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Subject: Congress succeeds in gutting Obama HUD racial and income zoning rule in omnibus

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Congress succeeds in gutting Obama HUD racial and income zoning rule in omnibus

One good thing that came out of the omnibus spending bill signed into law by President Donald Trump is that it defunds a key aspect of the Obama era Department of Housing and Urban Development (HUD) regulation, Affirmatively Furthering Fair Housing. This was the rule enacted in 2015 that allowed HUD to order more than 1,200 cities and counties that accepted any part of \$3 billion of annual community development block grants to rezone neighborhoods along income and racial criteria. This was always a vast overreach, where the federal government could come in and tell communities what must be built and where. Now, it's over.

Cartoon: Ventriloquist

Who is really speaking when the Parkland students vaguely call for gun "control"?

Editorial: Demagoguery at March for our Lives obvious to those who are watching

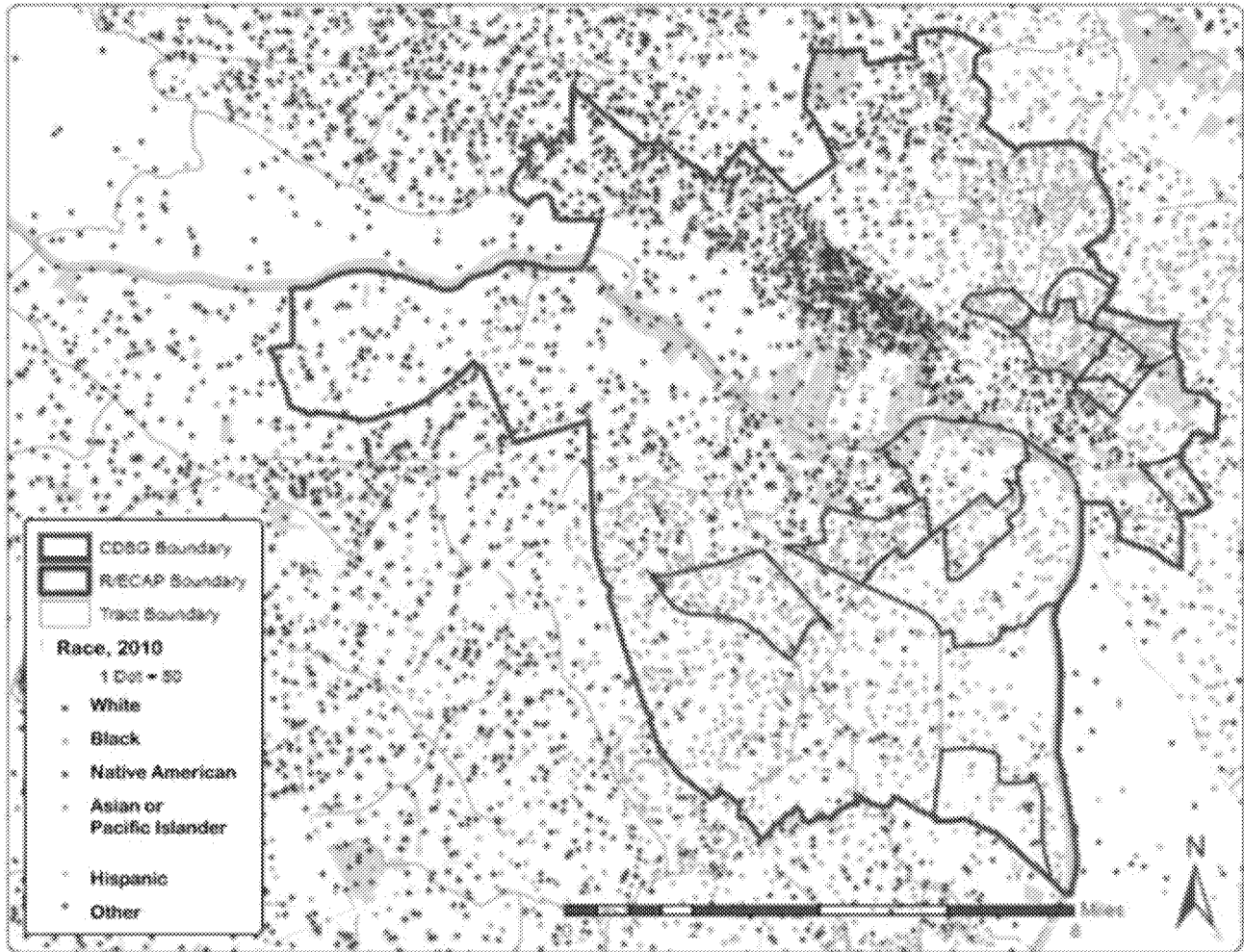
These are Democrat organizing rallies. Centered on gun control but more broadly supporting a left-wing agenda and getting out the vote in the midterm elections. It attempts to nationalize these issues, but most Americans will likely find little in common with the Parkland teens' radical prescription for this country. Behind this ambiguous call for democracy is a push to shred the Constitution of individual rights. They have the right to live, yes, and the rest of us have the right to protect ourselves from their radical agenda that will not stop at stripping Americans of the means to defend themselves.

Sara Carter: Questions Still Surround Robert Mueller's Boston Past

"Cullen said in his story that Mueller who was first an assistant US attorney, 'then as the acting US attorney in Boston' had written 'letters to the parole and pardons board throughout the 1980s opposing clemency for the four men framed by FBI lies. Of course, Mueller was also in that position

while Whitey Bulger was helping the FBI cart off his criminal competitors even as he buried bodies in shallow graves along the Neponset.”

Congress succeeds in gutting Obama HUD racial and income zoning rule in omnibus



Source: Department of Housing and Urban Development.

By Robert Romano

One good thing that came out of the omnibus spending bill signed into law by President Donald Trump is that it defunds a key aspect of the Obama era Department of Housing and Urban Development (HUD) regulation, Affirmatively Furthering Fair Housing.

This was the rule enacted in 2015 that allowed HUD to order more than 1,200 cities and counties that accepted any part of \$3 billion of annual community development block grants to rezone neighborhoods along income and racial criteria.

This was always a vast overreach, where the federal government could come in and tell communities what must be built and where. Now, it's over.

Under Division L, Title II of the Consolidated Appropriations Act of 2018, Section 234, it states, "None of the funds made available by this Act may be used by the Department of Housing and Urban

Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled 'Affirmatively Furthering Fair Housing' ... or the notice entitled 'Affirmatively Furthering Fair Housing Assessment Tool' ...”

This provision utterly guts the HUD regulation, which had already been delayed by HUD Secretary Ben Carson earlier this year until 2020.

Now, with the backing of Congress, Carson needs to go the extra mile and either rescind this regulation completely, or revise it to comply with the new law.

Congress has spoken on this issue under its Article I power of the purse, and is now saying that the Fair Housing Act, community development block grants and this regulation can no longer be used to direct communities to undertake any changes to zoning.

Believe it or not, this is a game changer.

Without Congress acting, simply rescinding this regulation would have been far riskier for Carson and Trump.

In 1983, the Supreme Court decided *Motor Vehicle Manufacturers Association v. State Farm Mutual* that rescinding any regulation issued an agency is obligated to supply a reasoned analysis “for the change beyond that which may be required when an agency does not act in the first instance.”

The outcome was that it is much more difficult to rescind an existing regulation than it is to either modify it or never have issued it in the first place, leaving every single regulatory rescission subject to judicial review.

Ultimately, the rescinding agency has to argue not only that rescinding the regulation in question is rational based on the statutory scheme, but prove that enacting it was irrational to begin with.

Carson and Trump will now have no problems on that count if they choose to rescind or roll back most of the HUD zoning regulation. The regulation, which absolutely affects zoning, no longer rationally rests within the statutory scheme. It's now illegal to spend money on implementing it as it was written.

Now nobody can argue that the Fair Housing Act implicitly requires such changes be made to zoning laws. Thanks to U.S. Rep. Paul Gosar (R-Ariz.), the representative who first pushed to defund this regulation, Congress has changed the terms of the game.

Realistically, that will remain true so long as Congress keeps carrying forward the defund language in every single omnibus spending bill going forward. Republicans will have to fight to defund this provision every year so long as the regulation remains in place.

Should Democrats win the midterm elections in November, they might seek to strip this language out of next year's HUD appropriations bill. To avert this possibility, Carson must begin the regulatory rescission process immediately. There is not a moment to lose.

While there were many problems with the \$1.3 trillion omnibus spending bill, one thing the Republican-led Congress got absolutely right was defunding Affirmatively Furthering Fair Housing from being used to force communities to make changes to local zoning law.

Congress has done its job. Now it is up to the Trump administration with Carson in the lead to rescind this regulation with the window of opportunity Congress has given, so that no administration ever again attempts to take over local governments across the country.

Robert Romano is the Vice President of Public Policy at Americans for Limited Government.

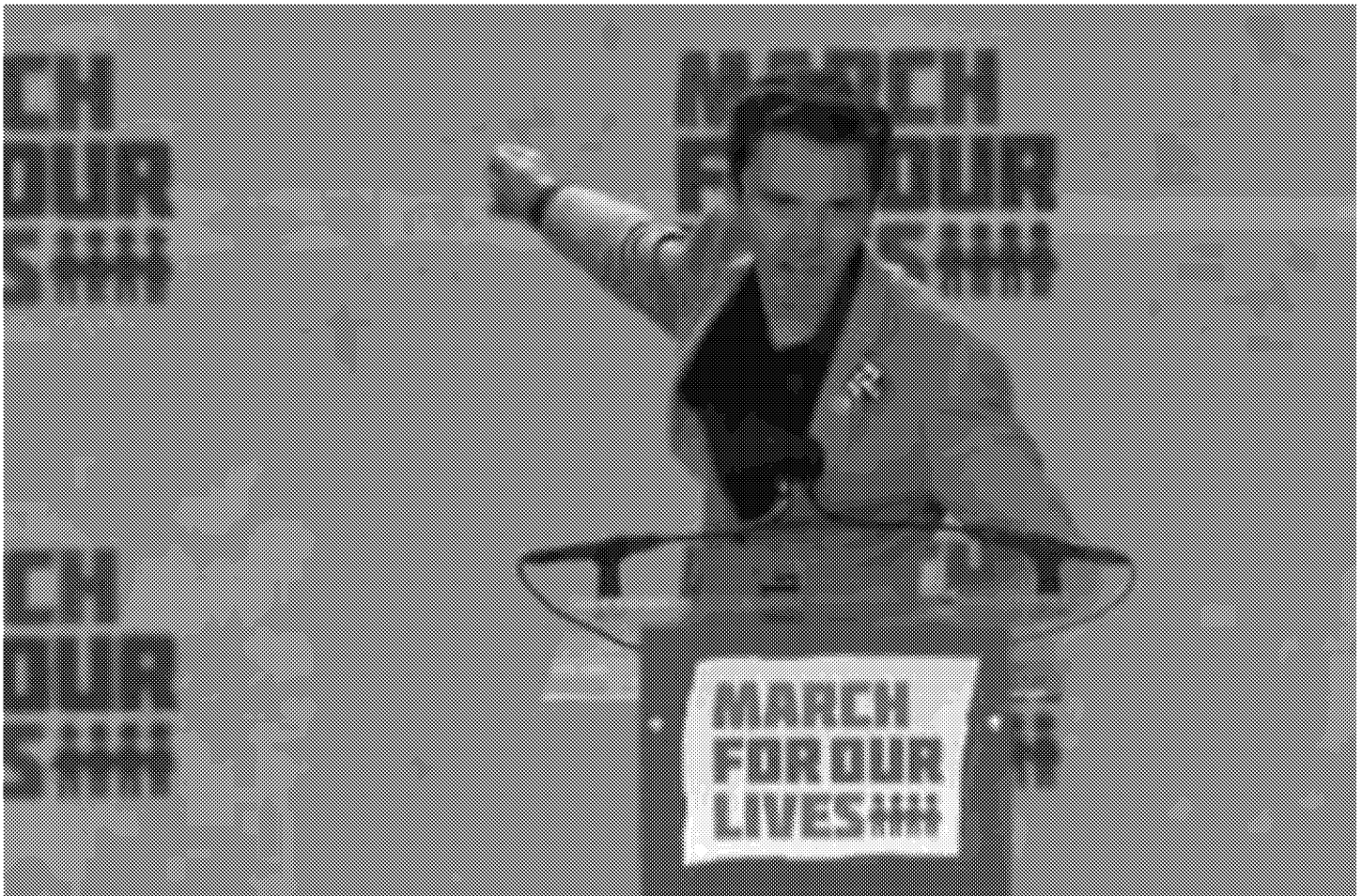
Cartoon: Ventriloquist

By A.F. Branco



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Editorial: Demagoguery at March for our Lives obvious to those who are watching



“This is the start of the spring and the blossoming of our democracy. So let’s take this to our local legislators, and let’s take this to midterm elections, because without the persistence — heat — without the persistence of voters and Americans everywhere, getting out to every election, democracy will not flourish. But it can, and it will. So, I say to those politicians that say change will not come, I say: We will not stop until every man, every woman, every child, and every American can live without fear of gun violence.”

That was Parkland surviving student David Hogg apparently calling for guns to be banned but very explicitly calling for voters to show up and vote in the Congressional midterms—for Democrats. In many ways, Hogg represents the future. A radical future that will come to pass if the American people sit by idly now and allow a band of teenagers to strip away their rights.

But maybe not. Days ago, Hogg denied he was calling for a gun ban: “I think that a lot of people that are out there that are fearing what we’re saying right now think that we’re going to try to take their guns and we’re not. The Never Again movement and March for our Lives is not trying to take your guns, we’re trying to take back our lives because just as much as you have a right to own a weapon, we have the right to liberty, we have the right to peace and we have the right to live.”

So, some sort of gun “control”? Maybe. Probably best not to find out. For this is the language of demagoguery. Radicalism. One that says one thing while moving to do precisely the opposite.

What is clear is that behind the push is an express partisan agenda. Hogg started his speech going after Sen. Marco Rubio (R-Fla.): “I’m gonna start off by putting this price tag right here as a reminder for you guys to know how much Marco Rubio took for every student’s life in Florida. One dollar and five cents.”

Nationalschoolwalkout.us, where students can organize their own walkouts from school — another is planned for April 20 — [the group vows](#), “we won’t tolerate any more inaction on this issue. And if cowardly politicians fail to act, young people will show them the consequences of letting so many Americans die by voting them out in November.” It’s being organized by Indivisible.org, [where students can go to organize their own school walkouts](#). It has published a guide, [“Indivisible: A Practical Guide for Resisting the Trump Agenda.”](#)

[The group’s website clearly states](#), “National School Walkout is movement powered and led by students across the country. Event registration and a map of events for the April 20th school walkouts are hosted in-kind by the Indivisible Project team.”

Hogg in his statements has called Congressional districting policies are racist and oppressing the poor. This is the language of the left. Indivisible has a clearly Democrat agenda of [opposing tax cuts](#), [opposing any deal with Trump on DACA](#), [opposing the war in Yemen or any actions against Iran’s pursuit of nuclear weapons](#), and [protecting Obamacare and expanding Medicaid](#).

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ALG Editor’s Note: [In the following column from Sara Carter](#), she details Special Counsel Robert Mueller’s time in Boston as an Assistant U.S. Attorney, and the issue that he wrote letters to a parole board trying to keep men in prison when the FBI knew the men were innocent of the crime they were incarcerated for:



Questions Still Surround Robert Mueller’s Boston Past

By Sara Carter

President Donald Trump directed angry tweets at Special Counsel Robert Mueller over the weekend. The tweets were prompted by the Department of Justice’s decision to fire Deputy Director Andrew McCabe Friday as recommended by the bureau’s Office of Professional Responsibility took action on

McCabe after the DOJ's Inspector General handed over evidence that the former FBI agent lied under oath and leaked information to the media.

Trump's Tweets on Mueller appeared to some Republicans and Democrats to be a veiled threat to fire Mueller. Those lawmakers warned the president that it would be the 'beginning of the end for his presidency' if Trump fired the special counsel. They also criticized Trump's attorney John Dowd for suggesting over the weekend that the Mueller probe should end. Ty Cobb, the president's personal attorney, reassured lawmakers on Monday that the president does not plan to fire Mueller.

But Dowd is not alone.

McCabe's firing should raise serious questions as to where Mueller's investigation is going. Mueller's past involvement in cases casts a very different light on the former FBI director than the one painted by his proponents and the media, said David Schoen, a civil rights and defense attorney. Schoen has been outspoken on the special counsel and criticized Mueller's top attorney Andrew Weissmann's involvement in the investigation, as reported.

"We all have the right – even the obligation – to demand fairness in the process and this process is not the least bit fair and the investigations lack integrity," said Schoen. He noted that as a defense attorney, Dowd should question how the investigation against Trump and his campaign came to be and if it was based on false information in an unverified dossier paid for by political opponents then the investigation is moot, said Schoen.

The Trump Russia investigation appears to be based, at least in significant part, on unverified and circumstantial evidence, coordinated actions of political opponents and "it is irretrievably tainted from its inception and must end now," Schoen said. The case was also established by partisan bureau officials who were bent on bringing charges against Trump, he added. Although some lawmakers have asked for a second special counsel to investigate the FBI and DOJ's actions in investigating Trump, many still continue to support Mueller's ongoing investigation, which began at the behest of those being accused of wrongdoing in the FBI.

Schoen is surprised that lawmakers have lauded Mueller as a stellar and well-respected former FBI director but have little knowledge about the former bureau director's past from the criticism during his years in Boston, challenges with the 911 Commission findings when he was first appointed to the FBI and handling of the Anthrax case to name a few, he said.

Mueller In Boston

In Boston, Mueller was an Assistant U.S. Attorney in the U.S. Attorney's Office and then became the Acting U.S. Attorney from 1986 through 1987.

It was Mueller's actions during that time that raised questions about his role in one of the FBI's most controversial cases involving the FBI's use of a confidential informant that led to the convictions of four innocent men, who were sentenced to death for murders they did not commit.

Local law enforcement officials, the media, and some colleagues criticized Mueller and the FBI for what they believed was the bureau's role in covering up for the FBI's longtime dealings with mobster and informant James "Whitey" Bulger.

Bulger was a kingpin and a confidential informant for the FBI from the 1970s in the bureau's efforts to take down the Italian mafia in Boston. But Bulger's relationship with his FBI handler Special Agent John Connolly became toxic. It was later discovered that Connolly went out of his way to protect

Bulger and aided the crime boss against investigations being conducted by the Boston PD and the Massachusetts State Police. According to reports at the time, Connolly would inform Bulger of wiretaps and surveillance being conducted by law enforcement.

Journalist [Kevin Cullen](#) wrote extensively about the FBI's involvement with Bulger and raised concerns about the old case in a 2011 article in [Boston.com](#) after Obama asked Congress to make an exception to allow Mueller to stay on two-extra years beyond the mandated 10 year limit as FBI director.

[Click here for the full story.](#)

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