

# Supplement to the Republican Conference Rules

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Previous actions of Republican Conferences and of the Committee on Committees, to be considered as precedents.

## Waiver of Seniority Rights

“Where a Republican member of any committee has waived his right to a chairmanship of that committee because of his desire to be chairman of another committee, and later there is a change in Senate control, relieving said Senator of his chairmanship, he shall be restored to his position of seniority on the committee on which he had waived his rights to the chairmanship except where such rights are voluntarily relinquished for the current Congress.” (Republican Conference, January 10, 1949.)

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A resolution regarding the committee seats of Senator Karl E. Mundt, agreed to because of his long illness, was taken in this case as a possible precedent in future similar cases.

“Resolved, That the Republican Conference declare the committee assignments of Senator Karl E. Mundt temporarily vacant and that the regular procedure for filling of those vacancies take place.

“Upon completion of the assignments, the remaining vacancy be assigned to Senator Mundt, with the understanding of all concerned that when the Senator is able to again participate, his committee positions are to be re-established.

“Further, that the vote on the position be secret and that the vote be announced only in the affirmative, the Chairman appoint a committee to call on the Mundts and inform and assure them of our high regard and that the Conference will return his committee assignments upon his recovery.” (Republican Conference, February 3, 1972.)

## Service re: Two Republican Senators From the Same State Serving on the Same Committee

“The Chairman recognized Senator Robert Taft, Jr., of Ohio, who made inquiry concerning what the rule might be concerning two Republicans from the same State serving on the same committee. The Senator had a chance to take an assignment on the Committee on Armed Services, but Senator William B. Saxbe of Ohio, his colleague, was already on the committee.

“The matter was briefly discussed and the Chairman suggested that the committee proceed on the existing principle which had been generally followed in the past, that two Republican Senators from the same State not be assigned to the same committee. He stated that the Chairman of the Republican Conference had previously appointed a committee to study all matters relating to seniority precedents for possible inclusion in the Conference Rules. The Chairman asked that a motion be made to proceed on the basis of existing precedents. It was made, duly seconded, and agreed to.” (Committee on Committees Minutes, January 11, 1973.)

## Conference Confirmation of Ranking Member by Secret Ballot

“The Conference met in accordance with Rule IV requiring Conference confirmation of ranking members selected by Republican members of each Senate committee. Senator Richard Lugar of Indiana had been selected ranking member of the Committee of Foreign Relations by Republican members of that committee, despite the fact that Senator Jesse Helms of North Carolina had greater seniority. The Conference Chairman, Senator John Chafee of Rhode Island, interpreted the ‘recorded written ballot’ required by Rule IV to mean a secret written ballot. On appeal, the ruling of the Chairman was sustained, 33–12.

“The remaining question, ‘that the recommendation of the minority [Republican] members of the Foreign Relations Committee not be confirmed ... and that the decision on the [ranking] minority member be sent back to the Foreign Relations Committee with instructions to select their ranking member on the basis of seniority,’ passed 24–17.” (Republican Conference Minutes, January 20, 1987.)

## Senatorial Courtesy in Federal Judicial Appointments

“Recognizing the custom and traditions of the Senate, the Senate Republican Conference hereby directs its Chairman, Senator John H. Chafee, to inform the President of the United States of its support for Senator James M. Jeffords’ recommendation of his candidate to be United States District Judge in the State of Vermont.” (Republican Conference, November 21, 1989.)

The resolution was offered by Senator Thad Cochran of Mississippi, who based it upon the Senate custom that the recommendation of a Senator of the President’s party for a Federal district court judgeship in his State is tantamount to selection. Senator Jeffords of Vermont had submitted the name of a well-qualified candidate to fill a vacancy in his State, and the Bush Administration had refused to submit the nomination to the Senate for confirmation.

In September 1993, on a motion of Senator Cochran, the Conference adopted the following resolution:

“It is Resolved by the United States Senate Republican Conference assembled on September 8, 1993:

“That Republican Senators, as a matter of Senatorial Courtesy, will support the decision of any Republican Senator to oppose the confirmation of a person nominated to serve in his or her State as United States District Judge, United States Attorney or United States Marshal;

“That the decision to oppose such nomination should be evidenced by the Senator’s filing with the Senate Judiciary Committee the form known as the ‘blue slip’ on which the Senator’s opposition should be noted; and

“That the support of Republican Senators of the decision so manifested shall include a vote against cloture on the nomination.”

## Conference Position on Judicial Activism

During deliberations on the Republican Conference Agenda in January 1997, the Conference appointed a task force to consider the process surrounding federal judicial nominations. After discussing the task force recommendations, the Conference adopted the following position with respect to judicial activism on April 29, 1997:

“The Republican Conference opposes judicial activism, whereby life-tenured, unaccountable judges exceed their constitutional role of interpreting already enacted, written law, and instead legislate from the bench by imposing their own personal preferences or views of what is right or just. Such activism threatens the basic democratic values on which our Constitution is founded.”

