To: Senate Democrats

From: The People of the United States of America

Subj: Filibuster Gorsuch and Force an Independent Russia Investigation

Dear Senators,

Your constituents are upset over what is happening in the country right now. On the left, citizens were aghast as the administration rolled out a travel ban targeting Muslims, rescinded protections for transgender children, and pushed through confirmations for cabinet officials who were and are uniquely unqualified to run the Federal agencies to which they’ve been appointed. For those on the right, while the general direction of domestic policy under the Trump administration may hold some appeal, Trump’s erratic behavior and authoritarian tone, assaults on the free press, and bungling of foreign relations (among other issues) are a real cause for concern. These early perceptions of a rocky start for Trump have led to unusually low approval numbers for a presidency in its infancy.

But let’s set that aside: we can criticize Trump on his juvenile tone, his bluster on the world stage and his regressive policy positions for the next four years if we have to. At the moment there is a more pressing concern: President Trump’s ties to Russia. In the midst of the 2016 campaign, Trump’s praise for Vladimir Putin raised yellow flags, a perception compounded by Trump’s televised open invitation for Russia to hack Clinton campaign emails to find a smoking gun on his opponent. Some brushed off this comment as flippant – the unrestrained ramblings of an accomplished bullshit artist: just “Trump being Trump”. But the President’s continued dismissal of the intelligence community’s consensus that Russia was responsible for the DNC hack and his corresponding statements about “how great it would be” if we had a better relationship with Russia are both confounding and deeply suspicious. With close allies like Paul Manafort and Michael Flynn having unusual ties to Moscow, and the post-election revelation that Flynn communicated with Russian officials prior to the inauguration regarding the potential for President Obama’s sanctions to be lifted, questions and speculations abound.

**Please pay attention to this statement, Senators**: *Millions of Americans are concerned that the sitting President of the United States colluded with a foreign power to commit espionage, with a goal of producing damning information on his opponent that would sway the election in his favor*.

Let that resonate.

The internet is rife with rumors and innuendo. Many are praying for leaks from the federal government and intelligence community to shed light on the Trump team’s ties to the Putin regime. This is untenable. The United States of America has maintained leadership on the world stage largely because of our adherence to rule of law and democratic systems. Relying on the populous at large or leaks of confidential information to put these puzzle pieces together undermines our democracy and position in the world, while encouraging development of conspiracy theories. It is beneath us.

**The American people demand the following:**

1. **A formal, independent investigation into the Russian hacking of the election and all of the former and ongoing personal, financial and political ties that Trump and his team have to Russia.** This investigation must be conducted by a special counsel appointed by the Attorney General (who must recuse himself due to his close ties and long support for the President). Congressional inquiries are too weak given the magnitude of this situation. As a corollary, we require:
2. **The release of the five most recent years of Donald Trump’s tax returns**, so that the American people can know the extent to which the President and his family are beholden to foreign governments – especially Russia. Unearthing tax returns provides context for further investigation into whether and how the President is in violation of the Emoluments Clause of the Constitution. Millions believe, are equally appalled and deeply concerned that the President and his family are profiting off of the office and accepting gifts from foreign governments that may prompt decision-making that is not in the best interests of the American people.

These are completely legitimate demands that have the best interests of the American public at heart. We want neither a conspirator in the Oval Office, nor an avalanche of conspiracy theories that undermine trust in American democratic institutions. We need cold, hard facts and a fair, legal process for investigation. Individuals on the left who believe that Trump’s time in office is inevitably coming to a close before a years’ time are making as false an assumption as lawmakers on the right who believe that the current fervor over the Russia scandal will die down over time. A promise from the left: the longer Trump is in office without meaningful steps toward investigation, the stronger and louder the voices will become in demanding them. This is NOT getting swept under the rug. But impeachment doesn’t just happen either, and liberals need to come to terms with that.

We appreciate that Republicans in Congress are extremely excited about their ability to move through a legislative agenda they’ve dreamt of for years, and that the majority of the Trump faithful don’t really care about this story. But a lack of interest in, focus on, or action taken toward investigation regarding Trump and Russia is absolutely unacceptable. The integrity of our elections is critical to our democracy and should be our utmost priority, regardless of party. Investigating possible treasonous acts by the sitting President, even if there is only a 5% chance that they are true, is of paramount importance.

Nevertheless, Congressional Republicans don’t seem motivated to tackle these issues, and the Democrats in the minority seem to have very little leverage, save one thing: Republicans’ strong desire to see Judge Neil Gorsuch confirmed to the Supreme Court, and Senate Democrats’ ability to filibuster that process.

**Senate Democrats must filibuster the confirmation process for Judge Gorsuch.** Maybe that’s not news.But instead of basing that filibuster on retribution over Senate Republicans’ obstruction of Merrick Garland’s nomination or on Gorsuch’s conservative stances on key issues, through this letter your constituents are asking you to **explicitly and publicly** **connect the filibuster directly to our two demands above**. This would be both strategic AND the right thing to do. Our logic:

The nominating of a Supreme Court Justice is one of the most critical roles of a President. There are too many questions hanging around this presidency to hand over this honor, which can impact the Court for decades, without more scrutiny. The identity of the nominee is entirely beside the point; this filibuster must be linked to the nominator himself. Harkening back to the statement above, which bears repeating: *Millions of Americans are concerned that the sitting President of the United States colluded with a foreign power to commit espionage against our country*. This President – whose very legitimacy is being called into question through this statement – should not be allowed to have a nominee confirmed through to the Court or even considered until all questions are resolved.

One major benefit of hinging the filibuster on our two demands is that it attaches them to a major political fight that garners keen attention from both sides. To the extent that Russia or Emoluments issues may be at risk of fading from public attention, this approach keeps them front and center, and places them in the appropriate spotlight given the societal stakes.

**How Would This Play Out?**

Of course Congressional Republicans and the Administration are not going to like this ultimatum, though in theory – if Trump has nothing to hide – this *should* be a pretty palatable request. The Supreme Court issue is very real to Republican voters, and they will care about this filibuster. It’s fair to say that the election itself swung on the issue of the Supreme Court: certainly there were enough Republicans in Michigan, Wisconsin and Pennsylvania who would not have voted for Trump but for the fact that he was a Republican who could nominate a conservative justice for Samuel Alito’s vacant seat. So it is critical that Senate Democrats make it clear that if there actually **is** an independent investigation into Russia and his tax returns **are** subpoenaed and released, and it turns out that there are no impeachable offenses regarding Russia or violations of the Emoluments Clause, then Trump’s legitimate and rightful nomination of Judge Gorsuch should proceed as it would in any other circumstance.

So in one scenario, Republicans’ thirst for a conservative Court leads them to agree to these demands, and Trump supporters get a win-win: a period of investigation gives way to President Trump being cleared of allegations and free to implement his agenda, while Judge Gorsuch gets a pathway to confirmation instead of an indefinite filibuster. Of course liberals aren’t going to like **that** as a potential outcome, which is precisely why this is a good solution – there is risk for both parties.

Another possibility: Congressional Republicans and the Administration ignore Senate Democrats’ demands and use the “nuclear option” to change Senate rules and push the nomination through. But this may happen no matter the rationale for the filibuster – in fact perhaps this is the most likely outcome. But if the filibuster is tied to our demands for investigation and Republicans ram through a confirmation via the nuclear option, the public can legitimately ask why Congress and the Administration went to such great lengths to protect the President. What are they hiding? Over time, subsequent leaks and media investigations would in theory lead to revelations that are very damaging for Trump, and Republicans will be caught having protected him at all costs, while Democrats will have taken a very intentional stand on the right side of history.

A final possibility: Republicans agree to pursue investigations and Trump ends up being impeached and forced to leave office in disgrace. His core supporters would be upset, but in theory information would come out through the course of the investigation that would turn their opinion of him, and Republicans would be somewhat shielded from blow-back because they could argue that they were only trying to deliver the conservative Justice that the base demanded. They can take the stance that they, too had faith in Trump, and it’s his fault that he let the American people down. Some Republicans may even be excited to dispose of Trump in this type of situation where they have some degree of political cover to tacitly authorize investigation.

In this case where Trump’s presidency ends before his first term is over, the outcome will be another Republican President – Mike Pence. So if Trump doesn’t get to make his conservative appointment to the court, the man behind him would likely re-nominate Judge Gorsuch anyhow. Even if *Pence* is implicated by association or complicity in Russia-related campaign wrongdoings that take both he and Trump down, we will have President Ryan. As difficult as this is to admit for those on the left, President Pence or President Ryan would be highly preferable outcomes for all Americans. Even though Democrats don’t like Pence or Ryan, the left believes that Donald Trump is a uniquely dangerous, unstable and unqualified man who represents a movement that pivots America into the darkness.

So, this letter from your well-informed, rational, patriotic constituents is asking you to use **all** leverage you have at your disposal – including the filibuster of Neil Gorsuch – to ensure that the President is investigated, that his tax returns get released, and that he’s held to account for his actions.

When Republicans ask why you’re connecting the Gorsuch filibuster to these two demands, you can obviously offer the rationale above – that the weight of Supreme Court nominations requires absolute certainty about the legitimacy of the President who is doing the nominating. You can also tell them that you’re following the lead of the American people. Remember: you work for us. We’re counting on you. We’ll do our part by continuing our deep engagement on these issues, and we’ll have your back.

All our best,

The People of the United States of America