

# CRS Insights

Attorney General Nominations Since the Reagan Administration

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On November 9, 2014, President Obama [announced](#) his intention to nominate [U.S. Attorney Loretta E. Lynch](#) to [replace Eric H. Holder Jr.](#) as Attorney General (AG). Holder reportedly plans to remain in the position until his successor is confirmed. Lynch's nomination was received in the Senate and referred to the Judiciary Committee on November 13. [Table 1](#) presents information concerning the consideration of each Attorney General nomination since 1981, including the date the nomination was received in the Senate, the date(s) the Judiciary Committee held a hearing, the date the committee reported the nomination, the date of final dispositive action by the full Senate, and the total number of days that passed from when the nomination was received until its final disposition.

Presidents have nominated a total of 11 individuals, including Lynch, for the [position of AG](#) since the beginning of the Reagan Administration in 1981. Of the 10 nominees prior to Lynch, 9 were confirmed. The one exception was the nomination of Zoe Baird, which was received by the Senate on January 20, 1993. Baird's nomination was withdrawn by President Clinton after it became apparent her nomination would face opposition because she had hired an undocumented immigrant couple to serve as her family's nanny and driver. After two days of hearings on the nomination on January 19 and 21, 1993—the day before and the day after Clinton's inauguration—Baird asked the President to withdraw her nomination, saying that the controversy had damaged her ability to head the Justice Department. The President withdrew the nomination on January 26.

The duration of time between nomination and confirmation for the other nominations, however, suggests that Presidents were awarded deference at the outset of their Administration for AG nominees, as is often the case with Cabinet nominees generally (for more information, see [CRS Report R40119, \*Filling Advice and Consent Positions at the Outset of a New Administration\*](#)). The nominations that proceeded through the Senate most quickly were William F. Smith (2 days from receipt to confirmation) and John Ashcroft (3 days from receipt to confirmation). Those nominees were the first AGs named by Reagan and George W. Bush, respectively. Thirteen days elapsed from the date of nomination of Eric H. Holder Jr. until his confirmation. One factor that allowed these three nominations to move quickly upon receipt was that the Senate made use of its informal process for consideration of Cabinet and other top-level nominees prior to the swearing in of a new President and his subsequent formal submission of nominees. Janet Reno was also confirmed quickly early in the Clinton Administration (13 days from receipt to confirmation), although due to the withdrawal of the Baird nomination, Reno's was the second AG nomination submitted by President Clinton after the start of his term.

The duration of time between receipt of an AG nomination and confirmation is generally longer for nominations received later during a presidential term. The nomination of Richard L. Thornburgh by President Reagan in July of his last year in office was confirmed 17 days after its receipt, and the nomination of Michael B. Mukasey by George W. Bush was received in September of 2007 and confirmed 48 days later.

The two nominees whose Senate consideration period was the longest—Edwin Meese III and Alberto R. Gonzales—were both nominated during presidential transitions to a second term in office. (For more information on these "inter-term transitions" see [CRS Report R42963, \*Nominations to Cabinet Positions During Inter-Term Transitions Since 1984\*](#).) Both of those nominations were received in the Senate and returned to the President at the end of the Congress under Senate rules, not having been confirmed. In both cases, the Presidents renominated Meese and Gonzales at the beginning of the next Congress, and they were confirmed.

For both Meese and Gonzales, the number of days that elapsed since the nomination had been submitted to the Senate appears to have been affected by the particular circumstances surrounding that nomination. The confirmation of Meese during the Reagan Administration was delayed by an investigation related to the nominee's financial relationships with some individuals who had obtained federal jobs with his assistance. Meese was eventually cleared of criminal misconduct, and when the President subsequently resubmitted the nomination at the start of the new Congress, he was confirmed 51 days later by a vote of 63-31. When President George W. Bush nominated Gonzales to be Attorney General, some Senators expressed a desire for more information about the role the nominee might have had in his previous position as White House Counsel in "[formulating the Administration's policy on the treatment and interrogation of prisoners in U.S. custody overseas.](#)" The Senate adjourned sine die on December 8, 2004, having met on 8 days since the nomination was received on November 16, and the nomination was returned to the President under Senate rules. After the President submitted another nomination for Gonzales in the new Congress on January 4, 2005, the nomination was confirmed 30 days later, 60-36.

Of the 11 AG nominees reviewed, 1 other, in addition to Lynch, was submitted during a lame-duck session of Congress. As discussed above, President George W. Bush nominated Gonzales on November 16, 2004, which was the first day of a 22-day lame-duck session that lasted until the Senate adjourned sine die on December 8, 2004. Although the first nomination was returned to the President under Senate rules at the end of the session, the nomination submitted at the start of the next Congress was confirmed. More information on Cabinet nominations in lame-duck sessions of Congress can be found in a CRS general distribution memorandum by Henry B. Hogue, Michael Greene, and Maeve P. Carey. Copies are available upon request.

More detailed timelines, calculations, and discussions of AG nominees since the Reagan Administration are available in a CRS general distribution memorandum by Michael Greene and Maeve P. Carey, copies of which are available upon request.

Table 1. Nominations to the Position of Attorney General

Reagan Administration through Obama Administration

Nominee (Administration)	Date received in Senate	Date(s) of committee hearings	Date reported	Date of final disposition	Final disposition	Days from first nomination to confirmation
William F. Smith (Reagan)	01/20/81	01/15/81	01/16/81	01/22/81	Confirmed  (96-1)	2
Edwin Meese III (Reagan)	02/03/84	03/01/84 03/02/84 03/05/84 03/06/84	n/a	10/18/84	Returned	n/a
Edwin Meese III (Reagan)	01/03/85	01/29/85 01/30/85 01/31/85	02/05/85	02/23/85	Confirmed  (63-31)	386 <sup>a</sup>
Richard L. Thornburgh (Reagan)	07/25/88	08/05/88	08/10/88	08/11/88	Confirmed (85-0)	17
William P. Barr (G.H.W. Bush)	10/25/91	11/12/91 11/13/91	11/15/91	11/20/91	Confirmed (voice vote)	26
Zoe Baird (Clinton)	01/20/93	01/19/93 01/21/93	n/a	01/26/93	Withdrawn	n/a
Janet Reno	02/26/93	03/09/93	03/10/93	03/11/93	Confirmed	13

(Clinton)		03/10/93			(98-0)	
John Ashcroft (G.W. Bush)	01/29/01	01/16/01 01/17/01 01/18/01 01/19/01	01/30/01	02/01/01	Confirmed (58-42)	3
Alberto R. Gonzales (G.W. Bush)	11/16/04	n/a	n/a	12/08/04	Returned	n/a
Alberto R. Gonzales (G.W. Bush)	01/04/05	01/06/05	01/26/05	02/03/05	Confirmed (60-36)	79 <sup>b</sup>
Michael B. Mukasey (G.W. Bush)	09/21/07	10/17/07 10/18/07	11/06/07	11/08/07	Confirmed (53-40)	48
Eric H. Holder Jr. (Obama)	01/20/09	01/15/09 01/16/09	01/28/09	02/02/09	Confirmed (75-21)	13
Loretta E. Lynch (Obama)	11/13/14	**	**	**	**	**
<b>Mean number of days from receipt in Senate to confirmation</b>						<b>65.2</b>
<b>Median number of days from receipt in Senate to confirmation</b>						<b>17.0</b>

**Source:** Data in this table were compiled from the nominations database of the Legislative Information System (LIS) at <http://www.lis.gov/nomis/>.

\*\*Information in the table is current as of December 4, 2014. As of that date, no action had been taken on the Lynch nomination.

a. This figure was calculated using Edwin Meese III's first nomination date of February 3, 1984, as opposed to his second nomination on January 3, 1985. Meese's first nomination was automatically returned to the President at the end of the 98<sup>th</sup> Congress under Senate rules. President Reagan nominated him again at the start of the 99<sup>th</sup> Congress.

b. This figure was calculated using Alberto R. Gonzales's first nomination date of November 16, 2004, as opposed to his second nomination on January 4, 2005. Gonzales's first nomination was automatically returned to the President at the end of the 108<sup>th</sup> Congress under Senate rules. President G. W. Bush nominated him again at the start of the 109<sup>th</sup> Congress.