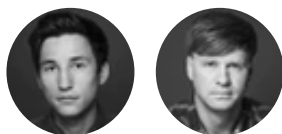


LEAKED AUDIO OF SEN. JOE MANCHIN CALL WITH BILLIONAIRE DONORS PROVIDES RARE GLIMPSE OF DEALMAKING ON FILIBUSTER AND JANUARY 6 COMMISSION

Manchin urged big-money donors with No Labels to talk to Roy Blunt about flipping his vote on the commission to save the filibuster.



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The Intercept



West Virginia Sen. Joe Manchin, in a private call on Monday with a group of major donors, provided a revealing look at his political approach to some of the thorniest issues confronting lawmakers.

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The remarks were given on a Zoom teleconference ses-

sion that was obtained by The Intercept.

The meeting was hosted by the group No Labels, a big money operation co-founded by former Sen. Joe Lieberman that [funnels high-net-worth donor money](#) to conservative Democrats and moderate Republicans.

Among the gathering's newsworthy revelations:

Manchin described an openness to filibuster reform at odds with his most recent position that will buoy some Democrats' hopes for enacting their agenda.

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The call included several billionaire investors and corporate executives, among them Louis Bacon, chief executive of Moore Capital Management; Kenneth D. Tuchman, founder of global outsourcing company TeleTech; and Howard Marks, the head of Oaktree Capital, one of the largest private equity firms in the country. The Zoom participant log included a dial-in from Tudor Investment Corporation, the hedge fund founded by billionaire Paul Tudor Jones. Also present was a roster of heavy-hitting political influencers, including Republican consultant Ron Christie and Lieberman, who

serves as a representative of No Labels and now [advises](#) corporate interests.

The meeting was led by Nancy Jacobson, the co-founder of No Labels.

The wide-ranging conversation went into depth on the fate of the filibuster, infrastructure negotiations, and the failed effort to create a bipartisan commission to explore the January 6 storming of the U.S. Capitol, and offers a frank glimpse into the thinking of the conservative Democrat who holds the party's fate in his hands.

Manchin told the assembled donors that he needed help flipping a handful of Republicans from no to yes on the January 6 commission in order to strip the “far left” of their best argument against the filibuster. The filibuster is a critical priority for the donors on the call, as it bottles up progressive legislation that would hit their bottom lines.

When it came to Sen. Roy Blunt, a moderate Missouri Republican who voted no on the commission, Manchin offered a creative solution. “Roy Blunt is a great, just a good friend of mine, a great guy,” Manchin said. “Roy is retiring. If some of you all who might be working with Roy in his next life could tell him, that’d be nice and it’d help our country. That would be very good to get him to change his vote. And we’re going to have

another vote on this thing. That'll give me one more shot at it."

Regarding Blunt, Manchin appears to be suggesting – without, perhaps, quite explicitly saying so – that the wealthy executives on the call could dangle future financial opportunities in front of the outgoing senator while lobbying him to change his vote. Senate ethics rules forbid future job negotiations if they create a conflict of interest or present [even the appearance of a conflict of interest](#). Manchin, notably,

doesn't suggest that the donors discuss a job, but rather says that people who Blunt may later be working with would be likely to have significant influence, reflective of the way future job prospects can shape the legislative process even when unspoken.

The commission, Manchin tells No Labels, is important in its own right, necessary to determine how security

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failed and what former President Donald Trump's role was in the riot, if any. But it's also critical to maintaining support for the filibuster. The January 6 commission got 56 votes, four short of the 60 needed to overcome a filibuster — a thorough embarrassment for those like Manchin who claim bipartisanship is still possible in the divided Senate chamber.

Manchin told the donors he hoped to make another run at it to prove that comity is not lost. He noted that Sen. Pat Toomey, a Pennsylvania Republican who missed the vote, would have voted for it had he been there, meaning only three more votes are needed.

“What I’m asking for, I need to go back, I need to find three more Republican, good Republican senators that will vote for the commission. So at least we can tamp down where people say, ‘Well, Republicans won’t even do the simple lift, common sense of basically voting to do a commission that was truly bipartisan.’ It just really emboldens the far left saying, ‘I told you, how’s that bipartisan working for you now, Joe?’”

During the Zoom event, Manchin's Senate office appeared in the background. It is against campaign finance ethics rules to solicit funds while in a federal building, but Manchin did no solicitation beyond the broad suggestion that donors help out Republicans who switch their votes on the commission. Rather, the group talked openly about how much money it

planned to raise, and how – and on whom – it would spend that cash.

Sam Runyon, a spokesperson for Manchin, said that the meeting was not a fundraiser. “Senator Manchin was discussing the issue of money in politics and the impact campaign donations have on Senators and members of Congress. He was not soliciting donations for himself or anyone else,” Runyon told The Intercept.

Margaret White, co-executive director of No Labels, said the same. “The group who engaged with Senator Manchin is motivated by a concern about the future of our nation,” she said in a statement. “This was not a fundraising call and any suggestion to the contrary is a false and obvious attempt to undermine Senator Manchin because he is one of the rare leaders in Washington who refuses to just toe the party line. It’s often a lonely place to be. No Labels is proud to stand with him.”

The group is passionately supportive of the filibuster, and when multiple donors quizzed Manchin on his stance on it, the senator displayed an openness to reform that is at odds with his latest public statements.

Last spring, he said that he could be supportive of a “[talking filibuster](#)” that required the minority to hold the floor, rather than putting the onus on the majority.

After an uproar from Republicans, he penned a Washington Post op-ed saying that he would not “weaken or eliminate” the filibuster, which optimists noted left room for reforms that strengthened it in spirit, by forcing more bipartisanship.

In June, he told CNN, when asked if he was committed to maintaining the 60-vote threshold, that he wanted to “make the Senate work,” a sentiment he repeated each time he was pressed. Once again, he followed it up with an op-ed, this time in the local Charleston Gazette-Mail, saying that he had no intention of weakening the filibuster.

Manchin’s openness for filibuster reform on the call is notable given it flew in the face of many attendees’ hopes. Asked about a proposal to lower the threshold to beat back a filibuster to 55 votes, he said that it was something he was considering, but then quickly referred back to his earlier idea of forcing the minority to show up on the Senate floor in large enough numbers to maintain a filibuster.

“That’s that’s one of many good, good suggestions I’ve had,” he said of lowering the cloture total from 60 to 55. Manchin went on to discuss the last time the cloture threshold was lowered, in the 1970s.

“I looked back ... when it went from 67 votes to 60

votes, and also what was happening, what made them think that it needed to change. So I'm open to looking at it, I'm just not open to getting rid of the filibuster, that's all," he said.

Manchin acknowledged that publicly he had drawn a line at 60, but said that he was open to other ideas. "Right now, 60 is where I planted my flag, but as long as they know that I'm going to protect this filibuster, we're looking at good solutions," he said. "I think, basically, it should be [that] 41 people have to force the issue versus the 60 that

we need in the affirmative. So find 41 in the negative. ... I think one little change that could be made right now is basically anyone who wants to filibuster ought to be required to go to the floor and basically state your objection and why you're filibustering and also state what you think needs to change that'd fix it, so you would support it. To me, that's pretty constructive."

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As an example, Manchin said that he was prepared to specify his objections to S. 1, the [For the People Act](#). In the voting rights and democracy reform bill, he said, he opposed automatic voter registration because some rural voting locations don't have internet access to check a voter's eligibility. He also opposed a provision in the bill that restricted a state's ability to purge voter rolls, which he said would make the rolls less reliable. And he expressed reservations related to some of the campaign finance reform provisions, arguing they needed to apply equally to labor and business.

"I'm telling you why I'm against something. So I'm going to send to [No Labels leaders] Margaret [White] and to Nancy [Jacobson], everybody on the voting thing, what I support, and the voting changes that need to be made and what I oppose in S. 1. So at least I'm saying I'm against it for this reason, and here's the things I think can make a piece of legislation better. I think we all should do that. We should be responsible for that," he said.

Those specific objections, notably, were absent from a second Charleston Gazette-Mail [opinion column](#) written by Manchin last week, stating his opposition to the For the People Act. In the piece, Manchin argued that the bill was done in a "partisan manner" and that he objected to such a sweeping bill that is "solely supported by one party."

The column made no mention of Manchin's specific concerns about preserving the ability to purge voter rolls and same-day registration – the objections that were given to No Labels and its audience of wealthy donors.

The Zoom call also featured a lengthy discussion about campaign money. “As far as the members of Congress, I mean, we did over 500,000 for [Rep.] Brian Fitzpatrick, which took us two weeks to put that together,” Jacobson said on the call, adding that the group planned to raised and direct some \$20 million in “hard” dollars this cycle, referring to money that goes directly to a member of Congress's political action committee; that means the member of Congress has control over it, rather than having to rely on an outside super PAC.

“It's dollars that they control, hard money dollars,” said Andrew Bursky, another co-founder of No Labels and the founder and managing partner of private equity firm Atlas Holdings. “I will tell you that I participated in the last cycle, when we handed out checks to a number of our members of the House in the range of \$50,000. And in many cases, they went there, the fact that was the single largest check they received, overall in their campaigns.”

It would be illegal for an individual donor to give a

\$50,000 check, though the money could theoretically be bundled from multiple donors.



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Intercept has previously [reported](#) on No Labels' sprawling network of PACs, used to elect allied lawmakers and congressional candidates, that go by names such as Patriotic Americans, No Labels Action, Govern or Go Home, Progress Tomorrow, United Together, United for Progress, and Citizens for a Strong America. The combined campaign funds helped secure the victory of No Labels-backed candidates across the country in recent election cycles.

“Think about joining the House: You’re there for 730 days, unless you pick the leap year, and maybe you get 731,” said Bursky. “And for the vast majority, those days, you’re spending four hours on the telephone, dialing for dollars. And so what this does – aside from sending the very strong message that there are folks who will have your back if you take tough votes that by partisan nature that may not be popular within your party – it also in real life frees them to do more work, because it’s spending less time raising those funds.”

“So it’s powerful. And there’s just no question that we have had and we continue to have an impact,” he added.

Later in the call, Bursky, while helping Manchin field questions from the Zoom audience, noted that No Labels hoped to mobilize many more donors around pivotal votes.

“We’ve been working hard to build a coalition. Most recently, the Chamber of Commerce has agreed to lock arms with us,” said Bursky. “We’re building out the No Labels Team One Thousand,” he said, referencing a group of donors who could be tapped to give anywhere from \$5,000 to \$50,000 a year in support of No Labels candidates.

The Zoom talk also focused on the national infrastructure bill, a sweeping set of proposals to pour investments into broadband, sustainable housing, electric vehicles, transportation, research, workforce development, manufacturing, and community-based care for the elderly and disabled. The Biden administration has called for a slew of tax hikes to pay for the legislation.

Manchin has been at the center of the negotiations, pushing for a pared back infrastructure program in exchange for Republican votes. GOP lawmakers have

pushed back against many of the tax proposals of the bill; their resistance is echoed by many on Wall Street who fear higher corporate rates.

Manchin talked at length about paring back the initiative and bringing Republicans on board. He also zeroed in on the energy-related provisions, including opposition to direct funds for electric vehicle charging locations and the need to finance carbon sequestration plants to enhance coal-fired power plants.

“I’m not going to sign off on reconciliation, giving up on bipartisanship until you give it a try,” said Manchin, eschewing the procedural motion that would allow Democrats to pass the infrastructure legislation without any Republican votes.

While many of the attendees celebrated Manchin’s remarks for his bipartisan fervor, some hailed his policy positions as beneficial to incumbent business interests.

Lynn Schenk, a former Democratic lawmaker from the San Diego area, spoke up on the call, thanking the West Virginia senator for his remarks in opposition to direct federal funding for electric vehicle charging stations.

Schenk noted that she had just left the board of Sempra Energy, the utility company based in Southern California. The private sector, Schneck said, is “all ready

to do the electric vehicles and all the kinds of things that you were mentioning, so please stay with it, because that is the way for us to go forward,” said Schenk.

Manchin concurred, saying that the government never built gas filling stations for the rollout of Henry Ford’s Model T automobiles. The shift to electric cars should be no different, Manchin argued. The government, he said, should instead offer low-interest loans and other tax incentives to the private sector to build out infrastructure.

White, the No Labels co-executive director, said in her statement to The Intercept that thinking of those in attendance as peddling influence misunderstood the situation. “No Labels believes America urgently needs a two-party infrastructure solution,” she said. “Senator Manchin has been courageously working to forge such an agreement and he was briefing a group of our supporters on progress with his colleagues in both parties. Our community from all over the country would likely not be recognized or understood by Beltway reporters or influence peddlers.”

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