



Written by [Steven J. DuBord](#) on September 26, 2009

Kirk Takes Kennedy's Seat in Senate

Former Democratic National Committee Chairman Paul G. Kirk Jr. has been officially sworn in by Vice President Joe Biden to temporarily take the Senate seat of the late Edward M. Kennedy.

The swearing in comes on the heels of Massachusetts Governor Deval Patrick naming Kirk for the interim appointment, and a controversial decision by Suffolk Superior Court Judge Thomas Connally denying a Republican Party appeal for an injunction to delay the ceremony. Governor Patrick had used a procedure reserved for emergencies to ensure that Kirk could bypass a normal 90-day waiting period and be sworn in immediately. Judge Connally saw no irreparable harm in the tactic and denied the injunction request.



"We believe the irreparable harm is the misuse of the Constitution," said the Republicans' attorney James O'Brien. "The governor's power to declare an emergency is not absolute," O'Brien argued. "By granting the governor the power to appoint by way of an unconstitutional maneuver, this establishes a dangerous precedent."

Despite the cries of an unconstitutional foul, Kirk accepted the swearing in. [Bloomberg reported](#) on September 25 that after taking the oath, "Kirk hugged Kennedy's son, Representative Patrick Kennedy of Rhode Island." Kirk then "gave a thumbs-up to his wife, Gail, who was seated next to the late senator's wife, Victoria." Victoria Kennedy said following the ceremony that she is "very pleased" with her husband's short-term successor: "Paul Kirk is an outstanding person, a man of deep integrity, great ability."

Kirk told reporters that he felt the "profound absence of a friend" intertwined with "an enormous sense of humility" at being asked to "step in even for a short period of time to continue the fight." Kirk said he hoped to be able to participate in the healthcare reform debate, and he stated that he will discuss committee assignments with the Democratic leadership next week.

Kirk is scheduled to serve until a special election can be held on January 19 to find a permanent replacement who will finish Kennedy's term through January 2013. Kirk has made it known that he will not run in that election.

Now that Kirk has filled the vacancy, the Democrats in the Senate once again enjoy their 60-member position of superiority. Sixty votes is the number needed to silence debate on legislation in the Senate, and a unified front by the Democrats could ram healthcare reform through the chamber even if all Republican members opposed it.

"Not since the New Deal have we had this much on the table at one time in Washington," declared



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Kirk's senior partner in the Senate, John Kerry (D-Mass.), in response to the announcement of Governor Patrick's choice. "Every vote will count, and that means Massachusetts should be fully counted."

If Democrats are looking for a new "New Deal," then Americans ought to be very wary. The growth of government is what produced the managed healthcare system that we are shackled with today. The answer is actually an Old Deal, the one our Founding Fathers established: the U.S. Constitution. The Constitution gave us a small central government, very limited in scope and power; that is the "real deal" and the real answer to what ails America today.

Photo of Paul Kirk: AP Images



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