



Democracy and Mueller Report Town Hall

Congressman Mark DeSaulnier

MAY 28, 2019



Change in the House

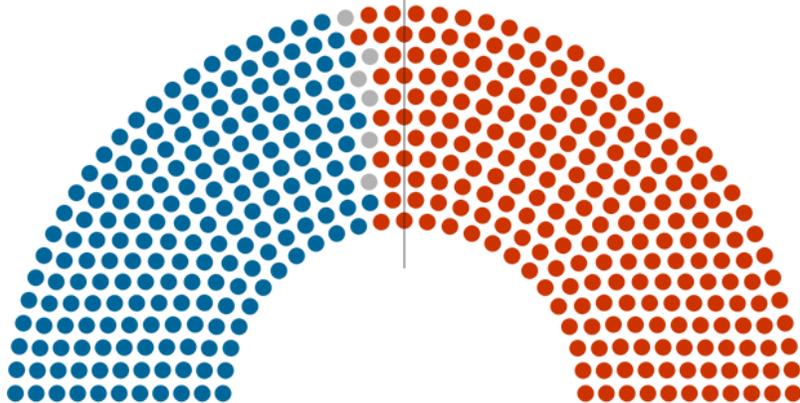
115TH CONGRESS

2017-2018

218 seats for majority

193

235



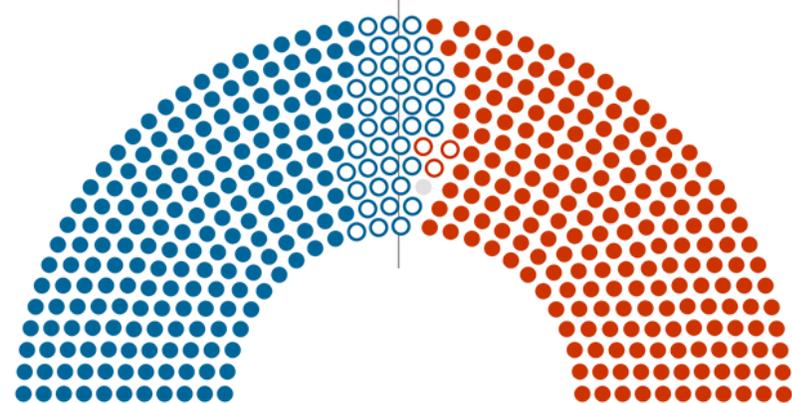
116TH CONGRESS

2019-2020

218 seats for majority

234

200



○ Seats flipped R to D (39) ○ Seats flipped D to R (3)

Committees

- ▶ **One of only a handful of Members on 4 Committees:**
- ▶ **Education & Labor**
 - ▶ Ensure that Americans' needs are addressed so that students and workers may move forward in a changing school system and a competitive global economy
- ▶ **Transportation & Infrastructure**
 - ▶ Maintain and improve the transportation and infrastructure in our country to best ensure the efficient flow of people, goods, and ideas
- ▶ **Oversight & Reform**
 - ▶ Main investigative committee in the U.S. House of Representatives
- ▶ **Rules**
 - ▶ Power over which bills are considered on the floor and influence over procedure

Congressional Agenda in the Majority

Democrats' First Priorities in the New Congress:

- ▶ **Passed in the House**
 - ▶ **For the People Act (H.R. 1)** – Most comprehensive voting rights and election protection legislation in decades
 - ▶ **Equality Act (H.R. 5)** – Extends civil rights protections to individuals on the basis of gender identity and sexual orientation
- ▶ **Introduced in the House**
 - ▶ **Voting Rights Advancement Act (H.R. 4)** – Restores federal oversight of changes to voting procedures that could restrict rights
 - ▶ **American Dream and Promise Act (H.R. 6)** – Creates a pathway to citizenship for Dreamers and TPS holders

Congressional Agenda in the Majority

- ▶ **Introduced in the House – continued**
 - ▶ **Paycheck Fairness Act (H.R. 7)** – Seeks to ensure women and men are paid equally
 - ▶ **Bipartisan Background Checks Act (H.R. 8)** - Expands background checks for private firearms sales
 - ▶ **Climate Action Now Act (H.R. 9)** – Recommits the U.S. to the Paris Climate Agreement
- ▶ **Awaiting Introduction**
 - ▶ **H.R. 2** – Comprehensive infrastructure plan
 - ▶ **H.R. 3** – Prescription drug cost-lowering bill

Efforts Passed by Congressman DeSaulnier Since January

- ▶ **Amendment to H.R. 9**: Study of the impacts of withdrawing from the Paris Climate Agreement on our global economic competitiveness
- ▶ **Amendment to H.R. 987**: Study on how pharmaceutical companies use federal money and how much they profit off of the public investment
- ▶ **Amendment to H.R. 1500**: Would hold student loan companies accountable to borrowers and the government, and increase industry transparency

Appropriations Victories

- ▶ **25** of Mark's priority submissions have been approved by the Appropriations Committee so far, including the below efforts he led:
 - ▶ \$15 million for Statewide Family Engagement Centers (\$5 million increase);
 - ▶ \$30 million for Parent Information Centers (\$2.6 million increase);
 - ▶ \$298 million for Wage and Hour Division at the Department of Labor (\$69 million increase); and
 - ▶ Protecting the Chemical Safety and Hazard Investigation Board from elimination

Mark's Actions Since Coming to Congress

22 initiatives enacted into law, including efforts to:

- ▶ Expand John Muir National Historic Site
- ▶ Rename post office in Richmond after the site's first African American postmaster
- ▶ Empower pharmacists to fight the opioid crisis
- ▶ Create and fund statewide family engagement centers to help families participate in their children's education

20 legislative efforts passed the House and Committee including efforts to:

- ▶ Require that prescription drug monitoring programs becoming interoperable between states
- ▶ Provide \$1 million to study how we can improve communication for cancer patients

Caucuses & Initiatives:

- ▶ **Future of Work Wages and Labor**
- ▶ **Bipartisan Cancer Survivors Caucus**, *Founder & Co-Chair*
- ▶ **Urban Regional Studies Caucus**, *Founder*

Mueller Investigation

Timeline

- ▶ **February 13, 2017**: National Security Advisor Michael Flynn resigns amid pressure from increased FBI scrutiny over his foreign contacts
- ▶ **February 14, 2017**: President Trump personally asks FBI Director Comey to end investigation into Flynn
- ▶ **March 2, 2017**: Attorney General Jeff Sessions recuses himself from the Russia investigation because of his ties with the Trump campaign, leaving Deputy Attorney General Rod Rosenstein to lead
- ▶ **May 9, 2017**: Trump fires Comey after he refuses Trump's request to drop the investigation into Flynn
- ▶ **May 17, 2017**: Rod Rosenstein appoints Special Counsel Robert Mueller to oversee an investigation into possible collusion between the Trump campaign and Russia

Timeline

- ▶ **October 5, 2017**: Trump campaign aide George Papadopoulos pleads guilty to lying to the FBI
- ▶ **October 30, 2017**: Paul Manafort and Rick Gates are indicted by Mueller on financial crimes, widening the door for the Mueller team to investigate the Trump Organization and Trump's finances
- ▶ **December 1, 2017**: Michael Flynn pleads guilty to lying to the FBI
- ▶ **February 13, 2018**: Mueller charges 13 Russians and 3 companies with conspiracy to tamper with the election
- ▶ **August 21, 2018**: Paul Manafort found guilty on eight charges, including tax fraud, hiding foreign bank accounts, and bank fraud
- ▶ **January 25, 2019**: Roger Stone indicted for lying to Congress and tampering with witnesses

Timeline

- ▶ **March 22, 2019** – Mueller submits his report to Attorney General Barr
- ▶ **March 24, 2019** – Attorney General Barr submits a 4-page summary to Congress instead of the full report
- ▶ **April 18, 2019** – Barr releases a redacted version of the report
- ▶ **April 30, 2019** – It is revealed that Mueller told Barr his 4-page summary failed to “fully capture” his findings
- ▶ **May 2, 2019** – Attorney General Barr is called to testify before the House Judiciary Committee and refuses to show
- ▶ **May 8, 2019** – House Judiciary Committee holds Barr in contempt for refusing to comply with the subpoena

An Overview

- ▶ **448 pages, 2 volumes**
 - ▶ Investigated 11 key instances of possible obstruction of justice
- ▶ Volume I findings:
 - ▶ **“The Russian government interfered in the 2016 presidential election in sweeping and systematic fashion.”**
 - ▶ “The Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and the Campaign expected it would benefit electorally from information stolen and released through Russian efforts.”
 - ▶ **“Several individuals affiliated with the Trump Campaign lied to the Office, and to Congress, about their interactions with Russian-affiliated individuals and related matters. Those lies materially impaired the investigation of Russian election interference.”**
 - ▶ **Russia interfered in the election through a social media disinformation campaign and hacking of materials from Democratic operatives**
 - ▶ After Trump publicly asked Russia to hack Hillary Clinton’s emails, Michael Flynn contacted multiple people about obtaining them

An Overview

- ▶ Volume II findings:
 - ▶ **Mueller accepts Department of Justice guidelines that say a sitting president cannot be indicted**
 - ▶ Trump intended to obstruct justice by tweeting his support of Manafort
 - ▶ **Mueller informs Congress that we have the authority to determine whether the president has abused his authority, in regards to obstruction of justice**
 - ▶ He writes: "The Constitution does not categorically and permanently immunize the President from potential liability for the conduct that we investigated."
 - ▶ Mueller states: "**While this report does not conclude that the President committed a crime, it also does not exonerate him.**"
- ▶ Overall, the report lays out a clear framework for continued investigation under Congressional authority into the question of obstruction of justice, though Mueller stops short of an indictment due to DOJ guidelines

Mueller Investigation by the Numbers

- ▶ 37 indictments (34 individuals, 3 companies)
- ▶ 7 guilty pleas
- ▶ Spawned 14 other investigations, including at least 2 that remain ongoing
- ▶ Russian social media disinformation campaign reached at least 126 million Americans
- ▶ Since the report's release, 720 former federal prosecutors signed a letter stating they would indict President Trump on the evidence from the Mueller report if he were not President

Trump Claims, “No Obstruction!”

- ▶ Trump has tweeted the claim of “no obstruction” **44 times** since Mueller’s appointment. But, Mueller finds:
 - ▶ “Our investigation found **multiple acts** by the President that were capable of **exerting undue influence over law enforcement investigations**, including the Russian-interference and obstruction investigations. The incidents were often carried out through one-on-one meetings in which the President sought to use his official power outside of usual channels. **These actions ranged from efforts to remove the Special Counsel and to reverse the effect of the Attorney General 's recusal; to the attempted use of official power to limit the scope of the investigation; to direct and indirect contacts with witnesses with the potential to influence their testimony.**”

Trump Claims, "No Obstruction!"

- ▶ "The President's efforts to influence the investigation were mostly unsuccessful, but that is largely because the persons who surrounded the President declined to carry out orders or accede to his requests."

Trump Claims, “No Obstruction!”

- ▶ “If we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state.”

Congressional Investigations

What Congressman DeSaulnier is Doing

- ▶ **Bots Research Act (H.R. 2860)**: Introduced legislation to require the FTC to bring together a group of experts to study the impact of bots on elections and public discourse
- ▶ Supported the **For the People Act (H.R. 1)**, which would shore up state and local election security, expand the ban on foreign spending on U.S. elections, and establish stricter campaign finance reporting requirements
- ▶ Hearing in the Oversight Subcommittee on National Security on **how we can protect our elections** by improving relationships between the government and social media platforms
- ▶ **Meeting with social media companies** to find ways to address misinformation and stop bad actors online
- ▶ **Member of House Committee on Oversight and Reform, which has:**
 - ▶ 20+ ongoing investigations
 - ▶ 70+ requests for documents or other information

House Committee on Oversight and Reform

- ▶ **Jurisdiction:** Oversight of the Executive branch, all federal agencies, and private organizations. **Primary jurisdiction over ensuring accountability and transparency of all Executive branch actions**
- ▶ **February 26, 2019**: Subpoenas to Attorney General Barr, then-Secretary of Homeland Security Nielsen, and HHS Secretary Azar for records on the Trump Administration's child separation policy
- ▶ **March 27, 2019**: Subpoena to Mazars USA LLP for documents related to the President's financial statements
- ▶ **April 2, 2019**: Subpoenas to DOJ Principal Deputy Assistant Attorney General John Gore, Attorney General Barr, and Secretary of Commerce Ross for records related to adding the citizenship question to the 2020 Census
- ▶ **April 2, 2019**: Subpoena to former White House Security Director Carl Kline for testimony connected to the Committee's investigation into the White House Security Clearance Process
- ▶ **May 20, 2019**: Judge denies Trump family bid to block release of Trump financial records
- ▶ **May 22, 2019**: Judge rejects Trump's bid to block release of Deutsche Bank records

House Committee on the Judiciary

- ▶ **Jurisdiction:** Oversight of the Department of Justice, administration of federal courts and administrative bodies, and law enforcement agencies - including the Attorney General and Special Counsel.
Primary jurisdiction of obstruction of justice
- ▶ **April 19, 2019**: Subpoena to AG Barr for the unredacted Mueller report
- ▶ **April 22, 2019**: Subpoena for testimony and documents from former White House Counsel Don McGahn
- ▶ **May 8, 2019** – Held AG Barr in contempt for refusal to comply with subpoena
- ▶ **May 21, 2019** – Former White House Counsel Don McGahn skips hearing about Mueller Report

House Select Committee on Intelligence

- ▶ **Jurisdiction:** Oversight of U.S. intelligence community and operations – including efforts to stop foreign influence in the U.S. **Primary jurisdiction of Russian interference in U.S. elections**
- ▶ **April 15, 2019**: *With House Financial Services* – Subpoena for Trump business records related to credit with Deutsche Bank and Capital One
- ▶ **May 8, 2019**: Subpoena to AG Barr for counterintelligence and foreign intelligence materials produced during the Special Counsel's investigation

Impeachment

History of Impeachment and Removal

- ▶ 19 federal officials have been impeached by the House including:
 - ▶ 15 judges;
 - ▶ 1 Member of Congress - William Blount of TN (1797);
 - ▶ 1 Secretary of War - William W. Belknap (1876); and
 - ▶ 2 Presidents of the United States – Andrew Johnson (1868) and Bill Clinton (1998)
- ▶ 8 individuals, all federal judges, have been found guilty before the Senate and removed from office
- ▶ Presidents Andrew Johnson and Bill Clinton were impeached but acquitted by the Senate
- ▶ No Member of Congress or President has ever been removed by the Senate

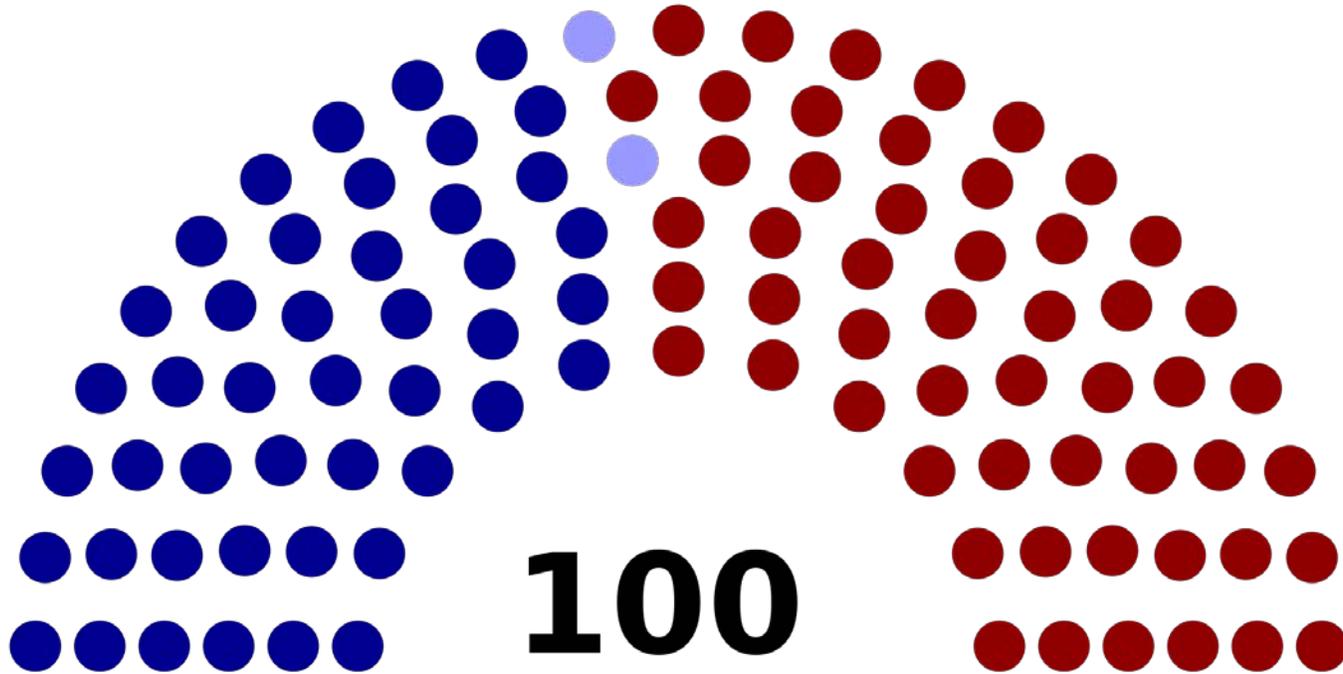
Impeachment

- ▶ Article II, Section 4 of the U.S. Constitution allows for the impeachment and removal from office of the President, Vice President, Attorney General, or any civil officer of the United States
- ▶ Any member of the U.S. House of Representatives may introduce a resolution calling for impeachment
- ▶ The House Judiciary Committee has the authority to perform an investigation and pursue articles of impeachment
- ▶ Upon completion of an investigation, the Judiciary Committee reports its findings to the House, and a vote is held with only a simple majority needed to adopt the resolution of impeachment
- ▶ **Impeachment does not automatically remove the individual from office**
- ▶ If the impeachment resolution is adopted, the U.S. Senate must hold a trial to determine removal

Trial by the Senate

- ▶ The Senate conducts a trial with witnesses and evidence from both the defendant and prosecution
- ▶ The Chief Justice of the United States presides, members of the House stand as prosecutors, and all 100 Senators act as the jury
- ▶ When arguments are concluded, all Senators meet in a closed session to discuss a verdict
- ▶ If 2/3 of the Senators vote to find the accused guilty, they are removed from office effective immediately, and possibly barred from holding future office
- ▶ An individual removed from office is still subject to potential criminal investigations brought through the Department of Justice or state prosecutors

Makeup of the Senate

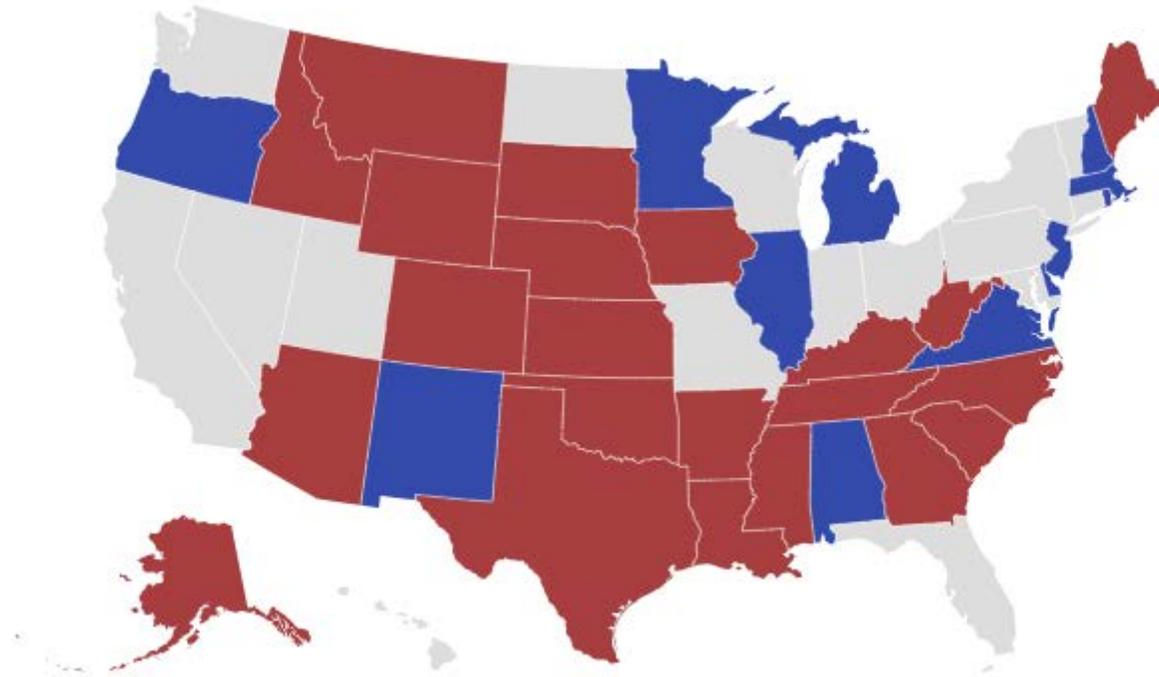


Republicans – 53

Democrats – 45

Independents – 2

Senators up for Reelection in 2020



Democracy Awards

- ▶ **Transparency, Accountability, and Innovation Award – 2019 Finalist (1 of 2 Democrats)**
 - ▶ *“The office believes Americans deserve an efficient and effective government that works on their behalf each and every day. **In order to build public trust, Congressman DeSaulnier and staff strive to be transparent and accountable to constituents by providing a higher-level of customer service.**” – Brad Fitch, President & CEO of the nonpartisan Congressional Management Foundation*
- ▶ **Constituent Service Award – 2018 Finalist (1 of 3 Democrats)**
 - ▶ *“**Constituent service has been the hallmark of Representative Mark DeSaulnier (D-CA-11) and his office since his election in 2015...**To keep constituents informed, Representative DeSaulnier uses Facebook Live to explain hot button issues happening in Washington in real time, and maintains an impressive four-day response time for constituents who send questions or concerns regarding his congressional activity. ” – Brad Fitch, President & CEO of the nonpartisan Congressional Management Foundation*

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