democrats who are attempting to place a religious test on appointed office. Deputy Labor Secretary-nominee Patrick Pizzella is highly qualified and yet the GOP has failed to move his nomination. These are just a few of the stories of President Trump's nominations languishing in the Senate.

The Senate plays a critical Constitutional role in helping the President shape and implement his priorities by passing legislation, but also by confirming the President's nominations. We urge the Senate to take its role seriously, and act with haste to confirm the individuals that President Trump has selected to assist him in carrying out his mandate.

To that end, the Conservative Movement calls on the Senate leadership to IMMEDIATELY schedule committee and floor action every Thursday and Friday for the foreseeable future to act on President Trump's nominees for executive and judicial nominees, and to begin working a full week, EVERY week, until all nominations have been acted upon.

The United States Senate behaves as though there are no time limits and no urgency to these matters. They are wrong and we cannot overstate the frustration and growing concern with the Republican Senate leadership for its failure during this entire year to do its work, process the nominations and address the issues that the American people have elected and pay them to handle.

**We urge the Senate to get to work – now.**

**The Honorable Edwin Meese III**  
Former Attorney General  
President Ronald Reagan

**The Honorable Tony Perkins**  
President, Family Research Council  
President, Council for National Policy

**Adam Brandon**  
President  
FreedomWorks

**The Honorable J. Kenneth Blackwell**  
Chairman  
Constitutional Congress, Inc.

**The Honorable Jim DeMint**  
U.S. Senate  
Former Member, South Carolina

**Ed Corrigan**  
Former Executive Director  
Senate Steering Committee

**Cleta Mitchell, Esq.**

**Alfred S. Regnery**  
Chairman  
Law Enforcement Legal Defense Fund

**Colin A. Hanna**  
President  
Let Freedom Ring

**The Honorable David McIntosh**  
Former Member, Indiana  
U.S. House of Representatives

**The Honorable Donald Devine**  
Former Director of the U.S. Office of  
Personnel Management under President  
Ronald Reagan

**The Honorable Becky Norton Dunlop**  
Chairman, Conservative Action Project  
Former White House Advisor, President  
Ronald Reagan

**William L. Walton**  
Chairman  
CNP Action, Inc.

**The Honorable Bob McEwen**  
U.S. House of Representatives  
Former Member, Ohio

**Herman Pirchner, Jr.**  
Founding President  
American Foreign Policy Council (AFPC)

**Tom McClusky**  
President  
March for Life Action

**Rachel Bovard**  
Former Policy Director  
Senate Steering Committee

**David Bozell**  
President, ForAmerica

**Diana Banister**  
President and Partner  
Shirley & Banister Public Affairs

**The Honorable T. Kenneth Cribb, Jr.**  
Chief Assistant to President Reagan  
for Domestic Affairs

**L. Brent Bozell, III**  
Founder and President  
Media Research Center

**The Honorable James C. Miller III**  
Budget Director for President Reagan, 1985-  
1988, President Reagan's OMB

**LTG William G Boykin**  
US ARMY (R)  
Kingdom Warriors Ministry

**Elaine Donnelly**  
President  
Center for Military Readiness

**James L. Martin**  
Founder/Chairman  
60 Plus Association

**Jenny Beth Martin**  
President & Co-Founder  
Tea Party Patriots

**David N. Bossie**  
President  
Citizens United

**Ginni Thomas**  
President  
Liberty Consulting

**Brad Dacus, Esq.**  
President, Pacific Justice Institute

**The Honorable Jason Rapert**  
Senator  
Arkansas Senate

**Joseph A. Morris**  
Morris & De La Rosa

**Andrea S. Lafferty**  
President  
Traditional Values Coalition (TVC)

**Frank J. Gaffney**  
President  
Center for Security Policy

**Mica Mosbacher**  
Advisor, Trump 2020 Board

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Cochair Heritage Legacy Society  
The Heritage Foundation

**Kenneth F. Boehm**  
Chairman  
National Legal and Policy Center

**Seton Motley**  
President  
Less Government

**Penny Young Nance**  
CEO and President, Concerned Women for  
America Legislative Action Committee

**Anthony Saliba**  
CEO  
Saliba Venture Management LLC

**Rebecca Hagelin**  
Secretary  
Council for National Policy

**L. Martin Nussbaum**  
Attorney

**Terrence Scanlon**  
Retired CEO/President  
Capital Research Center

**William Mills**  
President, MPW Properties

**Kelly Shackelford**  
President/CEO/Chief Counsel  
First Liberty Institute

**Floyd Brown**  
Chairman  
Western Center for Journalism

**Ron Robinson**  
President, Young America's Foundation

**Heather R. Higgins**  
President and CEO  
Independent Women's Voice

**Kathleen A. Patten**  
President & CEO  
American Target Advertising, Inc.

**Sherri R. Martin**  
Executive Vice President  
The Martin Organization, Inc.

**Evelio Silvera**  
Campaign for the American Future

**Shawn A. Mitchell**  
National Chaplain, National Federation of  
Republican Assemblies

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President  
Americans for Limited Government

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Founder  
Tea Party Nation

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Founder  
NSIC Institute

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President, American Commitment

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President of Corporate Affairs  
American Target Advertising, Inc.

**Sandy Rios**  
Director of Governmental Affairs  
American Family Association

**Carrie L. Lukas**  
President  
Independent Women's Forum

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Founder & CEO  
The Martin Organization, Inc.

**Haley E. Martin**  
President  
The Martin Foundation

**Nicholas Stehle**  
Campaign for the American Future

**Jerry Melvin**  
President  
Florida Republican Assembly

**Lewis K. Uhler**  
President  
National Tax Limitation Committee

**Jerome R. Corsi, Ph.D.**  
Washington Bureau Chief  
[Infowars.com](http://Infowars.com)

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ConservativeHQ

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President, Coalition for a Fair Judiciary

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CEO, Coalition For a Strong America

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Gun Owners of America

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CEO  
Beaman Automotive Group

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Board Chair  
Institute on Religion and Democracy

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Senior Pastor, Chaplain Oakland Hills  
Community Church/Michigan Association of  
Chiefs of Police

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President  
America's Liberty Committee

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President  
The Carlstrom Group, LLC

**Sara M. Olson**  
Senior Vice President  
Concerned Women for America

**Gerry Johnston**  
Founder/CEO  
Women for Democracy in America, Inc.

**Willes K. Lee**  
President, National Federation of  
Republican Assemblies

**Roxanne Phillips**  
Member Executive Committee  
Council for National Policy

**Tim LeFever**  
Chairman  
Capitol Resource Institute

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Founding President  
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Founder, Republican Congressional Wives  
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State Chairman  
NYS Conservative Party

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Association of Mature American Citizens

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Managing Partner  
Antietam Communications

**Mario Navarro da Costa**  
Director, Washington Bureau  
Tradition, Family, Property

**Richard Wright**  
Owner , R & S LLC

**Eunie Smith**  
President, Eagle Forum

**Joan Lindsey**  
President, Lindsey Communications

**Robert K. Fischer**  
Meeting Coordinator  
Conservatives of Faith

**Andresen Blom**  
Executive Director  
Grassroot Hawaii Action

**Dean Nelson**  
Chairman  
Frederick Douglass Foundation

**Randy Page**  
Chief of Staff, Bob Jones University

**Quin Hillyer**  
Veteran Conservative Columnist

**Catharine Trauernicht**  
Citizen Activist

**Tim Daughtry**  
Author  
Daughtry & Company

**Penny Pullen**  
President, Life Advocacy Resource Project

**Nick Roos**  
President, Roos Wellness LLC

**Christopher Malagisi**  
Editor in Chief, Conservative Book Club

**Lisa Calvert**  
Christian Speaker and Bible Teacher  
Rabon-Calvert Interests

**John F. Tate**  
President  
America's Liberty PAC

**David Martin**  
Health Care Entrepreneur  
Cleveland, Ohio

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Conservative Activist and Donor

**Becky Gerritson**  
President, Wetumpka TEA Party (AL)

**Ralph Schmidt**  
Director, God's Embrace Ministries

**Ed Martin**  
President  
Phyllis Schlafly Eagles

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