



## Indivisible Bainbridge Island Newsletter

Jan. 5, 2024

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

- Jan. 6, 3 pm to 4 pm, "Vigil for Democracy" at the corner of Winslow Way and Highway 305. [Email Holly](#) if you plan to attend.
- Jan. 7, 12:30 to 2 pm, [Signs for a Ceasefire in Gaza](#), at the intersection of 305 and Winslow Way. After the rally, there will be an online panel discussion about Gaza. [Register in advance](#).
- Jan. 10, 2 pm, [Postcards on Wednesday](#), 2 pm, upstairs at the T&C – writing for **Tom Suozzi**, the *real* Democrat running for Santos' old seat!
- Jan. 19, the stopgap 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.
- Feb. 2, 1:30 pm to 2:30 pm, Zoom, [Politics with David Harrison](#), hosted by the [Bainbridge Island Senior Center](#).

### In This Newsletter

- [Do Something](#) – A vigil for democracy!
- [Holding Trump Accountable](#) – Big decisions coming soon
- [Elections](#) – Another GOP debate on Jan. 10
- [President Biden and His Administration](#) – on the campaign trail
- [In Congress](#) – Back in session
- [In the Courts](#) – Actual death panels
- [In the States](#) – Untaxed trillions
- [In the World](#) – No progress toward peace
- [Daily Actions](#) - Tell our members of Congress what you think! We have topics for January.

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

## Do Something

- **Attend our Vigil for Democracy**, Jan. 6, 3 pm, at the intersection of 305 and Winslow Way! We Americans seem to have short memories. We want to remind voters/drivers that an insurrection happened three years ago and the issues surrounding it remain unresolved – much like the Civil War.
- **Write postcards!** We're on a mission to flip the 18 congressional districts Biden won in 2020 but were lost to the GOP in 2022. We meet upstairs at the T&C for every Wednesday at 2 pm. Here we are this past Wednesday:



We're writing for **Democrat Tom Suozzi** to replace George Santos in New York's 3<sup>rd</sup> CD in a Feb. 13 special election. You can also pick up postcards from Holly's front porch at 8824 NE New London Ct. and [email Kathy](#) for the addresses and script. The GOP has nominated a registered "Democrat" because they just can't stop being deceptive.

## Holding Trump Accountable (ordered by trial date)

### 14th Amendment Cases – follow these cases at [LawFareMedia.org](https://www.lawfaremedia.org)

- In **Colorado (aka Anderson v. Griswold)**
  - On Wednesday, Trump lawyers filed with the Supreme Court their [appeal](#) that SCOTUS overturn the Colorado Supreme Court's decision to keep Trump off the ballot. Conservative attorney George Conway described the appeal as "bizarre" and then [tore it apart point by point](#).
  - On Thursday, Anderson lawyers filed their respondent's brief to Trump's appeal. It asks that SCOTUS decide five questions: 1) whether, as Trump claims, only Congress can resolve whether a candidate for president is qualified, 2) whether the president is an officer under Section 3 of the 14<sup>th</sup> Amendment, 3) whether states may exclude from the ballot candidates who are ineligible to hold office under Section 3, 4) whether Congress must pass legislation before a state can enforce Section 3 and 5) whether by intentionally mobilizing, inciting and encouraging the violent attack on Jan. 6, Trump engaged in insurrection. [Watch](#) attorney Ben Meiselas discuss.

- In **Maine**

- The GOP is [taking steps to impeach](#) Maine's Secretary of State Shenna Bellows for [disqualifying](#) Trump from Maine's primary ballot.
- Trump [has filed an appeal](#) of Bellows' decision with Maine's Superior Court. [Watch](#) attorney Michael Popok discuss the flimsiness of the appeal.
- 14<sup>th</sup> Amendment cases were filed in [Massachusetts](#) and [Illinois](#) this week.
- A [lawsuit has been filed](#) to remove U.S. Rep. Scott Perry from Pennsylvania ballot.
- The Supreme Court [could bail out Trump](#) in Colorado and Maine without ruling on the merits.

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

- Closing arguments are scheduled for Jan. 11. A ruling is expected by the end of January.

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

- The U.S. Court of Appeals for the Second Circuit [has denied](#) Trump's request for en banc hearing, in which every judge on the circuit reconsiders the decision of a three-judge panel. Earlier, a three-judge panel denied Trump's appeal for presidential immunity in this case.
- Trump's lawyers Habba and Madaio [make dubious claim](#) that Trump may testify in this case.

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

- [Summary](#). No news.

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

- Jan. 9, oral arguments before a three-judge panel of the D.C. appeals court will be heard on Trump's claim of presidential immunity in criminal cases. Until the D.C. appeals court makes a decision, this case is stayed/on hold/paused.
  - Unfortunately for Trump, Supreme Court Justice, Antonin Scalia wrote a unanimous opinion in Midland Asphalt saying that stays put in place before a federal district court has decided a case are not permitted unless the stay "rests upon an explicit statutory or constitutional guarantee that trial will not occur." That means the D.C. Court of Appeals may not have jurisdiction to hear Trump's pleading for presidential immunity. This matter was raised in the [amicus \(friend of the court\) brief filed by American Oversight](#). The

D.C. appeals court has ordered that both Jack Smith and Trump's lawyers address this issue in oral arguments on Jan. 9. [Watch](#) attorney Ben Meiselas discuss.

- Ed Meese, former AG for Reagan, filed a friend-of-the-court brief arguing that AG Merrick Garland's appointment of Smith — a private citizen — is in violation of the Appointments Clause of the Constitution. The court [issued an order](#) telling counsel for both parties to "be prepared to address at oral argument...any inquiries by the Court regarding discrete issues raised in the briefs filed by amici curiae." Remember that although he was not charged with any crimes, Meese [resigned as Reagan's AG](#) when an independent counsel delivered a report critical of Meese's involvement in the [Wedtech scandal](#). Trump [presented](#) the Medal of Freedom to Meese in 2019.
- In a brief filed with the D.C. Court of Appeals, Jack Smith's team cites opinions from conservative justices Alito, Thomas and Kavanaugh to argue against Trump's plea for presidential immunity from prosecution for possible crimes committed as president. In particular, Smith's brief cites Trump v. Vance, in which Roberts (who wrote the decision) and six other justices decided that even a president in office can be subject to a criminal process which, in Trump v. Vance, was a subpoena to Mazars to get then-president Trump's tax returns. In his concurrence, Kavanaugh [wrote](#) that "a President does not possess absolute immunity from a state criminal subpoena" and "In our system of government, as this Court has often stated, no one is above the law. That principle applies, of course, to a President." At the time, Trump's attorneys argued that such legal proceedings should only be taken when a president is out of office. [Watch](#) attorney Michael Popok discuss.
- Even though this case is stayed, Jack Smith can still file motions and turn over discovery. An overlooked aspect of Smith's [motion in limine](#) filed in late December is that "the court should exclude inadmissible testimony regarding the defendant's alleged state of mind." [Watch](#) former prosecuting attorney Harry Litman discuss his opinion that Trump won't testify, so Trump's attorneys might try to get witnesses to testify as to Trump's state of mind in the last days of his presidency. With his motion in limine, Smith is trying to prevent non-expert witnesses for Trump from sneaking their hearsay impressions about Trump's state of mind into testimony.
- On Thursday, Trump attorney John Lauro [filed a motion](#) calling for the special counsel to be held in contempt for what Lauro called an "unlawful" production of discovery, accusing federal prosecutors of "partisan-driven misconduct."

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

- If Jack Smith's D.C. election interference case is significantly delayed, DA Bragg's case may be the first to go to trial. So here is a review of the case: It's 34 counts of falsifying a business

record in the first degree. There were 11 payments to Michael Cohen (most having three falsified business records) to pay Cohen back for paying Stormy Daniels \$130,000 just before the 2016 election not to talk about the affair she had with Trump. Normally this type of false business record charge would be a misdemeanor, but if done to commit a crime, it becomes a low-level felony for which the maximum is imprisonment for four years per record. The law does not require Bragg to specify what crime was committed at the time of indictment, and so far Bragg [has not specified](#) the crime. It could be a federal campaign finance violation. [Watch](#) attorney Karen Friedman Agnifilo discuss how this is actually an election interference case.

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

- No news.

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

- Mark Meadows [asked for an en banc hearing](#) of the 11<sup>th</sup> appeals court to reconsider his bid to move Georgia election subversion case to federal court after a three-judge panel denied it.

### **Other Trump news**

- Jeffery Epstein court documents [were released](#) this week. Bill Clinton and Donald Trump were mentioned with no news, but [Jimmy Kimmel](#) was not. It's worth remembering that Trump appointed the U.S. attorney who arranged Epstein's sweetheart deal, [Alex Acosta](#), was Trump's first Secretary of Labor.
- Trump says he will be his acolytes' "retribution." The phrase "Come Retribution" was the [code name for a plot to assassinate Lincoln](#) conducted by the Confederate Secret Service, and [Steve Bannon](#) wants people to take the term to heart.

### **Elections**

- Only DeSantis and Haley [will participate](#) in the next GOP debate on Jan. 10.
- **House**
  - Doug "[tar-baby](#)" Lamborn (R-CO) [has decided not to run](#) for re-election in Colorado's CD-6, leaving all three of the state's GOP-held congressional seats up for grabs in 2024. As someone who once lived in CD-6, Kathy is thrilled!
  - Former Capitol Police officer Harry Dunn [is running for the U.S. House seat](#) being vacated by Rep. John Sarbanes (D) in Maryland's 3<sup>rd</sup> congressional district.

## President Biden and the Administration

- Pres. Biden is [speaking](#) at Valley Forge, PA, today and [will speak](#) at the Mother Emanuel AME Church in Charleston, SC, on Monday. (A white supremacist [killed nine Black worshippers](#) there in 2015.)
- The Biden campaign focuses on democracy in [first ad of 2024](#). “I’ve made the preservation of American democracy an essential issue of my presidency. Now, something dangerous is happening in America. There’s an extremist movement that does not share the basic beliefs in our democracy,” Pres. Biden says.
- Historians meet Biden for a White House lunch and [urge him to speak out](#) more forcefully.
- The White House is [preparing for a border battle](#) arguing that the GOP is imperiling an agreement on funding border security policy with their increasingly unreasonable demands.

### The Administration

- Tariq Habash, an official at the Department of Education, [resigned this week](#) over the president’s handling of the Gaza war.
- The FDA [approved a plan](#) allowing Florida to Canadian prescription drugs.
- The war in Gaza may widen. The [Biden admin is getting ready](#) for it.
- Secretary of State Blinken will [focus on indirect back-channeling with Iran](#) as he arrives in Turkey for regional trip.

## In Congress

### The Senate – Back from Christmas break on Jan. 8

- Bob Menendez (D-N.J.) is facing a new set of federal bribery allegations in a superseding indictment unsealed Tuesday that accuses him of providing assistance to the government of Qatar as well as Egypt.
- In November, Sen. Ron Wyden (D-OR) and [his Democratic colleagues](#) introduced the [Billionaires Income Tax](#).

### The House – Back from Christmas break on Jan. 9

- Study finds that thirty-nine members of Congress [have violated](#) a conflicts-of-interest law, including Cathy McMorris-Rodgers (R-WA), Dan Newhouse (R-WA), Rep. Rick Larsen (D-WA) and Rep. Suzan DelBene (D-WA).
- House members [to receive classified UFO](#) briefing this week.
- The GOP-controlled House Oversight Committee has been trying to figure out how to impeach President Biden for taking foreign money. This week, House Democrats [released their own report](#) showing that Trump received at least \$7.8 million in payments from foreign governments (primarily China) in the first two years of his presidency.

- Eric Trump responded to the report by [claiming](#) profits from foreign countries were donated to U.S. Treasury but provided no evidence.
- Trump biographer [sounds the alarm](#) on why Trump's business deals make him a 'security threat.'
- On Thursday, House Democrats [urged Clarence Thomas to recuse himself](#) from the Trump Colorado ballot case. "Not only did your wife attend the January 6 rally, but she was instrumental in planning it and bringing the insurrectionists to the Capitol," the lawmakers wrote.

## In the Courts

### • The Supreme Court

- White House [asks](#) Supreme Court to allow razor wire at Texas border to be cut.
- The Court [released its February argument schedule](#), including two social media content cases and the EPA's plan to reduce ozone levels.
- Next week, the Court [will consider](#) whether an Oregon man can sue the FBI over his placement on the No Fly List after 9/11.

### • Lower Federal Courts

- **Actual death panels:** On Tuesday, the U.S. Court of Appeals for the 5th Circuit [declared](#) that Texas may prohibit hospitals from providing "stabilizing treatment" to pregnant patients by performing an abortion— withholding the procedure until their condition deteriorates to the point of grievous injury or near-certain death.
- Prosecutors at the National Labor Relations Board [filed a complaint](#) saying that SpaceX illegally fired eight workers who criticized Elon Musk.
- The DOJ is [suing Texas](#) over its law that would let police arrest migrants who enter U.S. illegally.
- Michael Cohen [lost his appeal](#) to the 2<sup>nd</sup> U.S. Circuit Court of Appeals in his quest to revive his lawsuit against Trump, Bill Barr and the DOJ in which he says Trump jailed him for refusing to stop writing his book, "Disloyal," that was critical of Trump. The 2<sup>nd</sup> U.S. Circuit Court wrote that Cohen was able to quickly get an injunction releasing him from prison to home confinement, an action sufficient to meet his claims. "A writ of habeas corpus cannot be the only consequence to stop a rogue president from weaponizing the Department of Justice from locking up his/her critics in prison because they refuse to waive their first amendment right. We will be filing a writ of certiorari to the Supreme Court," Cohen said.

- A federal judge [smacked down](#) Elon Musk's bid to skirt a content moderation law.
- A former 'top lawyer' for the National Guard [has filed a Defense Department complaint](#) saying he faced retaliation after accusing two Army officers of lying about their Jan. 6. response.
- Verizon customers from Jan. 1, 2016 to Nov. 8, 2023 [must file](#) by April 15, 2024 to claim their part of a \$100 million class action settlement.

## In the States

- A study has found that the ultrawealthy [are sitting on \\$8.5 trillion in untaxed 2022 profits](#) thanks to a tax code slanted toward billionaires and centimillionaires. The government is missing out on huge sums that could help fund critical programs, such as the [expanded child tax credit](#) that temporarily cut childhood poverty in half but was allowed by Congress to lapse.
- **Alabama**
  - Last week, Nikki Haley revealed her ignorance about the cause of the Civil War. [Watch](#) this interview of Howell Raines, author of "[Silent Cavalry: How Union Soldiers from Alabama Helped Sherman Burn Atlanta - and Then Got Written Out of History.](#)" Raines says 100,000 white Alabamans fought *for* the Union.
- **Florida**
  - COVID case are on the rise in Florida, and the state's Surgeon General, Dr. Joseph Ladapo, [is calling for a halt](#) to the administration of mRNA COVID-19 vaccines, citing a discredited.
- **Massachusetts**
  - Gig Harbor's own [Christopher Rufo](#) is claiming the resignation of Harvard's first Black woman president, Claudine Gay, as a victory – or more specifically as a *scalp*. He helped fan the outrage over [charges of plagiarism](#) against Gay, who [resigned](#) Tuesday.
- **Washington**
  - Unemployment claims in Washington [declined](#) last week.
  - The owner of Green Light Garage on Eagle Harbor Drive [is concerned](#) that the city's plan for a new bike lane could disrupt his business.
  - In [Bremerton, the city council may vote](#) on a 20- to 30-bed low-barrier over-night congregate shelter to be built on Oyster Avenue or a combination of [pallet-structures](#) that could serve as housing along with a smaller congregate shelter, to be located near the Mills Crossing apartments just west of Wheaton Way at Hollis Street.
  - Washington state lawmakers [to take on](#) fentanyl, housing in coming legislative session.

## In the World

- “[What Is Happening to Our World?](#)” by Thomas Friedman, behind a paywall at *The New York Times*, but free from [TwinCities.com](#).
- **Iran** [says at least 95 people were killed](#) and 211 wounded in blasts at a ceremony honoring Gen. Qassim Soleimani, who was killed by a U.S. drone strike in Iraq four years ago. ISIS [has claimed responsibility](#).
  - On Thursday, a U.S. airstrike in Baghdad described as “necessary” and “appropriate” [killed an Iran-linked militia commander](#).
- **Israel/Hamas War**
  - On Tuesday, the U.S. State Department [slammed](#) ‘irresponsible’ calls by Smotrich and Ben Gvir for emigration of Gazans.
  - French foreign minister Catherine Colonna [says](#) it’s not up to Israel to determine the future of Gaza.
  - Israeli Defense Minister Yoav Gallant [outlined post-war plans for Gaza](#) that envision the enclave without Hamas control and with “no Israeli civilian presence.”
  - More than 100 targets hit across Gaza overnight, [IDF says](#), with fighting reported in Khan Younis.
  - A senior Hamas leader was killed in Beirut, [heightening fears of wider regional conflict](#).
  - Israel's defense minister told US envoy Amos Hochstein that [time is short to change security situation](#) on Israel’s border with Lebanon.
- **Ukraine/Russia**
  - Russia [says its Kharkiv strikes](#) were retaliation for Ukraine's Belgorod attack.
  - U.S. intelligence [says Russia fired missiles](#) supplied by North Korea into Ukraine.
  - Russia and Ukraine [exchanged hundreds of prisoners](#) in largest release of war.
  - Ukrainian missiles are [targeting Russian border regions](#) in retaliatory strikes.
  - Russia [continues to step up assault](#) on Ukraine with missile barrage
  - Russia-Ukraine war: [List of key events, day 679](#)