

From: Americans for Limited Government [media@limitgov.org]
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Subject: Rosenstein memo to Mueller proves special counsel probe into Manafort far beyond scope of Sessions' original recusal

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The Power Beat Daily

All The News That Doesn't Fit the Page

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Mulvaney Brings Law and Order to the CFPB

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a lawsuit to keep the job. Though federal judges have thus far supported President Trump's authority to name an interim director of the agency, English's lawsuit continues. But Mulvaney's appointment is constitutional. Over 100 congressional Republicans filed an amicus brief last month arguing that Trump has the legal authority to appoint Mulvaney.

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Rick Manning stated, "Scott Pruitt's tenure as Administrator of the EPA is one of the best examples of a successful cabinet level pick by President Donald Trump. It is normal that those who are attempting to defend the Obama EPA's radical stranglehold on our economy would subject Pruitt to a constant barrage of complaints to hamper the deregulatory agenda that is ending the war on coal."

Rosenstein memo to Mueller proves special counsel probe into Manafort far beyond scope of Sessions' original recusal



By Robert Romano

On March 2, 2017, Attorney General Jeff Sessions recused himself "from any existing or future investigations of any matters related in any way to the campaigns for President of the United States."

Arguably, as far as recusals go, it was too broad and did not narrowly list what specific part of the campaign that Sessions would have an appearance of impropriety. But there it is.

This led eventually to the appointment of Robert Mueller as special counsel by Deputy Attorney General Rod Rosenstein on May 17, 2017 to investigate, mainly, “any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump...”

Since then, Mueller has produced several indictments, including some that appear far outside the scope of Sessions’ original recusal.

For example, former National Security Advisor Michael Flynn was indicted for supposedly lying to investigators about a conversation he had with Russian Ambassador Sergei Kislyak in Dec. 2016, which was after the election. The interview with FBI agents happened in Jan. 2017.

If Sessions was only recused from “matters related in any way to the campaigns for President of the United States,” then how could have Mueller delivered an indictment for actions after the campaign was over? Flynn’s conversation had nothing to do with the campaign, it was reportedly centered on Russia’s potential response to new sanctions that had been slapped on Moscow by the lame duck Obama administration.

Then there’s the fallacious idea that by firing former FBI Director James Comey in May 2017 — on Rosenstein’s recommendation and something the President absolutely has the authority to do with or without a reason — President Trump was somehow obstructing the investigation into Flynn. Again, the Flynn matter was after the election, and the Comey firing well after it. Nothing about Sessions’ original statement indicates he was recused from these matters. In fact, the firing occurred after the recusal, not before.

Somehow, though, it all, reportedly based on leaks probably from Mueller’s team, has come under Mueller’s umbrella. It hasn’t a thing to do with the campaign or even Russia’s efforts to interfere with the election. Not even close.

Another example were the indictments of one-time Trump campaign manager Paul Manafort and his associate Richard Gates.

In the 31-page Manafort and Gates indictment, Russia was mentioned four times, naming Manafort’s company, Davis Manafort Partners, Inc., which had some staff in Russia, and that Manafort’s client, former Ukrainian President Viktor Yanukovich and his Party of the Regions was “pro-Russia,” and that after the civil war began in Ukraine, Yanukovich fled to Russia.

There was no mention of the Russian government or any individuals working for the Russian government. Nor any mention of the 2016 election campaign for President Trump.

Now we know why, based on an Aug. 2017 memo from Rosenstein to Mueller, outlining what he was to investigate. In addition to investigating whether Manafort “[c]ommitted a crime or crimes by colluding with Russian government officials with respect to the Russian government’s efforts to interfere with the 2016 election for President of the United States, in violation of United States law,” which would have been within the scope of the Sessions recusal, Mueller was also tasked to see if Manafort “[c]ommitted a crime or crimes arising out of payments he received from the Ukrainian government before and during the tenure of President Viktor Yanukovich.”

Mueller relies on the fact that Manafort was Trump’s campaign manager in 2016 even though the conduct leading back to Ukraine predated 2016. He never alleges any definitive link between Manafort’s work as campaign manager and the crimes for which he is charged. There are potential

Russian connections alluded to, but none directly to the Russian government. It is clear that Manafort's work in Ukraine before 2016 was not tied the Russian government's alleged efforts to interfere with the 2016 elections, because they couldn't have been.

In the Rosenstein memo, there is no pretense that the Ukraine matter had a thing to do with the 2016 election campaign. Manafort worked for Yanukovich from about 2005 through 2014, including Yanukovich's 2010 electoral win in Ukraine. It had nothing to do with the U.S. elections. It could not have anticipated Trump would run for President or that Manafort would get the campaign manager job. Thus it was always beyond the scope of the recusal by Attorney General Sessions.

Now, this may be a matter that the Justice Department had been pursuing for years, but there was no reason it could not have been giving to a U.S. Attorney operating under normal order with oversight by the Attorney General. Did Jeff Sessions have business in Ukraine? No, of course not. Nor did Sessions mention Ukraine as a matter he needed to recuse himself from.

Manafort's lawyers to their credit are fighting this very issue in federal court, but it shouldn't take a federal judge's order to do what should be handled administratively at the Justice Department.

It is clear now that Mueller is investigating those things that Rosenstein has directed him to. So the fault with going beyond the scope of the original recusal lays squarely at the feet of Rosenstein. That does not absolve Mueller of course. He has delivered indictments that similarly go beyond the scope of the recusal.

The question of course is what can be done about what has become a wide-ranging fishing expedition with no end in sight? Sessions should again, clarify that the scope of his recusal included matters specifically pertaining to the 2016 election. Anything not included in that ought to either be reassigned to a U.S. Attorney to handle, or dismissed entirely.

Everyone can see where this is headed. And it would be a grave miscarriage of justice to allow Rosenstein and Mueller to expand what was a broad recusal for the 2016 election even further, although not broad enough to capture what they really wanted to investigate which was Trump and Flynn in 2017, into something it wasn't.

So far, [the Washington Post is reporting](#) that Mueller has told Trump's legal team that Trump is not a criminal target of the investigation. That is worth considering although if that turns out not to be true, then this would be about undoing the results of the 2016 elections when you get right down to it. An undemocratic coup that has no place in America. Mueller would be alleging crimes the special counsel does not even have the authority to investigate after the election.

Attorney General Sessions can fix this, but he has to clarify what his recusal included, and what it did not.

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

President Trump must force Congress to quit taking the military hostage in budget negotiations



By Printus LeBlanc

The U.S. military is the strongest most lethal force the world has ever known. There is not one square foot of space on this planet the U.S. cannot launch a strike against. However, for all its strength and power the U.S. military's greatest weakness is Congress. It has become a yearly tradition for the military to be held hostage in the budget process. The constant Congressional games are having a detrimental effect on the military and have cost lives. President Donald Trump was extremely unhappy about signing the omnibus late last month and vowed never to do it again. If the President wishes to keep that vow, he must pressure Congress to go through the regular appropriations process and remove the military hostage Congress uses to push the budget through.

The U.S. Constitution gives Congress the power of the purse. Article 1, Section 9, Clause 7 of the sacred document states, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." This has turned into what is known as the "Appropriations Process."

Each year the Executive Branch submits a budget proposal between the first Monday in January and the first Monday in February. Following the President's proposal, which Congress usually ignores, the House and Senate begin their process which begins with a budget resolution, moves to authorizations, and finally appropriations. In the end, there is supposed to be 12 appropriations bills

covering all spending of the federal government. The bills are then supposed to go to the President for signature and voila, the government is funded.

However, when the funding bills do not pass, a Continuing Resolution (CR) is passed to keep the federal government open. The CR does nothing more than keep the government funded at the previously funded levels. It may not seem like a big deal, but the continuous CRs are having a deadly effect on the military.

Secretary of Defense James Mattis sent a letter to the Chairman of the Senate Armed Services Committee Sen. John McCain (R-Ariz.) laying out the damage a CR will do to the military. In the 6-page letter Mattis outlined the harmful effects a CR has, with the primary effects being felt on the following:

Training: Impacts begin immediately, with the first 30-days of a CR. By 90 days, the lost training is unrecoverable due to subsequent scheduled training events. These training losses reduce the effectiveness of subsequent training events in FY18 and in subsequent years.

Readiness and Maintenance: The impacts of a CR are felt immediately, and grow exponentially over time. Although maintenance impacts can be mitigated for some activities operating under a 3-month CR, in areas, such as Navy Ship Depot Maintenance, funding shortfalls result in delays in Naval vessel availability, which may affect subsequent deployment rotations.

Personnel: The uncertainty imposed during a 3-month CR causes most hiring actions and recruitment to be curtailed, and vacancies to then be re-announced once an appropriation is enacted. This disruption leaves critical gaps in the workforce skill set and causes unnecessary angst among military and civil servants, making the government a far-less attractive option to the highest-skilled potential candidates.

President Trump has seen these problems up close. Anyone that paid attention to him in the election and since he won, knows his deep devotion to the military. The swamp also knows that and used it against him. That is why the swamp creatures have continually bundled the spending together in an omnibus with the military spending increases the President requested, making it tough not to sign the bill.

The problem is voting in the Senate. Because of antiquated rules, that are not mandated in the Constitution, appropriations bills require 60 votes to pass. The rule allows the party in the minority to declare they will filibuster, without actually launching a filibuster, to stop legislation. A lazy filibuster if you will. So, the Senate could be split 59-41, and the party with 41 Senators controls the Senate. There is nothing about this rule in the Constitution, and it is nothing more than an excuse to stop working.

Congress has the power to fix the problem. Congress must begin the appropriations process immediately and put the military funding bill up for a vote first; we only have six short months until the next funding deadline. The President has the most far-reaching bully pulpit in the world, and he must use it to pressure Congress. A few tweets from the President can send shockwaves through D.C., and a few well-timed tweets about Congress not doing their job could put the pressure on, especially during primary season.

There are 10 Senators up for reelection in states President Trump won. Put pressure on them to vote against or filibuster the defense appropriations. Make a Senator stand up for dozens of hours and tell the American people why they should not fund the military first.

It is time for Congress to prioritize the appropriations process. Congress is asking the military to put their lives on the line around the globe. At least they could give them the funds for the training and equipment needed to do the mission being asked of them.

Printus LeBlanc is a contributing editor for Americans for Limited Government.

REAL CLEAR POLITICS

Mulvaney Brings Law and Order to the CFPB



By Rick Manning

Mick Mulvaney, the acting director of the Consumer Financial Protection Bureau, is bringing responsibility and transparency to his agency – so of course he is under attack by Democrats.

The brainchild of Sen. Elizabeth Warren (D-Mass.), the CFPB purportedly exists to shield consumers from fraud. In reality, Democrats created a powerful rogue agency that they could use to control and reward their political friends. The agency was given largely unchecked enforcement authority and spent taxpayer money recklessly. Now that Democrats have lost the keys to that castle, they are making baseless accusations that Mulvaney is acting lawlessly, projecting onto him what they did to the agency. However, Mulvaney is trying to reform the CFPB into what its mission actually is: to protect consumers.

From the beginning, Democrats tried to block Mulvaney's appointment. Richard Cordray, the first director of the CFPB, resigned last year and attempted to appoint his own successor, Leandra English, who filed a lawsuit to keep the job. Though federal judges have thus far supported President Trump's authority to name an interim director of the agency, English's lawsuit continues. But Mulvaney's appointment is constitutional. Over 100 congressional Republicans filed an amicus brief last month arguing that Trump has the legal authority to appoint Mulvaney.

Just as his appointment was constitutional, Mulvaney is trying to make his agency operate in a constitutional fashion by making sure its actions stay within the realm of its authority and its operating costs stay within an appropriate budget.

Among many examples of reckless spending under its previous director, the CFPB spent over \$215 million to renovate its headquarters. On his very first day as acting director of the agency, Mulvaney told the Daily Caller News Foundation that he would seek to rein in the soaring renovation costs.

"My objective in managing this agency is to make it more accountable, efficient, and effective in fulfilling its statutory obligations," Mulvaney said. "Because Congress does not control the bureau's budget through appropriations, we are left to budget ourselves without oversight, and every dollar we draw from the Federal Reserve is one less dollar available to pay down the deficit."

While examining his agency's budget in January, Mulvaney determined the bureau would need \$145 million for its second quarter operating costs, but it already had \$177 million in a "reserve fund" created by his predecessor. So Mulvaney told then-Fed Chair Janet Yellen that the CFPB would not require any additional operating funds for its second quarter.

In a letter to Yellen, Mulvaney suggested that the Fed instead direct those funds to the Treasury to reduce the deficit.

"While this approximately \$145 million may not make much of a dent in the deficit, the men and women at the Bureau are proud to do their part to be responsible stewards of taxpayer dollars," he wrote.

Mulvaney's actions to trim the CFPB's budget and control its regulatory actions have led to accusations from Democrats that he is attempting to shut down the bureau, but he is doing no such thing. Mulvaney has stated that he has "no intention of shutting down the bureau" and that the law requires the CFPB to "enforce consumer-protection laws, and we will continue to do so under my watch."

Democrats, including Warren, have also baselessly accused the acting director of acting unethically by dropping investigations into some payday lenders and delaying a new rule regulating them due to campaign contributions he received from the industry when he was in Congress.

Mulvaney responded to these charges in a remarkable letter. "I reject your insinuation — repeated three times in as many pages — that my actions as Acting Director are based on considerations other than the careful examination of the law and the facts particular" to any matter, he wrote, adding:

"Prior to your letter, I would have never thought to consider, for instance, whether your vote against repealing the Bureau's arbitration rule was influenced by campaign donations you may have received from trial lawyers or other parties who stood to financially gain from the rule. Perhaps I should reconsider. Instead, shall we agree that such accusations are baseless and discuss policy matters as responsible officers holding a public trust?"

Contrary to these claims from Democrats, Mulvaney is the reformer CFPB needs, bringing both law and order to the bureau. Mulvaney is scaling the agency back to enforce the law as appropriate, rather than to "push the envelope," as his predecessor described the agency's actions. He is focused on fiscal responsibility and an equitable enforcement process that balances regulatory costs with need for consumer protections. He will ensure the agency advocates for consumers rather than the Democrats' agenda.

Rick Manning is president of Americans for Limited Government.



President Trump should stand by EPA Administrator Pruitt

Americans for Limited Government President Rick Manning issued the following statement urging President Donald Trump to stand by EPA Administrator Scott Pruitt:

"Scott Pruitt's tenure as Administrator of the EPA is one of the best examples of a successful cabinet level pick by President Donald Trump. It is normal that those who are attempting to defend the Obama EPA's radical stranglehold on our economy would subject Pruitt to a constant barrage of complaints to hamper the deregulatory agenda that is ending the war on coal. Reports from the agency that Pruitt has been subjected to a dramatic increase in threats to his and his family's safety demonstrates the kind of courage and commitment it takes to unwind the radical environmentalist agenda. President Trump has been right in the past when he regularly and openly praised Pruitt for his dedication, hard work and commitment to restoring balance to America's environmental regulations. Now there are those who are attempting to besmirch Pruitt's reputation through attacks about his Washington, D.C. living arrangements. Let's be clear. Pruitt received approval from career civil servants in charge of the EPA ethics office that are now being questioned by partisans with a radical agenda.

"President Trump knows better than anyone what it is like to be falsely attacked by people with an agenda and how the anti-Trump news media will accuse first and look for the facts later. Trump should embrace Pruitt as a man of integrity and empower him to continue doing his outstanding work

at the EPA, carrying out the Trump agenda to end the war on energy development and make America competitive again.”

[Click here for the full press release.](#)

*Americans for Limited Government
10332 Main Street # 326None
Fairfax Virginia 22030
United States*

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