



Program Agenda for 2019

Democracy 21's 2019 program agenda includes:

- Continuing to play a lead role in the three national coalitions described above;
- Public education efforts on the nation's campaign finance problems, and education and advocacy efforts on the reforms necessary to repair our democracy and political system;
- Working with the House on its investigations to educate the American people on the Mueller report findings, and watchdogging and challenging abuses by President Trump and his administration;
- Working to prevent the calling of a constitutional convention;
- Legal efforts to defend campaign finance laws and obtain their proper interpretation.

H.R. 1 and the Battle that Lies Ahead

Democracy 21 played a central role in the successful effort in the House this year to pass historic legislation, the For the People Act (H.R. 1), to repair and strengthen the rules of our democracy, and in building support for its companion Senate measure (S.949) which was introduced with all 47 Senate Democrats on the bill. We worked closely on this effort with Representative John Sarbanes (D-MD) and Senator Tom Udall (D-NM), the lead sponsors of the House and Senate bills, and with the House and Senate Democratic leadership.

Senate Democratic Leader Chuck Schumer (D-NY) and Senate Rules Committee Ranking Member Amy Klobuchar (D-MN) have recognized our efforts, citing Democracy 21 President Fred Wertheimer for "tireless leadership" and "extraordinary advocacy" on behalf of the democracy reform package.

End Citizens United President Tiffany Muller, a key leader of the effort to pass H.R. 1, also recognized Wertheimer's work, saying that "without you, this package wouldn't be a reality," and that none impacted H.R. 1 "more than your continued leadership, expertise and savviness."

H.R. 1 is unprecedented, holistic legislation to repair our political system. It addresses fundamental problems including Washington influence-money corruption, voter suppression, extreme partisan gerrymandering and the misuse of public office for private gain.

The reforms contained in H.R. 1 include small donor public financing for presidential and congressional races, disclosure laws to end secret money in our elections, automatic voter registration, repairing the Voting Rights Act, nonpartisan redistricting commissions, election security provisions, and ethics reforms for the Executive Branch and Congress.

The most important anti-corruption measure in the bill would create a new small donor, public matching funds system for presidential and congressional candidates. Without this alternative

means to finance their campaigns, officeholders will remain trapped in the vice-like grip of influence-seeking funders, and Washington political money corruption will continue unabated.

Democracy 21 developed or helped develop a number of the campaign finance reform proposals in H.R. 1. They include the proposals to create a small donor, public matching funds system, to close the gaping disclosure loopholes that have allowed undisclosed “dark money” contributions to pour into federal elections, to eliminate Super PACs that support only one candidate, to strengthen the rules prohibiting coordination between candidates and outside spending groups and to repair the dysfunctional Federal Election Commission.

Over the past year, Wertheimer published a number of op-eds promoting campaign finance and related reform measures. The pieces included:

- “House Democratic Challengers Demand Campaign-Finance Reforms,” [published](#) on October 10, 2018 in *The American Prospect*.
- “House Democrats and Nancy Pelosi waste no time, announce bill tackling America’s corrupt campaign finance system,” [published](#) on December 8, 2018 in *NBC Think*.
- “How to Fix America’s Broken Political System,” [published](#) on January 7, 2019 in *Politico* and co-authored with Norman Eisen.
- “To end Washington corruption, officeholders and candidates must have a new way to finance their campaigns,” [published](#) on January 30, 2019 in *The Hill*.
- “The Case for a New Small Donor, Public Matching Funds System,” [published](#) on February 25, 2019 on Democracy 21’s website.
- “The Case for Ending Individual-Candidate Super PACs,” [published](#) on February 26, 2019 on Democracy 21’s website.
- “Rebuttal of Attacks on Dark Money Disclosure Requirements in H.R. 1,” [published](#) with Donald Simon on March 4, 2019 on Democracy 21’s website.
- “Loopholes Allow Foreign Adversaries to Legally Interfere in U.S. Elections,” [published](#) on May 28, 2019 in *Just Security*.

The partisan polarization in the country and in Congress makes enacting reforms to revitalize our democracy challenging at this stage. But we have a secret weapon in this battle: the American people overwhelmingly want an end to Washington corruption and to special interest influence over government decisions.

The Impact of the 2018 Congressional Elections on the Reform Effort

Members of Congress pay attention to citizen concern and election results. In the fall of 2018, an *NBC News/Wall Street Journal* [poll](#) found that 77 percent of registered voters said “reducing the influence of special interests and corruption in Washington” is “the most important or a very important issue facing the country.”

Challenging Washington influence-money corruption became a major theme of the 2018 campaigns conducted by House Democrats, particularly by new Democratic candidates. The elections [resulted](#) in the largest total vote margin in history for House Democrats over Republicans and the most seats picked up by House Democrats since the 1974 post-Watergate election.

These electoral results sent a loud and clear message that the American people are fed up with the rigged and corrupt system in Washington – a system that benefits the few at the expense of the many. The election helped propel House passage in March of the anti-corruption, democracy reform legislation package, H.R. 1.

The citizen uprising against our broken political system is not going away; it will be back again in full force in the 2020 national elections.

The Strategy for Enacting H.R. 1

Fundamental changes take time to achieve – such changes rarely result from the political equivalent of the “Big Bang” theory. From the beginning, the current effort to enact the unprecedented democracy reform package H.R. 1 has been based on a three-to-five year strategy, or longer if necessary.

Senate Majority Leader McConnell has made clear he will not [schedule](#) a Senate vote in this Congress on the democracy reform legislation, but this is no surprise. Senator McConnell has been the nation’s leading opponent and obstructionist of campaign finance reform legislation for decades. Reform advocates, however, have beaten Senator McConnell in the past and we will do so again, if he survives his effort to win a seventh term in 2020.

For decades, efforts to achieve major campaign finance reforms have had bipartisan leadership and bipartisan support in Congress. Wertheimer played a leading role in the enactment of the two most important campaign finance reforms of the modern era: The Federal Election Campaign Act of 1974 and the Bipartisan Campaign Reform Act of 2002 (BCRA).

These essential reform laws had strong support from both Democrats and Republicans in Congress. But times are different now, and the approach to winning Republican votes is also different. A grassroots uprising and the voice of citizens expressed through the ballot box will play a vital role in winning this battle.

Stage one of the strategy for winning this battle has already been achieved. The blueprint for the historic package of democracy reforms necessary to fix our political system has been established with the passage of H.R. 1 in the House, which had the support of every Democratic Representative, and with the introduction of its companion version in the Senate with all 47 Democratic Senators sponsoring the bill.

Contrary to the misguided claims of some critics, our coalition did not conduct extensive Washington and grassroots lobbying for the successful passage of H.R. 1 simply to pass a “message bill.” As *Washington Post* columnist E.J. Dionne [explained](#), H.R. 1 is not a “message bill” but “a marker, a bill worth fighting for in the future.”

Dionne said H.R. 1 is “perhaps the most comprehensive political-reform proposal ever considered by our elected representatives.”

Stage two of the battle is playing out in the 2020 national elections. Our coalition is working to inject the democracy reform agenda into the national debate surrounding the 2020 campaigns.

As a first step in this stage, the coalition is focused on the presidential campaigns. The coalition sent a [letter](#) to every presidential candidate, signed by 100 organizations. The letter urged the candidates to announce their support for H.R. 1, to make the democracy reform a key part of their ongoing campaign message, and to commit to making the democracy reforms in H.R. 1 a first priority for their Administration if elected.

According to a recent *Washington Post* [article](#), most of the Democratic presidential candidates are raising campaign finance issues, and the democracy reform agenda is playing an increasing role in the democratic presidential primary.

Our coalition is planning to organize grassroots activities to raise the democracy reform issues with presidential candidates at town halls and other campaign events, to work to insert democracy reform into the candidate debates and to undertake other efforts to ensure that fixing our democracy is a major issue in the national debate unfolding in the presidential campaigns.

Democracy 21 is organizing members of the coalition to work on making breakthroughs with Senate Republicans, which is necessary to reach the 60 votes needed to break any filibuster against H.R. 1. We are also exploring an alternative approach to passing the reforms necessary to repair our democracy and our political system outside of the filibuster rules in the Senate.

The potential impact on the 2020 elections of widespread citizen concern about the corrupt and rigged system in Washington can also open the door to breakthroughs with Senate Republicans. In 1974, for example, following the Watergate scandals, substantial numbers of congressional Republicans voted for the Watergate campaign finance reforms.

In 2002, following the “soft money” scandals, Republican Senators provided the decisive votes to break a McConnell filibuster and enact the Bipartisan Campaign Reform Act, also known as the McCain-Feingold law. The law was enacted over the unyielding opposition of Senator McConnell, who [said](#) that the day President Bush signed BCRA into law was “the worst day of my political life.”

Our efforts also will focus on firming up possible problem Democrats in the House and Senate to ensure their support for the new, small donor, public matching funds system for presidential and congressional elections.

Democracy 21 is working with the Leadership Conference on Civil Rights in lobbying for House passage this fall of a new Voting Rights Act to overcome the Supreme Court decision in the Shelby County case. The new Act is a part of the overall democracy reform effort, and for litigation strategy reasons is being voted on separately from H.R. 1.

Democracy 21 Vice President Matt Keller also is working with key faith leaders to organize the faith community to bring their moral voices to the democracy reform battle. Keller played this same role in successfully organizing and adding the faith community to the coalition supporting BCRA, which was enacted in 2002.

Stage three of the campaign to enact historic democracy reforms will depend on the 2020 election results. If a new President and a Democratic-controlled Senate are elected in 2020, and the House support for H.R. 1 remains intact, we will be on the doorstep of winning historic

campaign finance, voting rights, redistricting and government ethics reforms in the next Congress.

If these election results do not happen, the fight for democracy reforms will continue in the next Congress, during the 2022 congressional elections and for as long as it takes to win this battle to repair the rules of our democracy.

President Trump, the Mueller Investigation and the House of Representatives

Democracy 21 worked to protect Special Counsel Robert Mueller’s Russia/Trump investigation. Our efforts included: requesting investigations, filing Justice Department and FEC complaints, challenging improper and unethical conduct, raising conflicts of interest problems, organizing coalition efforts to challenge abuses, and otherwise defending Special Counsel Mueller’s Russia investigation.

Democracy 21 played a key role in triggering the appointment of Special Counsel Robert Mueller to conduct the Russia investigation by filing three conflict of interest complaints at the Justice Department that helped lead to Attorney General Sessions’ decision to recuse himself from the investigation.

Wertheimer also published a number of op-eds defending the Mueller investigation and pointing out ethics abuses by various Trump affiliates. The pieces included:

- “In bid to impeach Rod Rosenstein, House Republicans are abusing power to protect Trump,” [published](#) on July 19, 2018 by *USA Today* and co-authored with Norman Eisen, former chief ethics czar for President Obama.
- “GOP Reps.’ Attack On Rosenstein Is An Attempt To Undermine Mueller Investigation,” [published](#) on July 30, 2018 by *CNN* and co-authored with Eisen.
- “Paul Ryan will soon face a ‘sense of decency’ moment,” [published](#) on August 25, 2018 by *CNN*.
- “Don’t forget Donald Trump Jr. and his Trump Tower meeting. He broke the law, too,” [published](#) on August 29, 2018 by *USA Today*.
- “Devin Nunes has become Trump’s self-assigned chief defender — serving the president, not the public,” [published](#) on September 4, 2018 by *NBC Think*.
- “Sessions’ Recusal and Rosenstein’s Appointment of a Special Counsel—Both Were Legally Required,” [published](#) on September 17, 2018 by *Just Security* and co-authored with Democracy 21 Counsel Donald Simon.
- “With Sessions Out, What Happens to Mueller?” [published](#) on November 7, 2018 by *The New York Times* and co-authored with Eisen.
- “Trump illegally asked Russia to help him win in 2016. He shouldn’t get away with it,” [published](#) on January 2, 2019 by *USA Today* and co-authored with Eisen.
- “Nancy Pelosi has set House Democrats on a road that may lead to Trump’s impeachment,” [published](#) on May 4, 2019 in *NBC Think*.
- “Unfit to Serve: The Case Against William Barr,” [published](#) on May 23, 2019 in *Medium*.

Democracy 21 continues [to be](#), in the words of *NPR*, “central... in the opposition network” to the abuses of President Trump and his administration. We are working to watchdog and challenge President Trump’s transgressions; with House committees on the effort to educate the American people on the findings of the Mueller report; and with House leaders to develop and advocate for legislative reforms to prevent future attacks by foreign adversaries on our elections.

For example, Democracy 21 worked with Senator Amy Klobuchar (D-MN) and Rep. John Sarbanes (D-MD) to develop the [PAID AD Act](#). The Act closes major loopholes in the ban on foreign countries spending money to influence our elections and addresses problems with the foreign ban uncovered during the Mueller investigation. The Act was added as an amendment to H.R. 1 and is expected to be considered in July by the House as a separate proposal.

The national “resist” coalition that Democracy 21 helps to lead played a successful role in defending the Mueller investigation from interference by President Trump. Democracy 21 and the coalition are now working to support the efforts of the House to educate the American people on the findings of the Mueller report, and in particular the transgressions of President Trump.

In June, Democracy 21 drafted and organized a [letter](#) to House Speaker Nancy Pelosi from outside groups that urged multiple House committees to hold multiple hearings to educate the American people on the Mueller report. The letter listed five House committees with jurisdiction over various parts of the Mueller report and suggested “for consideration some examples of potential hearing topics that we believe would help build on the excellent work already underway.”

The groups signing the letter included Action Group Network, American Oversight, Center for American Progress, Center for Popular Democracy, Coalition to Preserve, Protect & Defend, Common Cause, CREW, Defending Democracy, Democracy 21, Equal Justice Society, Loyal Opposition, March for Truth, People For the American Way, Protect Democracy, Public Citizen, Stand Up America and Sunlight Foundation.

The House Judiciary Committee is undertaking an investigation “into the alleged obstruction of justice, public corruption and other abuses of power by President Trump, his associates, and members of his Administration.”

There is an historical parallel here to what the Senate did when it [created](#) the Select Committee on Presidential Campaign Activities, also known as the Senate Watergate Committee, in February 1973. The Watergate Committee was established to investigate the extent to which “illegal, improper or unethical activities” occurred in the 1972 presidential campaign.

In 1973, the Senate Watergate Committee conducted an investigation and held nationally televised hearings that educated the American people about Nixon’s abuses. The panel began public hearings on May 17, 1973 [and held hearings](#) on a regular basis until Aug. 7, 1973.

Importantly, 319 hours of Watergate Committee hearings were [broadcast](#) live to the American public and 85 percent of U.S. households watched some portion of them. The hearings told the story of the Watergate break-in and the massive cover-up Nixon authorized and laid the

groundwork for the Nixon impeachment proceedings by the House Judiciary Committee, [which formally began](#) on Feb. 6, 1974.

The printed words of the 448-page Mueller report must be brought to life through public hearings by House committees, just as the story of Nixon's wrongdoings was told by the Watergate hearings. The current House Judiciary Committee investigation, unlike the one conducted by Senate Watergate Committee, is not starting from scratch. It has the Mueller report to use as a guidepost. But it is also facing an all-out effort by President Trump to block witnesses from testifying and otherwise obstruct the investigation. Nevertheless, House committees must take all necessary steps to ensure that Special Counsel Mueller and key witnesses cited in the Mueller report testify in televised committee hearings.

By using the Mueller report to conduct multiple hearings, House committees can educate the American people on the Russian attack on our elections and President Trump's transgressions. House Democrats can then decide whether to pursue impeachment or leave it to the American people to decide Trump's fate in the 2020 election.

Democracy 21 is working with Rep. Sarbanes and the House Administration Committee on legislation to prevent foreign adversaries from interfering with our elections in the future. The legislation is expected to be considered by the House in July.

Wertheimer also has [written](#) about the need to bring the Mueller report to life through televised congressional hearings, and [attacked](#) President Trump's reckless invitation to foreign countries to interfere in our elections.

AG Barr's Failure to Properly Serve as Nation's Chief Law Enforcement Official

Attorney General Barr's actions regarding the Mueller investigation have made clear that he sees his role as President Trump's defender rather than as the representative of the American people. Barr seriously misled the American people about the findings of the Mueller report and then kept the report from Congress and the public for almost a month.

We have challenged the improper role Barr has been playing by filing complaints with the Justice Department's Office of Professional Responsibility. Our [first complaint](#) asserted that Barr had violated DOJ norms and standards by claiming that "spying" on American citizens had occurred during the origins of the Russia investigation without offering a shred of evidence to back up his claim. Our [second complaint](#) asserted that, given his chosen role as Trump's defender, Barr must be recused from playing any role in overseeing the 14 active cases pending in the Justice Department that stem from the Mueller investigation.

Wertheimer also published an [op-ed](#) in *Medium* entitled "Unfit to Serve: The Case Against William Barr."

We will continue to closely monitor Barr's actions and will file additional complaints as appropriate against his activities as shield and sword for President Trump.

Democracy 21 Opposition to Constitutional Convention

Democracy 21, along with Common Cause, the Center for Budget Policy and Priorities, and AFSCME, is leading a national coalition opposing efforts to call a constitutional convention to pass a federal balanced budget constitutional amendment.

The effort to call a convention is one of the most dangerous threats to our constitutional rights today. Most experts agree that if a constitutional convention is called, the actions of the convention could not be limited in advance to any single issue. The delegates could consider any constitutional amendments they wish to adopt.

This would mean that all the individual rights and protections provided by the constitution for the American people would be up for grabs. This includes our civil rights and civil liberties, voting rights and privacy rights, freedom of speech, religion and the press.

In 2017, the proponents of the constitutional convention for a federal balanced budget amendment claimed 28 states of the thirty-four states they needed to call a convention. Our coalition has stopped them cold since then and prevented any additional states from passing a call for a constitutional convention.

Democracy 21 and the coalition are continuing our efforts to prevent any additional states from passing a call for a constitutional convention to adopt a balanced budget amendment. We also are conducting pro-active efforts in states like Colorado and New Hampshire to rescind previously adopted resolutions calling for a constitutional convention.

Democracy 21's efforts have included developing coalition and media strategies, building editorial support and educating the public. We have met in the past with the editorial boards of the *New York Times* and *Washington Post*. Following the meetings both papers ran editorials opposing a constitutional convention. Wertheimer earlier wrote a July 4th op-ed for *The Hill* that challenged the efforts to call a constitutional convention, [entitled](#) "Our campaign finance laws can't be solved by a constitutional convention." Wertheimer also has participated in filming spots that will be used for public education on the dangers of a constitutional convention.