

THREE THINGS: ABOUT EMILY W. MURPHY, GSA ADMINISTRATOR

By now most of you know that the General Services Administration (GSA) *still* hasn't signed the the ascertainment determination letter which allows President-elect Biden's transition team to begin its work within the government to effect an orderly change over to the new administration from the outgoing Trump administration.

The lack of such a letter authorizing access to government resources by the transition team obstructs government funding for transition team salaries, allocation of offices, background checks and other vetting of cabinet level and other nominees.

In 2000 the dispute over Florida's votes and electors caused the GSA to sign the ascertainment determination later than previous transitions; the delay has been blamed as a factor leading up to the 9/11 attack.

Lack of a signed ascertainment determination now may also prevent the new administration from beginning work immediately on further development and implementation of plans to stem COVID. This may cost Americans' health and lives.

There's no good excuse for Murphy not to have signed this letter already since Biden had passed the necessary 270 votes as of November 7.

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It's important to keep Murphy's education and work history in mind with regard to her failure to sign the the ascertainment determination.

Murphy worked for three different chairs of the United States House Committee on Small Business; she also worked in the Small Business Administration, and as Chief Acquisition Officer

for the GSA. She's been around long enough to understand how transitions between administrations work.

Murphy can't blame the status of the last states' or lawsuits against states like Michigan, Nevada, and Pennsylvania for her decision to delay the letter. *She's an attorney* with a J.D. from University of Virginia School of Law; she can certainly read and understand the cases filed contesting the votes. All were evidence-free or fact-free, or just plain frivolous even to non-attorneys.

She's fully aware that Trump didn't have a leg to stand on with regard to the +20 suits filed.

She's also capable of understanding that the 2000 election cannot be used as an excuse for delaying the transition because the distribution of electoral votes was entirely different then – Florida was a must-win for both candidates. The 2020 election did not pan out that way at all.

Murphy's refusal to sign the the ascertainment determination must be seen as a deliberate act.

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Murphy has had an ongoing problem with the lease of the U.S. Postal Office building to Trump Hotels. While she inherited this problem from the previous administrator who bailed out of the role on Inauguration Day 2017 while leaving the issue open, Murphy has failed to resolve the obvious conflict of interest from the time she was appointed in September 2017 until now.

Again, Murphy is an attorney. She should know better.

Worse, Murphy may have misled – pick a euphemism here – the House about this situation while testifying under oath.

Adding insult to injury, Murphy refused to answer questions about the FBI's headquarters relocation and Trump's possible involvement. She didn't claim executive privilege – this might be the lone point during her GSA tenure where she

actually applied her law degree – but she flat out said she would “decline to discuss conversations that I may or may not have had with the president or his advisers.”

You may also have read Marcy’s post about Mike Flynn’s “wiped” phone; how odd that just two particular individuals who were subjects of an investigation had their GSA-issued phones wiped while the investigation was ongoing.

Again, Murphy’s an attorney. She should understand readily what 18 U.S. Code § 1505 Obstruction of proceedings before departments, agencies, and committees means; she’s perfectly capable of looking up 18 U.S. Code § 1519 Destruction, alteration, or falsification of records in Federal investigations and bankruptcy.

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The potential for loss of American lives to COVID which might be preventable if the Biden administration can move quickly places an emphasis on speed. Failing to act in a reasonable amount of time could be fatal to Americans who are denied assistance from their federal government because a government functionary refused to do the right thing.

It’s enough to make one wonder if Murphy is a contender for charges of Honest Services fraud (18 U.S. Code § 1346 Definition of “scheme or artifice to defraud”). You may recall that Barb McQuade wrote about the possibility that Trump could be charged with Honest Services fraud with regard to his denial of funding for military aid already committed in the 2019 budget. In Murphy’s case she is denying American citizens the right to timely response from the incoming presidency, at a possible cost of American lives.

If the Biden-Harris administration delivers on a truly independent Department of Justice, Murphy should be worried.

Especially since she’s an attorney who should

know better.

Hope she's applied her J.D. to covering her butt when it comes to some no-bid contracts funded under the CARES Act related to COVID, though we have to ask ourselves if Murphy's obstructive behavior is intended not only to hurt the Biden-Harris transition, damage the public, and buy Trump more time to undermine American's faith in democracy, but protect Murphy's own ass.

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There have been increasing complaints over the last week about Murphy's intransigence and calls for her cooperation and compliance with the transition, including an ask by Joe Biden to sign the ascertainment determination letter because the transition is stymied in its effort to work on COVID to save lives.

Murphy, though, is having her imaged buffed though one would imagine this will be about as successful as shining a turd since she's continuing to neglect her oath to uphold and defend the Constitution, not kiss Trump's pasty ass.

NEW: People who have spoken to GSA Admin Emily Murphy say she's struggling with the weight of the election on her shoulders, feeling like she's in a no-win situation trying to follow what she sees as precedent to wait to ascertain, w/ @KristenhCNN <https://t.co/bpVaQ1c8py>
– Jeremy Herb (@jeremyherb) November 18, 2020

Nobody cares how you feel, Murphy, when their family members are suffering and dying for lack of federal aid which could be provided promptly by a more effective Biden-Harris administration.

The House has finally decided it needs to hear from Murphy about the holdup:

House Dems demand immediate briefing

with GSA Administrator Emily Murphy over her refusal to sign off on paperwork that would ease the transition process. In letter, Democrats are critical of the GSA's handling of the matter, and they say they will decide whether to hold hearing pic.twitter.com/9nWuxKdkHx

– Manu Raju (@mkraju) November 20, 2020

This follows her silence in response to a letter dated November 9 from House Dems asking why she was styming the transition. I sure hope they ask how someone who graduated from law school and worked as an attorney hasn't been able to work out from the last 45 transitions how the GSA should already have worked to ensure a peaceful transition of power.

Especially since Murphy has already been putting out feelers for a new job. How odd she hasn't yet been fired for this when Director of the Presidential Personnel Office Johnny McEntee has been terminating any federal employee who "who show disloyalty by job hunting."

Citizens for Responsibility and Ethics in Washington (CREW) has begun an investigation into Murphy's footdragging:

We're investigating how and why Trump appointee Emily Murphy has been allowed to stonewall the presidential transition process. <https://t.co/FJMtKH9pbT>

– Citizens for Ethics (@CREWcrew)
November 20, 2020

Pretty sure they're not going to like what they find because they've already been getting the runaround:

... For the last six months, the GSA and other government agencies have shown a total lack of transparency when it came to following a mandated timeline on

presidential transition materials. In June amidst the raging coronavirus pandemic, the agencies failed to include any mention of how the transition would account for the ongoing pandemic, which CREW launched an investigation into. CREW also previously requested presidential transition documents from six agencies, and sued for them after receiving a woefully inadequate response. ...

The longer she waits, the worse it's going to get for her. Murphy's best bet is to sign the ascertainment determination, unplug from all telecommunications and social media, take an immediate leave of absence for mental health, and go job hunting.