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Missouri lawmaker quits in last moment before lobbying limit

A Missouri lawmaker waited until the last moment to resign while still avoiding a new constitutional amendment that could have limited his ability to lobby in the future.

State Rep. Courtney Allen Curtis resigned at 11:59 p.m. Wednesday. On Thursday, a voter-approved amendment took effect requiring lawmakers to wait two years before registering as lobbyists. State law had required only a six-month lobbyist waiting period.

Curtis said Thursday that the timing of his resignation was intentional. The Democrat from Ferguson said he is starting an online sports-experience marketing company called Fanvie, may seek a six-figure grant from a state-funded entity and wants to leave open his business possibilities.

Curtis said he doesn't foresee himself lobbying at the Capitol but that it could be necessary for his company. He also said he might be able to advise others on Missouri's newly legalized industries of medical marijuana and industrial hemp.

"If I had to register (as a lobbyist) in order to provide that advice or to get someone to the next level, if that opportunity came in the future, I wouldn't necessarily say no," Curtis said.

Curtis will forgo around \$3,000 in salary by resigning about a month before his term was to end on Jan. 9. He had attempted to run for the state Senate earlier this year but was denied by the state Democratic Party — and ultimately by the state Supreme Court — because of unpaid fines levied by the Missouri Ethics Commission for campaign finance violations.

His departure means there now are 13 vacancies in the 163-member House and three in the 34-member Senate. Nearly a third of those came after voters approved Constitutional Amendment 1 on Nov. 6. Some left earlier to take jobs in Gov. Mike Parson's administration.

According to the House, the number of resignations in that chamber is the highest of any year in records dating back to 1994. The next highest was 11 resignations in 2002, the first year that voter-approved term limits prohibited many longtime lawmakers from seeking re-election.

Constitutional Amendment 1, which automatically took effect 30 days after the election, also subjects lawmakers to the state open-records law, imposes a \$5 lobbyist gift limit and revamps the legislative redistricting process. The measure makes Missouri the first in the nation to use a mathematical formula to try to prevent gerrymandering and achieve "partisan fairness" and "competitiveness" beginning after the 2020 Census.

City Ethics Commission Is Investigating Far Fewer Cases Than 2 Years Ago

Reading time: 8 minutes.

The Honolulu Ethics Commission has kept a low profile since the [tumultuous departure](#) of its former director, Chuck Totto, more than two years ago.

Totto's replacement, Jan Yamane, has shifted the commission's focus from investigating misconduct to training city employees and encouraging good behavior.

"It doesn't mean enforcement isn't going to happen, but we would like to be more proactive," she said. "We think it'll change culture."

The commission also gives advice to city staff about possible conflicts of interest and gathers information from lobbyists and public officials.

"We certainly are not shying away from any cases" of alleged misconduct, said Victoria Marks, the commission's chair. "We take what comes our way, we don't go out and try to stir the pot, and we have plenty of work."

The commission launched 86 new investigations in Yamane's first year and 58 in her second, according to data compiled from [annual reports](#) and minutes from the commission's October [meeting](#). That's down from an average of about 100 per year in the four years leading up to Totto's 2016 departure.

The number of investigations into complaints "shows that the public and city workers will report misconduct and believe that the Commission offers a fair and effective forum to examine and resolve their concerns," the 2011 annual report [says](#).

If there's enough evidence that someone did something wrong, Yamane said, it usually ends up as an ethics opinion published by the commission. The commission can also publish advisory opinions when it gets questions it feels are important enough to publicly clarify.

The commission has published a handful of ethics opinions in recent years – three this year and two last year – but hasn't made many waves.

Yamane said the number of opinions issued isn't a litmus test of the commission's performance. She also said she wants to use advisory opinions as a way to reinforce good behavior, not just slap people on the wrist for wrongdoing.

"There will always be complaints and there will always be problems, that part of it doesn't go away. But I think part of what we're trying to do is expand the scope of what we can do and not just be an enforcement agency," she said. "So much more that can be done by encouraging positive behavior."

That's a change in approach from Totto's 16-year tenure, when he issued a series of high-profile ethics opinions that fined City Council members for corruption charges and [clarified the business dealings](#) of Honolulu Mayor Kirk Caldwell.

Totto's approach earned him enemies. Former Police Chief Louis Kealoha and his prosecutor wife, Katherine, who now face a slew of corruption charges, sued Totto and the commission for alleged [vindictive investigations](#). Last week a judge dismissed the Kealohas' case.

Totto declined to comment for this article.

He publicly clashed with the Caldwell administration for years before [quitting over what he called political meddling with his office](#).

Things seem to have calmed down. But for some, the commission is now too quiet.

In November, the commission voted to reduce its sparsely attended public meetings from monthly to once every two months. That raised a red flag for Corie Tanida, the director of [Common Cause Hawaii](#).

“We do have concerns about getting information to the public,” Tanida said. “If they’re cutting the opportunity to hear the commission in session, and the opportunity to weigh in, in half, that is very concerning.”

Natalie Iwasa, a Hawaii Kai resident who doggedly follows city affairs, shared Tanida’s concerns.

“An agency such as the ethics commission should not be quiet,” Iwasa said. “It should be the opposite. It should be a commission that goes out of its way to let people know, ‘Hey we’re out here and working on this, and if you have concerns please contact us.’”

“We certainly are not shying away from any cases. We take what comes our way, we don’t go out and try to stir the pot.” — Ethics Commission Chair Victoria Marks

In the years leading up to Totto’s departure, the commission saw a dwindling number of requests for advice, from an average of 342 per year from fiscal years 2012 to 2016 to just 182 requests in the 12 months following Totto’s exit, the annual reports show.

Yamane said for a while after Totto left, the commission only had one attorney, which could have contributed to the decline in requests for legal advice. After Yamane’s first year as director, the number of requests spiked to 601, but the commission now tracks all questions fielded by any of its staffers instead of just the two attorneys, which could account for the increase.

She could not say how many cases of misconduct the commission is currently working on because it now bundles similar complaints into single cases to investigate.

Yamane said she and her staff were spending an inordinate amount of time preparing minutes and agendas for the meetings, which last one to three hours.

She also said the commission can still call a public meeting if there are time-sensitive issues to deal with.

“It’s not to try and cut the public out, but it’s actually trying to find time to get some more work done,” Yamane said. Besides, “it’s not like we’ve got throngs of people beating down the door.”

The staff of five must train roughly 10,000 city employees on government ethics every two years. As of October, 9,686 workers had gone through the training this year, a significant increase from previous years.

They’ve spent much of the last year revamping what was generic training, Yamane said, and plan to write new curriculum every biennium to keep employees engaged.

A new online course for all employees with computer access takes under an hour to complete and uses video clips from the TV show “Parks and Recreation,” a comedy about the daily life of bureaucrats in small-town Indiana, to define conflicts of interest and nepotism, and caution employees against personal use of public property.

“We know that humor works,” she said. “We’re not the funniest group, it’s not that easy to come up with funny content.”

The commission staff offers a presentation of the same content for employees who don’t work in front of a computer.

For supervisors in city departments who've received ethics training year after year, the commission staff created ethics "Jeopardy" games to challenge their knowledge. So far, Yamane said she's has gotten positive feedback from city employees.

She also said fewer public meetings will give the her staff more time to process hundreds of annual lobbyist reports and financial disclosure forms from elected officials and cabinet members, which are due in January.

All lobbyists are supposed to file an annual report detailing money they spent and which bills they sought to influence within city government. More than a year ago, Yamane [called for overhauling](#) the way the city gathers information from lobbyists.

She revised the forms so lobbyists must specify how they've spent their money, such as on meals or advertising or political contributions. But most lobbyists report spending no money, and Yamane said her staff doesn't have time to go through the information to ensure it's accurate.

She has drafted a City Council bill that would remove the requirement that lobbyists get their forms notarized, which some see as cumbersome and unnecessary.

The state [Ethics Commission](#) requires lobbyists to file reports three times a year, an idea Yamane supports. But she said her office doesn't have the resources to process more reports and plans to ask the City Council for funding for another attorney in the upcoming budget cycle to help with the workload.

"Everyone says it seems easy but when you're using the existing five staff (members) that do everything else, you've got to carve some time out," Yamane said.

[Prosecutors ramp up foreign lobbying probe in New York](#)

Spinning off from the special counsel's Russia probe, prosecutors are ramping up their investigation into foreign lobbying by two major Washington firms that did work for former Trump campaign chairman Paul Manafort, according to people familiar with the matter.

The investigation had been quiet for months since special counsel Robert Mueller referred it to authorities in Manhattan because it fell outside his mandate of determining whether the Trump campaign coordinated with Russia.

But in a flurry of new activity, Justice Department prosecutors in the last several weeks have begun interviewing witnesses and contacting lawyers to schedule additional questioning related to the Podesta Group and Mercury Public Affairs, the people familiar with the inquiry said. They spoke to The Associated Press on condition of anonymity because they were not authorized to discuss the ongoing work.

The New York work underscores the broad effects of Mueller's investigation, extending well beyond the central question of President Donald Trump and collusion. Mueller has made clear he will not turn away if he discovers alleged crimes outside the scope of his inquiry; instead, he refers them out in investigations that may linger on even after the special counsel's work concludes. Other Justice Department referrals from Mueller have ended in guilty pleas, including the hush money payment case of Trump's former lawyer Michael Cohen.

The investigation reflects how Mueller, in latching onto an obscure law, has shined a light on high-dollar lobbying practices that have helped foreign governments find powerful allies and advocates in Washington. It's a practice that has spanned both parties and enriched countless

former government officials, who have leveraged their connections to influence American politics.

In New York, Mueller's referral prompted a fresh look at the lobbying firms of Washington insiders Tony Podesta and Vin Weber, who have faced scrutiny for their decisions not to register as foreign agents for Ukrainian lobbying work directed by Manafort.

Podesta is a longtime Democratic operative whose brother, John Podesta, ran Hillary Clinton's 2016 presidential campaign; Weber is a former Republican congressman from Minnesota. Neither man has been charged with any crimes. Their firms have defended the decisions by saying they relied on the advice of outside attorneys.

Mueller's referral also involved Greg Craig, a former White House counsel for President Barack Obama. Craig supervised a report authored on behalf of the Ukrainian government, and Mueller's team has said Manafort helped Ukraine hide that it paid more than \$4 million for the work. CNN reported in September that prosecutors were weighing charges against Craig.

It's unclear if the renewed interest will produce charges or if prosecutors are merely following up on Mueller's referral.

Lawyers for Weber and Craig and a spokeswoman for Podesta declined to comment. The U.S. attorney's office in Manhattan didn't return an email seeking comment.

Mercury spokesman Michael McKeon said the firm has "always welcomed any inquiry since we acted appropriately at every step of the process, including hiring a top lawyer in Washington and following his advice. We'll continue to cooperate as we have previously."

Foreign lobbying work was central to Mueller's case against Manafort and his longtime associate Rick Gates, two high-profile Trump campaign officials who pleaded guilty earlier this year and have been interviewed extensively by prosecutors.

The Podestas have been frequent targets of Trump and his associates, who have repeatedly demanded to know why Tony Podesta has not been arrested and charged. Trump confidant Roger Stone, for instance, has insisted a 2016 tweet of his that appeared to presage the release by WikiLeaks of John Podesta's emails — "Trust me, it will soon be the Podesta's time in the barrel" — was instead a reference to the brothers' foreign connections getting them into the hot seat.

In September, Manafort admitted to directing Mercury and the Podesta Group to lobby in the U.S. on behalf of a Ukrainian political party and Ukraine's government, then led by President Viktor Yanukovich, Manafort's longtime political patron.

While doing the lobbying, neither the Podesta Group nor Mercury registered as foreign agents under a U.S. law known as the Foreign Agents Registration Act, or FARA, which requires lobbyists to declare publicly if they represent foreign leaders, governments or their political parties.

The Justice Department has rarely prosecuted such cases, which carry up to five years in prison, but has taken a more aggressive tack lately.

To secretly fund the lobbying and to avoid registration with the Justice Department, Manafort said he along with unidentified "others" arranged for the firms to be hired by a Brussels-based nonprofit, the European Centre for a Modern Ukraine, rather than the Ukrainian political interests directly.

Mercury and Podesta, which were paid a combined \$2 million on the project, then registered under a less stringent lobbying law that doesn't require as much public disclosure as FARA. Both firms have said they registered under the Lobbying Disclosure Act, rather than FARA, on the advice of lawyers at Skadden, Arps, Slate, Meagher & Flom, Craig's former firm. Gates admitted in his plea deal that he lied to Mercury's attorneys about the project, a fact the lobbying firm has publicly highlighted. The Podesta Group has said it was misled by the European Centre for a Modern Ukraine, citing a written certification from the nonprofit stating it wasn't directed or controlled by the Ukrainian Party of Regions, one of Manafort's clients. Both firms have since registered under FARA. But in court papers filed alongside Manafort's plea agreement, Mueller's prosecutors suggested the firms were aware they were working on Ukraine's behalf. Prosecutors say employees of both companies "referred to the client in ways that made clear they knew it was Ukraine." One Mercury employee said the nonprofit was the client "in name only," likening the situation to "Alice in Wonderland." A Podesta employee referred to the nonprofit's certification that it wasn't related to the Ukrainian political party as a "fig leaf on a fig leaf." Mueller's team also noted that "the head of" the Podesta Group, an apparent reference to Tony Podesta, told his team to think the president of Ukraine is the client.

[Council set to take second vote Tuesday on amended version of campaign finance reform bill](#)

The DC Council is moving toward passage of a major omnibus campaign finance reform bill, with a final vote scheduled this week after an initial OK in November. If approved, the legislation would overhaul campaign fundraising in a city long associated with a pay-to-play culture.

DC Council Chairman Phil Mendelson said at a press briefing Monday morning that he expects legislators to offer several proposed amendments at Tuesday's meeting, including one that would alter the restrictions on contributions by contractors and another affecting whether candidates would be held personally liable for debts of campaign committees in certain instances.

The bill's author — Ward 6 council member Charles Allen, chair of the Committee on the Judiciary and Public Safety — plans to propose an updated version of the bill as an "amendment in the nature of a substitute," according to a spokesperson. The package will allow candidates "to retire the debts of their principal campaign committees without personal liability" within 12 months of the election, rather than the previously proposed six months; it will also specify that personal liability kicks in only after the new Campaign Finance Board completes its audit of the campaign committee.

Other changes in the Allen amendment include a clarification that "covered contractors" subject to the contribution restrictions can donate to their own elections, as well as a requirement that the Office of Contracting and Procurement issue rules implementing the pay-to-play provisions. Proponents say the [Campaign Finance Reform Amendment Act of 2018](#) would help restore public confidence in the city's political process through a number of policy changes. It combines the goals of four campaign finance reform bills that had been referred to the Committee on the

Judiciary and Public Safety over the past two years. Critics, meanwhile, express frustration over rhetoric that suggests the bill is a cure for past corruption that they say is largely unrelated to campaign donations.

First introduced in 2017 by Allen and at-large colleagues David Grosso and Anita Bonds, the bill won initial approval during the council's Nov. 20 legislative meeting with the support of all but two of the 13 members. Ward 4's Brandon Todd and Ward 5's Kenyan McDuffie voted "present," meaning they voted neither for nor against the legislation.

During debate, Allen stressed that he expected to continue honing the measure in consultation with other council members prior to the required second vote on the bill, which is on Tuesday's [non-consent agenda](#). It's one of 100 or so measures slated for consideration.

Highlights from the 301-page [committee report](#) on the campaign finance bill include provisions to prevent government contractors from making campaign contributions — a practice critiqued as a "pay-to-play" culture that generally helps entrenched incumbents. The restrictions would apply to firms and their top executives if they hold or are seeking government contracts worth at least \$200,000. The report notes that this would cover any enterprise, franchise, association, organization, nonprofit corporation, or other legal entity through which business is conducted, whether for profit or not.

The bill would also create a new board to oversee the Office of Campaign Finance, which currently operates under the auspices of the Board of Elections. Other key provisions in the legislation would ban the bundling of campaign contributions by lobbyists and require independent expenditure committees to list their top five donors on their political advertisements.

Opening the debate during the Nov. 20 legislative meeting, Allen said that he hoped his colleagues would not support an attempt to table the bill, though no one ended up attempting to do so. Allen stressed the District would be far from the first jurisdiction to implement pay-to-play reforms.

"At least 17 states, the federal government and numerous cities across the country including New York City and Los Angeles have implemented restrictions," Allen said. States with pay-to-play prohibitions include nearby Maryland and New Jersey, as well as California and Texas.

At-large council member Elissa Silverman said the proposed legislation — when paired with the District's recently adopted system of public financing — would help ensure that campaigns in DC are fueled by resident interests and would limit the influence of money "as a corrupting influence" on local politics. She used her most recent re-election campaign as an example, alluding to the financial support two of her opponents received from the business community. After S. Kathryn Allen was removed from the ballot due to insufficient valid signatures on her campaign petitions, donations began flowing to Dionne Reeder, particularly after she won Mayor Muriel Bowser's full-throated endorsement.

"Just look at the fundraising in my recent council race," Silverman said. "Big-money special interests filled not just one, but two candidates. One contributor to my opponent said he felt like he had a gun put to his head — if he didn't give, it would be held against him."

Grosso also expressed strong support for the bill, as did at-large colleague Robert White.

"It is my hope that in four years we won't recognize our election system," Grosso said.

White described the prohibition on contractor contributions as providing “safe harbor” for business owners and entrepreneurs who would prefer not to donate to current officeholders. “I don’t believe contractors want to be pushed around,” he said.

Mendelson struck a much different tone during the debate. Though he said he had decided to vote for the bill despite some concerns, the chairman cautioned council members that passing Allen’s legislation is unlikely to end complaints about campaign contributors having undue influence over the political process. Representative government is all about seeking influence on policy decisions, he said, whether that comes via paid lobbying, campaign contributions, civic letter-writing campaigns, informal contact or myriad other mechanisms, he said.

“What I learned early on in being on the council, with regard to campaign finance, is that the most important tenet is disclosure,” Mendelson said. “When actions are taken that limit disclosure, the money becomes more difficult to track.”

Critics of the bill’s approach contend that the restrictions will foster growth of independent expenditures on behalf of favored candidates, without the benefit of the disclosure requirements or limits on the amount of spending that are now in place.

“People will find a way,” Mendelson said. The unintended consequence of some attempts at regulating contributions is making the cash “harder to trace” as it goes further underground, he added.

Mendelson also advised Allen to utilize a second reading to address concerns that had been expressed by council members in the lead-up to the debate. For example, he encouraged Allen to better define the “senior officials” of contracting firms who would be covered under the prohibition on campaign contributions. Business leaders have urged a change to make clear that employees who don’t have any role in contract solicitation are exempt from the restrictions.

“I don’t know what that is,” Mendelson said of the current reference to “senior officials” in the bill. “Sometimes people want to make a contribution, and they can’t, so they have their wife, their brother, make the contribution, which makes it harder to track the money.”

Mendelson ended his commentary by reflecting on past District scandals, such as when former council member Michael A. Brown was sentenced to three years in federal prison for accepting tens of thousands of dollars in bribes. But Brown’s offenses — and those of other legislators accused of wrongdoing — did not involve campaign fundraising or the contracting process governed by the current bill, Mendelson noted. The bill’s critics have similarly warned that it does not address the problems that have arisen in DC, describing the claims of some proponents that it does as potentially sowing distrust of elected officials after years spent recovering from the scandals of yesteryear.

“It’s precious to rebuild that credibility and rebuild that trust,” Mendelson said. “It’s easy to lose and hard to gain, and it’s important to retain it.”

Additional reservations about the bill came from McDuffie and Todd during the Nov. 20 deliberations.

“What concerns me most is [that] this bill will create traps for people to fall into,” McDuffie said, describing himself as a strong proponent of efforts to increase transparency. “People are able to see through the tactics that [lobbyists] employ. I’ve got faith in the residents of the District of Columbia to see through some of those tactics. Some of what’s in here is actually going to complicate this system.”

Todd said that disenfranchising some people is a misguided approach that will not attack the real problem. “We can’t legislate out of existence unscrupulous people,” he said.

Todd also took exception to the assertion that contributors gain access because of their donations. “Everyone gets access whether you’ve donated to my campaign or not,” he said.

If the council gives final approval to the bill, it will go to Mayor Muriel Bowser for her signature or veto. The legislation would also have to pass congressional review to take effect.

[Court ruling could force everyday Missourians to register as lobbyists, attorneys say](#)

Ron Calzone has been walking the hallways of the Missouri statehouse for years, meeting with lawmakers and their staffs, testifying before legislative committees and advocating for the conservative causes he holds dear.

But he swears he’s not a lobbyist.

True, he’s founder, director and sole officer of a nonprofit called Missouri First, a group that includes legislative lobbying to influence public policy in its charter.

Calzone never withholds his affiliation with the group when speaking with elected officials. But he is unpaid, never claims to be speaking on behalf of the organization and never gives legislators gifts of any kind.

Thus, he doesn’t believe he should have to register with the state ethics commission or submit reports detailing all of the ways in which he has attempted to influence legislation.

The United States Court of Appeals for the Eighth Circuit disagrees.

In a 2-1 ruling on Wednesday, the court found that Calzone’s activity qualifies as lobbying, and the government’s interest in transparency means even an unpaid lobbyist must register and file lobbying reports.

Calzone’s attorneys say the decision is a significant strike against the constitutional right to petition the government and have vowed to appeal. They argue that the court’s interpretation of Missouri lobbying law could end up being expansive enough to require everyday citizens to register as lobbyists or face the possibility of a complaint that could lead to criminal penalties.

“The problem is that every year dozens of groups go down to the Capitol for lobby days, and they have people designated to speak on behalf of these groups,” said David Roland, one of Calzone’s attorneys and director of Litigation for the Freedom Center of Missouri, a libertarian nonprofit that advocates for government transparency.

“And there is no principle distinction between that and what Mr. Calzone does. None,” Roland said. “They are volunteers, but according to this ruling, those people should have to register and report as lobbyists.”

Calzone’s legal drama began on Election Day in 2014, when a complaint was filed with the Missouri Ethics Commission alleging that since 2000, when he founded Missouri First, Calzone had violated state law by lobbying members of the Missouri General Assembly on behalf of Missouri First without registering and paying registration filing fees.

In September 2015, the commission found probable cause that Calzone had violated two state laws and ordered him to register as a lobbyist, file all required reports, cease and desist from

attempting to influence legislation until after filing an annual lobbyist registration and other required reports, and pay a \$1,000 fine.

Calzone sued to overturn that decision, with the case eventually landing in the court of appeals.

In upholding the commission's decision Tuesday, the court said the state has "an interest in transparency, which includes avoiding the fact or even the appearance of public corruption and knowing who is attempting to influence legislators and public policy."

"Though the lobbyists may not be receiving money, unpaid lobbyists could still offer things of value to legislators, creating a sufficiently important governmental interest in avoiding the fact or appearance of public corruption," the court ruled. "Furthermore, the government and the public have a sufficiently important interest in knowing who is pressuring and attempting to influence legislators, and the ability to pressure and influence legislators is not limited solely to paid lobbyists."

Dissenting from the majority opinion, Judge David Stras wrote that the ruling appears to apply to all sorts of citizens who might attempt to influence lawmakers. That would seem to include citizen "lobby days" at the Missouri Capitol, when Missourians travel to Jefferson City on designated days to lobby lawmakers specifically on behalf of groups such as labor unions, professional organizations and advocacy groups.

"The law seemingly sweeps up all unpaid political advocacy by anyone who acts on behalf of someone else, no matter how often it occurs and regardless of purpose," Stras wrote.

The ruling "endangers the free exchange of ideas," Sras wrote, and could lead to ethics complaints being weaponized against political adversaries.

"Indeed, a political adversary, an unscrupulous government official or even a legislator tired of being held accountable could simply submit a complaint to the (Ethics) Commission accusing a politically active citizen of lobbying... without first registering as a lobbyist," Sraus wrote. "It may just be simpler for a citizen to skip a lobbying day or pass up the opportunity to call a legislator rather than having to complete tedious paperwork or risk sizable fines and criminal penalties."

[Saudi-funded lobbyist paid for 500 rooms at Trump's hotel after 2016 election](#)

Lobbyists representing the Saudi government reserved blocks of rooms at President Trump's Washington, D.C., hotel within a month of Trump's election in 2016 — paying for an estimated 500 nights at the luxury hotel in just three months, according to organizers of the trips and documents obtained by The Washington Post.

At the time, these lobbyists were reserving large numbers of D.C.-area hotel rooms as part of an unorthodox campaign that offered U.S. military veterans a free trip to Washington — then sent them to Capitol Hill to lobby against a law the Saudis opposed, according to veterans and organizers.

At first, lobbyists for the Saudis put the veterans up in Northern [Virginia](#). Then, in December 2016, they switched most of their business to the Trump International Hotel in downtown Washington. In all, the lobbyists spent more than \$270,000 to house six groups of visiting veterans at the Trump hotel, which Trump still owns.

Those bookings have fueled a pair of federal lawsuits alleging Trump violated the Constitution by taking improper payments from foreign governments.

During this period, records show, the average nightly rate at the hotel was \$768. [The lobbyists](#) who ran the trips say they chose Trump's hotel strictly because it offered a discount from that rate and had rooms available, not to curry favor with Trump.

"Absolutely not. It had nothing to do with that. Not one bit," said Michael Gibson, a Maryland-based political operative who helped organize the trips.

Trump's shifting rhetoric on Jamal Khashoggi's killing

After initially warning of "severe punishment" for the killing of journalist Jamal Khashoggi, President Trump issued a statement defending Saudi Arabia. (JM Rieger/The Washington Post)

Some of the veterans who stayed at Trump's hotel say they were kept in the dark about the Saudis' role in the trips. Now, they wonder if they were used twice over: not just to deliver someone else's message to Congress, but also to deliver business to the Trump Organization.

"It made all the sense in the world, when we found out that the Saudis had paid for it," said Henry Garcia, a Navy veteran from San Antonio who went on three trips. He said the organizers never said anything about Saudi Arabia when they invited him.

He believed the trips were organized by other veterans, but that puzzled him, because this group spent money like no veterans group he had ever worked with. There were private hotel rooms, open bars, free dinners. Then, Garcia said, one of the organizers who had been drinking minibar champagne mentioned a Saudi prince.

"I said, 'Oh, we were just used to give Trump money,' " Garcia said.

The Washington firm Qorvis/MSLGroup, which has long represented the Saudi government in the United States, [paid the organizers of the "veterans fly-in" trips, according to lobbying disclosure forms](#). The firm declined to comment.

What you need to know about Trump and the emoluments clause

D.C. and Maryland are suing President Trump for violating a little-known constitutional provision called "the emoluments clause." (Video: Jenny Starrs/Photo: Matt McClain/The Washington Post)

The Saudi Embassy did not respond to questions for this report. Trump hotel executives, speaking on the condition of anonymity to discuss their clients, said they were unaware at the time that Saudi Arabia was ultimately footing the bill and declined to comment on the rates they offer to guests.

The existence of the Saudi-funded stays at Trump's hotel was [reported by several news outlets](#) last year. But reviews of emails, agendas and disclosure forms from the Saudis' lobbyists and interviews this fall with two dozen veterans provide far more detail about the extent of the trips and the organizers' interactions with veterans than have previously been reported.

That reporting showed a total of six trips, during which the groups grew larger after the initial visit and the stays increased over time. The Post estimated the Saudi government paid for more than 500 nights in Trump hotel rooms, based on planning documents and agendas given to the veterans and conversations with organizers.

These transactions have become ammunition for plaintiffs in two lawsuits alleging that Trump violated the Constitution's foreign emoluments clause by taking payments from foreign governments. On Tuesday, [the attorneys general in Maryland and the District subpoenaed](#) 13

Trump business entities and 18 competing businesses, largely in search of records of foreign spending at the hotel.

[Earlier this year, the Trump Organization donated about \\$151,000](#) to the U.S. Treasury, saying that was its amount of profit from foreign governments, without explaining how it arrived at that number. The Justice Department, defending Trump in the lawsuits, says the Constitution doesn't bar routine business transactions.

Next year, the transactions will also face scrutiny from the House's new Democratic majority. Democrats have said they want to understand Trump's business connections with the Saudi government in the aftermath of the [killing of Post contributing columnist Jamal Khashoggi at a Saudi consulate in Turkey](#).

"Foreign countries understand that they can curry favor with the president by patronizing his businesses," said Rep. Adam B. Schiff (D-Calif.), who will lead the House Intelligence Committee next year. "It presents a real problem, in that it may work." The White House declined to comment.

When these trips began, in late 2016, the Saudi government was on a losing streak in Washington.

In late September, Congress had [overridden a veto](#) from President Barack Obama and passed a law the Saudis vehemently opposed: the Justice Against Sponsors of Terrorism Act, called JASTA. The new law, backed by the families of Sept. 11 victims, opened the door to costly litigation alleging that the Saudi government bore some blame. Of the 19 hijackers involved in the attacks, 15 were Saudi citizens.

In response, the Saudis tried something new. To battle one of America's most revered groups — the Sept. 11 families — they recruited allies from another.

They went looking for veterans.

"Welcome Home Brother!" wrote [Jason E. Johns](#), an Army veteran and [Wisconsin](#) lobbyist, to several veterans in December 2016, according to identical emails two veterans shared with The Post. Johns invited the veterans, whom he did not know personally, on a trip to "storm the Hill" to lobby against the law.

"Lodging at the Trump International Hotel, all expense paid," Johns wrote in the emails. Johns's email signature said he was with "[N.M.L.B. Veterans Advocacy Group](#)," which is Johns's law firm in Madison, Wis.

According to filings with the Justice Department, Johns was actually making the overtures on behalf of the Saudi government. The Saudis' longtime lobbyist, Qorvis, was [paying Gibson](#), who in turn was paying Johns.

The first trip Johns organized, in mid-November 2016, was small and short: about 22 veterans, staying two nights at the Westin in Crystal City, Va. — on the other side of the Potomac River, separated from Capitol Hill by four miles and one big traffic jam. Gibson — who helped organized the trips — said another fly-in was held at the Westin later the same month.

Then, on Dec. 2, 2016, Gibson said he was told by Qorvis to organize another visit on very short notice — with the attendees to arrive in just a few days. Gibson said the Westin was booked. So were many other hotels he tried.

“I just out of the blue decided, ‘Why not call the Trump hotel?’ ” he said. “I said I was representing a client, a group of veterans . . . Did they offer any discounts for veterans? And they said yes, they did have availability.” They also offered a lower rate, he said.

After that trip, Gibson said, Qorvis asked him to schedule more trips for 2017. It didn’t tell him to go back to the Trump hotel. But the first trip had gone well. So he did.

In all, there were five more trips in January and February, according to documents and interviews. The number of attendees rose to 50 on one trip in late January, and the trips extended to three nights, according to agendas sent to veterans. That also was the clients’ call. Gibson said he never told any Trump hotel staff that the Saudis were paying: “I did all this on my corporate credit card for my client, who was Qorvis, and said I was bringing a group of veterans to work on legislation.”

Veterans who attended these trips said a few things surprised them.

One was how good their group seemed to be at spending money.

“We’ve done hundreds of veterans events, and we’ve stayed in Holiday Inns and eaten Ritz Crackers and lemonade. And we’re staying in this hotel that costs \$500 a night,” said Dan Cord, a Marine veteran. “I’d never seen anything like this. They were like, ‘That’s what’s so cool! Drink on us.’”

Each trip included one, and sometimes two, dinners in a Trump hotel banquet room. There was usually an open bar in the room, veterans said, and it was always supposed to end at a certain hour — but often, they said, Johns would theatrically declare an extension.

“He’d be like, ‘You know what, just put it on for another hour!’” said Scott Bartels, an Army veteran from Wisconsin who went on three trips.

Another surprise, veterans said, was how bad their group seemed to be at lobbying.

Veterans said they were told that the new law might cause other countries to retaliate and might lead to U.S. veterans being prosecuted overseas for what their units had done in war. They were given a few fact sheets — including one with small print at the bottom, reading “This is distributed by Qorvis MSLGROUP on behalf of the Royal Embassy of Saudi Arabia.”

But they said they weren’t given detailed briefings about how the law ought to be amended, or policy briefings to leave behind for legislators to study.

The timing also was odd. They returned five times in January and February, when the issue was largely dormant and Washington was distracted by a new president’s inauguration. They were sent, again and again, for dead-end meetings with legislators who had made up their minds.

“The fourth time I saw Grassley’s guy, he was like, ‘Hey, what [else] is going on?’ We didn’t even talk about the bill,” said Robert Suesakul, an Army veteran from [Iowa](#), about his fourth visit to the office of Sen. Charles E. Grassley (R-Iowa). It had been clear after the first trip that Grassley wasn’t interested in amending the bill. “It didn’t make sense hitting these guys a fourth time.”

Another problem: In some cases, congressional staffers confronted them because they knew who was funding these trips.

Even if the veterans did not.

“We’d walk in there, and they’d go, ‘Are you the veterans that are getting bribed?’ ” Suesakul said.

In a phone interview, Johns said it was disappointing to hear veterans say they were “duped” and that he had always made clear, at the opening night’s dinner, that the Saudi government was paying. He said the veterans in attendance were all told that if they didn’t like it, they could go home.

“I said, ‘Look, I’m a fellow vet, and I am working with a PR firm here, and Saudi Arabia funded” the trip, Johns said.

But another organizer, Army veteran Dustin Tinsley, didn’t remember Johns telling everyone about the Saudi involvement. He did say he felt veterans should have done their own research or asked.

“When I was asked directly, ‘Is Saudi Arabia paying for this?’ I would say yes, and out of [all of them] not a single one of them said, ‘I don’t want to be a part of this,’ ” Tinsley said.

Several veterans disputed Johns’s account, saying they were not told of the source of the funding — or that the news had only slipped out later, after repeated questioning or strong drink.

“One of the guys had a little too much to drink,” said Gary Ard, a Navy veteran from [Texas](#), describing an encounter with one of Johns’s aides after the aide had been drinking at the Trump hotel. “He kind of raises up his hands, and he says, ‘Thank you, Saudi prince!’ ”

Ard quit going after two trips. He said he felt guilty, for having unwittingly gathered political intelligence for a foreign power.

“We’re taking that heart-to-heart conversation [with legislators], writing it down, and giving it to a group of people whom I don’t know,” Ard said. “And my fear in that is we’re going to create a pool of insight to what congressmen, what senators can be approached, and what their mind-sets are. And that’s completely wrong.”

The last trip to the Trump hotel was in mid-February 2017, after the first news reports outed Johns as a Saudi contractor. Johns himself said he wasn’t sure how much the trips had cost: The bills for the hotel rooms didn’t go to him, and he never saw how much the rooms cost.

[In a filing with the Justice Department](#) — required of U.S. firms working as agents for foreign powers — Qorvis said it had spent \$190,000 on lodging at the Trump hotel, and another \$82,000 on catering and parking.

The figure for lodging works out to about \$360 per person per night, which is far below the Trump hotel’s average rate for the same period. In [financial records accidentally released last year by the General Services Administration](#), which owns the building, the Trump Organization said it received an average nightly rate for January and February of \$768.67 — a price inflated by high demand around the inauguration.

Since February 2017, Saudi customers have boosted the bottom line at two other Trump hotels. In Chicago, the Trump hotel’s [internal statistics](#) showed a sharp uptick in customers from Saudi Arabia after Trump took office. In [New York](#) this year, the general manager of Trump’s hotel at Central Park said a single stay by some Saudi customers — who were traveling with Crown Prince Mohammed bin Salman — [was so lucrative it helped the hotel turn a profit for the quarter.](#)

[With Public Financing And Pay-To-Play Prohibitions, Sweeping Changes Are Coming To D.C. Politics](#)

You can put your money on this: future elections in D.C. will look very different than the ones from the past. And it comes down to money.

This week the D.C. Council gave final approval to a bill that imposes new limits on who can give money to people running for elected office in the city. It follows a bill [passed earlier this year](#) that will create a program starting in 2020 to [provide public financing to candidates](#). This follows the lead of Montgomery County, which just wrapped up its first election cycle with public financing in place.

Put together, the two bills represent a sweeping change to how political campaigns in D.C. will be funded, and could possibly open the door to new candidates and change the longstanding perception that well-heeled donors — individuals, business and lobbyists — hold sway over the levers of power in the city.

“They are going to create a sea change in elections and politics in D.C.,” said Council member Charles Allen (D-Ward 6), who helped write the bills and shepherded through the Council. “It’s going to increase trust among voters in city politics and city campaigns. I think it’s also going to allow candidates to feel that they have a fighting chance, that the playing field has been leveled.”

Public financing

The [public financing program](#), which will [take effect for the 2020 election](#), will offer candidates who swear off big-money contributions matching funds for every small contribution they take in. This means \$50 from a D.C. resident would be matched with \$250 in public funds. Advocates say the point is to democratize fundraising by allowing small donors to have more impact and also to allow candidates to spend less of their time chasing after contributions — especially from wealthy donors — to fuel their campaigns. The D.C. Chief Financial Officer [previously estimated](#) that the program would cost between \$3 and \$18 million a year, depending on how many citywide candidates are on the ballot.

More than two-dozen jurisdictions nationwide already have public financing in place, including Montgomery County. It completed its last election with such a program. Supporters say that while [tweaks can still be made](#), public financing increased the pool of candidates there and made more candidates competitive.

“We see some candidates who ran specifically because public funding was there. And we saw a lot of candidates, both incumbents and very fresh faces, coming in and running their campaigns in a very different way under the program,” said Damon Effingham, the executive director of [Common Cause Maryland](#), which supports public financing programs.

One of those candidates was Council member Hans Riemer (D-At Large), who ran traditionally funded campaigns in 2010 and 2014 and opted for public financing this year. He also faced more than two-dozen challengers in June’s Democratic primary, some of whom opted for public financing.

“I spent all of my time on the fundraising side just talking to friends, neighbors, people who care about the county asking them for reasonable donations. Would you be willing to support me with a \$5 contribution? A \$50 contribution? Modest amounts of money that were reasonable for people and meaningful to the campaign,” he said.

Public financing programs are set to take effect in [Howard County in 2022](#) and [Prince George’s County in 2026](#).

Ending ‘pay to play’ in D.C.

Where the public financing program seeks to give candidates access to a new source of campaign funding, the campaign finance reform bill unanimously approved by the Council this week aims to curtail other sources.

When it fully takes effect in 2022 — in time for the city’s next mayoral election — the bill will prohibit businesses and individuals seeking D.C. government contracts worth more than \$250,000 or any tax abatements from contributing to the campaigns of the elected official who issued or might vote on the contract or tax abatement.

Proponents say this seeks to end allegations of “[pay to play](#),” where businesses seeking contracts with the city donate heavily to the campaigns of the officials in charge of approving them. (The Council votes on all contracts above \$1 million, and has to approve any tax abatements.) Connecticut, Illinois, New Jersey, and New York City have similar restrictions in place.

The bill will also prohibit lobbyists from bundling campaign contributions, and will require that campaign debts will have to be settled and accounts closed out within a year. There’s currently no requirement that a candidate close out their campaign account with any timeframe. That means elected officials can continue to fundraise while in office to pay off campaign debt, some of it which may exist in the form of [personal loans to their campaigns](#).

Contributions to inaugural committees and legal defense committees will be lowered from \$10,000 per person now to \$2,000 per person. Contributions to political action committees will be restricted to the same limits in non-election years as in election years; that was not the case in 2015, a loophole allies of Mayor Muriel Bowser [took advantage of](#) with a political action committee known as FreshPAC.

The bill also pulls the D.C. Office of Campaign Finance, which enforces the law, out from under the Board of Elections, giving it instead its own independent board. That, says Allen, will give the board broader authority to enforce campaign finance rules.

Advocates say the bill is a necessary tool to curtail the power of businesses, lobbyists and developers who have an active presence in the Wilson Building and regularly contribute to campaigns and candidates come election time. And even if actual cases of political corruption are few and far between, the advocates say the perception of an unfair playing field can be just as corrosive. A [2017 Washington Post poll](#) found that almost half of D.C. voters felt the city hasn’t done enough to limit the influence of wealthy donors.

“Residents of the District over and over again have made clear to elected officials that they don’t like the hint or appearance of impropriety,” said Attorney General Karl Racine, whose office proposed the bill banning contributions from contractors. “And where they see it oftentimes is in the government contracts or other deals the city extends to companies and principals at companies who are also very significant political contributors.”

But the law has critics even among good-government watchdogs, including Dorothy Brizill, the executive director of [D.C. Watch](#). She says the bill addresses pay-to-play problems that don’t exist, and makes enforcement difficult because of the measure’s length and complexity.

“I believe you should have a simple law that people can understand, and then if they violate it you can stomp on them with both feet. Not one that you’ve got to go and get a Philadelphia lawyer and say, ‘How do I even file my basic campaign finance report?’” she said.

Former Council candidate Bryan Weaver doesn't disagree that the law could be simpler. But he says officials weren't interested in what he argues would be the simplest solution of all: fully banning corporate contributions to campaigns, as he tried to do with a [ballot initiative in 2012](#). The measure never made it to the ballot.

"If half of the states, or at the federal level, don't allow direct corporate contributions, then maybe that's something we should follow," said Weaver. "The Council has decided that's not anything they want to take on, so this is what they wanted to do instead. In an imperfect world, this is a good step."

Both public financing and this week's campaign finance reform bill passed unanimously, which Allen says is evidence that there was broad consensus after years of halting debates and unsuccessful legislative attempts that something needed to be done. And he says the Council's measures won't push D.C. ahead of many jurisdictions, instead it will simply catch the city up to what other places are already doing.

"The laws needed to change. The equity needed to change. The ability for new candidates and new ideas to have a shot and be at the table needed to change," he said.