

AFTER YEARS OF SQUEALING ABOUT “FISA ABUSE,” TRUMP’S DNI NOMINEE WON’T RULE OUT WARRANTLESS WIRETAPPING

John Ratcliffe is an appalling choice to be Director of National Intelligence. But there’s the clear sense that SSCI is so anxious to replace Ric Grenell that they’d prefer him.

SUPPORT AND ELECT MOE DAVIS FOR CONGRESS

It is always the right time to do the right thing. The right thing is Moe Davis for Congress in NC-11. The time is now. Support and vote.

JOHN LEWIS WAS NOT ALWAYS OLD

John Lewis has been a fighter his whole life long. He is the last living member of the Big Six, the speakers at the 1963 March on Washington for civil rights, and now is a senior member of Congress fighting pancreatic cancer. But it’s important to remember that John Lewis

was not always old.

WAITING

How long will the majority consent to be governed by the minority?

ALABAMA GETAWAY: ROY MOORE'S LITTLE TOY GUN TRASH

It is
2017
and
here
we
are.
Yep,
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y ever. The face of humanity. Elected leaders won't even admit global warming, much less try to fix it. Hell, they don't even want the gays to have wedding cakes. "Creative" book schemers like Elon Musk are considered brilliant. But, hey, that is where we are.

No reason to ignore the truth. Unless you are Alabama.

Thirty two teeth in a jawbone
Alabama cryin' for none
Before I have to hit him
I hope Roy's got the sense to run.

Reason those poor young girls love him
Promise them anything
Reason they believe him
He wears a big diamond ring (and a
little toy gun).

It used to be our little weekend Trash Talk was an escape. From politics. From war. From torture. From the idiocy. There is no escape now.

Welp, at least we know that Alabama football is totally clean and good. And that good old Nick Saban purity will have a test today against Mississippi State in Davis Wade Stadium. Starkville can be tough. It is hard to see anybody slowing the Tide's roll, but this may be the best shot. Michigan State at the the Horseshoe and the Buckeyes should be really interesting. Not the blockbuster it once could have been, but still a huge game. A sleeper may be Oklahoma State at Iowa State. The best game though is Notre Dame at Miami. The Hurricanes have not had a game like this in a long time. Two storied programs, only one can win, both in effective dumpster fire mode for a long time. I'll take the Canes. The other huge game is TCU's Horned Frogs at Oklahoma. I wish FreePatriot were here for this. In his honor, I'll take Baker Mayfield and the Sooners.

Now for the Pros. Roger Goodell versus the hick Simpson's like looking villain Jerry Jones. Who do you root for there? Is there some way they can off each other in mutually assured destruction? That would be optimal.

The Cards lost their season on their home turf (yes, it is real grass) here Thursday night. Strange game, with injuries everywhere. Ugly. From there, can the Jaguars hold off the Bolts at home? Seems like a throwaway game, but it is really an interesting one. I have no clue, it is a toss up. There is no reason the Pack at Soldier Field should matter, but it kind of does. Same for Saints at Bills in Buffalo. And ditto for Vikes at Washington.

Vikes are fairly quietly 6-2. Sam Bradford may be fragile, but he is a pretty decent QB if he is on the field. But he is not, Case Keenum is piloting the ship, and doing so very well. Teddy Bridgewater may be back, but this is Keenum's team right now. Probably I am a dope, but I like the Skins for the home upset win.

This weekend is the Brazilian Grand Prix. Like the Italian, there is just too much history to ever take your eye off the Brazilian. Ham has the Drivers, and Mercedes has the Constructors. What started as a real battle has turned into a yawner. That is not good for fans, and it is not good for F1. For now though, it is what it is. But Ham crashed out in qualifying, and teammate Valtteri Bottas is on pole at Interlagos. With Vettel right behind. The Circus may have been decided for the year, but a very fun race may be on tap.

Okay. That is Trash for yet another week. Dumpster dive in with gusto. There is great music this week from both Honey Honey Band and the Dead. Killer tracks, give them a try. Or else I will send the guy with the short fingers and his friend with the little toy gun after you.

DEMOCRATS NEED A PLAN FOR NATIONAL VOTER PROTECTION

Two noted racists are about to try to rebrand cheating as "integrity." It's time for the Democrats to do more than simply resist, but instead to lay out what real election integrity would look like in this country.

THE QUESTIONS THAT SHOULD BE BEING ASKED ABOUT TRUMP'S TAX RETURNS

[Editor's Note – this is a guest post by a friend



of ours here at the Emptywheel Blog, Bob Lord. Bob is a longtime tax attorney with some very salient thoughts on Trump's taxes, and lack of production thereof]

By Robert J. Lord

A lot has been said about Trump's refusal to make his tax returns public. But despite the volume of commentary, it's not clear the right questions even are being asked.

Trump claims he can't release his returns because he's under audit. At some level, that's a legitimate concern. It would hardly be fair if thousands of tax professionals who oppose Trump politically helped the IRS by publishing their own analyses of the returns. Ultimately, however, it's a phony excuse.

But rather than challenge the logic behind Trump's refusal to release returns, a series of questions should be asked:

First, what tax years are under audit? Does it go back beyond 2012? If not, can the 2011 return be released? After all, the statute of limitations on the audit of that year has

passed, so there's no exposure to Trump by releasing that return. If not 2011, how about 2010?

Second, why haven't the audit notices been released? An audit notice is a short, generic letter from the IRS stating that a taxpayer's return has been selected for examination. There's nothing so sensitive in such a generic notice that it could not be made public. At this point, Trump has not even offered up this most basic evidence that he is really even under audit. Why hasn't proof been demanded?

Third, for the tax returns that are under audit, why can't the first two pages be released? After all, those first two pages simultaneously contain the information most relevant to the public about a presidential candidate and contain no information that reveals the issues under audit. Although an audit ultimately impacts the numbers that appear on the first two pages of the return, it's the schedules and other information that the IRS analyzes in an audit. For example, the first page of Trump's return states the income or loss he received from partnerships and real estate investments, but it's a schedule attached to the return, and the returns of the partnerships in which Trump is a partner, that contain the information the IRS would scrutinize in an audit.

Fourth, if for whatever reason the first two pages of the returns can't be released, could Trump at least release five numbers from each of his returns: his gross income, his adjusted gross income, his taxable income, his self-employment tax liability, and his income tax liability? If not, then why not?

Fifth, is the sensitivity of Trump's IRS audit the only reason behind his refusal to release the returns? Is Trump also under audit by any other tax agency, such as New York State's Department of Revenue?

These questions would force Trump to take one of two approaches: Either continue to evade or

allow the exposure of an uncomfortable (and intuitively obvious) reality – that the sensitivity of his audit is not the real reason for his refusal to release his returns. In all likelihood, he'd take the first approach, probably claiming that his tax advisors have told him not to release any information publicly. But, again, that cannot explain his refusal to release returns up to 2011, for which the statute of limitations have all expired.

What is the real reason Trump does not want to release the returns, even the first two pages? It could be that there's some embarrassing piece of information in there somewhere and Trump learned from Romney's refusal to go beyond a limited release of his returns that eventually people forget about a candidate's refusal to come clean. More likely, however, the problem he's facing is his own lack of credibility. The tax return of a real estate magnate like Trump paints a very distorted picture. Income will vary wildly from one year to the next. Important items might be buried in the return of a partnership or corporation that can't be released because of minority partners or shareholders. Taxpayers in Trump's position tend to bunch their charitable contributions, making them in the years they provide the most tax benefit. Unfortunately for Trump, that practice could make him appear incredibly tight-fisted if his returns over too short a period are seen in isolation.

And that's where Trump could be trapped by his own lack of credibility. It may well be that there's a perfectly reasonable explanation for whatever Trump would prefer not to be out there for public comment. Trump's problem is that if the explanation comes from him, nobody will believe it. And he knows it.

At a minimum, however, the above critical questions must be asked. Even if Trump has to explain a few items on his returns, that is no greater fear or burden than every other previous Presidential candidate has faced. Certainly

Trump may have varied financial interests, including charitable trusts. But so have other candidates before, including Hillary Clinton this election, and all have engaged in public transparency but for Trump.

Hopefully the press, including the debate moderators, will force Mr. Trump to answer these basic questions.

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THE [EMAILS SENT TO] CLINTON STORY MAY END UP BEING ABOUT LOYALTY

I was surprised that this story voicing concerns that Clinton backers fear “old weaknesses stalk” her campaign (stalk!) didn’t mention one of the weaknesses from 2008 that bothered me the most: loyalty.

Don’t get me wrong. Loyalty is a good thing.

Except when loyalty to long-term friends drives your hiring decisions.

To me, Hillary’s failure in 2008 is best

exemplified by her refusal to fire Mark Penn, even though he divided the campaign staff and made a lot of the decisions that let Obama beat her.

More recently, Hillary retained Sidney Blumenthal as an advisor even after the White House nixed him having an official role at State – a decision that lies behind some of the more controversial emails revealed as part of the email scandal.

Yet the WaPo article on potential Hillary stumbles doesn't mention loyalty, not even in its discussion of the email scandal.

The e-mail issue has dampened Clinton's support in New Hampshire, which holds the nation's first primary, on Feb. 9. Sanders rose to a statistical tie there in the latest statewide poll, to the shock of some longtime Clinton backers. She is on safer ground in Iowa, which will hold the nation's first presidential selection vote in the Feb. 1 caucuses.

Democrats in Washington fret that the e-mail liability is something Clinton brought on herself and has managed from a defensive crouch. The decision to operate a separate e-mail system parallel to the regular State Department system has resulted in an investigation that is now out of the control of Clinton and her campaign advisers.

Political strategists who have been through past such episodes note that an investigation like this can go in unexpected and damaging directions.

"I don't think there's a big smoking gun," one Democrat said. "But it's hard to explain why you had a private server, why you just now turned it over. . . .Shouldn't you have had better judgment?"

As I have noted, everything we know about the email scandal confirms that any legal problems stem *not* from Hillary sitting down and transcribing the contents of a satellite-derived intelligence report into an unencrypted email, but from a staffer taking material he or she knew to be classified and including it in an email to Hillary. It's not even clear *that* happened – the CIA has a nasty habit of claiming widely known facts are Top Secret, but that is the legal issue we're discussing (go here to review my critique of Hillary's over actions).

Both because they hate her, because she worked under a special status at State, and because there seems to be real reason to think she had a role in emails of question, the focus has now turned to Huma Abedin, currently Vice Chairwoman for Hillary's campaign. This report on Abedin's possible involvement emphasizes how closer Hillary and Abedin are.

Abedin, who's been with Clinton for about two decades, started working for Clinton as a 19-year-old intern in the former first lady's office.

At State and during the 2008 campaign she was considered Clinton's "body woman," never far from Clinton's side and often seen watching her boss intently, ready to scramble to her aid at any minute. Top politicians, and even Bill Clinton, would phone her to reach Hillary, and emails released in recent months showed she enjoyed access to Clinton at her private home, too, dropping items off on her counter and instructing her how to dress and keeping her schedule.

In 2013, news broke that Abedin had been given a special government employee status, allowing her to be simultaneously on the payroll for the philanthropic Clinton Foundation and Teneo, a consulting firm founded by

former Clinton White House adviser Doug Band. She previously had not disclosed the dual employment.

Abedin has said she stepped back from government work and became a contractor so she could be with her family and her newborn son. But since then, critics have questioned her about whether she had a conflict of interest while working at State and alongside close friends of the Clinton family.

There are a few other staffers whose names have been floated as potentially sending the emails with information deemed classified.

But if Abedin is among them, it poses the quintessential problem for Hillary: the possibility that dealing with this email problem would at the same time require distancing herself from a cherished associate. If someone like Abedin were involved in sending classified information, would Hillary do what she refused to do in 2008?

PAKISTAN'S NEXT GOVERNMENT BEGINNING TO TAKE SHAPE

Most of the results from Saturday's historic election in Pakistan are in. The biggest surprise is that Imran Khan's PTI party, which had been viewed as a possible upset winner, fell to third place behind the outgoing PPP. Nawaz Sharif and his PML-N party came very close to achieving a majority in the National Assembly, but since a majority was not achieved, Sharif is now in the process of forging the alliances that

will be needed for him to form a government for which he will once again become Prime Minister. Here are the latest numbers from the Express Tribune:

Contrary to most pre-poll predictions, the Pakistan Muslim League-Nawaz (PML-N) emerged as the single largest party by securing 123 seats of the National Assembly, according to the results released by the Election Commission of Pakistan (ECP).

The election commission has received 256 results out of 268 constituencies, and are still waiting for results from 12 constituencies, a senior ECP official said.

In order to win a simple majority in the 342-member lower house, a party or coalition would need 172 seats. Of the total seats, 272 are for directly elected members while 60 are reserved seats for women and 10 are for minorities.

These reserved seats are allocated to parties as per their performance in the polls. As per the results from ECP, PML-N has secured 123 seats; Pakistan Peoples Party Parliamentary (PPPP) bagged 37 seats, followed by Pakistan Tehreek-e-Insaf (PTI) which managed to get 27 seats. Muttahida Qaumi Movement (MQM) won 18 seats, Jamiat Ulema-e-Islam-Fazl (JUI-F) 10 seats, Pakistan Muslim League-Functional (PML-F) four seats, Jamaat-e-Islami three seats, Pashtunkhwa Milli Awami Party (PkMAP) two seats, NPP and PML two seats each.

We learn more about how the election proceeded from AFP (via the Express Tribune):

It was targeted by the Taliban, women and minorities were vastly under-represented, and videos of

irregularities went viral online – yet Pakistan’s 2013 election may still have been its fairest ever.

A much improved voter roll, near-record turnout, and vigilant citizens tweeting alleged rigging all played their part in what former Norwegian PM and election observer Kjell Magne Bondevik called “a credible expression of the will of the people”.

Saturday’s election saw about 50 million Pakistanis vote, with former prime minister Nawaz Sharif emerging the winner nearly 14 years after he was deposed in a coup.

/snip/

Violence in the run-up to polls and on election day itself killed more than 150 people, according to an AFP tally, as the Taliban set their sights in particular on secular parties that made up the outgoing government.

In a remarkable use of technology, voters were able to text their voter ID number to find out immediately the location of their polling station. Although 50 million votes were cast, the polling location service was accessed 55 million times.

Perhaps because of the unexpectedly poor performance of his party, Imran Khan is continuing to pursue charges of rigging in several districts:

The Pakistan Tehrik-i-Insaaf has identified “significant rigging instances” in as many as 20 constituencies in Punjab and decided to move Supreme Court and Election Commission of Pakistan “to seek justice”.

The PTI issued a list of 15 national and five Punjab Assembly constituencies

claiming the party had “valid proofs” of rigging there.

PTI chairman Imran Khan has said in a message the ECP and SC should take the rigging complaints seriously because future of the country as well as democracy directly depended upon free and fair elections.

Each of the three major parties will wind up controlling a provincial assembly. On this page from Dawn, we see that the PML-N has a large majority in Punjab, the PPP won the majority in Sindh and PTI is the majority party in Khyber-Pakhtunkhwa and the tribal areas.

Writing at Foreign Policy, Arif Rafiq put the election into perspective:

Whatever else Pakistanis may disagree on, there appears to be a consensus, at least for now, that democracy is the way forward. The country’s major power brokers – its two largest parties, the army, judiciary, and private media – have been at odds with one another over the past five years, but the chaos has been controlled and all these actors exercised some restraint during the election so as to not derail the democratic process. With the high turnout on election day and enthusiasm that preceded the polls, the public appears to be buying in to the democratic system as well. (Remember, this is a country where military strongman Pervez Musharraf once enjoyed an approval rate above 60 percent.)

But if this pro-democratic sentiment is to survive, voters need to see results in the form of good governance and meaningful economic reform. The Pakistan Peoples’ Party (PPP), which has led the country’s ruling coalition for the past five years, must be given credit for

helping instill a culture of consensus-building among Pakistan's political elite. This traditionally adversarial lot managed to pass three major constitutional amendments that not only involved a significant amount of give and take, but also instituted the electoral reforms that made Saturday's great turnout possible.

/snip/

The challenges Pakistan faces are grave. The economy is mired in stagflation. The government is essentially bankrupt. The terrorist threat endures and evolves. Radicalism is a cancer that eats at the country's core. And neighboring Afghanistan could face another civil war. But with one of its highest voter turnouts ever, and the army, politicians, judiciary, and media all acting in support of democracy, the country has taken a decisive step in right direction. Political stability and legitimate governance are prerequisites for enduring reform.

Congratulations to the citizens of Pakistan for courageously stepping forward to exercise their rights. Let us hope the government they have elected continues this move toward a more functional democracy.

**IMRAN KHAN INJURED,
DOCTORS ORDER REST
AHEAD OF SATURDAY'S**

ELECTION

Yesterday, former cricket star Imran Khan was injured when he fell off a lift that was raising him and a number of bodyguards to an elevated stage for a rally in Lahore. Prior to the injury, Khan and his PTI party were seen as slightly trailing former Prime Minister Nawaz Sharif and his PMN-L party for Saturday's first-ever election in Pakistan after a civilian government (Asif Ali Zardari's PPP party) has successfully completed a five year term in office. Pakistan's Dawn News paints Khan's injuries as serious while the Express Tribune downplays the seriousness.

Here is Dawn's description of the fall and injuries:

Pakistan Tehrik-i-Insaf (PTI) chief Imran Khan Tuesday sustained serious injuries on his head and back after falling from a lifter during climbing up the stage installed for an election rally in Lahore.

TV footage showed him tumbling down along with three or four personal body guards on a pick up truck. The PTI chief was seen bleeding when he was taken away by his party supporters to the city's Liberty Hospital.

/snip/

Khan sustained injuries on his head and back, said the hospital sources. They also said that Khan had to have as many as 16 stitches due to the injuries he sustained at back of his head.

The Express Tribune, meanwhile, claims the injuries are not serious:

Pakistan Tehreek-i-Insaf Chairman Imran Khan will not attend a public meeting in Islamabad on Thursday (May 9).

Additional Information Secretary PTI Lahore Umar Khan, while talking to APP, said Imran Khan's condition was not serious but he had been advised bed rest by doctors for a week.

This same article describes what appears to be spinal fractures but no damage to the spinal cord:

Listing Khan's injuries from a CT scan present at the briefing Dr Sultan clarified that Khan did not suffer from a skull fracture as reports in the media suggested.

"There was a small scalp hematoma, which is just a collection of blood. There was the spinous process of C3, which was a minimally displaced fracture at the tip of C3 and a compression fracture of T6 (thoracic vertebrae). There is also a fracture of T5 vertebrae body and the spinous process. However, the most important and reassuring thing is that the spinal canal is intact and Mr Khan is in full control of his limbs and body functions. There was no neurological compromise."

Three separate spinal fractures would qualify in my book as serious but perhaps the finding of no skull fracture or neurological damage allows the claim that the injuries are not serious.

This long article by Reuters this morning describes how the military is watching the process of transition of civilian governments with a likely preference for Khan's party to win. Dawn is generally seen as more aligned with the military than the Express Tribune, so their emphasis on seriousness for the injuries may be a play for sympathy. On the other hand, perhaps the Express Tribune is downplaying the seriousness of the injuries in a move to emphasize that there should be no impact from

these injuries on Khan's ability to serve in office should his party win the election. It is also possible that Dawn is merely using the natural human reaction to this sort of injury to describe it as serious while the Express Tribune is relying on language from doctors describing Khan's condition in strictly medical terms, where "serious" has a specific meaning that does not seem to be met by Khan's injuries.

Sharif has called a halt, at least for today, to his campaign out of sympathy for Khan and his followers.

Khan's injury is a huge development coming only five days before the election. Imagine if Mitt Romney had been hospitalized with three spinal fractures just five days before the election here. There appears to be room for a significant move toward Khan partly out of sympathy for his injuries. Pew released a poll (pdf) from Pakistan yesterday and we see that prior to the injury, both Sharif and Khan had very favorable views by the public. Sharif had a favorable view from 66% of those polled and unfavorable from 26%. Khan trailed just a bit in those viewing him favorably, at 60%, but he had only 17% viewing him unfavorably. Sharif had only 8% who couldn't decide if they viewed him favorably or unfavorably, while there were 24% in this category for Khan. One would think that a significant portion of those without an opinion on Khan prior to yesterday's incident would tend toward viewing him a favorably sympathetic light. By contrast, Zardari rated 83% unfavorable and only 14% favorable, so Pakistanis clearly want their government to change.

The Pew poll also showed that Pakistanis have a very low opinion of the US, Obama and US policies. The US scored a 72% unfavorable and Obama got 52% "no confidence". Removing US troops from Afghanistan is seen as good by 66% and bad by only 6%. And then there are the drones:

■ American drone attacks against extremist

leaders are largely unpopular. Roughly two-in-three Pakistanis (68%) oppose U.S. drone strikes. Opinions are divided on whether the strikes are being conducted with (29%) or without (39%) the approval of the Pakistani government. Similarly, there is division over whether drone attacks may be necessary to defend Pakistan from extremist groups – a third agree with this position, while 40% disagree. When asked about the consequences of drone strikes in general, roughly three-in-four (74%) say they kill too many innocent people.

We can rest assured that Joshua Foust and Christine Fair will inform us today or tomorrow that this poll by Pew is fatally flawed and can't possibly reflect the true status of Pakistanis' adoration of our glorious drones.