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Pot Stores Essential? A Counterpoint

In a recent column, the National Organization for the Reform of Marijuana Laws claimed that the designation of marijuana businesses as "essential" proves that lawmakers have embraced the marijuana industry and has "solidified its status as part of the mainstream fabric of America."

What the folks over at NORML left out was that while a handful of governors have indeed chosen to deem marijuana stores "essential," others had to be strong-armed into doing so.

In March, Colorado Gov. Jared Polis announced marijuana stores would either be closed or would have to switch to curbside or drive-thru operations. The industry sprang into action, and less than a week later the governor completely changed course.

Now, recreational pot shops are among some of the only businesses in the state allowing full indoor sales.

It took less than a week for other officials in Colorado to cave. After Polis reversed his decision, Denver Mayor Michael Hancock ordered recreational stores to be closed until April 10 as part of a stay-at-home order.

Literally hours after this announcement, Hancock flip-flopped and stated that marijuana stores and liquor stores would be allowed to remain open.

Why the sudden change of course? In a recent expose, the Denver Post offers one explanation: the influence of the pot lobby.

According to the article, as soon as Hancock's order was handed down, industry groups in the state began hitting the phones. It is worth noting that Colorado media have recently pointed out that the marijuana industry has been one of the biggest spenders in trying to influence state politics.

Big Pot's political spending in the Centennial State has more than tripled since 2013. In 2018, it spent more than $955,000. And in 2019, it had spent upward of $1.4 million on lobbying.

And at the federal level, Big Pot's spending has almost tripled in the last year alone with $11 million in lobbying expenses. Speaking of the federal level, the marijuana industry had few more ardent defenders on Capitol Hill than Polis when he was a member of Congress. At every opportunity, he voted in lock step with the pot profiteers and earned an A+ rating from NORML.

Additionally, in his gubernatorial run, he used his record and immovable support for the marijuana industry as a key part of his campaign plank to paint a contrast between himself and the previous incumbent, Gov. John Hickenlooper, who initially opposed legalization and vetoed many industry priorities. If Polis has had to be strong-armed into opening marijuana businesses, this alone negates NORML's claims.

To be clear, the marijuana industry has never been one to miss using a crisis to its advantage. Last summer, Big Marijuana spun the pot vaping crisis — wherein several thousand people fell ill and at least 60 lost their lives due to THC vapes — into a call for full federal legalization.

Of note: many cases of lung illness and several deaths were tied to the use of products purchased at "regulated" dispensaries.

Now, the industry is using the fact that its stores have been labeled as "essential" as a call for legalization nationwide. Never mind the fact that Colorado officials had to be beaten into submission, and that they are having to bring lawsuits against Massachusetts Gov. Charlie Baker for closing stores.

And at the federal level, Big Pot is hoping that $11 million spent securing well-heeled lobbyists will result in all kinds of taxpayer-funded carve-outs from Congress in the next round of COVID-19 aid.

So now, buying a cappuccino at Starbucks is not allowed, but walking into "Starbuds" — an actual marijuana store — for a bag of today's high potency weed is perfectly fine.

It isn't because marijuana has been "solidified into the mainstream fabric of America"— it's because its army of lobbyists are flexing their political muscle and threatening politicians to do as they demand.

Oregon High Court Upholds County Limits on Campaign Donations

Reversing a state court judge, the Oregon Supreme Court ruled Thursday that campaign contribution limits in the state's elections are legal, paving the way for a transformation from a state with loose campaign-finance laws to one with stringent regulations on political spending.

"This is a historic day," said Multnomah County Chair Deborah Kafoury. "The people of Multnomah County voted to reclaim their power and voice from special interests, and we are proud to have taken decisive action to uphold their will."

Oregon has historically been extremely permissive in terms of the amount individual donors can give to political campaigns and the amount politicians can accept, prompting concerns among Oregonians that big money has an outsize influence on how the state, counties, cities and towns in the Beaver State are run.

In November 2016, voters in Multnomah County — the most populous county in Oregon and home to Portland, the state's largest city — approved changes to the county charter governing campaign finance.

In 2017, the county moved to adopt the voters' will into an ordinance but simultaneously asked the county attorney to file papers in the state courts seeking to validate the ordinance, given that campaign contribution limits had been repeatedly and successfully challenged as an infringement on free speech rights.

The following year, Multnomah County Circuit Court Judge Eric Bloch ruled the campaign contribution limits violated the Oregon Constitution and free speech provisions of the U.S. Constitution, rendering the ordinance moot.

But the county appealed and the Oregon Supreme Court handed down a unanimous decision Thursday overturning Bloch's decision as it relates to the state constitution but remanding the case for Bloch to decide whether the limits infringe federal law.

"Ultimately, we do not believe that we can have [a free-speech] approach to laws restricting campaign contributions and another for all other laws," said Oregon Chief Justice Martha Walters on behalf of the unanimous court.

The implications extend beyond Multnomah County, as state voters passed a measure in 2006 that substantially limited campaign contributions in both state and local races. The initiative was blocked due to free speech infringement issues.

If the Supreme Court ruled that the legal rationale behind disallowing that measure is no longer valid, some commentators believe those restrictions should go in place immediately.

Lobbyists in the state feel otherwise and further litigation is likely.

Sandra McDonough, president of Oregon Business & Industry, said she would like the Legislature to explore instituting limits that are less strict than what was proposed in 2006 — a limit of $1000 for each donor in statewide races and $100 in local races.

Oregon has historically hosted some of the most expensive statewide elections in history. In 2018, donors spent a record $40 million in the bitterly contested race for governor that saw Democrat Kate Brown prevail over Republican Knute Buehler.

Nike founder and CEO Phil Knight gave Buehler $2.5 million in a single donation.

The imminent race for Portland mayor has seen a fair share of high-dollar donations too, raising alarms that the voices of voters are insignificant compared to the influence of deep pockets.

“By clearing the way for contribution limits, it allows us to limit the influence of money in Oregon politics, strengthens our democratic processes, and returns power to the voters,” said Multnomah Commissioner Susheela Jayapal.

Apart from further litigation, the question of whether the contribution limits violate the U.S. Constitution still hovers over the case.

The U.S. Supreme Court held in the landmark Citizens United case and others that political spending is equivalent to free speech and limiting spending represents an infringement on First Amendment rights.

The Oregon Supreme Court sidestepped the issue, saying “we need not wade into that thicket” and instead focused squarely on whether the provisions flouted the Oregon Constitution. Bloch must now decide whether the limits violate the U.S. Constitution.

That decision and the likely appeals that will ensue will decide the fate of campaign finance law in the state of Oregon.

Capitol sees spike in lobbying amid COVID-19 pandemic

Gov. Tony Evers' declaration of a public health emergency and subsequent stay-at-home order in response to the COVID-19 pandemic set off an unprecedented flurry of lobbying, according to a WisPolitics.com review of records submitted to the state Ethics Commission.

The review provides an early look at lobbying efforts from March 12, the day Evers declared the public health emergency, through April 16, when Evers extended his stay-at-home order through May 26.

It found 268 15 Day Reports, filings that must be submitted to the Ethics Commission within 15 days of the first lobbying communication on a bill, budget bill subject, proposed rule or topic on which the organization makes a lobbying communication. That total is more than four-and-a-half times the previous high water mark for lobbying efforts during that time period in the second year of a biennium.

The previous ceiling for 15 Day Reports submitted between March 12 and April 16 in an off-year was 58, set in 2008. These have been tracked by the Ethics Board and now the commission since 2003.

But while lobbying may have been up, some lobbyists said the social distancing guidelines put in place by federal and state health officials have made their efforts less effective.

John Schulze, a lobbyist for the Wisconsin chapter of Associated Builders and Contractors, said his communication with lawmakers has significantly changed.

"It's a lot less face-to-face obviously, a lot more calls, a lot more emails or texts than in the past," he said.

Schulze said that change made communication less effective "because it's more binary; a legislator asks a question and you give an answer."

Several other lobbyists who provided background information to WisPolitics.com for this story echoed that point.

Challenges for lobbyists have also extended beyond normal lobbying efforts. North Central States Regional Council of Carpenters lobbyist Andrew Disch said coronavirus forced the carpenters union to cancel its lobby day, an event put on to allow organizations to mingle with lawmakers and promote their interests.

Disch said the decision to cancel the event was made two days after Evers declared the public health emergency.

While the Ethics Commission data provides an initial glimpse at lobbying efforts, it doesn't yet provide a comprehensive look. For one, the reports don't disclose hours or money spent on lobbying. Those details often are reported in the twice-a-year lobbying reports.

Ethics Commission Administrator Dan Carlton also said the date listed on the reports is the date an organization reported its lobbying efforts, not the date the lobbying effort took place. As the name of the report suggests, organizations have 15 days to report their lobbying efforts.

So far, much of the lobbying on Act 185, the state's COVID-19 package, has not yet been reported. As of yesterday, the Ethics Commission had only four reports specifically on the package yet 60 lobbying principals registered a position on the bill.

Carlton said state statute requires a 15 Day Report for lobbying on legislation even if a separate report was filed for lobbying on a topic related to that legislation. He also noted lobbying principals don't have to file a report to register a position on a bill, as long as they don't lobby on it.

Based on the available data, the WisPolitics.com review found 239 of the 268 lobbying reports were related directly to COVID-19, good for 89 percent of the overall efforts.

Another six reports dealt with issues brought on by coronavirus, such as telehealth restrictions, unemployment or matters relating to the April 7 election. Combined, those two categories make up 91.4 percent of the reported lobbying efforts between March 12 and April 16.

A total of 222 groups representing nearly every aspect of the public and private sectors were responsible for those lobbying efforts. The groups ranged from organizations representing medical personnel, hospitals and construction and trade groups to the YMCA and the Milwaukee Brewers.

Businesses Seek Sweeping Shield From Pandemic Liability Before They Reopen

Business lobbyists and executives are pushing the Trump administration and Congress to shield American companies from a wide range of potential lawsuits related to reopening the economy amid the coronavirus pandemic, opening a new legal and political fight over how the nation deals with the fallout from Covid-19.

Government officials are beginning the slow process of lifting restrictions on economic activity in states and local areas across the country. But lobbyists say retailers, manufacturers, eateries and other businesses will struggle to start back up if lawmakers do not place temporary limits on legal liability in areas including worker privacy, employment discrimination and product manufacturing.

The biggest push, business groups say, is to give companies enhanced protection against lawsuits by customers or employees who contract the virus and accuse the business of being the source of the infection.

The effort highlights a core tension as the economy begins to reopen: how to give businesses the confidence they need to restart operations amid swirling uncertainty over the virus and its effects, while also protecting workers and customers from unsafe practices that could raise the chances of infection.

Administration officials have said they are examining how they could create some of those shields via regulation or executive order. But lobbyists and lawmakers agree that the most consequential changes would need to come from Congress — where the effort has run into partisan divisions that could complicate lawmakers' ability to pass another stimulus package.

Republicans are pushing for the liability limitations as a way of stopping what they say are overzealous trial lawyers and giving business owners the certainty they need to reopen. Democratic leaders say they oppose any moves to undermine worker protections.

Leaders of labor unions say limiting business liability will reward companies that are not taking adequate steps to ensure the safety of their workers and consumers.

In announcing that the Senate will return on May 4, Senator Mitch McConnell of Kentucky, the majority leader, said on Monday there was an "urgent need" to enact legislation to shield businesses from pandemic-related legal liability if they reopen, citing the risk of "years of endless lawsuits" arising from "a massive tangle of federal and state laws."

"The trial lawyers are sharpening their pencils to come after health care providers and businesses, arguing that somehow the decision they made with regard to reopening adversely affected the health of someone else," Mr. McConnell said in an interview on Monday on Fox News Radio.

Mr. McConnell suggested that the liability issue would need to be resolved before Congress provided any additional financial relief to states, teeing up a big fight over the next aid package. Negotiations on that bill will heat up next week, with Democrats pushing for hundreds of

billions of dollars to help state and local governments fill a crisis-induced shortfall in tax revenues. They are also seeking aid for the United States Postal Service and federal “hazard pay” for workers on the front lines of the pandemic.

Mr. McConnell indicated Republicans would require a trade-off and that Democrats would have to bend on liability protections for business in order to get more stimulus aid. “So before we start sending additional money down to states and localities, I want to make sure that we protect the people we’ve already sent assistance to, who are going to be set up for an avalanche of lawsuits if we don’t act,” he said.

Speaker Nancy Pelosi, Democrat of California, rejected Mr. McConnell’s call. “I don’t think that at this time, with coronavirus, that there’s any interest in having any less protection for our workers,” Ms. Pelosi said on Tuesday.

Business groups say they have been stressing to lawmakers that the liability limits would be temporary and contained to the crisis.

“As long as we are not overreaching in what we’re asking for, and we’re being thoughtful and measured, there’s a real chance we can get these protections for our members,” said Linda Kelly, the general counsel for the National Association of Manufacturers, which is pushing lawmakers to make a targeted set of changes in the next economic rescue package.

“We have some work to do with Democrats,” Ms. Kelly said. “I don’t think we can do it without that support.”

The manufacturers’ proposals include raising the legal bar for customers or employees to prove a business is at fault if they claim they contracted the virus there, protecting employers from some privacy suits in the event that they disclose a worker’s infection to other workers for safety reasons and giving added legal protections to companies that manufacture items during the crisis that are new to them — like personal protective equipment. Congress included a version of that liability limitation for manufacturers of masks in the rescue bill it passed last month.

A longer list circulated two weeks ago by the U.S. Chamber of Commerce includes some things the administration could do on its own — like Labor Department guidance about mask requirements and the steps it will deem sufficient to meet Occupational Safety and Health Administration standards. Others include steps only Congress could enact, like passing a law taking away people’s right to file lawsuits in state courts over allegations that a business was negligent in taking pandemic precautions. A range of legal specialists in civil lawsuits over claimed injuries and labor law said the business lobby’s requests include both sensible ideas that could be put in place quickly and politically implausible stretches. The risk, they said, is that if

the lobby asks for too much, it could get bogged down, forestalling the changes needed for the eventual recovery.

Samuel Estreicher, a New York University Law School professor of labor and employment law, argued that it would make sense for the Labor Department and the Equal Employment Opportunity Commission to issue guidance about basic safety steps businesses should follow.

For example, he said, it would be useful to promulgate guidance that, if a business requires its workers and customers to wear masks and practice social distancing to the extent practicable, it would have a "safe harbor" from being considered by the federal government to be negligent — a standard that could also discourage state-court lawsuits. He also said it made sense to tell businesses they could require employees to pass a test for the virus before returning to work without running afoul of disability discrimination and health privacy laws.

But the chamber's list, he says, goes far beyond that, ranging from tiny issues — like wanting to relieve employers from a need to provide masks or train employers in how to properly use them — to gutting hard-fought labor laws in ways that seem unjustified, like permitting employers to bar older workers from returning to work based on fears that they may be statistically more vulnerable to serious symptoms.

"This is a wish list for mini constituencies within the business community," he said. "They should be focusing on what they need for immediately addressing legitimate concerns, so we can go back to work."

Labor leaders reject the effort entirely. Mary Kay Henry, the president of the Service Employees International Union, said employers were still sometimes failing to provide personal protective equipment to workers, and she called the liability-limitation push "inhumane."

"This is a discussion from corporations and employers that are shirking their employees on the front lines of the pandemic," Ms. Henry said. "They're now going to try, as they infect people, to shirk any legal responsibility for it?"

Complicating matters, most workplace safety is regulated at the state level — though there are some federal laws on employment issues, including imposing a duty on employers to have safe workplaces. Each state has its own workers' compensation system for people who are injured at work, and lawsuits by customers who accuse a business of negligence are generally brought in state courts under a patchwork of standards.

But workers' compensation systems are geared at physical injuries, like a construction worker injured in a crane accident. While businesses would surely argue in court that getting sick from

the pandemic should also be handled as a worker's compensation claim instead of with a personal-injury lawsuit, plaintiff's lawyers can argue that exposure to a pathogen in a workplace falls outside of that system and so they should be permitted to sue for damages — setting up costly and daunting litigation.

In theory, Congress could set uniform federal standards and take away the right to file lawsuits in state courts, said John Goldberg, a Harvard law professor who specializes in torts, or the law of civil wrongs and injuries. The Constitution gives Congress the right to regulate interstate commerce, and restarting a national economy wrecked by a national pandemic would probably qualify.

"Saying we're doing this to restart a national economy that has basically collapsed — it would be pretty hard to say that isn't directly related to interstate commerce," he said.

But what Congress could do and what it is politically likely to do are two different things. Neil Bradley, the executive vice president and chief policy officer at the U.S. Chamber, said he hoped lawmakers would act within a few weeks to hasten reopenings.

"As long as this is hanging out there," Mr. Bradley said, "this is just one more threat to the business."

Mr. Goldberg said the chamber may be overestimating the legal risks even under current law. He said that plaintiff's lawyers would be reluctant to take on a case where there was not clear evidence that a person got sick at a particular business — something that will be hard to prove for a virus that has a weekslong incubation period.

"Under current law plaintiffs have to prove the target was negligent," and proof of causation "is going to be daunting if not impossible," he said, adding: "You never say 'never' in the world of liability, but the idea this is a looming tidal wave of lawsuits that are going to succeed seems to me overstated."

Duke Energy gave half a million to political group before primary, new filings show

Duke Energy funneled half a million dollars through a tax-exempt political group to pay for polling, television ads, and mailers in advance of North Carolina's March primary, new documents submitted to the Internal Revenue Service show.

At least three state legislative candidates got help from the entity named Citizens for a Responsible Energy Future, according to media reports and filings with other federal officials.

But that aid accounted for less than a tenth of the group's total expenses, leaving the full extent of its beneficiaries unknown.

Called a "527" for the section of revenue code under which it's regulated, the group created Jan. 30 by two former Duke executives is separate from the company's official political action committee. Unlike the PAC, the 527 can take donations directly from corporations and make unlimited expenditures promoting candidates, but it can't explicitly advocate voting for anyone.

"This way they can spend direct corporate money on North Carolina elections without violating the state campaign finance law," said Craig Holman, a lobbyist with Public Citizen who's authored numerous studies on 527s. "It also obfuscates how they are spending the money."

Reports submitted to the IRS show that in February, the 527 received two contributions of $250,000 from Duke Energy Carolinas, the larger of Duke's two utilities in North Carolina. It spent almost all of that income by March 4.

The forms list expenses such as "Direct Mail Services" and "TV Advertising and Shipping." The known examples of these communications walk right up to the legal line, touting candidates' virtues without mentioning the March 3 election. But under a recent change to North Carolina law, Citizens for a Responsible Energy Future doesn't have to disclose the candidates who benefited.

The spending comes during a pivotal election year that could have long-lasting implications for the investor-owned monopoly utility, which is facing increasing pressure from lawmakers to hasten its transition to clean energy and loosen its control on the electricity market.

Duke confirmed the contributions but maintained that shareholders, not its ratepayers, will cover the costs, and regulators have proposed rules clarifying that the utility can't propose otherwise. But critics say the proposal could still allow utilities to bill customers for donations to 527s.

"I continue to worry that the definitions … are too narrow," longtime campaign finance watchdog Bob Hall wrote to commissioners last year, "and will result in ratepayers being charged for more, not less, political spending by regulated utilities."

'Those checks don't exist'

Campaign finance reform advocates have long sought to curb the role of deep-pocketed special interests in politics. Without limits, the rationale goes, a Fortune 500 company like Duke could

bankroll the election campaigns of key legislators and hire an army of lobbyists to influence the rest — getting its way on energy policy whether or not it's in the public interest.

Politicians have conceded this argument up to a point. Today in North Carolina (as in 21 other states), corporations can't donate directly to PACs, candidates or their committees. Individual contributions to candidates and political action committees are capped at $5,400 per election. PAC contributions, in turn, are capped at the same amount.

But major efforts to stem the political influence of well-heeled private interests have been set back by the U.S. Supreme Court. In 1976, it upheld limits to candidates and PACs but ruled that restricting political spending altogether violated the First Amendment. Only communications with magic words such as "vote for" or "cast your ballot for" could be constrained; issue advocacy communications that championed or demeaned a candidate without mentioning the upcoming election could not.

In the decades that followed, 527s emerged as a common way for wealthy individuals and corporations to inject unlimited resources into promoting and defeating candidates; they simply avoided the magic words. Conservative groups like Swift Boat Veterans for Truth and liberal donors like George Soros became household names.

Then came the 2010 Citizens United decision, allowing corporations to put their largesse behind electioneering, too. Super PACs could take corporate and union money and use words like "vote for" in their communications so long as they didn't coordinate with candidates. Dark money nonprofits not required to disclose their donors could also receive such contributions, then give unlimited sums to like-minded Super PACs.

Justices have repeatedly ruled that disclosure and reporting would counteract this flood of corporate money, said Paul Ryan, vice president of policy and litigation at Common Cause. "If the public doesn't like how a corporation is involving itself in politics, the public can respond by not buying that company's product," he said of the Supreme Court's reasoning. But, he added, "those checks don't exist in North Carolina when you're talking about a monopoly utility."

'You have to connect the dots yourself'

While North Carolinians can't choose their electric providers, they can choose their politicians, and campaign finance disclosure is supposed to help voters make their choices. But a recent change to state law makes that much harder during the primary.

Passed in 2018 in the wake of the absentee ballot fraud scheme in the state's Ninth Congressional District, an elections bill contained a four-line provision on reporting that got

little public attention. “For a time, the revised statute didn’t have that particular change in it,” said Hall, the longtime former director of Democracy North Carolina. “It was so small.”

But it made a big impact on how 527s report to state officials. Under the old law, any communication within 60 days of a primary or general election that reached a certain number of people and named a candidate was considered “electioneering,” and had to be reported to the State Board of Elections. Under the new law, only communications 30 days before even-numbered-year general elections qualify.

Thus, Citizens for a Responsible Energy Future isn’t registered with the elections board and didn’t report helping any candidates this winter, omissions that appear to be legal. “It doesn’t come to mind immediately that they broke a law,” Hall said. “The law has been designed to let them do this.”

Former North Carolina House candidate David Perry nevertheless filed a complaint against the 527 in March, alleging it should have reported spending that aided his opponent Charlie Miller, who won the Republican contest easily. Wilmington-area news source Port City Daily reported the move, including copies of the mailers vaunting Miller, a Brunswick County education board member who once worked at a Duke nuclear plant. (In an email to Port City Daily, the group’s president, Tony Almeida, called the complaint “baseless and frivolous.”)

The only other public records of Citizens for a Responsible Energy Future’s expenses are with the Federal Communications Commission, which is supposed to receive reports from television stations. Campaign finance experts say these are almost certainly incomplete, but they offer a glimpse of how the 527 allocated its spending to specific candidates.

In support of Cumberland County Democrat Rep. Elmer Floyd (who lost) and Davidson County Republican Rep. Steve Jarvis (who won), the 527 reserved television time for $112,000 of ads and was invoiced for $40,000 of that. But IRS filings show the group spent $285,000 on television ads and $82,000 on mailings, and its total expenses were $454,000, suggesting that many more candidates got a boost from Citizens for a Responsible Energy Future.

Duke referred all questions about the 527’s spending to the group itself. There is no phone number listed on any of its public filings, and the email address provided was no@email. Neither Almeida or treasurer Scott Gardner, who both worked for Duke for decades, responded to questions from Energy News Network sent via LinkedIn messages.

Clues as to who got extra backing come from Duke’s PAC, which reported spending $301,000 in contributions to 77 state legislative candidates. Fourteen of these faced a primary challenger, including Floyd, Jarvis and Miller. Nearly all supported a controversial ratemaking bill

championed by the company, and most were Republicans who received the maximum of $5,400.

The patchwork of information shows how inadequate the reporting requirements for 527s are, Public Citizen's Holman said. "You have to connect the dots yourself."

Better or worse protections for ratepayers?

Duke says it does not and will not bill ratepayers for its contributions to 527 organizations, including Citizens for a Responsible Energy Future — a key point for an investor-owned utility trying to maximize stock dividends. "These costs will continue to be funded by shareholders in accordance with the law," said spokesperson Grace Rountree by email.

Yet Rountree did not specify the law to which she referred, and advocates have long complained that the utility inappropriately charges customers for such expenses.

Following a petition from Durham-based climate activist group NC WARN and Friends of the Earth, the state Utilities Commission issued draft rules last year clarifying that political contributions — along with a raft of other advertising and lobbying expenses — could not be billed to ratepayers.

Advocates applauded the direction of the rules, which commissioners are still deliberating. But Hall worries that gifts to 527s could be considered fair game for ratepayers because the draft rules only prevent gifts that result in "vote for" communications. "Contrary to improving things," he said, "I think it could actually make them worse."

Bowser's ReOpen D.C. Advisory Group Includes Allies And Lobbyists

A crop of well-connected allies and lobbyists have been named to serve on Mayor Muriel Bowser's ReOpen D.C. Advisory Group — but D.C. Public School parents and owners of local bars and restaurants say they are underrepresented on the panels that will guide the mayor on how and when to start lifting restrictions in the city.

Bowser unveiled the members of the advisory group on Monday, starting with two prominent chairpersons: former National Security Advisor and UN Ambassador Susan Rice and former Secretary of Homeland Security Michael Chertoff.

She also tasked former mayors Adrian Fenty and Anthony Williams, D.C. Council Chairman Phil Mendelson, her Senior Advisor Beverly Perry, CFO Jeffrey DeWitt, and physician and former

Obama official Nicole Laurie to lead the 11 committees that will draw up plans on how to reopen D.C. as the coronavirus pandemic subsides — and what changes the city could make to address disparities and gaps exposed by the virus.

But it was the members of those committees — which will touch on topics from schools and vulnerable populations to real estate and small businesses — that have drawn scrutiny. As the City Paper reported, there are only two restaurant owners on the 12-person Restaurants and Food committee: Busboys & Poets owner Andy Shallal, and José Andrés. (Kathy Hollinger, director of the Restaurant Association of Metropolitan Washington, will also be on the committee.)

"Bars are 25% of D.C. nightlife but have 0% representation," tweeted Columbia Room owner Derek Brown on Tuesday morning. "We're taking a big hit right now and need to share our unique perspective."

And education advocates jumped on the fact that the Education and Childcare committee included a number of people from charter schools, but did not include Elizabeth Davis, the head of the Washington Teachers' Union, which represents 4,000 teachers in D.C. Public Schools. Davis was ultimately extended an invitation on Monday evening, after initial criticism over her being left off.

"I'm excited to be on it," she said. "I'm extremely disturbed by the fact there is a lack of parents and teachers. We can't leave those voices out of the mix. This pandemic has revealed a lot to us, and it's magnified things we knew existed. We need to learn from that."

Bowser's picks also included some longtime allies and well-connected Wilson Building lobbyists. LaRuby May, a former Ward 8 Councilmember who regularly sided with Bowser, was selected as a co-chair of the Government Operations, Public Safety, and Criminal Justice committee, while Brian Kenner, a former deputy mayor who now works for Amazon, was picked to co-chair the Public Health Innovation and Workforce committee.

Monty Hoffman, a prominent local developer on projects like The Wharf, is co-chairing the Real Estate and Construction committee, while also leading a new coalition of businesses and developers who have asked city leaders for a year-long property tax break worth more than $300 million.

That committee also includes Rob Hawkins, a former Bowser aide who now works at the Nelson Mullins law firm as a D.C. lobbyist. One of his clients includes Urban Atlantic, the developer of the Walter Reed project, and another is real estate investment firm Lowe. Another member is

Chico Horton, who in 2015 chaired FreshPAC, a group that started raising unlimited funds to help candidates and causes close to Bowser.

The Small Business and Retail committee counts among its members David Jannarone, a former government official under Fenty and now well-connected developer, and Ben Soto, a longtime treasurer for Bowser's runs for office. Soto is also a developer, and serves on the board of Eagle Bank, which has had close ties to the D.C. government.

The Transportation and Infrastructure committee includes Thorn Pozen, a longtime Bowser campaign lawyer and Wilson Building lobbyist with prominent clients ranging from Airbnb to the George Washington University Hospital — and various local developers. Max Brown is also a member; he's both chairman of Events D.C., the city's sports and convention authority, and a lobbyist in the Wilson Building who represents clients from shared-moped company Revel to MedStar Health and private jailer CoreCivic.

Former Councilmember David Catania will co-chair the Human Services, Social Services and Health committee; he's currently a lobbyist with health care clients such as Sibley Hospital and Unity Health Care.

Additionally, some lawmakers have expressed concern that the group doesn't include many public health experts, even though Bowser has said that any decisions on lifting restrictions in D.C. would be based on health factors — not political ones.

"We should have national experts," said At-Large Councilmember Elissa Silverman during a call with city officials on Monday. "The biggest question we face is… are we on firm public health grounds to reopen? I was surprised there was not a prominent health expert, a Sanjay Gupta-type."

But city officials pointed to advisory group co-chair Nicole Lurie's expertise, which includes a stint as Assistant Secretary for Preparedness and Response at the United States Department of Health and Human Services under President Obama. They also said that the D.C. Department of Health would have staff on every committee, and additional guidance would come from Johns Hopkins University.

The advisory group also includes owners of small businesses, government officials, and representatives of labor unions.

The group is hosting a virtual public town hall on Wednesday, April 29, and is expected to produce recommendations for Bowser by May 11. The city's current stay-at-home order expires on May 15, though Bowser said she would only start lifting restrictions once case counts have

declined for 14 straight days and after testing and contact tracing capacities have been beefed up.