

TEA PARTY PATRIOTS ACTION

WEEKLY REPORT FROM WASHINGTON

October 1, 2019

CALENDAR:

The House and Senate are both in recess for the next two weeks.

LAST WEEK ON THE HOUSE FLOOR:

The House came back to work on Tuesday, and passed one bill under Suspension of the Rules.

On Wednesday, the House passed a Rule governing consideration of H.R. 2203, the Homeland Security Improvement Act, H.R. 3525, the U.S. Border Patrol Medical Screening Standards Act, and H.Res.576, expressing the sense of the House with respect to the whistleblower complaint of August 12, 2019, made to the Inspector General of the Intelligence Community.

Then the House passed H.R. 1595, the SAFE Banking Act, under Suspension of the Rules.

Then the House passed H.R. 2203, the Homeland Security Act, by a vote of 230-194.

Then the House moved to consider H.Res. 590, a privileged resolution offered by House Minority Leader Kevin McCarthy. The resolution would have put the House of Representatives on record disapproving of the actions of Speaker Pelosi in declaring the opening of an official impeachment inquiry without benefit of a vote in the full House. The Democrats instead offered a motion to table the McCarthy resolution, and the vote to table carried by a vote of 232-193.

Then the House considered H.Res. 576, expressing the sense of the House of Representatives with respect to the whistleblower complaint. The resolution said it was the sense of the House that the whistleblower complaint should be “transmitted immediately” to the House and Senate Intelligence Committees, and that the two committees “should be allowed to evaluate the complaint in a deliberate and bipartisan manner consistent with applicable statutes and processes in order to safeguard classified and sensitive information.” That resolution passed, by a vote of 421-0, with two Members – Thomas Massie and Louie Gohmert – voting “present.”

On Thursday, the House passed a Rule governing consideration of S.J.Res. 54, the Senate resolution declaring an end to the state of emergency on the southwest border that had been declared by President Trump on February 15, 2019.

Then the House took up and passed H.R. 3525, the U.S. Border Patrol Medical Screening Standards Act, by a vote of 230-184.

On Friday, the House took up and passed S.J.Res. 54, declaring an end to the state of emergency on the southwest border. The vote was 236-174.

Then the House took up and passed H.R. 3722, the Joint Task Force To Combat Opioid Trafficking Act, under Suspension of the Rules.

And then the House considered a privileged resolution offered by Minority Leader Kevin McCarthy. It was virtually the same privileged resolution he had offered on Wednesday, regarding disapproval of Speaker Pelosi's move to open an "official" impeachment inquiry against President Trump without benefit of a vote of the full House. The motion to table the resolution carried, by a vote of 222-184.

And then they were done.

LAST WEEK ON THE SENATE FLOOR:

The Senate came back to work on Monday, and moved to invoke cloture on the nomination of Brian McGuire to be a Deputy Under Secretary of the Treasury.

During the course of the week, the Senate voted to invoke cloture on, and then approve, the confirmations of the following people to the following positions:

- Brian McGuire, to be a Deputy Under Secretary of the Treasury
- Joseph Cella, to be Ambassador of the United States of America to the Republic of Fiji, Kiribati, Nauru and the Kingdom of Tonga, and Tuvalu
- Daniel Habib Jorjani, to be Solicitor of the Department of the Interior
- David Fabian Black, to be Deputy Commissioner of Social Security
- John E. Hyten, to be Vice chairman of the Joint Chiefs of Staff
- Eugene Scalia, to be Secretary of Labor

In addition, on Wednesday, the Senate passed S.J.Res. 54, a joint resolution declaring an end to the state of emergency on the southwest border. The resolution passed by a vote of 54-41. The eleven Republicans who voted in favor of the resolution were Lamar Alexander, Roy Blunt, Susan Collins, Mike Lee, Jerry Moran, Lisa Murkowski, Rand Paul, Rob Portman, Mitt Romney, Pat Toomey, and Roger Wicker. I'm sure the president is going to veto this resolution, just as he vetoed a similar resolution that passed both houses six months ago. And I'm also sure the House will not be able to override his veto, and that will be the end of that.

Later on Wednesday, the Senate considered a number of resolutions instructing the Senate conferees on the National Defense Authorization Act conference to push in the conference committee for inclusion in the Conference Report of several of the key provisions of the Senate version of S. 1790, the National Defense Authorization Act for FY 2020.

On Thursday, the Senate took up a Rand Paul amendment to H.R. 4378, the Continuing Resolution to keep the government funded until November 21. The Paul amendment would have reduced the amount spent in that CR by two percent. It failed, by a vote of 24-73.

Then the Senate took up the Continuing Resolution, and passed it by a vote of 81-16. Since it passed the House a week earlier, it was sent to the president for his signature in time to keep the government open beyond the end of the fiscal year on Monday.

GUN CONTROL:

We're still waiting to hear from the White House as to what President Trump would be willing to sign. For about 24 hours in the middle of the week two Wednesdays ago, there was a brief flurry of activity over a one-page background check proposal that was floated as a trial balloon by the Attorney General, but virtually everyone on the right, from Members of Congress to the NRA and other Second Amendment supporters, trashed the proposal, and it disappeared from view.

Elsewhere, on that same Wednesday, September 18, Tea Party Patriots Action was organizing a press conference featuring Members of Congress and survivors and family members of some of those lost in recent mass shooting incidents. In each case, the participants in the press conference declared their opposition to further gun control measures, and strongly defended the individual right to self-defense. Jenny Beth served as the emcee of the press conference, which was held on the grounds of the U.S. Capitol. It generated a great deal of coverage, and you can find several examples of that coverage in the Suggested Reading.

Later that evening, Tea Party Patriots Action hosted a two-hour online forum featuring many of the same individuals, talking at greater length about their experiences and their thoughts on the gun control debate.

On Friday, NRA chief Wayne LaPierre went to the White House to meet with President Trump. According to the reporting of The New York Times, LaPierre told the president it was time to "stop the games" on gun control. The White House pushed back hard on the Times's account.

IMPEACHMENT:

House Speaker Nancy Pelosi, determined to maintain her position as head of her party's caucus in the House of Representatives, last Tuesday declared her support for what she called an "official" impeachment inquiry. Interestingly, though, she did not call for a vote of the full House to confirm her decision. So the House has still not voted to authorize the opening of an impeachment inquiry, and nothing has changed at all on the legal front.

But with last week's revelations about a whistleblower complaint regarding a phone call between President Trump and the Ukrainian president – which we'll discuss at greater length in just a moment – the dam has burst, and, at last count, 223 House Democrats have now shown support for the opening of an impeachment inquiry. So far, only one GOP Congressman has said he supports the opening of such an inquiry – that's Mark Amodei of Nevada's second congressional district.

Of course, we all know how this works – IF a majority of the House votes in favor of one or more articles of impeachment, then the Senate would hold a trial. Supreme Court Chief Justice John Roberts would preside over the trial in the Senate, and the House managers would need to win the votes of 67 Senators to convict the president. Absent that number, the president would be acquitted, and life as we know it would resume.

The Democrats want to do this quickly, perhaps so quickly that we're looking at a vote on articles of impeachment by the end of October. Right now, it looks like they're going to try to get to 218 votes on two articles – the first being an article accusing the president of abuse of office for this phone call, and the second accusing the president of obstructing Congress' legitimate oversight responsibilities by ordering his Administration not to cooperate with House committee requests for information and the like.

UKRAINE WHISTLEBLOWER COMPLAINT:

On July 25th of this year, President Trump had a phone call with President Zelensky, the newly elected president of Ukraine. During the course of that phone call, the two leaders recognized the significant assistance that the U.S. government had given to Ukraine, and both leaders complained about how certain European countries had not given Ukraine as much as needed.

Then President Trump asked for what he called a "favor" – "I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike ... I guess you have one of your wealthy people ... The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible."

A few minutes later in the conversation, President Trump continued: "The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it ... It sounds horrible to me."

In neither instance did the president tie or even imply tying the flow of U.S. military and economic assistance to Ukraine to action on either front by Ukraine's president.

Perhaps more importantly, there's an ongoing Justice Department investigation into the origins of the FBI-Special Counsel Russia collusion investigation. And it's perfectly proper and appropriate for the president to ask a foreign head of government for assistance in the conduct of such an investigation.

In other words, as I read the contents of this phone call between President Trump and the Ukrainian president, I don't see anything troubling.

Nevertheless, someone who had access to the record of the call was upset by it. And that person, or persons, talked to someone else – someone else who, we believe, once worked inside the White House, and still works with people inside the White House who had access to the record of the call.

And that person decided to file a formal complaint against the president. And he did so, on August 12, in the form of a letter to Sen. Richard Burr, chairman of the Senate Intelligence Committee, and Rep. Adam Schiff, chairman of the House Intelligence Committee.

In that letter, the whistleblower wrote, "In the course of my official duties, I have received information from multiple U.S. Government officials that the President of the United States is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election. This interference includes, among other things, pressuring a foreign country to investigate one of the President's main domestic political rivals."

He also wrote, "I was not a direct witness to most of the events described," before suggesting that other senior White House officials recognized that President Trump had crossed some kind of line when they decided to move the electronic records of the phone call off the standard server and onto a different, more secure server.

Congressional Democrats responded as if it were the end of the world. In their minds, the president of the United States had abused his office and possibly even violated the law, and needed to be impeached as soon as possible.

Even congressional Democrats, though, didn't declare that President Trump had committed treason, and insisted that the only proper penalty for his action was the death penalty. No, that bit of absurdity was reserved for one of President Trump's erstwhile competitors for the GOP nomination for president – former Massachusetts Governor Bill Weld, who, I shit you not, said on MSNBC's "Morning Joe" that the president's purported "pressuring a foreign country to interfere with and control a U.S. election" isn't just a question of what he called "undermining democratic institutions." No, you see, "It's treason, pure and simple ... And the penalty for treason under the U.S. Code is death. That's the only penalty."

That's pretty serious stuff, especially coming from a man who once headed the Criminal Division of the Department of Justice – under President Ronald Reagan, no less.

But Weld is wrong on all counts, of course. First, treason is defined in the Constitution as “levying War against [the United States], or in adhering to their Enemies, giving them Aid and Comfort.” Obviously, not even the worst spin could twist what the president has done into “levying war,” and it couldn’t be turned into giving “aid and comfort” to our enemies, either. And, just for good measure, execution is one penalty in the U.S. Code for treason, but so is imprisonment for not less than five years. So there’s that.

Back to the Democrats, who, like Weld, have it wrong. In that phone call, President Trump was not looking forward, he was looking backward. He wasn’t trying to get dirt on one of the people running for the Democratic nomination for president – he was still trying to litigate the 2016 campaign, because he still believes there’s a significant element of our population that believes his 2016 election was illegitimate. The first favor he asked for didn’t have anything to do with Joe Biden or the 2020 election, it had to do with CrowdStrike and the missing DNC servers. And it had to do with providing assistance to that ongoing Justice Department investigation into the origins of the whole FBI-Mueller Russia collusion investigation.

Look at it this way – the only reason anyone can even make an argument that the president was trying to get dirt on one of his political rivals is because Joe Biden, who was mentioned in the phone call, happens to be running for president. But does anyone think that Trump wouldn’t have asked for what he asked for if Biden were not running? Of course not. Trump was going to ask for what he was going to ask for, regardless of whether or not Biden was running for president.

Moreover, does the fact that Joe Biden is now running for President shield him from investigation for things he may or may not have done in a previous capacity – say, while he was serving as Vice President of the United States? Why, that would be like saying that because Hillary Clinton was running for president in 2016, she shouldn’t have had to put up with an FBI investigation of her illegal home brew server.

By the end of the week, the Democrats’ argument was beginning to shift. I think that when they saw the transcript of the call, they realized that contrary to what they had been led to believe, there was no quid pro quo, or offer of a bribe, or threat of extortion used by President Trump. So they began to focus more on the movement of the electronic record of the phone call from the less secure server to the more secure server. Why would that have happened, they reasoned, if the president hadn’t recognized that he had done something wrong on the phone? That was evidence of a ... cover up.

Well, let me tell you, if that’s the strongest argument they can make for impeachment, they’re in trouble. To make an impeachment case stick against the president on that front, they’re going to have to prove that the president recognized he had done something wrong, and then ordered a cover up. But President Trump is already on record saying he doesn’t think he did anything wrong in the call. In his words, it was a “perfect” phone call, and that’s why he went to the extraordinary length of releasing the transcript of the phone call, because he believed the record of the phone call would exonerate him.

Further, they're going to have to prove that it was the president himself who ordered the electronic records moved, and I guarantee you he's not the one who gave that order. CNN and the Wall Street Journal have already reported that this phone call with the Ukrainian president isn't the only phone call where the records have been moved to the super-secret server – phone calls with Russian President Putin and the Saudi crown prince have also been restricted. Why? Because early in the Administration, records of phone calls with the Australian Prime Minister and the President of Mexico were leaked, much to the embarrassment of the President. They decided a long time ago to restrict access to the records of the president's phone calls, because, guess what? Not everybody who works in the White House was vetted by President Trump's Office of Presidential Personnel. An awful lot of them, in fact, are professional detailees from other cabinet departments, and many of them don't even like the president. So taking reasonable precautions to prevent leaks of such records, it seems to me, isn't evidence of a "cover up," it's just being prudent.

Stay tuned. This will be with us for a while.

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