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A. AWR!

News / Andrew Was Right

1. Health Share Transparency Act - HR 8324 - Cong. Huffman to come on OA next week
2. Musk pulls out, Twitter sues in DE - EXACTLY WHAT WE TOLD YOU in OA 610

B. 1/6 Hearing

<https://youtu.be/rrUa0hfG6Lo>

-THE UNHINGED MEETING: Sidney Powell as “special counsel” to investigate election fraud
42:01 – 45:31

Cipollone and Hershman (he’s the bat and panda guy) on Sidney Powell
57:04 – 58:11

-we learned a lot about it, and I’ll build to why I think it means they’re trying to pressure Mark Meadows to return

-best hearing for DOJ AUSAs; -worst for the public
-we learned a lot

Liz Cheney Opening Statement
15:19-17:57

- 1) S-ippolone
- 2) Election was OVER as of December 14 – this is true, and we’ve sort of forgotten about it – almost ALL of their planning and communication post-dates it
- 3) This is directed at the DOJ. They’re saying we have inconsistent witness testimony, you can easily impeach their testimony if they’re called by Trump’s lawyers
- 4) Shore up some of the weaknesses you and I have discussed. Did Trump “summon” or “deploy” the 1/6 mob? What is the direct line to the President?

🔥 KEY DISTINCTION - if you listen to OA & you're super mad (as you should be!) & you protest outside of Alito's house, you may have been "inspired" by us (& our rhetoric) but we didn't "deploy" you & we're not responsible for your actions.

Jamie Raskin Opening Statement
25:05-25:56

-after the “unhinged” meeting, it was Trump’s idea to call for the 1/6 rally
-not something we’ve emphasized before, but.. yeah. All of the Eastman/Powell/Chesebro stuff is legal; this was tactical

-you heard Raskin **use the language** of 18 U.S.C. § 2384 – seditious conspiracy – “by force to prevent, hinder, or relay the execution of any law of the United States.”

Cipollone re Meadows

35:04-36:04

-so now you have the WH Counsel plus the WH CoS saying they advised the President it was over
-this statement about Meadows **contradicts every document we have**

Barr on Scavino, Meadows

38:20 – 39:13

-this is a huge tonal shift on Meadows, and I'll prove it to you now

"Meadows-docs" – these are documents we've uncovered from the Senate Intelligence investigation; they're also in the hands of the J6 committee

<https://openargs.com/wp-content/uploads/Meadows-docs.pdf>

First one is a Wed, Dec. 30th email from Mark Meadows to AAG Jeff Rosen. Again, December 30th – two weeks after the election was over. It contains a translated Italian document authored by Carlo Goria, who works for a Virginia-based aviation company called USAerospace Partners. He calls himself "The Director." It reads in part:

"Illustrious Mr. President ... I confirm that Leonardo SpA at its Pesara facility, using advanced military encryption capabilities, changed the US election result from President Trump to Joe Biden. The data switch was conducted by the head of the IT department of Leonardo SpA in coordination with senior US intelligence officials (CIA) A senior US Embassy Official held regular meetings with General Claudio Graziano, EU military commander, and Ignazio Moncada, president of FATA SpA, a company owned by Leonardo SpA. ... On December 3rd, the head of the IT department was arrested in Naples, where he remains. We had direct and continuous contact within the organization with the IT manager who agreed to testify to the US authorities concerning what happened to the electoral data – how they were changed at the Pesscara/Fucino facilities, were loaded with information technology on military satellites, and what data is contained in an electronic key to demonstrate the changing of the data from President Trump who was clearly the winner to Joe Biden on November 4, 2020."

[the IT manager was Arturo d'Elia, who was indeed arrested for corporate espionage from 2015 to 2017, no relation to the 2020 election obviously – Richard Donoghue figured that out]

Another one from Cleta Mitchell

<https://openargs.com/wp-content/uploads/Cleta-Mitchell.pdf>

Also December 30, also from Mark Meadows, "can you have your team look into these allegations of wrongdoing? Only the alleged fraudulent activity."

Cleta Mitchell with insane claims about Georgia

On Friday, Jan. 1, Meadows sent a barrage of emails. One was a follow-up YouTube video about the Italian satellite conspiracy that got forwarded to our man Richard Donoghue, who replied, "pure insanity." One was a list of complaints in New Mexico, and this was a laundry list of stupid arguments about Dominion machines – with the instruction "can you forward this list to your team to review the allegations contained herein? Steve Pearce – that's the dipshit who wrote it – is the chairman of the Republican Party for NM."

And finally, there was a third email following up on the Cleta Mitchell stuff in a separate email that says "There have been allegations of signature match anomalies in Fulton County, GA – can you get Jeff Clark to engage on this issue immediately to determine if there is any truth to this allegation.

-this document Bates stamped ending in -0672

Jeff Rosen writes to Richard Donoghue and says "Can you believe this? I am not going to respond to the message below." Donoghue replies, "at least it's better than the last one, but that doesn't say much."

One more bit: Meadows also apparently called Rosen to try and get him to talk to Brad Johnson, who was peddling the Italian satellite whatever. After Donoghue said "pure insanity," Rosen replied with

"Yes. After this message, I was asked to have the FBI meet with Brad Johnson, and I responded that Johnson could call or walk into the FBI's Washington Field Office with any evidence he purports to have. On a follow-up call, I learned that Johnson is working with Rudy Giuliani, who regarded my comments as "an insult." Asked if I would reconsider, I flatly refused, said I would not be giving any special treatment to Giuliani or any of his "witnesses," and re-affirmed yet again that I will not talk to Giuliani about any of this.

So that's the Meadows we have from the documents. Relentlessly pushing bullshit
Hutchinson on Meadows – shifted to doing something he knew was wrong
50:56 – 51:59

MARK MEADOWS is the next domino to fall & unlike Cipollone, that's going to be ugly. With Cipollone, J6 offered him nothing but the carrot b/c they had 0 leverage.. We explain that in detail in Episode 611. With Meadows, it's carrot-and-stick. There's a way out for him but there's also a way in which he and the crazies get stuck with the brunt of this.

The rest of the hearing

-shoring up the connection to the WH

-Twitter and DHS expert witnesses that can say "this is how we see coordination"

1:45:25 – 1:48:51

..ends with Owen Shroyer, hilariously described as the "co-host of InfoWars." On Episode 521, we had our friends Dan and Jordan from the Knowledge Fight podcast to break down who Owen Shroyer is and how he was part of the right-wing grift machine. Parenthetically, I would say that there is NO CHANCE Jamie Raskin said "co-host" of InfoWars by accident - he *has* to know that it will drive Alex Jones bonkers & maybe get him to accidentally say something even more incriminatory.

There's a bit more from Kellye SoRelle, whom we've covered before, she's a goofball attorney who confirmed that the Stop the Steal rallies were organized by Alex Jones, Ali Alexander, and Roger Stone.

And then we learn that the linchpin for all of this comes down to Mark Meadows. WH spokesperson Katrina Pierson, coordinating the WH events, reaches out to Meadows and says "Would you give me a call regarding this January 6th event, THINGS HAVE GOTTEN CRAZY and I desperately need some direction."

1:53:44 – 1:55:37

A lot packed into that, Meadows knew this was dangerous, went ahead anyway. But the shift to the fact that Trump was coordinating with these groups is the last bit of evidence we need.

1:56:26 – 1:57:31

Kylie Kremer and Ali Alexander are the people who founded Stop the Steal, organized the 1/6 rally, filed for the permits... Does that *prove* coordination? It could all be a crazy random happenstance

3 Final takeaways

-Cipollone confirms that the Eastman plan was known to be illegal

1:58:36 – 2:02:29

Role of Republican Congressmen

It's not privileged if you decide not to go

When you throw out the WH counsel who's telling you this is illegal, that's relevant

(also that Rep. Steph Murphy keeps pronouncing it "cipollini," makes me feel better about "chippolone")

-Liz Cheney takeaway & preview of Cipollone testimony

2:58:20 – 3:02:02

(audio error)

-and one more thing

3:02:02 – 3:02:45

This is certainly probable cause to believe that Trump committed the crime of witness intimidation, I'm going to read the relevant provisions of 18 U.S.C. § 1512

-does not matter that the witness did not answer the phone

-When the Don has Machine Gun Joey walk past your house and wave to you, you don't have to open the door and say "Joey! Is that you?" The attempt is the performative act.

If you're a witness who's flipped on Trump, you can testify you KNOW what that call means.

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—
(1) influence, delay, or prevent the testimony of any person in an official proceeding; [or] **(2)** cause or induce any person to— **(A)** withhold testimony, ... shall be fined under this title or imprisoned not more than 20 years, or both.

(d) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from— **(1)** attending or testifying in an official proceeding; ... **or attempts to do so**, shall be fined under this title or imprisoned not more than 3 years, or both.

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A. FEC is broken

1- What the FEC is supposed to do:

Federal Election Commission

52 U.S.C. § 30106

<https://www.law.cornell.edu/uscode/text/52/30106>

-staggered 6-year-terms

-no more than 3 members may be affiliated with the same political party

-the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action

What actions?

52 U.S.C. § 30107

<https://www.law.cornell.edu/uscode/text/52/30107>

-hold hearings, subpoena witnesses

(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief) ... to enforce the provisions of this Act

(7) to render advisory opinions under section 30108 of this title;

52 U.S.C. § 30108

<https://www.law.cornell.edu/uscode/text/52/30108>

(a)Requests by persons, candidates, or authorized committees; subject matter; time for response

(1)Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of title 26, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

(8) to develop such prescribed forms and to make, amend, and repeal such rules ... as are necessary to carry out the provisions of this Act; and

(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

52 U.S.C. § 30109 (Enforcement)

-largely disclosure requirements of § 30104

<https://www.law.cornell.edu/uscode/text/52/30104>

2 – Primarily Reporting-

(1) the **amount of cash on hand** at the beginning of the reporting period;
(2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the **total amount of all receipts**, and the total amount of all receipts in the following categories:

- (A) **contributions from persons** other than political committees;
- (B) for an authorized committee, **contributions from the candidate**;
- (C) **contributions from political party committees**;
- (D) **contributions from other political committees**;
- (E) for an authorized committee, **transfers from other authorized committees of the same candidate**;
- (F) **transfers from affiliated committees** and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;
- (G) for an authorized committee, **loans made by or guaranteed by the candidate**;
- (H) **all other loans**;
- (I) **rebates, refunds, and other offsets to operating expenditures**;
- (J) **dividends, interest, and other forms of receipts**; and
- (K) for an authorized committee of a candidate for the office of President, **Federal funds received** under chapter 95 and chapter 96 of title 26;

** this used to be a thing until Obama blew it up – model for the future

(3) the identification of each—

- (A) **person** (other than a political committee) who makes a contribution to the reporting committee during the reporting period, **whose contribution** or contributions **have an aggregate amount or value in excess of \$200** within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;
- (B) **political committee which makes a contribution** to the reporting committee during the reporting period, **together with the date and amount of any such contribution**;
- (C) authorized committee which makes a transfer to the reporting committee;
- (D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;
- (E) **person who makes a loan to the reporting committee** during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;
- (F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and
- (G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;

(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), **the total amount of all disbursements**, and all disbursements in the following categories:

- (A)** expenditures made to meet candidate or committee **operating expenses**;
- (B)** for authorized committees, **transfers to other committees authorized by the same candidate**;
- (C)** **transfers to affiliated committees** and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;
- (D)** for an authorized committee, **repayment of loans made by or guaranteed by the candidate**;
- (E)** **repayment of all other loans**;
- (F)** contribution **refunds** and other offsets to contributions;
- (G)** for an authorized committee, **any other disbursements**;
- (H)** for any political committee other than an authorized committee—
 - (i) contributions made to other political committees;
 - (ii) loans made by the reporting committees;
 - (iii) independent expenditures;
 - (iv) expenditures made under section 30116(d) of this title; and
 - (v) any other disbursements; and
 - (I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 30116(b) of this title;

(5) the name and address of each—

- (A)** **person to whom an expenditure in an aggregate amount or value in excess of \$200** within the calendar year **is made** by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;
- (B)** **authorized committee to which a transfer is made** by the reporting committee;
- (C)** affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;
- (D)** **person who receives a loan repayment** from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and
- (E)** **person who receives a contribution refund or other offset** to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

(6-8) rules for PACs

- not great
- PACs have loopholes
- but you get SOME information
- usually trips up con artists like Jill Stein

3 – How Does it Work In Practice?

2016

https://www.fec.gov/files/legal/murs/7449/7449_64.pdf

Hillary Clinton
Steele Dossier

In 2016, Perkins Coie (law firm) engaged Fusion GPS to provide opposition research for Hillary for America (HFA). Nothing wrong with that.

Perkins Coie paid \$1,024,407.97 to Fusion GPS.

On HFA's FEC disclosures, paid \$849,407.97 to Perkins Coie; that's exactly \$175,000 less than PC's payment down to the penny.

Of that, \$782,907.97 (\$66,500 less, down to the penny) was described as "legal and compliance consulting."

"Legal and compliance consulting" is not oppo research. **They were hiding as much as a million dollars**, and even if you voted for Hillary Clinton, we have a right to know how that campaign money was spent.

-so various complaints were filed with the FEC, and after about a year of preliminary investigations, the Commission opened up a "Matter Under Review" (MUR). Two, in fact, 7291 and 7449. And two years after that, the Commission found probable cause of a violation of the election laws.

https://www.fec.gov/files/legal/murs/7449/7449_42.pdf

-you have the right to appeal to a real court, this is part of ad law that Republicans are trying to destroy.

-what *usually* happens is that you agree to "conciliation" – to settle

https://www.fec.gov/files/legal/murs/7449/7449_64.pdf

That's what HFA did: paid \$105,000 (that's 1/6-1/10 of the amount misrepresented), agreed not to do it again. And, you know, they paid this in 2022 for a 2016 campaign violation, so even when it works, there are reasons to believe it doesn't work great.

So, does it work? Well, that's what happens when you have a *Democrat* violate the Election Law.

4- Republicans

What happens when it's Donald Trump? And you're not talking about hiding a million dollars, but suppose you're talking about hiding **three-quarters of a billion dollars**. And that's MUR 7784.

The Complaint deals with 2 vendors: American Made Media Consultants, LLC ("AMMC") and Parscale Strategy, LLC ("Parscale Strategy"). The nonpartisan staff attorneys concluded that these were shell companies.

Specifics: Between April 2018 and November 20, 2020, the Trump committee reported disbursements totaling over \$519 million to AMMC. The joint fundraising committee reported over \$255 million to

AMMC between November 2018 and December 2020. In reporting payments only to AMMC, the committees hid the ultimate payees working for them, in violation of the laws governing the disclosure of expenditures. Or, as the Complainant put it, AMMC appears to have served as a “campaign shell company” that masked the recipients of hundreds of millions of dollars in campaign spending. Our attorneys appropriately recommended we find reason to believe that the committees misreported the payees of payments made to AMMC by failing to itemize payments to subvendors and recommended that the Commission launch an investigation.

The Trump committee reported over \$8 million in payments to Parscale Strategy with purpose codes such as “strategy consulting,” “photography services,” and “consulting-management/strategy/communications/political/digital.” These purpose codes do not disclose that Parscale Strategy reportedly paid the salaries of several Trump campaign staffers, including Lara Trump, Kimberly Guilfoyle, and Bradley Parscale. Our attorneys therefore recommended we find reason to believe the Trump committee misreported the purposes of disbursements to Parscale Strategy.

And now I’m going to quote from the Broussard/Weintraub dissent directly:

We agreed with our attorneys and voted accordingly. We did not, however, have the necessary four votes to initiate an investigation. All three Republican Commissioners voted against our attorneys’ recommendations and voted instead to dismiss the allegations. This vote came shortly after the Commission did manage to find enough Republican votes to find probable cause to believe the DNC and Hillary Clinton misreported the purpose of payments to a law firm. **(that’s the 7749 case I just described)** As our attorneys explained, the circumstances in this matter are analogous to the DNC case. Both involved a presidential candidate making payments to a vendor along with credible press reports alleging that the purposes of those payments were for something other than what was disclosed. We voted to enforce the law in the DNC matter, as we did here. The major difference, excluding the parties, is that the DNC case involved a tiny fraction of the amount of money at issue in this matter.

HOW DOES THIS HAPPEN?

5 – structure of the FEC

-how many of the 6 commissioners do you think were appointed by Biden?
-by Obama and Biden?

0

Two were appointed by George W. Bush

-Democrat Ellen L. Weintraub, who’s been serving her expired term since 2007 and is amazing
-Independent Steven T. Walther, who’s been serving his expired term since 2009. Biden nominated Dara Lindenbaum (Dem), who’s been confirmed by the Senate.

THIS WILL NOT FIX THE PROBLEM – I would have left Walther on there, he’s fine

The problem are the three Republicans. Two have unexpired terms, that’s Allen Dickerson and James “Trey” Trainer. The third, Sean J. Cooksey, had his term expire on April 30, 2021. Biden now has to nominate an independent to replace him, so unless he games the system in a way that Biden hasn’t to date, we’re going to be left with the same problem.

So here's where we are, back to the Broussard/Weintraub dissent:

The former president of the United States, Donald J. Trump, is on a remarkable win streak before this Commission. Since the 2016 election cycle, the FEC has received more than 40 complaints involving Donald Trump or his committee. The Commission's nonpartisan attorneys have recommended we find reason to believe Trump, his committee, or his family members violated the federal election laws alleged in at least 24 of those complaints. But we have investigated a grand total of zero of those allegations. **Zero**. At every turn, Republican FEC Commissioners have voted to block the pursuit of these matters, which have included allegations that Trump or his campaign committee accepted prohibited contributions through Trump's role in the Stormy Daniels payoff (allegations for which Trump's personal lawyer, Michael Cohen, went to jail), that the campaign illegally solicited contributions to a super PAC supportive of Trump, and that Trump solicited a prohibited foreign national contribution from Russian nationals. It also included a referral from the New York State Attorney General that provided the Commission with a mountain of evidence supporting the allegation that Trump, his committee, and his family foundation exploited a charitable event for veterans, illegally using the foundation to benefit the campaign. Even in a case where the Commission unanimously agreed that the parent company of the National Enquirer illegally coordinated with the Trump campaign to make payments to squelch negative stories about then-candidate Trump, Republican commissioners would only agree to enforce the law against the media entity, and not the Trump Committee. Those were important allegations that should have been pursued. But this matter takes the cake. The Complaint in this matter alleged that Trump's campaign committee and a joint fundraising committee between the Trump committee, a leadership PAC, and the RNC misreported hundreds of millions of dollars in payments to two vendors controlled by Trump campaign staff. The Commission's legal staff largely agreed and recommended that the Commission investigate. Instead, as they have done every time Trump or his committee are respondents, the Republican Commissioners blocked us from moving forward on this matter.

B. J6 indictments

1) no on Mark Meadows, Dan Scavino

OLC September 3, 1996

<https://biotech.law.lsu.edu/blaw/olc/execpric.htm>

The President is a separate branch of government. He may not compel congressmen to appear before him. As a matter of separation of powers, Congress may not compel him to appear before it. The President's close advisors are an extension of the President. Accordingly, "[n]ot only can the President invoke executive privilege to protect [his personal staff] from the necessity of answering questions posed by a congressional committee, but he can also direct them not even to appear before the committee." An often-quoted statement of this position is contained in an opinion by Assistant Attorney General William Rehnquist: "The President and his immediate advisers -- that is, those who customarily meet with the President on a regular or frequent basis -- should be deemed absolutely immune from testimonial compulsion by a congressional committee. They not only may not be examined with respect to their official duties, but they may not even be compelled to appear before a congressional committee."

He's not the fucking President. Not binding, should not be read broadly, because it would imply what's happened here – once you're the president, you're always above the law, and our precious founding fathers absolutely did NOT intend that, which we know for a fact because they tried Aaron Burr for murder.

-some centrist sources have said Meadows's partial cooperation – he provided those texts – justifies leaving him alone. NO IT DOES NOT.

Committee chair Rep Bennie Thompson (D-Miss.) and Vice Chair Liz Cheney (R-Wyo.) called decision "puzzling" in a statement. "Mr. Meadows and Mr. Scavino unquestionably have relevant knowledge about President Trump's role in the efforts to overturn the 2020 election and the events of January 6th. We hope the Department provides greater clarity on this matter," the statement said.

<https://www.politico.com/news/2022/06/03/doj-declines-to-charge-meadows-scavino-with-contempt-of-congress-for-defying-jan-6-committee-00037230>

So, Merrick Garland should issue a statement explaining the declination decision.

2) Indicted Peter Navarro for the exact same thing

<https://www.justice.gov/usao-dc/press-release/file/1510231/download>

two counts of 2 U.S.C. § 192

<https://www.law.cornell.edu/uscode/text/2/192>

misdemeanor

but it matters

C. Andrew Gillum indicted

<https://www.documentcloud.org/documents/22066020-gillum-indictment>

<https://www.justice.gov/usao-ndfl/pr/former-tallahassee-mayor-and-gubernatorial-candidate-and-associate-charged-conspiracy>

<https://tallahasseereports.com/2017/01/20/tallahassee-mayor-gillum-leaves-soros-backed-pfaw-after-tallahassee-reports-story-on-campaign-pledge/>

<https://www.justice.gov/usao-ndfl/meet-us-attorney>

<https://floridapolitics.com/archives/483437-jason-coody-tapped-as-u-s-attorney-for-the-northern-district-of-florida/>

HR 7910

<https://www.congress.gov/bill/117th-congress/house-bill/7910/text>

<https://www.cnn.com/2022/06/21/politics/whats-in-senate-gun-reform-bill/index.html>

SCOTUS cert

<https://slate.com/news-and-politics/2022/06/supreme-court-dangerous-independent-state-legislature-theory.html>