



DEMOCRACY REFORM TASK FORCE WEEKLY NEWS ROUND UP

July 27, 2018

NATIONAL NEWS

[Kavanaugh: Watergate Tapes Decision May Have Been Wrong](#)

The Associated Press

Supreme Court nominee Brett Kavanaugh suggested several years ago that the unanimous high court ruling in 1974 that forced President Richard Nixon to turn over the Watergate tapes, leading to the end of his presidency, may have been wrongly decided. Kavanaugh was taking part in a roundtable discussion with other lawyers when he said at three different points that the decision in U.S. v. Nixon, which marked limits on a president's ability to withhold information needed for a criminal prosecution, may have come out the wrong way. A 1999 magazine article about the roundtable was part of thousands of pages of documents that Kavanaugh has provided to the Senate Judiciary Committee as part of the confirmation process....The issue could assume even greater importance if special counsel Robert Mueller seeks to force Trump to testify in the ongoing investigation into Russian interference in the 2016 election.

**Related Story: [Brett Kavanaugh Will Fit Right In at the Pro-Corporate Roberts Court.](#)*

**Related Story: [How to Tell Where Brett Kavanaugh Stands on Citizens United.](#)*

[Judge Once Again Rejected Trump's Effort to Get Lawsuit Dismissed](#)

BuzzFeed News

A federal judge on Wednesday once again rejected President Donald Trump's efforts to get a lawsuit challenging the constitutionality of his financial ties to his Washington, D.C., hotel dismissed. The District of Columbia and the state of Maryland sued Trump last year, claiming he had violated the Foreign and Domestic Emoluments Clauses of the US Constitution by refusing to give up his interest in the Trump International Hotel in D.C. and then profiting from the business of foreign, state, and local governments. In the latest phase of the case, the fate of the lawsuit turned on how exactly U.S. District Judge Peter Messitte defined an "emolument."

... Messitte wrote in Wednesday's opinion that he had adopted the broader definition of "emolument" — meaning any "profit," "gain," or "advantage" — argued by the challengers, and that D.C. and Maryland had "plausibly alleged" at this stage that Trump was receiving or able to receive "emoluments" in violation of the US Constitution. The historical record indicated that the two clauses were meant to serve as "broad anti-corruption provisions," the judge wrote.

[Trump Uses Taxpayer-Funded Trip to Campaign for GOP Candidates](#)

The Washington Post

President Trump on Thursday used a taxpayer-funded trip to Illinois to openly advocate for electing Republicans to Congress — blurring the line between official and political events in the heat of the midterm campaign season.... Trump didn't name the lawmakers, but three Illinois Republicans accompanied him during his tour of the plant, according to the White House: Reps. Mike Bost, Rodney Davis and John Shimkus. Bost represents the district and has been one of the most fervent Republican supporters of the president's tariffs on steel and aluminum imports. White House spokesman Hogan Gidley told reporters on that "there is no legal prohibition" on endorsing political candidates at official, taxpayer-funded events.

[Lawmakers, Lobbyists, Admin. Try to Overall Endangered Species Act](#)

The New York Times

In the past two weeks, more than two dozen pieces of legislation, policy initiatives and amendments designed to weaken the law have been either introduced or voted on in Congress or proposed by the Trump administration. The actions included a bill to strip protections from the gray wolf in Wyoming and along the western Great Lakes; a plan to keep the sage grouse, a chicken-size bird that inhabits millions of oil-rich acres in the West, from being listed as endangered for the next decade; and a measure to remove from the endangered list the American burying beetle, an orange-flecked insect that has long been the bane of oil companies that would like to drill on the land where it lives.... He and others argue that the act has become skewed toward restricting economic development and Americans' livelihoods rather than protecting threatened animals. The new push to undo the wildlife protection law comes as Republicans control the White House and both chambers of Congress, and is led by a president who has made deregulation a centerpiece of his administration.

[Trump Administration Officials Dismissed Benefits of National Monuments](#)

The Washington Post

In a quest to shrink national monuments last year, senior Interior Department officials dismissed evidence that these public sites boosted tourism and spurred archaeological discoveries, according to documents the department released this month and retracted a day

later. The thousands of pages of email correspondence chart how Interior Secretary Ryan Zinke and his aides instead tailored their survey of protected sites to emphasize the value of logging, ranching and energy development that would be unlocked if they were not designated national monuments. Comments the department's Freedom of Information Act officers made in the documents show that they sought to keep some of the references out of the public eye because they were "revealing [the] strategy" behind the review.... The new documents show that ... Interior officials rejected material that would justify keeping protections in place and sought out evidence that could buttress the case for unraveling them.

[Halliburton Probe Makes 11 Federal Investigations Into Zinke](#)

Think Progress

More than 10 federal investigations have now been opened into Secretary of the Interior Department Ryan Zinke's financial and ethical decisions during his tenure with the Trump administration. The agency's internal watchdog announced an eleventh investigation on Wednesday evening, drawing further attention to Zinke's behavior while running the department, and in this case, his connections to one of the world's most powerful oil companies. The Department of the Interior's Office of the Inspector General (OIG) launched a formal probe into Zinke's real estate dealings backed by a Halliburton chairman mid-week after indicating the watchdog would do so earlier last month.

[New EPA Chief Andrew Wheeler Faces First Call for Ethics Probe](#)

The Huffington Post

Andrew Wheeler, the new head of the Environmental Protection Agency, is facing his first call for an ethics probe less than three weeks after taking over in the wake of scandal-plagued former Administrator Scott Pruitt's abrupt resignation. On Thursday afternoon, E&E News reported that Wheeler, who a year ago worked as a coal and mining lobbyist, met with former clients at least three times since he was sworn in as deputy EPA administrator on April 20. The meetings appear to violate the Trump administration's ethics pledge and break explicit promises Wheeler made to avoid conflicts of interest. Late last month, the day before telling Bloomberg News he didn't "think it's appropriate for me to participate" in meetings with clients for whom he'd lobbied, Wheeler participated in a "stakeholder meeting" with Darling Ingredients, a biodiesel producer and his second-largest former client after coal giant Murray Energy. Wheeler also met with Archer Daniel Midland Co., an agribusiness that spent more than \$5,000 for Wheeler's "strategic advice and consulting," and the South Coast Air Quality Management District, a Southern California regulatory agency that paid Wheeler's former firm at least \$600,000 for lobbying between 2010 and 2012.

[DeVos' New Proposal Aligns Her with For-Profit Colleges](#)

Rolling Stone

The Department of Education, led by Republican über-donor and grizzly-bear alarmist Betsy DeVos, has unveiled a new proposal that would make it dramatically harder for tens of thousands of students who attended scammy for-profit colleges to receive debt relief. On Wednesday morning, the department released its plan to weaken the so-called “borrower defense” rule. Borrower defense was enacted in the waning days of the Obama administration as a way for students to seek help if they had taken on debt to attend a college or university — typically a for-profit institution — that was later shut down for fraud. Under Obama, students of shuttered schools like ITT Tech and Corinthian College could apply for relief from the Education Department, which would either help individuals get their money back or transfer their credits to another higher-ed institution.

[DeVos to Eliminate Rules Aimed at Abuses by For-Profit Colleges](#)

The New York Times

Education Secretary Betsy DeVos plans to eliminate regulations that forced for-profit colleges to prove that they provide gainful employment to the students they enroll, in what would be her most drastic in a series of moves to free the for-profit sector from consumer safeguards. The gainful employment regulations put into force by the Obama administration cut off federally guaranteed student loans to colleges if their graduates did not earn enough money to pay them off. That sent many for-profit colleges and universities into an economic tailspin because so many of their alumni were failing to find decent jobs. The Obama regulations — years in the making and the subject of a bitter fight that pulled in heavy hitters from both parties who backed the for-profit schools — also required such schools to advertise whether or not they met federal standards for job placement in promotional materials and to prospective students.

[Ivanka Trump Is Shutting Down Her Fashion Brand](#)

The New York Times

Ivanka Trump, President Trump’s elder daughter and a top White House adviser, said on Tuesday that she was shutting down her namesake fashion brand more than a year after stepping away from the company amid concerns over how Mr. Trump’s family might profit from his presidency. In a statement, Ms. Trump characterized the move as being driven by a commitment to the work she is doing as part of her father’s administration.... A spokesman for Ms. Trump’s brand said the process of winding down the company would begin immediately, that the brand’s licensing deals would not be renewed and that its 18 employees would depart in the coming weeks. Existing products will continue to be sold, but no new ones will be added

for next spring. Ms. Trump's decision comes as the Trump administration threatens to escalate its trade dispute with China, where many of her products are manufactured.

[Two Trump Allies, Seeing Unlimited Opportunity, Instead Drew Scrutiny](#)

The New York Times

Mr. Broidy was a client of Mr. Gates, and had paid him at least \$125,000. For that money Mr. Gates advised Mr. Broidy on how to pursue both a contract for his business and appointments for his associates and provided insight into the new administration's foreign policy plans, according to interviews as well as internal emails and documents.... Their financial arrangement, not previously reported, was emblematic of the way a small circle of Mr. Trump's associates at the beginning of his presidency aggressively marketed their administration access to well-paying clients, and sheds light on the activities of Mr. Gates, who has emerged as a key figure in the investigation of the special counsel, Robert S. Mueller III.

[Montana Governor Sues IRS, Warning of 'Foreign Money' in Elections](#)

The New York Times

Gov. Steve Bullock of Montana, a Democrat who has crusaded against the loosening of campaign finance rules, is suing the Trump administration to block it from eliminating a mandate that politically active nonprofit groups disclose the identities of their major donors to the government. The Treasury Department announced last week that the Internal Revenue Service would no longer require a range of nonprofit organizations to identify any contributors giving more than \$5,000, in a move it described as bolstering privacy and easing administrative burdens for those groups. Previously, certain nonprofits had to name their large donors to the government even though they were not supposed to be disclosed to the public.

[Meet the Eastern European Mystery Donors Behind the Trump-Allied PAC](#)

The Daily Beast

A mysterious company that made a huge contribution to a pro-Trump political group this year is run by two Soviet-born businessmen, one of whom was feted at a donor retreat at Mar-a-Lago in March. Global Energy Producers LLC donated \$325,000 to America First Action, a pro-Trump super PAC, in May, according to the group's most recent filing with the Federal Election Commission. That made the company one of America First's top 20 donors, alongside big Republican names and allied businesses, such as disgraced former GOP fundraiser Steve Wynn and coal giant Murray Energy. But unlike those prominent contributors, GEP was a virtual unknown. The group had just one other political contribution to date: a \$50,000 donation to a PAC supporting Republican Rep. Ron DeSantis' Florida gubernatorial campaign. It had virtually no paper trail identifying the individuals behind it because the company appears to

have been incorporated in Delaware, a state that grants near-total anonymity to corporations formed there.

[Meet the U.S. Officials Now in China's Sphere of Influence](#)

The Daily Beast

As China's wealth has grown, so has its sophistication at currying favor in Washington and among the American elite. Both the Chinese government and Chinese companies, often with close state ties, have retained lobbying and public-relations firms in the Beltway, in some cases hiring former U.S. officials as personal lobbyists. Beijing has also learned how to harness its economic might by alternately opening its doors to companies who play by China's rules, and slamming the door on companies that go against its red lines. In some cases, this grants Beijing powerful sway over foreign companies with business interests in China. This has raised concerns that current U.S. government officials may have an eye on their future prospects in China even before leaving office. While it may seem politics as usual in Washington today, some are alarmed. "Nobody in the 1980s would have represented the Russian government. And now you find so many lobbying for the Chinese government," said Frank Wolf, a retired U.S. representative from Virginia who long served as the co-chairman of the Tom Lantos Human Rights Commission. "I served in Congress for 34 years. I find it shocking." Below are some of the more prominent former U.S. politicians and officials whose have lobbied for China or whose business interests are closely connected to it.

[GOP Lawmakers Introduce Articles of Impeachment Against Rosenstein](#)

The Hill

A group of conservative House lawmakers on Wednesday introduced articles of impeachment against Deputy Attorney General Rod Rosenstein, the top Department of Justice (DOJ) official overseeing special counsel Robert Mueller's Russia investigation. The introduction of the resolution is the latest sign of escalating efforts among conservatives to oust the DOJ's No. 2 official. Conservative members led by Reps. Mark Meadows (R-N.C.) and Jim Jordan (R-Ohio), along with nine co-sponsors, introduced the five articles shortly after a meeting with DOJ officials concerning document production.

[Donations to Nunes Improperly Used to Charter Private Jet](#)

McClatchy DC

Political donations to Rep. Devin Nunes were improperly used to fund \$5,518 in private jet travel, says a complaint filed by a nonpartisan watchdog group with the Federal Election Commission on Monday. Nunes, R-Calif., is the sponsor of New PAC, a leadership political action committee which paid \$11,036 to Paramount Business Jets on March 7, according to

public filings. The PAC was refunded \$5,518 May 18, citing overpayment. Paramount Business Jets, based in Virginia, offers “private jet flights to and from any major city in the world, in any size aircraft with as little as 4 hours of notice,” according to the company’s website. It’s illegal for such leadership PAC money, which members of Congress use for donating money to other political candidates and committees, to be used for non-commercial air travel.

[The Power of Little Money Will Be Tested This Fall](#)

Roll Call

Democratic incumbents in Congress may face a future with a political money problem. No, it’s not that they won’t have enough campaign cash — quite the opposite. They may have too much of a certain kind. A pair of upstart, anti-lobbyist, anti-big-political-money groups from the left will be painting those large campaign coffers that Democratic incumbents amass as a bad thing. To defeat them in primaries, they hope to portray those incumbents as too tied to big-money interests. These groups have their sights right now on several sitting Democratic lawmakers with upcoming primaries. This is likely just the beginning. Like the Club for Growth did on the conservative side, these groups with roots in the Bernie Sanders presidential campaign, dubbed Justice Democrats and Brand New Congress, seek to “purify” political candidates, in this case of the toxicity of big donors. The two political action committees, which were once linked and share founders, may fall short in this election cycle, or even go out of business altogether. But no matter: They reveal a deep angst among voters who have grown disaffected in their belief that big checks hold outsized influence over their elected officials.

[Democrats Propose Making It Illegal to Spread False Election Information](#)

Huffington Post

Several congressional Democrats plan to introduce legislation Thursday that would make it a federal crime to knowingly and intentionally publish false information about elections. The legislation would criminalize knowingly spreading wrong information related to the time and place of elections as well as voter qualifications and registration status. The bill would also make it illegal to knowingly claim an endorsement from someone within 60 days of a federal election. Anyone who spread such misinformation would be subject to up to five years in prison and a \$100,000 fine. The measure is being introduced by Democratic Sens. Claire McCaskill (Mo.), Ben Cardin (Md.), Doug Jones (Ala.) and Patrick Leahy (Vt.). Democratic Reps. A. Donald McEachin (Va.) and Jerry Nadler (N.Y.) plan to introduce companion legislation in the House. While dirty tricks such as fliers telling people to vote on the wrong day have a long tradition in American politics, the legislation comes amid increased attention to the spread of misinformation amid Russian interference in the 2016 presidential election.

IN THE STATES

[Do-It-Yourself Legislative Redistricting](#)

The New York Times (Editorial Board)

Independent redistricting commissions, which are already functioning in California, Arizona, and four other states, can go a long way toward reducing the influence of partisan politics in mapmaking. The Michigan proposal would establish a 13-member commission made up of four Republican voters, four Democratic voters and five independent... Michigan is one of several states, red and blue, where regular citizens, tired of being the pawns of power-hungry lawmakers, are fighting to take back the mapmaking process. Initiatives will also be on the ballot in Utah, almost certainly in Missouri, and possibly in Arkansas and Oklahoma. And lawmakers in Colorado and Ohio have agreed, in the face of public pressure, to allow ballot measures on whether to adopt independent commissions in those states. A truly fair process must be transparent as well as nonpartisan. Redistricting today is a sophisticated, data-driven enterprise, and that data should be available to everyone.

[Drive Against Gerrymandering Finds New Life in Ballot Initiatives](#)

The New York Times

The movement to take politics out of setting legislative district boundaries seemed to suffer a grievous, and perhaps even mortal, blow this spring when the Supreme Court passed up three chances to declare partisan gerrymandering unconstitutional. But it turns out that reports of its death are exaggerated. As federal courts dither over how to resolve the issue, activists have begun tackling it state by state at the grass roots.... It is remarkable that five states are holding ballot measures on the issue in a single year; only five had taken them up over the entire preceding decade. Just as unusual is how little opposition the measures are meeting, at least so far. Beyond Michigan, where the state Chamber of Commerce and the Republican attorney general are trying to block the anti-gerrymandering initiative, organized resistance to the proposals has been scant. In the past, only a handful of states — Idaho, Iowa and Arizona among them — embraced genuinely nonpartisan redistricting, while most states continued to treat mapmaking as the privilege of the party in power.

[New Emails Show Michigan Republicans Plotting to Gerrymander Map](#)

The New York Times

Newly disclosed emails show Michigan Republicans angling to give their party a dominant position through gerrymandered maps and celebrating the plight of their Democratic rivals.

Republicans in the state have denied that they sought partisan gain when they drew new legislative boundaries in 2011. But a federal lawsuit, which argues the maps are unconstitutional, has unearthed records showing Republicans intent on drawing boundaries that would help their party. The emails, disclosed in a filing on Monday, boast of concentrating “Dem garbage” into four of the five southeast Michigan districts that Democrats now control, and of packing African-Americans into a metropolitan Detroit House district. One email likened a fingerlike extension they created in one Democratic district map to an obscene gesture toward its congressman, Representative Sander M. Levin.

[NC GOP's Plan to Deceive Voters About Its Radical Ballot Measures](#)

Slate

In November, North Carolina voters will have an opportunity to approve six constitutional amendments proposed by the state’s Republican-dominated Legislature. These amendments range from silly to atrocious, and a majority are designed to prevent the state’s Supreme Court and Democratic governor from protecting voting rights. But voters may have little idea what any of the amendments do, because Republicans have hatched a plan to give themselves the power to write the ballot language without any input from Democrats. The North Carolina GOP decided to alter the state constitution for a few reasons. First, they hoped to drive up Republican turnout by tossing some red meat to the base. Second, they want to stop Democratic Gov. Roy Cooper from expanding access to voting rights by stripping him of his constitutional authority to oversee state elections. Third, and relatedly, they want to prevent the left-leaning state Supreme Court from striking down GOP-sponsored voter suppression laws.

[State Ethics Commission Defers to Court on Withheld Campaign Funding](#)

Press Herald

The state ethics commission opted Wednesday to take no action on millions of dollars in withheld state Clean Elections funding in the hope that a judicial ruling will soon resolve the dispute, but the panel did not rule out calling a special meeting should the money continue to be held back. During the roughly three-hour meeting of the Commission on Governmental Ethics and Election Practices, the four members agreed it was unfair that dozens of Clean Elections-qualified candidates have not received funding ahead of the November general election, but said the commission was not in a position to release the money. At stake is about \$3 million for the current fiscal year that was included in the state budget – and has already been transferred to the Clean Elections account – but that the commission cannot legally release to candidates because of a typographical error in the budget bill. Also, Republican Gov. Paul LePage has withheld his signature from financial orders that would instruct the ethics commission to disburse \$1.4 million in funds unused or returned by Clean Election candidates after the 2016 elections. LePage has signed off on similar financial orders in the past.

KEY OPINION

[Trump's Emoluments Trap](#)

The New York Times (Op-Ed by Karl Racine, Brian Frosh and Norman Eisen)

On Wednesday, a federal district court made history. Judge Peter J. Messitte of Maryland allowed a lawsuit to move forward against President Trump, alleging that he is violating the Constitution by continuing to do business with foreign and domestic governments. In doing so, he became the first federal judge ever to rule on the meaning of the word “emolument” in the Constitution. Coverage of the lawsuit, which was brought by two of us (with the third, Mr. Eisen, among the co-counsels), has sometimes cast doubt on the usefulness of the Emoluments Clauses, which we have argued forbid presidents from using their office to “profit, gain or advantage.” Critics have noted how rarely they have been deployed. That’s why Judge Messitte’s ruling is so important: It opens a path to enforcement of the ethics regime that the framers developed as a bulwark against corruption in the highest office in the land. The decision could not be more timely. As our suit makes clear, the head of the executive branch of our government is more embroiled in commercial activities, from his hotel near the White House to business deals half a world away, than any president in American history.

**Related Editorial: [Hold Trump to Same Standards as Other Presidents.](#)*

[Kavanaugh Won't Protect Mueller. His Writings Prove It.](#)

The Washington Post (Op-Ed by Senator Blumenthal)

The president may also take comfort from Judge Brett M. Kavanaugh’s observation that *United States v. Nixon* — the unanimous, landmark 1974 Supreme Court opinion forcing President Richard M. Nixon to turn over secretly recorded White House tapes — may not be good law. Even more unsettling than Kavanaugh’s skepticism on that score was his speculation that *Nixon* might deserve to “be overruled on the ground that the case was a nonjusticiable intrabranched dispute.” Kavanaugh was thus lending credence to the Nixon White House’s argument that because the Justice Department is part of the executive branch, it has no authority to compel the president to release information relevant to a criminal case. Under this theory, presidents would not only be free to reject burdensome, unfair or otherwise problematic requests for information; they would also be free to reject *all* requests for information.

[Democrats and GOP Finally Agree on How to Use PAC Loopholes](#)

NBC News (Op-Ed by Adav Noti and Meredith McGehee)

Democrats and Republicans on Capitol Hill seem to have few things in common these days. But together, many members of Congress of both parties have racked up a staggering tab in recent years paying for their luxurious lifestyles on donors' dimes... This runaway spending was brought to light in a new report, "How Leadership PACs Became Politicians' Preferred Ticket to Luxury Living," released on July 20 by our two government reform groups, Campaign Legal Center (CLC) and Issue One. The report highlights many bipartisan abuses of a source of funds little known beyond the beltway, but widely exploited within it: so-called leadership PACs. These officeholder-controlled political action committees are being used to finance everything from golf club memberships to upscale resorts. In aggregate, our research shows that federal lawmakers have used their leadership PACs to spend at least \$871,000 in golf-related expenses; \$741,000 at St. Regis Hotels across the country; \$614,000 in the Virgin Islands and Puerto Rico; and \$469,000 at Walt Disney theme parks, hotels and restaurants.

* * *

