 

**POSTCARD PARTY #166 March 27, 2020**

To stay on top of COVID-19 announcements and happenings in NC, Gov. Cooper has set up a useful text messaging system. To enroll, just text COVIDNC to 898211.

**Federal:**

**COVID-19 Economic Stimulus**

The American Economy is in crisis. A reasonable metaphor is the need for ventilator support among critical COVID-19 patients. It is true that a few areas of the economy will need to be relied on as though all were well: Provision of food, medicine, logistics, provision of public order, utilities. Their labor forces should command extra resources as the demands upon them could become massive.

I believe the ranks of economists would agree that keeping a market system would be helpful when there is a prospect of thereby linking supplies with demands. In order for the government to keep this limited economy going, it needs to make all the necessary demand effective. It must supply money where that is lacking. In a very substantial number of cases that means cutting checks to individuals. The first such source of individual names is likely the tax rolls. A second source is the rolls of local public assistance agencies. There will be other sources.

Unfortunately there will be many opportunities for profiteering. The Senate Republican proposal attempted to bathe that costly disfigurement in legal language by proposing a $500 billion discretionary fund placed in the hands of Treasury Secretary Stephen Mnuchin. It is basically up to the negotiators to stave this off; –principally Senator Schumer and Speaker Pelosi, as there does not seem to be a kitchen-cabinet forming around presumptive nominee Joe Biden that wants to tackle these massive issues.

In order to catch our breath, I recommend tackling the situation in North Carolina first. The past week has shown a consensus emerging around a platform. It is spelled out at https://survivalandbeyond.info/platform/ Please take a look at it. It is quite a progressive framing.

In order to put that framing into some sort of legal form, I recommend contacting the Governor’s office and urging the legislature be called into session. This would require that assent of the two houses. It appears that these bodies would need to suspend rules in many cases to get bills to a vote when quorums in the physical building are unlikely due to the risk to staff and members. It may be that the resulting bills would need to have significant lags built in before their terms could become effective. During the interim period the great majority of the state would be on the sort of life support suggested by the initial metaphor. That means Federal allocations would have to be created and distributed to allow that to occur, which would be a matter of Federal legislation.

In creating the Federal interim legislation, two objectives would be paramount: Instating an effective public health system with clear leadership- perhaps a “Health Czar” with accountability for benchmarks and measures of control based on the President’s “Declaration of War”. These controls would run not only over the VA and military health systems (though they could be an initial framework) but exert conditions in private health settings. This would require significant bureaucratic adjustments.

The second federal interim objective would be to sustain existing enterprises, with priority to the critical ongoing functions listed above. This would most appropriately be done by direct funding with the federal government taking nonvoting equity shares or partnership interests to secure the invested funds, which the government could legally create by coinage (under existing legal authority) of *Trillion* dollar denominated coins which would be supplied to the Federal Reserve system, allowing the various Federal banks to make appropriate loans. These would supplement the equity stakes funding in enterprises which would apply for them to allow carryover and maintenance operations until they could safely stand up businesses when the virus threat is past.

[I anticipate it will be useful to urge measures such as the Green New Deal as a ‘job guarantee’ for people displaced as a result of the economic shocks, increased energy efficiency activities, decoupling from foreign supply chains that could no longer be sustained, reinforcement of new supply etc. These would have to be created, at least in initial scheme, while work-from-home was still the standard operation, another massive challenge.]

As of this writing, Congress is still “negotiating” the latest stimulus bill designed to ameliorate the effects of COVID-19 on the economy. While each of us has a different perspective on what industries are vital and which ones we can do without, here is Reuters' current list of those who have requested to be bailed out at taxpayer expense:

NATIONAL ASSOCIATION OF MANUFACTURERS - $1.4 trillion in loans

RESTAURANTS - $455 billion

HOTEL, TRAVEL INDUSTRY - $250 billion

U.S. CONFERENCE OF MAYORS - $250 billion in local aid

HEALTH CARE INDUSTRY - $100 billion

BOEING - $60 billion

AIRLINE INDUSTRY - $50 billion

AIRPORTS - $10 billion

NATIVE AMERICAN GAMING INDUSTRY - $18 billion

PORTS $6.5 billion

AMTRAK - $1 billion

TENNESSEE DISTILLERS GUILD - Unspecified

Many other industries will soon be at the table: Universities, petrochemicals, autos, financial, etc. These specific demands are on top of an unprecedented $4 trillion that the Fed has committed to ensure that all companies can meet their immediate cash needs.

Assistance for individual workers who may have lost their jobs and have no resources to fall back upon? As little as $600.

The targets are moving too rapidly for this suggestion sheet to be precise, and the current proposals are not the last bills that will be addressed. It is up to you to stay on top of information from credible sources regarding the components of economic recovery legislation, and be ready to email and call (postcards may be too slow) to support or condemn individual components.

Meanwhile, there are also concerns regarding the uses to which “bailed-out” companies might put the taxpayer funds. Here are some restrictions from proposed by Senator Elizabeth Warren: "Let me be clear: We're not doing no-strings-attached bailouts that enrich shareholders or pay CEO bonuses. Period," Warren said on Twitter**.**

Here are Warren's eight conditions:

* Companies must maintain payrolls and use federal funds to keep people working.
* Businesses must provide $15 an hour minimum wage quickly but no later than a year from the end
* Companies would be permanently banned from engaging in stock buybacks.
* Companies would be barred from paying out dividends or executive bonuses while they receive federal funds and the ban would be in place for three years.
* Businesses would have to provide at least one seat to workers on their board of directors, though it could be more depending on size of the rescue package.
* Collective bargaining agreements must remain in place.
* Corporate boards must get shareholder approval for all political spending.
* CEOs must certify their companies are complying with the rules and face criminal penalties for violating them.

Contact:

* Senators Burr and Tillis
* Representative Meadows
* House Speaker Pelosi
* Senate Majority Leader McConnell
* Senate Minority Leader Schumer
* Treasury Secretary Mnuchin

**Civil Liberties:**

Courts around the country are grappling with how to continue operations in the face of the threat posed by the covid-19 pandemic, in particular how to comply with the requirements of the Speedy Trial Act for criminal defendants. While most of Congress’s attention is focused on how to respond to the looming financial meltdown, the Trump Justice Department is floating language to be included in one of the relief packages to address the burden on the judiciary. Some of the department’s proposal are sensible; others would be dangerous incursions on fundamental constitutional rights.

The department’s draft language, as reported by Politico, seeks modification of the Federal Rules of Criminal Procedure to allow greater use of videoconferencing, even at times without the defendant’s agreement. With covid-19’s rapid transmission between individuals, and the danger it poses to certain groups of people, such a move might have some merit. Similarly, the Justice Department’s proposal to extend the statute of limitations in both criminal and civil cases during an emergency “and for one year following the end of the national emergency” has some merit, although an additional year is excessive. The courts too are facing a significant slowdown as staff works remotely and others are getting sick.

But the Justice Department’s request doesn’t stop there. Instead, the department has also included an idea that should be immediately rejected: letting federal court chief judges halt all court proceedings during an emergency. This provision would apply to “any statutes or rules of procedure otherwise affecting pre-arrest, post-arrest, pre-trial, trial, and post-trial procedures in criminal and juvenile proceedings and all civil process and proceedings.” In its draft language shared with Congress, the Justice Department argues that the new provision would ensure more consistency in the procedures adopted in different courthouses.

What is most chilling about this proposal is what it would do to habeas corpus, the constitutional guarantee that a detained person has the right to appear in court for a determination of whether his or her detention is lawful. The Justice Department language would allow a judge to order someone who had simply been arrested, but not charged or convicted, to be held until the judge determines the emergency is over.

Contact: MOCs and Attorney General Barr

Asylum

The coronavirus has crowded out many policy debates. But in one area, immigration, it is fusing with the Trump administration’s broader agenda.

Using covid-19 as a cover, the administration is making its most overt move yet to eliminate the right to seek asylum in the United States. Officials claim that because of coronavirus, beginning March 21, they swiftly can return or repatriate asylum seekers at the U.S.-Mexico border. This unprecedented move violates U.S. and international law and may actually exacerbate the spread of covid-19 at the border. It also betrays the core promise of the 1980 Refugee Act, signed 40 years ago this week.

With this law the United States belatedly accepted the definition of a refugee established by the 1951 U.N. Convention and 1967 Protocol on the Status of Refugees. The Act passed Congress with overwhelming bipartisan support and made resettling refugees from abroad a part of the nation’s immigration policy. But the Act also accorded people fleeing persecution a chance to seek asylum if they arrived at U.S. borders or already were in the United States.

Contact: MOCs and Attorney General Barr

**North Carolina**

**NC Medicaid: Demand Action from NCGA Leadership**

We hope everyone is staying safe during these uncertain times and following the guidelines being put out by the CDC and NCDHHS to limit the spread of the coronavirus. Washing our hands and practicing social distancing are two things we should all be doing, but there is so much more that needs to be done. At this defining moment, as North Carolinians, we need to make it clear that we want to live in a state and a country that looks out for all our people, especially those who are the most vulnerable and marginalized.

**Contact Speaker Moore and Senate President Pro Tem Berger directly and demand that they work with Governor Cooper to address this pandemic – by expanding Medicaid.**

**Headline: "Burr sold stocks before pandemic tanked market"** "U.S. Sen. Richard Burr of North Carolina sold between $628,033 and $1.72 million of his stock holdings last month, days after he praised the nation's preparedness to combat coronavirus. Two weeks after the stock sales, the republican senator warned a group of businesspeople in Washington about the potentially dire impact the virus could have on the U.S. Burr reported 33 separate sales on Feb. 13 in companies ranging from CSX rail and 3M manufacturing to Wyndham Hotels, CenturyLink and Bank of New York Mellon, according to a financial disclosure form. Six days earlier, he and Republican U.S. Sen. Lamar Alexander of Tennessee penned an op-ed for Fox News outlining the steps the government had available to combat coronavirus. "Thankfully, the United States today is better prepared than ever before to face emerging public health threats, like the coronavirus, in large part due to the work of the Senate Health Committee, Congress, and the Trump Administration," the two senators wrote in the piece. "The work of Congress and the administration has allowed U.S. public health officials to move swiftly and decisively in the last few weeks." A week after Burr’s sales, the stock market began a sharp decline, and it has lost about 30 percent of its value since then." (WRAL, 3/19/20)

**Contact: Sen. Burr to demand his immediate resignation**

**Pre-trial Detention**

Let’s start with our jails. For far too long, people have been jailed across the state for inability to pay cash bail, not because of pressing public safety concerns. In far too many cases, these people not been convicted of a crime — and are, in fact, presumed innocent — but now find their health and lives imperiled through their involvement in the justice system. We are gratified to hear that some jails and district attorney’s offices are considering immediately releasing defendants who pose no threat to public safety. But these efforts must be coordinated through a statewide policy.

In addition to releasing pre-trial detainees from our jails, correctional facilities should consider releasing people who are infirm or elderly. There is no statewide policy for early release of these individuals in North Carolina.

**Contact: Rep. McGrady and Sen. Edwards**

**NC Elections**

As the COVID-19 cases increase in North Carolina, the state board of elections should consider actions to safeguard this year's elections. Please communicate your concerns and suggestions. The ideas in the letter below have been suggested by other organizations that are working to preserve our democracy. Public comments may be made by an email to rules@ncsbe.gov, or by mail: Attn: Rulemaking Coordinator, P.O. Box 27255, Raleigh, NC 27611-7255.

"Dear NC State Board of Election,

As a registered voter in our state, I am urging you to enact changes in election administration in response to our nation’s COVID-19 crisis.  The state elections director should be allowed to use emergency action during this time to ensure that we will have a free & fair election in November 2020.

Please consider the following actions:

* Institute digital or telephonic participation for County Board of Elections activities.
* Institute significant changes regarding the provision and design of absentee ballots in order to expand access and provide the opportunity for all voters to vote by absentee ballot.
* Develop contingency plans for moving to an all-mail election and protocols for when such a measure should be taken.
* Support intensive poll worker recruitment in order to ensure that the upcoming elections are fully staffed.
* If in-person voting is to remain available, polling locations must be moved out of buildings  
  that serve populations at high risk for contracting the coronavirus, such as retirement facilities.
* Monitor and ensure adequate sanitation at all polling locations across the state.
* Fast track the transition to current online DMV registration in light of challenges facing in- person voter registration.
* Ensure adequate Curbside Voting as a low contact/no contact option.

I urge the State Board of Elections to utilize its powers to provide guidance to counties and advocate for implementation of the aforementioned recommendations.

·Request funding through the NC General Assembly.

·Request and utilize any available federal funds.