

THREE THINGS: A CALL TO ACTION FOR VOTING RIGHTS [UPDATE-2]

[NB: check the byline, thanks. Update(s) at the bottom of the post. /~Rayne]

It's time to go to the phones and demand your elected members of Congress not only support civil rights but fulfill their oaths of office.

Before I forget, here's what you're going to need:

Congressional switchboard: (202) 224-3121
or use Resist.bot

You may also look up your senators' local offices online and call the one closest to you.

When you call you're going to remind them the people are guaranteed under the Constitution a republican (little r) form of government under Article IV, Section 4:

The United States shall guarantee to every State in this Union a Republican Form of Government...

The text may specifically say the states are guaranteed this, but it means that every state and in turn its citizens shall be assured their government is of, by, and for the people, with government's powers arising from their consent. No closed clique will govern opaquely for narrower interests.

To that end every citizen must be assured the right to vote as part of that guarantee. We expect our elected officials to deliver on that, not to act like some star chamber.

Call and demand this through the support of the John Lewis Voting Rights Advancement Act and the For the People Act, letting no procedural rule like the filibuster get in the way of the greater obligation to fulfill their oaths.

John Lewis Voting Rights Advancement Act, S.4 (JLVRAA) undoes much of the damage done to the Voting Rights Act of 1965 caused by the Supreme Court's absurd decision in *Shelby County v. Holder* (2013).

Because of *Shelby County v. Holder*, states have been able to violate citizens' voting rights as states are no longer held to a federal standard to ensure they do not discriminate against voters.

This violates the 14th Amendment and its Equal Protection Clause; depending on the state in which U.S. citizens resided, they may not be assured the same voting rights as citizens in other states.

The JLVRAA:

- Prevents states from reverting to discriminatory polling policies including but not limited to literacy tests and poll taxes with a new federal preclearance policy evaluating polling changes;
- Establishes adequate advance notice to citizens of changes to voting rules by states;
- Allows the U.S. Attorney General to assign observers where racial discrimination against voters is most likely;
- Not only requires federal approval for policies impacting the ability to cast a ballot or register to vote, but ensures availability of language assistance for ESL voters as well as fairness in redistricting.

This bill does not replace the 1965 Voting Rights Act but works hand in glove with it to protect every citizen's right to vote.

The For the People Act, S.1 also supports the

1965 Voting Rights Act by:

- Expanding automatic voter registration to every state;
- Restoring voting rights to Americans who have completed their felony sentences;
- Establishing independent redistricting commissions in every state to end partisan redistricting.
- Changes ethics and campaign finance rules to reduce improper and unethical influence on legislation.

You'd think this would be a no-brainer piece of legislation.

~ 1 ~

This video by David Pepper offers the clearest explanation I've found as to why the filibuster must go when it comes to voting rights.

VIDEO: the filibuster is a procedural rule. Such a rule does not excuse violating the oath every Senator takes to protect the Constitution—and that oath is directly implicated when it comes to legislation to protect democracy itself.

The oath trumps.

WATCH: pic.twitter.com/sMKsohClUp

– David Pepper (@DavidPepper) January 12, 2022

Our rights are guaranteed by the Constitution. Our elected members of Congress have a duty to ensure the guarantee is fulfilled as part of their oath of office.

Their oath is NOT to changeable, non-permanent procedures which have benefited a narrower class of citizens.

Insist your senators fulfill their oath and end

the filibuster for any civil rights legislation including the JLVRAA and Freedom to Vote Act.

This applies equally to every member of Congress, no matter what state or party affiliation; they've sworn the same oath to defend and uphold the Constitution.

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Perhaps I could have written a shorter hortatory post; if I'd felt less than I do about this I might have, but these bills are essential to the preservation of our democratic republic.

Bottom line: call your senators and demand they fulfill their oaths by passing the JLVRAA and Freedom to Vote Act, ending the filibuster as necessary to pass these bills.

Congressional switchboard: (202) 224-3121
or use Resist.bot

Now go – get in good trouble. Let us know how you did in comments.

~ ~ ~

UPDATE-1 – 5:00 PM –

Looks like there may have been a breakthrough on a procedural basis:

□BREAKING: Senator Schumer announces plan to push through filibuster and proceed with voting rights legislation using a procedure known as “messages between the Houses” in a caucus memo.

Here's what you need to know□□

– Democracy Docket (@DemocracyDocket)
January 12, 2022

Fingers crossed this works. Can't be certain we have 50 senators supporting these two bills yet.

If your senators are Republicans or Independents, call them anyhow. All 100 senators swore the same oath.

~ ~ ~

UPDATE-2 – 1:00 P.M. 13-JAN-2022 –

Last evening Michael Li of the Brennan Center noted the two voting rights bills have been consolidated, which may make the “message between the Houses” procedure much easier.

The Freedom to Vote Act and John R. Lewis Voting Rights Advancement Act are now the “Freedom to Vote: John R. Lewis Act” <https://t.co/KjhnM45C00>
pic.twitter.com/9Tf86gAQXo

– Michael Li  (@mcpli) January 13, 2022

This morning Democracy Docket’s Marc Elias noted a change adding anti-subversion wording:

MEDIA: There was a @nytimes analysis yesterday that argued that Freedom to Vote Act didn’t do enough on election subversion. After that, Dems released the NEW Freedom to Vote: John R. Lewis Act—which has new, excellent anti-subversion provisions.

Please do not confuse the two.

– Marc E. Elias (@marceelias) January 13, 2022

So the new “Freedom to Vote: John R. Lewis Act” isn’t just a consolidation but an improved bill.

I need to confirm the improvement may get around that corrupt twit Sen. Marsha Blackburn’s block of three election security bills which were intended to prevent foreign interference and tampering with electronic voting machines over the internet. (By the way, racist Blackburn is up for re-election in 2025. Ditch her, Tennesseans.)

The problem even with the procedural maneuvering remains Sen. DINO Sinema who has given a speech

this morning which Sen. McConnell praised. That should tell you all you need to know.

Keep calling your senators including GOP senators. The ones who are more centrist like Murkowski in Alaska may be amenable – especially Murkowski given the percentage of voters in her state who are Native American.

THREE THINGS: OMIGOD OMICRON

[NB: Check the byline, thanks! Updates will follow at the bottom of initial posted content. /~Rayne]

Only a month after the World Health Organization declared it a variant of concern, Omicron is now dominant in the U.S. accounting for roughly 3/4 of the nearly 1.9 million new cases of COVID reported over the last week.

Because of its dramatically increased ease of transmission, new cases of COVID are expected to explode and exceed past waves of cases.

~ 3 ~

Joe Biden will be speaking to the nation today about the federal response to the new coronavirus variant Omicron.

The surge of cases is expected to swamp health care infrastructure which has already been pushed up to and beyond its limits by previous COVID waves and the continued resistance to vaccinations and boosters by roughly 30% of the population.

Lockdowns are not expected to be part of the federal response; rather, the government will send federal personnel to large hospitals across the country to help beleaguered staff as new cases roll in.

500 million instant tests for home use are also expected to be sent out. The hue and cry after White House press secretary Jen Psaki's comments regarding testing and masks sent to homes may have spurred this effort in concert with the dramatic uptick in Omicron cases.

Will this federal response be enough? Likely not – but we would not be in this situation had there been a plan to mitigate COVID in place when Biden took office 11 months ago. Taking office just as another surge began placed the entire Biden response on its heels.

Likely more later on this as an update; three items are in progress and will follow shortly.

~ 2 ~

Speaking of the White House communications, Jeff Zients set off a shitstorm with a poorly worded or thought-through remark about the unvaccinated.

There's not a lot to say about Jeff Zients telling unvaccinated people to take a dirt nap other than to note for your records that a man named Jeff Zients thinks unvaccinated people should just collectively die.
<https://t.co/cA17YXuRbT9>:15 PM · Dec 19, 2021 · TweetDeck

Disability activists were reasonably put out as many disabled can't get vaccinated and boosted for health reasons.

But there's another bigger problem in terms of the percentage of people affected: workers especially in low wage jobs aren't getting vaccinated because their employers aren't providing adequate support.

If you've gotten fast food recently, you've probably been in contact with someone who hasn't been able to get vaccinated.

Why more than half of Taco Bell workers

are unvaccinated , by @JuddLegum
<https://t.co/6yw1bQn1fN>
7:13 AM · Dec 21, 2021·Twitter for
iPhone

An effective federal outreach will reach the unvaccinated who want the shots and booster but whose circumstances haven't allowed them to do so. Leaving this to the states – especially in red states – has left economically vulnerable exposed to COVID.

That said, fuck the unvaccinated who *willfully refuse* to be vaccinated, especially those who refuse all other mitigation measures. Welcome to the “winter of severe illness and death” you’ve asked for; may its toll be on you alone and not on any vulnerable children, immunocompromised, disabled, or precarious and marginalized persons.

~ 1 ~

One of the biggest flying periods of the year is nearly upon us as Americans fly to/from home for the holidays. Unfortunately this follows a hearing last week before the Senate Commerce, Science, and Transportation Committee in which an airline executive said something ridiculously absurd.

Southwest Airlines CEO Gary Kelly, when asked about mask use by travelers and staff on its airplanes, said,

I think the case is very strong that masks don't add much if anything in the air cabin environment. It's very safe and very high quality compared to any other indoor setting.

Never mind the studies of aerosol transmission which has examined mass transportation for dispersal of aerosolized particles, or case studies of specific outbreaks occurring among persons in enclosed spaces, all of which have shown sitting in close proximity to infected

persons substantially increases the odds of transmission between infected and non-infected persons.

In-Flight (Airplane) Transmission of SARS-CoV-2

A number of studies have documented transmission of SARS-CoV-2 occurring during commercial flights, with evidence of in-flight transmission between passengers and crew members despite face mask use (Choi*, Swaid*, Yang*). Closer seating proximity has been associated with greater infection risk through aerosol and/or respiratory droplet transmission without direct person-to-person contact (Eichler, Hoehl*, Khanb*). There is evidence that transmission took place through shared spaces on the aircraft (e.g., the toilet) (Bae*). For longer flights, it has been estimated that the average infection probability can be reduced by approximately 73% for passengers wearing high-efficiency masks compared to 32% for passengers wearing low-efficiency masks (Alang*).

Former surgeon general Jerome Adams was rather blunt in response to Kelly's remarks:

"I've got to tell you, there's no other way I can put my feelings about that than, it was irresponsible. It was irresponsible. It was reckless."

Kind of surprising for a guy who fluffed up the Trump administration's policy about mask use.

Karma had her way with Kelly, though, who had been coughing during his appearance before the Transportation Committee – he was diagnosed with COVID the next day.

What an ignorant, arrogant douchebag. He probably infected others in his own workforce and possibly members of Congress and staffers. Why Southwest's board of directors and shareholders haven't suspended Kelly is beyond me; air travel requires a fairly high degree of trust in science and Kelly clearly doesn't trust science.

Masks have been mandatory on public transportation including airplanes since last year. This requirement will likely continue throughout the Omicron wave and beyond.

If you must travel over the holidays, trust the science and wear a high-quality mask.

~ 0 ~

Oops, one more thing: Robert F. Kennedy III is a blight on his family's legacy. His anti-vaxx bullshit is racist bordering on genocidal.

An important read about how Robert F.

Kennedy Jr.'s anti-vaccine non-profit has thrived during the pandemic and his efforts to spread misinformation including targeting Blk communities.
<https://t.co/cAFFFQmXPZ>

4:20 PM · Dec 15, 2021 · Twitter Web App

He needs to be kicked to the curb. I would love to know who/what is funding his sketchy work.

ANGRY MOM: THANKS, JOE “2022 WILL BE AN ELECTORAL BLOODBATH” MANCHIN [UPDATE-2]

[NB: Check the byline, thanks. Updates at the bottom of this post. /~Rayne]

I have no choice but to warn you I write this as one hella angry mom. I want to put some people in time out badly.

First, a caveat and an ear-boxing:

The GOP is worthless. They have systematically refused to govern during a time of crisis. What the GOP has done instead has exponentially increased risk to America – Making America Great at Stupidity – and to the rest of the world with its anti-science, anti-vaccine, anti-mask propaganda.

They've fought every single damned effort to offer aid to the country. Their congressional voting record documents this for posterity as well as in state legislatures. They resist rational science-based efforts to stem the pandemic because of weak sauce excuses like “muh

freedom!" which means protecting the unconstitutional right to increase others' risk of sickness, disability, death, and loss of business.

They're not a political party with a reasoned platform based on a sound ideology with which the country can identify. Instead it's an organization intent on maintaining a grip on power by aggregating Know-Nothings, Do-Nothings, and Stop-Everythings, which includes stopping this country from realizing a more perfect union.

If the GOP was a sane and legitimate political party I wouldn't have had to write this post.

That said, Senator Chuck Schumer and President Joe Biden have screwed up in a big way, a couple times over. They need to be schooled for this.

~ ~ ~

Joe Manchin appeared on fucking Fox News yesterday to say he wasn't going to support the Build Back Better Act which has already been passed in the House.

If that wasn't a deliberate in-your-face "Fuck You!" to Biden, the Senate Democrats, his West Virginia constituents, and the entire country, I don't know what is.

Not NBC, not CBS, not ABC. Not NPR, not even a local West Virginia news station.

He went to Fox Home of Demoralizatsiya News.

And he was able to do so because Schumer and Biden allowed the Infrastructure Investment and Jobs Act (a.k.a. Bipartisan Infrastructure Framework – BIF) to be delinked from passage of the BBB, putting the BIF first and BBB second in order to obtain Manchin's support.

Except the BIF is the only thing Manchin wanted to the benefit of his corporate overlords. BBB gives money to those people he doesn't trust, like most of the constituents of his state, the second poorest state in the country.

Can't have that.

Ask Adam Jentleson about it. He does a better job in this Twitter thread explaining how this negotiation was fucked up all to hell.

Everything Manchin cared about was in BIF. While the WH never had much leverage over Manchin, that's all the more reason to cultivate what little leverage existed. Giving it all away, for free, up front was a strategic mistake. The day Biden endorsed BIF was the day he lost BBB.

2:06 PM · Dec 19, 2021 · Twitter for iPhone

Don't ask the progressive House Dems about this situation; you should already have been able to hear them warning before this all went down that Manchin couldn't be trusted. Their fury is righteous.

And I absolutely mean righteous because there's no goddamned way in hell someone like Ady Barkan, who has fought so vigorously for American's health care, should have to worry about services he needs as he fights a mortal illness.

Senator Manchin said he doesn't know how to explain #BBB to West Virginians, but they know what Build Back Better means already. For thousands, it means home care that keeps them safe with their loved ones.

Here's what West Virginians say it means to them.

#CareCantWait

https://pbs.twimg.com/amplify_video_thumb/1472693391557234690/img/_dAEpophXZ78KUyo?format=jpg&name=small

5:27 PM · Dec 19, 2021 · Twitter Media Studio

There's also no way that the roughly 10% of Americans who are diabetics should have to continue to worry about coming up with \$1000 per month to pay for insulin which costs a few bucks to make. They should be rejoicing about a \$35 month price instead, but no – Manchin fucked them over, and Chuck and Joe failed to see the fucking coming at us.

Don't get me started on the other fuck-ups like the Child Tax Credit, about which one tweeter wrote, "2022 will be a Electoral bloodbath" (sic).

bahahaha holy shit I just realized that between student loans switching back on and the Child Tax Credit monthly payment shutting off in January my household budget is about to take a \$1500/month hit this is very cool and very good USA number one

6:44 PM · Dec 18, 2021 · Twitter Web App

Imagine this happening to a household which has had reduced hours, wage cuts, or has been on minimum wage, or dealing with unpaid time off due to COVID over the last year. Just do the simple math of two young parents trying to manage this on 40 hours a week at prevailing local minimum wage.

People have to pay bills NOW, and in January, and in February, in spite of work disruptions and increased cost of daycare and other childcare expenses...they can't just float everything until this is fixed or the credit is paid out after they file 2022 tax returns.

In light of Sen. Joe Manchin pulling his support from BBB, here are just two West Virginia families who will go back to struggling to put food on the table come January, as the enhanced child tax credit will now run out if Congress does nothing by 12/28.

<https://t.co/lxfrT2mwxP>

10:27 PM · Dec 19, 2021 · Twitter for iPhone

Also extremely unhelpful is Biden's persistent refusal to use his executive power to forgive student loans in part or in whole.

Parents of young children with student loans are doubly screwed by the failures of both the White House and the Senate Leader. And yet there's head scratching about Biden's weak approval rating going into 2022 especially with younger voters.

Why the hell should Millennials and Gen Z turn out to vote when they can do the math and they know the Democratic Party hasn't delivered for them – especially as they go into another COVID hurricane thanks to Omicron?

PPP loans were created in 2020.

Within 1.5 years, over 80% of them have been forgiven, totaling \$600+ billion.

Student loans started around 1958-1965.

60+ years later & .6% of student loan debt has been forgiven.

No one asked how we would pay for business loan forgiveness.

11:47 AM · Dec 14, 2021 · Twitter for iPhone

~ ~ ~

Look, the BBB is an economic stimulus package. Every single household saddled with burdens BBB could alleviate would be able to participate more fully in the economy.

Some of that "economic anxiety" the media hyped up as one reason behind Trump's election in 2016 could be partially relieved.

Forgiving student loans is likewise an economic

stimulus targeted at a segment of the population which is most likely to spend income immediately, locally, and on goods and services which propel our economy.

This is what Joe Manchin failed to recognize and couldn't explain to his constituents AND his corporate overlords because he's a selfish dumb ass.

New @Sen_JoeManchin statement: "I have always said, 'If I can't go back home and explain it, I can't vote for it.' Despite my best efforts, I cannot explain the sweeping Build Back Better Act in West Virginia and I cannot vote to move forward on this mammoth piece of legislation"
<https://pbs.twimg.com/media/FG-quwYWUAc13Bo?format=png&name=small>

10:05 AM · Dec 19, 2021 · Twitter Web App

The BBB is economic stimulus – this is the justification for Schumer and Biden to approach moderate GOP members like Lisa Murkowski (AK) and Susan Collins (ME) to obtain their votes (Collins owes women this, big time).

Other people have been explaining it quite capably:

Senator Joe Manchin says that he can't explain the Build Back Better bill to West Virginians. So I thought I should help him out –

STATEMENT: CAP's Patrick Gaspard Explains How Build Back Better Will Benefit West Virginians – Center for American Progress
<https://t.co/QkK6uAu8WX>

4:02 PM · Dec 19, 2021 · Twitter for iPhone

Yet Manchin refuses to accept the assist.

Meanwhile, Goldman Sachs downgraded its estimates of U.S. economic growth yesterday.

(Bloomberg) – Goldman Sachs Group Inc. lowered its forecast for U.S. economic growth after Senator Joe Manchin said Sunday he won't support the \$2 trillion tax-and-spending plan that's the heart of President Joe Biden's economic agenda.9:00 PM · Dec 19, 2021·Twitter for iPhone

Which leads me to ask one rather important question, given Manchin's announcement on goddamned Fox News and Goldman Sachs' downgrade on a Sunday.

Who knew about Manchin's decision and shorted the market?

Heaven help you if *you* did, Manchin.

~ ~ ~

UPDATE-1 – 2:50 PM 20-DEC-2021 –

Thanks to Kendall Brown for saving us a click so we didn't have to read all the revolting Manchin-sympathetic journalism to get to this bit:

I'll save y'all a click. This is the statement Joe Manchin's team are calling "incivility" behind the scenes.

This milquetoast, exceedingly polite statement are the best excuse they can come up with to justify keeping millions of American children in poverty. This is pathetic.

https://pbs.twimg.com/media/FHEe8vqWYAEZGM_?format=jpg&name=small

1:09 PM · Dec 20, 2021·Twitter for iPhone

I'm even more convinced something shady happened than I was before if Manchin is going to blame

incivility by the White House as a reason to walk away from the BBB.

Who didn't know Manchin was the hold up? We all of us knew it, it wasn't a surprise. The White House naming him as the lone Democratic holdout only confirmed what we'd known and what the House progressive caucus was worried about – that a single Democrat would be the sole reason the bill would fail, and look, it was one of the two senators most-likely-to-DINO-tank-a-bill.

Doesn't he make enough from his other investments to take care of his family if he's so worried about them being included in harassment because he'd rather tank the entire BBB and hurt Americans in the process? Maybe sell your Maserati, Manchin, and buy a couple security people.

Jesus Christ, what a whiny baby he is.

Rep. Jayapal is now looking at executive action as a Plan B to realizing key components in the BBB.

So, the big takeaway from Jayapal press call is that progressives do NOT want to further shrink the bill and want to pivot to what Biden can get done via executive action.

"I think, at this point, we should not wait for that legislative path for the president to take action."2:29 PM · Dec 20, 2021·TweetDeck

What a pity Manchin didn't take a hint from all the feedback he got from average Americans to simply agree to pass the bill and be a hero instead of self owning by appearing to flip flop on his demands throughout the course of the negotiations in full sight of the public who could see he was the bottlenecking gatekeeper.

He looks even more weak and pathetic having to go to yet another sympathetic outlet to make his non-existent case.

UPDATE-2 – 11:50 AM 21-DEC-2021 –

There have been rumbles over the last 24 hours about the BBB possibly being revamped if not revived or resuscitated. But Manchin's homies have also taken issue with his position on BBB:

In the latest twist – > America's biggest coal mining union is calling on West Virginia's Joe Manchin to reconsider his opposition to Biden's economic plan
<https://bloomberg.com/news/articles/2021-12-20/coal-miners-urge-manchin-to-rethink-opposition-to-spending-bill?sref=veMZyIzD> via @business

7:06 PM · Dec 20, 2021 · Twitter Web App

The West Virginia Dems had done a fair amount of organizing recently which showed up in polling about the BBB:

But sure, Joe Manchin is just representing his constituents. Got it.
<https://pbs.twimg.com/media/FG-0UBHWQAAYKqX?format=jpg&name=small>

10:45 AM · Dec 19, 2021 · Twitter for iPhone

Hard to get around these numbers which show bipartisan support among constituents for BBB.

THREE THINGS: A THREE-RING CIRCUS

[NB: Check the byline, thanks. /~Rayne]

Under the enormous canvas tent of the United

States, come see the mightiest extant amusement organization, superior in character, regal in appointment, magnificent in conception, omnipotent in strength, with hundreds of witnesses, a plethora of attorneys and paralegals, the promise of the wild beast-like Chansley, multiple frustrated judges...

And one orange-tinted slack-bottomed kack-handed clown unseen off the stage entantrumed in the wings.

Ladies, Gentlemen, and those of pronouns without and within, welcome to the American circus.

I can't even begin to imagine what all of this looks like from abroad.

~ 3 ~

Arguments just wrapped up in the U.S. Court of Appeals for the DC Circuit regarding former president Trump's claim of executive privilege over testimony and materials subpoenaed by the House January 6 Committee. Twitter threads covering the hearing's progress:

For BuzzFeed:

Hello from the DC Circuit's virtual courtroom, where arguments are about to begin in Trump's fight to stop the Jan. 6 committee from getting his White House records. He lost the first round, then the DC Circuit agreed to pause things while he appealed:

<https://t.co/jjpY9IL2qL?amp=19:27> AM · Nov 30, 2021 · TweetDeck

For DailyKos:

Good morning. Trump is in court today to argue his executive privilege claims over records sought by the @January6thCmte.

Live stream starts here at 930AM ET:
<https://c-span.org/video/?516121-1%2Fdc-circuit-hears-case-jan-6-cmte-requests->

trumps-records=null&s=09

I will have coverage for @dailykos.7:03
AM · Nov 30, 2021·Twitter for Android

Stream the audio of the arguments on YouTube at:
<https://youtu.be/DcMnkpZ0pxo>

I have to admit this hearing is making me grit my teeth. No one is above the law; the executive's job is to execute what Congress legislates, and Congress cannot do its job effectively without oversight of the executive's work when its work product is not related to classified national security issues. There's zero executive privilege for testimony and materials related to campaigning if performed in and by the White House.

~ 2 ~

Convicted shaman insurrectionist perp Jacob Chansley filed an appeal today.

And... there it is. As expected, the so-called QAnon Shaman, Jacob Chansley, is appealing. Two weeks after being sentenced to 41 months in prison.

(3rd mid-level Jan 6 defendant to consider or to file appeal post-sentencing)

<https://pbs.twimg.com/media/FFd0jgGXIAIFowA?format=jpg&name=small>

11:57 AM · Nov 30, 2021·Twitter for iPhone

Good luck with that, buddy. What a waste of a lengthy mea culpa in court.

Chansley wasn't the only lower level perp on the agenda today – check Scott MacFarlane's Twitter feed for more including another perp charged and another arraigned today.

~ 1 ~

Washington Post published an article today about

Trump's former chief of staff Mark Meadows, who until now has completely resisted compliance with a House January 6 Committee subpoena. Here's the timeline of related events:

September 23, 2021 – House January 6 Committee issued a subpoena to Meadows;
October 7, 2021 – Due date for records subpoenaed;
October 15, 2021 – Deposition deadline;
November 11, 2021 – White House Deputy Counsel sent a letter to Meadow's attorney advising that President Biden would not exert executive privilege over any testimony or records the House January 6 Committee subpoenaed;
November 11, 2021 – U.S. Court of Appeals for the D.C. Circuit blocked handover of National Archives' presidential records responsive to a January 6 committee's subpoena;
November 12, 2021 – Meadow's attorney issued a statement which said Meadows would not cooperate with the committee until after the legality of the subpoenas was settled in court;
November 30, 2021 – See Thing 3 above, Court of Appeals for the DC Circuit hearing today regarding subpoena of testimony and records over which Trump claims executive privilege.

Head and subhead of WaPo's article today:

Former White House chief of staff Mark Meadows cooperating with Jan. 6 committee
Meadows has provided records to the committee investigating the attack on the Capitol by a pro-Trump mob and will give a deposition.

"Cooperating" is rather broadly used. Committee chair Bennie Thompson issued a statement today about Meadows:

"Mr. Meadows has been engaging with the Select Committee through his attorney. He has produced records to the committee

and will soon appear for an initial deposition. The Select Committee expects all witnesses, including Mr. Meadows, to provide all information requested and that the Select Committee is lawfully entitled to receive. The committee will continue to assess his degree of compliance with our subpoena after the deposition.”

“has been engaging” isn’t the same as cooperating; an “initial” deposition doesn’t mean anything until Meadows has actually answered questions put to him without prevarication.

As Marcy tweeted, “Meadows could invoke a bunch of things and avoid testifying and avoid contempt that way.”

Betting this “cooperating” is a stall tactic which won’t end until the Department of Justice indicts Meadows for contempt of Congress as they did Steve Bannon.

But perhaps there will be more than two charges if Meadows “has been engaging” in a little light obstruction.

Sure hope for his own sake Meadows turned information related to his phone records.

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What other hearing(s) did I miss? Share in comments.

**BURNERS, BURNING:
THE HEAT’S TURNED UP**

ON MARK MEADOWS

[UPDATE-1]

[NB: Check the byline, thanks. Updates appear at the bottom of this post. /~Rayne]

Well, well, well. According to Hunter Walker in a fresh report at Rolling Stone, Kremer the Younger bought burner phones to use when communicating with key persons attached to the White House.

In the thread attached to my last post, a community member commented about the Kremers saying,

... Only if they knew Trump's plans, the Kremers might be guilty of conspiracy. ...

They didn't need to know Trump's plans, though. They only needed to understand part of one or more of the conspiracies and then take some action to further that conspiracy.

Like this:

... Kylie Kremer, a top official in the "March for Trump" group that helped plan the Ellipse rally, directed an aide to pick up three burner phones days before Jan. 6, according to three sources who were involved in the event. One of the sources, a member of the "March for Trump" team, says Kremer insisted the phones be purchased using cash and described this as being "of the utmost importance."

The three sources said Kylie Kremer took one of the phones and used it to communicate with top White House and Trump campaign officials, including Eric Trump, the president's second-oldest son, who leads the family's real-estate business; Lara Trump, Eric's wife and a former senior Trump campaign consultant; Mark Meadows, the former White House

chief of staff; and Katrina Pierson, a Trump surrogate and campaign consultant.

...

Sending someone who isn't a Kremer to buy a burner phone with cash to evade tracing suggests Kylie Kremer knew exactly what the role of her organization, Women to Save America First, was within the framework of the insurrection.

If this was a legitimate effort to work with the Trump campaign using dedicated communications for easier access, why the skulkery of a third person using cash buying a burner? Why not use a dedicated VoIP number to contact a communications person in the Trump campaign?

Or a no-contract phone purchased with a credit card? Or an additional number added to an existing cell phone contract?

Why was Meadows involved in any way given his role as the Chief of Staff, which should have been wholly separate from any campaign-related effort?

Whether Meadows interacted with Kremers or other members of the conspiracy as COS (a Hatch Act violation) or as a campaign member (not shielded as executive acts), he's thoroughly shot through any claim to immunity or privilege.

The existence of burner phones used to contact persons in the White House certainly expands the import of this graf from the House January 6 Committee's letter to Meadow's attorney after Meadows' refused to comply with the committee's subpoena:

... In addition, Mr. Meadows has not produced even a single document in response to the Select Committee's subpoena. Although you previously indicated that your firm was searching records that Mr. Meadows provided to you, more than enough time has passed for you to complete your review. Please immediately inform the Select Committee

whether Mr. Meadows has any records responsive to the subpoena. Your search for responsive records should include (but not be limited to) any text messages, emails, or application-based messages associated with the cellular phone numbers and private email address the Select Committee has identified. If Mr. Meadows has records that you believe are protected by some form of privilege, you must provide the Select Committee a log describing each such record and the basis for the privilege asserted. ...

Emphasis mine. Were any burner phones among those cellular phone numbers requested? Has geo-fencing been used to narrow down where those phones were during the lead up to and on January 6?

We don't know yet. I suspect we'll find out more in the not too distant future.

The purchase of the burner phones, though, look like an *overt act* to advance a conspiracy (18 USC 371).

Sure hope both of the Kremers as well as the aide who was asked to buy the burners, the third team member who received a burner phone, and Meadows all realize this is only getting worse for them.

Same for the Trump family members Eric and Lara who must be getting a little itchy after Trump's former attorney Michael Cohen resurfaced.

Especially for Meadows if he continues to blow off Congress with his refusal to comply with the January 6 Committee's subpoena; it won't be just contempt of Congress (two counts under 2 USC 192) with which he may be charged and prosecuted.

Hello, 18 USC 1505 otherwise known as Obstruction of proceedings before departments, agencies, and committees.

Perhaps with a domestic terror enhancement?

~ ~ ~

UPDATE-1 – 11:45 A.M. 25-NOV-2021 –

LOL Really? Eric's going to try to SLAPP suit people in small outlets who don't report the burner phones Kylie Kremer asked an aide to purchase may have been used to call him and Lara?

Well here is one outlet I can sue for defamation. This will be fun. I'm an incredibly honest, clean guy – unlike Hunter, no drugs, healthy lifestyle, not the “burner phone” type... Tweet saved...
@palmerreport9:26 PM · Nov 24, 2021·Twitter for iPhone

I love the smell of discovery in the morning!!

MARK, MARK, MARK!: NO WONDER MEADOWS BALKED AT HOUSE SUBPOENA

[NB: Check the byline, thanks. /~Rayne]

This isn't going to be everybody's cup of tea, but I couldn't help think of this dubstep mix by Massachusetts artist ZMcD titled Mark Mark Mark.

It popped into my head while reading Hunter Walker's latest piece in Rolling Stone, Leaked Texts: Jan. 6 Organizers Say They Were 'Following POTUS' Lead'.

Apparently there are text messages from the rally organizers Amy Kremer, Women For America First's chair, and Kylie Jane Kremer, WAF's executive director, which are incriminating:

... Two sources who were involved in planning the Ellipse rally previously told Rolling Stone they had extensive interactions with members of Trump's team, including former White House Chief of Staff Mark Meadows. The text messages provide a deeper understanding of what that cooperation entailed, including an in-person meeting at the White House. Rally organizers also described working with Trump's team to announce the event, promote it, and grant access to VIP guests. A spokesperson for the former president did not respond to a request for comment on the record. ...

Oh Mark, Mark, Mark!

No wonder he's dragging his butt submitting to the House January 6 Committee's subpoena.

... Two days later, Kremer texted some of the organizers to let them know she was temporarily getting off the bus to travel to Washington for a White House meeting.

"For those of you that weren't aware, I have jumped off the tour for the night and am headed to DC. I have a mtg at the WH tomorrow afternoon and then will be back tomorrow night," wrote Kremer. "Rest well. I'll make sure the President knows about the tour tomorrow!"

The message describing Kremer's White House meeting is one of several where she and Kylie, indicated they were in communication with Trump's team. ...

Kremer sent that text on November 30, 2020 about a December 1 meeting at the White House.

Six weeks later Kremer would be ordering appetizers and dinner at the Willard Intercontinental Hotel while insurrectionists continued to riot inside the Capitol Building.

Mark Meadows will likely know this if he was copied in a group message sent by March to Save America/Women for America First rally organizers.

No wonder the committee and the House hasn't yet voted to hold Meadows in contempt, sending him a tautly worded letter when he refused to comply.

This is Meadow's chance to save his behind by looking into immunity because these text messages can't shed a good light on him.

Perhaps he should call former Nixon White House counsel John Dean about this (what a pity he can't call Jeb Stuart Magruder who like Dean was granted limited immunity for his cooperation during the Watergate investigation).

No matter whether he calls Dean or not, I sure hope Meadows has lawyered up.

And I sure hope he's thought good and hard whether that slack-bottomed chronic golf cheat is worth his time and effort.

I certainly wouldn't put faith in the support of the Kremers, as text messages indicate one of them got sloshed the evening of January 6, locked herself in a bathroom and then begged to be rescued in the early morning January 7.

THREE THINGS: UGLY GOES CLEAN TO THE BONE [UPDATE-1]

[NB: As always, check the byline. Updates will appear at the bottom. Thanks. /~Rayne]

Friday we got badly wanted news; we wanted it badly enough we didn't blink at its arrival in the late Friday afternoon news dump zone.

But it wasn't enough. It was only the start, a

mere teaser.

~ 3 ~

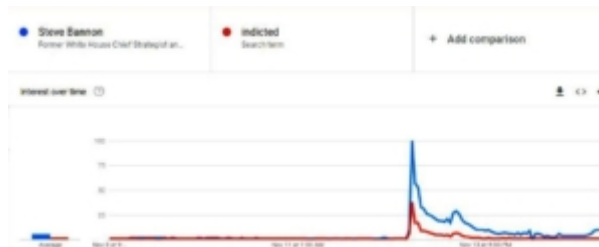
At 3:53 p.m. last Friday, the Department of Justice tweeted the indictment news:

Stephen K. Bannon Indicted for Contempt of Congress

Two Charges Filed for Failing to Honor House Subpoena From Select Committee Investigating Jan. 6 Capitol Breach
<https://t.co/4SxgGiuLNx?amp=1>

3:53 PM · Nov 12, 2021 · Hootsuite Inc.

The internet was paying attention:



...even if Steve Bannon hadn't been.

The news feed at the bottom of Bannon's podcast reads "Federal Grand Jury Indicts Steve Bannon" as Bannon promotes his guest's podcast
<https://pbs.twimg.com/media/FEB1QPpUYAKLVs2?format=jpg&name=small>
6:01 PM · Nov 12, 2021 · Twitter for iPhone

Rather hubristic to carry on as if he didn't expect to be indicted, but then many of us were beginning to think it would never happen.

Bannon is supposed to surrender himself today, which may be a bit of a circus since Bannon now has a new attorney, David Schoen. Schoen was one of Trump's impeachment attorneys in 2020.

~ 2 ~

The well-meaning sages who insisted things were

under control – it was a good sign it was taking nearly a month to indict Bannon, don't be like deplorables, blah-blah-blah – all had their say.

But which is it?

Dear @tribelaw – with respect, you should ease up on your former student, Merrick Garland. Three weeks is actually very fast when it comes to something as consequential as indicting a former senior White House official. We want prosecutors to be careful and thoughtful, not hasty.

<https://twitter.com/tribelaw/status/1459309628236386307>

9:02 PM · Nov 13, 2021 · Twitter Web App

These things just need more time because DOJ must be cautious?

See who signed this indictment? DC USAO Matthew Graves, who was sworn in on Friday, Nov. 5. Before then, he couldn't be briefed on the Bannon case or review evidence. Tuesday, Nov. 8 was an election day. Yesterday, of course, was a federal holiday. Pretty fast work, I would say.

<https://twitter.com/rgoodlaw/status/1459265746337472513>

5:48 PM · Nov 12, 2021 · Twitter Web App

Or these things just needed this one person who wasn't approved as DC-US Attorney until October 28 and sworn in more than a week later on November 5 to do the thing – which, by the way, took one week from oath to indictment?

Because it sure looks like the entirety of the House January 6 committee's ability to wield its inherent powers on intransigent witnesses was completely dependent on the absence/presence of a single Biden appointee which some jerk like Sen. Ted Cruz could have held up the way he is

currently holding our foreign policy hostage with holds on State Department nominees.

Are we supposed to accept with a pat on our heads that our democracy yet again depended on one person's role?

If the DC-US Attorney were to become incapacitated at any time when the January 6 committee refers a contempt charge to DOJ, are we supposed to accept the platitudes "this takes time" or "don't be a deplorable" when nothing happens?

What kind of government continuity is this?

~ 1 ~

Which brings us to the problem of former White House Chief of Staff Mark Meadows who received communications both Thursday and Friday from the chair of the January 6 committee about his lack of response to a subpoena issued by the committee on September 23.

Using false or misleading claims, Meadows had attempted to spur the DOJ to investigate election fraud claims including a bizarre theory that unknown persons located in Italy used military technology and satellites to remotely switch votes from Trump to Biden. These claims were sent to then-Acting Attorney General Jeffrey Rosen between December and January – after the 2020 election but before the January 6 insurrection.

Meadows was supposed to appear before the committee on October 15 to answer questions about these claims and his role in pushing them toward the DOJ, a week after he was supposed to have furnished documents requested by the committee in relation to these false election fraud claims.

The committee's chair sent a letter last Thursday to Meadow's attorney:

NEW: Chairman @BennieGThompson responds to Mark Meadows's attorney regarding Mr. Meadows's refusal to comply with a

Select Committee subpoena:
<https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20211111%20Terwilliger%20Letter.pdf>

6:41 PM · Nov 11, 2021 · Twitter for iPhone

And on Friday the committee emphasized it's going to use the tools available to it to obtain compliance with the subpoena – or else.

Mr. Meadows's actions today—choosing to defy the law—will force the Select Committee to consider pursuing contempt or other proceedings to enforce the subpoena.

<https://january6th.house.gov/news/press-releases/thompson-cheney-statement-mark-meadows-0>

4:41 PM · Nov 12, 2021 · Twitter Web App

Meadow's attorney sent a massively ballsy op-ed to the Washington Post as a rebuttal to the committee's subpoena:

Opinion: In abandoning executive privilege, Biden rejects 200 years of history

George J. Terwilliger III is a partner at McGuireWoods LLP in Washington and previously served as deputy attorney general.

As counsel for former White House chief of staff Mark Meadows, I was surprised and disappointed to receive a letter Thursday informing me that the Biden administration will be the first in history not to resist a congressional subpoena for testimony from a senior White House aide. ...

WaPo treated this like any other conservative's op-ed; no caveat this op-ed may be tampering

with an investigation.

Rather interesting how Terwilliger was able to get a 789-word op-ed published at 3:30 p.m. on the same day the January 6 committee issued its letter. This isn't the first time Terwilliger has opined in WaPo about someone involved in the January 6 insurrection though Terwilliger's last op-ed was a defense of former AG Bill Barr's interference in Roger Stone's sentencing. Can't have the GOP's senior ratfucker excessively punished during an election season after all.

Former Nixon White House counsel John Dean didn't think much of Terwilliger's op-ed:

Meadows' lawyer is wrong. This is bad history. Nixon did nothing to block or control subpoenas of his top aides. More impt: No POTUS can stop anyone from testifying and to attack them for doing so is a crime. Meadows is protecting HIMSELF! Then, Donald!

<https://www.washingtonpost.com/opinions/2021/11/13/abandoning-executive-privilege-biden-rejects-200-years-history/>

8:43 PM · Nov 14, 2021 · Twitter for iPhone

I think I'd put my money behind Dean as to which of these two attorneys has a better grasp on the limits of executive privilege.

But it gets worse for Meadows since the soon-to-be-released book about the January 6 insurrection by reporter Jonathan Karl revealed yet another memo outlining steps to effect the autogolpe overthrowing the election.

Meadows had forwarded by email to then-VP Mike Pence's chief of staff Marc Short a memo prepared by attorney Jennifer Ellis outlining the steps Pence needed to take to avoid certifying the election for Biden until a new alternate slate of electors for Trump could be

introduced from just enough states to flip the election to Trump.

A rather pathetic carrot offered to Pence with the stick to follow on the day of the insurrection – a threat of violence and possible assassination by mob because Pence didn't take the memo as a White House-approved order.

Looks like the number of questions Meadows must now answer has grown even longer.

~ 0 ~

The title of this post comes from an aphorism attributed to a favorite writer, Dorothy Parker: "Beauty is only skin deep, but ugly goes clean to the bone." Meadows may be more physically attractive and better dressed than Bannon but they're both deeply ugly people who represent an existential threat to American democracy.

~ ~ ~

UPDATE-1 – 10:00 P.M. ET –

Yeesh.

he looks like the drunk, disowned uncle that got told to leave the family reunion #ByeSteve
https://pbs.twimg.com/ext_tw_video_thumb/1460333203776884736/pu/img/W8A8BIW6s7uRpwM1?format=jpg&name=small

3:30 PM · Nov 15, 2021 · Twitter for iPhone

For a guy who was simply asked to appear before a House committee to answer some questions about what happened leading up to and on the day of January 6, this guy sure wants his audience to believe he's being uniquely singled out for harassment by a president who both believes in the equal but separate powers inherent to each branch of government, and who believes the DOJ should be independent of the White House. Perhaps Bannon's projecting since he was just fine with Trump's DOJ acting like his personal

police force.

Bannon could have just shown up, told the committee on a question by question basis, “I can’t answer that because my lawyer said it’s under executive privilege as Trump has claimed,” and simply gone about his day, coming off cool and collected like someone with nothing to hide.

But no, Bannon has to make a big scene because it’s a gift for more money; you know when he said “Stand by,” he will likely elaborate soon saying, “Stand by, because I’m going to ask you for help soon,” and then he’ll point to a link for donations for his legal fund.

Wow, he doesn’t even need to claim he’s building a border wall this time.

MINORITY REPORT: BOTHERATION BENEFITS BANNON

[NB: Check the byline, thanks. /~Rayne]

At the risk of annoying the rest of Team Emptywheel – especially our resident attorney and in part because I’m not a lawyer myself – let me offer a minority report and note we have a serious problem.

You’ll recall one-time Chief Strategist and Senior Counselor to then-President Trump Steve Bannon refused to answer a subpoena issued by the House January 6 committee.

You’ll also recall that the House then debated and voted on a charge of contempt of Congress.

The House then referred the charge once passed to the Department of Justice.

Many Americans are disappointed that Bannon is still out walking around as if U.S. laws don’t

apply to him. It doesn't help matters that Trump pardoned Bannon for conspiracy to commit mail fraud and money laundering, a pardon which has the appearance that it may have been intended as payback and as advance compensation for helping to organize the January 6 insurrection.

And now those Americans are even more disappointed that Bannon has now blown off Congress without any repercussions so far. It's not obvious to the public why it takes so long to bring the scruffy bucket of excess shirtage, whiskers, and pudge to answer their representatives' questions.

Bannon is thumbing his nose at the American people and they know it.

~ ~ ~

Persons who've worked in federal law enforcement insist the Department of Justice is working on this and the rule of law simply takes time, chiding us not to be like those people, implying behavior like the "deplorables" who chant "Lock him up!"

"We want a system of govt in which the rule of law works, not one that responds to crowds that loudly chant "lock him up"..while it's not easy to live thru the struggle to restore a functioning democracy, the hard work & even the waiting are worth doing"

<https://t.co/hMQXv9dw00?amp=1>

8:19 AM · Nov 9, 2021·Twitter for iPhone

Except the American people have seen justice work too rapidly and unfairly for those who aren't privileged. They expect a reasonable effort to effect justice speedily; justice delayed is justice denied. The tick-tock has been annoyingly like water torture – drip, drip, drip wearing on stone:

July 1 – Six months after the insurrection the House January 6 committee was approved and formed.

September 23 – It took two and a half months to subpoena Bannon who had been an advocate if not an organizer for the rally on January 5 and 6.

October 8 – President Biden refused to exert executive privilege over documents requested from the National Archives by the committee.

October 8 – Bannon was supposed to testify October 14 but his lawyer communicated on October 8 to the committee Bannon would not comply with the subpoena because former president Trump exerted a claim of executive privilege.

October 14 – Bannon does not report to the House committee.

October 19 – The committee began the process to hold Bannon in criminal contempt on the date Bannon was supposed to testify; the committee voted unanimously on October 19 to hold Bannon in contempt.

October 21 – Congress approved the charge on October 21 so that the charge could be referred to the Department of Justice.

October 25 – President Biden again refused to exert executive privilege over documents requested from the National Archives by the committee. No privilege has been claimed by Biden with regard to Bannon.

The public has *seen* no concrete action by DOJ in response to the contempt charge against Congress – a charge which should result in arresting Bannon, taking him into custody, and charging him with contempt until he complies.

23 days later, what the public sees is Bannon still doing whatever he does on any average day besides shave.

And the folks who've worked in law enforcement continue to say this simply takes time.

~ ~ ~

Except Congress itself is irritated, if Rep. Connolly's opinion is more widely shared among his colleagues:

"I think the Justice Dept. takes too long and I think the courts take too long... We need to be getting things done in real time. People died because of the conspiracy that these people were involved in to overturn the election" – @GerryConnolly w/ @NicolleDWallace
<https://twitter.com/i/status/1457855531725557766>

6:40 PM · Nov 8, 2021 · Wildmoka

Congress members have good reason to be irritated; if DOJ couldn't see ahead from Day One of the Biden administration that some Trump administration officials, staffers, and other supporters would resist a Congressional investigation into any allegation of Trump or Trump-adjacent wrongdoing, they had to be naïve or grossly incompetent. The impeachment investigations gave ample examples of what would happen and hinted at worse.

DOJ could at least have made an effort to *appear* ready to deal with intransigent witnesses. It's not as if DOJ is unaware the public is bombarded with messaging all day long and in the absence of official messages, poor messaging will embed in the public's consciousness.

The DOJ also has no good excuse for failing to execute the contempt charge. Congressional Research Service has at least twice in the last decade examined Congress's ability to execute subpoenas and inherent contempt – the research has been done, it's all neatly spelled out. Vet it if necessary but it's pretty straightforward.

The biggest single reason DOJ shouldn't dally is that it cannot question Congress's speech or debate. An attack on the Capitol Building while Congress was in session is the most obviously legitimate reason for the House to issue a

subpoena. Congress must know as part of its necessary speech and debate what happened leading up to and during the attack in order to:

(2) identify, review, and evaluate the causes of and the lessons learned from the domestic terrorist attack on the Capitol regarding—

(A) the command, control, and communications of the United States Capitol Police, the Armed Forces, the National Guard, the Metropolitan Police Department of the District of Columbia, and other Federal, State, and local law enforcement agencies in the National Capital Region on or before January 6, 2021;

(B) the structure, coordination, operational plans, policies, and procedures of the Federal Government, including as such relate to State and local governments and nongovernmental entities, and particularly with respect to detecting, preventing, preparing for, and responding to targeted violence and domestic terrorism;

(C) the structure, authorities, training, manpower utilization, equipment, operational planning, and use of force policies of the United States Capitol Police;

(D) the policies, protocols, processes, procedures, and systems for the sharing of intelligence and other information by Federal, State, and local agencies with the United States Capitol Police, the Sergeants at Arms of the House of Representatives and Senate, the Government of the District of Columbia, including the Metropolitan Police Department of the District of Columbia, the National Guard, and other Federal, State, and local law enforcement agencies in the National Capital Region

on or before January 6, 2021, and the related policies, protocols, processes, procedures, and systems for monitoring, assessing, disseminating, and acting on intelligence and other information, including elevating the security posture of the United States Capitol Complex, derived from instrumentalities of government, open sources, and online platforms; and

(E) the policies, protocols, processes, procedures, and systems for interoperability between the United States Capitol Police and the National Guard, the Metropolitan Police Department of the District of Columbia, and other Federal, State, and local law enforcement agencies in the National Capital Region on or before January 6, 2021; and

(3) issue a final report to the House containing such findings, conclusions, and recommendations for corrective measures described in subsection (c) as it may deem necessary.

All of which is part of Congress's legislative purview.

Nor should the DOJ find a way to punt to the judiciary since the court has already repeatedly agreed that under Article I, Section 8, Clause 18, Congress's implied powers of investigation are essential to its ability to legislate – and subpoenas are part of that power to investigate.

As for the excuse given by Bannon for not complying with the subpoena: executive privilege belongs to the office, not the person. The current executive has so far declined to exert privilege over anything Bannon provided to Trump during the eight months Bannon was a federal employee and adviser to Trump. There's no executive privilege over any acts Bannon exerted as a private individual on behalf of candidate

Trump's campaign; Bannon can avail himself of his Fifth Amendment rights when questioned by the January 6 committee as he and his attorney feel appropriate.

~ ~ ~

The charge is dirt simple and obvious: Bannon didn't comply with the subpoena, violating 2 USC 192 – Refusal of witness to testify or produce papers, and 2 USC 194 – Certification of failure to testify or produce; grand jury action. He's not the executive, nor is Trump the executive, and the current executive has made no claim, making Bannon's claim of executive privilege at Trump's request invalid.

The January 6 committee is investigating a domestic terrorist attack upon the United States Capitol Complex, interfering with government operations. Though fewer deaths resulted, it's a crime on par with 9/11 in that terrorists attacked the United States with intent to disrupt our government – or worse, since it was an attack directly on the people's representatives with the intent to overthrow the government (through an autogolpe).

Should we really expect the public not to get antsy about the *apparent* lack of action given the seriousness of the crime and the persistent inability of the House to consistently obtain compliance from witnesses under both the 116th and 117th Congress?

Should we really expect the public not to be itchy when the current Attorney General admits to having been insulated by “the monastery of the judiciary” for years (an approximate paraphrase of an analogy Garland made during during an October 4 interview with Jane Mayer of The New Yorker)?

Should we really expect a majority of the American people not to be concerned about the length of time it takes to arrest and detain a white male investment banker and media executive who was Trump's adviser, when they elected this administration to both undo the damage of the

Trump years AND restore faith in their government?

THIS IS BULLSHIT: ARE YOU SERIOUSLY EVICTING VOTERS, DEMOCRATS? [UPDATE-1]

[NB: Check the byline, thanks. Update at bottom of post. /~Rayne]

Swear to gods “This Is Bullshit” will become a post category – stuff that is just outrageous bullshit which shouldn’t go unnoted without pushback.

Today’s bullshit comes to us via the Democratic Congressional Caucus and the Biden White House.

Do you recall the margin of votes between Joe Biden’s win and Trump’s loss?

Roughly seven million votes.

Do you know how many American households are at risk of eviction as of midnight tonight?

Roughly seven million.

Do you know why those seven million Americans are at risk of losing their homes AND THEIR VOTING ADDRESS?

Because the Democratic Congressional Caucus left for their summer break without passing a bill to stop this debacle.

And Joe Biden did next to nothing to encourage the caucus to make this a priority and to whip the votes.

Rep. Cori Bush (D-MO) slept outside the Capitol

Building last night to make the point that Americans who have already suffered so much during the pandemic have been left out in the cold again by their elected representatives.

Many of my Democratic colleagues chose to go on vacation early today rather than staying to vote to keep people in their homes.

I'll be sleeping outside the Capitol tonight. We've still got work to do.
pic.twitter.com/9l52lWBM73

– Cori Bush (@CoriBush) July 31, 2021

While the Centers for Disease Control has implemented a moratorium on evictions until tonight on top of \$46 billion in funding provided under the American Rescue Plan passed last December, states have only distributed \$3 billion in rent assistance so far.

You can almost guess which states are the worst for handing out aid.



NBC found 26 states had distributed less than 10% of the funds they received for housing assistance (1:20 in this video report).

Wrap your head around who is mostly likely at risk; these are the same people most of these same states are trying to disenfranchise with prohibitive voting law changes. They're going to be forced out of their homes at a time when many of these voters will be forced to obtain new IDs and jump through more hoops to vote in 16 months time.

Some of the aid money already set aside by Congress hasn't been requested because the states made the process difficult – these same states are applying the same suppressive tactics they use on voting. Congressional Democrats failed to take GOP's hostility toward economically disadvantaged Americans into consideration when they wrote the housing aid component of the American Rescue Plan. It's a failure mirrored by their inability to solve the voting rights problem.

Is it possible Democrats blew this off because the folks affected are more likely to live in red states? Did they forget their own seats and their majority in Congress rely on the same margins obtained by these same voters?

Did they think a magic fairy would drop down with a magic wand and make this go away though the White House has already said the Supreme Court won't let the executive branch issue another moratorium?

Did Biden trust Pelosi and her chief minion Steny Hoyer to do too much of the whipping when they may have conflicts due to real estate donors? Hoyer received \$815,086.30 in campaign donations from Finance, Insurance & Real Estate businesses in 2018, for example; Pelosi received \$216,214.68 the same year.

What's particularly galling is that we're still in a pandemic, and the states with the worst COVID numbers due to the Delta variant are also the ones which have done the least to help at-risk renters. These folks will end up crammed into shelters and other family and friend's homes amplifying the risk of a surge which will affect even more Americans.

It's just plain bullshit.

May I suggest you contact your representative and senators and tell them they've failed to protect at-risk Americans, which is one of the jobs they were elected to do?

Congressional switchboard: (202) 224-3121 or

look up your representative's/senators' local office number and leave a voicemail.

You can also fax them or use Resist.bot to text them.

UPDATE-1 – 9:20 PM ET – 31-JUL-2021 –

Rep. Cori Bush continues the fight tonight for Americans who are facing immediate housing precarity:

Tonight at Midnight. We're rallying for the extension of the eviction moratorium at the steps of the Capitol.

If you're in DC, bring a mask, bring your voices, bring your signs. We need you here. To my colleagues: I'm asking you to join us, too. Please share widely.

– Cori Bush (@CoriBush) August 1, 2021

If you're in DC and you attend tonight's rally, let us know in comments. Thanks.

CARLSON TO MCCARTHY TO NUNES: OBSTRUCTION OR WORSE?

[NB: Note the byline, thanks. /~Rayne]

Before Axios' scoop was published last evening and Marcy published her post this morning, I'd started a tick-tock of the events related to Tucker Carlson's recent fauxtrage claiming the NSA was spying on him.

It sure looked like Carlson was doing more than his usual white rage whining.

28-JUN-2021 – Monday evening – Carlson claimed the National Security Agency (NSA) was spying on him.

More specifically, Carlson said,

It's not just political protesters the government is spying on, yesterday, we heard from a whistleblower within the US government who reached out to warn us that the NSA, the National Security Agency, is monitoring our electronic communications and is planning to leak them in an attempt to take this show off the air.

It's doubtful Carlson was expressing outrage on behalf of protesters since he doesn't distinguish between BLM protesters demanding an end to police brutality or MAGA/Janon rabidly denouncing the outcome of democratic elections.

Who the "we," "us," or "our" is to which Carlson referred to is nebulous. The screed was unhinged because there was no evidence provided, just a reference to a shadowy whistleblower who felt compelled to tell Carlson rather than file a complaint through normal channels.

29-JUN-2021 – On Tuesday, Fox News published a partial transcript of Carlson's program from the previous evening; the network published zero investigative reporting about the alleged spying.

29-JUN-2021 – 8:00 pm ET – The same evening, the NSA tweeted a denial:

A statement from NSA regarding recent allegations:

pic.twitter.com/vduE6l6YWg

– NSA/CSS (@NSAGov) June 30, 2021

As noted in Axios' and others' reporting, the NSA pointedly says Carlson "has never been an intelligence target of the Agency" which leaves the possibility Carlson's communications could have been picked up as incidental to a foreign target if Carlson was communicating with a target.

29-JUN-2021 – 8:46 pm ET – Shortly thereafter, CNN-Business's Oliver Darcy updated his report including the NSA's denial while noting that none of Carlson's Fox News cohort reported on his claim.

30-JUN-2021 – 10:51 am ET – On Wednesday morning, NYU's Jay Rosen noted Fox's failure to report such a serious claim.

One way you know Fox is not a news network is that when Carlson makes a wild – but important-if-true – factual claim, the so-called "news side" doesn't confirm it, refute it, or even tell you they're working on it. A news network would not act like that.

<https://t.co/3Rn1e3tGxS>

– Jay Rosen (@jayrosen_nyu) June 30, 2021

30-JUN-2021 – 5:07 pm ET – Later that day House minority leader Kevin McCarthy tweeted about Carlson's allegation:

For the past several months, I've seen a disturbing trend at the National Security Agency. The NSA cannot be used as a political instrument.

I've asked Rep. Devin Nunes to investigate and find answers on behalf of the American people.

My full statement:

<https://t.co/xPjG9i9u7A>

– Kevin McCarthy (@GOPLeader)

June 30, 2021

How convenient – a neat turnaround in less than 48 hours.

~ ~ ~

Note in the partial transcript of Carlson's Monday fauxtrage this bit toward the end:

...Only Congress can force transparency on the intelligence agencies and they should do that immediately. Spying on opposition journalists is incompatible with democracy. If they are doing it to us, and again, they are definitely doing it to us, they are almost certainly doing it to others. This is scary and we need to stop it right away.

Emphasis mine.

Did Carlson actually demand Congress – meaning McCarthy – take action? Or did Carlson provide cover for McCarthy's selection of Nunes?

If Fox News had investigated Carlson's claim and found any credibility, one might believe McCarthy had adequate reason to engage Nunes. But without such investigative reporting and no documented formal whistleblower complaint, it's purely political posturing on Carlson's part last Monday which drove McCarthy's action.

McCarthy's engagement of Nunes itself is odd since McCarthy has resisted for nearly a decade doing anything to restrain the NSA's surveillance. Why would he sic Nunes on the fruits of his own inaction?

Nunes' role in the obstruction of the Special Counsel's investigation suggests the reason why McCarthy would set Nunes loose, along with a slew of other sketchy and obstructive behavior including Nunes' role in pressuring Ukraine for disinfo about Hunter Biden. With McCarthy's

blessing, Nunes may be continuing the obstruction both of the past investigation and now the Biden administration's operation.

Marcy's post earlier today lays out Nunes' habit of sowing faux scandal; perhaps Nunes didn't sow this one directly but indirectly through Carlson, laundered by McCarthy until the Axios' report last evening.

But timing is everything as they say. The Carlson-McCarthy-Nunes sequence occurred roughly 10 weeks after the exit of one of Nunes' flunkies, Michael Ellis; you'll recall Ellis is under investigation for leaking classified info, as is fellow Nunes' flunkie Kash Patel. Patel left his role with the Trump administration on January 20 along with another Nunes' flunkie, Ezra Cohen-Watnick.

The Carlson-McCarthy-Nunes sequence also happened 12 weeks after yet another Nunes' flunkie, Derek Harvey, had been sanctioned along with his attorney for filing a defamation lawsuit against CNN which the judge's ruling said was filed in bad faith.

If we can account for these sources Nunes might have used in the past to obtain intelligence, assuming Nunes might have used Carlson to move McCarthy on his behalf, who was the "whistleblower within the US government who reached out to warn" him about his communications? This is a rather important question since the "whistleblower" leaked to Carlson about communications collection which may have been related to tracking an identified foreign agent; who is the mole?

Perhaps Nunes, a government employee, tipped Carlson himself, closing the feedback loop?

The tricky part about Carlson's claim after Axios' report: if Carlson had not made a good faith effort to request an interview with Putin between the period January 1, 2019 until June 28, 2021 as Carlson indicated in his FOIA to the NSA, is it possible that some or all of his content in his program on Fox has been on behalf

of a foreign entity?

Has Fox News, by failing to investigate this matter and report on it as a legitimate news network should have, by failing to exercise adequate editorial oversight of its "talent" contacting foreign leaders, also been in the service of a foreign entity?

Has House minority leader McCarthy allowed himself to be manipulated by a foreign entity in responding to Carlson's claim by engaging Nunes to investigate it, rather than asking the Department of Justice or the Office of the Inspector General to do so? What if any effort did McCarthy expend to validate Carlson's claim before handing off the situation to Nunes? Did McCarthy make any effort at all to contact Speaker Pelosi and/or Rep. Adam Schiff, the chair of the House Intelligence Committee?

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Marcy wrote, "If the FBI believes that Tucker really was pursuing a long-term relationship with Russian agents, then even Fox News might rethink giving him a platform," based on the 30-month period of time in which Carlson had been in dialog with Russian agents, allegedly pursuing an interview with Putin.

I don't think there is or will be any government-based effort to take the Tucker Carlson Tonight show off the air – hello, First Amendment, which Carlson clearly doesn't understand. But I wouldn't be surprised if the program or its network was eventually obligated to file paperwork under the Foreign Agents Registration Act.