

Research Report for the Week of May 15-20, 2017

1. The Russian Investigation

A. Special counsel

Summary: The Justice Department, under pressure from Democrats and from Republicans in the past week, has agreed to appoint a special counsel to manage the Russian investigation. They appointed Robert Mueller, the FBI director from 2001 to 2013. Mueller will resign from his private law firm to avoid conflicts of interest.

Talking Points:

- Mueller is tasked with investigating “any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump” as well as “any matters that arose or may arise directly from the investigation” and any other matters that fall under the scope of the Justice Department regulation covering special counsel appointments.
- If Mueller believes it is necessary and appropriate, he is authorized to prosecute federal crimes arising from the investigation.
- It is not clear how the appointment of Mueller will impact the congressional investigations, their latest document requests, or their requests for Comey to testify.
- The Senate Intelligence Committee has invited Comey to testify in an open hearing, with the possibility of an additional closed hearing if necessary. Comey has demanded an open hearing. The Committee has also requested that the FBI provide the memo Comey wrote about Trump requesting a closure of the Flynn investigation. The Senate Judiciary Committee has also requested that Comey testify in open session and requested that the FBI provide the Comey memos. The House Oversight Committee has also requested the memos.

B. Obstruction of justice

Summary: There have been several reports regarding comments made by Trump before firing Comey, and in the aftermath of the firing, that support an allegation of obstruction of justice.

Talking Points:

- NBC aired an interview by Lester Holt with Trump, who said he was going to fire Comey whatever the Justice Department recommended and linked it to the Russia investigation, which he called a hoax.
- The New York Times reported that associates of Comey stated that after a private meeting at the White House in January Comey told them that Trump had asked if Comey would be loyal. When Comey said he would be truthful, Trump repeated the question, then Comey repeated his

answer. Trump's version of the meeting was that Comey told him he was not the target of the investigation. A day later, Trump issued a threat to Comey on Twitter, saying that he had better be sure their discussions weren't taped.

- On May 16, the New York Times reported that Comey wrote a detailed memo in February after a dinner at the White House, in which Comey detailed Trump's request that he drop the Flynn investigation. The memo records that Trump said to Comey "I hope you can let this go."
- Jason Chaffetz, chair of the House Oversight Committee, has asked Acting FBI Director McCabe to provide all memos by Comey of meetings with Trump along with any notes, summaries and recordings. He has stated that if this was not done voluntarily, he would subpoena them. He has set a May 24 deadline for turning over the material. The Senate Intelligence Committee has also requested the memos, as has the Senate Judiciary Committee.

C. Trump reveals classified information to Russians

Summary: The Washington Post reported on May 15 that when Trump hosted Russian Foreign Minister Lavrov and Ambassador Kislyak the day after he fired Comey, he revealed highly classified "code word" information. The Post story stated that Trump appeared to be boasting about his knowledge of the ISIS threat. The Post reports that Trump described the ISIS plot that led to restrictions on using laptops on airplanes leaving the Middle East as well as the city where the plotters were located.

Talking point:

- The information was gained from a foreign partner through an intelligence-sharing agreement and was only to be shared with that country's permission (which was never requested). The danger is that Russia could work backwards from the information Trump shared to uncover the partner country that was sharing it, jeopardizing that critical source of information on ISIS. After Trump's meeting, senior White House officials took steps to contain the damage, placing calls to the CIA and the National Security Agency. On May 15, National Security Advisor McMaster denied the report, saying "sources and methods" were not compromised. But the Post story never said that Trump mentioned them at all.

D. Action request from the ACLU (this request was sent to the Research Committee from Lisa)

Summary: Even though Deputy Attorney General Rod Rosenstein has appointed a special prosecutor, former FBI director Robert S. Mueller III, to conduct an independent inquiry into Russian interference in our 2016 election and possible Trump campaign collusion we need to take the next stop:

Talking points:

- Congress needs to convene a select committee to guarantee a public report. We need a select committee because the special prosecutor's

investigation will unfold behind the scenes, without the public airing this issue needs. To restore our democracy's credibility, we need hearings and testimony and reports – all public. And only a special select committee of Congress can provide that.

- Calling for a special select committee isn't new. In 1973, the Senate established the Select Committee on Presidential Campaign Activities – otherwise known as the Senate Watergate Committee.
- That's the moment we're in now. The American people need a public accounting of what really happened in our 2016 election. The integrity of our vote, our government, and our democracy is at stake.

Our MoCs

- Senators Patty Murray and Maria Cantwell joined nine other senators in urging the Inspector General of the Department of Justice to investigate whether Attorney General Jeff Sessions violated his recusal from the investigation into Russia's interference in the 2016 election and its ties to the Trump campaign with his involvement in the firing of former FBI Director James Comey. Murray and Cantwell stressed that such a violation compromises the integrity of the ongoing investigation and raises serious concern about the Attorney General's ability to remain impartial in the investigation.
- The letter said: "It is clear that Attorney General Sessions had an active role in the termination of Director Comey. This seems to be in direct violation of Attorney General Sessions' recusal from "any existing or future investigations of any matter relating in any way to the campaigns for president of the United States."

What to Do

- Contact our Senators Murray and Cantwell to thank them for calling for an independent prosecutor and for urging the Inspector General to investigate whether Sessions violated his recusal from the Russian influence investigation.
- While you are on the phone to the senators' offices, urge them to call for a select committee to investigate the Russian connection. Script: "I am xx, from xx, Washington, and a constituent of Senator xx, or Rep. Heck. I demand that Congress appoint a select committee to investigate the Russian influence on the 2016 election, and the administration's purported attempts to cover up its involvement both before and after the election, because the special prosecutor's investigation will unfold behind the scenes, without the public airing this issue needs. To restore our democracy's credibility, we need hearings and testimony and reports – all public. And only a special select committee of Congress can provide that."

- Call the Inspector General at 202-514-4001, or send a postcard or letter to:

U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue, N.W., Suite 4706
Washington, D.C. 20530-0001

and say: "I am ____, of ____, Washington. I join my U.S. Senators in urging the Inspector General to investigate Attorney General Jeff Sessions to determine whether the Attorney General violated his promise to recuse himself from the DOJ Russian influence investigation. Reports of the Attorney General's involvement in the firing of FBI Director James Comey indicate that the Attorney General did not recuse himself, as he said he would."

2. Global Gag Rule

Summary: The administration announced the details of their global anti-abortion gag rule. It dramatically expands the limits that past Republican presidencies have placed on US health assistance funds.

Talking points:

- The rule blocks international family planning assistance through USAID to any groups or program that provide or even mention abortions to women or speak out about abortion laws in their own countries.
- The Trump plan applies the rule to \$8.8 billion in global health funding furnished by the State Department, USAID and the Department of Defense, instead of only \$600 million in family planning funding.
- The policy will apply to all health funding, including for HIV/AIDS, maternal and child health, malaria, global health security and family planning and reproductive health. This means that a clinic receiving U.S. assistance for HIV or Zika relief will lose all money if it gives pregnant women information about safe abortion care.

What to do:

Call our MoCs and ask that they immediately contact USAID, the State Department, and the Department of Defense, to protest gag rule placed on family planning assistance. Further, ask them to support legislation that guarantees funding to international medical aid groups regardless whether the group supports or discusses or offers abortions.

3. National Monument reviews/ Bears Ears urgent/Executive Order 13792

Summary: Executive Order 13792 of April 26, 2017 (82 FR 20429, May 1, 2017), directs the Secretary of the Interior to review certain National Monuments designated or expanded under the Antiquities Act of 1906, 54 U.S.C. 320301-320303 (Act). Specifically, Section 2 of the Executive Order directs the Secretary to conduct a review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, where the designation covers more than 100,000 acres, where the designation after expansion covers more than 100,000 acres, or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders, to determine whether each designation or expansion conforms to the policy set forth in section 1 of the order. Among other provisions, Section 1 states that designations should reflect the Act's "requirements and original objectives" and "appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities." 82 FR 20429 (May 1, 2017)

Talking points:

- This is the first time- only time- that any monument has been reviewed for consideration of being rescinded or change since Teddy Roosevelt signed the act in 1906.
- It reviews areas that were designated as far back as Clinton's and George W. Bush's presidency.
- It COULD open areas to mining and grazing that are now protected. It could decrease availability of areas to tourism. The effects are unclear as many of these would revert to previous jurisdiction AND it is unclear if the President has authority under the act to make changes.
- Overall the response from businesses has been mixed. Many "main street" businesses in these towns have benefited from tourism.
- THE COMMENT PERIOD FOR BEARS EARS ENDS ON MAY 26th, 2017. THE OTHERS HAVE 60 DAYS FROM DATE OF PUBLICATION OF THE NOTICE - July 10, 2017.
- Congress would still have to vote to undo the designation. There is nothing in the act that allows the President to revoke. It is unlikely that Congress would vote to revoke designations- there would be LOTS of political backlash, not to mention court battles if they did.

Excellent article:

<https://gearjunkie.com/national-monuments-analysis>

And this on business

<http://www.cnbc.com/2017/05/15/businesses-battle-over-trumps-review-of-national-monuments.html>

List of monuments and how to comment:

<https://www.doi.gov/pressreleases/interior-department-releases-list-monuments-under-review-announces-first-ever-formal>

What to Do:

- Review the Department of the Interior website, listed directly above, to see the list of monuments at risk. Then comment online at <http://www.regulations.gov> by entering “DOI-2017-0002” in the Search bar and clicking “Search,” or by mail to:
 - Monument Review
MS-1530
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240.
- In your comments say:
 - The designated lands were appropriately classified under the Antiquities Act as a “historic landmark, historic and prehistoric structures, [or] is otherwise of historic or scientific interest.”
 - There is no purpose served in removing the land(s) or monuments from designation under the Antiquities Act because there is sufficient remaining federal land available for non-monument use.
 - There is significant use and enjoyment made of these national monuments and provide significant income to local jurisdictions and private businesses. In fact, the fiscal condition of local governments, tribes, and private business would be seriously and negatively impacted by the re-designation of these monuments.
 - The federal government has sufficient resources to manage the designated areas.

If you have used the one or more of the listed lands, designated areas or monuments, please communicate that use to the DOI and why it was important to you.

4. White House Commission on “Election Integrity”

Summary: Trump’s executive order of May 11th establishes a Presidential Advisory Commission on Election Integrity. Vice-President Pence is the chair of the commission, which has up to 15 additional members. Trump appoints the members. The Commission will “study the registration and voting processes used in Federal elections” and will “be solely advisory” In addition, “The Commission shall hold public meetings and engage with Federal, State, and local officials, and election law experts, as necessary, to carry out its mission.” Text of executive order – <https://www.whitehouse.gov/the-press-office/2017/05/11/presidential-executive-order-establishment-presidential-advisory>

Talking points:

- Trump has claimed that 3 million+ people voted illegally in 2016 presidential election. No evidence for this has been presented.
- Republicans typically use fraud claims to justify voting law restrictions, suppressing voter turnout among minorities and those who are less well-off.
- The order makes no mention of suppression or voting restrictions, specifying only “improper” or “fraudulent” registration and voting as issues to be explored.

Reactions by Democrats, civil rights groups, voting organizations:

- Democratic lawmakers said the commission was ill-conceived at best and a potential front for discriminatory policies at worst.
- Civil rights groups reacted with alarm to the creation of the task force, arguing that Mr. Trump’s own claims of illegal voting by immigrants suggested that his intent was to work to restrict the voting rights of minorities.
- The New York Times writes: “Voting officials in both parties and academics across the country have long rejected the notion that fraudulent voting is widespread, finding instead that it is a sporadic and uncommon occurrence that has had no discernible effect on election outcomes. Mr. Trump’s own lawyers concluded as much about the 2016 contest, asserting in legal filings that it was “not tainted” as they sought to block recounts in Michigan, Pennsylvania and Wisconsin.
- “There are problems in the registration system that don’t translate into fraud, there are sporadic and very rare instances of fraud, and voter impersonation fraud is the rarest of all,” said Nathaniel Persily, a professor of political science at Stanford who served as the research director of the bipartisan Presidential Commission on Election Administration in 2012.

Legal actions by civil rights groups:

- The same day of the executive order, May 11, the ACLU filed a Freedom of Information Act “FOIA” request seeking information that the Trump administration is

using as the basis for its voter fraud claims. The commission vice chair is Kansas Secretary of State Kris Kobach, whom the American Civil Liberties Union has successfully sued numerous times over voter suppression policies.

The 10-page legal document is at <https://www.aclu.org/legal-document/foia-records-surrounding-executive-order-creating-presidential-commission-election>

ACLU article about Chris Kobach - <https://www.aclu.org/blog/speak-freely/if-you-care-about-right-vote-here-are-six-things-you-need-know-about-kris-kobach>

- Also May 11, The NAACP Legal Defense and Educational Fund, Inc. filed Freedom of Information Act (FOIA) requests with the Department of Justice (DOJ) and the White House's Office of Management and Budget (OMB) in response to the executive order. This commission is a thinly veiled attempt at delegitimizing Black and Latino participation in the political process, and should be of grave concern to all Americans. <http://www.naacpldf.org/press-release/ldf-files-freedom-information-act-requests-response-voter-fraud-commission>

More information:

- Members of the Commission

Vice chair Kobach was the driving force behind a Kansas law requiring new voters to produce a passport, a birth certificate or naturalization papers as proof of citizenship. He worked last year to disqualify the state and local votes of thousands of people who did not meet those criteria. He has advocated the proof-of-citizenship requirement at the federal level as well, alleging rampant voter fraud without producing proof of a widespread problem.

Kobach is the only secretary of state with the authority to prosecute voter fraud, and he has helped create some of the nation's strictest voter-ID requirements. (WaPo)

Commission would also include the Republicans Connie Lawson, the secretary of state of Indiana, and Kenneth Blackwell, who formerly held that post in Ohio, as well as two top Democratic election officials: William M. Gardner of New Hampshire and Matthew Dunlap of Maine. Christy McCormick, a Republican member of the nonpartisan U.S. Election Assistance Commission appointed by President Barack Obama, has also been selected to serve on the panel. (NYTimes)

Our MoC's

Nothing specific from them on this Commission, probably there was so much else going on the past week!

WHAT TO DO:

- The executive order says there will be public meetings. We need to watch for those public meetings and join in to add our voices.
- Support ACLU and other groups working for voting rights.

- Contact our MoCs to let them know that we do not support this so-called Commission on “Election Integrity,” and that we request that they resist any attempts in Congress to support or aid this commission.

For more info:

Southern Poverty Law Center on voter suppression:

<https://www.splcenter.org/news/2017/02/01/systematic-voter-suppression---not-voter-fraud---real-cause-concern>

League of Women Voters on Trump's "Election Integrity Commission"

[http://lwv.org/press-releases/league-statement-trump's—"election-integrity-commission"](http://lwv.org/press-releases/league-statement-trump's—)

Brennan Center for Justice:

Debunking the Voter Fraud Myth

<http://www.brennancenter.org/analysis/debunking-voter-fraud-myth>

Trump's Commission on 'Election Integrity' Could Instead Restrict Voting

<https://www.brennancenter.org/Trumps-Commission-on-Election-Integrity-Could-Instead-Restrict-Voting>

Uncovering Kris Kobach's Anti-Voting History

<https://www.brennancenter.org/blog/uncovering-kris-kobach's-anti-voting-history>

Voting Laws Roundup 2017

<https://www.brennancenter.org/analysis/voting-laws-roundup-2017>