



## Indivisible Bainbridge Island Newsletter

**Nov. 24, 2023**

Guided by Indivisible's [Practical Guide to Defeating MAGA](#)

Help progressives win seats in state legislatures and Washington, D.C.

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**Quote of the Week:** "The only way not to be criticized is to be mediocre."

- **Rosalynn Carter**, who died Nov. 19

### On the Calendar

- Nov. 22 was the 60<sup>th</sup> anniversary of the assassination of John F. Kennedy. I was 14 and devastated. It felt like all the good had been drained out of our country. Despite Jimmy Carter, Barack Obama and Joe Biden, sometimes it still feels that way. - *Kathy*
- Nov. 26, 1 pm, Kiana Lodge, Remembering Sherry Appleton. [RSVP](#)
- Nov. 28, [Deadline for commenting](#) on proposed updates to the rules governing on-site sewage systems in Kitsap County. Sign up by Jan. 9 for the public hearing that will be held by Zoom on Jan. 10.
- Nov. 29, 2 pm, [Postcards on Wednesday](#), **Let's Take Back the House!**
- Nov. 30, 5 pm, Zoom, Vote Forward's Data & Research call. [RSVP](#)
- Dec. 5, 12 pm to 1 pm, Zoom, [Clean & Prosperous America's webinar on clean fleet legislation and funding in the Pacific Northwest](#).
- Dec. 8, 1:30 pm to 2:30 pm, Zoom, [Politics with David Harrison](#), hosted by the [Bainbridge Island Senior Center](#)
- Jan 19 the stopgap funding bill for funding agriculture, energy and water, military construction, Veterans' Affairs, transportation, and housing expires.
- Feb. 2, the stopgap funding bill for everything else expires.

## In This Newsletter

- Holding Trump Accountable – Gag order decisions coming
- Do Something – Plenty to do!
- Elections – Decline to sign these initiatives!
- President Biden and His Administration – Key to brokering hostage release and cease fire
- In Congress – Still crazy in both Houses
- In the Courts – Elon Musk's terrible lawsuit and a terrible decision in the 8<sup>th</sup> circuit
- In the States – Book drive in Kitsap County
- In the World – Catching up on Ukraine
- [Daily Actions](#) - Tell our members of Congress what you think

This newsletter is prepared weekly by Indivisible Bainbridge Island. Previous newsletters are archived [here](#). - [Kathy](#) and [Holly](#)

## Holding Trump Accountable (ordered by trial date)

### Using the 14th Amendment to keep Trump off the ballot

#### • Colorado:

- On Nov. 17, District Court Judge Sarah B. Wallace found that Trump engaged in insurrection on Jan. 6, 2021 but that Section 3 of the 14<sup>th</sup> amendment does not apply to presidents. Legal experts [burst Trump's bubble](#) over the ruling: actually its the 'very worst decision' for him. The plaintiffs in this case [have appealed](#) Wallace's decision to the Colorado Supreme Court on an expedited basis because the primary ballot must be finalized by Jan. 5, 2024. Trump's side is also appealing. The primary is March 5. Oral arguments [will take place](#) on Dec. 6.

#### • Minnesota:

- The judge [ruled](#) that Trump can't be kept off the primary ballot but the case can be brought again for the general election. The GOP primary is March 5. The plaintiffs in this case included Joan Grove (D), the Minnesota Secretary of State from 1975 to 1999 and former Minnesota Supreme Court Justice Paul Anderson. No news on when or if the plaintiffs plan to bring the case again.

#### • Michigan:

- Free Speech For People on Thursday said it has [filed an appeal](#) with the Michigan Court of Appeals, as well as an emergency bypass application seeking immediate review by the Michigan Supreme Court, seeking to overturn Court of Claims Judge James Robert Redford's decision that the political nature of the issues involved were outside the jurisdiction of the court and could only be decided by Congress.

**NY Attorney General Letitia James' Civil Fraud Case Against the Trump Organization;** trial started Oct. 2.

- Trump's team did Trump no favors when they called ex-Trump Organization executive Jeff McConney to testify for the defense on Nov. 21. (McConney had already been called as a witness by the NY AG team.) McConney [gave tear-filled testimony](#) in in this case on Nov. 21. He admitted that the Trump Organization valued Mar-a-Lago as a residence on its financial statements when its value was actually significantly reduced because it was encumbered as a commercial property and required to operate as a club in perpetuity, thereby reducing its value and its property tax bill. McConney said he didn't remember why they did that.
- McConney also [denied the claim](#) by Mazer's accountant, Donald Bender, that the Trump Org hid documents from outside accountants.
- NY AG's office filed a 54-page filing opposing the stay of the gag order imposed on Donald Trump. [Watch](#) attorney Ben Meiselas discuss.
- The appellate court that's considering the gag order placed on Trump by Judge Arthur Engoron requested specific examples of threats against Engoron and his principle law clerk, so this week, AG James filed a sworn affirmation prepared on Nov. 22 by a safety threat officer who protects New York State Court judges listing all of the direct threats Engoron and his law clerk have received. The law clerk receives 20 to 30 calls a day on her personal cell phone alone. The messages were transcribed and included in the 275 single-spaced affirmation. The messages include death threats, cursing, antisemitic slurs, etc. [Watch](#) attorney Michael Popok discuss. The full appellate court panel will hear arguments about the gag order on [Nov. 27](#).

**E. Jean Carroll's next defamation case;** trial set for Jan. 15. (This is the first case she filed when Trump was still president. She filed a second case after he left office; that case has already been adjudicated and is only being held to determine monetary damages.)

- E. Jean Carroll's attorneys filed a motion with the court to stop Trump from denying that he raped or defamed E. Jean Carroll during this trial. Any such statement would be a violation of [collateral estoppel](#). In their filing, her attorneys used examples of Trump's behavior in the NY AG's case that's currently going on. Judge Kaplan has already ruled that Trump defamed her. [Watch](#) attorney Michael Popok discuss this filing.

**Class Action Multi-level Marketing, Pyramid Scheme Case;** trial date set for Jan. 29

- No news.

## **Jack Smith's Jan. 6 case; trial date set for March 4, 2024**

- **Gag Order**

- On Thanksgiving Day, Jack Smith [filed an urgent brief](#) with the DC Circuit Court of Appeals to inform them of credible threats caused by Donald Trump. The brief included the Nov. 22 sworn affirmation from a safety threat officer. [Watch](#) attorney Ben Meiselas discuss the brief.
- During oral argument to try to overturn Judge Chutkan's gag order, Trump's lawyer conceded that a trial court could limit Trump's speech even if his speech itself wasn't a crime in order to protect the criminal Justice system. [Watch](#) attorney Michael Popok discuss why this is a fatal error that should lead to the appellate court allowing Judge Chutkan to re-enter her gag order against Trump.
- The D.C. Circuit Court [revealed the huge flaw](#) in Trump's gag order claim: jury selection. "If you can't scream fire in a movie theater, you can't broadcast lies to encourage others to burn it down."
- Trump has been filing motions to dismiss this case for a variety of reasons. On Nov. 17, Judge Tanya Chutkan [denied his motion](#) to strike Jan. 6 language from the indictment.
- Trump's lawyers now claim in a new court filing just before Thanksgiving that Trump has a First Amendment right to make FALSE statements that he won the election and that election fraud made him lose the 2020 election. This filing ignores that fact that the indictment is based on Trump's *conduct*, not the things he said. [Watch](#) attorney Michael Popok discuss.

## **Manhattan DA Alvin Bragg's Falsified Business Records case; trial set for March 25, 2024**

- No news

## **Jack Smith's Documents Case; trial set for May 20, 2024**

- In a prior filing, Jack Smith asked Judge Cannon to set a routine CIPA Section 5 hearing at which the defense would say which classified documents it wants to use in this case. On Nov. 16, Judge Aileen Cannon issued an order in which she refused to set a date for the Section 5 hearing until after the March 1 scheduling hearing that she has already set. [Jack Smith may be weighing using this order to get Cannon removed](#) because her effort to delay the trial may give Trump an opportunity to use "[gray mail](#)" to get the entire case dismissed.

## **DA Fani Willis Election Interference Case; trial date requested for Aug. 5, 2024**

- Fani Willis [appeared in court to argue](#) that Trump co-defendant's bond should be revoked in Georgia. Harrison Floyd had been accused of writing threatening posts on social media. In his

defense, Floyd [cited Trump's own social media posts](#). The judge [did not not revoke](#) Floyd's bond but did tighten up his bond conditions.

- Trump is trying to get this case intertwined with documents from the DC election interference case so he can complain how there's so many documents, the trial will have to be delayed until after the 2024 election. [Watch](#) attorney Ben Meiselas discuss.
- MAGA loyalists are [raising money for the legal defense](#) of Trump's co-defendants and attacking DA Willis.
- In 2019, staff at Trump's National Golf Course in New Jersey dispensed too many drinks to a golfer who got drunk, then drove off and flipped his car, killing his passenger. Under the responsible vendor law, Trump National was in part responsible for that accident and loss of life. The New Jersey attorney general cut a deal with Trump for a \$400,000 fine that he paid over four years. [Watch](#) attorney Michael Popok discuss.

### **Other Trump News**

In 2015, staff at Trump's National Golf Course in New Jersey dispensed too many drinks to a golfer who got drunk, then drove off and flipped his car, killing his passenger who was his father. Under the responsible vendor law, Trump National was in part responsible for that accident and loss of life. In July 2021, the New Jersey attorney general, [Gurbir Grewal](#), a Democrat [cut a deal with Trump](#) just before leaving office, for a \$400,000 fine that Trump was allowed to pay over four years. [Watch](#) attorney Michael Popok discuss.

### **Enablers**

- Judge Beryl Howell [has set](#) Dec. 11 as the trial date to decide how much Giuliani owes Ruby Freeman and Shaye Moss for defaming them. It will be a bench trial. Giuliani [says](#) he wants to testify.

### **"Tourists"**

- Frank Rocco Giustino [nearly quadrupled his sentence](#) when he threatened to arrest the judge.
- Convicted Jan. 6 attacker Antony Vo faces prison, so [he went to Mar-a-Lago to see Trump first](#).

### **Do Something**

- Watch this replay of Activate America's webinar, "[The 2024 Election Picture One Year Out](#)." They are planning big things for 2024 because they are confident that if we work for democracy, we can keep it!

- [None](#) of our members of Congress have called for a ceasefire in the Israel/Hamas war. Contact them: [Sen. Patty Murray](#), [Sen. Maria Cantwell](#) and [Rep. Derek Kilmer](#).
- [Sign the Demand Progress petition](#) to the Federal Trade Commission to end junk fees on booking hotels, concert tickets, renting an apartment and paying utility bills.
- Join Hillary Clinton in [signing Progressive Takeover's petition](#) to abolish the Electoral College.
- [Tell the Army Corps of Engineers](#) to shut down the Dakota Access Pipeline **now**!
- [Watch](#) this amazing video of orcas playing off Galiano Island, BC.

## Elections

### • GOP presidential primary

- Many former Trump aides say he shouldn't be president. [Will it matter?](#)
- [Conservative lawyers J. Michael Luttig, George Conway and Barbara Comstock form "Society for the Rule of Law Institute"](#), calling on colleagues to fight Trump threat: 'Our country comes first.'
- ["What happens after Donald Trump's 'final battle'?"](#) by Philip Bump at the Washington Post.
- Trump blasted for [threatening to investigate](#) Comcast, NBC News and MSNBC for their coverage of him should he be re-elected.
- Trump doctor [reveals](#) health report: 'Cognitive exams were exceptional.'
- Univision, the Spanish language news giant, [shifts its approach](#) to Trump thanks to new corporate ownership
  - Latino [backlash grows](#) over Donald Trump's friendly Univision interview.

### • Good News in Ohio

- The Ohio ballot board has approved the independent redistricting ballot initiative, so groups can start collecting signatures to put the initiative on the ballot in 2024. Ohio already has a redistricting commission but it's filled with GOP politicians that have gerrymandered the state. This initiative would create a 15-member citizen redistricting commission with no politicians or lobbyists allowed. It would be similar to California's redistricting commission that has successfully produced fair maps in that state. [Watch](#) voting rights attorney Marc Elias discuss.

### • Washington State

- **Decline to Sign!** Multimillionaire Brian Heywood and State Republican Party Chair Jim Walsh are behind an initiative to repeal the Climate Commitment Act and have just delivered boxes of signatures to the Secretary of State's office. Heywood has vowed to

promote five other initiatives to repeal funding for healthcare, education and climate action. They are 2081, 2109, 2111, 2113, 2117 and 2125. Learn more at [StopGreed.org](https://stopgreed.org).

## President Biden and the Administration

- President Biden [tells Americans](#) "we have to bring the nation together" in Thanksgiving comments.
- [Remarks by President Biden](#) on the release of hostages from Gaza.
- President Biden [says putting conditions](#) on military aid to Israel is 'worthwhile thought.'
- By helping broker an Israel-Hamas deal to free hostages, President Joe Biden [has achieved a long-sought win in a war that has cost him politically](#).
- *Kathy's opinion*: President Biden publicly declared full support for Israel so he could privately pressure Netanyahu into a cease-fire for a hostage release and aid for Gaza.

## The Administration

- U.S. airstrikes [hit](#) Iranian-linked facilities in Iraq.
- US defense chief Lloyd Austin [visited Kyiv](#) and announces more military aid.

## In Congress

### The Senate – on Thanksgiving recess

- The Democratic plan on Tommy Tuberville's military holds: [go after the whole GOP](#).
- Mike Lee (R-UT) [went all in on 'nutball' Jan. 6 conspiracy theories](#), suggesting that a photo of a rioter shows him brandishing a badge that turned out to be a vape pin and that federal agents disguised themselves as Trump supporters on Jan. 6.
- On Nov. 28
  - the Senate Finance Committee will [consider the nomination of Martin O'Malley to be the Commissioner of Social Security](#). The SSA Employee Union [has endorsed](#) O'Malley.
  - The Senate Judiciary Committee will hold a [hearing to examine the gun violence epidemic](#).

### The House – on Thanksgiving recess

- In furtherance of its Biden impeachment "inquiry," the House Judiciary Committee [has subpoenaed](#) Lesley Wolf, a prosecutor in the Delaware U.S. Attorney's Office, which investigated and prosecuted Hunter Biden.
- From Politico.com: ["55 Things You Need to Know About Mike Johnson"](#)
- On Nov. 28, the House Homeland Security Committee will hold a hearing on ["Emergency Preparedness: Examining Federal, State, and Local Coordination in Coastal Communities."](#)

## In the Courts

### • The Supreme Court

- This Supreme Court case [has momentous implications](#) for government power.
- Clarence Thomas [made another mess](#) for his colleagues (hopefully) to clean up. (The mess? In a recent dissent, Thomas questioned whether private groups - ACLU, NAACP, etc. - can bring lawsuits under Section 2 of the Voting Rights Act. See the next bullet point )

### • Lower Federal Courts

- This week, the Eighth Circuit got Clarence Thomas' memo and [eliminated the private right of action in Section 2 of the Voting Rights Act](#), leaving only the DOJ the ability to file such law suits. Private groups such as the ACLU, the NAACP and Democracy Docket's Marc Elias are now prevented from bringing legal action to protect voting rights under Section 2 in the states in the Eighth Circuit, which are Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota. Of the 182 Section 2 cases brought in past 40 years, only 18 were filed by DOJ. [Watch](#) voting rights attorney Marc Elias discuss.
- Elon Musk's X [is suing Media Matters](#) for defamation – that is, showing that the ads of Apple, IBM, etc. were being positioned next to antisemitic content. The attorneys general of Missouri and Texas [are on the job](#) for Musk.
  - The big, obvious reason why Elon Musk's anti-Media lawsuit [will backfire](#): it could reveal embarrassing secrets about the company's handling of far-right content.
  - Musk's [X sues Media Matters](#) after report shows ads next to pro-Nazi posts.
  - Texas attorney general [opens probe](#) into Media Matters over report on X ads.
  - X launches '[thermonuclear lawsuit](#)' against Media Matters over Nazi report.

### • In State Courts

- On Nov. 21, Wisconsin's [State Supreme Court](#) heard arguments about the state's legislative maps, which, along with their congressional maps, are considered to be the [most gerrymandered maps](#) in the country. GOP lawmakers have threatened to impeach the court's newest justice, Protasiewicz, depending on how she rules.

## In the States

- Workers at Detroit's 'Big 3' [ratified](#) their UAW labor contract.



- **In Arkansas**, Sarah Huckabee Sanders [appointed former state senator Jason Rapert](#) (R) to the Arkansas State Board of Libraries. Rapert says not only did Jesus throw out the money changers, Jesus would also burn books. Rapert has said he would remove funding from libraries that [sue the state](#) for their book banning bill, Act 372.
- **In Pennsylvania**, a Moms for Liberty leader (also a pastor) [turned out to be](#) a convicted sex offender.
- **In Oregon**, a state court judge [ruled](#) that a voter-approved gun control law violates the state constitution.
- **In Washington**
  - A [Kingston man was found guilty](#) of 7 charges related to Jan. 6 riot in Washington, D.C. He's the third local-area man to be convicted of Jan. 6 charges.
  - Consumer spending [drives another \\$200M](#) in expected state revenue growth.
  - Eagle Harbor Book Co. on Bainbridge Island, Ballast Book Co. in downtown Bremerton and Liberty Bay Books in Poulsbo [gather books](#) for children in their languages.

## In the World

- **In Argentina**, [voters elected Javier Milei](#), a man who thinks sex education is a Marxist plot to destroy the family, views his cloned mastiffs as his “children with four paws” and has raised the possibility people should be allowed to sell their own vital organs.
- **Israel/Hamas War**
  - Israel and Hamas reach deal to release 50 hostages and pause fighting for 4 days in Gaza.
  - As of Nov. 24, [24 hostages had been freed](#) in exchange for 39 Palestinian prisoners.
  - [There's a 'real' chance of ceasefire extension](#), says Pres. Biden; biggest aid convoy since start of war enters Gaza
- **Ukraine/Russia**
  - Ukraine [says its forces have gained a foothold](#) on the eastern bank of the Dnipro river - potentially allowing it to transfer vital equipment across the river – while Russia has been focusing its efforts on eastern Ukraine with fighting continuing around Bakhmut and near Donetsk.
  - **From the United States Institute of Peace:**
    - [“How Does the Israel-Hamas War Impact Russia and Ukraine?”](#)

- ["From Ruins to Resilience: The Path Toward Recovery in Ukraine"](#)
- [Russia-Ukraine war: List of key events, day 639](#)
  - Russian forces had unleashed "the fiercest" attacks on the devastated town of Avdiivka.
  - Russian actress Polina Menshikh was killed in a Ukrainian attack while performing to Russian troops in a Russian-controlled area of the Donbas
  - Russian journalist Boris Maksudov died in a Ukraine drone attack.