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**Subject:** Why are State Attorneys General putting up with school walkouts to promote gun control when the walkouts violate state laws against disrupting public schools?

The walkouts serve no educational purpose, they serve a political purpose — and State Attorneys General nationwide do not have to put up with it

# The Power Beat Daily

*All The News That Doesn't Fit the Page*

**April 18, 2018**

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## **Why are State Attorneys General putting up with school walkouts to promote gun control when the walkouts violate state laws against disrupting public schools?**

*More school walkouts are planned on April 19 and April 20 to promote gun control in the wake of the Parkland, Fla. massacre. However, school walkouts appear to violate state laws prohibiting the disruption of public schools, no matter what issue they're protesting. So why are State Attorneys General putting up with them?*

## **National Association of Scholars calls for the end of 'secret science' in government regulations**

*Every day, the federal government puts out new regulations, updates old ones, or eliminates them all together. This is done in the Federal Register and is published every morning. What most people don't know is a great amount of the rules and regulations published in the Federal Register were concocted using reports from government and third-party scientists using "secret science." Thankfully the National Association of Scholars (NAS) is now calling out federal agencies and Congress for not doing enough to ensure science used to influence every single American can be reproduced by independently.*

## **Victor Davis Hanson: Colluders on the Loose**

*If collusion is the twin of conspiracy, then there are lots of colluders running around Washington. Robert Mueller was tasked to find evidence of Trump and Russia collusion that might have warped the 2016 campaign and thrown the election to Trump. After a year, his investigation has found no concrete evidence of collusion. So it has often turned to other purported Trump misadventures. Ironically, collusion of all sorts — illegal, barely legal, and simply unethical — has been the sea that Washington fish always swim in.*

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Why are State Attorneys General putting up with school walkouts to promote gun control when the walkouts violate state laws against disrupting public schools?



By Robert Romano

Indivisible.org is at it again, openly organizing more than 2,300 school walkouts on April 19 and April 20 to call for a “nationwide protest of our leaders’ failure to pass laws that protect us from gun violence,” urging more nationwide gun control laws in the wake of the Parkland, Fla. massacre in February.

The purpose of the protest is purely about electoral politics, with the organizers saying, “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.”

Republicans have majorities in both the House and Senate, and “vote them out” appears to be specifically directed at them. But even if you wanted to say it wasn’t purely partisan, it is still is certainly about organizing voters towards a political objective.

The real question is why are these political protests occurring during school hours? Why can’t they happen after school or over the weekends when they won’t be so disruptive? How many walkouts are they planning this year? Isn’t this disrupting academic studies?

And why are State Attorneys General putting up with it?

For example, in South Carolina, more than a dozen such school walkouts are planned. Yet according to Title 16 - Crimes and Offenses, Chapter 17 - OFFENSES AGAINST PUBLIC POLICY, Section 16-17-420, anyone who unnecessarily — and there is no question that political rallies are unnecessary

since they could take place after school or on the weekends when they won't disrupt academic studies — interferes or disturbs schools from carrying out a normal day is guilty of a misdemeanor.

Similarly, in Florida, Title XLVI, Chapter 871.01(1) states, "Whoever willfully interrupts or disturbs any school or any assembly of people met for the worship of God or for any lawful purpose commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083."

EDUC § 37.124(a) in Texas states, "A person other than a primary or secondary grade student enrolled in the school commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities." It further provides that "Disrupting the conduct of classes or other school activities" includes in (c)(1)(B) "enticing or attempting to entice a student away from a class or other school activity that the student is required to attend..."

Well, these school walkout events are being planned openly and flagrantly in violation of state and local laws by this national group, Indivisible. They are absolutely trying to entice students to leave classes they are otherwise required to attend. There is no question.

In some cases across the country the events are being sanctioned by the local school district. When similar walkouts were planned on March 14, the Fairfax County, Va. superintendent Scott Brabrand sent a letter to parents stating, "principals at the middle, high, and secondary schools have been directed to work with students to find peaceful and safe opportunities to facilitate the observance..."

This, despite Virginia law under Title 18.2, Chapter 9, § 18.2-415 that defines disorderly conduct as any person acting "with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he... Willfully... disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption ... prevents or interferes with the orderly conduct of the operation or activity..."

Local districts can cancel school activities for emergencies such as inclement weather or for events that are otherwise sanctioned by law, like elections. But not for political rallies.

There is no First Amendment obligation to allow for school walkouts. If states or individual school districts were to adopt policies that allow for them, which they could do, the risk is that they could be staged every day. Because, if similar walk outs were not allowed for other issues, say, a pro-life walkout or a pro-Second Amendment walkout, it would violate viewpoint neutrality as required under the First Amendment.

Not that they should. Discussion of national issues is allowed at schools in a classroom setting where students can state their views, in social studies, government and civics classes. There is no need to allow every interest group the right to disrupt a school day for their specific favored issue.

But the fact is, South Carolina, Florida, Texas and Virginia — and states across the country — have already set public policy by making it a crime to disrupt a normal school day that brokers no political rally exception.

Proponents of the walkouts like to cite the 1969 Supreme Court decision, *Tinker v. Des Moines Independent Community School District*, which said students have a First Amendment right to wear black arm bands to school, stating that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate..." Part of the rationale is that the arm bands were not disruptive.

This is beyond arm bands. This is about disrupting school activities repeatedly for electoral politics by allowing students to leave class for the second time in as many weeks.

States have a compelling state interest in placing these types of time and place restrictions on speech and assemblies as it relates to the school day, and local officials who are essentially canceling school activities for a specific interest group appear to be doing so in violation of the statute — and when they won't allow it for other issues, in violation of the First Amendment.

At the end of the day, states should not be lightly allowing these school shutdowns in the name of speech, otherwise they will have to cater to every interest group. Students can and should be leading discussions in the classroom under a teacher's direction, time permitting. Walkouts should not be sanctioned at all.

Those organizing the walkouts across state lines, if they are violating state laws by disrupting public schools, can and should be subject to prosecution. The walkouts serve no educational purpose, they serve a political purpose — and State Attorneys General nationwide do not have to put up with it.

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

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**National Association of Scholars calls for the end of 'secret science' in government regulations**



C/O Liberty Alliance

By Printus LeBlanc

Every day, the federal government puts out new regulations, updates old ones, or eliminates them all together. This is done in the Federal Register and is published every morning. What most people don't know is a great amount of the rules and regulations published in the Federal Register were concocted using reports from government and third-party scientists using "secret science." Thankfully the National Association of Scholars (NAS) is now calling out federal agencies and Congress for not doing enough to ensure science used to influence every single American can be reproduced independently by making the data publicly available.

Secret science has long been a tool of the progressive movement to push its radical agenda. The U.S. government gives out billions in grants to research institutions around the country. The grants are given to study everything from climate change and medical research to animal mating habits and shrimp on a treadmill. The product of the research is then given to the representative government agency and often extensive economy changing regulations are drawn up and implemented based on the study.

Environmental Protection Agency Administrator Scott Pruitt has been at the forefront of the battle, announcing on March 19, the EPA will no longer use reports that do not make their data and methodology public. Pruitt has been under constant assault in the media since he took action, but the report released by the NAS backs up the actions Pruitt took.

NAS President Peter Wood and director of research David Randall published an op-ed in the Wall Street Journal opining about the irreproducibility crisis gripping the scientific community and the danger it poses stating, "A deeper issue is that the irreproducibility crisis has remained largely invisible to the general public and policy makers. That's a problem given how often the government relies on supposed scientific findings to inform its decisions. Every year the U.S. adds more laws and regulations that could be based on nothing more than statistical manipulations."

They continued, "All government agencies should review the scientific justifications for their policies and regulations to ensure they meet strict reproducibility standards. The economics research that steers decisions at the Federal Reserve and the Treasury Department needs to be rechecked. The social psychology that informs education policy could be entirely irreproducible. The whole discipline of climate science is a farrago of unreliable statistics, arbitrary research techniques and politicized groupthink."

The NAS report came up with 40 recommendations for Congress, the executive branch, universities, and the judiciary branch to reverse the irreproducibility crisis in modern science.

Americans for Limited Government President Rick Manning concurs with Scott Pruitt and the NAS report, calling on the agencies to act now, "It is ridiculous that we even have to have a discussion about whether the data collected by scientists relying on government funding that is used in policy making ought to be published, reproducible and transparent, but here we are. The National Association of Scholars correctly notes that we face crisis of irreproducibility in modern science, and government absolutely agencies play a tremendous role in exacerbating it when they implement policies without fully publishing the science behind it. We echo the Association's call for the EPA and other agencies to adopt the standards used by the National Institutes for Health in requiring that data be published and be accessible in the grantmaking process. Science and policies generated based on it rely on its transparency and must adhere to the requirement that every theory can be falsified."

However, the most important action must be taken by Congress.

Even if every federal agency in the executive branch followed Scott Pruitt's lead, the next administration could reverse the decision. For that reason, Congress must pass legislation that disallows the use of "secret science" by federal agencies to justify regulations. U.S. Rep. Lamar Smith (R-Texas), Chairman of the Space, Science, and Technology Committee, has been fighting the transparency battle for years and introduced H.R. 1430, the Honest and Open New EPA Science Treatment Act of 2017. The legislation has passed the House and awaits action in the Senate. McConnell should move immediately to bring the legislation to the floor and dare the Democrats to stop the open science debate.

It is time to get politics out of the science used by the government. Science is supposed to be open and transparent to test falsifiability. When data is hidden it signals an agenda, and that is what we have gotten the past eight years. The NAS is to be celebrated for daring to publish a report many in the scientific community see as a threat. Now that Congress has been armed with the knowledge

from the report, it should act to protect scientific integrity or else secret science from political operatives will make the rules.

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



ALG Editor's Note: In the following piece from National Review, Victor Davis Hanson outlines the much of the real collusion in D.C. and how Mueller isn't touching it:

## **NATIONAL REVIEW**

### **Colluders on the Loose**

By Victor Davis Hanson

If collusion is the twin of conspiracy, then there are lots of colluders running around Washington.

Robert Mueller was tasked to find evidence of Trump and Russia collusion that might have warped the 2016 campaign and thrown the election to Trump. After a year, his investigation has found no concrete evidence of collusion. So it has often turned to other purported Trump misadventures. Ironically, collusion of all sorts — illegal, barely legal, and simply unethical — has been the sea that Washington fish always swim in.

Christopher Steele, hired by the Hillary Clinton campaign through a series of firewall intermediaries, probably paid Russian sources for gossip and smears. If there is a crime of collusion, then Clinton-campaign contractors should be under investigation for seeking Russian help to find dirt on Trump, to spread smears around throughout the DOJ, FBI, and CIA, and to make sure that the dirt was leaked to the press in the final weeks of the campaign — for the sole “insurance” purposes of losing Trump the election.

Some sort of collusion likely occurred when the Obama DOJ and FBI sought FISA-court requests to surveil Carter Page and, indirectly, possibly many other members of the Trump campaign. On repeated occasions, they all made sure the FISA-court judges were *not* apprised that the Steele dossier, the chief basis for these requests, was paid for by the Clinton campaign, that the dossier was not verified by the FBI, that the dossier was the source of media stories that in circular fashion were used to convince the FISA judges to grant the surveillance requests, and that the FBI had severed relations with Steele on the basis of his unreliability. Such a collusion of silence was similar to James Comey's admission that he apprised President Trump of every iota of lurid sexual gossip about him — except that his source was a dossier paid for by Hillary Clinton and written by a campaign operative hired to find dirt on Trump and who had been working with Comey's FBI to get FISA approval to spy on Trump's own aides.

Apparently, a number of government officials must have been in cahoots to get all their stories and agendas straight ahead of time. They certainly agreed on talking points to keep embarrassing facts from FISA judges, and they did so on a number of occasions. Does that behavior fall under the definition of some sort of colluding obstruction?

Who set up the ruse in which an FBI director types up confidential notes of a meeting with the president and passes them to a friend to ensure a firewall conduit to the press, to publish as a “leak” from an “unidentified source” to damage the reputation of the president? All that would require a degree of collusion to leak a classified FBI document that is so sensitive that House Intelligence Committee members with security clearances cannot see what the media and a personal friend of Comey’s already have.

James Comey himself was quite a colluder. Somehow, he managed to mislead Congress by assuring them that he had not written his assessment of Hillary Clinton before he interviewed her and supposedly had not been the source of or approved leaks to the media. He has contradicted what both Loretta Lynch and Andrew McCabe have said. He has deliberately misled a FISA court by withholding information from it, vital to any evaluation of the veracity of his writ. He probably lied when he was messaging the media that Trump was under investigation while simultaneously assuring Trump in person that he was not. He has admitted that he warped an FBI investigation into Hillary Clinton’s private email server because he assumed she’d win the presidency — an admission of politicized interference into a criminal investigation, if not a blatant confession that the FBI in felonious fashion was manipulating investigatory evidence to affect the outcome of a U.S. election. For Comey to escape legal exposure from all that required some sort of colluding help in high places.

Former attorney general Loretta Lynch seems to have been involved in all sorts of collusion. Given that there are more than 5,000 airports in the United States, two jets — one carrying the attorney general, the other the ex-president and spouse of a presidential candidate of the same shared party currently under investigation by Attorney General Lynch — do not just accidentally bump into each other on the tarmac of the Phoenix airport. There was no more chance of that than of investing \$1,000 in cattle futures and reaping a \$100,000 profit ten months later. And after elevating the FBI director from investigator to prosecutor with the final say on whether to prosecute Hillary Clinton, why was the supposedly quasi-recused Lynch then quibbling over the vocabulary of Comey’s report on Clinton?

Imagine the following possible ethical collusion. What if both ABC News and CBS News were now running mostly favorable news accounts about Donald Trump’s administration, rather than the media’s 90 percent (on average) negative coverage. And imagine that one of Donald Trump’s chief advisers and a deputy national-security adviser was the brother of the current CBS News president, while the sister of the ABC News president was another one of Trump’s top national- security and energy advisers.

What would the media say of such apparent incestuousness that involved two-thirds of the networks’ nightly newscasts? Yet that was precisely the case of the Rhodes and the Sherwood siblings during the Obama administration.

Speaking of journalistic ethics, what would the media make of a conservative JournoList that shared strategies among top reporters about how to deal with Trump critics, or a conservative WikiLeaks trove, in which journalists communicated frequently with the Trump campaign and ran their stories by it for pre-published “fact checking”? Would the media dub that unethical collusion?

How exactly did the media get wind of the scurrilous Steele dossier in the closing days of the U.S. campaign? And who exactly knew of its contents — James Comey and his FBI hierarchy, CIA director John Brennan, Senator Harry Reid, Director of National Intelligence James Clapper — and

who in government colluded with the media to disseminate such unproven data with the expressed intent of warping an ongoing U.S. election?

If one wished to dream up a colluding investigatory team, one could have done no better than Robert Mueller's special-counsel investigators and other top DOJ and FBI officials.

The public for much of 2016 was not told that the chief investigator of the Clinton email scandal, Andrew McCabe, since cited for serial untruthfulness, was the spouse of a political candidate who had earlier received nearly \$700,000 (40 percent of all money raised for her campaign) from Clinton-related campaign-funding committees.

Why didn't Mueller simply tell the public when and why Lisa Page and Peter Strzok left his investigation team?

Former Trump-campaign chairman Paul Manafort, Trump's daughter Ivanka, and Jared Kushner, the president's son-in-law, had also been represented by attorneys from the legal firm WilmerHale, Mueller's old firm, which supplied a number of counselors to the Mueller team. At least seven of Mueller's team were known to have contributed money to the Democratic party or Hillary Clinton or both.

Andrew Weissmann, yet another former partner at WilmerHale and a Mueller investigator, had emailed applause to Obama DOJ holdover Sally Yates when she had tried to block the immigration moratorium issued by her then boss, President Trump. Like others on Mueller's team, Weissmann was a donor to Democratic causes and an admitted Hillary Clinton partisan. And Sally Yates co-signed one of the FISA-court requests to surveil Trump campaign associates, and she also did not disclose to the court the full provenance of the Steele dossier.

Another Obama holdover, Associate Deputy Attorney General Bruce G. Ohr, met with the architects of the Fusion GPS dossier. Ohr apparently did not disclose that meeting to his superiors. His wife, a Russia expert, had been hired by Fusion GPS to help find damaging information about Donald Trump. Ohr deliberately — and probably unlawfully — hid that fact on a federal disclosure form. Who thought up that trick?

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