

CSS Episode Outline

Intro - 5 min

Welcome to the Chris Spangle Show, where we discuss life, liberty, and the pursuit of happiness. It is episode __ on August __, 2018. We are part of the We Are Libertarians Network and you can find all of our shows at WeAreLibertarians.com. While you are there, support independent media like our show by clicking the support button, especially as a Patron of We Are Libertarians.

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Main Headline Block - 15 min

Segment devoted to the biggest news story of the day.

Michael Cohen Accuses President Trump of Committing a Crime

NR - Jim Geraghty

<https://www.nationalreview.com/the-morning-jolt/michael-cohen-accuses-president-trump-of-committing-a-crime/>

But Michael Cohen just dramatically transformed Trump's presidency by pleading guilty to five counts of tax evasion and a single count of bank fraud, and declaring in a federal courtroom that he lied on a home-equity line of credit to obtain money to pay off Stormy Daniels — “in coordination with and at the direction of a candidate for federal office” and that he did so “for

the principal purpose of influencing the election.” In other words, Cohen has now effectively testified that Trump conspired with him to commit a crime.

(For his own guilty pleas, Cohen is facing anywhere from 46 to 63 months in prison — almost four or more than five years.)

Cohen’s lawyer, Lanny Davis, put it explicitly after the decision: “[Cohen] stood up and testified under oath that Donald Trump directed him to commit a crime by making payments to two women for the principal purpose of influencing an election. If those payments were a crime for Michael Cohen, then why wouldn’t they be a crime for Donald Trump?”

It’s fun to contemplate an alternate history in which John Edwards won the Democratic nomination and presidency in 2008, and that sometime during his presidency, his affair and child with Rielle Hunter were revealed and the subsequent investigation found that Edwards used nearly \$1 million in campaign funds to cover up the affair, paying for chartered airfare, luxury hotels, and rental for a house in Santa Barbara, Calif., to keep the mistress and child hidden from the public. (Remember, most of this actually happened, except that the Edwards campaign crashed and burned early in that cycle. For what it’s worth, years later a jury deadlocked on five felony counts and voted to acquit him on one charge of fraudulently using campaign donations.)

It’s easy to suspect most Republicans would support Edwards’s impeachment and most Democrats would oppose it, reflecting a principled belief that fraudulently obtaining funds to hide an illicit affair is a serious crime that requires impeachment from office, but only when the other party does it.

What to Make of the Cohen Plea and Manafort Convictions

Andrew McCarthy - National Review

<https://www.nationalreview.com/2018/08/what-to-make-of-the-cohen-plea-and-manafort-convictions/>

Cohen pled guilty to eight felonies. While the five counts of failure to pay taxes on over \$4 million in income are the most consequential to him, most significant to the country are two counts of illegal “in kind” campaign contributions. These, of course, involve \$280,000 in hush-money payments made prior to the 2016 election to two women who claim to have had sexual liaisons with Donald Trump, many years before. In entering his guilty plea in Manhattan federal court (the Southern District of New York), Cohen acknowledged that he was directed to make the payments by Donald Trump — referred to as “the candidate.”

Let’s split some legal hairs. The media narrative suggests that these payments violate federal law because they were made to influence the outcome of the election. That is not quite accurate. It was not illegal to pay hush money to the two women — Karen McDougal and Stephanie Clifford (a.k.a. “Stormy Daniels”). It was illegal for Michael Cohen to make in-kind contributions (which is what these pay-offs were) in excess of the legal limit.

Specifically, it was illegal for Michael Cohen to make contributions exceeding \$2,700 per election to a presidential candidate (including contributions coordinated with the candidate); and illegal for the candidate to accept contributions in excess of that amount. It was also illegal for corporations to contribute to candidates (including expenditures coordinated with the candidate), and for the candidate to accept such contributions. The latter illegality is relevant because Cohen formed corporations to transfer the hush money.

The law does not impose a dollar limit on the candidate himself. Donald Trump could lawfully have made contributions and

expenditures in excess of \$2,700 per election. Because of that, and because — unlike Cohen — Trump is a non-lawyer who may not have fully appreciated the campaign-finance implications, it would be tough to prove that the president had criminal intent. Nevertheless, that may not get the president off the hook. As noted above, it is illegal for a candidate to accept excessive contributions. It is also illegal to fail to report contributions and expenditures, and to conspire in or aid and abet another person's excessive contributions. Moreover, we are talking here about hush-money expenditures, so drawing a distinction between the payment and the failure to report is pointless since the intention not to report is implicit in this kind of payment.

As I argued when news of these pay-offs first emerged, the best arguments President Trump has here involve mitigation, not innocence.

The Justice Department has a history of treating serious campaign-finance transgressions as administrative violations, not felonies. A prominent example: The 2008 Obama campaign accepted nearly \$2 million in illegal campaign contributions, but was permitted to settle the matter with a \$375,000 fine. Of course, the force of that argument is undermined considerably by the fact that Cohen's infraction has been treated as a felony (as was Dinesh D'Souza's comparatively tiny one, also prosecuted by the U.S. attorney's office for the Southern District of New York).

Still, as we've repeatedly pointed out, Justice Department guidance does not permit the indictment of a sitting president. (A president may be prosecuted once he leaves office.) The issue for President Trump is not whether he has committed a crime but whether he has committed a high crime and misdemeanor. On that score, I will repeat what I said about mitigation in the aforementioned column, drawing on the lessons of the Clinton impeachment misadventure in the late Nineties:

The further removed misconduct is from the core responsibilities of the presidency, the less political support there will be for the president's removal from office. This is critical because impeachment is a political remedy, not a legal one. The way the Framers designed the process — which requires just a simple House majority to file articles of impeachment, but a two-thirds Senate super-majority for removal — no president will ever be removed from office absent misconduct egregious enough to spur a consensus for removal that cuts across partisan lines. Such misconduct would surely have to involve either (a) an abuse of power involving core presidential powers; or (b) an extremely serious crime (if unrelated, or only tangentially related, to presidential power).

The conduct here is not of the egregious nature that rises to high crimes and misdemeanors — it is an infraction committed by many political candidates and often not even prosecuted. More to the point, it is remote from the core responsibilities of the presidency, implicating pre-election actions to conceal alleged indiscretions that occurred a decade earlier. And while the president has denied the indiscretions, it is not like the allegations come as any surprise to the public, who, while well aware of his flaws, elected Donald Trump nonetheless.

Of course, the Constitution vests judicially unreviewable power in the House of Representatives to determine what conduct amounts to high crimes and misdemeanors. We can hope that lawmakers honor the Framers' guidance, but they cannot be forced to do so. If the Democrats take the House in November by a wide enough margin, expect that the Clinton rally cry — it's just lies about sex — will no longer be in vogue.

A dark day for Trump. The darkest day for the presidency since Watergate.

NBC News - Jonathan Allen - "Jonathan Allen, co-author of the New York Times-bestselling Clinton biography "HRC," has covered Congress, the White House and elections over the past 15 years."

<https://www.nbcnews.com/politics/politics-news/dark-day-trump-darkest-day-presidency-watergate-n902726>

There hasn't been a darker moment for a president — or for the presidency — since Richard Nixon resigned on the verge of impeachment in 1974.

On Tuesday, Michael Cohen, the president's longtime fixer and former personal lawyer, pleaded guilty to felony crimes that included illegally paying women hush money to help Donald Trump win the presidency in 2016. Most important, he said he did so at Trump's direction.

In other words, Trump cheated to win the White House, according to one of his closest former associates.

Cohen's plea was just one of several punishing blows delivered Tuesday to Trump's narrative that he and his allies came to Washington to "drain the swamp" of corruption. The others: Paul Manafort, the president's onetime campaign chairman, was convicted on eight counts of bank and tax fraud, and Rep. Duncan Hunter, R-Calif., an early endorser of Trump for president, was indicted on federal charges that he violated campaign finance law.

"The president is clearly guilty of high crimes and misdemeanors," New York Times columnist Bret Stephens, a conservative, wrote on Twitter after the Cohen plea. "He should resign his office or be impeached and removed from office."

Stephens has been a frequent critic of Trump but had not previously called for his removal.

The allegation that the president not only knew about but directed criminal activity takes the country back to the Nixon days, when the central questions were what the president knew and when he knew it about the cover-up of the Watergate break-in. And the comparisons are sure to fill airwaves across the country in the coming days and weeks.

In addition to Cohen and Manafort, Trump's national security adviser, Michael Flynn, deputy campaign manager Rick Gates, and campaign adviser George Papadopoulos have all pleaded guilty to felonies. Rep. Chris Collins, R-N.Y., a political ally, has been indicted on charges related to insider trading.

It wasn't just a bad day for Trump, it was a historically awful day for the presidency.

Uncovered News - 10 Min

Segment devoted to minor headlines.

“The mainstream media has discovered their profit centers, and that leaves many important issues uncovered. In Uncovered News, we bring you information that you need to know! Submit a story at WeAreLibertarians.com”

Wells Fargo Closes Florida Politician's Account Due To Marijuana Donations

Forbes

<https://www.forbes.com/sites/tomangell/2018/08/20/wells-fargo-closes-florida-politicians-account-due-to-marijuana-donations/>

Wells Fargo, the fourth-largest bank in the U.S., fired Florida agriculture commissioner candidate Nikki Fried as a client this month because her campaign has received donations from "lobbyists from the medical marijuana industry," according to copies of emails her campaign made public on Monday.

"This is yet another clear signal to Congress that they need to address the banking issue for the cannabis industry," Mason Tvert, a spokesman for the Marijuana Policy Project (MPP), said in a statement. "It is absurd enough that state-regulated businesses are being denied standard banking services, but it is absolutely ludicrous that political candidates and nonprofit advocacy organizations are also being affected. There is no rational reason for Congress to go another session without fixing this growing problem, which has serious societal implications." MPP itself had its account closed by PNC Bank last year.

"It is Wells Fargo's policy not to knowingly bank or provide services to marijuana businesses or for activities related to those businesses, based on federal laws under which the sale and use of marijuana is illegal even if state laws differ," he said. "We continually review our banking relationships to ensure we adhere to strict regulatory and risk guidelines."

When asked if that meant the company would be canceling the accounts of members of Congress who bank with Wells Fargo, Gray responded, "The policy applies to everyone."

Gen Z Is Set to Outnumber Millennials Within a Year - Bloomberg

<https://www.bloomberg.com/news/articles/2018-08-20/gen-z-to-outnumber-millennials-within-a-year-demographic-trends>

Gen Z will comprise 32 percent of the global population of 7.7 billion in 2019, nudging ahead of millennials, who will account for a 31.5 percent share, based on Bloomberg analysis of United Nations data, and using 2000/2001 as the generational split.

"The key factor that differentiated these two groups, other than their age, was an element of self-awareness versus self-centeredness," according to "Rise of Gen Z: New Challenge for Retailers," a report by Marcie Merriman, an executive director at Ernst & Young LLP. Millennials were "more focused on what was in it for them. They also looked to others, such as the companies they did business with, for solutions, whereas the younger people naturally sought to create their own solutions."

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Short break for ad or promo. Music bed underneath.

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Corrections, Thank Yous and Promos - 5 Min

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