



Indivisible Bainbridge Island Newsletter

Dec. 9, 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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On the Calendar

- Dec. 13, 2 pm, [Postcards on Wednesday](#), upstairs at the T&C – writing for Democrat Tom Suozzi who is running for Santos' old seat!!!
- Jan. 12, 1:30 pm to 2:30 pm, Zoom, [Politics with David Harrison](#), hosted by the [Bainbridge Island Senior Center](#) (Date is to be confirmed)
- 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

Quote of the Week



“Defendant’s four-year service as Commander in Chief did not bestow on him the divine right of kings to evade the criminal accountability that governs his fellow citizens. No man in this country, not even the former President, ‘is so high that he is above the law.’” - Judge Tanya Chutkan in denying Trump’s motion to dismiss Jack Smith’s case against him because of presidential immunity.

In This Newsletter

- Holding Trump Accountable – Gag orders reinstated and he’s upset!
- Do Something – Postcards to fill Santos’ seat
- Elections – Nikki Haley is NOT a “moderate”
- President Biden and His Administration – A rant about the economy rant
- In Congress – Tuberville gives up, sort of
- In the Courts – A challenge to immunity for Purdue

- In the States – In Texas, AG Paxton threatens any hospital that might perform a court-approved abortion
- In the World – Al Gore says COP28 has been captured by fossil fuel interests
- [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:**

- Oral arguments before the Colorado Supreme Court were heard on Dec. 6. One judge [asked](#) 'how is that not absurd' to claim the Constitution's framers would have allowed an insurrectionist to be president? No decision yet. [Watch](#) Trump's lawyer, Scott Gessler, argue that Jefferson Davis could have run for president after the passage of the 14th Amendment and that Obama can run for a third term.

• **Minnesota and Michigan:**

- No news.

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

- With Judge Engoron's gag order reinstated and Trump scheduled to testify as the last witness on Dec. 11, Trump lawyer Chris Kise asked that the trial be paused while the full appellate court considers his gag order appeal. "[Absolutely not. No way, how how,](#)" Judge Engoron answered.
- On Monday, Trump's own expert witness, Frederick Chin, [admitted](#) that Trump's real estate values were not 'proper' or 'reasonable.'
- On Thursday, Trump's [accounting expert, Eli Bartov, testified](#) that Trump's statements of financial condition are "[like a warning from the Surgeon General on a box of cigarettes.](#)" Bartov also said 'there is no fraud here,' but also admitted that Trump more than doubled the value of his penthouse apartment at New York City's Trump Tower, which Bartov considered [just an error](#). Bartov said the Trump Organization and Trump's Save America PAC paid him an hourly rate of \$1,350 for 650 hours of work [for a total of \\$877,500](#).
- **Extra credit:** A former server at the Trump National Golf Club in Bedminster, NJ [has filed a lawsuit](#) against the club, alleging that she was sexually harassed by her manager and then

pressured to sign an illegal non-disclosure agreement by Alina Habba, who is now an attorney for the former president.

- **More extra credit:** Trump's nickname for AG James is [racist](#).

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 this case is only being held to determine monetary damages.)

- No news.

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

- No news.

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

- On Friday, the [D.C. appellate court upheld](#) but narrowed Judge Tanya Chutkan's gag order. The revised gag order bars Trump and his lawyers from making "public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding," but also allows him some leeway if a high-profile witness makes disparaging comments about him. Trump is free to disparage the prosecutors. Trump [says he'll appeal](#) to the Supreme Court.
- On Thursday, Trump [filed an appeal](#) against Judge Chutkan's ruling denying his immunity claims. He also asked Judge Chutkan to pause everything with regard to this case (jury selection, filing of pre-motions, etc.) while the appeal is underway.
 - Judge Chutkan immediately [issued an order](#) for Jack Smith to respond by Dec. 10 and for Trump's team to respond to Smith's response by Dec. 12
- Jack Smith [wants to tell jury](#) about Trump's earlier attempts to sow doubt about elections. He plans [to use Trump own words](#) suggesting the 2016 election he won was fraudulent.
- A new Jack Smith [court filing](#) indicates that a Trump campaign employee encouraged rioting at Detroit's TCF Center where votes were being counted and Joe Biden was taking the lead. It is speculated that the unnamed employee is the so-far-unindicted Boris Epsteyn.
- Fake Trump electors in Wisconsin finally [admitted Joe Biden won in 2020](#); their admission [should prove handy to Jack Smith](#).
- [First signs of Trump jury selection](#) process may have just landed in D.C. mailboxes.

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

- No news.

Special Prosecutor Jack Smith's Documents Case; trial set for May 20, 2024

- Jack Smith has asked Judge Cannon to delete certain classified documents from this case without giving Trump or his lawyers access to them – no doubt to protect them from being publicly revealed because of their highly sensitive nature and Cannon's [refusal to follow CIPA procedures](#) to protect them. [Trump's team has asked Cannon to reject Smith's request.](#)
- Judge Lose Cannon [unsealed documents](#) despite Jack Smith warning doing so would reveal the 'contours and extent' of his plans

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

- Bill Barr and Steve Bannon are among [200 potential witnesses on Fani Willis' list](#). Also on the list: Scott Perry (R-PA), former DOJ officials Jeffrey Rosen and Richard Donoghue, Mike Pence
- Fani Willis [responded](#) to Trump lawyer Steve Sadow's 'ridiculous' claims.
- Mark Meadows [got some not-good news](#) when it was revealed this week that the three-judge panel that will hear oral arguments on Dec. 15 on Meadows' effort to move his case from state to federal court consist of an Obama appointee, a Biden appointee and a Bush II appointee.
- Georgia prosecutors [predict jail sentences](#) in Trump 2020 election case. "Long after these folks are in jail, we'll still be practicing law." - DA Fani Willis in an email to a member of her staff.

Other Trump News

- Georgia co-defendant and admitted felon Ken Chesebro testified before a Nevada grand jury about the Nevada fake elector case this week. That testimony was quickly followed up with the [indictment of six fake Trump electors on Dec. 6](#). Nevada is the third state to seek charges against so-called "fake electors."
- This week, Mary Trump [called on the FEC to stop Trump](#): Trump would be 'ruined' if the FEC disallowed PAC money from being used to pay legal bills. Trump's Save America political action committee has paid nearly \$37 million to more than 60 law firms and individual attorneys since January 2022.
- This week, print version of the [The Atlantic](#) devoted the entire issue on the dangers of re-electing Trump. One of the articles is "How Trump Gets Away With It," by Barton Gellman. Most of the article is behind a paywall, but you can read the first paragraphs [here](#).

Enablers

- **Rudy Giuliani**

- His attorney got a 'lashing' from the judge when his [client didn't show up for court](#) this week.
- The [jury trial is set to begin](#) Dec. 11 to determine how much Giuliani will have to pay two election workers he was found to be liable for defaming. At this late date, Giuliani's lawyers [sought a bench trial](#) that Judge Beryl Howell denied.
- The co-founder of Students for Trump was [charged with assault](#) after allegedly hitting a woman with a gun, court records show.

Do Something

- [Sign the Demand Progress petition to the FTC](#): Stop egg producers from price gouging! (And there's proof!)
- **Help us write postcards!** We're on a mission to flip the 18 congressional districts that Biden won in 2020 but were lost to the GOP in 2022. We meet at the T&C for [Postcards on Wednesday](#). We've got addresses and a script in support of Democrat Tom Suozzi, who is running to replace George Santos in New York's 3 CD. Or, pick up postcards from Holly's front porch at 8824 NE New London Ct. and [email Kathy](#) for the addresses and script. The special election is on Feb. 13, so this is our highest priority!

Elections

- [Four new polls](#) the talking heads don't talk about show Biden leading.

- 44-42 Economist/You Gov - 3 pt gain since mid-Nov
- 43-42 Morning Consult - 4 pt gain since last week
- 39-37 YouGov
- 37-35 Leger/The Canadian Press

- **GOP presidential primary**

- Want to see the 4th GOP primary debate? [Watch](#) Never-Trumper Charlie Sykes's post-debate discussion with A.B. Stoddard.
- With Nikki Haley looking "moderate" and rising in the polls, what would Haley do?
 - [Fire every federal worker](#) after a maximum of five years. "This sounds like a clever idea until you think about it for, oh, two seconds. It means we'd have to purge and replace every single air traffic controller every five years. Also all the

nuclear physicists working for the Energy Department and rocket scientists at NASA, whose depth of expertise can't easily be recreated on a five-year deadline."

- [Raise the retirement age](#) – only for younger people' to save Social Security, rather than eliminate the payroll cap tax. This in a time when [life expectancy is declining](#).
- Solve the [rising suicide rate](#) among girls and young women by making [transgender athletes in sports the 'women's issue of our time.'](#)
- [Sign a national 'don't say gay' bill](#) that goes further than the Florida bill.
- [Send special forces to Mexico](#) to wipe out drug cartels.
- [Sign a national abortion ban](#) (without explicitly saying so). "I do believe there is a federal role on abortion. Whether we can save more lives nationally depends entirely on doing what no one has done to date: finding consensus," she said. "That's what I will strive to do."

- **What Trump wants to do as president**

- Be a dictator on day 1 (ha, ha), close the border and "drill, drill, drill." [Details](#)
- Create a [loyalty-first cabinet and White House staff](#) from the likes of Stephen Miller, J.D. Vance (R-OH), Sarah Huckabee Sanders (R-AL), Kari Lake, Kristi Noem (R-SD), Byron Donalds (R-FL), Marjorie Taylor Greene (R-GA), Kash Patel and Steve Bannon. Melania Trump favors Tucker Carlson for VP, a job also coveted by Byron Donalds and MTG. Plus Mike Davis for acting AG.
- In past weeks:
 - [Create a national teacher credentialing system](#) to "take back control from the Radical Left maniacs indoctrinating our children."

- **Remembering what Trump did as president**

- The Trump administration [imposed several rounds of tariffs](#), amounting to an \$80 billion tax increase on \$380 billion worth of imports (based on 2018 values), ranging from thousands of products from China to steel and aluminum and washing machines and solar panels. A recent study on U.S.-China trade concludes that [Trump's trade policies cost the U.S. economy](#) nearly a quarter million jobs.

- **News to Me!** In April, *The Intercept* reported that [Saudi Arabia owns a stake in the company](#) that bought the campaign tech, NGP VAN, the Democratic Party uses to maintain its voter lists.

- **In Washington State**

- **Decline to Sign!** Multimillionaire Brian Heywood and State Republican Party Chair Jim Walsh are behind six proposed ballot initiatives designed to roll back the work our state legislature has done to improve public education, make communities safer and fight climate change. The initiatives are 2081, 2109, 2111, 2113, 2117 and 2124. For example, 2109 would repeal the capital gains tax on the wealthy that has added billions in education funding. Learn more at [StopGreed.org](https://stopgreed.org).
- Bainbridge and Central Kitsap are joining Bremerton and North Kitsap in [putting funding measures before voters](#) during the special election Feb. 13.

President Biden and the Administration

- Majority Leader Chuck Schumer (D-NY) [presented Vice President Kamala Harris](#) with a golden gavel after she cast a record 32nd tie-breaking vote in the Senate. The record was previously held by Vice President John Calhoun who served from 1825 to 1832. She voted Tuesday to [advance the confirmation of Loren Alikhan](#) to be a U.S. District Court judge in Washington, D.C.
- Biden [fact-checked](#) 'MAGA' leader Rep. Lauren Boebert in her own district.
- On Dec. 7, the White House [warned pharmaceutical companies](#) that it might use its authority to cancel patent protections if a medication is too expensive. Federal law allows the government to grant patent licenses if taxpayer dollars were used in the development of inventions -- including drugs.
- Pres. Biden [visited Las Vegas](#) on Friday to showcase \$8.2 billion for 10 major rail projects around the country.

The Administration

- This week, the U.S. [charged four pro-Russian troops in Ukraine](#) with war crimes for the abduction and torture of an American national in Ukraine. If taken into custody and convicted they face a maximum sentence of life in prison.
- [“The Economy Is Remarkably Strong. Period. Stop The Bullshit,”](#) by Simon Rosenberg.
- U.S. officials privately [raise fears](#) of Israel-Gaza conflict sparking a broader war.
- **Why do we feel so bad about the economy?** [Watch \(starting at 2:30\) MSNBC’s Chris Hayes](#) review the economy since Biden took office in Jan. 2021. Here’s a summary with some added detail:
 - When he was inaugurated at the height of the pandemic, Biden continued to support the economy with the American Rescue Plan’s, direct cash payments and an extra

\$300/week in unemployment benefits. Fox “News” decried that Biden had created a **labor shortage** because businesses “just can’t find people!” and “they just don’t want to work!” (**Maybe because they were dead!**) Biden continued getting people vaccinated and the unemployment rate dropped that was 6.3% when Biden took office dropped to 3.24% as of Oct. 31. [This is lower than the long term average of 3.28%.](#)

- Next, in October 2021, Fox “News” started harping on how Pres. Biden was the Grinch for causing Christmas-ruining **supply chain problems**. The West Coast port jam up was the result of COVID labor and trucker shortages. Pres. Biden worked with the Port of Los Angeles would be working 24/7 to clear the backlog, and Christmas was saved. Holiday spending actually grew nearly 15% from the year before, shattering spending records.
- Then, it was the **baby formula shortage** in early 2022 that was caused by a recall of contaminated products and a bacterial contamination that shuttered the Abbot Labs plant in Sturgis, MI. Formula for 51% of babies is purchased under the WIC program, and at the time, and for contractual reasons, the WIC program only allowed the purchase of Similac, made by the shuttered Abbot Labs plant. Pres. Biden invoked the Defense Production Act requiring suppliers to direct needed resources to infant formula manufacturers before any other customer who may have ordered that good. He also imported formula and worked with states to make their WIC programs more flexible.
- Also in 2022, an outbreak of avian flu killed 40 million egg-laying chickens, causing **egg prices to rise** by as much as 70%, peaking at [\\$4.82/dozen](#). Egg producers raised new chickens and they are producing eggs again. Costco in Silverdale sells eggs for \$2.50/dozen now although the national average is lower.
- Also in 2022, thanks to Putin’s invasion of Ukraine and the resulting blockade of Russian oil, OPEC’s slowing of oil production and increased demand as the economy recovered, **gas prices** were up, and Fox harped on inflation all year. Domestic oil production is booming, with the U.S. now producing more oil than Russia and Saudi Arabia. Regular at Costco in Silverdale was \$4.819 on Aug. 21. Now, it’s \$3.77/gal for regular at Costco and Safeway in Silverdale. The current national average for regular is \$3.22/gallon. Inflation peaked last year at about 9% down to about 3.2% now.
- While Fox has been claiming we’re already in the **Biden recession** all year, but in October, Treasury Secretary Janet Yellen [said](#) “You don’t really see any sign of recession here.” The [Fed stopped forecasting a 2023 recession in November](#). “We’ve had three accelerating quarters of economic growth instead of the expected three quarters of slowing growth,” [said](#) Rob Haworth, senior investment strategy director at

U.S. Bank Wealth Management. "The primary reason is that consumer spending remains strong, which is driving the surprising level of growth we've seen."

- Pay for low-wage workers [grew 'tremendously fast'](#) in the last 3 years, and **real wages are rising faster than inflation**. The largest wage gains are among the bottom 40% of workers. When people have money, they spend it, and the economy grows. [The U.S. GDP grew at a 4.9% annual pace in the third quarter, better than expected](#). From the bottom up and the middle out, as Joe Biden has always said.
- The Dow Jones Industrial Average peaked at an all time high of 36,799.65 points on Jan. 4, 2022 (under the Biden Administration). It closed on Friday at 36,247.87, just 551.78 points off its all-time high.

In Congress

The Senate –

- **J.D. Vance wants investigations!**
 - Into [Robert Kagan](#) (and his wife!) for [writing an opinion piece](#) that allegedly incites insurrection for warning of the "increasingly inevitable" dangers of dictatorship under Donald Trump. For good measure, Vance also wants AG Garland to investigate Kaplan's wife, who works for the State Dept.
 - Into [Janice Gassam Asare](#) for writing a 'decentering whiteness' article for Forbes. Asare is founder of a diversity, equality and inclusion company.
- Senate Republicans on Wednesday [blocked debate on additional U.S. support for Ukraine](#) because Pres. Biden's proposed emergency spending bill didn't include major changes to U.S. immigration or asylum laws. Biden said he's willing to make "significant compromises" on the border, adding: "We need to fix the broken border system."
- Republicans [stormed out of briefing](#) as Congress battles over Israel and Ukraine aid package.
- Bipartisan senators [introduce legislation](#) to protect fans from 'dramatically overpriced' event tickets.
- Tuberville (R-AL) may have [ended his hold on over 450 military promotions](#) but refuses to end promotion block on 4-star generals. [Liz Cheney suggests](#) Tuberville is holding the positions open so Trump can fill them.
 - Hundreds of military nominees [confirmed](#) hours after Tuberville ended months long blockade.
 - Along with senators Mike Rounds, (R-SD) and Joe Manchin, (D-WV), Tuberville is a co-sponsor of the [Military Personnel Confirmation Restoration Act](#) bill to give back pay to military officers Tuberville blocked from promotions.

The House –

- The presidents of several universities [faced questions](#) from the House Committee on Education and the Workforce about the protests that erupted o college campuses after the October 7 Hamas attack on Israel and Israel's response.
- **House Speaker Mike Johnson**
 - He [plans to hold a vote](#) next week to authorize a formal impeachment inquiry aimed at Pres. Biden, even though there is [no evidence of wrong-doing](#). Their “new evidence,” includes [Hunter Biden's repayment of a loan to his father for a Ford pickup truck](#). “But Comer remained adamant that Hunter paying his father back in any form meant Biden had benefited from his son's overseas business.”
 - He said releasing the 40,000 hours of Jan. 6 surveillance camera footage is taking so long because [he's blurring faces so rioters don't get charged](#).
- **Hunter Biden**
 - Hunter Biden is willing to testify publicly before the House Oversight Committee, but James Comer moved the goal post by demanding private testimony, which Biden refused. Now [Comer is threatening contempt of Congress proceedings against Biden](#).
 - Hunter Biden's attempt to subpoena diaries, personal messages and correspondence the former president sent about himself is [opposed by federal prosecutors](#).
 - On Thursday, Hunter Biden was [hit with 9 tax-related charges in new indictment](#) (even though he has already paid the taxes).
 - Former prosecutor [Harry Litman calls out the 'deeply troubling' piece](#) of the Hunter Biden indictment.
 - Mary Trump suggests some [real tax cheats](#) who should be indicted: “Roger Stone: \$2M in taxes owed. Reached a deal, but no indictment. Rudy Giuliani: Nearly \$550,000 still owed in taxes. No indictment.” And Trump himself and “my cousin's husband.”
- Lauren Boebert [has a plan to saddle taxpayers](#) with the bill for big oil cleanup on federal lands, and *the GOP likes it*.
- Kevin McCarthy [will bid adieu](#) at the end of this month. With McCarthy gone and Santos expelled that will leave the GOP with a 220-213 majority from Jan. 1 to at least mid-February. Special elections will happen on Feb. 13 to fill Santos' seat (rated D+2 by the Cook Political Report) and sometime in May to fill McCarthy's seat (rated R+16). But wait, there's more: Election denier Bill Johnson (R-OH) has said he's [planning to resign](#) from his safe GOP seat in mid-February or March to become the president of Youngstown State University.

- Three Democrats [joined the GOP](#) to censure Rep. Jamaal Bowman (R-NY) for accidentally pulling a fire alarm. The three Democrats were Marie Gluesencamp Perez (D-WA), Jahana Hayes (D-CT) and Chris Pappas (D-NH).
- House Democrats [launched a task force](#) on lawmaker security.

In the Courts

• The Supreme Court

- A divided SCOTUS [heard the challenge](#) to the \$6 billion Purdue opioid settlement that gives the company immunity from further prosecution.

• Lower Federal Courts

- On Dec. 1, [a federal jury in Chicago awarded \\$17.7 million](#) to Kraft, General Mills, Nestle, and Kellogg in an egg price-fixing case. The jury found that Cal-Maine Foods and Rose Acre Farms (the country's first and second biggest egg producers and distributors) artificially inflated prices starting in the mid-2000s.

In the States

- Despite the GOP mantra of the need to throw off the chains of federal regulation and "drill baby drill," the U.S. is already drilling pretty good. [US crude output is on track](#) to rise to a record 12.76 million barrels per day in 2023.

- Study finds that [interstate travel for abortion care](#) has doubled since 2020 from 1 in 10 abortions to 1 in 5.

• In Florida

- Lawsuit in central Florida [says](#) a foster care agency failed to pay bills and caused kids to sleep in offices.
- Former US ambassador to Bolivia, Manuel Rocha (appointed by Pres. Bill Clinton) was [arrested in Florida](#) and accused of serving as an agent of Cuba.

• In New Hampshire

- New Hampshire Republicans [propose '15-day' abortion ban](#).

• In Texas

- A Texas judge [allowed an abortion in the Kate Cox case](#) but AG Paxton threatened legal action against any hospital that performs the abortion. "Cox's doctor did not meet 'all of the elements necessary to fall within an exception to Texas' abortion laws' and that the

judge was 'not medically qualified to make this determination,' AG Paxton wrote in a letter addressed to the hospitals involved in Cox's care.

- Texas Supreme Court [temporarily blocks](#) Kate Cox from emergency abortion. AG Paxton requested the block.

In the World

- While attending COP28 on Sunday, [Al Gore said](#) that fossil fuel interests have effectively seized the reins of the United Nations climate summit process known this year as COP28, preventing the kind of ambitious action scientists say is necessary to prevent catastrophic warming and all of its cascading impacts. After all, the head of UAE's national oil company ADNOC, Sultan al-Jaber is running COP28.
- [Scandinavians say "NO" to Musk and his Tesla](#): he lost a legal action against **Sweden's** postal service over its refusal to deliver license plates for Musk's cars, transport workers at **Finnish** ports are blockading Tesla vehicles earmarked for Sweden starting Dec. 20 and one of **Denmark's** largest pension funds has announced that it will sell its Tesla stock because of Musk's refusal to enter into agreements with labor unions.

• Israel/Hamas War

- Israel [extends ground offensive](#) to entire Gaza Strip.
- [Humanitarian crisis worsens](#) in Gaza as Israel-Hamas war intensifies.
- U.S. [approves emergency arms sales](#) to Israel amid mounting criticism of its cease-fire veto in the U.N.

• Ukraine/Russia

- Zelensky calls Russian air strikes on Kherson '[pure terrorist attacks](#).'
- [Russia launched a swarm of Iranian-designed attack drones](#), damaging port infrastructure in Ukraine's southern Odesa region and killing one civilian. The Ukrainian air force said it destroyed 15 of the 18 Shahed drones. The attack was the first on the Danube ports since November 21.
- An aid tracker from the Kiel Institute showed [Ukraine's allies have drastically scaled back their pledges of new aid to the country](#), which have fallen to their lowest level since the start of the war. The Germany-based institute said new military, financial and humanitarian aid promised to Ukraine between August and October 2023 fell almost 90 percent from the same period in 2022.
- More news from Aljazeera is [here](#) on the 654th day since Putin invaded.