

INTENTIONAL DISREGARD

*Trump's Authoritarianism During
the COVID-19 Pandemic*

August 2020



This report is dedicated to those who have suffered and lost their lives to the COVID-19 virus and to their loved ones.

Acknowledgments

This report was co-authored by Sylvia Albert, Keshia Morris Desir, Yosef Getachew, Liz Iacobucci, Beth Rotman, Paul S. Ryan and Becky Timmons.

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INTRODUCTION

On January 3, 2020, a Chinese official informed U.S. Centers for Disease Control and Prevention (CDC) Director Robert Redfield of the outbreak of a respiratory illness in China.¹ Redfield relayed this information up the chain of command to the Department of Health and Human Services (HHS) Secretary Alex Azar who, in turn, informed the White House National Security Council.² Thus began the Trump administration's mishandling of the coronavirus disease 2019 (COVID-19) pandemic—with devastating consequences.

In early January, intelligence officials began “offering ominous, classified warnings about the virus to Trump in the President’s Daily Brief,” and the warnings continued into February.³ Yet President Donald Trump consistently downplayed the severity of COVID-19, claiming on February 24, for example, that the “coronavirus is very much under control in the USA.... Stock Market starting to look very good to me!”⁴ One day later, the director of the National Center for Immunization and Respiratory Diseases, Nancy Messonnier, warned the public of the inevitable spread of the virus: “We need to be preparing for significant disruption in our lives.” Trump’s response? He complained that Messonnier’s comments were spooking the stock market.⁵

President Trump infamously predicted on February 26 that “within a couple of days” the number of cases in the United States would be “down close to zero” and congratulated himself on doing “a pretty good job” controlling the virus.⁶ With U.S. deaths from the virus exceeding 145,000 and U.S. infections surpassing 4.1 million by late-July,⁷ and the pandemic growing worse both domestically and internationally,⁸ the damage from Trump’s incompetent response to COVID-19 becomes more apparent each day.

One consistent thread in President Trump’s response to the pandemic has been the prioritization of his own political interests over public health. Perhaps nothing better illustrates Trump’s selfishness than his refusal to wear a mask. Despite the fact that the CDC advised in early April that everyone should wear masks in public to prevent the spread of COVID-19,⁹ for months, Trump refused to wear

one and politicized the issue by speculating that people were wearing masks not as a preventive measure but as a way to signal disapproval of him.¹⁰ Trump donned a mask in public for the first time on July 11 during a visit to Walter Reed National Military Medical Center.¹¹ Similarly, despite public health officials unanimously endorsing the need for widespread COVID-19 testing to contain the spread of the virus, Trump blamed testing itself for the rapidly rising number of COVID-19 cases and

stated at a campaign rally that he told officials to “slow the testing down, please.”¹² With COVID-19 infections surging to record high numbers and President Trump’s approval ratings plummeting, in mid-July, his administration began interfering in the CDC’s ability to collect data regarding the pandemic and make it available to the public.¹³

The suffering and death caused by the COVID-19 pandemic, exacerbated by the Trump administration’s failed response, has hit Black, Indigenous, Latinx and Asian communities disproportionately hard—bringing into broad public view the systemic institutional racism that permeates our nation. Black people are dying from the COVID-19 virus at a rate of 2.5 times higher than white people.

The suffering and death caused by the COVID-19 pandemic, exacerbated by the Trump administration’s failed response, has hit Black, Indigenous, Latinx and Asian communities disproportionately hard—bringing into broad public view the systemic institutional racism that permeates our nation. Black people are dying from the COVID-19 virus at a rate of 2.5 times higher than

white people.¹⁴ Racial disparities in the impact of COVID-19 are the predictable “result of pre-pandemic realities,” “a legacy of structural discrimination that has limited access to health and wealth for people of color,” explained Dr. Marcella Nunez-Smith, director of the Equity Research and Innovation Center at the Yale School of Medicine.¹⁵ Black Americans are more likely to work in industries hit hardest by pandemic layoffs (e.g., restaurants and hospitality), and those who have kept their jobs are “more likely to work in hands-on, front-line work that puts them at continual risk of exposure in grocery stores, public transportation, trucking, warehousing and health care.”¹⁶

Not only has President Trump failed, in a general sense, to lead our federal government in an effective response to the pandemic, but he has also taken concrete steps that have undermined our democracy at this critical time. This report focuses on President Trump’s pandemic response failures that have directly affected Common Cause program areas: transparency, accountability, voting rights, census, mass incarceration, press freedom and more. We leave to other experts an accounting of Trump’s performance with respect to public health and other important policy areas beyond Common Cause’s expertise.

President Trump has weakened our governmental institutions, resulting in disastrous consequences during this pandemic. We must strengthen and repair these institutions. This report concludes with a section focused on things Americans can do now and in the coming months and years to make our country more resilient against President Trump and authoritarians like him—things we can do to make democracy work for everyone.

President Trump's ad-lib pandemic response has undermined government institutions and failed to provide states with critically needed medical supplies.

On February 7, 2020, one day after our nation's first known COVID-19 death,¹⁷ Secretary of State Mike Pompeo announced that the United States had “facilitated the transportation of nearly 17.8 tons of donated medical supplies to the Chinese people, including masks, gowns, gauze, respirators, and other vital materials” as a “testament to the generosity of the American people.”¹⁸ But one month later, “[w]ith coronavirus cases soaring, doctors, nurses and other front-line medical workers across the United States [were] confronting a dire shortage of masks, surgical gowns and eye gear to protect them from the virus.”¹⁹ Secretary Pompeo would have been wise to remember the old adage that charity begins at home.

The Trump administration's early decision to send medical supplies to China—supplies that would soon run short in the United States—was not the administration's biggest failure on the supplies front. The Trump administration compounded the harm from this early mistake with a broader, systemic failure: refusing to rely on established government institutions and expertise and, instead, undermining these institutions.

Rather than coordinating a unified-front federal government response to the pandemic, President Trump launched parallel track response teams within the White House: the official Coronavirus Task Force made up of federal agency representatives and led by Vice President Pence, and a second less publicly visible effort with Trump's son-in-law Jared Kushner leading a “kitchen cabinet of outside experts including his former roommate”²⁰ and “volunteers from consulting and private equity firms with little expertise in the tasks they were assigned.”²¹ The official Coronavirus Task Force was created in late January.²² Kushner began running his shadow task force in early March, “adding another layer of confusion and conflicting signals within the White House's disjointed response to the crisis.”²³ To make matters even worse, President Trump sidelined the federal government's foremost expert in infectious diseases, Anthony S. Fauci, as the pandemic surged and Dr. Fauci's warnings about the government's pandemic response failures became increasingly blunt.²⁴

By early March, it became clear that the United States lacked adequate COVID-19 testing capabilities and other needed medical supplies, including ventilators, face masks, and other personal protective equipment (PPE) for health care providers. Trump rejected governors' pleas for federal intervention to orchestrate the acquisition and distribution of these supplies; instead, he told our nation's governors that the responsibility was on each of them: “The Federal government is not supposed to be out there buying vast amounts of items and then shipping. You know, we're not a shipping clerk.”²⁵



TASOS KATOPODIS/GETTY IMAGES

Trump has consistently sidelined and ignored the warnings given by the nation's foremost infectious disease expert, Dr. Anthony Fauci, the head of the CDC.

President Trump and Kushner seemed oblivious to the purpose and function of the federal government’s Strategic National Stockpile. The stockpile’s website explained that when “state, local, tribal, and territorial responders request federal assistance to support their response efforts, the stockpile ensures that the right medicines and supplies get to those who need them most during an emergency.” It also described the stockpile as the “nation’s largest supply of life-saving pharmaceuticals and medical supplies for use in a public health emergency severe enough to cause local supplies to run out.”²⁶ When Kushner was explaining the Trump administration’s abandonment of states in their time of need, he wrongly claimed, “The notion of the federal stockpile was it’s supposed to be our stockpile. It’s not supposed to be states’ stockpiles that they then use.”²⁷ But rather than fix Kushner’s misunderstanding of the purpose of the stockpile, the Trump administration changed the government website description of the Strategic National Stockpile to better reflect the administration’s policy that states are on their own.²⁸

BRENDAN SMIALOWSKI / AFP



Yuhana Gidey, a nurse who survived COVID-19, demands better Personal Protective Equipment outside MedStar’s Washington Hospital Center on July 23, 2020.

Trump’s refusal to provide national leadership left the states in “bidding wars amongst each other and the federal government to get critical medical supplies.”²⁹ New York Governor Andrew Cuomo explained, “This is not the way to do it, this is ad hoc, I’m competing with other states, I’m bidding up other states on the prices.”³⁰ Kentucky governor Andy Beshear reported that his state lost a bidding war for PPE to the Federal Emergency Management Agency, noting the hypocrisy of the Trump administration’s guidance: “It is a challenge. The federal government says ‘states, you need to go find your supply chain’ and then the federal government ends up buying from that supply chain.”³¹ Detroit mayor Mike Duggan emphasized the same point: “I shouldn’t be trying to out-negotiate the Mayor of Chicago or the Mayor of Houston. There needs to be a federal response.”³²

President Trump has fueled suspicion that medical supplies have been prioritized for Republican politicians. For example, in early April, nearly a month after the state of

Colorado had requested ventilators from the federal government through official channels—but only hours after Republican Sen. Cory Gardner of Colorado ended a phone call with President Trump where he stressed Colorado’s need for more ventilators—Trump tweeted, “Will be immediately sending 100 Ventilators to Colorado at the request of Senator Gardner!”³³ Trump’s tweet regarding Colorado came on the heels of a similar episode in New York in which Trump ally Republican Rep. Lee Zeldin appeared to receive preferential treatment. Trump announced at a White House press briefing, “And at the request of Congressman Lee Zeldin out in Long Island, we will also be delivering another 200,000 N-95 masks to Suffolk County where they need it very badly.”³⁴

President Trump’s creation of a shadow pandemic task force led by Jared Kushner, with little transparency and accountability to the public, muddled the federal government’s decision-making chain of command and introduced a host of ethics and conflict of interest problems. “People around Kushner are fielding all manner of outside pitches...[a]nd there is limited vetting of private companies’ and executives’ financial

interests, raising questions about the motivations and potential conflicts inherent in an operation that relies on an ill-defined and ever-expanding group of outside contributors.”³⁵ The “makeshift nature” of Kushner’s shadow task force “has unnerved even some recruited to aid Kushner’s team, who described it as a process unlike any other traditional disaster response.”³⁶ “I don’t know how our government operates anymore,” said one Republican close to the administration, lamenting that the sudden authority granted to nongovernmental actors had left them with their “eyebrow raised unbelievably high.”³⁷



Google sister company Verily operates a coronavirus drive-thru test clinic on March 16, 2020 in San Mateo, California.

Among the most disastrous examples of nongovernmental actors being relied on for the pandemic response was COVID-19 testing. On March 13, “after a week of unrelenting criticism from lawmakers and frustrated Americans unable to find out if they are infected,” President Trump announced at a White House press briefing that the federal government was partnering with private companies to set up drive-through COVID-19 testing sites at big box stores around the country with a new website created by Google to coordinate it all.³⁸ Executives from Google, Target, Walgreens, Walmart and CVS surrounded the president, enjoying free publicity for Trump’s half-baked plan. But immediately after the press conference, representatives from these companies admitted that they had few details on how the tests would be administered or where or when they would begin.³⁹ Trump’s promised proliferation of COVID-19 testing sites never materialized,⁴⁰ and testing shortages persisted into July.⁴¹

President Trump’s ad hoc approach to the pandemic response has fallen short in other ways as well. President Trump reportedly pressured the Food and Drug Administration (FDA) to fast-track approval of mask-cleaning machines. In turn, these machines ballooned in cost while failing to demonstrate the safe cleaning of the masks without damage.⁴² In a matter of days, the costs initially projected at around \$60 million jumped to more than \$400 million. This is what can happen when taxpayers are not protected by governmental competitive bidding safeguards, which ensure that taxpayers pay only what they agree to pay in advance for a product with reasonably predictable results.⁴³ The price tag kept rising, reaching more than \$600 million. And even worse, the machines did not work. Health workers who tried the cleaned masks expressed that the masks were ill fitting and of questionable integrity, leaving health workers vulnerable and taxpayers hundreds of millions of dollars poorer.⁴⁴ This is only one example from a long list of billions of dollars in government contracts awarded with little oversight thus far.

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Beyond protections from special interest influence in government contracting, everyday Americans deserve a president whose attention is directed at potential cures without worrying that the president's focus is driven by special interest "dark money" groups and political expediency. Pressure from conservative dark money groups funded by a pharmaceutical industry trade association pushed President Trump to tout hydroxychloroquine, a drug approved for treating malaria and autoimmune diseases, including lupus, as a treatment for COVID-19 despite concerns about safety and effectiveness.⁴⁵ Open-

Secrets and Sludge both reported that several conservative dark money groups launched petitions, ads and text message campaigns urging Trump to make hydroxychloroquine more widely available.⁴⁶

Rather than rely on established government institutions and expertise to respond to the pandemic, President Trump has contradicted and undermined these institutions.

Trump repeatedly promoted the use of the drug at his White House coronavirus briefings and even boasted that he was taking the drug as a proactive measure. In mid-March, the FDA gave

emergency authorization for the use of hydroxychloroquine to treat COVID-19 but revoked that authorization in mid-June following large clinical trials, which suggested that the drug is "unlikely to produce an antiviral effect" in COVID-19 patients.⁴⁷ Meanwhile, lupus patients have struggled to find the drug to fill much-needed prescriptions⁴⁸ because of hoarding by fearful Americans watching a president's misguided briefings.⁴⁹

Rather than rely on established government institutions and expertise to respond to the pandemic, President Trump has contradicted and undermined these institutions—opting instead to rely on ineffective private-sector partners and to make things up as he goes along. The Trump administration has failed to deliver sufficient tests, protective gear and other needed medical supplies, and it has failed our nation in the process.

DIVIDER IN CHIEF: TRUMP'S POLITICIZATION OF THE PANDEMIC

Trump has amplified special interest-funded “liberate” protests and other “reopen” efforts, directly contradicting public health guidance.

Throughout this pandemic, a small number of people affiliated with various fringe groups have staged “liberate” protests against state governments, arguing for businesses to be opened in contradiction of guidance from public health officials. These groups, many of which were created by the Dorr brothers (Ben, Aaron, and Christopher), who are known for their far-right, pro-gun activism,⁵⁰ have called upon people to organize in groups on Facebook called “[State] Against Excessive Quarantine.”

Given the fact that Black, Indigenous, Latinx and Asian Americans have suffered disproportionate illness and death from COVID-19,⁵¹ these liberate protests are inherently racist, with protesters being almost entirely white, even in places like California, which is majority nonwhite.⁵²

Not long after these liberate protests started, the Convention of States, a billionaire-backed organization focused on calling a dangerous Article V constitutional convention, began to promote the protests. With their newtOpen the States campaign, Convention of States cofounder Mark Meckler (who also cofounded the Tea Party Patriots group) and his network are asking that people write to President Trump, Vice President Pence, and their respective governors because “America was built upon the understanding that our right to support our families through work, to engage in trade and reap the rewards of our labors is a fundamental, God-given right.”⁵³ These groups are also promoting the protests on social media with paid Facebook ads.

Meckler has said that these demonstrations represent an “organic developing among the people” frustrated with lockdown, rather than an effort orchestrated by his organization or any conservative donors.⁵⁴ However, the Convention of States Action website links to several of the Facebook groups created by Chris Dorr and his brothers. “We’re not vetting them or judging them,” said Meckler when asked about the Facebook pages.⁵⁵

Perhaps the most prominent liberate protest was the one that occurred in Michigan. Meshawn Mad-dock, wife of a Republican state lawmaker from Michigan, who also sits on the Trump campaign’s advisory board and is a prominent figure in the Women for Trump coalition, helped boost the attendance



JEFF KOWALSKI / AFP

Armed protesters provide security as demonstrators take part in an “American Patriot Rally,” organized on April 30, 2020, by Michigan United for Liberty on the steps of the Michigan State Capitol in Lansing, demanding the reopening of businesses.

of the Michigan protest by organizing it with the backing of the Michigan Conservative Coalition.⁵⁶ The Michigan Freedom Fund, which is headed by Greg McNeilly, a longtime adviser to the DeVos family, also paid for the promotion of these events on Facebook.

There is no doubt that many of these grassroots-looking protests were really backed by a handful of wealthy individuals and corporations. Recent reports from the *Washington Post*,⁵⁷ the *New York Times*⁵⁸

and *Time magazine*⁵⁹ reveal that big political donors, such as the Mercers, Kochs and Texas oil magnate Tim Dunn, are really behind the groups promoting these dangerous protests, including the Convention of States.

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These groups have had the advantage of being amplified through the social media platform of President Trump. This includes the president tweeting things such as “LIBERATE MICHIGAN!” and “LIBERATE MINNESOTA!” When asked about whether he would urge protesters to follow the rules of local authorities, Trump all but con-

firmed that the protesters are following his rhetoric closely by saying, “I think they listen to me. They seem to be protesters that like me and respect this opinion.”⁶⁰

President Trump went even further by tweeting, “LIBERATE VIRGINIA, and save your great 2nd Amendment. It is under siege!” After these tweets, there was reportedly a sharp increase on Twitter in terms associated with conspiracies such as QAnon and the “boogaloo”⁶¹ (a term rooted in white supremacists’ calls for a race war, which has evolved to also include a faction of political libertarians⁶²). Posts about the “boogaloo” on Twitter soared after the president’s tweets about liberation, with more than 1,000 tweets featuring the term, some of which received hundreds of retweets.⁶³

As the Dorr brothers and the Convention of States organized and promoted the liberate protests (i.e., the “outside” strategy), other powerful special interest groups were organizing a parallel effort to lobby the Trump administration, Congress, and state organizations to “reopen” the government and ignore the guidance of public health officials (i.e., the “inside” strategy).

The Save Our Country coalition was launched by the American Legislative Exchange Council (ALEC), Tea Party Patriots, the Heritage Foundation, and FreedomWorks. According to the *Washington Post*, the coalition is focused on “pushing for the White House and GOP lawmakers to push back against health professionals who have urged more caution.”⁶⁴

The Save Our Country coalition has released a radical political agenda that includes shielding companies that reopen from lawsuits by employees who may get sick at work, cutting off any additional federal funding to states, rolling back regulations and safeguards at the workplace and promoting tax cuts that would largely benefit the wealthy and big corporations.⁶⁵

Many of the policy goals of the Save Our Country coalition have been adopted by Trump and other Republican leaders. Meanwhile, the Save Our Country coalition has been organizing a group of “pro-

Trump doctors” to go on television and urge the reopening of the country without states meeting CDC safety recommendations.⁶⁶ On May 21, 2020, a letter organized by Save Our Country coalition members was published by hundreds of doctors, urging for the reopening of the country. Some of the doctors who signed the letter are affiliated with the right-wing Association of American Physicians and Surgeons (AAPS), which opposes Medicare and vaccines, has questioned if HIV is linked to AIDS, and promoted other discredited medical theories.⁶⁷

In reaction to ALEC’s leadership in the Save Our Country coalition, Common Cause and its allies composed a letter that was sent to more than 30 of ALEC’s largest corporate funders that detailed the organization’s involvement in this dangerous effort and urged the companies to cut ties with ALEC.⁶⁸ The corporations receiving the letter include some of the largest pharmaceutical and health care companies in the world, some of which are working on a COVID-19 vaccine, including Pfizer, Bayer, GlaxoSmithKline, Novartis, Eli Lilly and Company, Sunovion, Alkermes and Blue Cross Blue Shield Association.

Trump and his enablers in the Senate have failed to appropriate adequate funds to safely run this year’s elections.

Safely executing elections during this health crisis will require additional resources to implement necessary reforms. Some of the new unexpected expenditures include ballot printing, postage, drop boxes for absentee ballots and appropriate security, secure electronic absentee ballot request technology, ballot tracking, improvements to absentee ballot processing, additional facilities, additional staffing to support absentee ballot processing, polling facilities that meet public health standards, increased poll worker support, professional interpreters, increased provisional materials, expanded early voting, implementing online voter registration, election capacity and vulnerability tests and public education campaigns.⁶⁹ The price tag, according to experts, is \$4 billion.⁷⁰

Instead of joining the effort to protect elections, Republicans have united with Trump to make voting inaccessible by resisting properly funding elections.

Our nation’s deplorable history of racist voter suppression has fueled skepticism among Black voters about voting by mail and a preference for voting in person.⁷¹ Considering the disproportionate effect of the COVID-19 pandemic on Black communities,⁷² we have an obligation to allocate the resources necessary to ensure that Black voters have safe and secure means of voting by mail or in person, whichever method gives them the most confidence that their voting rights will be respected and their ballots correctly counted.

Unfortunately, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, enacted March 27,⁷³ provides only \$400 million to secure elections this year and, at a time when states are losing revenue,⁷⁴ includes a 20% match requirement.⁷⁵ When Democrats in the House recognized and requested the necessary \$4 billion, Republicans in the Senate offered only \$140 million—a paltry 3.5% of the funds needed.⁷⁶ Instead of joining the effort to protect elections, Republicans have united with Trump to make voting inaccessible by resisting properly funding elections.⁷⁷ This is just a continuation of the Republican party’s ongoing campaign to suppress the vote by creating confusion, restrictions, and difficulty voting for those communities they believe would threaten their power—people of color,

young people and the poor.⁷⁸ At the urging of House Democrats, states received some funds in the CARES Act that represent a good down payment but are only a fraction of what is needed. The Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act, passed by the House on May 15, includes these critical funds⁷⁹ but does not have the support of the president and Republicans in Congress. The Senate will not take up the bill at the present time.



Voters wait in line at a polling place on April 07, 2020 in Milwaukee, Wisconsin. The voters waited sometimes more than two hours at the school, one of the few polling places open in the city after most were consolidated due to a shortage of poll workers fearful of contracting COVID-19.

On April 7, the United States received a preview of what an election without additional reforms and funding could look like when Wisconsin held elections on the originally scheduled date, despite efforts from the governor to postpone the elections to safeguard the public.⁸⁰ Voters were forced to choose between their health and their right to vote. Photos of Election Day in Wisconsin, showing long lines of voters crammed into small spaces wearing masks, present a cautionary tale of the cost of playing political games with American's lives. In the weeks following the election, more than 70 voters and election workers tested positive for Covid-19.⁸¹ Election officials around the country witnessed the display and declared they "[didn't] want to be Wisconsin."⁸² Unfortunately, all actions by President Trump

indicate that he would like all states to look like Wisconsin. By continuing to undermine needed reforms and refusing to provide funding, this president is attacking American's sacred right to vote and attempting to undermine its elections during a time of crisis for political gain.

President Trump has attacked voting by mail—the safest, most secure way to cast ballots during the pandemic—for purely personal, partisan advantage.

In 2020, voters around the nation will be casting ballots in thousands of elections for municipal and county offices in dozens of states,⁸³ state offices, Congress (435 House, 35 Senate) and the presidency.⁸⁴ While preparations were being made, however, the COVID-19 pandemic began to spread across the globe. The first election date of the year was the Iowa Caucus on February 3, just three days after the World Health Organization (WHO) declared a global health emergency⁸⁵ and three days before the first recorded COVID-19 death in the United States.⁸⁶

A global pandemic by its nature affects every aspect of life, and elections are no exception. State and local governments considered how to handle elections in this environment. Could they be delayed? Did changes need to be made to the process of voting? Who had the authority to make such decisions? States whose elections took place in February and early March were able to escape these questions temporarily, at least for their primary elections. By the third week of March, however, a national emergency was declared, and it was clear that public officials would need to decide how to hold elections during a pandemic.⁸⁷ On March 13, Louisiana became the first state to announce it would delay its

election.⁸⁸ On the same day, however, election officials in Arizona, Florida, Ohio and Illinois released a joint statement affirming that their elections would take place on March 17 as scheduled.⁸⁹

Although Arizona, Florida, and Illinois elections took place on March 17, Ohio election officials had a last-minute change of heart. Ohio's governor and secretary of state filed a lawsuit⁹⁰ on March 16 in an attempt to postpone the election and told voters the state "cannot conduct this election."⁹¹ Later that evening, a judge denied the request for a postponement, stating that he was uncomfortable with a last-minute delay of the election.⁹² The governor released a statement following that decision but did not explicitly say that he accepted the court's ruling or if he was going to appeal, leaving the election date unclear.⁹³ A few hours subsequent, the director of the Ohio Department of Health ordered polls closed under a health emergency. Voters were told the election was again postponed.⁹⁴ There was so much confusion about the on-again, off-again election, that on the original election date, voters showed up at polling locations, unclear that the election had, in fact, been delayed.⁹⁵ In the end, 15 states made changes to their primary elections, from changing dates to moving to primarily vote by mail.⁹⁶



MEGAN JELINGER / AFP

An Ohio voter drops off her ballot at the Board of Elections in Dayton, Ohio on April 28, 2020.

The confusion and chaos surrounding the early primaries make clear that the United States needs to prepare to run elections like never before in 2020. Election experts have examined states' current capacities and infrastructures, concluding that both policy reforms and additional funding are needed in almost all states to execute elections this year. States will need to take a voter-centric approach that expands options for voters to interact with the entire election process without difficulty. Experts recommend expanding vote by mail, modifying polling places to ensure safety, expanding early voting, allowing voters to register to vote and request a vote-by-mail ballot online and expanding voter education so that voters are aware of the ways they can exercise their right to vote while protecting their health.⁹⁷ Voter education about the safety and security of voting by mail is especially important among Black voters who, given our nation's history of racist voter suppression, may feel more comfortable casting a ballot in person than by mail.⁹⁸

States that delayed their primaries have already implemented some of these necessary recommendations for spring and summer elections. New Hampshire waived the requirement that a voter needs an excuse to vote by mail. Idaho launched an online application for mail-in ballots. South Dakota will send all registered voters an absentee ballot application. Virginia removed the requirement that another person must witness and sign a voters' mail-in ballot.⁹⁹ This is only the beginning of the nationwide policy changes that must take place.

Unfortunately, as necessary reforms are being implemented throughout the country, they are also becoming the focus of misleading attacks by President Trump.¹⁰⁰ The president has rallied against

voting by mail because he believes it will hurt his political party.¹⁰¹ He continues to spread lies and has threatened to withhold federal assistance to states that protect their citizens' right to vote by sending all registered voters absentee ballot applications.¹⁰² The irony, of course, is that the president himself voted by mail in the 2018 election.¹⁰³ Both Republican and Democratic election officials and governors recognize that vote by mail is a solution that allows voters to exercise their rights while protecting their health. Vote by mail does not provide an advantage to one party over the other; in fact, it was a get-out-the-vote tactic used by the GOP to elect Trump president in 2016.¹⁰⁴ In 2018, 27% of Americans used this option to vote in the midterm elections,¹⁰⁵ and members of the U.S. military have been using it since the Civil War.¹⁰⁶ The president is attempting to undermine the ability of voters to exercise their right to vote for his own political gain. It seems that he believes he is the only person who should be allowed to exercise his right to vote while protecting his health during the COVID-19 pandemic.

The Trump administration has failed to safeguard the health of detained and incarcerated individuals.

The COVID-19 crisis is disproportionately attacking our most vulnerable communities—and people of color are getting the brunt of it.¹⁰⁷ Centuries of systemic racism result in massively disproportionate incarceration of Black individuals. Although Black Americans make up 12% of the adult U.S. population, they make up 33% of the prison population, while white individuals make up 64% of the U.S. adult population and only 30% of the prison population.¹⁰⁸ For many predictable reasons detailed next, COVID-19 has hit incarcerated populations incredibly hard. As of mid-July, there are more than 64,000 confirmed cases of COVID-19 in correctional facilities among inmates and more than 12,000 confirmed cases among staff.¹⁰⁹ Incarcerated individuals have been infected by COVID-19 at a rate 5.5 times higher than the general U.S. population.¹¹⁰ Packing people into close quarters and denying them basic health precautions is inhumane at any time, but it's particularly dangerous during a pandemic.

Right now, most Americans are following experts' advice: practicing social distancing and looking after their health. But that is not an option for people behind bars. Many prisons are extremely overcrowded. Access to clean water and showers is limited, and hand sanitizer is often banned and deemed as contraband.¹¹¹ Handcuffs also prevent people from covering their mouths when they cough, making the virus spread rapidly. All of these conditions threaten not only incarcerated individuals and correctional employees but also their families and communities at large. This is why justice reform advocates and prosecutors alike have urged the immediate release of anyone who doesn't threaten public safety—especially people over the age of 60, anyone approved for parole or those who will soon complete their sentences.

To date, the Trump administration has failed to adopt the appropriate decarceral measures and implement mitigation measures for anyone who must remain incarcerated. In early April, the Justice Department announced a plan in which it authorized the early release into home confinement of certain medically vulnerable prisoners.¹¹² However, that plan has been plagued by racial disparities and seems to mostly apply to wealthy white collar criminals such as Michael Cohen, Trump's former personal attorney.¹¹³

The pandemic also poses a high risk in immigration detention centers, turning detention into a death sentence for many. As of July 24, more than 3,700 Immigration and Customs Enforcement (ICE) detainees have contracted COVID-19, yet the Trump administration has rejected calls for the release of detained immigrants and continues to deport infectious detainees to their countries of origin.¹¹⁴

The Trump administration must act to make telephone and video communication free for people being detained by ICE.

The new reality of COVID-19 means that we are all concerned about keeping our families and loved ones safe. But many incarcerated people have had to pay exorbitant phone fees to stay in touch with family members during the COVID-19 crisis. At a time when the average phone call costs nearly zero dollars, a study done by the Prison Policy Initiative shows that in states like Arkansas, a 15-minute call could cost as much as \$4.80.¹¹⁵ High prison telephone rates are an issue that more than 2.3 million families with loved ones held in jails, prisons or detention facilities have to deal with regularly. However, the Trump administration can act to ensure that during the COVID-19 crisis, when in-person contact with family members is not an option, incarcerated people can have free access to video visitation and reduce or eliminate phone fees.

In the CARES Act passed by Congress, bill language was included, with the blessing of the Department of Justice, to allow the Bureau of Prisons to make phone and video calls free for people in federal facilities, but more needs to be done.¹¹⁶ The Trump administration must act to allow free private calls at ICE detention centers amid the COVID-19 pandemic. In a statement, ICE said that it has asked for 520 minutes of free calls per month for detainees at all facilities served by Talton Communications, which includes about 57% of the ICE-detained population; however, to date, lawmakers say the policy has not been enforced.¹¹⁷

The Trump Administration's 2020 Census "mistakes" may cost communities.

The COVID-19 crisis has affected every function of government, including decennial census operations that are critical to the health and safety of our democracy. The census, conducted every 10 years, determines how money and power are distributed in our nation. Census data is used to distribute more than \$1.5 trillion in federal resources annually, allocate seats in Congress and draw district lines at the local, state and federal levels.

Every U.S. resident deserves to be counted in the census so that their communities receive the political representation and the federal funds to which they are entitled. However, conducting a census amid a national pandemic, when in-person enumeration is currently unsafe, is an acute challenge that the Trump administration must take seriously.

The COVID-19 crisis has prompted many changes to the 2020 Census operations. This includes extending the end of the enumeration period by 90 days to October 31, 2020, and requesting congressional action to extend the apportionment and redistricting reporting deadlines by 120 days to April 30, 2021, and July 31, 2021, respectively.¹¹⁸ Although this change is likely warranted, the Trump administration has failed to brief Congress, which has oversight authority over the census. According to the House Oversight Committee chair, Rep. Carolyn Maloney, on more than one occasion, the Census Bureau canceled meetings and failed to brief the committee about its COVID-19 response, even though it was seeking congressional action to change reporting deadlines.¹¹⁹ The Census Bureau has since admitted that it has made "mistakes" in failing to brief Congress. However, when we are working in a limited time frame to count all people who call the United States home, these "mistakes" are at the expense of American communities.¹²⁰ Congress must be fully briefed before any action to delay statutory census deadlines can take place. A delay in congressional action could mean that the Census Bureau will be forced to cut short the in-person count, amounting in the potential undercount of millions.

There's good reason to believe the Trump administration will manipulate the census any way it can to the advantage of Republicans and white Americans. As the 2020 Census was being prepared, the Trump administration attempted to include a citizenship question to enable a post-census redrawing of electoral districts that would be "advantageous to Republicans and Non-Hispanic Whites," as revealed in the

files of Republican redistricting expert Thomas Hofeller, which were given to Common Cause by his daughter after he passed away in 2018.¹²¹ Fortunately, in 2019, the Supreme Court in 2019 blocked the Trump administration from including the question, calling the administration's explanation for its inclusion "contrived."¹²²

Common Cause, along with more than 100 other advocacy organizations, has expressed concern about the inability of the Trump administration to take swift action to address the slow response rates in low-income communities in urban and rural areas, as well as communities of color.¹²³ Although the Census Bureau has met its projected self-response rate of 60.5% of the country responding online, by phone or by mail, response rates for communities that have been hit hardest by the COVID-19 crisis, such as predominantly Black communities, are increasing slower than for predominantly white, Hispanic and Asian census tracts. In June, researchers reported that the average self-response rate across all high-poverty census tracts nationwide is 46.9%, more than 14 points lower than the national average.¹²⁴ If response rates continue on this track,

the communities most in need of resources will once again be left behind. We must fulfill our constitutional obligation to conduct the 2020 Census fairly and accurately and count every single person in the United States. Our country's future depends on it. If the Trump administration succeeds in not counting historically undercounted communities in the census, it will have effectively whitewashed entire communities, leading to a gerrymandered data set before politicians even get their hands on it for redistricting in 2021.¹²⁵

The Trump administration has failed to provide additional funding for the Census Bureau amid extending census operations.

The Census Bureau's extension of census operations by 90 days, to October 31, 2020, will cost \$1.5 billion.¹²⁶ Although this change is likely warranted, the Trump administration has not requested the additional federal funds needed to ensure a successful operation. To conduct a census that counts everyone regardless of citizenship, socioeconomic status or place of origin, the Census Bureau needs to reshape its outreach strategy. A revamped strategy must include expanding staff capacity in historically hard to count areas, updating advertising campaigns and providing robust personal protection equipment for staff.

JUSTIN SULLIVAN/GETTY IMAGES



The Trump administration failed at adding a citizenship question to enable a post-census redrawing of electoral districts that would be "advantageous to Republicans and Non-Hispanic Whites." In July 2020, President Trump again attempted to instill fear and discord into the census count when he issued a memorandum to the Secretary of Commerce announcing his intention to exclude undocumented people from being counted in the next congressional apportionment. Within days, Common Cause filed a lawsuit against his unconstitutional action.

The Census Bureau has predicted that it will need \$1.5 billion of its \$2 billion emergency budget to support COVID-19 related activities, leaving the bureau with only \$500 million in contingency funds.¹²⁷ In these unprecedented times, and with a likely resurgence of COVID-19 transmissions expected in the fall, it is extremely likely that the Census Bureau will need to exceed the current emergency budget to assure an accurate count in historically hard to count communities and communities acutely hit by the COVID-19 crisis.¹²⁸

With the Census Bureau operating with limited funds, the Trump administration must also ensure that Census Bureau funds are only being used to compile critical data products. On July 11, 2019, following the Supreme Court decision blocking the Trump administration's attempt to include a citizenship question on the census,¹²⁹ President Trump issued an executive order (EO) that required the Census Bureau to use resources and staff capacity to collect administrative records on citizenship status from various federal agencies.¹³⁰ This collection of data will strain already limited resources, as Census Bureau scientists will need to work to match data across at least six federal databases and combine it with American Community Survey data to create a singular data set of people who are and are not citizens. In addition, Census Bureau staff will need to process the matched data to remove all personally identifiable information to comply with data privacy and security measures.

Common Cause filed suit in District of Columbia federal district court challenging Trump's July 21 memo as violating several Constitutional protections and federal statutory requirements related to the census count and the apportionment of congressional districts.

Not only is this an unprecedented undertaking but also the collection of these data would give partisan operatives the information they need to radically change how electoral districts are drawn in our representative democracy. By law, electoral districts must have about the same number of people, and state leaders draw those boundaries based on total population counts. But Trump is encouraging party leaders at national and state levels to draw state legislative and congressional districts based solely on the citizen voting-age population (CVAP)—a move that they believe would “be advantageous to Republicans and non-Hispanic whites” and harm representation in areas where more people of color, legal residents, immigrants and children live.¹³¹

To make matters worse, on July 21, 2020, President Trump issued a memorandum ordering the Department of Commerce to provide the president with census data to enable the exclusion of undocumented immigrants from the apportionment of seats in Congress.¹³² Two days later, Common Cause filed suit in District of Columbia federal district court challenging Trump's July 21 memo as violating several Constitutional protections and federal statutory requirements related to the census count and the apportionment of congressional districts.¹³³

Now that the country is in crisis, and the Census Bureau has limited funds to conduct constitutionally mandated processes, the bureau should no longer be required to use resources to comply with the administration's baseless request for block-level CVAP data. The Census Bureau should not be expending any additional resources on an effort that will ultimately exclude millions of young people and people of color from representation and undermine the values of the Constitution.

ME, MY FRIENDS AND I: OF, BY AND FOR TRUMP

Trump's inconsistent guidance and threats have undermined states' responses to COVID-19.

One word sums up President Trump's guidance to the nation regarding the COVID-19 pandemic: erratic. Ranging from specific harmful off-the-cuff remarks—like suggesting that COVID-19 can be treated by injecting disinfectants (e.g., bleach) into the body, which set off a flood of calls to already-taxed state emergency hotlines¹³⁴—to flip-flopping on more general guidance regarding the pandemic, Trump has repeatedly undermined states' responses to COVID-19. For example, on April 16, President Trump issued guidelines¹³⁵ for the nation's governors to begin reopening businesses and “abandoned his threat to use what he had claimed was his absolute authority to impose his will on them.”¹³⁶ “[T]he president released a set of nonbinding guidelines that envisioned a slow return to work and school over weeks or months.”¹³⁷ The guidelines were based on each state's conditions rather than offering a one-size-fits-all approach that some governors had feared.

“We are not opening all at once, but one careful step at a time,” Mr. Trump told reporters during a briefing at the White House.¹³⁸ “You’re going to call your own shots,” Trump told our nation's governors on a conference call. “We’ll be standing right alongside of you, and we’re going to get our country open and get it working.”¹³⁹ And at a press briefing, Trump reiterated that the decisions regarding how and when to reopen the country would be made by state officials. “If they need to remain closed,” he said, “we will allow them to do that.”¹⁴⁰

Yet the very next day, Trump tweeted “that his supporters should ‘liberate’ Minnesota, Michigan and Virginia—three states with Democratic governors and strict stay-at-home orders.”¹⁴¹ Washington governor Jay Inslee commented, “The White House [had] released a sensible plan,” and “less than 24 hours later the president is off the rails,” “fomenting rebellion” and “spewing dangerous, anti-democratic rhetoric.”¹⁴²

And a few days after that, Attorney General Bill Barr announced that the Department of Justice was considering “taking legal action against governors who continue to impose stringent rules for dealing with the coronavirus that infringe on constitutional rights even after the crisis subsides in their states.”¹⁴³ Barr explained, “One way the Justice Department might act against state or local officials is by joining lawsuits brought by citizens or businesses over restrictions.”¹⁴⁴ “He acknowledged that state governments are at ‘a sensitive stage,’ as they try to balance health and safety against pressure to reopen. But he said that ‘as lawsuits develop, as specific cases emerge in the states, we’ll take a look at them.’”¹⁴⁵

On May 3, the Department of Justice jumped into a lawsuit against the State of Virginia, supporting a church arguing that the state's COVID-19 restrictions violate the freedom of religion.¹⁴⁶ The Department of Justice filed a “statement of interest,” arguing that the church has a “strong case” that its First Amendment rights have been violated by the state order “banning gatherings of more than 10 that applies to churches but not some secular businesses such as liquor stores and professional offices.”¹⁴⁷

A spokesperson for Virginia's attorney general commented, “Donald Trump and Bill Barr should focus on saving lives and ramping up testing, not teaming up with conservative activists to undermine effective public health measures that are slowing the spread of covid-19 and saving lives in Virginia

and around the country.”¹⁴⁸ President Trump was not dissuaded. At a May 22 White House press briefing, Trump “commanded America’s governors to immediately reopen churches and other places of worship shuttered by the coronavirus pandemic, threatening to ‘override’ the state leaders if they refused to follow his directive.”¹⁴⁹

Although the Virginia litigation is ongoing, it may be mooted as the state’s gradual reopening of businesses is underway. And in late May, the U.S. Supreme Court refused to block California’s enforcement of restrictions on attendance at religious services.¹⁵⁰

By July, President Trump, Vice President Pence and Secretary of Education Betsy DeVos were hard at work undermining the efforts of state and local officials, as well as the CDC, to keep children, school employees and their families safe from COVID-19. The same week, the CDC produced an internal guidance document stating that “fully reopening schools and universities remained the ‘highest risk’ for the spread of the coronavirus,” Vice President Pence announced that the CDC would release new guidelines and that the administration did not want them to be “too tough,”¹⁵¹ even though the CDC document stated in bold lettering that the guidelines “are meant to supplement—not replace—any federal, state, local, territorial, or tribal health and safety laws, rules, and regulations.”¹⁵² Rather than following the advice of his own administration’s public health officials, President Trump chose to politicize the matter, tweeting, “The Dems think it would be bad for them politically if U.S. schools open before the November Election, but is important for the children & families. May cut off funding if not open!”¹⁵³ DeVos then backed up Trump’s demand that schools reopen full time and in person, stating, “If schools aren’t going to reopen and not fulfill that promise, they shouldn’t get the funds.”¹⁵⁴ Fortunately, the Trump administration has little ability to withhold school funding, as roughly 90% of it comes from local school district budgets and the federal funds for the 2020–2021 school year have already been appropriated by Congress.¹⁵⁵

Nevertheless, President Trump’s lack of consistent guidance to the states combined with his seemingly partisan criticism of states with Democratic governors and his administration’s legal and budgetary threats and actions are more examples of the Trump administration’s counterproductive and dangerous response to the COVID-19 pandemic. As University of California, Los Angeles, epidemiologist Jeffrey Klausner put it, “In a rational world, the CDC would put out guidelines for surveillance, and every jurisdiction would follow those surveillance guidelines. We’d have a coordinated federal response.... But we don’t live in that world. We’re dealing with every jurisdiction doing their own thing.”¹⁵⁶



Washington governor Jay Inslee said about these tweets: “The White House [had] released a sensible plan,” and “less than 24 hours later the president is off the rails,” “fomenting rebellion” and “spewing dangerous, anti-democratic rhetoric.”

Trump has abused his power and misused Treasury Department mailings for partisan purposes.

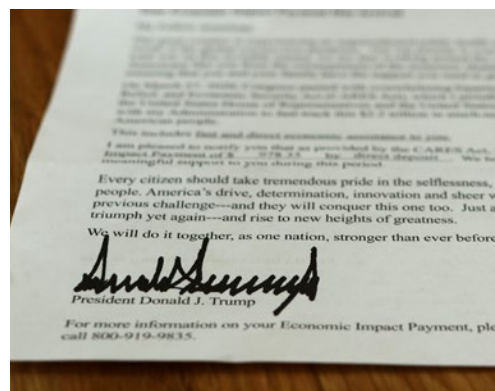
To everyday Americans, the most important and impactful provision in the CARES Act¹⁵⁷ was the distribution of up to \$1,200 in direct financial assistance to help them meet basic living expenses as the economy ground to a halt and unemployment skyrocketed.¹⁵⁸ These dollars could not come quickly enough for most recipients, but this pressing need did not stop President Trump and his Treasury Department from making Americans wait so that Trump could extract maximum personal political benefit from this distribution of taxpayer dollars.

In mid-April, word got out that the Treasury Department had ordered President Trump's name printed on the stimulus checks that the Internal Revenue Service was "rushing to send to tens of millions of Americans, a process that could slow their delivery by a few days, senior IRS officials said."¹⁵⁹ This was the "first time a president's name [had] appear[ed] on an IRS disbursement, whether a routine refund or one of the handful of checks the government has issued to taxpayers in recent decades either to stimulate a down economy or share the dividends of a strong one."¹⁶⁰

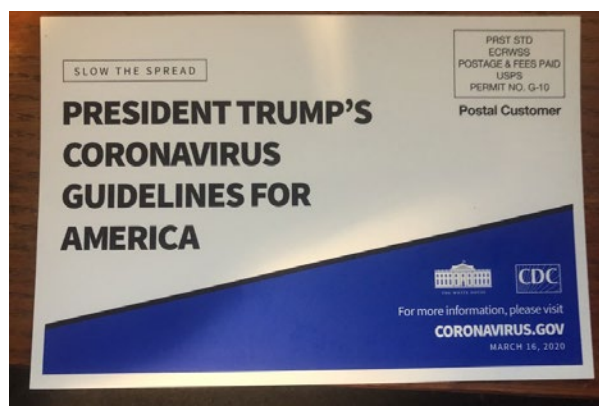
President Trump had reportedly privately suggested to Treasury Secretary Steven Mnuchin "that he allow the president to formally sign the checks" despite the fact that the "president is not an authorized signer for legal disbursements by the U.S. Treasury. It is standard practice for a civil servant to sign checks issued by the Treasury Department to ensure that government payments are nonpartisan."¹⁶¹ Consequently, Trump's name appeared on the memo line, and the checks also carried the signature of an official actually authorized to sign Treasury Department disbursements.¹⁶²



CHIP SOMODEVILLA/GETTY IMAGES



CHIP SOMODEVILLA/GETTY IMAGES



Top Left: Stimulus checks with Trump's name imprinted on them. Top Right: Trump almost electioneers with a letter alluding to his "Make America Great Again" slogan. Bottom: A nationwide coronavirus mailing that promotes Trump while providing social distancing guidelines.

Trump's abuse of power over the U.S. Treasury for personal political gain did not stop with his signature on approximately 70 million checks mailed to taxpayers; he followed it up with a "gushing letter to almost 90 million people, with his jagged signature in thick black pen."¹⁶³ The CARES Act required that the Treasury Department send a letter to stimulus funds recipients as a record of deposit, but the law did not say whose name should be on the letter. Trump took it upon himself to send the letter under his own name, pushing right up to the line of electioneering by concluding the letter with a sentence that read much like his "Make America Great Again" campaign slogan: "Just as we have before, America will triumph yet again—and rise to new heights of greatness."¹⁶⁴

And before Congress had even passed the CARES Act, President Trump found a way to use taxpayers' funds to promote himself during the pandemic. Beginning March 21, the Trump administration began a "nationwide coronavirus mailing that features the president's name more prominently than the social distancing guidance public health officials want Americans to follow."¹⁶⁵ One side of the postcard featured large text reading "PRESIDENT TRUMP'S CORONAVIRUS GUIDELINES FOR AMERICA," together with logos of the White House and the CDC, while the other side included public health guidelines in much smaller font.¹⁶⁶

When a large swath of Americans urgently in need of emergency funds must wait to buy essential goods until Trump's name can be added to a government check, and others receive public health instructions that display Trump's name more clearly than the reminder to frequently wash our hands, it is clear who the administration would like to save first in this pandemic.

Trump has done the bidding of CEOs seeking immunity from lawsuits by workers and consumers who get sick with COVID-19.

In late April, as COVID-19 closed meatpacking plants across the country, Tyson Foods took out full-page ads in the *New York Times*, *Washington Post* and *Arkansas Democrat-Gazette*. "The food supply chain is breaking," board chairman John Tyson wrote. "There will be limited supply of our products available in grocery stores until we are able to reopen our facilities that are currently closed."¹⁶⁷

Local health authorities had linked the Tyson plant in Waterloo, Iowa, to 182 COVID-19 cases—nearly half of the county's total. Employees said not enough was done to protect them from the illness, and it was nearly impossible to practice social distancing inside the facility. COVID-19 clusters had already closed a Smithfield Foods plant in Sioux Falls, South Dakota, and a JBS plant in Worthington, Minnesota.¹⁶⁸

Two days later, President Trump signed an EO,¹⁶⁹ invoking authority under the Defense Production Act and directing the secretary of agriculture to take all appropriate action "to ensure that meat and poultry processors continue operations consistent with the guidance for their operations jointly issued by the CDC and OSHA." In a press conference shortly before signing the EO, Trump told reporters,

[W]ith the meatpacking and with the transportation, we have had some difficulty where they're having a liability that's really unfair to them. And we're going to be doing that—I think, Mark—we're going to be doing that fairly soon. It's getting—it's getting drawn up. I should be signing that over the next hour or so, taking the liability—which frees up the entire system. And I fully understand it—not their fault.¹⁷⁰

Administration officials had previously said businesses that are reopening need liability protection from lawsuits employees might file if they become sick.¹⁷¹ But it's not clear that Trump's EO provides that liability protection. The order does not explicitly mention any liability protection for meat and poultry processors. And in *Hercules Inc. v. United States*, 516 U.S. 417, 430 (1996), the Supreme Court ruled that the Defense Production Act "does not entitle contractors to indemnity from the government for tort claims resulting from DPAS-rated orders."¹⁷²

Administration officials have repeatedly indicated support for providing liability protection to reopening businesses. During a press conference on April 20, Trump said administration lawyers were looking into liability waivers. Asked whether reopening businesses would face liability if their employees became sick, Trump replied, "We have tried to take liability away from these companies. We just don't want that because we want the companies to open and to open strong."¹⁷³

National Economic Council Director Larry Kudlow later told CNBC that reopening businesses should not have to deal with "trial lawyers putting on false lawsuits," explaining further, "You can't throw big lawsuits at them. And I think liability reforms and safeguards are going to be a very important part of [reopening the economy]."¹⁷⁴

Within two weeks of Trump issuing his EO covering the meatpacking industry, Tyson's reopened Waterloo, Iowa, plant was linked to 1,031 COVID-19 infections among employees and at least three deaths.

Shielding businesses from liability for COVID-19-related damages and deaths remains a major sticking point as Congress considers passing an additional stimulus bill.¹⁷⁵ In a May 5 tweet, Trump insisted that the next aid bill include "lawsuit indemnification."¹⁷⁶ Such indemnification could be very broad. The plan promoted by the U.S. Chamber of Commerce would shield employers from claims that employees were not provided sufficient PPE and

prevent claims that people were exposed to COVID-19 "as the result of a business' particular action, or failure to act" and then became sick.¹⁷⁷ The U.S. Chamber of Commerce is the country's top spender on lobbying and contributes heavily to Republican political committees.¹⁷⁸

However, the idea of liability waivers is extremely unpopular with voters. One poll found 64% of Americans opposed to such liability protections, including more than half of likely Trump voters.¹⁷⁹ And even the suggestion of liability protections may have high human costs. Within two weeks of Trump issuing his EO covering the meatpacking industry, Tyson's reopened Waterloo, Iowa, plant was linked to 1,031 COVID-19 infections among employees and at least three deaths.¹⁸⁰

The cases continue to climb. As of early July, more than 40,000 meatpacking workers have tested positive for COVID-19 and at least 138 have died.¹⁸¹ One local union president said, "Now that Trump issued that executive order, it gives plants this insurmountable feeling that they are invincible."¹⁸²

Nonetheless, Trump seems determined to expand the liability waivers to all businesses. On July 19, he told Fox News interviewer Chris Wallace that any new COVID-19 relief bill passed by Congress must include liability protections for businesses that reopen.¹⁸³

“Small business” rescue funds flowed to Trump mega donors and other wealthy interests.

Our government touted a lifeline for small businesses impacted by the pandemic and funded a new so-called Paycheck Protection Program (PPP) with hundreds of millions of our taxpayer dollars. This would be admirable had these funds ever reached the large swath of small business owners desperate for governmental aid. But most of the funds never actually made it to small businesses.¹⁸⁴

As soon as the PPP launched, most of the funds flew out the door to hotel and restaurant chains.¹⁸⁵ Many Americans were stunned and questioned whether illegal activity had taken place. The problem, however, was not illegality per se since PPP administrators were following the plain language of the law. Indeed, the bill that passed *defined* small business as including large businesses as long as each individual location of a chain employed 500 people or less.

So it was no accident that the PPP bill helped bail out big businesses. “Essentially a combination of wealthy special interests together with well-placed contributors at a critical moment bought a revision to our stimulus package that defined small business as including big business because they owned large franchises made up of hundreds of smaller entities. They were following the law they helped write.”¹⁸⁶



SPENCER PLATT/GETTY IMAGES

Small businesses are unfairly bearing the brunt of the economic fallout.

Major donors to the Trump campaign have been among the largest recipients of the PPP “rescue” dollars. One of the recipients of a multimillion-dollar PPP grant is a holding company headed by Trump mega donors that oversees several luxury hotels, including the Ritz-Carlton. The same mega donors to Trump’s reelection campaign pushed for the language defining a small business as a large business, going as far as hiring a fundraiser from Trump’s 2020 campaign team as their own lobbyist for more than \$1 million.¹⁸⁷ Many other companies with ties to Trump also received millions under the PPP program, raising real questions about where this leaves the rest of us and our need for support from the Trump administration during this pandemic. According to a report by Public Citizen, clients of more than 40 lobbyists with ties to President Trump have received more than \$10 billion of CARES Act grants, loans and bonds from the federal government.¹⁸⁸ Common Cause will continue to watchdog the PPP program and push back on Trump administration attempts to resist transparency and undermine oversight.

Trump has undermined oversight of the federal government's pandemic response.

The ink of President Trump's signature on the CARES Act¹⁸⁹ was not even dry yet when he issued a statement indicating that he would not comply with the oversight provisions Congress included in the \$2 trillion pandemic response legislation.¹⁹⁰ The most expensive spending bill in history had been negotiated directly with Trump's Treasury secretary Steven Mnuchin, had passed the Senate by a unanimous 96-0 vote and had passed the House by a unanimous consent "voice vote."¹⁹¹ Yet Trump waited until after signing the legislation to claim the bill's oversight provisions "raise constitutional concerns."¹⁹²

As the CARES Act was finalized in the Senate, Common Cause described the oversight protections included in the legislation as "critical" to ensure that the resources went where they were most needed

and to prevent the Trump administration from using the bailout funds to enrich allies and family members.¹⁹³ To prevent the misuse of stimulus funds, the CARES Act created a new Pandemic Response Accountability Committee that will coordinate a network of inspectors general in the executive branch agencies involved in distributing the funds. The act requires the chairperson of the Council of the Inspectors General on Integrity and Efficiency to consult with members of Congress regarding the selection of the executive director and deputy executive director

The ink of President Trump's signature on the CARES Act was not even dry yet when he issued a statement indicating that he would not comply with the oversight provisions Congress included in the \$2 trillion pandemic response legislation.

for the newly formed committee.¹⁹⁴ But President Trump believes this required consultation with Congress violates his constitutional powers as president.¹⁹⁵

The CARES Act also created a new special inspector general for pandemic recovery (SIGPR) within the Treasury Department whose job it is to manage audits and investigations of loans and investments made by the Treasury Department under the stimulus bill and to report to Congress any refusal of executive branch agencies to provide the inspector general with requested information.¹⁹⁶ President Trump stated that he would not allow the SIGPR to issue reports to Congress without presidential supervision.¹⁹⁷

In addition, some provisions of the CARES Act condition the authority of executive branch officials to spend or reallocate funds upon consultation with or approval of congressional committees.¹⁹⁸ President Trump stated that his administration "will not treat spending decisions as dependent on prior consultation with or the approval of congressional committees."¹⁹⁹

President Trump followed up his CARES Act signing statement by nominating one of his own lawyers, senior associate counsel at the Office of White House Counsel Brian D. Miller, to serve as the new SIGPR²⁰⁰ and removing several independent inspectors general from their oversight positions.

Just days after signing the CARES Act, Trump ousted the inspector general who was set to become the chairman of the new Pandemic Response Accountability Committee, Glenn A. Fine.²⁰¹ Fine had a "reputation for aggressive independence" and had been the acting inspector general for the Defense

Department since January 2016.²⁰² Trump's removal of Fine from the acting inspector general position disqualified him from serving on the new Pandemic Response Accountability Committee and was the "latest step in an abruptly unfolding White House power play against semi-independent inspectors general across the government."²⁰³

In mid-April, Rick Bright, the director of the HHS Biomedical Advanced Research and Development Authority (BARDA)—the federal agency involved in developing a COVID-19 vaccine—was removed from his post and given a narrower job at the National Institutes of Health "after he pressed for rigorous vetting of hydroxychloroquine, an anti-malaria drug embraced by President Trump as a coronavirus treatment."²⁰⁴

Bright then filed a whistleblower complaint with the U.S. Office of Special Counsel, explaining that "he raised concerns in January about the need to prepare for the coronavirus but encountered opposition from Trump administration officials" and that he was removed from his BARDA position in retaliation.²⁰⁵ Bright alleged that he had been pressured "to invest in drugs, vaccines, and other technologies without proper scientific vetting or that lacked scientific merit" and that he "objected to these efforts and made clear that BARDA would only invest the billions of dollars allocated by Congress to address the COVID-19 pandemic in safe and scientifically vetted solutions and it would not succumb to the pressure of politics or cronyism."²⁰⁶ The Office of Special Counsel then recommended that HHS reinstate Bright to his position as director of BARDA while it conducted an investigation, having found "reasonable grounds to believe" that the administration was retaliating against Bright.²⁰⁷

Trump's purge of inspectors general continued on May 1 when he announced the removal of Christi A. Grimm from her role as principal deputy inspector general at HHS²⁰⁸ just weeks after her office released a report titled "Hospital Experiences Responding to the COVID-19 Pandemic." The scathing report found the following, among other things:

- Severe shortages of testing supplies and extended waits for results
- Widespread shortages of PPE
- Difficulty maintaining adequate staffing and supporting staff
- Shortages of critical supplies, materials and logistic support
- Changing and sometimes inconsistent guidance from federal, state and local authorities²⁰⁹

The report by Grimm's office was based on telephone surveys with administrators from 323 hospitals across 46 states, the District of Columbia and Puerto Rico that were part of a random sample. The purpose of Grimm's office's collection of data from frontline healthcare providers was both simple and sensible: to provide HHS and other government officials with a "national snapshot of hospitals' challenges and needs" in responding to the COVID-19 pandemic—to better inform government de-



DAVID BECKER / AFP

Vehicles line up in April in a Las Vegas, NV, emergency food distribution site as many workers lost their jobs and immediately became food insecure.

cision-making.²¹⁰ But the truth was off-message for President Trump, and Grimm paid the price for her office's candor.

President Trump's efforts to block oversight of his administration's distribution of CARES Act funds raised "new alarms with government watchdogs and lawmakers from both parties" in June "amid concerns about the anonymity of companies receiving unprecedented levels of taxpayer funds."²¹¹ In a letter to four congressional committee chairs, the inspectors general leading the CARES Act-created

Pandemic Response Accountability Committee explained that Treasury Department attorneys had "concluded that the administration is not required to provide the watchdogs with information about the beneficiaries of...the most controversial and expensive programs in the coronavirus response efforts, including the administration's massive bailout for small businesses and nearly \$500 billion in loans for corporations"—more than \$1 trillion in CARES Act

President Trump's efforts to block oversight of his administration's distribution of CARES Act funds raised "new alarms with government watchdogs and lawmakers from both parties."

funding.²¹² In addition, Treasury Secretary Steve Mnuchin "announced he would not allow the names of Paycheck Protection Program recipients to become public after the Trump administration had said for months that the data would eventually be disclosed."²¹³ Public outcry led Mnuchin and the Treasury Department to reverse course days later, announcing that the identities of those who received PPP loans exceeding \$150,000 would be disclosed to the public.²¹⁴

None of President Trump's efforts to thwart oversight of his administration's response to the COVID-19 pandemic come as a surprise. Throughout his presidency, Trump has abused his power to avoid accountability and install loyalists in key oversight positions—with some of these loyalists having disturbing conflicts of interest.²¹⁵

Late on a Friday in early April, Trump fired Michael Atkinson, the intelligence community inspector general, whose handling of a whistleblower complaint in 2019 triggered the Ukraine scandal and led to President Trump's impeachment.²¹⁶ And late on a Friday night in mid-May, the White House announced the firing of two more inspectors general: State Department inspector general Steve Linick, who played a minor role in the president's impeachment proceedings and was said to have begun investigating alleged misconduct by Secretary of State Mike Pompeo, and the acting inspector general at the Department of Transportation Mitchell Behm.²¹⁷

Without effective, independent oversight of the Trump administration's response to the COVID-19 pandemic, Congress and the public will lack the ability to ensure that taxpayers' hard-earned money actually serves the public over Trump's personal interests and the special interests of his supporters.

Trump has attacked and undermined the WHO to distract from his own mismanagement of the U.S. pandemic response.

Since early in the COVID-19 outbreak, President Trump repeatedly threatened to withdraw the United States from the WHO. Then on May 29, during a press conference in the White House Rose Garden, Trump blindsided top aides and cabinet members when he announced, "We will be today terminat-

ing our relationship with the World Health Organization.”²¹⁸ In early July, the Trump administration notified Congress and the United Nations that the U.S. withdrawal would take effect in July 2021.²¹⁹ Trump’s inconsistent, politically timed, headline-grabbing announcements are emblematic of his leadership style.

For a few weeks in March, more Americans approved than disapproved of Trump’s management of the COVID-19 pandemic, but in early April, public opinion turned.²²⁰ April polling showed more Americans felt Trump was doing a bad job managing the COVID-19 response than a good one.^{221, 222} So on April 7, Trump began to cast blame on a new scapegoat. In a COVID-19 press conference, Trump announced he was “going to put a hold on money spent to the” WHO. “We’re going to put a very powerful hold on it, and we’re going to see’.... Pressed later by a reporter on whether it was a good idea to put a hold on funding during a global pandemic, the president clarified that he was considering suspending funding to the WHO. ‘I’m not going to say I’m going to do it,’ Trump said. ‘We will look at ending funding.’”²²³

On April 14, Trump accused the WHO of “severely mismanaging and covering up” the COVID-19 crisis and said he would withhold aid to the organization²²⁴ “while a review is conducted.”²²⁵ When challenged to provide more information,²²⁶ the White House issued a one-and-a-half page “fact sheet” alleging corruption and abuse with no sourcing or references.²²⁷

Trump apparently did not pause to question whether he had unilateral authority to halt funding or to notify Congress of his intent to do so. Because different people construed the president’s announcement to have different meanings, it took the Congressional Research Service a full month to parse the issue and brief Congress²²⁸ on the question of his legal authority—and even that answer was couched in alternatives.

On May 15, the *Tucker Carlson Tonight* show on Fox News announced that “the Trump administration is on the brink of restoring some funding” to the WHO. The show host obtained a five-page draft letter that stated “the administration will ‘agree to pay up to what China pays in assessed contributions’ to the WHO.”²²⁹ The Fox News story stated “that the U.S. review of the WHO’s coronavirus response ‘has confirmed many of the concerns [Trump] raised last month and identified others.’” But the story gave no information about what agency conducted that review and provided no details about what concerns were identified. It also failed to contrast the difference in annual contributions assessed to the United States and China;²³⁰ if the United States pays only what China is assessed, that will cut U.S. payments by about 50%.

On Monday, May 18, Trump took to his Twitter account to release the final version of the letter previewed by Fox News. In the letter, Trump “threatened to permanently cut off funding to the World Health Organization and revoke U.S. membership if the group doesn’t make changes meant to curb what he called its pro-China bias.”²³¹ “The timing of the letter added to its shock value: Trump sent the tweet at 10:55 p.m. Monday, in the midst of WHO’s annual assembly.”²³² The letter implied that a review had been conducted but did not identify the entity that conducted it. The letter included two-and-a-half pages of bullet points describing conclusions,²³³ which multiple fact-checkers deemed largely invalid.^{234, 235} “Lawrence Gostin, a global health professor at Georgetown University Law Center said blaming WHO for China’s reporting delays and sample hoarding is misdirected. Of these charges by Trump, he said: ‘They’re valid critiques of China but not the World Health Organization.’”

Trump's May 18 demand included no specifics about what he wanted WHO to do. "It's not clear what 'action' the U.S. is asking for, or how WHO could demonstrate 'independence from China,' because no solutions are outlined in the letter."²³⁶ The May 18 letter did, however, include a 30-day deadline: "If the World Health Organization does not commit to major substantive improvements within the next 30 days, I will make my temporary freeze of United States funding to the World Health Organization permanent and reconsider our membership in the organization."²³⁷

Then on May 29, Trump called a Rose Garden press conference to blame China for the pandemic and²³⁸ "dropped a surprise, seemingly off-topic bombshell: The U.S. government, he declared, was cutting ties with the World Health Organization."²³⁹ This "blindsided top federal officials, including a number from the National Security Council, the National Economic Council, the Domestic Policy Council, the Department of Health and Human Services, and the State Department. Not even Andrew Bremberg, the U.S. ambassador in Geneva, who oversees the U.S. government's relationship with the United Nations and the WHO, knew the announcement was coming."²⁴⁰

Trump's withdrawal announcement came 19 days before his deadline for WHO to "commit to...improvements" was to expire. If Trump was looking to improve his standing with his base, the announcement may have been a success: polling showed a slight uptick of Republicans' approval of his handling of the COVID-19 outbreak.²⁴¹

If the United States follows through on its withdrawal from the WHO, doing so will come at a price that may take years to quantify.

If the United States follows through on its withdrawal from the WHO, doing so will come at a price that may take years to quantify. Sen. Lamar Alexander, the chair of the U.S. Senate Health Committee, said the move could hamper the discovery of a vaccine against COVID-19 and urged a reversal of the decision in the "strongest terms possible."²⁴² Lawrence Gostin, professor of global health law at Georgetown University, said that if Trump's announcement is carried through, it would "probably be the most ruinous presidential decision in modern history." The United States "wouldn't have access to real-time data, wouldn't be able to influence global decisions about health and safety, wouldn't be contributing to global coordination on vaccines and treatment, so wouldn't be part of any technical guidance to the world."²⁴³

The back-and-forth drama has already had a cost. "For the United States to blame the World Health Organization for its own months and months and months of inaction seems factually untrue and designed to divide the world at a moment when global solidarity is needed most," said Benjamin Mason Meier, associate professor of global health policy at the University of North Carolina at Chapel Hill.²⁴⁴

INFORMATION MANIPULATION: ANTI-FACTS, ALTERNATE REALITY, CONTROL OF INFORMATION FLOW

President Trump has attacked journalists covering the pandemic, undermining the First Amendment and press freedoms.

A strong democracy requires a free and independent press because good journalism holds the government accountable and allows people to stay informed about their government's actions. Journalism, particularly at the local level, has never been more important for ensuring the well-being of our democracy. Since the beginning of the pandemic, journalists have been tracking the spread of the disease and providing information on testing sites, business closures, government aid and health services, as well as other issues related to COVID-19. But the economic fallout from the health crisis combined with the long-term decline in local news has forced many outlets to lay off or furlough reporters.²⁴⁵ That is why Common Cause is leading the charge to urge Congress to include vital funding for local news in the next COVID-19 stimulus package.²⁴⁶ Despite the significant economic challenges facing the press, President Trump continues to repeatedly attack journalists covering the pandemic, calling them “fake news” and the “enemy of the people.”

During his daily press briefings on the pandemic, President Trump has referred to journalists as “terrible,” “fake,” and “nasty.”²⁴⁷ The president's attacks have tended to focus on journalists who ask him critical questions regarding his administration's handling of the pandemic. For example, he lashed out against multiple reporters for questions regarding an HHS inspector general report finding that the government failed to provide widespread testing and equipment to hospitals.²⁴⁸ These attacks have real-world consequences on the safety of reporters covering the pandemic. For example, a reporter covering demonstrators at a protest was harassed by protesters who chanted, “Fake news is not essential.”²⁴⁹

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Trump stooped to a new low on May 26 when he told a reporter at a White House news conference to take off the mask the reporter was wearing to prevent the spread of COVID-19 in compliance with the CDC's recommendations.²⁵⁰ Trump told Reuters White House correspondent Jeff Mason he was having a hard time hearing him as Mason asked a question. Mason replied that he would just speak louder, but Trump shot back “Oh, OK, because you want to be politically correct.”²⁵¹

Trump's continued rhetorical attacks toward the press have undoubtedly created an erosion of trust in the news media, which reporters and press advocates note has now seeped into law enforcement.²⁵² Indeed, journalists covering nationwide anti-racism protests responding to the murder of George Floyd have been systematically attacked by police.²⁵³ According to the U.S. Press Freedom Tracker, there have been more than 400 instances of anti-press violence, the majority of which have been carried out by law enforcement.²⁵⁴ These attacks include arrests, assaults and shooting at journalists with tear gas and rubber bullets.²⁵⁵ As reporters note, the dangerous and aggressive attacks against journalists covering demonstrations for racial justice are an extension of Trump's hostility toward the media and Americans fighting racism.²⁵⁶

In addition to his extreme rhetorical attacks on the press, Trump has taken or threatened to take action to silence the press. For example, the president recently tweeted that Chuck Todd at MSNBC should be fired and referenced the Federal Communications Commission (FCC) in his tweet, suggesting the agency should take action.²⁵⁷ The president's reelection campaign also sued a television broadcaster for airing political ads critical of the administration's actions in response to the pandemic.²⁵⁸

Trump's recently signed EO to police speech on social media²⁵⁹ serves as another avenue for the president to silence dissenting voices, including journalists critical of his actions. The EO directs the FCC to adopt rules that determine when social media platforms receive a legal shield from liability when they decide to suppress or remove content from their sites.²⁶⁰ Common Cause has called this EO an illegal power grab by the president with dangerous legal and policy implications for the role of our government and democracy.²⁶¹ A president who has consistently attacked the press could use the EO to censor journalists on social media who are critical of his administration's response to the pandemic.

FCC's repeal of its net neutrality framework weakens its ability to connect Americans during the pandemic.

As businesses have shifted to telework policies, schools have transitioned to online learning, and more people have relied on telehealth services. A reliable broadband connection has never been more es-

sential for everyday participation in our democracy and economy. The federal agency tasked with ensuring that all Americans have access to robust and affordable broadband is the FCC. Unfortunately, the FCC's repeal of net neutrality under the Trump administration has weakened its ability to ensure that everyone is connected during the pandemic. When the FCC adopted strong net neutrality rules in 2015, it created a framework to oversee internet service providers (ISPs) by classifying broadband internet as a telecommunications service under Title II of the Communications Act.²⁶² Title II allowed the FCC to create clear bright-line rules preventing ISPs from blocking and discriminating against internet traffic.²⁶³ Just as important, Title II provided the FCC with adequate authority to act as a cop on the beat in an uncompetitive market and ensure basic values that all Americans expect when accessing the internet.²⁶⁴ Title II gives the

FCC the tools to ensure that consumers are protected in regard to broadband and universal service advances and that there is growing competition in the broadband marketplace.²⁶⁵

When the FCC repealed net neutrality in 2017, it also removed the Title II classification and completely abdicated its authority over broadband.²⁶⁶ ISPs are now operating in a wild west where they are free to do what they want, and consumers are left without any recourse. In one of the most egregious exam-



Demonstrators gather in 2017 to show their opposition to FCC Chairman Ajit Pai's plans to scrap Obama-era net neutrality protections.

ples of how communities have been left unprotected, Verizon intentionally slowed down (“throttled”) the data transmission speed of the Santa Clara Fire Department during its response to the California wildfires.²⁶⁷ With no FCC oversight, the fire department had nowhere to turn for legal recourse and was forced to pay a higher price for Verizon to stop throttling. ISPs have consistently demonstrated that they have the incentive to abuse their power,²⁶⁸ and the harms to consumers will only get worse without adequate federal oversight.

The COVID-19 pandemic only magnifies the consequences and dangers of the FCC’s inability to oversee ISPs and ensure that everyone’s broadband connectivity needs are being met. In March, the FCC launched the “Keep Americans Connected Pledge,” a voluntary commitment in which ISPs promise (1) not to terminate service because of customers’ inability to pay because of the pandemic, (2) waive any late fees because of economic circumstances and (3) open Wi-Fi hot spots to any Americans who need them.²⁶⁹ While the pledge is commendable, it is entirely unenforceable because the FCC relinquished its authority. The voluntary nature of the pledge means the FCC has no ability to hold ISPs accountable or penalize them for disconnecting Americans. Indeed, the FCC has reportedly received more than 2,000 complaints related to COVID-19 with more than 500 filed specifically about ISPs failing to uphold the pledge.²⁷⁰ With no oversight, it is unclear whether these complaints have been resolved. The lack of FCC authority also means ISPs have no requirement to take meaningful steps beyond the pledge. For example, requiring ISPs to lift data caps, remove barriers to immediate access to service plans and expand their discount internet offerings would help millions of families affected by the pandemic maintain a broadband connection.²⁷¹ In fact, FCC chairman Ajit Pai called on broadband providers to relax their data cap policies but did not include this in the official pledge, knowing that it would be unlikely for carriers to commit to doing this.²⁷² It is bad enough that the FCC is relegated to asking ISPs to commit to a voluntary pledge, but it also speaks volumes regarding the agency’s lack of authority if it cannot even include specific provisions in a pledge that would ensure that Americans maintain connectivity.

Without adequate authority, the FCC has weakened its ability to ensure that ISPs maintain robust connections let alone fully address the broadband connectivity needs of all Americans during the pandemic.

FCC’s actions on Lifeline have widened the digital divide for low-income communities.

The COVID-19 pandemic has highlighted the need for robust and affordable broadband connectivity for all Americans. However, the FCC’s own data shows 18 million people lack access to broadband,²⁷³ and third-party studies indicate that this number is significantly higher.²⁷⁴

Cost is consistently cited as the primary barrier to broadband adoption. According to the most

The COVID-19 pandemic has highlighted the need for robust and affordable broadband connectivity for all Americans.

recent census data, 37.3% of households earning \$20,000 or less do not have a wired broadband connection, and 16.6% of those earning between \$20,000 and \$75,000 lack access.²⁷⁵ The pandemic has painfully exposed the existing disparities in broadband connectivity that we face today, particularly people in low-income and marginalized communities who can’t afford a connection.



JOHN MOORE/GETTY IMAGES

The lack of robust and affordable broadband has already widened the achievement gap as families struggle with remote learning.

The FCC's Lifeline program is the only federal program designed to help low-income households afford essential communications services.²⁷⁶ The program provides a modest \$9.25 monthly discount that eligible low-income households can apply toward phone and broadband services.²⁷⁷ Unfortunately, many of the FCC's Lifeline policies have widened the digital divide for low-income communities.

About 38 million households are eligible to participate in the Lifeline program, but only about seven million are currently enrolled.²⁷⁸ The low enrollment numbers are due in large part to FCC policies and proposals designed to reduce participation and create uncertainty in the program. In 2017, the FCC in-

troduced several proposals to drastically cut the Lifeline program, including one that would cause 70% of current subscribers to lose service.²⁷⁹ Last year, the FCC eliminated a designation intended to allow broadband providers to enter the program faster and give subscribers more competitive options for Lifeline service.²⁸⁰ The FCC is now considering toxic proposals, such as whether to survey current Lifeline subscribers on whether they could afford communication services without the discount and whether to prohibit Lifeline providers from providing free phones with the service.²⁸¹ These policies and proposals have had a chilling effect on Lifeline, helping to reduce program participation.

While the FCC has taken some positive steps in recent weeks to waive some program requirements for existing Lifeline subscribers,²⁸² much more is needed to fully utilize Lifeline. Americans who rely on Lifeline are some of the most vulnerable in our society: veterans, domestic violence survivors, those experiencing homelessness and everyday people fighting to stay out of poverty. Further, with more Americans losing their jobs or experiencing a loss of income because of the pandemic, the Lifeline program may be their only path to affordable communications service. Now is the time for the FCC to discard its past proposals and expand and strengthen Lifeline.

Trump's attack on our institutions reaches the U.S. Postal Service (USPS) at a time when we need our postal system more than ever.

Trump's failures on government integrity and accountability continue to reach new lows. He has again broken from the norms and values central to building trust in government by appointing a loyal major donor and former chair of the Republican National Committee to lead the USPS instead of an experienced career veteran of the postal service.²⁸³ While the USPS always plays a key role in connecting Americans to essential goods and services, this critical role is amplified by the current health pandemic, making this partisan move all the more problematic.

Businessman Louis DeJoy has given Trump millions of dollars since the president's 2016 election,²⁸⁴ apparently enough to secure his appointment as the leader of the USPS *without his having had one*

day of experience within the independent agency. For at least the past two decades, every postmaster general appointed by Republicans and Democrats has been a long-serving USPS official. The USPS is an independent agency enumerated in Article 1, Section 8 of the U.S. Constitution.²⁸⁵

Congress must step up to stop Trump from undermining the postal service by turning it into a partisan weapon as we head toward national elections, which will depend on the postal service more than ever. Many voters will elect to vote by mail, and Trump should not be able to subvert the effectiveness of the process.

Trump has demonstrated time and again that he is ready to use his power to improperly punish independent actors for fulfilling their mandated duties, including firing independent watchdogs and punishing newspapers for critical coverage.²⁸⁶ He must not be allowed to subvert the independent USPS, particularly at a time when our national elections and the U.S. Census will rely heavily on the USPS and will determine congressional representation and public resource allocation for the next decade.

While the USPS always plays a key role in connecting Americans to essential goods and services, this critical role is amplified by the current health pandemic, making this partisan move all the more problematic.

Moreover, the law enforcement arm of the USPS plays a critical role in U.S. national security, which has been recognized by federal health and security officials.²⁸⁷ The postal service also plays a critical role when electronic means of communication are inoperable, such as in the aftermath of natural disasters when relief efforts often depend on the USPS Address Management System to deliver medicine and relief funds.²⁸⁸ This is only a sampling of the core governmental functions served by the USPS. A trained expert must lead these key roles, not the highest bidder.

CONCLUSION: WE CAN FIX THIS! INDEED, WE MUST!

The COVID-19 pandemic did not have to be so catastrophic in the United States. The effects of the pandemic did not need to fall disproportionately on communities of color. These outcomes are the largely predictable consequences of political decisions and actions. Preventing such consequences in future national disasters requires us to act now.



For 50 years, Common Cause has worked on systemic reforms to build a better democracy. To be certain, the COVID-19 pandemic has spotlighted the need for reform beyond the programmatic work and expertise of Common Cause (e.g., health care reform, housing reform). The pandemic has also made clear that Common Cause's core programmatic work is needed now more than ever, both to alleviate the effects of this pandemic and prevent such tragedies in the future.

- We need to take an honest, hard look at all public policies and practices that continue to produce racist effects and outcomes and replace them with anti-racist policies and practices.
- We need the Senate to pass and the president to sign the HEROES Act (the House passed the act in May), which includes financial and other assistance for everyday Americans who are struggling to make ends meet during the pandemic, as well as funding to support the administration of this year's elections, the 2020 Census, broadband access, phone access for incarcerated individuals, the USPS and other critically important public services.²⁸⁹
- We need greater oversight of federal government COVID-19 relief spending through the passage of the Coronavirus Oversight and Recovery Ethics Act of 2020 (CORE Act) or similar legislation.²⁹⁰
- We need to strengthen independent oversight of executive branch agencies, including, for example, protecting inspectors general from firing except for cause and passage of the Inspector General Independence Act or similar legislation.²⁹¹
- We must provide additional resources and policy adjustments to ensure that the 2020 Census is complete and accurate despite the challenges of the pandemic through the passage of the Fair and Accurate Census Act.²⁹²
- We must demand that the Trump administration protect people in prison and detention centers by releasing vulnerable populations and creating sanitary conditions for those who remain incarcerated.
- We must pass the For the People Act to implement long-term, far-reaching reforms to government ethics and elections—the core of democratic governance—including campaign finance reform; expanded vote-by-mail, no-excuse absentee voting, early voting, online voter, same-day and automatic voter registration; and ending prison gerrymandering.²⁹³

Enactment of these reforms would make the government more responsive and accountable to the American people and less susceptible to authoritarians like President Trump. We need your support and your activism to pass these and other democracy-strengthening reforms. Together, we can build a democracy that works for everyone.

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805 15th Street, NW, Suite 800
Washington, DC 20005
202.833.1200
commoncause.org