

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
CIVIL BRANCH
DIVISION 8
CASE NO. 16-CI-3229
FILED ELECTRONICALLY

UNIVERSITY OF KENTUCKY,

PLAINTIFF/APPELLANT

v.

**KENTUCKY KERNEL'S OBJECTION TO MOTION FOR
PERMISSION TO FILE AMICUS BRIEF AND FOR
PRO HAC VICE ADMISSION**

THE KERNEL PRESS, INC.,
d/b/a THE KENTUCKY KERNEL,

DEFENDANT/APPELLEE

* * * * *

Comes the Kentucky Kernel Press, Inc. (“the Kentucky Kernel”), by counsel, and for its objection to the Motion by Jane Doe 1 and Jane Doe 2 to file an amicus brief, and for its out-of-state counsel to be admitted pro hac vice, states as follows:

This Court is called upon to resolve a question of law: whether the University of Kentucky has met its burden of establishing that the documents requested by the Kentucky Kernel fall within the statutory exceptions to its disclosure obligations pursuant to the Kentucky Open Records Act. While one of those exceptions requires the Court to weigh the public’s interest in transparency against individual privacy interests, “this inquiry involves a question strictly of law” *Cape Publications, Inc. v. Univ. of Louisville Found., Inc.*, 260 S.W.3d 818, 821 (Ky. 2008). There is neither any basis nor necessity for granting what is effectively a motion to intervene.

The Kentucky Kernel respects the privacy rights that are implicated in this matter, and has stated throughout this dispute that personally identifying information about the victims

should be redacted. The stated preference on the part of an individual that information not be disclosed, however, is not one of the exceptions contained within the Act; otherwise, a public employee (like Harwood) could insist that details about his or her misconduct remain secret. Although the motion characterizes the documents at issue as “*the Victims’ records*” (emphasis in original), there is no dispute that the documents constitute public records within the meaning of the Act.¹

The Court should also take notice of the fact that the law firm engaged by Jane Does 1 and 2 also represents the University of Kentucky. Although this information formerly appeared on the website for Baker Donelson, it appears to have been removed just prior to the filing of these Motions. The content of the website, however, was quoted in the July 2015 Ethics Reporter issued by the Kentucky legislative Ethics Commission, which stated:

[T]he UK Research Foundation ended a nine-month, \$108,000 lobbying contract with the Washington, D.C. law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz. On that firm’s website, a note from 1008 states the firm “Assisted the University of Kentucky in doubling its annual direct earmarked appropriations from \$16 million to around \$30 million for projects in most of the funding bills including agriculture, science, defense, energy and water, homeland security and health and human services.

(Exhibit 1). Information provided by the Center for Responsive Politics reports that Baker Donelson spent \$50,000 in 2015 on lobbying efforts on behalf of the University of Kentucky (Exhibit 2), while another source reports that the University “has law and lobby firm Baker

¹ Again, the Kentucky Kernel has the highest regard for the privacy concerns of the victims of Harwood’s misconduct, and has attempted to respect those concerns by requesting redaction of personally identifying information. However, to the extent the Court believes that amicus briefs from those individuals are necessary for resolution of the question of law presented in this action, then other voices may also deserve to be heard. Last week, male and female survivors of sexual assault and representatives of the UK Feminist Alliance staged a protest at the University of Kentucky, demanding that the records sought by the Kentucky Kernel be released in redacted form. (Exhibit 4).

Donelson on retainer” (Exhibit 3). Even if the Kentucky Open Records Act or Civil Rules otherwise permitted “amicus” interventions on the trial court level, it is highly improper for Baker Donelson to participate in this action. The University of Kentucky is already ably represented in this matter.

Finally, the Kentucky Kernel has already submitted its brief on the merits of this action pursuant to the scheduling order entered by the Court, and that order does not grant the Kentucky Kernel any opportunity for further briefing. It is fundamentally unfair to permit new arguments to be presented on the legal issues before the Court at this late date, and the involvement of new counsel will simply delay resolution of this matter.

For the reasons set forth above, the Kentucky Kernel respectfully requests that the Motion for permission to file an amicus brief and the Motion for admission pro hac vice be denied.

Respectfully submitted,

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By: /s/ Thomas W. Miller
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ATTORNEYS FOR
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CERTIFICATE OF SERVICE

This is to certify that an accurate copy of the foregoing was served via US Mail, postage prepaid, and e-mail, upon the following counsel of record on this 15th day of November, 2016.

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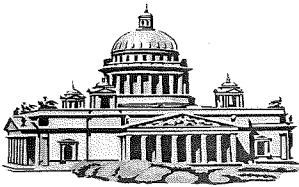
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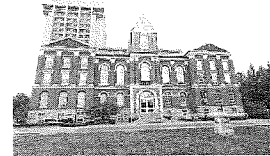
ETHICS REPORTER

July, 2015



Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
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Universities issue lobbying contracts



Several state universities and the community and technical college system are contracting with lobbying firms to represent them in Frankfort and in Washington, D.C.

Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, University of Kentucky, and the Kentucky Community and Technical College System (KCTCS) use contract lobbyists, primarily to bring in state and federal dollars.

Among Kentucky's higher education community, the **University of Kentucky** recently issued the largest contract for government relations work, a 14-month, \$540,000 deal with **Cornerstone Government Affairs**, a Washington, D.C. based lobbying firm.

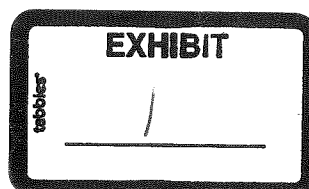
On April 30, **Cornerstone** began helping **UK** with "obtaining federal resources", including increases in federal research and development funding, arranging opportunities for **UK** administrators and faculty to testify before Congressional committees, and monitoring "contemplated legislative and regulatory changes" that will affect **UK**. The contract is being paid by the **UK Research Foundation**.

Just before contracting with **Cornerstone**, the **UK Research Foundation** ended a nine-month, \$108,000 lobbying contract with the Washington, D.C. law firm of **Baker, Donelson, Bearman, Caldwell & Berkowitz**. On that firm's website, a note from 2008 states the firm "Assisted the University of Kentucky in doubling its annual direct earmarked appropriations from \$16 million to around \$30 million for projects in most of the funding bills including agriculture, science, defense, energy and water, homeland security and health and human services."

Eastern, K-State, Morehead, Murray, and KCTCS have also retained lobbying firms to represent them. Between July 2009 and December 2014, the four universities and **KCTCS** have issued about \$2.5 million in contracts for lobbying.

In the last 10 years, **KCTCS** has awarded contracts totaling more than \$1.8 million to two Washington, D.C. lobbying firms.

From 2006 to 2010, **KCTCS** issued two consecutive two-year contracts at \$310,000 each to **The Federalist Group**, which, during that time, was bought and renamed **Ogilvy Government Relations**. Both of those contracts, plus three subsequent two-year, \$406,000 contracts with **Thorn Run Partners** have described the contractor's primary work as providing orientation and training to **KCTCS** leadership for the **KCTCS** government relations program.



EKU employs the law and lobbying firm of **McBrayer, McGinnis, Leslie & Kirkland (MML&K)** on a \$60,000 annual contract to bring in grant funding and federal and state appropriations. The **EKU Foundation** also employs a lobbyist, who's been paid \$25,000 since January 2014.

K-State (\$60,000) and **Morehead** (\$59,640) have similar contracts with **MML&K**. The firm also has a two-year, \$400,000 contract with **KCTCS** to provide legal services on a variety of regulatory matters.

Murray State has a \$66,000 contract with **Capitol Solutions**, a lobbying firm that represents the university with Congress and federal agencies, and with the legislative and executive branches of state government.

Lobbying interests come and go

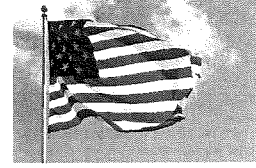


Since the end of the 2015 General Assembly, several businesses have registered to lobby, while others have terminated registration and are no longer lobbying in Kentucky.

The newly-registered businesses include: **BioDelivery Sciences International**, a 15-year-old, North Carolina-based specialty pharmaceutical company that develops pharmaceutical products aimed principally in the areas of pain management and addiction; **Hudson Holdings**, a Florida-based developer which has indicated it will pursue historic tax credits to help finance the renovation of the Starks Building in Louisville; **ITG Brands**, the third-largest tobacco company in the U.S., whose brands include: Winston, Kool, and Salem cigarettes; Dutch Masters cigars; and blu eCigs electronic cigarettes; and **Jobs for Kentucky's Graduates**, a dropout-prevention program for disadvantaged and at-risk youth, which helps people attain a high school diploma and postsecondary education or training leading to a career.

Other new lobbying interests are: **Kentucky Electronic Security Association**, a trade association representing companies that install and monitor intrusion and fire detection, and video surveillance systems for commercial, residential, industrial and governmental clients; **Little Clinic**, which is owned by **The Kroger Co.**, and which operates over 165 clinics in select Kroger and other retail stores in 10 states; **Rural/Metro of Southern Ohio & Mercury Ambulance Service**, which operates private ambulance and fire protection services in 21 states, and is owned by **Warburg Pincus**, a private equity firm; and **TAC Air**, which provides aviation services such as ground handling, aircraft fueling, hangar development, and cargo handling, and including a Lexington operation.

Those organizations which are no longer lobbying include: **American Paint Horse Association**; **Kentucky Life Sciences Council**; **Legal Aid Society**; **Lorillard**; **Lyft**; **Tantus Tobacco**; and **United Healthcare Services**.



Ethics and lobbying news from around the U.S.A.

High-dollar fundraising makes comeback, raises bribery concerns

NATIONAL – *Roll Call* -- by Eliza Newlin Carney -- July 8, 2015

Thirteen years ago, following a string of scandals, Congress banned lawmakers from raising the unlimited campaign checks known as soft money.

Now, soft money is back with a vengeance, just in a different guise.

Back then, elected officials scooped up hundreds of millions directly from corporate and labor titans for their parties, often in exchange for special access and legislative favors. Then-Sen. Russ Feingold, the Wisconsin lawmaker who co-authored the soft-money ban with Arizona Sen. John McCain, called it “legalized bribery.”

Today, lawmakers are once again raising six-figure checks for the political parties - this time for special new accounts that pay for conventions, recounts and buildings. In just the first three months of the year, close to \$13 million flowed into this new funding stream. Checks as big as \$600,000 and \$700,000 are coming in from the likes of hedge fund manager Paul Singer, investment banker Warren A. Stephens and casino magnate Sheldon Adelson.

Even bigger donations are fattening super PACs that ostensibly must keep candidates at arm’s length, but that increasingly operate as an appendage of politicians’ campaigns.

The upshot is a fundraising bonanza reminiscent of the soft-money era, and even of Watergate. It’s too early to say what rewards big donors will enjoy in exchange for the unrestricted money they’re lavishing on parties and super PACs. But to the authors of the soft-money ban best known as the McCain-Feingold law, the return of high-dollar fundraising by members of Congress spells trouble.

“I predict there will be a major scandal because there is too much money washing around,” McCain said at a Harvard University forum last year.

The new party rules allow a single donor who gives the maximum to every one of a given party’s special accounts to max out at a whopping \$801,600 a year - or \$1.6 million per election cycle. That’s a far cry from the individual contribution limits of \$2,700 per election to a candidate and \$33,400 annually to a party committee - caps that technically still stand but that look increasingly quaint.

The Supreme Court has relaxed limits all around. In 2010, the court’s *Citizens United v. Federal Election Commission* ruling overturned all limits on independent political spending. And last year, in *McCutcheon v. FEC*, the court struck aggregate limits on how much one donor could give to parties and candidates collectively in an election cycle.

The legal firewall between super PACs and the candidates they back is breaking down. By law, candidates may ask super PAC donors for \$5,000 in so-called hard, or regulated, money. So White House hopefuls, including five sitting senators, are asking billionaire donors for \$5,000 - but the super PACs that back the candidates are pocketing checks in the millions with a wink and a nod.

"The campaign finance laws prohibit federal office holders from soliciting or raising unlimited contributions," said Fred Wertheimer, president of the watchdog group **Democracy 21**, which has asked the Justice Department to investigate. "And that is precisely what the federal office holders who are running for president now feel free to do."

Back to the Future

First Amendment champions blame McCain-Feingold for weakening the political parties, and applaud *Citizens United* for enhancing competition. Party leaders, too, have chafed at the soft-money ban. That helps explain why, in a rare show of bipartisanship, Sen. Harry Reid of Nevada and Sen. Mitch McConnell of Kentucky tucked a measure that blew the lid off party fundraising limits into last year's omnibus spending deal.

"We don't know enough yet about how the parties are raising money for these new accounts," said Trevor Potter, a former FEC chairman and general counsel to the nonpartisan **Campaign Legal Center**. "But people don't just sit down and say: 'Gosh, I think I've got to write a check to the convention account today.' So who is asking for what? What is being promised? What are people gaining for giving this?"

Super Solicitations

Super PAC solicitations raise even bigger questions, said Potter, whose institute is also asking the Justice Department to investigate.

If unfettered campaign spending has rendered contribution limits all but meaningless, some say the solution is to simply eliminate them.

"Our view is that they should take the contribution limits off altogether, and the candidates should be able to ask for money for their own campaigns," said David Keating, president of the **Center for Competitive Politics**. "That's publicly reported, they're responsible for the messaging in the campaign and also being identified with the donors directly."

Advocates of campaign restrictions have countered with a long list of bills that have gone nowhere on Capitol Hill. Feingold, who lost his 2010 re-election bid to Ron Johnson but is seeking a rematch, all but admits that the law he coauthored with McCain is no longer working.

"People tell me all the time that our politics in Washington are broken and that multimillionaires and big corporations are calling all the shots," Feingold said as he announced his candidacy. "They say this especially about the U.S. Senate, and it's hard not to agree."

Ethics panel reaffirms past ruling on ticket sales to legislators

ARKANSAS – *Arkansas News* – by John Lyon - July 24, 2015

LITTLE ROCK -- The state Ethics Commission has adopted an advisory opinion reaffirming an earlier opinion that state legislators cannot legally buy Razorback football tickets at face value.

The commission adopted its previous opinion in response to a request from Randy Massanelli, a lobbyist for the **University of Arkansas**. Massanelli asked if the sale of tickets to lawmakers at face value - without requiring an additional "membership level" donation to the **Razorback Foundation**, which others would have to provide for the same seats - violated Amendment 94 to the Arkansas Constitution.

Amendment 94 prohibits legislators from accepting gifts from lobbyists or organizations that employ lobbyists, with some exceptions. The membership level donations that non-legislators must pay for the seats range from \$50 to \$20,000, depending the location of the seats. The commission concluded that such sales would violate Amendment 94.

Massanelli later asked for further analysis of the issue, saying that the **Razorback Foundation**, not the **University of Arkansas**, is responsible for waiving the donations and that the foundation does not employ lobbyists.

In its follow-up opinion, the commission said the question of whether it is the university or the foundation providing the tickets to legislators at face value is a question of fact. It also said that if the foundation spends more than \$400 in one calendar quarter on state legislators, the foundation arguably could meet the definition of a lobbyist.

"It is not necessary for the commission to answer these questions of fact, however, because even if the foundation were determined to be the entity providing the thing of value, and the foundation was determined not to be a lobbyist, there would still be a \$100 limit on what it could give a public servant under the gift prohibition found in Ark. Code Ann. 21-8-801," the commission said in the opinion.

That statute prohibits a public servant from accepting a gift for the performance of the duties of his or her office unless the value of the gift is \$100 or less.

"If the public servant utilizes this waiver option and is able to buy his or her tickets at face value without the membership level contribution, while others must pay the membership level contribution, it appears they are utilizing their official position to secure a special privilege or exemption for themselves," the commission said in the opinion.

The wolves of Jeff City: Sexual harassment at the Capitol

MISSOURI – *Kansas City Star* – by Jason Hancock and Steve Kraske – June 26, 2015

JEFFERSON CITY -- First came a hand on her back. Then on her leg. When fingers inched higher, Sarah Felts bolted.

She was a 21-year-old intern in the Missouri Capitol out for drinks with co-workers. A few legislators showed up. Felts found herself alone with one lawmaker after the crowd thinned.

That's when he touched her, and she hurriedly conjured excuses to get away. She had to use the restroom, get back to the office. She faked a smile. Soon she was in her car, crying.

"It makes me feel kind of slimy that I didn't say something," she said, "and didn't speak up for myself."

Felts recalls endless comments during her internship about how she looked, how her body filled out her clothes. The perpetrators were young and old, Republican and Democrat.

Her unsettling initial brush with Missouri's Capitol culture dates to 2008. But dozens of women - current and former interns, legislative aides, lobbyists and lawmakers - told *The Star* lechery and harassment remain commonplace.

One woman recalls being asked the color of her underwear while lobbying a lawmaker on a bill. Another talks of late-night texts from her boss asking if she would like to come to his apartment for a drink. A former intern says that when she finally got her boss to stop sending flirty text messages, he began treating her coldly and left her out of important projects.

Some women who spoke with *The Star* were ready to share their stories publicly. Most were not, fearing it would only damage their careers or leave them ostracized in the Capitol.

With friends and family many miles away, fundraisers and lobbyist-funded parties fill the evenings - offering no shortage of free alcohol to fuel the atmosphere.

"The culture of Jefferson City is very anything goes," said former state Sen. John Lamping, a St. Louis County legislator who left office in 2014. "We're in town three days a week, and we don't work particularly late very often. So the mentality is, 'Wow, this is so much fun. We're doing crazier stuff than we did in college. But now we have power, prestige and money.'"

Capitol culture

Every lawmaker and Capitol staff member must participate in sexual harassment training. Both House and Senate sexual harassment policies spell out a complaint process and outline corrective measures.

The House policy directs harassment complaints first to House administrators, including the chief clerk. The policy states that "all complaints will be investigated promptly, thoroughly and fairly" by House staff.

If the complaint involves an elected lawmaker, disciplinary action can be taken by an ethics committee of 10 lawmakers and chaired by the House majority leader. A lawmaker can be expelled from the House with a two-thirds vote of the full 163-member chamber.

Over the last five years, only four sexual harassment complaints have been filed with the Missouri House. House counsel David Welch said the harassment policy informs employees they also have the right to file a discrimination charge with the **Missouri Human Rights Commission** or the federal **Equal Employment Opportunity Commission**, or to consult with an attorney.

Most of those willing to share their stories with *The Star* said they kept quiet out of a belief that a complaint would never result in real consequences - save for the targets of the unwanted overtures.

"If a legislator harasses a staff member, the general feeling is that nothing is going to happen," said a former female legislative assistant to a state representative. "It's not like (the legislator) can get fired. But our lives can be ruined."

Another former House staffer said she endured months of sexual harassment, from lewd comments to a torrent of unwelcome advances. When her male boss spoke up for her to the perpetrators, it sparked hurtful and untrue rumors that the two were having an affair.

The isolation of a small-city capital dominated by powerful men away from home - and the idea of what happens in Jefferson City stays there - makes the place hostile territory for women pursuing careers in state government.

"It's a place where power and money and isolation mix together and create an atmosphere that is more like a convention at times," said Dave Robertson, professor of political science at the **University of Missouri-St. Louis**.

This year has been distinctive because the Capitol's treatment of women has drawn attention to what's long been seen as just ordinary behavior of the legislative crowd. Two high-profile incidents sparked renewed concern.

In the Senate, an investigation into a workplace harassment complaint is focused on the office of Sen. Paul LeVota from Independence. Two interns from the **University of Central Missouri** abandoned their posts in his office two months early. Their school is also investigating possible violations of Title IX, the federal statute designed to guarantee equal access to higher education for women — including their safety.

But the biggest reason the topic is getting so much attention: House Speaker John Diehl resigned from office after *The Star* revealed he'd exchanged sexually charged text messages with a 19-year-old college intern. **Missouri Southern State University** cut short the internship program she and three other students were enrolled in and brought the interns back to its Joplin campus.

Kelly Schultz is a former intern who is now the director of the **Office of Child Advocate** in Jefferson City. She counsels interns on how to handle life in the Capitol, and says an informal network of women try to look after younger females.

Schultz said she wasn't surprised by Diehl's relationship with an intern. "You could have inserted many names into that story," she said, "and I would not have been surprised."

Former state Sen. Luann Ridgeway of Smithville, who left office in 2012, said serving in Jefferson City "puts stresses and tensions and temptations in front of you the likes of which most people in their hometowns will not have experienced."

Lawmakers get away from home, Ridgeway said, and away from "their normal accountability situation, and things are much more likely to happen."

Kenneth Warren, a professor of political science at **St. Louis University**, said the Capitol culture does more than present a hostile environment for women. It also creates lots of opportunity for drinking and, often, hook-ups between eager partners.

"It's a very lonely place, and then you have lobbyists who are wining and dining and spending a lot of money on booze," Warren said. "It just acts as a catalyst to promote the rather free-wheeling culture of partying and affairs."

Schultz said young people sometimes place elected officials on a pedestal and get caught up in an environment they aren't equipped to handle.

The key to dealing with unwanted advances, Schultz said, is how you react. Sending emphatic signs that you don't tolerate the game will cause most men to move on.

"It may happen," she said. "How you react to it makes a difference."

Playing defense

But being assertive isn't always easy.

"There's a very real prospect that you could suffer professionally because you're not willing to put up with it or willing to accept terms of conversation going in a direction that it is," said Casey Millburg, an associate at a consulting firm that manages nonprofits. "On top of losing that professional opportunity, there's the risk of getting punished for not being OK with what's going on."

Harassment carries a professional cost for women, she said. They must devote time and energy dealing with unwanted sexual advances or comments instead of doing their jobs.

"It's really hard to talk about that sometimes with my professional guy friends," she said. "There's really no point of reference for them."

Korey Lewis interned for a Missouri senator in 2009. She vividly remembers being groped in crowded Capitol hallways, whistled at by passersby and enduring all manner of comments about her appearance.

Kelly McCambridge remembers a trip to the Missouri Capitol when someone pointed to a group of women and referred to them as "skinterns."

"It just made my stomach turn," said the Kansas City attorney who specializes in employment law.

She says that typically when women turn to her because they were sexually harassed "they are somebody in their 30s or 40s, and this wasn't the first time this happened to them. But when it happened to them when they were 18 or in their early 20s they didn't have awareness that it would be illegal or what to do about it."

For women in government or politics, who may hold aspirations to continue in the field, fear that complaining about harassment could damage their professional reputation usually scares them into silence, McCambridge said.

One former intern for a Missouri lawmaker says she was originally turned down for an internship in the Capitol because a lawmaker she applied to work for told her “he was attracted to me and was afraid things might go too far.”

Her experience mirrors that of many women who recently participated in a survey of congressional staffers working in Washington, D.C., by the *National Journal*. It found that in some offices, female staffers aren’t allowed to spend any time alone with their male bosses in order to avoid the appearance of impropriety.

Both men and women in the Capitol describe a sensibility reminiscent of early episodes of “*Mad Men*.” Twenty-four years after Anita Hill’s charges against Clarence Thomas launched a national awareness of sexual harassment in the workplace, women say they’re still commonly seen in the Capitol as possible conquests rather than as colleagues.

When Todd Richardson took over in May as Missouri House Speaker following John Diehl’s resignation, he vowed to improve the legislature’s reputation.

“It’s important for us to focus on not only improving the public perception of the legislature, but to actually improve the environment,” Richardson said in an interview with *The Star*. Richardson said a “majority of people who serve in the House and Senate are there for the right reasons and are not part of that negative culture.”

One of Richardson’s first actions as speaker was dispatching a group to look at the House’s internship policy. Next, Richardson said, he hopes to look at the sexual harassment complaint process.

He also stressed the need for meaningful ethics reform, specifically limiting the amount of gifts lobbyists can give to lawmakers to rein in some aspects of the Jefferson City party scene.

“It’s important that (legislative leaders) convey to our members that we expect a higher standard and a better level of behavior,” Richardson said.

McCaskill calls for advocacy group to give Missouri capital interns 'someone to talk to'

MISSOURI - *KCUR.org* - By Jo Mannies - Jul 29, 2015

Amid all the talk about the misbehavior so obviously plaguing Jefferson City, U.S. Sen. Claire McCaskill contends the real issue is that little has changed.

She was an intern in the Missouri capital 41 years ago. “I am bitterly disappointed that the climate has not changed significantly since 1974,” the senator said, recalling her own experiences with off-color jokes and unsolicited sexual comments.

And McCaskill remembers the self-doubt of what she should do. “I wanted to be an intern, and I wanted to learn,” she told reporters in a conference call. “I was afraid if I told the university they’d decide they didn’t want to do the intern program anymore. So I just tried to handle it myself.”

That backdrop is why McCaskill is suggesting that a special advocacy organization be set up to simply give interns a non-threatening source to talk to, where they could get constructive information about how to handle a situation, file a formal complaint and even hire a lawyer.

She says she got the idea after an evening chat with Alissa Hembree, the former college intern whose accusations of sexual harassment led to last week's resignation of state Sen. Paul LeVota of Independence.

The LeVota case was the second such incident in less than three months. During the last week of the legislative session in May, Missouri House Speaker John Diehl of Town and Country, was forced to step down amid publicity over his sexually charged text messages with a college-age intern.

Hembree had approached McCaskill as a result of the senator's work to address sexual assault on college campuses and in the military. Hembree also told McCaskill that she was grateful for the senator's public comments of support soon after the controversy broke over the allegations against LeVota.

"We're going to put our heads together. She's going to work with some of my staff, to see if we can come up with some way to form an organization that could help address some of the shortfalls that are obvious from these situations," McCaskill said.

The aim would be to help "young women or young men who feel that they're being sexually harassed as part of their work as interns in this state, whether as interns in government or interns in any other position. That there would be some kind of organization that they could turn to."

Victims often fear consequences of going public

Young people in such positions face a dilemma, McCaskill said, in that they'd like to resolve such matters - especially in the early stages -- without them turning into public scandals.

There's real fear among such victims, she said. That "you will be marginalized in the workplace, that you'll jeopardize your future in some way, in terms of someone blacklisting you. That you won't be taken seriously."

She recalled her own self-doubt as a young woman legislator in the 1980s. "If I complain about these off-color jokes and inappropriate comments, then all of the sudden I worry I won't be as effective as a legislator."

As an intern and a legislator, McCaskill said, "I just tried to avoid situations that were making me uncomfortable. But there really wasn't anybody I could talk to about it."

Governor renews call for ethics reform

Missouri Gov. Jay Nixon appears to be relaunching his longstanding bid for stricter state ethics laws governing public officials.

Among other things, Nixon said he wants to restore the state's campaign donation limits, curb lobbyists' gifts to public officials and require a waiting period before legislators can become lobbyists.

Nixon contends that the loose climate contributed to the antics that forced Diehl and LeVota out of office.

Some legislative critics contend that Nixon's proposals would do little to curb sexual misconduct.

But McCaskill, speaking in general, asserted that the state's weak ethics laws feed the inappropriate atmosphere in Jefferson City.

"In some ways, that's what hasn't changed," she said. "The culture of free dinners, of committee hearings in restaurants with free liquor ... The one thing that is not going to change is that there is an insular feel of the place. When you're there, you don't feel like you're as accountable."

Despite unprecedented scandal, calls for ethics session fall on deaf ears

NEW YORK - *Gotham Gazette* -- by David King - July 29, 2015

It would be reasonable to think that the conviction of two legislative leaders would lead to a flurry of anti-corruption activity in any state capital. But in Albany, where the new normal appears to involve multiple convictions and indictments of sitting lawmakers every year, last week's crime blotter appears to have barely turned a head.

The convictions of Senate Deputy Leader Tom Libous and Sen. John Sampson, a former Majority Leader, on charges of lying to the FBI (Sampson was also convicted of obstructing justice) don't appear to have had much of an impact at all on reform efforts, despite ongoing calls for action from those who don't work at the capitol.

Good-government groups including the **New York Public Interest Research Group**, **Reinvent Albany**, **Common Cause**, and **Citizens Union** have reiterated calls for a special session on ethics reform, calls that began in June at the end of the legislative session. That was the session that saw the indictments of Democratic Assembly Speaker Sheldon Silver and Republican Senate Majority Leader Dean Skelos - and that produced little by way of reform.

Governor Andrew Cuomo, the man who could compel the Legislature to return to session, made it clear during a radio interview that he has no intention of doing so. "A special session to do what? I mean, we've proposed every ethics law imaginable," Cuomo said in an appearance on *The Capitol Pressroom*. "We've proposed and accomplished unprecedented disclosure," the governor added, referring to what did get done.

"I haven't heard anything from the Senate or the Assembly saying, 'Our minds are changed, we now want to pass a bill that we didn't want to pass,'" Cuomo said. "So for the taxpayers to spend a lot of money to bring the legislators back to Albany for the same outcome they had several weeks ago makes no sense."

Sen. Brad Hoylman of Manhattan, a constant advocate for reform, told *Gotham Gazette* he thinks a special session on ethics reform is desperately needed.

"I can't think of anything that would better help excise the opprobrium from last week's twin state Senate convictions than a special session entirely devoted to ethics reforms," said Hoylman. "No more piecemeal fixes or trimming around the edges; it's time for Albany to address ethics comprehensively and head-on. Let's come back from our vacations and get to work closing the LLC loophole, restricting outside income, and rationalizing our campaign finance system. If this effort isn't begun now, it'll have to be addressed in January when we return."

It isn't just the indictments and convictions that have reformers concerned. They point out that recent campaign filings show that candidates are taking in increasing amounts of campaign cash through the LLC loophole that allows corporations to flout donation limits by the creation of multiple LLCs. Developer **Glenwood Management** was the largest abuser of the system before it became entangled in the corruption cases against Silver and Skelos.

A July 15 Siena Poll, taken before the convictions of Libous and Sampson, found that corruption is still on the minds of voters and that legislators should probably be concerned about the issue if they want to keep their jobs. The poll found 90 percent of voters felt state government corruption is a serious problem. Meanwhile 49 percent of those surveyed said recent scandals make it less likely they will re-elect their representatives in 2016.

Pa. Rep. Fattah indicted on corruption charges from 2007 mayor's race
PENNSYLVANIA - *Washington Post* - by Paul Kane and Mike DeBonis - July 29, 2015

U.S. Rep. Chaka Fattah of Pennsylvania, a onetime rising star who came to Congress 20 years ago as a next-generation reformer, was charged with racketeering related to an off-the-books \$1 million loan to his unsuccessful campaign for Philadelphia mayor in 2007.

The Justice Department charged Fattah, a senior member of the powerful Appropriations Committee, and four supporters with 29 counts that included bribery, bank fraud and other corruption charges.

"The public expects their elected officials to act with honesty and integrity," said U.S. Attorney Zane David Memeger for the Eastern District of Pennsylvania. "By misusing campaign funds, misappropriating government funds, accepting bribes and committing bank fraud, as alleged in the Indictment, Congressman Fattah and his co-conspirators have betrayed the public trust and undermined faith in government."

Fattah told reporters in the Capitol that he rejected the allegations but embraced the chance to formally fight them in federal court.

"It's been an eight-year matter, and we've moved from an investigation to an actual allegation," Fattah said, "and I think I'll stand by my original position, which was: As an elected official I've never been involved in any illegal activity or misappropriation of funds."

The wide-ranging investigation has been going on for several years, leading to charges against or guilty pleas from a number of Fattah's associates, including his son and a political consultant to his mayoral campaign.

Prosecutors allege that Fattah and associates took out a secret \$1 million loan from a wealthy businessman to help fund Fattah's unsuccessful 2007 mayoral campaign, then conspired to use federal grant funds to repay much of it. He also is alleged to have tried to settle a campaign debt by directing a federal grant to his creditor.

Prosecutors also leveled new allegations, including accusations of a quid pro quo scheme to reward a lobbyist, Herbert Vederman, with an ambassadorship or an appointment to the **U.S. Trade Commission** in return for an \$18,000 bribe and "other items of value."

After the mayor's race, and returning to Washington with a huge campaign debts, Fattah used his perch overseeing federal purse strings to steer \$600,000 to the secret donor through a nonprofit that he controlled, according to the statement issued by the Justice Department and the Philadelphia-based team of federal prosecutors who have led the investigation.

He also tried unsuccessfully to steer a \$15 million federal grant to a political consultant who was owed \$130,000, prosecutors said, additionally alleging that Fattah had his consultant steer \$23,000 from the congressional campaign account to pay down his son's student loans.

Shumlin backs independent ethics commission

VERMONT - VTDigger.org – by Erin Mansfield – July 22, 2015

Gov. Peter Shumlin now believes Vermont should create an independent commission to handle ethics complaints, his spokesperson said.

Scott Coriell, Shumlin's spokesperson, said Wednesday was the first time, to his knowledge, the governor had been asked whether he supports such a commission. The governor's call for a commission was first reported by *The Associated Press*.

Wednesday was also the day that three news organizations published articles that raised questions about possible conflicts of interest within Shumlin's administration. Coriell said recent events, including news about a state regulator who moved to work on a project he was overseeing, had nothing to do with the announcement.

"That is great news," Secretary of State Jim Condos said of Shumlin's announcement. Condos is already drafting legislation that would create an independent ethics commission to oversee the executive and legislative branches.

"This is not about any individual person," Condos said. "This was always a bigger picture item about how we could improve the trust that Vermonters deserve to have about their government."

Condos wants to create a commission of three to five people, using other states' commissions as guidance. The members would be appointed in such a way that no one person or no one party has control over the commission.

"The independent ethics commission should receive those complaints, should investigate those complaints and then should enforce," Condos said. "You would have an executive director, and you would have three to five staff."

Vermont is one of three states that doesn't require public officials to disclose financial relationships and that doesn't have a policy against regulators leaving public office to work for companies they once regulated, according to the Campaign for Vermont.

Shumlin signed an executive order in 2011 establishing rules for how executive branch employees handle conflicts of interest and perceived conflicts of interest. Conflicts of interest generally include ways that executive branch employees or their spouses could make a financial gain from a state dealing, according to the executive order.

State employees must wait one year after leaving the administration before going to work as lobbyists for companies they used to regulate. The policy does not prohibit a state employee from leaving the administration and immediately going to work for the company they regulated.

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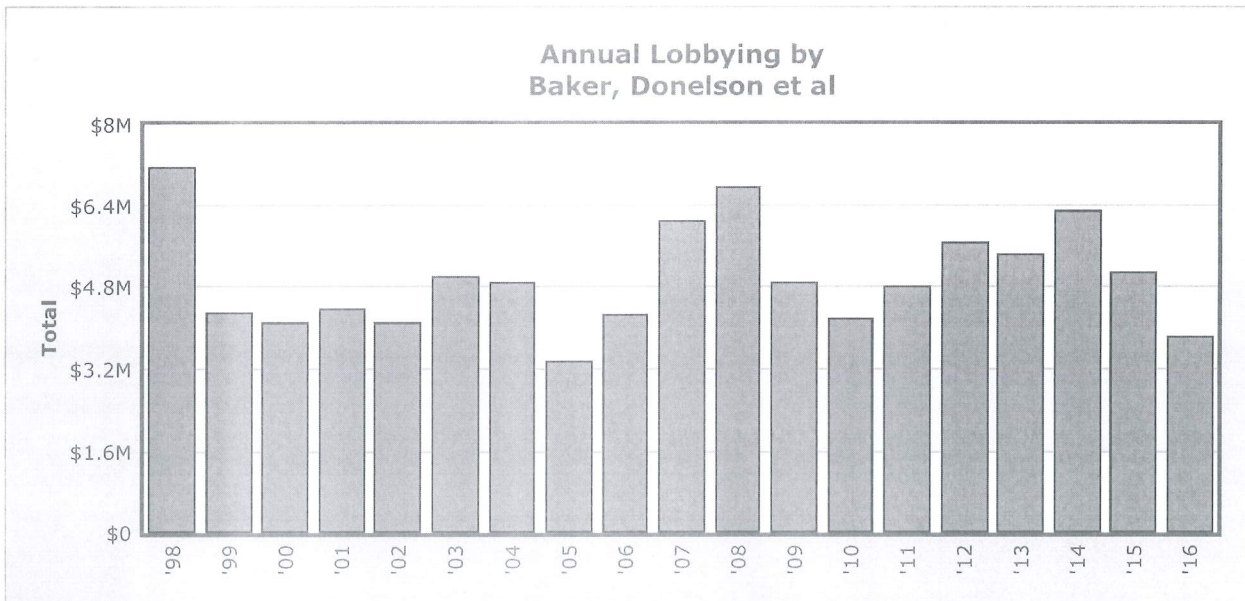
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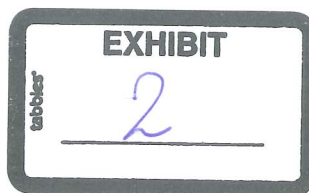
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Baker, Donelson et al

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Firm Profile: Summary, 2015



Year: 2015 ▾

Total Lobbying Income: \$5,070,000

Groups That Have Retained Baker, Donelson et al:

Client	Total	Subsidiary (Lobbied For)	Industry
<u>3M Co</u>	\$20,000	-	Misc Mfg/Distrib
<u>Advanced Infusion Solutions</u>	\$140,000	-	Retail Sales
<u>Alere Inc</u>	\$80,000	Arriva Medical	Pharm/Health Prod
<u>All American Medical Supplies</u>	\$40,000	-	Unknown Business
<u>Assn of Public Television Stations</u>	\$10,000	-	TV/Movies/Music
<u>Assured Information Security</u>	\$0	-	Defense Electronics
<u>Bavarian Nordic</u>	\$90,000	-	Pharm/Health Prod
<u>Blue Cross/Blue Shield</u>	\$20,000	-	Insurance
<u>Burnham Developer</u>	\$40,000	-	Real Estate
<u>CareCore National</u>	\$40,000	-	Business Services
<u>City of Glendale, AZ</u>	\$160,000	-	Civil Servants
<u>Compliance Team</u>	\$10,000	-	Business Services
<u>CVS Health</u>	\$40,000	-	Retail Sales
<u>Debevoise & Plimpton</u>	\$80,000	-	Lawyers/Law Firms
<u>Diabetes Management & Supplies</u>	\$0	-	Unknown Business
<u>EO2 Concepts</u>	\$30,000	-	Pharm/Health Prod
<u>Foothill Transit</u>	\$120,000	-	Misc Transport
<u>Forrest General Hospital</u>	\$40,000	-	Hospitals/Nurs Homes
<u>Fresenius Medical Care</u>	\$0	Fresenius Medical Care North America	Health Services
<u>Friends/Global Fight Against AIDS/TB/Mal</u>	\$10,000	-	Human Rights
<u>Generic Pharmaceutical Assn</u>	\$20,000	-	Pharm/Health Prod
<u>Hamilton County</u>	\$80,000	-	Civil Servants
<u>Hawthorn Foundation</u>	\$200,000	-	Business Assns
<u>Helen Keller National Center</u>	\$80,000	-	Other
<u>L-3 Communications</u>	\$160,000	-	Defense Electronics
<u>Le Groupe SAFRAN</u>	\$120,000	Safran USA	Air Transport
<u>Martin-Baker Aircraft</u>	\$300,000	-	Air Transport

Client	Total	Subsidiary (Lobbied For)	Industry
<u>MedSolutions</u>	\$160,000	-	Business Services
<u>Metro Gold Line Foothill Ext Constr Auth</u>	\$120,000	-	Railroads
<u>Millennium Health</u>	\$80,000	-	Health Services
<u>National Assn of Community Health Ctrs</u>	\$50,000	-	Health Services
<u>National Ground Water Assn</u>	\$160,000	-	Environmental Svcs
<u>Novo Nordisk Pharmaceuticals</u>	\$90,000	-	Pharm/Health Prod
<u>Nuclear Energy Institute</u>	\$20,000	-	Electric Utilities
<u>Page Memorial Hospital</u>	\$20,000	-	Hospitals/Nurs Homes
<u>Plasma Protein Therapeutics Assn</u>	\$120,000	-	Pharm/Health Prod
<u>Sta-Home</u>	\$0	-	Unknown Business
<u>State of Kansas</u>	\$80,000	Governor's Military Council	Civil Servants
<u>State of New York</u>	\$360,000	Empire State Development	Civil Servants
<u>Tennessee Valley Industrial Cmte</u>	\$0	-	Electric Utilities
<u>Thales Group</u>	\$120,000	Thales Defense & Security	Defense Electronics
<u>Thales Group</u>	\$120,000	Thales USA	Defense Electronics
<u>Toshiba Corp</u>	\$1,200,000	-	Electronics Mfg/Equip
<u>United States Medical Supply</u>	\$40,000	-	Pharm/Health Prod
<u>University of Kentucky</u>	\$50,000	-	Education
<u>Western Dental Services</u>	\$50,000	-	Health Professionals
<u>WR Grace & Co</u>	\$300,000	-	Chemicals

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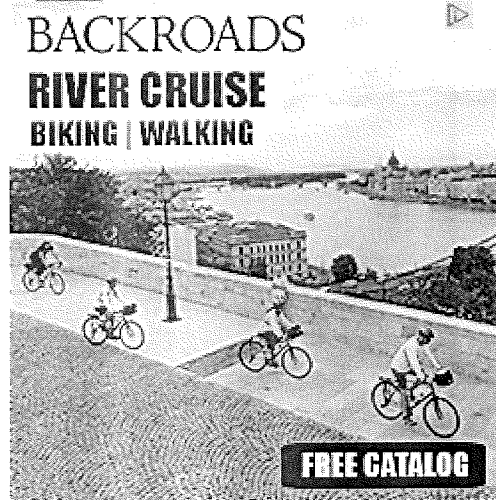
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Bottom Line

BY THE HILL STAFF - 04/13/15 07:17 PM EDT

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Just In...

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NEWS — 7M 45S AGO

Puerto Rico takes giant leap towards statehood

POLITICS — 8M 19S AGO

Gwen Ifill's death is a reminder that we can't rest in fight against cancer

HEALTHCARE — 10M 20S AGO

Trump calls Electoral College 'genius' after earlier criticism

PRESIDENTIAL RACES — 45M 20S AGO

Scarborough: John Bolton is a 'massive neocon on steroids'

NEWS — 55M 15S AGO

Laura Ingraham rips 'smear campaign' against Bannon

PRESIDENTIAL RACES — 1H 6M AGO

US may face investigation for war crimes in Afghanistan

NATIONAL SECURITY — 1H 12M AGO

The biggest loser in 2016? The mainstream media and journalism

MEDIA — 1H 33M AGO

VIEW ALL

• ENTERTAINMENT. Millennium Films, the independent film production and finance company best known for "The Expendables" series of movies, retained Democratic powerhouse Heather Podesta to represent its interests in Washington. Heather Podesta + Partners is the studio's first K Street firm and will be "educating policymakers on intellectual property concerns of independent filmmakers," according to disclosure forms.

• TECHNOLOGY. The Glover Park Group became Motorola's eighth lobby firm, hired last month to "monitor and advocate on immigration, tax, and appropriations" issues. Among the lobbyists on the account is former Microsoft in-house advocate Jack Krumholtz. The telecommunications company has reduced spending on lobbying since its all-time high in 2005, down to about \$2 million each year from the \$7.6 million high. It recently nixed lobbying and PR firm Grayling and terminated two other firms last year.

• RESEARCH. The University of Kentucky Wildcats may have lost the big prize in the NCAA men's basketball tournament this month, but the school did gain a new lobby firm to fight for research dollars. Cornerstone Government Affairs will be working on the "advancement of university research and development goals," lobbying forms say. The account will be led by Michael Higdon, a former chief of staff to House Appropriations Committee Chairman Hal Rogers (R-Ky.). The University of Kentucky spent \$263,000 on lobbying last year. It also has law and lobby firm Baker Donelson on retainer.

• MANUFACTURING. Twin Rivers Paper, a paper mill in Maine, is bringing new firepower to a regulatory battle with the Food and Drug Administration (FDA). Mercury, a public affairs firm, will be working on a proposed "professional insert e-labeling rule" from the FDA. Lobbyists on the account include former Rep. Vin Weber (R-Minn.) and Erick Mullen, a former aide to Sen. Charles Schumer (D-N.Y.).

• FOREIGN AGENTS. DLA Piper and Saudi Arabia inked a contract worth nearly a half-million dollars. The \$50,000-per-month deal lasts until the end of the year. "The United States and the Kingdom of Saudi Arabia confront a confluence of ongoing events that heighten mutual national security interests. Both nations have benefitted from an enduring strategic alliance. DLA Riper engages to assist the Embassy in strengthening the ability of the United States and Saudi Arabia to advance mutual national security interests," say forms filed to the Department of Justice.

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by Taboola



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http://www.kykernel.com/news/students-march-to-protest-sexual-assault-at-uk/article_30cd63c2-a855-11e6-9814-bfdbaeec7dc2.html

Students march to protest sexual assault at UK

Kat Manouchehri Updated 22 hrs ago

Photos: Sexual Assault Protest



Hunter Mitchell

Students march across campus in protest of the sexual assault cases on the University of Kentucky's campus on Friday, in Lexington, Ky. Photo by Hunter Mitchell | Staff



The UK Feminist Alliance along with other protestors marched through campus Friday afternoon in protest of UK's handling of sexual assault and the policies that follow.

Male and female survivors and allies were advocating for their safety on campus, and urging President Eli Capilouto to release records in an investigation involving former associate professor, James Harwood.

The march started at 12:30 p.m. near the Woodland Glen basketball courts and followed the route around South Campus residence halls, W. T. Young Library, the main academic center of campus and the president's house.

Protesters said they planned to keep marching until Capilouto responds or 5 p.m. Friday.

The UK Feminist Alliance organized the protest.

Protestors carried signs that advocated for a change in UK's sexual assault policy. The signs said phrases like "silence protects the abuser and imprisons the victim" and "Capilouto is not my president."

Campus tour guides were told to reroute their course in order to avoid the protest.

"It was simply to make sure the tour guide — and the marchers — could be heard," UK spokesman Jay Blanton said. "The tours, for example, normally stop at a number of locations, including Maxwell Place and we wanted both sides — the tours and the marchers — to have maximum room and space to both tour and march as well as have their voices heard."

Sexual assault and misconduct awareness has been an increasingly popular topic of discussion around the university. When asked why the organization chose to march now, one of the event's organizers Nadia Almasalkhi said it was because "it's mainstream to condone sexual assault."

Sexual assault is an "epidemic on campus right now," Spanish sophomore and protestor George Boyd IV said. "We have to have radical change in the way we see women and each other."

To be clear about what we want: drop the lawsuit against @KYKernel and release redacted records about Harwood while protecting victims' IDs.

— UK Feminist Alliance (@FemAllianceUK) November 11, 2016

Blanton said that the university maintains its stance against the Kernel and the release of records in any form, despite the protest.

"We cherish the expression of free speech and thought on our campus and we applaud and respect those who have spoken out today," he said. "At the same time, we maintain that truly honoring the value of transparency and free expression in this issue is ensuring that the victim-survivor is allowed to choose whether, how and when to tell their stories."

Title IX investigations and the university's sexual assault policy have also been questioned by students across campus for gaps that have upset survivors.

"It isn't a very effective system in the way it's being carried out," Almasalkhi said.

The Kernel recently published a letter from an anonymous survivor that brought attention to the efficacy of Title IX investigations.

Almasalkhi said the Kernel opened the group's eyes to the "problem." She believed Capilouto owes each student, especially survivors of sexual assault protections, transparency in the policies that are supposedly set to advocate for them.

Capilouto recently said in an email to campus that the drop in sexual assault reports were because of the Kernel's, and other media's, reporting.

"I think it made people more aware of the sexual assault policy," Almasalkhi said.



Kat Manouchehri