

Court documents showed Tyler Jackson, 24, was arrested for simple assault, attempted unarmed carjacking and other charges on Oct. 15.

The Secret Service officer, Officer Thomas Beukema, said he was at the White House complex when he was hailed by someone who said Jackson was attacking a tour bus driver.

Beukema said he saw Jackson being removed from the bus and was on the ground. He instructed Jackson to place his hands behind his back, and Jackson refused.

Beukema said Jackson continued to resist, and other officers were called in to help place him under control. The bus driver was taken the George Washington Hospital for a medical evaluation.

## **Assault Allegedly Occurs On Tour Bus Near White House**

By By Martin Weil

[Washington Post](#), October 17, 2017

Passengers on a tour bus apparently got to see more than they bargained for in Washington on Sunday night, when the driver was reportedly struck while near the White House, bringing officers from the Secret Service and the D.C. police to the scene.

As reported by authorities, the incident occurred about 8 p.m. Sunday on the north side of Lafayette Square, in the 1600 block of H Street NW. The site is about a block north of the White House grounds.

A D.C. police report said only that one person was hit and did not describe the victim's occupation. However, a news account indicated that the person struck was the driver of the bus. Police said an arrest was made on a charge of simple assault, a misdemeanor.

A Washington television station, WTTG (Channel 5), posted on its website a statement that it said was sent by the Big Bus tour bus company, confirming that the incident occurred. The statement said the driver "remains in a state of shock" but is "fortunately in good condition."

Big Bus operates open-top double decker tour buses on fixed routes in the District. It offers riders that opportunity of getting on and off at a number of designated stops.

No explanation for the alleged attack was immediately available. The account provided by Channel 5 indicated that the alleged attacker boarded the bus at the site of the incident.

Online court records said that a plea of not guilty was entered Monday in the case.

## **IMMIGRATION ENFORCEMENT**

### **Feds To Certify Pasco Deputies In Deal That May Boost Deportations**

By Patty Ryan

[Tampa Bay \(FL\) Times](#), October 16, 2017

The Pasco County Sheriff's Office is taking steps to turn some of its jail deputies into federal immigration agents.

Sheriff Chris Nocco has signed an agreement with U.S. Immigration and Customs Enforcement to join a controversial program that give deputies the power to check the immigration status of people booked into the county jail and to serve warrants on suspected undocumented inmates — a process that could lead to deportation.

The decision puts the Sheriff's Office in the middle of a national debate over whether local law enforcement should play a role in enforcing federal immigration laws.

The first sheriff in the Tampa Bay area and only the fourth in Florida to join the program, Nocco says the partnership will resolve a legal dilemma over detaining ICE suspects in the jail while making the county safer by moving them more quickly toward deportation proceedings.

"If somebody's here illegally and committing crime in our community, why should they be allowed to stay?" Nocco said. "It just puts more of a burden on local law enforcement and victimizes people in their own community, so for us it was a no-brainer."

But civil rights advocates say the partnership makes sheriffs complicit in President Donald Trump's ramped-up campaign to deport more immigrants, regardless of whether they have criminal records. The expanded role puts otherwise harmless people at risk of deportation, they say, leads to racial profiling by deputies and actually endangers communities by discouraging immigrants from working with deputies to fight crime.

"Entering this agreement does not allow the sheriff to exercise his own discretion, so a mom caught driving without a license will be treated the same as someone who committed a heinous act like murder," said Alyson Sincavage, a legislative associate with the American Immigration Lawyers Association.

"It just makes these sheriffs pawns in Trump's deportation game."

...

Named after a section of federal law, the 287(g) program is probably best known for its "task force" agreement, enabling local law enforcement to enforce immigration laws in the field by interrogating suspected undocumented immigrants. President Barack Obama ended this part of the program in 2012.

Shortly after his inauguration, Trump signed an executive order calling for expansion of the program. As of last week, 60 local agencies in the country are participating — a number that has nearly doubled in recent months.

The new popularity can be attributed, in part, to sheriffs seeking a legally sound method to comply with ICE requests that they hold immigration suspects for up to 48 hours after they are entitled to release on local charges. These so-called detainer requests give an ICE agent more time to reach the jail and take custody of a suspect.

Some sheriffs, even those who otherwise support an immigration crackdown, have declined to honor the requests because courts have ruled they violate the Fourth Amendment's protection against unlawful seizure. Inmates often are released before ICE can get there.

Meantime, the Trump administration has threatened to withhold federal funding from agencies deemed uncooperative in enforcing immigration laws.

Nocco's agency has generally honored ICE detainer requests, complying with 54 out of the 62 sent to the Pasco jail between Jan. 1 and last Thursday, according to the Sheriff's Office.

Still, Nocco remains concerned about the court rulings.

"The detainer issue has become so convoluted," he said. "Now we'll be able to handle it ourselves in house."

Under the partnership, ICE trains and certifies jail deputies to question inmates about their immigration status, to check them in an ICE database, to draw up charging documents including notices to appear in federal immigration court, and to serve the federal immigration warrant so they can be held until a ICE arrives to take custody.

Nocco signed the new agreement with ICE at the end of August and deputies are scheduled to

begin the required six-week training soon for certification.

The Hernando County Sheriff's Office also has contacted ICE to discuss a partnership, said sheriff's Capt. Shaun Klucznik.

The Hillsborough County Sheriff's Office is evaluating the program but currently has no plans to participate, a spokesman said.

Pinellas County Sheriff Bob Gualtieri, an attorney, said making jail deputies federal immigration agents does solve issues courts have raised about ICE detainer requests but he doesn't see it as a wide-reaching solution.

Gualtieri questions the logistics and expense required for ICE to train and certify enough personnel to staff the nation's jails 24 hours a day, seven days a week. In his role as a member of the National Sheriffs Association, Gualtieri is leading talks with ICE to devise another solution.

Legal experts with groups such as the American Civil Liberties Union and National Immigration Law Center are concerned about the program's effect on immigrants who have little to no criminal history and who, until now, haven't been targets for deportation.

Trump's executive order and a subsequent memo from the Department of Homeland Security call for an aggressive effort to deport undocumented immigrants regardless of whether they have committed serious crimes.

Their numbers are estimated at 11 million.

"The message the Trump administration has sent ICE is that the gloves are off," said Michael Tan, a staff attorney for the ACLU. "They say you can target and go after everybody."

Nocco insisted he doesn't want to target lower-level offenders for deportation. But advocates say that once his deputies report an immigrant to ICE, it's out of the sheriff's hands.

Legal experts also worry that participation in the program will encourage deputies on the street to target people of color and immigrant communities to get suspected undocumented residents into the jail for a check on their status.

"It doesn't just crack open the door for profiling, it really swings it wide open, and it's really difficult to contain that," said Avidah Moussavian, senior policy attorney for the National Immigration Law Center.

An ICE fact sheet on the program says deputies receive training "on multicultural communication and the avoidance of racial

profiling." If proof of racial profiling is uncovered, the sheet says, "that specific officer or department will have their authority and/or agreement rescinded."

Michael Coon, an assistant professor at or economics at University of Tampa, recently completed a case study that suggests the program resulted in a "biased increase" in the number of Hispanics arrested. Coon also concluded the program had a chilling effect in the Hispanic community's interactions with law enforcement.

"There was a diversion of resources toward the Hispanic community and away from the black and white communities," said Coon, who studied an ICE partnership started in 2008 by the sheriff's office in Frederick County, Md.

Frederick County Sheriff Chuck Jenkins called the study "nonsense," telling the Frederick News-Post that his agency had removed 90 gang members from the county and placed more than 1,300 people in immigration proceedings without complaints of racial profiling or deputy misconduct.

Coon questioned how effective the partnership program can be considering that many of the jurisdictions joining in have small immigrant populations. Foreign-born residents of Pasco County, for example, account for about 4 percent of the total population — less than half the state average, census data shows.

Politics, he added, may help explain why some sheriffs are interested in an ICE partnership, Coon said.

"Given that these areas have small immigrant populations," he said, "it can't really be much about public safety, but it makes (sheriffs) look like they're tough on crime."

...

Nocco says the program will not change his agency's policy prohibiting bias-based profiling. He said the Sheriff's Office has been working for years to build bridges with the county's immigrant community.

"The problem has been there are people preying on them," Nocco said. "They would have more faith in us if these people never came back."

He acknowledged that ICE decides who to deport and that low-level offenders with no criminal history, such as a mother driving without a license, might now be more at risk.

"We're upholding the law like it's always been upheld," he said. "In the situation before, that person would have come to the detention facility and ICE probably would have never picked them up. Now ICE may pick them up, so there are consequences now."

That worries Margarita Romo, founder and executive director of the nonprofit Farmworkers Self-Help Inc. in Dade City. Romo said she expects undocumented immigrants will shy away from deputies and law-abiding immigrants will be targeted.

"My concern is that now with this partnership nobody will be safe," Romo said. "A lot of these people are just families trying to make the best of a bad situation. I'm afraid (Nocco) doesn't realize the Pandora's box he's opened."

## **In New Hampshire, Indonesian Christians Caught In Trump Immigration Crackdown**

By Scott Malone

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **Indonesian Couple Take Refuge In Candidate's Church**

[ABC News](#), October 16, 2017

A Christian Indonesian couple who fear they'll be deported if they follow orders to report to U.S. immigration officials have taken refuge in a church run by a candidate in New Jersey's governor's race.

The Rev. Seth Kaper-Dale, the Green Party candidate, offered sanctuary in the Reformed Church of Highland Park to Arthur Jemmy and his wife, Silfia Tobing, last week. They fear they'll join seven other Indonesians in New Jersey who were deported and four others who left on their own as Immigration and Customs Enforcement reviewed their status this year.

Kaper-Dale, who is waging a long-shot bid in the race to replace Republican New Jersey Gov. Chris Christie, has highlighted his long-running efforts to help immigrants living in the state illegally in his campaign. Kaper-Dale's church gave sanctuary to nine Indonesian refugees for almost a year in 2012.

Kaper-Dale said he has reached out to

attorneys for the family, and said his actions were not politically motivated.

"Take a look at my track record since 2002. I have been fighting hard for this. I can't help if I'm doing real stuff," he said.

Kaper-Dale's campaign platform includes making New Jersey a "sanctuary" state that wouldn't help federal immigration authorities, would issue drivers licenses to immigrants no matter their status and provide health care to all immigrants, as well.

His welcoming of the Indonesian couple comes amid a national debate over President Donald Trump's immigration policies, and the same week immigration became a flashpoint in the governor's race.

Democratic front-runner Phil Murphy said during a debate last week that New Jersey should become a sanctuary state that doesn't assist federal immigration authorities in detaining immigrants when they're arrested for lesser offenses. Republican Lt. Gov. Kim Guadagno quickly turned that line into an ad slamming Murphy and linking his immigration policies to a brutal murder case.

The ad drew immediate backlash from Democrats, including former Vice President Joe Biden, who called it the "return of Willie Horton," a reference to an explosive 1988 anti-Michael Dukakis ad derided by many as racist.

Jemmy and Toing are part of a community of Indonesian Christians who overstayed their visas after fleeing persecution in the 1990s and early 2000s.

"It's very scary," said 40-year-old Jemmy, who was detained for three weeks in 2009. "We have to wait for a miracle. I hope Donald Trump can change his mind."

In 2013, they were granted a temporary stay of their deportation orders, allowing them to remain in the U.S. legally for a year. They were required to report to immigration authorities. However, ICE has said the group waited too long to file for official asylum.

ICE policy directs agents to avoid enforcement activities at houses of worship, schools and hospitals without approval from supervisors or in emergency situations, a spokesman said.

Hundreds of Christians fled Indonesia between 1996 and 2003, when churches were destroyed by anti-Christian extremists in the

majority Muslim country. The U.S. government allowed many to enter the country on tourist visas after the fall of the regime of dictator Suharto.

Many established lives in the U.S. and had U.S.-born children. But after the Sept. 11, 2001, terrorism attacks, the government required all males between the ages of 16 and 65 to register if they had entered the U.S. on temporary visas from Muslim nations.

The National Security Entry-Exit Registration System program was scrapped last year by the Obama administration after years of inactivity. Legislation that would have allowed Indonesian Christians to reopen their asylum bids has failed to win congressional approval.

A federal judge in September put on hold the deportation of nearly 60 Indonesians in New Hampshire and Massachusetts who had lost their bid to remain in the U.S. In Connecticut last week, a former Fulbright scholar from Indonesia took sanctuary inside church after he was ordered by ICE to board a plane.

## **Kate Steinle Shooting Moves From Political Talking Point To Trial**

By Casey Tolan

[East Bay \(CA\) Times](#), October 16, 2017

Two weeks after Donald Trump descended his gold-plated escalator and announced he was running for president, 32-year-old Kate Steinle was taking photos with her father on Pier 14 when she was shot and killed — allegedly by an undocumented immigrant from Mexico who had been deported five times.

Three months before the July 1, 2015, shooting, the Mexican national had been released from a San Francisco jail rather than deported because of the city's "sanctuary" policy, which prevented officials from communicating with federal immigration authorities.

It took only a few days for Trump and other conservatives to seize on the San Francisco killing as a symbol of the dangers of illegal immigration and sanctuary policies. Over the course of Trump's improbable rise in the polls, the tragic case of "beautiful Kate" became a touchstone he returned to again and again.

Now, after more than two years of debate in the court of public opinion, the Steinle shooting is finally headed to a real court. Jose Inez Garcia Zarate, the immigrant accused of shooting her, will face trial for second-degree murder later this

month. Jury selection begins Monday, and opening statements are scheduled for next week.

The case is far from the simple black-and-white morality play as described by Trump, according to lawyers for the 54-year-old Garcia Zarate — who was previously referred to by his alias, Juan Francisco Lopez-Sanchez. His defense team is planning to argue that the shooting was an accident and present forensic evidence that the bullet ricocheted before hitting Steinle, a contention endorsed by a ballistics expert at a 2015 preliminary hearing.

Political observers say it's no coincidence that Steinle's death coincided with Trump's meteoric rise. For many voters, the Steinle shooting was the perfect illustration of Trump's argument that illegal immigrants were "rapists and killers" who were "bringing crime" from Latin America.

Research has shown that both legal and undocumented immigrants are less likely to commit crimes than native-born Americans. But Trump's strategy on focusing on individual stories of Americans killed by undocumented immigrants worked.

When he launched his campaign on June 16, 2015, Trump was treated like a joke and came in seventh place in an average of Republican primary polls. Less than a month later, however, he had risen to the top of the primary field — a position he never gave up.

"This topic is what brought him to the dance," said Bill Whalen, a longtime GOP strategist who's now a researcher at Stanford's Hoover Institution. "The shooting gave Trump a very vivid talking point in terms of focusing his constituents' frustration on illegal immigration."

Trump didn't always get his facts right. He said at campaign rallies that Steinle was shot five times — she was actually shot once — and that Mexico "pushed" Garcia Zarate across the border before the shooting, something there's no evidence of.

The shooting also became a cause célèbre at Fox News — especially for Bill O'Reilly, the former Fox host who this year was pushed out over sexual harassment allegations.

"Kate Steinle is collateral damage to the insane far-left politics that have long corrupted the City by the Bay," O'Reilly told his viewers on July 7, 2015. "Dangerous people are walking around because of political correctness."

Over the next few weeks, Fox News reporters chased down San Francisco officials at home and at events to ask them about the city's sanctuary policy. One supervisor, Scott Wiener, walked away from a reporter, declaring that "Fox News is not real news." ("What a pinhead," O'Reilly responded on air.)

"The Steinle murder was definitely one of the factors in Trump's rise," said Wiener, who's now a state senator. "It was a perfect storm: a horrific murder by a guy who shouldn't have been here. ... It happened in San Francisco — and Donald Trump absolutely poured lighter fluid all over it."

O'Reilly revisiting the shooting night after night helped reinforce Trump's anti-immigrant message. "That in effect was free advertising for Donald Trump," Whalen said.

It didn't take long for the case to make it to the halls of Congress. Less than a week after Steinle's death, Matt Salmon, a Republican congressman from Arizona, declared that he was writing "Kate's Law." The bill, which Trump endorsed with a tweet, would increase penalties for undocumented immigrants who re-enter the U.S.

A version of Kate's Law passed the House in 2015 before dying in the Senate. It passed the House again this summer, winning the support of two Bay Area Democrats, Jackie Speier, D-San Mateo, and Eric Swalwell, D-Pleasanton. Swalwell knew Steinle's brother growing up in the East Bay.

Advocates for undocumented immigrants strongly oppose the law. "It was a piece of legislation sitting on a shelf waiting for an opportunity," said Matt Gonzalez, the chief attorney in the San Francisco Public Defender's Office and one of Garcia Zarate's lawyers.

While members of Steinle's family have backed Kate's Law, they've also insisted that they don't oppose the idea of sanctuary cities in general, and they've publicly objected to Kate's memory being turned into a political football.

Besides the ricochet claim, the defense in the Steinle case is planning to focus on the fact that the gun used in the shooting was stolen out of a car of an agent of the federal Bureau of Land Management. Defense lawyers say the gun has a history of misfiring.

"It is without a doubt the BLM officer's negligence started the chain of events that led to Kate Steinle's death," Gonzalez said.

The District Attorney's Office declined to comment.

Garcia Zarate, who barely speaks English and has a second-grade education, has struggled to follow the case at times, Gonzalez said. "There's a surreal quality of knowing that you're the subject of this national debate," he said. "He's ready for the resolution."

While the shooting spurred San Francisco supervisors to limit their sanctuary ordinance, it didn't do much to blunt the larger drive for sanctuary policies. Since Trump's victory, the push to make California a "sanctuary state" has become a rallying cry for the president's critics. Gov. Jerry Brown signed a bill earlier this month that will limit how local officials can coordinate with immigration authorities, although it was watered down from a previous version.

Joe Guzzardi, a spokesman for Californians for Population Stabilization, a group that advocates for stricter limits on immigration, predicted that the Steinle trial is "going to bring back all of the unpleasant and horrible memories of that crime ... just after Governor Brown signed the sanctuary state bill."

One thing to watch for over the next several weeks: Will Trump be tweeting about the trial? If he does, it could lead the judge to sequester the jurors or, theoretically, even lead to a mistrial.

"Let's see if this lands on Donald Trump's radar screen," Whalen said. "The surefire way for Trump to churn the waters is with a tweet."

## **Jury Candidates Eyed In Case That Sparked Immigration Debate**

[Associated Press](#), October 16, 2017

A key phase of jury selection began Monday in the trial of a Mexican national accused of killing a woman on a busy San Francisco pier in a case that set off a fierce national debate on immigration.

Jose Ines Garcia Zarate, who had been deported five times, has acknowledged shooting 32-year-old Kate Steinle while she walked with her father on the pier crowded with tourists.

Garcia Zarate has said the shooting was accidental and has pleaded not guilty to second-degree murder.

Earlier this month, lawyers summoned hundreds of potential jurors to court to fill out questionnaires. Among other things, they were

asked if they could sit through a lengthy trial or had moral qualms about the case.

Superior Court spokeswoman Megan Filly said 160 jury candidates reported Monday for further questioning.

Media was not granted access to the courtroom due to limited space, Filly said. Court officials say media will be allowed to rotate into the courtroom at an unspecified date.

Before the shooting, Garcia Zarate, 54, had been released from the San Francisco Jail after the district attorney dropped a minor marijuana charge. Zarate was freed despite a request from U.S. Immigration and Customs Enforcement to detain him for further deportation proceedings.

The San Francisco sheriff, citing the city's policy of limited cooperation with federal immigration officials, ignored the ICE request.

President Donald Trump referred to Steinle's death while campaigning as a reason to toughen immigration policies in the country.

Trump has since threatened to withhold federal funding to so-called sanctuary cities such as San Francisco, several of which have filed lawsuits to prevent the move.

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## **Government Contractors Took Bribes To Remove Immigrants' Electronic Monitors, Feds Say**

By Paula McMahon

[South Florida Sun Sentinel](#), October 16, 2017

Two government contractors and a relative who posed as an immigration official are facing federal charges they took bribes in exchange for illegally removing electronic monitors from immigrants who faced deportation.

Investigators say the trio requested and collected bribes of between \$1,850 and \$5,000 per person from several immigrants in Broward and Miami-Dade counties from November 2010 to April 2014.

Elisa Pelaez, 54, of Miami Shores, and Miami cousins Ginou Baptiste, 48, and Fritz Cyriaque, 50, are all charged with conspiring to commit bribery. Cyriaque, a self-employed car salesman, is also charged with impersonating a federal officer.

Pelaez and Baptiste worked for Behavioral Intervention Inc, a Geo Group company, which

had a contract with the U.S. Department of Homeland Security to supervise immigrants who were released from detention while deportation and immigration proceedings were pending against them.

Company workers were supposed to supervise immigrants released under the Intensive Supervision Appearance Program. Many of the released immigrants were required to wear electronic or GPS monitors.

Immigration attorneys said the program is designed to reduce costs and the number of people in detention. It is designed for immigrants who are not considered a threat to public safety or national security, but are considered to be at risk of committing criminal acts or failing to appear at immigration hearings.

Pelaez and Baptiste, who have both been fired from their jobs, abused their positions to approach immigrants they were supervising and offer to have their electronic monitors removed in exchange for cash payments, prosecutor Francis Viamontes said.

The women targeted people they thought had enough money and referred them to Cyriaque, who pretended to be an Immigration and Customs Enforcement official.

After the victims handed over the money, Pelaez and Baptiste instructed their co-workers to remove the monitors.

Investigators said all three of the suspects used intimidation to discourage the victims from reporting what happened.

Cyriaque, a convicted felon with prior arrests for grand theft and possession of a firearm, acted as the "security" or "muscle" for the group, Viamontes said in court.

She said he threatened the victims with deportation: "He would tell them things like 'I can bury you.'"

Cyriaque is a Haitian citizen who has been a legal permanent resident of the U.S. for 32 years and has eight children, his attorney said in court.

Baptiste and Cyriaque have pleaded not guilty and are jailed, for now, in Broward County. Pelaez is due in court in the next several days.

Authorities ask anyone with information to call Agent Erik Gonzalez at the Office of the Inspector General for the Department of Homeland Security at 954-538-7555.

## **Accused ICE Impersonator Denies Role In Bribery Scheme**

By Kevin Penton

[Law360](#), October 16, 2017

A Florida resident on Monday pled not guilty to charges he impersonated a U.S. Immigration and Customs Enforcement agent as part of an alleged scheme by employees of a GEO Group Co. subsidiary to charge immigrants thousands of dollars to prematurely remove their electronic monitoring braces.

The Southern District of Florida set \$100,000 as the bond for Fritz Cyriaque, 50, who allegedly posed as a federal agent in the scheme that purportedly also included two BI Inc. employees, in which they collected thousands of dollars from...

## **Immigrant At Center Of Landmark SJC Ruling Is Arrested**

[WBUR-FM Boston](#), October 16, 2017

The man at the center of a landmark Massachusetts court decision on immigration detention has been charged with unarmed robbery and assault and battery.

Thirty-two-year-old Sreynoun Lunn was arraigned Wednesday at Boston Municipal Court after he and a co-defendant allegedly took "\$2,000 by force from a 65-year-old woman in a wheelchair," according to Jake Wark, a spokesman for the Suffolk County District Attorney's office. The incident occurred Tuesday in Boston's West End.

Lunn was the plaintiff in a case that made national news in July when the state Supreme Judicial Court (SJC) ruled that local law enforcement do not have the authority under Massachusetts statutes to detain a person based solely on a civil request from U.S. Immigration and Customs Enforcement (ICE) officials.

A so-called ICE detainer is a request to hold a person in custody whose criminal proceedings have been settled and who is otherwise free to go.

In the case of Lunn, larceny charges against him were dismissed in February, but ICE officials asked Suffolk County officials to hold him in custody for up to two days while they pursued deportation. Lunn, who had a prior conviction on breaking and entering charges, was then detained by ICE for three months, but ICE was unable to deport him; born to Cambodian parents in a refugee camp in Thailand, neither country recognizes Lunn's citizenship, and under a 2001

U.S. Supreme Court case, *Zadvydas v. Davis*, ICE cannot detain someone indefinitely.

Lunn was released back into the community in May.

Jessica Vaughan, director of policy studies at the Center for Immigration Studies, which advocates for stricter immigration policies, says Lunn's case – and his release – reveal several vulnerabilities in our immigration system.

"This case illustrates the problems that arise from the *Zadvydas* ruling of the Supreme Court and the lack of a public safety exception to allow ICE to hold people when their countries won't take them back," she said. Vaughan added that "the problem is that they end up being sent back to the community and have the opportunity to re-offend. This is a crime that could have been prevented."

Vaughan says Lunn's recent arrest, which was first reported by *The Boston Herald*, also illustrates the vulnerabilities of sanctuary policies.

But Lunn was not released as the result of any so-called sanctuary city policy. He was in fact held by local officials at ICE's request while the agency tried to deport him to Cambodia or Thailand. It was only when his deportation was denied that ICE was forced to release him based on the *Zadvydas* precedent.

Eva Millona, executive director of the Massachusetts Immigrant and Refugee Advocacy Coalition, said you cannot draw a straight line from the SJC decision to Lunn's most recent arrest.

"As much as the anti-immigrant forces will try to politicize the arrest of Mr. Lunn, it has nothing to do with the Supreme Judicial Court case about his unlawful detention," she said. "He is a man with no country and the Constitution, you know, applies to everyone no matter where they were born. So, [ICE] cannot keep people indefinitely and that's why ICE released him."

Millona said she recognizes Lunn is subject to the same laws that govern everyone in the community.

"He [allegedly] committed a crime, he has to suffer the consequences. He's under the custody of the police and they should do their job," Millona said.

Lunn will appear in court again on November 8.

A judge imposed \$2,500 cash bail on Lunn. A spokesman for the Suffolk County Sheriff's

Department said Monday afternoon that Lunn remains in custody.

## Doctor Fighting Deportation Gets Break From ICE

[WCCO-AM Minneapolis](#), October 16, 2017

A Rochester doctor credited with saving lives is now fighting to keep from being deported.

Guan Lee came to the U.S. 25 years ago from Malaysia.

Her sister had breast cancer, and that inspired her to become a doctor.

After graduating medical school, Lee's attorney says she was given the wrong form to become a permanent resident, and her application was denied.

She was granted a number of stays, but thought that she had run out of appeals and exhausted her options.

Immigration and Customs Enforcement, also known as ICE, had told Dr. Lee that they had her travel documents to Malaysia ready to go when she arrived at their office on Monday afternoon.

"I'm just really grateful to this country for giving me a lot of opportunity," said Dr. Lee.

Before she met with an immigration officer, Dr. Lee thought it might be the last time she would ever see some of her patients and friends. Many were waiting for her with signs of support outside the ICE office at Fort Snelling.

"Jan and I both feel if it wasn't for Dr. Lee we wouldn't have my wife," said Don Zimmerman.

Zimmerman, along with his wife Jan, believe Dr. Lee's integrated medicine practice saved Jan's life when she had a life-threatening illness. They've also been a host family to Dr. Lee.

"It's tough. It's tough. We never thought this would ever happen," said Zimmerman.

Neither did Dr. Lee or her attorney. After being granted a number of stays over the years, Dr. Lee thought she had run out of options. But after a 20 minute meeting with ICE, she wasn't taken into custody and instead received good news. She and her attorney were given more time to try and resolve the paperwork mistake.

"I take this as a very positive sign that we are going to be afforded an opportunity to continue to do some of the things that we haven't been able to accomplish yet," said attorney Malee Ketelsen-Renner.

"It's a miracle. I don't know what to say. I'm



out today. It's a miracle. I'm here. But I'm not sure what's going on," said Dr. Lee.

And what she means by that is typically during these check-ins with ICE, she has received a follow-up date.

But Dr. Lee and her attorney did not receive one this time, they just know they have 30 days to try and fix what they can.

Dr. Lee's attorney told us that new rules implemented by the president have made cases like Dr. Lee's more common.

## **Family Claims 'Deception' After ICE Detains Denver Father Of 4**

[KMGH-TV Denver](#), October 16, 2017

The daughter of an Adams County man, who is facing deportation, says U.S. Immigration and Customs Enforcement deceived her during a meeting last week.

Viviana Andazola Marquez told Denver7 that she accompanied her father, Melecio Andazola Morales, to and "Adjustment of Status" interview on October 2.

"We thought it was the last step for him to finally become a permanent resident," she said. "Everything seemed to be going well."

Andazola Marquez said one of the officials told her, "Your dad has been recommended for approval."

The daughter was then asked to leave the room.

She said 20 minutes later, her dad's attorney came out and said Melecio had been detained.

"Honestly, it was incredibly cruel," she said, "In retrospect, now I know they had planned that all along."

"My dad was trying to do right by the law," she said. "He filed all the necessary paperwork, paid all the fees, hired a lawyer, did everything in his power to obtain lawful status and he was tricked and brought into the office and detained."

### **New Attorney**

The family began searching for a new attorney.

They hired Hans Meyer.

"This is a case about a man who has tried to do right by immigration law for nearly two decades," Meyer said. "This is also a case about bad immigration laws having terrible impacts on good people and good families."

Andazola Morales is a father of four. His children are all U.S. citizens. The youngest suffers

from epilepsy. The oldest, Viviana, is a senior at Yale.

Andazola Morales also is the primary caregiver for his lawful permanent resident mother.

"This is a perfect example of an ideal family unit that is contributing to our community," Meyer said. "We're calling on ICE to grant a Stay of Removal and release Melecio from custody so that we can untangle 20 years-worth of immigration proceedings."

When asked about the claim of deception, Meyer replied, "It's completely unfair. It doesn't make any sense. That's not what the laws look like in our country. That's not what a fair government looks like. You don't deceive anybody about what's going to happen to them. If anything, the government's job is to be straightforward and honest about its application of law."

### **Quitting school**

Viviana told Denver7 that she might have to quit school and get a job so she can take care of her younger siblings.

"I'm begging and asking ICE to release my dad and grant him a Stay of Removal, but I also think they should think deeply about what they are doing. Are they really doing this out of national safety concerns, or is there a different political agenda that they're trying to push?"

### **ICE Response**

Denver7 reached out to ICE officials to ask about the status of this case and the claim that and ICE representative deceived Viviana.

We received the following reply by email:

"Melecio Andazola Morales, 41, from Mexico, was arrested by deportation officers with the U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) at the U.S. Citizenship and Immigration Services office on Oct. 12.

Mr. Andazola was previously deported from the United States in March of 1997. His previous removal order has been reinstated, and he remains in ICE custody pending his removal from the United States."

### **History**

Meyer says Andazola Morales has no criminal history, but an immigration source says depending on the alien's criminal background, an (undocumented immigrant) who illegally reenters the U.S., after having been previously removed,

has committed a felony punishable by up to 20 years in federal prison.

Meyer says he wants time to research his client's 20-year immigration history, to see if there are any other legal options.

"This is a difficult, complicated case with 20 years of history," he said. "In the meantime, we want ICE to grant a Stay of Removal and release him from custody because he doesn't present a risk."

## **Man Without A Country Deported By Trump Administration**

[Harrisburg \(PA\) Patriot-News](#), October 16, 2017

Mamadu Balde, the Sierra Leonean man stuck in immigration limbo, has been deported after the Trump administration pressured the West African nation to take him back despite the absence of any documents proving his citizenship.

The 44-year-old Balde fled his home country amid a bloody civil war that separated him from his family and destroyed his village.

In June, after 18 years living in America, he was detained by U.S. Immigration and Customs Enforcement (ICE) as part of a larger crackdown on undocumented aliens.

Sierra Leone refused to allow him to return, however. Since the civil war ended in 2002, the nation struggled with corruption, poverty and the 2014 Ebola epidemic.

Last month, the Trump administration threatened sanctions against four countries--Sierra Leone, Cambodia, Eritrea and Guinea--if they did not take in United State deportees.

Immigration agency cites difficulty gathering its own records in 'man without a country' case

Balde returned to Sierra Leone Sept. 20, despite not having any legal documentation from that country. He left behind a wife, who is a U.S. citizen, and a niece and nephew who were orphaned by Balde's sister and rely on him for financial support.

"He's back in his home country, where he has no family, knows nobody and, according to his wife, is suffering culture shock," said Witold Walczak, an attorney for the ACLU of Pennsylvania who fought to release Balde when he was detained for months at York County Prison by ICE.

ICE does not comment on specific cases, nor does it comment on litigation.

"International law obligates each country to accept the return of its nationals ordered removed from the United States," Acting Homeland Security Secretary Elaine Duke said, in a written statement last month.

That, of course, ignores the practical realities facing so-called "stateless" people.

Pa. has crazy voting districts: Here are some ways to fix

Walczak said his organization identified at least a dozen Sierra Leonean immigrants who faced a similar situation, living in a limbo state with no legal status and no nation willing to claim them. Several have since been deported.

There are no estimates for how many stateless people live in the United States, nor how many were deported in the last month by the Trump administration. ICE generally has no legal recognition of statelessness and doesn't track such data.

The United Nations High Commissioner for Refugees estimates that about 10 million stateless people exist worldwide.

## **Top Trump Official John Kelly Ordered ICE To Portray Immigrants As Criminals To Justify Raids**

[Intercept](#), October 16, 2017

A directive to immigration officials across the country to try to portray undocumented immigrants swept up in mass raids as criminals came directly from then-Secretary of Homeland Security John Kelly, The Intercept has learned.

Earlier this month, The Intercept published a cache of internal emails exchanged between Immigration and Customs Enforcement officials in Texas in February, while the first mass raids of the Trump administration were underway.

The redacted emails, obtained through a Freedom of Information Act request by students at Vanderbilt University Law School, show that while hundreds of undocumented immigrants were rounded up across the country, DHS officials tried — and largely failed — to engineer a narrative that would substantiate the administration's claims that the raids were motivated by public safety concerns. In the emails, local ICE officials are ordered to come up with "three egregious cases" of apprehended criminals to highlight to the media.

The February raids — the first in an ongoing series under this administration — led to 680

arrests nationwide, including arrests of dozens of individuals who had no criminal history. In Austin, Texas, where 51 people were arrested, the majority of those arrested had no criminal record.

But while dozens of undocumented immigrants were detained, the administration sought to shape the narrative that “by removing from the streets criminal aliens and other threats to the public, ICE helps improve public safety,” according to statements by the agency.

On February 10, as the raids kicked off, an ICE executive in Washington sent a directive to the agency’s chiefs of staff around the country. “Please put together a white paper covering the three most egregious cases,” for each location, the acting chief of staff of ICE’s Enforcement and Removal Operations wrote in the email. “If a location has only one egregious case — then include an extra egregious case from another city.”

As a reader of The Intercept pointed out, the email’s subject line — “Due Tonight for S1 – URGENT” — meant that the request had been made by the secretary of Homeland Security himself, referred to as “S1” in department shorthand.

Kelly was at the helm of the department at the time, before he was appointed in July to replace Reince Priebus as White House chief of staff.

The White House and DHS did not respond to requests for comment. ICE issued a statement in response to The Intercept’s original story, but did not answer questions about what officials meant by “egregious cases” and why they felt the need to highlight such cases in the media.

In Texas at least, ICE officials struggled to fulfill Kelly’s request.

A day after the original email, an agent at ICE’s San Antonio office sent an internal email saying the team had come up short: “I have been pinged by HQ this morning indicating that we failed at this tasking.”

“As soon as you come in, your sole focus today will be compiling three egregious case write-ups,” an assistant field office director at the agency’s Austin Resident Office wrote to that team on February 12, noting that the national and San Antonio offices were growing impatient. “HQ and SNA will ping us in the afternoon for sure.”

Then the agent added that a team of officers had “just picked up a criminal a few minutes ago, so get with him for your first egregious case.”

## **Leaked Handbook Reveals How ICE Uses Civil Forfeiture To Seize Millions**

By Nick Sibilla

[Forbes](#), October 16, 2017

In a bombshell report, The Intercept on Friday published excerpts from the U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) “Asset Forfeiture Handbook,” which instructs agents on how to seize cash, real estate and other valuable property. Asset forfeiture includes property taken through both criminal forfeiture, which can occur only after the owner has been convicted, and civil forfeiture, which does not require a conviction or any charges to be filed and has a far lower standard of proof.

Thanks to this two-tier system, the handbook notes that there can be cases where a property owner “is not convicted of a crime but is also not an innocent owner.” As a result, “under criminal forfeiture, that property owner would be entitled to the return of the property. Under civil forfeiture, however, the owner would lose his or her interest to the Government.” That makes “the civil proceeding essential to forfeiture” for ICE agents.

The handbook further includes several tips on how agents can maximize profit through seizing property. Agents should “not waste instigative time and resources” confiscating “liabilities.” In fact, the handbook outlines a “general rule” for asset forfeiture: “if total liabilities and costs incurred in seizing a real property or business exceed the value of the property, the property should not be seized.”

Tellingly, for cases where “there is not enough net equity to justify seizure and forfeiture,” property can be seized if there is an “overriding law enforcement reason.” “In these cases,” the handbook states, “the value of the item may be of secondary importance,” with the implication that a property’s value typically comes first.

When it comes to seizing real estate, the handbook outlines six key factors agents should consider:

“(1) the assessed value, (2) known liens, (3) the probable equity, (4) possible environmental problems, (5) the existence of sufficient probable

cause for seizure, and (6) the ability to overcome possible defenses to the forfeiture."

In other words, out of those six considerations, four involve how much a property is worth. And to better appraise real estate, the handbook teaches agents how to conduct "post-and-walk" viewings. With a search warrant in hand, ICE agents, along with a private real estate appraiser, walk through a property's premises and document "all items that may be of concern or may deter the Government from pursuing forfeiture of the property." The handbook even calls post-and-walk viewings "potentially one of the most important steps in the seizure/forfeiture process."

Thanks in no small part to the handbook's guidelines, forfeiture has become a boondoggle for ICE. According to a report by the Government Accountability Office, from fiscal 2003 to 2013, Department of Homeland Security agencies contributed a staggering \$3.6 billion to the Treasury Forfeiture Fund. In recent years, "forfeiture revenue from ICE has consistently been approximately 50 percent or more of total forfeiture revenues by DHS."

ICE contributes an even bigger proportion to "equitable sharing," which allows local and state law enforcement to collaborate with federal agencies and forfeit seized property under federal law. During that same period, DHS distributed \$1.2 billion through equitable sharing to state and local agencies, with ICE accounting for 90 percent of those payments.

Equitable sharing is rife with abusive seizures. In one infamous case that was covered in *The Washington Post* and *The New Yorker*, Victor Ramos Guzman, a church secretary and legal resident, had \$28,500 in parishioner donations confiscated by a Virginia state trooper. Even though he was never charged with a crime, his seized cash was promptly transferred to ICE to proceed under equitable sharing. Fortunately, Guzman did recover the money, but only after a former deputy chief of the Justice Department's Asset Forfeiture Office accepted his case pro bono.

## **DACA-Recipient Human Smugglers Being Deported With Their Cargo**

By Bob Price

[Breitbart](#), October 16, 2017

Border Patrol agents from the Laredo Sector observed a vehicle approaching the I-35 checkpoint located between the border town of Laredo and San Antonio. Agents asked a routine question of the driver about his immigration status and referred him to a secondary inspection station on October 4, according to a statement obtained by Breitbart Texas. A Border Patrol K-9 agent alerted to the presence of something suspicious in the trunk of the car. Border Patrol K-9s are trained to alert to the possible presence of drugs or humans hidden in vehicles.

After opening the trunk of the vehicle, the agents discovered two people being smuggled through the checkpoint. The agents learned the two suspected illegal aliens were adult male Brazilian nationals.

Agents identified the driver of the smuggling vehicle as being a Guatemalan national who received temporary deferment under the DACA program, officials stated.

Three days later, agents working the same checkpoint observed another vehicle approaching their station. An inspection of the vehicle revealed an adult male hiding in the trunk of the car. The agents determined the man to be a Mexican national illegally present in the U.S. The agents arrested the driver and discovered he is a Mexican national who is also a DACA recipient, according to U.S. Customs and Border Protection officials.

Both of the juvenile drivers are being processed for removal proceedings after violating the terms of the DACA program which requires a near crime-free status. Their smuggled passengers are also being processed for removal.

## **Protest Planned Hoping To Get Local Woman Release From ICE's Custody**

[KCRG-TV Cedar Rapids \(IA\)](#), October 16, 2017

A group of Eastern Iowans is fighting for a woman who's in jail and facing deportation even though they say she's here legally.

Asucena Ramirez is from Guatemala, but had been living in Mount Pleasant since last November. Ramirez is one of nearly 70 people in the Hardin County Jail who face that same charge. That jail is Iowa's only immigrant detention center.

Her lawyer, Dan Vondra says Ramirez fled to escape domestic violence situation, and border

patrol let her in through humanitarian parole. He says Ramirez was making her routine check-ins with ICE, and was following all the procedures.

He says, "She turned herself in at the border voluntarily. She met with ICE voluntarily the entire time she was here in the United States. So she did everything that was asked of her and then in return she was thrown in jail."

She's been in jail for 10 days. Vondra says they don't have a clear answer why Ramirez was taken into custody.

He says, "Their (ICE) position is they never have to. They can put a person in removal proceedings and let the immigration judge sort out the facts and the bond later."

Vondra says Ramirez's case is not the only one he's seen lately. He also says the bonds for people detained are getting higher.

He says, "The past few years, detained cases, I had very few. And the ones that I did have were hard they weren't winnable. They were people convicted for aggravated felonies or drug offenses that there were not waivers for, there were no relief for. Now we're seeing people detained that have good immigration cases."

Ramirez has a five thousand dollar bond. Vondra says they plan to still hold the protest even if she bonds out of jail.

He says, "If ICE is gonna detain as many people as possible, then they're putting resources on a case like this. Asucena is not a threat of national security, she's not a flight risk. Then they're gonna miss somebody who is more dangerous, or should actually be detained."

The protest is Thursday at 3:45pm at the Homeland Security Investigations site in Cedar Rapids.

KCRG reached out to ICE to get an explanation of why Ramirez was detained, but have not heard back yet. We will update once we hear the latest on her situation.

## **High Court Won't Hear Immigration Case Over Sex Offense**

By Allissa Wickham

[Law360](#), October 16, 2017

The U.S. Supreme Court on Monday refused to hear the government's appeal of a ruling that nixed a deportation order against a Salvadoran man convicted of a sex offense involving a minor, preserving a Fourth Circuit decision in his favor.

As part of its Monday order list, the high court denied certiorari in the case of Sessions v. Larios-Reyes, which dealt with whether a Maryland sex offense conviction counted as an aggravated felony for "sexual abuse of a minor" under immigration law.

Being convicted of an...

## **IMMIGRATION POLICY**

### **'Insanely Worried': Students And Colleges Urge Congress To Protect 'Dreamers'**

By Nick Anderson

[Washington Post](#), October 16, 2017

Brenda Medrano-Frías arrived from Bolivia when she was 3. Cristina Velasquez left Venezuela at age 6, and Luis Gonzalez crossed over from Mexico at age 8. All three are now pursuing a bachelor's degree at schools in the Washington region.

They also are among the hundreds of thousands of young immigrants whose future is in limbo as Congress debates offering them a reprieve after President Trump's decision to end an Obama-era initiative that shielded certain undocumented immigrants from deportation if they arrived as children.

On Monday, the three students joined college presidents in a forum at Georgetown University that sought to publicize the plight of those who could soon lose protection from the program called Deferred Action for Childhood Arrivals. DACA, as it is known, is a major issue on campuses nationwide.

"I am insanely worried," Medrano-Frías said. "I've been here since I was 3. This is all that I know, as far back as I can remember. This is it."

Now 19, Medrano-Frías is a second-year student at the Woodbridge campus of Northern Virginia Community College and serves as a student liaison with the college's leadership. She hopes to transfer to Georgetown to study government and philosophy. Eventually, she wants to be an immigration lawyer.

"It's a passion," she said. "I've lived through it myself." DACA protection enables her to have a work permit and qualify for in-state tuition.

Higher education leaders nationwide are mobilizing to advocate for students like these, known as "dreamers," as their fate hangs in the balance on Capitol Hill.

The Trump administration announced Sept. 5 that it would stop accepting applications for the program and stop issuing renewals for DACA beneficiaries, except for certain cases in which requests were filed by Oct. 5. The administration's action gave a six-month window for the Republican-led Congress to act before work permits would start to expire.

Trump has sent mixed signals, saying he wants to work with Democrats on a deal to help the dreamers but also announcing this month a set of hard-line immigration principles — including funding for a U.S.-Mexico border wall — that could jeopardize prospects for a bill. Republicans have focused on border security. House Judiciary Committee Chairman Bob Goodlatte (R-Va.) said last week that Congress “cannot fix the DACA problem without fixing all of the issues that led to the underlying problem of illegal immigration in the first place.”

But Sen. Benjamin L. Cardin (D-Md.) expressed optimism that a deal will be settled by year's end. “It is likely that Congress will respond,” he said. “I don't believe that Democrats are going to cooperate with Republicans on an end-of-year bill that does not include DACA.”

Cardin met with a small group of DACA beneficiaries Monday at the University of Maryland at College Park. He said he was struck by their talent and drive “to help this country, in health care, in business, in economics.”

At the White House on Monday, Trump reiterated in a news conference that he expects Congress “should be able to do something” for the dreamers, while adding: “We do want the wall.”

Georgetown University President John J. DeGioia urged Congress to give the dreamers a path to citizenship. “Each of them belongs here,” DeGioia said in the gathering on campus at Copley Hall. “Their membership in our community is not only welcome but vital.”

DeGioia estimated that 50 to 60 of the 18,500 students at the Jesuit university are DACA beneficiaries. One is Luis Gonzalez, 20, a junior double-majoring in American studies and government who grew up undocumented in Orange County, Calif. He is active in a campus group called UndocuHoyas, a reference to the school's mascot.

Gonzalez told the forum that DACA has been essential for his peace of mind as a student,

giving him “the confidence and security I had not had before.”

With DeGioia and Gonzalez on Monday were the presidents of George Mason University, Northern Virginia Community College, and Montgomery College. Together, those three public schools have more than 1,600 DACA students.

“I have a personal passion for this,” George Mason President Ángel Cabrera said. “We have to figure out a solution.”

That's what Cristina Velasquez craves. A senior in Georgetown's School of Foreign Service, the 23-year-old plans to graduate in December with a bachelor's degree in international politics. Born in Caracas, Venezuela, she flew with her mother to Madison, Wis., in 2000 and eventually settled in the Miami area.

She said she was unaware of her problematic immigration status until she was blocked as a teenager from obtaining a driver's license. She graduated from high school in 2012, with stellar grades but unsure how she would afford college.

“We were living in the shadows,” she recalled.

A few days after Velasquez's graduation, President Barack Obama announced DACA. Velasquez said she took a gap year, started at Miami Dade College and later transferred to Georgetown. Along the way, she got DACA protection. It will expire in 2019.

“The fact that my life is in the hands of Congress is difficult,” she said.

She urged lawmakers: “Act now.”

## **College Presidents: Protect Our Students, Pass The Dream Act**

By Ángel Cabrera, John J. Degioia, Derionne P. Pollard And Scott Ralls

[The Hill](#), October 16, 2017

One month ago, the lives of 800,000 young people around our nation were put in jeopardy, with the decision by the White House to rescind the Deferred Action for Childhood Arrivals (DACA) program. This decision fails to understand the overwhelmingly positive impact that the DACA program has had for so many students, and the devastating consequences that rescinding it will have on them, their families, our schools, our communities and our country.

We cannot set aside the invaluable contributions of these students and their passion

and commitment to the work of our colleges and our country.

We cannot forget the impact of their contributions to our economy — estimated at \$460 billion over the next decade.

We cannot ignore the joy they bring to our communities and the degree to which we are strengthened by their presence.

We believe, as presidents of colleges and universities, it is imperative that we protect these young people through the passage of the Dream Act. They have grown up here in America. They've gone to grade school, middle school and high school with our children. They are student body presidents, medical students and doctoral candidates. Some serve in high school ROTC and volunteer in their churches. Others help single parents raising younger siblings and tutor their peers as they prepare for college. They are members of our communities. They have done all the things we expect of our young people, and for their efforts so many have been able to earn places on our college campuses. They want — and deserve — the chance to continue learning and living in America without the constant fear of deportation.

We have seen the contributions that these extraordinary young people make to our campuses and our communities. Colleges and universities are about opportunity and the pursuit of each and every student's version of the American dream. No matter who they are — or where they came from — every student deserves an equal shot at success. We take responsibility for fostering academic and social environments that give every student the means and opportunity to pursue a better future.

Across our nation, our higher education community is coming together in support of our Dreamers. This week, the American Council on Education and colleges and universities around the country are contributing their voices to a national campaign: "Higher Education Week" in support of Protecting Dreamers. To launch this week, our institutions — which represent public and private as well as two- and four-year institutions in Virginia, Maryland and Washington, D.C. — have come together to reflect on the invaluable presence of these students on our campuses. Our region has approximately 23,000 DACA recipients and we know that almost half of

all DACA recipients are in school or pursuing a college degree.

These young people belong here. They have played by our rules since the day they arrived as minors with their parents. They have done everything we could expect of them. They have earned their places on our campuses. They are poised to contribute to the future of our nation. We have the capacity, and responsibility, as a nation to provide a permanent bipartisan legislative solution.

We call upon Congress to pass the bipartisan DREAM Act so that these talented and hardworking students, brought here as children by parents who only wished for a better life, are able to get the shot at success and the American dream that they so rightfully deserve.

Ángel Cabrera is president of George Mason University. John J. DeGioia is president of Georgetown University. DeRionne P. Pollard is president of Montgomery College. Scott Ralls is president of Northern Virginia Community College.

## **Undocumented Pregnant Girl In Texas Tests Trump Policy To Stop Abortions**

By Renuka Rayasam

[Politico](#), October 16, 2017

The Trump administration is preventing an undocumented, pregnant teenager detained in a Brownsville refugee shelter from getting an abortion in a policy shift with big implications for hundreds of other pregnant, unaccompanied minors held in such shelters.

She is not the first to be stopped, according to advocates who work with undocumented teenagers.

For the last seven months, the Health and Human Services Department has intervened to prevent abortions sought by girls at federally funded shelters, even in cases of rape and incest and when the teen had a way to pay for the procedure. The agency has instead forced minors to visit crisis pregnancy centers, religiously affiliated groups that counsel women against having abortions, according to documents obtained by POLITICO, interviews with sources involved in the Brownsville case and those familiar with the agency's policy.

In some cases, a senior HHS official has personally visited or called pregnant teens to try to talk them out of ending their pregnancies.

“There is a pattern of unconstitutional overreach of power in a minor’s abortion decision,” said the teen’s lawyer, Brigitte Amiri of the ACLU.

The ACLU brought suit on Friday on behalf of the 17-year-old in the Brownsville shelter, contending HHS has barred the girl, now about 14 weeks pregnant, from getting the abortion even though she got a judge’s permission to have it without parental consent and has obtained the money to pay for it. Abortions after 20 weeks are illegal under Texas law.

The girl, identified in court papers only as Jane Doe, obtained a judge’s permission on Sept. 25 and had an initial abortion appointment scheduled for Sept. 28, at the end of her first trimester, Amiri said.

But officials at the Office of Refugee Resettlement, which is part of HHS, refused to transport her to her abortion appointment, instead taking her to a crisis pregnancy center, and calling her mother in her home country to tell her about the pregnancy, according to the ACLU suit and Amiri.

“What’s especially disturbing for us about this case, is that the child is in the custody of ORR [the Office of Refugee Resettlement], so she has no other choice, and she is stuck in a form of custody or detention,” said Michelle Brane of the Women’s Refugee Commission.

HHS officials released a statement Monday night, asserting the agency is within its rights to prevent unaccompanied and undocumented teens in the U.S. from getting abortions.

“The Office of Refugee Resettlement is providing excellent care to this young woman and her unborn child and fulfilling our duty to the American people,” said the statement from the Administration for Children and Families, a division of HHS.

“There is no constitutional right for a pregnant minor to illegally cross the U.S. border and get an elective abortion while in federal custody. Federal law is very clear on giving the director of the Office of Refugee Resettlement the legal responsibility to decide what is in the best interests of a minor in the unaccompanied alien children program and, in this case, her unborn baby. We cannot cede our responsibility to care for minors and their babies by releasing them to ideological advocacy groups.”

The Trump policy represents a sharp departure from the Obama administration, when the government reviewed an undocumented teen’s request for an abortion when she sought federal funding to pay for it, said Robert Carey, director from April 2015 until January of this year.

The funds were approved in cases of rape or incest or when a mother’s life was in danger, according to the agency’s guidelines. HHS didn’t get involved if the teen got funding for the procedure from another source, he said.

“I wasn’t approving their right to have the procedure,” Carey said.

The ACLU estimates that several hundred pregnant minors are currently in federal shelters throughout the country. Most are from Guatemala, Honduras and El Salvador and immigration experts believe many are victims of rape and sexual violence, either in their home countries or during the perilous journey here. If they are apprehended after crossing the U.S.-Mexico border, they are housed in HHS shelters separate from adults until they are reunited with relatives or other sponsors, or else deported.

The Trump administration policy shift appears to have begun in early March, in the weeks leading up to Scott Lloyd, a lawyer with Knights of Columbus, a Catholic charitable organization, taking the helm of the refugee resettlement agency. On March 6, he and two HHS employees sent an internal memo detailing three cases of minors held in federal custody asking for abortions, according to documents shared with POLITICO.

They say that federally funded shelters must “provide immediate and continuing information” to the agency regarding abortion requests, that neither the agency, nor the facilities, may authorize the procedure and that punitive action would be taken against facilities that violate the protocol. The email also said the girls in those cases had changed their stories about whether the pregnancies resulted from rape or consensual sex with a boyfriend. The document also had “talking points” but they were blacked out in the copy shared with POLITICO.

Later, as director, Lloyd wrote in a March 30 email to another staffer: “Grantees should not be supporting abortion services pre or post-release; only pregnancy services and life-affirming options counseling.”



Lawyers who work with the teens say the policy appears to have been disseminated informally through email, rather than being formally codified in the agency's policy guide.

They also note that Lloyd has personally visited and called pregnant girls in shelters, directed them to a list of approved crisis pregnancy centers, instructed staff to block minors from meeting with attorneys and told shelter operators to call a minor's parents even if she receives permission to go to a judge to obtain authorization for an abortion without their consent. In many cases, parents are hundreds of miles away in their home countries, or minors worry that parents won't approve of the procedure.

Susan Hays, an Austin attorney who helped the girl in the Brownsville shelter get a judge's permission to have the procedure, said that the girl was worried about telling her parents because they had beaten her sister when she became pregnant out of wedlock.

Lloyd has also threatened to pull funding from shelters, which are under federal contract, for failure to comply, Hays said. "Shelters are scared," she added.

Access to abortion has long been an issue for girls detained in refugee shelters, because many are religiously affiliated institutions that oppose the practice. But Amiri, Hays and others who work with refugees tell POLITICO that it's unprecedented for an ORR director to personally attempt to dissuade minors from ending a pregnancy.

"Imagine you are an unaccompanied minor and this bureaucrat from Washington, D.C., in a suit comes to visit you," Amiri said. She called it an "abuse of power to coerce and use immigration status as a bargaining chip."

HHS did not respond to detailed questions about the agency's policy regarding abortions among undocumented pregnant minors.

In response to questions about the Brownsville case, a spokesperson for the Administration for Children and Families said in an emailed statement that "our paramount concern is the child's safety and well-being.

"While the child is in our custody, our goal is to provide food, shelter and care to her under federal statute," the spokesperson said. "We are providing excellent care to the adolescent girl and her unborn child, who remain under our care until the mother's release."

The policy regarding what to do with undocumented minors in shelters that request abortions was first laid out in a 2008 Bush administration memo. That came at the end of the administration, so the Obama administration interpreted the policy.

"A considerable amount of time and energy was put into the development of that policy," Carey said.

Carey estimated that he signed off about three or four times a month on the use of federal funds to help girls terminate their pregnancies in case of rape or incest or when her life was threatened.

"They were entitled to family planning services and left [on their own] to make those decisions to terminate those pregnancies," he said about the decision of a pregnant minor in a federally funded shelter to have an abortion.

The new policy could have far-reaching consequences on all aspects of rules around pregnant unaccompanied minors, from how long they are held in federal shelters to how they are counted, say lawyers and advocates who work with them.

For example, HHS may keep girls until they can no longer legally get an abortion or release them to families that would also discourage abortions, rather than to family members or sponsors. In addition, HHS is considering counting fetuses as unborn children, which could change federal funding at shelters that house pregnant teens, according to sources.

The emergence of the policy is documented in a series of emails between Lloyd and other officials and shelters since March.

In one case, acting ORR director Kenneth Tota tried to stop a medication abortion, which involves taking two prescriptions in sequence. He asked that the girl be sent to the emergency room for an exam to determine if the fetus was still viable after she had taken the first pill, but before she took the second drug to complete the procedure. In the end, the agency let the procedure continue.

In another case, about 10 days before his official appointment, Lloyd visited a Honduran girl in a San Antonio shelter and sent an email to the shelter operator asking to accommodate her request for bananas and soup and a more comfortable mattress, according to the emails. He added that if things get "dicey" with her sponsor, a

relative in the U.S., he knew families that would take her in and see her through her pregnancy and beyond. That potentially violates an agreement in which the government must quickly reunite the minor with family or other sponsor.

In another case this spring, described in the emails, Lloyd said he spoke with a girl requesting an abortion at a Southwest Key shelter in Phoenix. He directed ORR staff to send the girl to a specific crisis pregnancy center for an ultrasound and to keep her from meeting with an attorney regarding her desire to get a judge to give her permission for an abortion. Neither the shelter nor the crisis pregnancy center responded to requests to comment over the weekend.

Although the ACLU's lawsuit applies only to one teenager, Texas Attorney General Ken Paxton said in a news release that he worries a decision in the case could have broad-ranging implications.

"No federal court has ever declared that unlawfully-present aliens with no substantial ties to this country have a constitutional right to abortion on demand," he said. "If 'Doe' prevails in this case, the ruling will create a right to abortion for anyone on earth who enters the U.S. illegally. And with that right, countless others undoubtedly would follow. Texas must not become a sanctuary state for abortions."

## **Trump Administration Sets Out To 'Fix' Asylum System**

By Aline Barros

[Voice of America](#), October 16, 2017

As the White House works to cut back immigration, asylum seekers are the latest group caught in the crackdown. The Trump administration released enforcement priorities last week that included tightening standards in the U.S. asylum system.

While President Donald Trump's immigration policies do not specify what action will be taken, the administration seems to be working to speed up deportation proceedings for asylum petitioners.

The U.S. offers asylum — or protection — to people who are forced to flee their own countries because of persecution due to "race, religion, nationality, membership in a particular social group or political opinion."

U.S. Attorney General Jeff Sessions said Thursday in a speech to the Justice Department's Executive Office for Immigration Review (EOIR)

that the current asylum system is "subject to rampant abuse and fraud" and he called for tighter rules for people seeking asylum in the United States.

Sessions said current policies allow applicants to take advantage of a "broken" court system that is backlogged by about 600,000 cases nationwide, although not all of them are asylum cases.

"That is why I am here today. We have a crisis at our borders and we intend to fix it. A great nation cannot allow this disgrace any longer," Sessions told the audience, which included immigration judges.

### **Tightening standards**

A Department of Homeland Security (DHS) memo, obtained by CNN, would clear the way for immigration judges to take away legal protections offered to unaccompanied minors by making it harder for them to claim asylum if they are reunited with a parent in the U.S., or if they turn 18 during the proceedings.

Another proposal is establishing performance metrics for immigration judges — something that attorneys say would only make judges work through cases at a faster pace.

Mana Yegani, a Houston immigration lawyer, told VOA such guidelines will deprive people of their right to due process.

"There's already a problem with immigration judges because they're not elected officials. They're hired by the Department of Justice. ... The Department of Justice pays their paycheck and they basically take guidance from the Department of Justice," Yegani said.

### **Asylum cases explained**

DHS says asylum laws are expected to ensure due process to anyone caught at the U.S. border without documents or any immigrant detained by Immigration and Customs Enforcement (ICE) living in the United States.

Any foreign national can file asylum claims regardless of their immigration status.

But asylum seekers must apply within one year from the date of last arrival or show proof of an "exceptional" change based on extraordinary circumstances.

Above all, asylum seekers must prove to the asylum officer that they have a "credible fear" of returning to their home country.

Sessions said many of the asylum cases lack

merit. The system, he said, has become "overloaded with fake claims."

"It cannot deal effectively with just claims," Sessions said. "The surge in trials, hearings, appeals, bond proceedings has been overwhelming."

Sessions said "credible fear claims" at the border increased from about 3,000 cases in 2009 to more than 69,000 cases in 2016. He added that 88 percent of asylum cases are approved.

U.S. Customs and Immigration Service figures show the approval rate for FY2017 was 76 percent.

#### Asylum process

Yegani said the credible fear interview process is already "very difficult."

"I had a client who went through a credible fear interview. ... She was 19 and she had been gang raped. The interviewing officer was a male. ... And she couldn't tell the officer about the gang rape. ... She was scared. So, she failed her interview," Yegani said.

If an asylum officer denies the credible fear claim, an immigration judge reviews the questions the asylum officer asked the applicant to see if there was an error.

Attorneys, however, are not allowed to speak or present new evidence during a credible fear hearing, and there are no appeals of the immigration judge's decision. Credible fear hearings usually last between five to 10 minutes.

"Basically, if I go to a hearing with a judge when a credible fear is denied, I have to just sit there. ... [Once] I had photos of dead people from the person's family that I was able to obtain and I wanted to introduce into evidence, and it was just not accepted," Yegani said.

Another requirement, attorneys said, is asylum seekers must show that law enforcement or government officials in their country of origin did nothing to protect them.

"That in itself could be denial of the credible fear because they're saying you haven't established proof that your government is not willing support you," Yegani said, adding that many of her clients come from countries where they do not trust the police to keep them or their family safe.

But the hardline group Federation for American Immigration Reform says asylum is risky.

"We are taking at face value the claims of aliens about whom we know nothing. Because of the nature of asylum claims, the claimant's true background and history are difficult to verify, and it is nearly impossible to determine whether a claimant is bona fide," the group writes on its website.

#### Held in detention

In June, the Associated Press reported the "overwhelming majority" of asylum seekers — about 70,000 — were being held at family detention centers. They are placed in a "highly intrusive intensive supervision program as they await court hearings on whether they can stay in the U.S."

Jeremy Jong, an attorney at Southern Poverty Law Center, said a lot of people are "weeded out" by the credible fear process, and many are not eligible to request asylum "because they've been in the U.S. for more than a year" or have been previously deported.

Jong also said the EOIR's pending caseload has "many drivers," including the hiring freeze on immigration judges during the Obama administration, and the Trump administration's own directive to arrest more people and to re-calendar previously closed cases.

"Who comes to the U.S. and says, 'Yes, I will be detained for maybe 6, 7, 8 months while my case is being adjudicated,' unless there's a real reason why they can't go back?" Jong said.

## Immigration Judges Warn Against Trump Administration Benchmarks

[NPR](#), October 16, 2017

MARY LOUISE KELLY, HOST:

The Trump administration is preparing to evaluate immigration judges against new benchmarks. The goal is to speed through a backlog of more than 600,000 cases in U.S. immigration courts. Judges warn the change could hurt public confidence and violate the right to due process. NPR's Carrie Johnson reports.

CARRIE JOHNSON, BYLINE: President Trump and his Cabinet members often say the immigration system is broken. In a speech last week, Attorney General Jeff Sessions highlighted the problem.

(SOUNDBITE OF ARCHIVED RECORDING)

JEFF SESSIONS: We have a crisis at our borders, and we intend to fix it. Success is our goal.

JOHNSON: Over 20 years in the U.S. Senate, Sessions supported tough immigration measures. Now, as the country's top law enforcement officer, Sessions can make changes from inside the executive branch.

(SOUNDBITE OF ARCHIVED RECORDING)

SESSIONS: It's something I've believed in and fought for for many years, and I feel honored to have the opportunity to participate in it.

JOHNSON: Among other things, the attorney general oversees the nation's immigration judges. And big changes could be coming their way. A recent White House wish list mentions the idea of performance metrics for judges. The Justice Department says it's developing new benchmarks for immigration courts to, quote, "increase productivity and reduce the pending caseload without compromising due process." But advocates for immigrants warn that quotas could be a disaster. Heidi Altman works on policy issues at the National Immigrant Justice Center.

HEIDI ALTMAN: The administration has been very explicit that it perceives immigration judges as a mechanism to expedite and pursue deportations. And that's a dangerous misunderstanding of the role of the immigration judge.

JOHNSON: The courts are backed up, more than 2,000 pending cases for every immigration judge. But the National Association of Immigration Judges says the way to solve that problem is to hire more judges, not put pressure on the people who are already handling big caseloads. Judge Dana Leigh Marks is a spokeswoman from the immigration judges' group.

DANA LEIGH MARKS: The last thing on a judge's mind should be pressure that you're disappointing your boss or, even worse, risking discipline because you are not working fast enough.

JOHNSON: Immigration judges operate under a collective bargaining agreement with the Justice Department, and DOJ officials have signaled they want to renegotiate that contract soon. For Marks and many of her colleagues, that move threatens the idea they are neutral decision-makers. And she says it could leave immigrants with the idea the system is stacked against them.

MARKS: The imposition of numerical metrics would put judges in an untenable position and would undermine confidence in our independence by the public we serve.

JOHNSON: Marks says justice is about quality, not quantity. Carrie Johnson, NPR News, Washington.

## **Governor Blames Media For Immigration Flap With Sheriffs**

[Associated Press](#), October 16, 2017

Outspoken Maine Republican Gov. Paul LePage says the media fanned the flames in a flap with sheriffs over his directive they should hold immigrants without warrants and is calling news organizations "the most horrible organizations on the earth."

The outburst came Monday after LePage summoned all 16 sheriffs to a closed-door meeting.

York County Sheriff William King and Cumberland County Sheriff Kevin Joyce say they won't comply with federal immigration requests to temporarily hold inmates scheduled for release. They say it's unconstitutional to do so.

Joyce said after the meeting the governor is considering a bill to indemnify jails for holding immigrants beyond release dates.

Meanwhile, Joyce is working with federal officials to provide explicit probable cause for immigration holds on released inmates.

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## **LePage Meets With Maine's Sheriffs On Immigrant Detentions**

[Portland \(ME\) Press Herald](#), October 16, 2017

Gov. Paul LePage and Maine's 16 county sheriffs met in a closed-door session Monday in an attempt to settle a dispute over holding suspects for federal immigration officials.

Though the issue wasn't resolved, the sheriffs said it was a "productive" meeting that helped both sides clarify areas of contention.

The governor had told the sheriffs in September that he would use his constitutional power to remove them from office if they would not hold suspects – even if they didn't have warrants – for Immigration and Customs Enforcement. LePage took that step after the sheriffs in Cumberland and York counties said they would not hold suspects for federal immigration officials without warrants.

In a letter sent to all 16 counties, LePage invoked his statutory authority to direct sheriffs in law enforcement matters, and pointed to a 2011 executive order directing all employees and officials of the state of Maine to cooperate with federal immigration officials, except when limited by the law or the state and U.S. constitutions.

York County Sheriff William King and Cumberland County Sheriff Kevin Joyce pushed back against the governor's order, saying it would put county taxpayers at risk of litigation because holding a suspect without a warrant amounted to violation of the Fourth Amendment protection against unreasonable search and seizure.

"Really, what I've been ordered to do is violate the law, violate the Constitution," Joyce said last month. King and other sheriffs echoed Joyce's concerns.

On Monday, King and Joyce characterized the meeting with LePage as "productive" and said they believed they had made progress toward an agreement that either would lead to a new state law or better documentation from ICE officials when the federal agency asks sheriffs to detain a prisoner who already had served his time or otherwise satisfied the conditions set forth by a judge.

"We had a real meaningful exchange," King said. "I'm just very, very optimistic."

King said the sheriffs and LePage did not fully resolve all the concerns around detention of prisoners for federal immigration officials or LePage's threat to remove sheriffs from office, but said they did manage to lay out the concerns on both sides.

"I don't know if it's resolved it, but I think once we talked we kind of clarified the issues, I think that's what needed to be done was the clarification," he said.

King said sheriffs always would call ICE when a county jail was holding an undocumented immigrant who was subject to an ICE detainer. "We would always do that, so we are actually complying with what he wanted us to do, we are cooperating with federal immigration authorities," King said.

Joyce said among the solutions that LePage mentioned was the possibility of seeking state legislation that would "indemnify" sheriffs from being sued for violating the rights of a prisoner they held for the federal government without a warrant.

Joyce said any state law that could help couldn't be in place until at least 2018.

The governor also suggested putting more pressure on immigration officials to ensure they had warrants to hold undocumented immigrants.

King didn't want to discuss LePage's letter to sheriffs, noting, "that was still on the table, but I don't really want to get into that, it was a very healthy and productive conversation today."

Joyce confirmed that LePage had not withdrawn any of his earlier demands, but also said the meeting was useful in opening up lines of communication.

"I explained where I arrived at my decision and some of the issues around there," Joyce said. "I think it was a productive meeting."

Joyce said he has continued to work with ICE to overcome his concerns about immigration detainees.

"It isn't resolved, but I think we can get to a place where they can provide me with the documentation that will indemnify the county and the taxpayers," Joyce said. "But it's still a work in progress. ..."

"My job is to help ICE out, but also to protect the citizens of Cumberland County, that's first and foremost."

Oxford County Sheriff Wayne Gallant, president of the sheriff's association and the designated spokesman for the group Monday, said the issue involves such a small number of county jail prisoners that he believed they would find a solution that would satisfy all sides. He didn't address the concerns King and Joyce have about facing a civil rights lawsuit for violating a prisoner's rights, but said that ICE had developed a new form that would help meet the need to establish probable cause to hold an undocumented immigrant in detention without an actual charge.

"There are very limited cases where we are going against anything that ICE is doing," he said. "We are still holding federal prisoners in our jails throughout the state. ..."

"Some of the paperwork has to be changed around and we are working to make that process a lot better and smoother so it is workable for everybody."

Both King and Joyce previously said they wouldn't violate prisoner rights by holding them without arrest warrants.

Joyce is concerned about protecting prisoner rights, saying "that's the crux of being sued."

Maine Department of Public Safety Commissioner John Morris said the meeting was called at the sheriffs' request and that "some great ideas have come out and the cooperation between everybody is right on track." Morris declined to say whether that progress included an agreement that ICE would need to obtain a warrant for prisoners they want sheriffs to hold beyond the term of a sentence or bail requirements.

In exiting the State House Monday, LePage said the issue was being blown out of proportion and that if sheriffs were worried about civil lawsuits for violating prisoner rights, the governor's office would step in.

"All they have to do is call the governor's office and we will step in and take care of it," LePage said. "That's what I told them, they don't have to worry about anything. ICE is more than willing to work with them. We are more than willing to work with them."

LePage also lashed out at the media after the meeting Monday.

"You guys make it worse," LePage said to about a dozen television, radio and print journalists. "You guys are the most horrific organization on the face of the earth. Thank you very much."

## **Sheriffs, Gov. LePage Working Together To Solve Issues With ICE**

[WLBZ-TV Bangor \(ME\)](#), October 16, 2017

Governor LePage summoned all 16 county sheriffs to a closed door meeting with him to resolve issues surrounding ICE agent's requests, Monday afternoon in Augusta.

The meeting comes almost a month after two sheriffs said they would not comply with orders from immigrations and customs enforcement agents to hold a person longer than warranted. Governor LePage then threatened to fire any sheriff who didn't comply with those orders.

Oxford County Sheriff Wayne Gallant said the meeting was very productive and he's pleased everyone is now on the same page. "We want this to be worked through properly and it will be worked through properly," Sheriff Gallant said. "We're going to be patient we're going to work through this and we're going to get the best result we can get."

Gallant says they have had multiple meetings with ICE agents over the last few weeks and that they seem to have found a solution. A lot of the concern surrounded probable cause for holding the detainees without a warrant. Cumberland County Sheriff Kevin Joyce and York County Sheriff Bill King both felt doing so was a violation of their constitutional rights and feared it could lead to potential lawsuits.

Gallant says most of the problems came with the paperwork but they have now found a solution that works for everyone. "We have a new format that we will use that can establish probable cause and helps meet our needs in the county jails to accept somebody there." Sheriff Gallant said.

Governor LePage was also happy about the meeting – he says he knew that ICE would be willing to work with the Sheriffs and blamed the media for the divide.

"ICE is more than willing to work with them, we are more than willing to work with them," Governor LePage said. "If they're pleading to their base that's their problem, and you guys make it worse, you guys are the most horrific organization on the face of the earth."

## **Sheriffs & Gov. Meet About Federal Immigration Enforcement Cooperation; LePage Lashes Out At Media**

By Mal Leary

[WMEA-FM Portland \(ME\)](#), October 16, 2017

All sixteen Maine sheriffs met privately with Gov. Paul LePage Monday to discuss his concerns about sheriffs not cooperating with ICE, federal immigration and customs enforcement.

A few weeks ago, Governor LePage wrote the sheriffs saying if they did not cooperate with ICE in holding persons in custody, he would take steps to remove them from office. The sheriffs were concerned ICE was not getting a judicial determination of probable cause to hold the person, and some courts have ruled that unconstitutional, allowing lawsuits against sheriffs in other states. Oxford County Sheriff Wayne Gallant is president of the sheriff's association and says all are happy with the solution.

"ICE has worked around," Gallant says. "We have a new form that they are going to be using that can establish probable cause that helps meet our needs at the county jails to accept somebody there that meets the probable cause standard."

A few minutes later the Governor agreed with Gallant that all the sheriffs support the new procedure and then went on to blame the news media for making something out of nothing.

"We cleared up a lot of misunderstandings today and we are just going to move forward," Gallant says. "Any changes that need to be made we are going to work with the Governor's office, with ICE officials."

"I think they all were, I think they...frankly I think you made something out of nothing, all of you," LePage says. "We are more than willing to work with them and if they are pleading to their base, that's their problem. And you guys make it worse. You guys are the most horrific organization on the face of the earth. Thank you very much."

## **Miami-Dade: We Never Just Release Prisoners Immigration Wants**

By Nancy Smith

[Sunshine State \(FL\) News](#), October 17, 2017

Miami-Dade County does not release dangerous illegal aliens to thwart U.S. Immigration and Customs Enforcement (ICE), nor does it defy the rule of law in this country – ever.

And the papers Judicial Watch released last week lumping Miami-Dade with bad-actor "sanctuary counties" are entirely incorrect, insists officials at county hall and at the Miami-Dade Corrections Department.

County corrections officers reacted quickly after a Sunshine State News story reported Saturday that in the first quarter of 2017, 93 individuals whose fingerprints were identified by other law enforcement agencies as belonging to persons of interest, charged with assault, drug or weapons violations, were processed out before ICE agents could get to them – in defiance of orders from President Trump and Mayor Carlos Gimenez.

The orders are known as immigration detainer requests. They are tools used by ICE and other Department of Homeland Security officials when the agency identifies potentially deportable individuals who are held in jails or prisons nationwide.

In a release issued Thursday, Judicial Watch reported that in the first three months of the year, Miami-Dade denied 93 ICE detainer requests, making it second only to Ventura County, Calif. (188) in counties denying such requests to hold criminal illegal aliens.

Here is what Juan Diasgranados, public affairs manager for Miami-Dade Corrections & Rehabilitation Department told Sunshine State News:

"Miami-Dade County and Miami-Dade Corrections does not deny detainer requests. We comply with the law.

"When someone is arrested in Miami-Dade County, they are fingerprinted, photographed, ID'd, and all of that information is sent to various agencies throughout the country. ICE flags individuals they are interested in, and sends Miami-Dade County a request to hold them until immigration officers can apprehend the person.

"Once the person in custody serves their local time, pays bond, etc. we hold the individual for 48 hours so that ICE can pick up the person. If ICE does not come and pick up the person, we release them. There have been instances that ICE does not make it in time, or is no longer interested in the individual, etc. and does not make it in the 48 hours.

"Miami-Dade County and Miami-Dade Corrections are complying with the law and following the rules. And we do hold these serious offenders in our custody."

Diasgranados said his figures show a breakdown of 97 inmates with an ICE detainer let out of jail in the first quarter as follows:

54 were released to ICE;

43 were released out of Miami-Dade's custody (Ice never came to pick them up or were not interested).

He said he "could not speak for ICE, so you would have to reach out to them to see how and why they don't pick up some individuals."

ICE's South Florida spokesman Nestor Yglesias said Monday he is not familiar enough with the Judicial Watch document to comment on how the watchdog organization arrived at its figure of 93 inmates with detainer requests, nor did he have numbers readily available. "You will have to send me what you want to know in writing and I'll investigate."

After placing numerous phone calls and leaving voice mail messages with Judicial Watch on Monday, SSN was unable to speak with a spokesperson who could explain the discrepancies.

Michael Hernandez, communications director for Mayor Gimenez, explained the city's long history of detainer requests, which started in 2013

when county policy had Miami-Dade declining all detainer requests. Those rules prompted the Obama administration to label Miami-Dade a "sanctuary" community in 2016, but Gimenez's switch at President Trump's request – endorsed by the County Commission in February – ended that status.

Hernandez said Miami-Dade never was a true "sanctuary" county, that the only reason the county released prisoners was because the federal government failed to pay the average \$150-a-day per prisoner it owes the county for holding prisoners until they're picked up. The feds still owe the county some \$4 million for those detentions, Hernandez said.

"Now we hold all prisoners they want us to hold for 48 hours, even though we're not paid to do it," Hernandez said. "Sometimes ICE comes and picks them up quickly, sometimes they tell us they don't want a prisoner anymore and he can go, or they let the 48 hours expire and the prisoner is released."

Said Diasgranados, "The bottom line is, Judicial Watch and Sunshine State News' reporting of Judicial Watch's information led readers to mistakenly believe we are releasing individuals at our own will."

## **Arizona Attorney General OKs Phoenix Police Immigration Policies**

By Gardiner Dustin

[Arizona Republic](#), October 16, 2017

A handful of Phoenix police policies outlining how officers should handle immigration matters do not violate state law, Arizona Attorney General Mark Brnovich said Monday.

However, Brnovich said it's clear that some City Council members misleadingly framed the policies as making Phoenix more "welcoming" to undocumented immigrants. The reality, he said, is the city's policies comply with Senate Bill 1070.

"They want to have it both ways," Brnovich said. "Don't piss on someone's leg and tell them it's raining ... It requires compliance with SB 1070."

Brnovich's office released an investigative report Monday outlining his conclusion that the city's police operations order "does not violate state law." He investigated Phoenix under a state law that allows Arizona to withhold tax revenue from localities that pass conflicting ordinances.

The investigation was triggered in September when state Sen. John Kavanagh, R-Fountain Hills, complained the city had revised its immigration policies to violate what remains of Arizona's controversial SB 1070.

Mayor Greg Stanton and Police Chief Jeri Williams released press statements praising the attorney general's decision. The city could have been forced to revise its policies or face losing millions in revenue from the state, if Brnovich had concluded otherwise.

"Today's decision by the Attorney General reinforces what we have said all along — that a wise policy to protect victims of crime, witnesses to crime and school children on campus is consistent with state law and good policing," Stanton wrote.

"Our city is safer as result of the changes made to our police operations orders."

This summer, a majority of the Phoenix council voted to revise the Police Department's policies in an attempt to improve its relationship with the immigrant community — particularly crime victims and witnesses — who could be affected by President Donald Trump's immigration-related executive orders.

One of the revised policies relates to when officers are allowed to contact Immigration and Customs Enforcement. It says they can only do so if an individual is arrested, or if they are stopped for a state or local crime.

The policies also include a section on school resource officers, stating these officers "must not ask immigration questions or contact ICE for any purposes while on school grounds."

Although the Police Department's updated policies state, "this policy will not limit the enforcement of federal and state immigration laws to less than the full extent permitted by the law," Kavanagh has suggested multiple sections do just that.

He said he plans to meet with staff attorneys at the state Legislature to review the attorney general's decision because he's still not convinced Phoenix is in compliance with remaining provisions of SB 1070.

More importantly, Kavanagh said, a police officer on the street would be confused by the policies given they're not seasoned attorneys who can parse conflicting rules.

"When I read it, it conflicts with 1070," he said.



## 18 Arrested At Protest Of Springfield Man's Deportation To Guatemala

By Steve Annear

[Boston Globe](#), October 16, 2017

Eighteen people were arrested in downtown Springfield Monday morning while protesting the impending deportation of a Guatemalan man who came to the United States illegally nearly two decades ago.

Ryan Walsh, a spokesman for the Springfield Police Department, said the activists, who were sitting, singing, and chanting in front of 1550 Main St., near where local US Immigration and Customs Enforcement offices are located, were taken into custody after they failed to disperse.

"Officers tried to negotiate to have them peacefully leave because they were on private property, and they wouldn't," Walsh said. "They chose to get arrested, as opposed to leaving."

The demonstrators — a coalition of members from the Pioneer Valley Workers Center, Massachusetts Jobs with Justice, and community and faith leaders from around Western Massachusetts — were all charged with misdemeanor trespassing, Walsh said.

Rose Bookbinder, an organizer from Massachusetts Jobs with Justice, said the peaceful protesters were there to support Lucio Perez, a Guatemalan who arrived in the country in 1999, after fleeing violence in his homeland.

Bookbinder said Perez has been ordered to Guatemala this Thursday, after his request that his removal be delayed was denied over the summer.

"We came together to declare that we're going to fight for his stay of removal, and for his case to be reopened so he can have a path to permanent status," she said in a telephone interview.

A spokesman for Immigration and Customs Enforcement did not immediately respond to an e-mail or phone call seeking comment.

Through an interpreter, Perez on Monday told the Globe he was arrested and became known to ICE in 2009, when he stopped at a Connecticut gas station with his family to get iced coffee on a hot day. He said his children stayed in the car, while he and his wife went inside. When they came out, he said, West Hartford police were there.

Perez said he was arrested for "child abandonment," charges he said were later dropped in court.

He received deportation orders during the Obama administration but has been granted stays of removal each year since the arrest, Bookbinder said.

In August, however, Perez was told to purchase a ticket to Guatemala for Oct. 19, after his stay was denied, Bookbinder said.

"He was told to board his plane on Thursday, and will leave behind his children, wife, and job to go to a country that he hasn't seen in 20 years," she said.

Perez, whose children are US citizens, has been wearing an electronic monitor around his ankle leading up to his flight. He said that while he's touched by the support of the community, and those who have organized protests on his behalf, he fears leaving his family behind.

## 18 Arrested After Activists Sit Down In Front Of Springfield DHS Office To Protest Deportation Of Lucio Perez

[Springfield \(MA\) Republican](#), October 16, 2017

Springfield police arrested 18 activists Monday morning after protesters sat down and linked arms in front of the office building that houses the city's Department of Homeland Security branch in protest of the imminent deportation of city resident Lucio Perez.

The arrests followed a peaceful demonstration by about 120 people, who marched around the office building at 1550 Main St. and called on Immigration and Customs Enforcement to not deport Perez, a Guatemalan immigrant who entered the country illegally in 1999 and is the father of three U.S. citizens.

A Springfield police lieutenant at the scene said all would be charged with trespassing.

The demonstrators gathered in the courtyard in front of the building at 8 a.m. Rose Bookbinder, a Pioneer Valley Workers Center organizer, led the group in a call-and-response, chanting "Free Lucio! Justice for Lucio!"

"I want to ask that god bless you all. Thank you for being here. God will be a witness to what happens here today," Perez said through a translator. "I know that we're going to win, so onward."

Perez left Guatemala in 1999 to flee violence and seek economic opportunity, the Pioneer Valley Workers Center said in a press release. He married and had three children, who are U.S. citizens, and works as a landscaper.

In 2009, he and his wife were stopped by West Hartford police after they briefly left their children in the car to pick up drinks at a Dunkin' Donuts, his son Tony and Pioneer Valley Worker Center organizer Margaret Sawyer said at the rally. The child abandonment charges were quickly dropped, but the encounter put Perez on ICE's radar.

For the next eight years, Perez lived under an order of removal but was allowed to stay in the country as long as he regularly checked in with immigration authorities, under an Obama-era prioritization system that granted stays to many immigrants who had entered the U.S. illegally but did not otherwise have criminal records.

But President Donald Trump's administration ended that system, and in September Perez was told to buy a plane ticket to Guatemala for Oct. 19 and fitted with an ankle bracelet.

Perez' pending deportation has been hard on his family, his son Tony said.

"Especially me, I sit and wonder why my dad? Why my dad. He did a little small mistake – a mistake, yeah, but he didn't kill somebody, didn't murder anybody, right? He just did one simple mistake – left us in the car," he said. "Right now this little problem got into a big mess. It's really unfair for our father and us. We're praying to god for my father to stay."

An organizer told MassLive there is still no word on Perez' pending appeal of his deportation order.

The demonstrators marched around the building, stopping at points to speak, chant and sing. When they reached the front of the office, 18 protesters sat down and linked arms in front of the entrance. People continued to enter and leave the building, by either stepping over the line of protesters or walking through a gap they left to the door.

A row of Springfield police vehicles arrived, and a lieutenant huddled with a property manager and protest organizers. Bookbinder told MassLive police were seeking to end the demonstration without arrests, but that protesters decided to continue until they were placed into custody.

After about 40 minutes, an officer approached the line of sitting protesters and told each of them they would be arrested if they did not leave. None did, and all were peacefully taken into custody.

## **Spanish Student Hoped To Visit Oregon, Spent 48 Hours In Jail**

By Jessica Floum

[Oregonian](#), October 16, 2017

Cristina Alonso planned to visit Oregon for six weeks this summer. Instead, the 22-year-old college student from Spain spent more than two days in jail in The Dalles, according to a blog posted to the American Civil Liberties Union of Oregon's website Wednesday.

Border agents sent Alonso to Northern Oregon Regional Correctional Facility for having the wrong visa, wrote Laurie Bridges, the Corvallis resident who intended to host Alonso.

"I never saw her," Bridges told The Oregonian/OregonLive Sunday.

Bridges is a librarian at Oregon State University who hoped to find a native Spanish-speaker to help her 8-year-old son learn the language. She connected with Alonso through a friend during a visit to Spain in 2016.

Alonso had never travelled outside of the European Union and hoped to go to the United States to learn English and about the culture. Bridges agreed to pay Alonso \$100 per week to ease travel costs and to show her Bend and Seattle in exchange for Alonso teaching her son Spanish.

But that never happened, Bridges wrote.

A U.S. Customs and Border Protection agent at Portland International Airport called Bridges more than an hour after Alonso landed in Portland on a July afternoon to tell her that Alonso had the wrong visa, Bridges wrote. She did not hear from Alonso or customs agents until the next day despite calling more than three times that night.

The U.S. Customs and Border Protection did not respond to requests for comment by deadline. The Portland office is closed on the weekend, a voicemail message said.

Bridges called the ACLU of Oregon's Immigration Hotline, and an ACLU official told her Alonso was detained at the Northern Oregon Regional Correctional Facility while she awaited a return flight to Europe.

ACLU of Oregon legal director Mat dos Santos said the customs agent did not break any laws. Alonso showed the agent a letter from Bridges that said Alonso was coming to help her son learn Spanish. The librarian intended to pay the college student \$100 per week while she visited but did not mention that in the letter. The agent determined that Alonso intended to work in U.S., dos Santos said.

Still, dos Santos said customs agents should not have sent Alonso to jail. The decision speaks to increased immigration enforcement around the country, he said.

"The horror of that miscalculation ... wasn't that this woman was denied entry into the U.S.," dos Santos said. "The real horror of it was then she was sent off to a county jail ... and she was housed there for 48 hours, having committed no crime and having broken no law."

## **BORDER SECURITY**

### **MS-13 Member Arrested By Border Patrol In Brackettville**

By Joe Hyde

[San Angelo \(TX\) LIVE!](#), October 16, 2017

U.S. Border Patrol agents assigned to the Brackettville Border Patrol Station arrested a member of Mara Salvatrucha, also known as MS-13, on Oct. 6. MS-13 is a well-known and often violent transnational criminal organization with members throughout the United States.

"I am immensely proud of the vigilance and professionalism of our agents," said Del Rio Sector Acting Chief Patrol Agent Matthew J. Hudak. "Every day our agents work to make our communities safer. This arrest is just one example of how we are keeping members of violent gangs off America's streets."

During routine patrol, Agents encountered the Honduran national on FM 1908, 15 miles south of Brackettville. After determining the man was an illegal alien, he was transported to the station for processing. The suspect faces a charge of 8 USC 1325 – illegal entry.

## **EMERGENCY RESPONSE**

### **Trump Touts Federal Response To California Wildfires**

By Anita Kumar

[McClatchy](#), October 16, 2017

President Donald Trump on Monday praised his administration's response to the wildfires that have killed more than 40 people dead and displaced tens of thousands of people.

"We have FEMA there. We have military there. We have first responders there," he said. "It's a tragic situation. We are working very closely from the representatives from California and we're doing a good job."

Trump, who boasted that former FEMA Director James Lee Witt gave his administration a top grade on its response to the hurricanes despite withering criticism from Puerto Rican residents, denied that he was ignoring California and said Witt could have easily included wildfire response in his critique. "James Lee Witt gave us an A+," he said.

Trump said he was "honored" by the comments from Witt, who worked for former Democratic President Bill Clinton. "I just want to thank Mr. Witt, wherever you may be now, wherever you may be listening," he said. "I just want to say I really much appreciate, because that took it out of politics, out of the world of politics, in that he was with the Clinton administration, and I'm sure remains loyal to the Clinton administration."

During an impromptu Rose Garden news conference, Trump said he had spoken to Democratic California Gov. Jerry Brown and that federal officials were on the ground in the Northern California, where fires have also devastated California wine country.

Earlier, during a Cabinet meeting, Trump said the state had seen "a lot of progress in the past couple of days."

On Sunday, the wildfires showed signs of easing off. More than 25,000 people were allowed to return home and containment grew at most of the major fires. But hundreds of people are still missing as more than 10,000 firefighters battled blazes on Monday.

"It's very sad to watch how fast, how rapidly they move and how people are caught in their houses. I mean, it's an incredible thing. Caught in their houses," Trump said.

The administration issued a disaster declaration in the state but the president, himself, had said very little about the wildfires.

"We mourn the terrible loss of life. We have FEMA and first responders there. We have our

military helping," Trump said. "But we're a little subject to winds and what happens with nature. But it's been a very sad thing to watch."

## **Trump: Former FEMA Head Gave Me An A+**

[CNN](#), October 16, 2017

President Donald Trump says former FEMA Director James Lee Witt, who served under President Bill Clinton, gave him an A+ grade for recent hurricane relief efforts. Source: CNN

## **Cleanup From California Fires Poses Environmental And Health Risks**

By Kirk Johnson

[New York Times](#), October 16, 2017

SANTA ROSA, Calif. — Dr. Karen Relucio has heard reports of people digging into the ashes of their burned homes in recent days without gloves, wearing only shorts and T-shirts, looking for sentimental items that might have survived California's horrific wildfires. And as the chief public health officer in Napa County, one of the hardest-hit places, she has used her office as a bully pulpit to urge them to stop, immediately.

"Just think of all the hazardous materials in your house," she said in an interview. "Your chemicals, your pesticides, propane, gasoline, plastic and paint — it all burns down into the ash. It concentrates in the ash, and it's toxic," said Dr. Relucio, who declared a public emergency over the hazardous waste from the fires, as have at least two other counties.

California's fires are far from out. They have killed at least 41 people and burned about 5,700 structures and over 213,000 acres since they exploded in force on Oct. 8 and 9 — record totals for a state that is used to wildfires. Thousands of firefighters are still at work fighting blazes and tens of thousands of people remain under mandatory evacuation from their homes, though fire officials have expressed cautious optimism about bringing the fires into containment.

But even as the smell of smoke still wafts through this area north of San Francisco, public health officials and environmental cleanup experts are starting to think about the next chapter of the disaster: the huge amount of debris and ash that will be left behind.

In whole neighborhoods here, a thick layer of ash paints the landscape a ghastly white. Wind can whip the ash into the air; rain, when it comes,

could wash it into watersheds and streams or onto nearby properties that were not ravaged by fire.

And the process of cleaning it all up, which has not even begun, is very likely to bring its own thorny set of issues, in the costs, timetables and liability questions — all compounded by scale, in the thousands of properties that must be repaired and restored.

"In modern times this has got to be an unprecedented event, and a major hazard for the public and for property owners," said Dr. Alan Lockwood, a retired neurologist who has written widely about public health. He said an apt comparison might be the environmental cleanup after the terrorist attacks of Sept. 11, 2001, in New York, as debris and dust swirled through Lower Manhattan.

As could well happen too in California, Dr. Lockwood said, the health and environmental effects were felt long after the attack, in the chemicals or pollutants workers and responders at the site, and the public at large, may have been exposed to as the cleanup went on.

Household building materials are obviously different from the components of a concrete tower. But they pose risks too. Treated wood in a house's frame, for instance, put there to prevent bacteria growth, can contain copper, chromium and arsenic. Consumer electronics contain metals like lead, mercury and cadmium. Older homes might have asbestos shingles. Even galvanized nails are a concern because when they melt they release zinc. All are potentially harmful.

"It's a completely complex mixed bag of different stuff that's there," said Geoffrey S. Plumlee, associate director for environmental health with the United States Geological Survey.

Dr. Plumlee led a study after several Southern California wildfires in 2007 that found that ash from burned-out residential areas contained elevated levels of arsenic, antimony and metals including lead, copper and chromium. In most cases the levels were above federal Environmental Protection Agency guidelines for soil remediation.

After a fire in Slave Lake, Alberta, in 2011 that destroyed about 400 homes, the city landfill was found to be leaching toxins after fire debris was deposited there.

In California, the road ahead to cleanup and the safe return to properties will probably not be smooth or fast, public health officials and cleanup

experts said. The sheer number of communities affected and properties destroyed creates a greater challenge than any the state has faced in recent history.

Local and state agencies, focused on active fires, have not yet sorted out who will take the leadership roles. Even determining how severely lands are affected and the estimated costs of remediation lay ahead in the weeks and months to come.

At a packed public meeting in the basketball gym at Santa Rosa High School on Saturday, some residents said they worried that the cleanup could go on for years and asked state officials if they could proceed on their own.

The answer they got was a qualified yes. An approved contractor can be hired, if one is available. Otherwise the cleanup should be free in most cases, residents were told, paid for with taxpayer money or private insurance if a homeowner has a debris-removal clause in the insurance policy on the house.

But state and federal officials said on Monday that many of the details of how this cleanup would work remained unsettled. That is partly because the focus has been on response to the fires and the fatalities, and the 40,000 people still evacuated from their homes, but also because of the complex mix of properties affected on both public and private lands.

"There are more questions than answers," said David Passey, a spokesman for the Federal Emergency Management Agency. He said, for example, that FEMA, the federal government's lead disaster response agency, typically concentrated on public property, not private, unless individual counties declare the private properties a public health and safety risk. Counties and cities can also take the lead on cleanup, he said, and that too has not been fully sorted out.

"We don't know yet which of those solutions, or mixture of those solutions, the cities and counties will choose," Mr. Passey said.

Mark Oldfield, a spokesman for the California Department of Resources Recycling and Recovery, which administers state-managed waste handling and recycling programs, said a typical situation for cleanup would include a kind of triage, with the most hazardous materials as a site handled first, typically by the California Department of Toxic Substances Control. That

agency would evaluate and remove hazardous debris, which can range from asbestos siding or pipe insulation to paints, batteries, flammable liquids and electronic waste like computers and monitors.

After that, contractors under CalRecycle's auspices could focus on remaining debris removal for recycling (metals and concrete) or disposal (ash and contaminated soil), Mr. Oldfield said. Then the land could be prepared for potential rebuilding. But, he added, "With fires still active in many areas, there is not yet a timetable for cleanup efforts to begin."

Dr. Relucio, Napa County's public health director, said that in the meantime, people who go back to their properties should protect their eyes, lungs and skin, with long sleeves and pants, boots, glasses, and a good quality N95-rated mask available in most hardware stores.

Dr. Lockwood said a secondary caution for anyone entering a burned site is human idiosyncrasy, in the things people store in garages, use in their hobbies or just never got around to throwing away.

"One never knows what people have stashed in their homes," he said.

## **Trump: Military 'Shouldn't Have To Be' Distributing Food In Puerto Rico**

By Cristiano Lima

[Politico](#), October 16, 2017

President Donald Trump said military personnel assisting in Hurricane Maria recovery efforts "shouldn't have to be" distributing food in Puerto Rico, again casting the U.S. territory's challenges as partially self-inflicted during a Monday press conference.

The president said that while federal agencies have provided "massive" amounts of food and water to Puerto Rico — where access to resources and power remains severely hampered by last month's storm — they should not also be expected to distribute them. Trump has previously said Puerto Ricans relied too much on federal government resources instead of a "community effort" to rebuild.

"We have massive amounts of water. We have massive amounts of food," Trump said at the White House, where he spoke alongside Senate Majority Leader Mitch McConnell. "But they have to distribute the food."

Trump added: "We now actually have military distributing food — something that, really, they shouldn't have to be doing."

The president has singled out issues with infrastructure and other challenges in Puerto Rico that he said pre-dated the storm as hurdles in the path to recovery. He has also warned that he won't leave federal employees in Puerto Rico indefinitely.

"We cannot keep FEMA, the Military & the First Responders, who have been amazing (under the most difficult circumstances) in P.R. forever!" he tweeted.

The House of Representatives on Thursday overwhelmingly approved a \$36.5 billion relief package for Puerto Rico and other impacted regions. It is headed to the Senate, where it is expected to be approved.

## **Private Security Mercenaries Are Now Moving Into Puerto Rico**

By Larry Celona And Danika Fears  
[New York Post](#), October 16, 2017

The situation is so bad in Puerto Rico that a private security firm formerly known as Blackwater has fielded several requests to send employees to the island — and there are already guards roaming around with long guns on the streets of San Juan.

US security firm Academi, formerly called Blackwater, has received at least five different requests for help, including one from Federal Protective Services, which is part of the Department of Homeland Security.

"We've been invited to bid armed and unarmed security of fuel and water, but have not received responses," said Paul Donahue, CEO of Constellis, Academi's parent company.

"The top two concerns as reported to us are the need for security of fuel (for gas stations and for generators so businesses can operate), and for humanitarian support, i.e. water distribution."

A job listing on the Constellis Web site says they're looking for "security professionals to deploy to Puerto Rico to provide humanitarian and armed security services." One of the tasks would be dealing "tactfully with the general public," it says.

The Whitestone Group, another U.S. security company, posted an online ad on Sept. 29 seeking "retired officers with gun licenses for

immediate response in Puerto Rico," the island's Center for Investigative Journalism reported.

Armed guards from unidentified private security companies have also been spotted around San Juan, some with long guns that may be illegal because they require special licenses given out by the government, experts told the CIJ.

"It is very restricted," said Rosa Emilia Rodríguez, the chief federal prosecutor in Puerto Rico. "I'm surprised that this is happening. I don't know if they are off-duty police officers. I don't know, I would have to see the circumstances. A police officer can work in a private security company in their spare time."

Héctor Pesquera, secretary of the Puerto Rico Department of Public Safety, is crafting an executive order with rules that private guards must abide by.

Rodríguez said security contractors shouldn't be able to carry long guns.

"They would be going very far," she told CIJ.

A law enforcement source said sending private security guards over to Puerto Rico to help with relief efforts "sounds unusual since Puerto Rico is a US territory."

"Private contractors are usually hired for hot zones like the Middle East where there are concerns about terrorist attacks," the source said.

But Donahue, the CEO of Constellis, said private security details were also deployed in the wake of Hurricane Katrina.

"In Katrina, we protected schools, churches, hospitals, food suppliers, water, power, tent cities...everything," he said. "The police, military and guard were doing the heavy lifting and we were in critical support roles."

In 2014, four former Blackwater security guards were found guilty in the 2007 shootings of more than 30 Iraqis in Baghdad, which raised questions about the US use of private security contractors during the Iraq War.

One of the convictions has since been overturned.

## **Fewer Puerto Ricans Have Power Restored Than A Week Ago**

By Sam Petulla  
[CNN](#), October 16, 2017

As Puerto Rico struggles with water shortages and a dire situation for many seeking medical care, the number of customers getting power off of the island's grid has declined,

according to the latest available data and conversations with energy experts.

Last Monday, 15% of customers were receiving power compared with typical peak load. Today, that number was down to 13.7%, according to Department of Energy and Puerto Rican government status reports.

Puerto Rico Gov. Ricardo Rosselló said Sunday that he hopes to have 95% of power restored by December. The progress of the last week shows how difficult getting there will be, say groups working on the ground and energy analysts. The December goal "is indicative of the extent of the damage and the challenging terrain and geography," said Chris Chiames, a spokesman for Whitefish Energy Holdings, an energy company working with the Puerto Rico Electric Power Authority on the recovery.

From all sides, those trying to get the grid back up face challenges. Analysts who have studied Puerto Rico's grid gave several reasons the recovery is progressing so slowly.

1. Trying to put the electrical grid back together is a chicken and egg problem. Strange as it may sound, to get a grid working well, you need a strong existing grid to balance out problems that may occur. Electrical grids are self-serving systems that modulate power. Power plants run on synchronized intervals. When parts of a grid breakdown, it adds stress on the existing system.

2. The bad weather Puerto Rico has had in recent weeks is delaying progress.

3. Before Hurricane Irma, Puerto Rico has power plants had high outage rates.

4. Disorganization and lack of funding after the hurricane limited partnerships that would have helped.

Much of the island's turned to generators for the time being. The US Army Corps of Engineers has set up dozens of large generators and received a large new shipment over the weekend. These are used to power anything from homes to local services like police departments. Stores have been selling generators at a rate of over 200 per day, according to reports. Some say the generators are driving up bills beyond what's sustainable.

A Department of Energy spokesperson said more rapid improvements should be seen soon. But they are more likely to come in weeks than days. Today, the US Army Corps of Engineers,

which FEMA has tasked with helping rebuild the island's infrastructure, awarded a \$240 million contract to repair the power grid. That is expected to make a dramatic difference. "It's going to be a long process," he said. "The generators that arrived over the weekend. That was a big step forward. This is another step forward."

The Puerto Rico Electric Power Authority said it did not reach out for more help because it did not think it could afford it. Chiames said that Whitefish Energy, a company it did reach out to, wants to do more on the island but the surrounding recovery is holding them back. Whitefish has 200 linesmen on the island and plans to grow the workforce to more than 1000.

But the slow progress on recovery has held his teams back. "We are limited by the amount of equipment and other infrastructure issues (i.e., housing, road access)," he wrote to CNN via email. "We are not bringing workers to the island until we have concrete assignments for them to take on, the logistics for them to get to the sites, and the equipment to make the repairs."

## **Raw Sewage Contaminating Waters In Puerto Rico After Maria**

By Michael Melia

[Associated Press](#), October 16, 2017

CAGUAS, Puerto Rico (AP) — Raw sewage is pouring into the rivers and reservoirs of Puerto Rico in the aftermath of Hurricane Maria. People without running water bathe and wash their clothes in contaminated streams, and some islanders have been drinking water from condemned wells.

Nearly a month after the hurricane made landfall, Puerto Rico is only beginning to come to grips with a massive environmental emergency that has no clear end in sight.

"I think this will be the most challenging environmental response after a hurricane that our country has ever seen," said Judith Enck, who served as administrator of the U.S. Environmental Protection Agency region that includes Puerto Rico under President Barack Obama.

With hundreds of thousands of people still without running water, and 20 of the island's 51 sewage treatment plants out of service, there are growing concerns about contamination and disease.

"People in the U.S. can't comprehend the scale and scope of what's needed," said Drew

Koslow, an ecologist with the nonprofit Ridge to Reefs who recently spent a week in Puerto Rico working with a portable water purification system.

EPA officials said that of last week they still had not been unable to inspect five of the island's 18 Superfund sites — highly contaminated toxic sites targeted for cleanup because of risks to human health and the environment — including the former U.S. Navy bombing range on the island of Vieques.

"I just wish we had more resources to deal with it," said Catherine McCabe, the EPA deputy regional administrator.

Puerto Rico has a long history of industrial pollution, and environmental problems have worsened due to neglect during a decade-long economic crisis. A dozen over-packed landfills remain open despite EPA orders to close them because local governments say they don't have the money.

With homes damaged or destroyed, power lines obliterated and traffic chaotic, many of the EPA's own island-based personnel were unable to report for work immediately after the hurricane tore across the island on Sept. 20.

Twelve days after Maria made landfall, the EPA said it had 45 people in Puerto Rico. By Sunday that number stood at 85 — a force that Enck said was still insufficient.

Less than 20 percent of the island's power grid was back online, and while hundreds of large generators have been brought in, the U.S. territory's out-of-service sewage treatments plants include several that sit upstream of drinking water supplies.

One of Puerto Rico's biggest treatment plants discharges into a river that feeds Lake Carraizo, a reservoir that provides drinking water for half of the metropolitan San Juan area. Several of the plant's pumping stations remain out of service due to lack of diesel for generators, leaving sewage running into the lake.

"We're not going anywhere near it," resident Edwin Felix, 46, said, nodding toward the greenish brown river coursing past his hillside home.

That puts an extra strain on the filtration plants that give a final treatment to the water reaching the capital.

Officials say running water has been restored to 72 percent of the island's people. The water authority says it's safe to drink, though the health

department still recommends boiling or disinfecting it.

In the town of Juncos on Thursday, EPA personnel warned people who were swimming in a river by an overflowing manhole that it was contaminated by sewage because a pumping station had failed, said Jaime Geliga, chief of the agency's local municipal water program branch.

"That's the only water they get," he said. "That's the difficult part."

Even the island's own water authority has distributed water from some wells at the Dorado Superfund site, according to Gov. Ricardo Rossello, who said that water has been tested and complies with all federal health standards.

But the EPA said Sunday that some people have ignored fences and warning signs and have taken water for drinking from wells on other, more dangerous parts of Dorado, which was brought into the Superfund program due to dangerous levels of industrial chemicals in groundwater.

The agency put up new fences over the weekend and said it had taken samples from those wells, though the results of tests were not yet available.

Islanders also have been urged to avoid drinking or touching surface waters such as lakes or rivers, particularly after a deadly outbreak of suspected leptospirosis, a bacterial disease spread by animals' urine.

The EPA said it plans to dedicate more staff this week to inspect the roughly 250 small water utilities that serve remote, isolated communities and are typically in poor repair.

Many Puerto Ricans fear other existing threats could have grown worse.

In the southern coastal city of Guayama, residents long have protested the dumping of a several-story-high mountain of coal ash on the grounds of nearby power plant. The pile looks intact after the hurricane, but many fear the winds and flooding could have sent coal ash laced with heavy metals into adjacent neighborhoods.

Benjamin Planes Lugo, 70, lost the roof of the house he built with savings from running a gas station in New York, but he said he's more concerned about the ash, which he already blamed for his respiratory problems. The EPA said Sunday that it had visited the site and was awaiting test results.

"We're real worried about it," Planes Lugo said.



Enck, the former EPA administrator who also oversaw the cleanup after Superstorm Sandy in New York and New Jersey, said her successors should pull in staff from all over the country to address Puerto Rico's problems.

"They have to inspect every single landfill," she said. "EPA needs to go and look at how much material has moved offsite because, inevitably, it did."

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## **Desperate Puerto Ricans Line Up For Water — At A Hazardous Waste Site**

By Arelis R. Hernández And Brady Dennis  
[Washington Post](#), October 16, 2017

DORADO, Puerto Rico — Every 10 minutes or so, a truck or a van pulled up to the exposed spigot of an overgrown well, known as Maguayo #4, that sits not far from a bustling expressway and around the corner from a Krispy Kreme doughnut shop.

Fencing around the area had been torn open, and a red and white "Peligro" sign, warning of danger, lay hidden beneath debris and dense vegetation. One after another, people attached a hose to draw water for bathing, washing dishes and, in some cases, drinking. They filled buckets, jugs, soda bottles.

What many didn't realize is that the well is one of nearly a dozen that are part of the Dorado Groundwater Contamination Superfund site — designated last year by the Environmental Protection Agency as among the nation's most toxic sites.

Past testing here has shown the presence of tetrachloroethylene and trichloroethylene, solvents commonly used in industrial processes, which can cause health problems including liver damage and increased risk of cancer. The EPA has yet to identify the cause of groundwater contamination in the wells, and local water systems no longer draw from them.

But the aftermath of Hurricane Maria has brought desperation in many forms. In this corner of the island, many residents still have no reliable source of water and search for access wherever they can.

It's difficult to know just how many people have sought water from the Superfund site in the weeks since the Category 4 hurricane walloped

Puerto Rico and crippled its infrastructure. The central water authority continues to depend on generators and some limited electricity-grid power to keep pumps working at plants across the island. As of Sunday, the government announced it had restored service to nearly 70 percent of customers.

But for the families who live in Dorado, nothing is yet flowing in their homes. In a single hour on Saturday, more than four families arrived at the unsecured Maguayo well to draw water. None was aware of the potential dangers. Several assumed the well was part of the "Supertubo" that carries water to greater San Juan, roughly 20 miles to the east.

In the late morning, EPA officials arrived on the scene just as a man and two children were topping off a 50-gallon container on the back of his pickup. Andres, who declined to give his last name, said he had been using the water for bathing and had no idea it might be contaminated.

The dozen officials, armed with kits, gloves and other materials to conduct tests, hastily reassembled the broken chain-link fence near the spigot and restored the "Danger" sign.

Recent local testing showed that contamination levels were below legal thresholds, but EPA spokesman Elias Rodriguez said the agency remains concerned about any residents drinking from wells that are part of the site. Officials said Sunday that data gathered in 2015 showed some wells were contaminated — exceeding standards for volatile organic chemicals — while others met drinking-water standards. The entire area was included in the Superfund site boundaries as a "precautionary measure" because groundwater contamination can move over time, the EPA said.

An agency statement said that the results of the bacteria portion of its testing should be available by midweek and that its chemical analysis should be completed by the end of next week.

Residents unwittingly drawing water from a Superfund site is merely one example of Puerto Rico's dire lack of clean, reliable water. Government officials have said it could be months before power is fully restored across the island, which means that it could take nearly as long to get water flowing to all residents in need. National Guard troops and aid workers only recently began

reaching the most far-flung communities with bottled water and water trucks.

The massive disruptions have forced residents to forgo the basics of modern plumbing and resort to any means available to fill containers. Along Highway 10, which cuts a jagged north-south route through the center of Puerto Rico, vehicles frequently line the road shoulders as drivers search for spring water flowing from craggy mountainsides.

In the mountainous municipality of Comerio, flooding from the hurricane left residents cut off from the central government and outside aid. So locals used plastic pipes to install a crude system to reroute spring water to a clearing where, one by one, people could shower. Elsewhere, residents have slogged regularly to creeks to fetch water and to bathe.

With the lack of reliable water has come increasing fear of disease.

Already, the island government has identified four suspected deaths as a result of leptospirosis, a bacterial infection spread by animal urine in the soil or groundwater. The deaths won't be certified as "hurricane-related" unless the Centers for Disease Control and Prevention confirms lab samples indicating the victims became infected by drinking or having contact with contaminated water.

The health risks posed by water from the Maguayo well probably depend on the person, Rodriguez said. Any hazards might be more risky for vulnerable populations, such as elderly people or pregnant women.

Another EPA spokesman, Rusty Harris-Bishop, said government officials only recently learned that people were trying to get water at Superfund sites. In one case, a local resident contacted the agency to request access to a well.

Harris-Bishop said the EPA began sending assessment teams late last week to evaluate hazardous waste sites in Dorado, Hormigas and San German. After surveying those locations and two others, the agency says it believes residents were able to access wells only at the Dorado site, although officials acknowledge they have no way of knowing how many people carted away water before the site was again secured Saturday.

The EPA is working with the Federal Emergency Management Administration and the Army Corps of Engineers to ensure water trucks are reaching nearby neighborhoods. "We are

sensitive to the suffering and needs of these communities," Harris-Bishop said.

Dennis reported from Washington.

## **Sending Relief By Air And Sea To Puerto Rico From The Bronx**

By Rick Rojas

[New York Times](#), October 16, 2017

The pleas for help, arriving in text messages and on Facebook, have not relented, filling Lymaris Albors's phone since the hurricane that roared across Puerto Rico, her homeland. The people on the other end were asking for all sorts of things: food, generators, solar lights, tarpaulins to take the place of roofs shredded by the hurricane.

As she assembled the items and looked for ways to deliver them, her corner office in the South Bronx had been transformed into a makeshift command center. A growing list of needs covered one whiteboard. The logistical details of how she planned to ship them filled another. And there was yet another list, this one with the people and the groups on the island to whom she hoped to send aid.

"How and when," she conceded, "I have no idea."

Ms. Albors has a number of titles at the Acacia Network, a health and social services organization that is among the largest founded and run by New York's Puerto Rican diaspora. She is usually the chief of staff to the chief executive officer and vice president of business development. But for the past few weeks, her work has boiled down to one all-consuming job: coordinator, putting together the nonprofit organization's relief efforts for Puerto Rico.

Already, two planes loaded with supplies, including one with dozens of generators, had flown to the island, and Acacia employees had been dispatched there to help. Next, they planned to fill a cargo container, which would be sent by ship.

The work at Acacia is just one piece of New York's vast official and unofficial response, as Hurricane Maria's aftermath has, in many ways, both tested and underscored the bonds between the city and Puerto Rico.

There have been donation drives and fundraisers. Masbia, a network of soup kitchens, gathered batteries, hygiene products, diapers and oatmeal, and SoulCycle has planned a "relief

ride.” Tidal, Jay-Z’s music streaming service, chartered planes to carry supplies to Puerto Rico, and so did Bethenny Frankel, one of the “Real Housewives of New York.”

Ms. Albors, for her part, has been propelled by a sense of duty, her own bond with Puerto Rico. Work, though, has also given her a place to channel the despair and anxiety that the storm has stirred. She had heard from her nieces on the island; one, who spent the summer with her in New York, wiped tears from her eyes in a videochat with her aunt. Ms. Albors still had not talked to her mother.

“I can tell you that I can deal with everything in my life, except when my island is in crisis,” Ms. Albors said in her office a week after the hurricane made landfall. “There’s this deep-rooted love for Puerto Rico, and my family — everyone’s there. I’m the only one here.”

By a window, Ms. Albors had one more whiteboard. Any time she felt like Acacia had accomplished something, she wrote it there. She needed the reminder that progress was being made.

“We’re so committed to the island,” she said, her voice cracking. She repeated a line heard often in New York since the hurricane: “It is personal.”

The Acacia Network has a complex of buildings in the Mount Hope neighborhood of the South Bronx. Its work includes physical and mental health care services, alcohol and substance abuse treatment, vocational training, day care and nursing homes. Among its projects is an affordable housing residence for older people being built in the Puerto Rican city of Toa Alta.

After Hurricane Maria made landfall, on Sept. 20, organization officials said they decided almost immediately to start their own effort.

They began with a fund-raiser, with their own donation of \$1 million. (So far, they have raised another \$700,000.) Then, Ms. Albors heard from a children’s hospital that had enough food for its patients but not for relatives and others who were also in the hospital. Three days after the storm, she said, the organization found a supplier that was still open and paid for food.

And then there was the container. In a neighborhood of narrow streets, stubby blocks and pedestrians crossing wherever they please, the 53-foot long blue cargo container, through a

feat of truck driving, had been delivered to a slice of pavement outside one of Acacia’s buildings. A Puerto Rican flag hung off the front.

“Things that are needed, we’re sending,” Raul Russi, the chief executive of Acacia, said. “We’re just going to try it our way and see if we can get it done.”

On a recent evening, a crew loaded construction supplies and solar lights into the container. A truck on its way from Texas carrying 60 generators was somewhere near Philadelphia. As soon as those were placed inside, the container would be sealed, setting off for Puerto Rico in the morning.

Mr. Russi said he knew the container was a gamble, acknowledging the accounts of other shipments stalled at the port in San Juan. Even so, he was optimistic. If the supplies were not delivered to the intended recipients, he figured, it was likely they would end up with someone who needed them.

“If we can get through with one shipment,” Mr. Russi said, “then I’m going to keep working and send these shipments until either we run out of money or things get situated in Puerto Rico.”

The shipment carried items that had been on Ms. Albors’s list. Her cellphone is always in hand, almost always buzzing. “Every five minutes,” she said, “somebody gets access to Wi-Fi.” And like clock work, another message asking for help lands in her inbox. Some were sent directly to her, and others took a more circuitous route, funneling their way through the city’s Puerto Rican community.

One of those messages came from Christopher Young and Rosa de la Sota, the architects designing Acacia’s senior complex in Toa Alta.

They reached out about another affordable housing complex they had designed, near San Juan. They had checked on the residents after the storm and found, Mr. Young said, that they needed “just about everything”: food, water, cleaning supplies. Ms. Albors set up a line of credit with a local supplier for \$5,000.

“Really, it’s very fragile here,” he said. “Like everyone, we’re trying — day by day, in this new reality we’re living in Puerto Rico — to move forward.”

Since the storm, Ms. Albors has worked around the clock: late nights in the office, calls

with Mr. Russi first thing in the morning. Sleep, she said, has been difficult to come by.

"I always work like this," she said. "I'm always on a mission here."

But now the work also kept her occupied. Ms. Albors, who came to New York in 2000, grew up in Manatí, a city on the northern coast. Like much of the island, it, too, was pounded by the hurricane. Ms. Albors thought of her nieces and nephews — "They're my life," she said — and her mother, who is in her 70s and was alone in Manatí.

As the days wore on, the list of needs kept growing. The messages kept arriving. But she could tell a tide had shifted: Now, she was receiving pictures of smiling volunteers handing out bags of supplies and of teenagers cleaning the homes of older people. The other list, the one by the window, grew, too: More things were getting done.

Mr. Russi described the work as a collective effort. But Ms. Albors, he said, was at the center of it. "I can move things; I can make things happen," he said. "She has such great connections in Puerto Rico. She has a real good network and good sense of the island, so giving her charge of this thing has been a godsend."

The cargo container still had not made it to the island. It was supposed to take a week to get there, but then, the shipping company told her, it would be at least a week longer. But, she said, that had not halted their work: Another plane was bringing 50 more generators and more than 1,000 tarps.

And as her phone kept vibrating with messages, she received one she had been waiting for. There was a picture of her mother, leaning back in a rocking chair, safe and content. Ms. Albors, at last, felt a wave of relief.

## **Democrats Seek Tax Relief For Puerto Rico, Virgin Islands**

By Marcy Gordon

[Associated Press](#), October 16, 2017

WASHINGTON (AP) — A group of Democratic lawmakers are asking for tax relief for hurricane-stricken Puerto Rico and the U.S. Virgin Islands, saying people and businesses in the two U.S. territories don't enjoy the same benefits as those in the mainland.

The lawmakers are asking Rep. Kevin Brady, R-Texas, head of the tax-writing House Ways and

Means Committee, to work on legislation that would, for example, extend the earned income tax credit for low- to moderate-income workers to Puerto Rico and increase the amounts paid under the low-income housing tax credit.

The House last week passed a \$36.5 billion disaster aid package for Puerto Rico and the U.S. Virgin Islands. But that relief was "paltry" for the territories' residents "given that they are not able to avail themselves of some of the tax benefits we typically provide," said the lawmakers led by Democratic Reps. Joe Crowley and Nydia Velazquez, both of New York.

The request comes as Congress prepares to craft into legislation a nearly \$6 trillion tax overhaul plan pushed by President Donald Trump and GOP leaders. The plan, which Republicans view as an imperative for them to prevail in next year's midterm elections, proposes to nearly double the standard deduction, to \$12,000 for individuals and \$24,000 for families; dramatically cut taxes for corporations and potentially for individuals; shrink the number of personal income brackets; and simplify the tax system.

The Democratic lawmakers sent a letter Monday to Brady and Rep. Richard Neal of Massachusetts, the top Democrat on the Ways and Means Committee. Their spokesmen didn't have an immediate comment Monday.

The Democrats also asked the panel to provide additional funds for the new markets tax credit to help businesses that were lost in Hurricane Maria. The lawmakers requested the reinstatement of the tax credit for domestic manufacturers in Puerto Rico and its expansion to be applied to the Virgin Islands.

In addition, they are seeking the permanent reinstatement of the tax system for rum, in which the excise taxes collected on rum produced in Puerto Rico and the Virgin Islands was paid to the U.S. government but then transferred back to the territories.

Most residents of Puerto Rico don't have to pay federal personal income tax; they do pay into Social Security. Residents of the U.S. Virgin Islands pay income taxes to the local government that are deemed to be close in amount to what they would pay the federal government.

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## **FEMA Aid Approved For Louisiana Parishes Impacted By Harvey**

[Associated Press](#), October 16, 2017

BATON ROUGE, La. (AP) — Louisiana has been approved to receive federal assistance to help with recovery from Hurricane Harvey.

Gov. John Bel Edwards and members of the state's congressional delegation announced Monday that President Donald Trump signed off on the FEMA aid request.

Five days after striking Texas as a Category 4 hurricane in August, Harvey hit southwest Louisiana as a tropical storm.

The Edwards administration says FEMA assistance for government agencies and certain nonprofits will be available in 20 of the state's parishes. The program can reimburse them for debris removal, repair of damaged buildings and emergency response to the storm.

The state also is eligible for dollars aimed at fortifying communities, to make them less vulnerable to future storms.

Louisiana's request for FEMA aid to help individual households is under review.

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## **Department Of Homeland Security Hosts Training Summit For Flood Preparation**

By Chris Galford

[Homeland Preparedness News](#), October 16, 2017

The Department of Homeland Security Science and Technology Directorate (S&T) gathered together first responders and public safety professionals earlier this month for a summit focused on flood resiliency.

It was the third annual gathering of the National Geospatial Preparedness Summit (NGPS). It was held at the University of Alabama and engaged capacity building training. In terms of training, it brought in the S&T First Responders Group for workshops and preparing attendees with a real world scenario based on the 2015 Memorial Day flood in Texas. More than 200 people participated in the exercise.

"Flood is the leading cause of death by natural disasters in the U.S., Rebecca Harned, director of the National Alliance for Public Safety GIS (NAPSG) Foundation, said. "This past year,

as part of our role under S&T's Flood Apex program, we focused on identifying core information requirements needed to support better decision making prior to and during flood events. We validated that information in the exercise we conducted, and even put it into action by decision makers."

Preparedness followed response periods over the course of the exercise, with operators, decision makers, as well as technical and GIS staff on hand to communicate needs and share data between them to guarantee the best path forward. The S&T Flood Apex program team intends to use the information gathered from the event and comments from participants to further reform their research and projects in the future.

The occasion was also used to introduce a recent report from S&T known as Project Responder 5, which discusses emergency response capability needs resulting from current demands, current threats, environmental conditions and recent technology advancements, as noted by First Responder Resource Group members.

## **Some Homes That Repeatedly Flood Could Lose Insurance Under Proposed Federal Overhaul**

By Katie Leslie

[Dallas Morning News](#), October 16, 2017

WASHINGTON — As lawmakers look to rehabilitate the deep-in-debt National Flood Insurance Program, they're turning their focus to one of its most complicated problems: multiple loss properties.

These are the homes and businesses that repeatedly flood, leading the owners to file multiple claims. And while they're just 2 percent of the program's 5 million policies, they account for roughly 30 percent of flood claims — about \$17 billion — paid over the program's history, according to the Federal Emergency Management Agency.

The program could receive a boost as the House approved a disaster relief bill that would forgive \$16 billion of its debt, a decision that now heads to the Senate. But both the White House and Dallas Rep. Jeb Hensarling, chairman of the House Financial Services Committee, say changes are needed to bring the program closer to solvency.

Hensarling, a Republican, wants to step up buyout and mitigation efforts, while he and the White House both support measures that would make it easier to deny or drop coverage for some of the most flood-prone properties.

“As a card-carrying member of the fiscal conservative caucus, I’m here to say we’d be better off spending a whole lot more money on the front end to buy out these homes or to mitigate than we would spending hundreds of billions of dollars on the back end,” Hensarling said in a September interview with *The Dallas Morning News*.

Most say addressing multiple loss properties is common sense, but that could be nerve-racking for homeowners like Michael Bolton, whose northwest Houston home has repeatedly flooded over the past decade.

Bolton lived there for 17 years before it first took on significant water during Hurricane Ike in 2008. He had flood insurance, though he wasn’t required to carry it, unlike those who have federally backed mortgages and live in high-risk flood zones.

His house has flooded three more times since Ike, with payouts from the federal program totaling more than \$205,000 — not including Hurricane Harvey damage. According to his most recent appraisal, his property is worth \$206,000, down from \$230,000, he said.

He looked into elevating his home, but one contractor told him it would cost \$100,000, and another warned it would collapse if he tried.

He applied for a buyout from the Harris County Flood Control District, but was rejected last year in a district with thousands of more problematic homes.

He put his property on the market earlier this year, but has received interest only from investors offering him half its value, he said.

Now, as he watches neighbors cut their losses and move after Harvey caused the latest round of flooding, Bolton, 57, is weighing his options.

“If I had no equity, I’d walk away,” he said, later adding: “I’m too old for this.” Proposed legislation

One of the measures Hensarling’s committee passed earlier this year, as part of an upcoming five-year re-authorization of the program, would phase out existing discounts for some multiple loss properties. It would also increase the federal

assistance for mitigation and buyouts, something a committee spokesman said could help people like Bolton.

Wisconsin Rep. Sean Duffy’s 21st Century Flood Reform Act would also create a category of “extreme repetitive loss” for structures that have at least two separate flooding claims and payouts exceeding 150 percent of the maximum coverage value.

The legislation would give the program authority to deny continued coverage to those policyholders, if they refuse a mitigation offer.

The White House wants to go even further, allowing the flood program to drop coverage for extreme repetitive loss properties if “it is not in the best interest of the program’s financial solvency to renew coverage or make an offer of mitigation,” Office of Management and Budget Director Mick Mulvaney wrote to congressional leaders this month.

Last week, the House left out the Financial Services Committee’s proposals in its disaster aid bill, prompting Hensarling and a handful of Texans to vote against it.

Without changes, the flood program “will continue to subsidize and encourage people to live in harm’s way — putting their lives and property at risk,” Hensarling said in a statement. “This is unacceptable.”

Floodwater surrounded houses and apartment complexes in West Houston after Hurricane Harvey hit. (Jabin Botsford/*The Washington Post*)

#### Historic problems

The flood program’s debt ballooned after Hurricanes Katrina and Sandy, and it maxed out its \$30.4 billion borrowing limit soon after Harvey and Irma.

Harvey could cost flood insurers \$11 billion, but funds are running out

But several environmental experts say its problems were long in the making, in part because cities like Houston developed before federal flood maps were drawn. What’s more, many say the maps — which insurers and government officials use to assess risk — are out of touch.

Rice University and Texas A&M researchers found that FEMA’s flood maps for southeastern Harris County missed about 75 percent of the damages from Hurricanes Ike, Allison and three other storms, according to *The Associated Press*.

"FEMA's concept of flooding and flood plains is outdated," said James Blackburn, a Rice environmental law professor, who said the maps don't adequately account for rainfall changes and development-induced flooding.

Blackburn contends the very program intended to shield property owners from catastrophic loss is partly responsible for why many have remained in flood-prone zones. "Because if we had not been able to insure these houses that flooded, you would have seen them abandoned long ago."

He said Congress must step up its buyout efforts, a sentiment echoed by National Flood Insurance Program director Roy Wright in September.

For people like James Wade, who oversees the buyout program for the Harris County Flood Control District, that's welcome news.

The district has identified about 3,300 homes it wants to purchase to alleviate chronic flooding problems. It would need a whopping \$650 million to do it, he said. As of early October, his organization had just a fraction of that amount — about \$24 million, from two separate federal grants.

"You have to make recovery funds available immediately so that you capture the people before they rebuild and say you know what, I put time and money in, I don't want to leave now," he said. "Or before they sell to an investor ... and someone else moves in."

According to FEMA, which houses the flood insurance program, Texas has received more than \$331 million in hazard mitigation dollars to buy damaged homes since 1989.

Harris County has received the bulk of that money, about \$122 million. Dallas County, by comparison, received just over \$1 million in 2008. Looking ahead

Dan Delich, the head of the Plano-based Floodplain Alliance for Insurance Reform, said that problems with the flood program "are broader, deeper and more significant" than multiple loss properties.

Over the years, the program has been slammed with accusations of fraud and mismanagement, not to mention overcompensating private insurers who help sell the policies.

He isn't optimistic that Congress will succeed in approving a major overhaul before its spending

bill expires in December. Lawmakers in both the House and Senate have larger disagreements, such as whether to bar the program from insuring new construction in flood zones, how to address compliance issues, and over raising rates, which many fear could discourage new customers or cause others to drop coverage.

But despite the challenges, Delich doesn't view the federal program as an abject failure, as policyholders have paid into it, he said.

If you look at the program "as an actuarially sound program ... it's flawed, for sure," he said. "If you look at it as a disaster relief program, there's not another on the books that's been more successful."

## **CYBER NEWS**

### **Trump Administration To Order Agencies To Adopt New Email Security Standards**

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

### **DHS To Order Agencies Implement Email, Website Encryption Tools**

By Joseph Marks

[NextGov](#), October 16, 2017

The Homeland Security Department plans to issue a binding directive Monday requiring agencies to implement a slew of new email security protections.

The directive will give agencies three months to implement a tool called DMARC that helps prevent hackers from spoofing an email's sender, Assistant Secretary Jeanette Manfra said during a Global Cyber Alliance event in New York.

Agencies must also implement a separate email protection tool called STARTTLS, Manfra said.

The new requirement will help citizens "trust their online engagements with all levels of the federal government," Manfra said in a statement.

About 85 percent of consumer email inboxes use DMARC, including Google's Gmail, Microsoft's Outlook and Yahoo Mail. Google and Yahoo were among the founding contributors that helped develop the DMARC system.

DMARC stands for Domain-based Message Authentication, Reporting and Conformance and

STARTTLS is a form of TLS, or Transport Layer Security.

The order will also give agencies six months to secure their websites using the HTTPS web encryption system, according to a Global Cyber Alliance fact sheet.

The Obama White House previously set a Dec. 31, 2016 deadline for agencies to transition existing websites to HTTPS, but about 30 percent of agencies missed the deadline.

Homeland Security was granted authority to issue binding operational directives requiring other agencies to improve their cybersecurity based on language in the 2015 Cybersecurity Act and a 2014 update to the Federal Information Security Management Act.

The department often issues those directives quietly but occasionally broadcasts them. Most recently, the department ordered agencies to remove anti-virus software from the Russian firm Kaspersky from all government systems out of concern it had been co-opted by the Kremlin.

Kaspersky denies it has ever assisted Russian government hacking.

## **The U.S. Government Is Making Federal Communications More Secure**

By Selena Larson

[CNN Money](#), October 16, 2017

On Monday, the Department of Homeland Security directed federal agencies to implement better security protocols on government emails and websites.

Agencies will be required to use a technology that helps prevent email spoofing, or impersonating government agencies via email. It's called DMARC, or Domain-based Message Authentication, Reporting and Conformance. Further, every federal website must be accessible through a secure connection – that is, HTTPS instead of HTTP.

“We really think these two very simple-to-enable steps can have a dramatic influence in reducing common vulnerabilities that are commonly exploited by actors,” said Jeanette Manfra, the Assistant Secretary for Cybersecurity and Communications at DHS.

Hackers often use an email spoofing technique to fool someone into clicking on a phishing link that looks like it's from a trusted domain. DMARC can help prevent that. Research shows that organizations using the protocol

receive just 23% of email threats compared with those that don't, meaning spoofed emails are caught more often.

Agencies have 90 days to implement the new email protocols, and 120 days for the new web security standards. The DHS issued the orders as part of a binding operational directive, which does not apply to certain national security systems.

Senator Ron Wyden, an Oregon Democrat, has pushed for stricter communications security. In July, Wyden sent a letter to Manfra asking the DHS to mandate DMARC adoption across the federal government. He has also called on the government to require a form of stronger encryption called STARTTLS on government email. Monday's directive requires agencies to implement that, too.

“I've been pushing federal agencies to take cybersecurity seriously, and today's new policy is a good, basic step,” Wyden said in a statement. “STARTTLS encryption and anti-phishing technologies like DMARC are two cheap, effective ways to secure email from being intercepted or impersonated by bad guys. It's my hope that other government agencies recognize the clear security benefits of strong encryption, and that private sector companies move quickly to upgrade their own email security.”

A few agencies already enable DMARC, including the Federal Trade Commission and Social Security Administration.

Last summer an “email prankster” sent a number of fake emails to White House officials purporting to be from Jared Kushner, senior adviser to the president. The new email security won't prevent those types of emails – anyone can make a fake Gmail or Outlook account – but it prevents someone from sending an email looking like it came from an official White House email address.

The DHS also hopes that the move will compel businesses and organizations to adopt stronger email security. According to a report from the Global Cyber Alliance, even top security firms don't implement the DMARC protocol. But it is supported by 85% of consumer inboxes, including Google and Yahoo which use it to protect users from fraudulent emails.

“Cybersecurity can be a complex and sometimes overwhelming area for people to think about,” Manfra said. “What we're trying to focus on at DHS is: What are tangible things that people



can do, that enterprises and organizations can do, that will have these broad, scalable consequences to improve security of the internet as a whole?"

## **Federal Agencies Ordered To Adopt Basic Email Security Measures After Years Of Doing Nothing**

By Dell Cameron

[Gizmodo](#), October 16, 2017

The Trump administration is now pushing federal agencies to finally adopt basic security protocols designed to protect government emails against spoofing and phishing attacks.

Reuters reported on Monday that a senior cybersecurity official at the Department of Homeland Security (DHS) has confirmed that the agency will issue a "binding directive" which requires the implementation of long overdue security measures. Within the next 90 days, civilian agencies will be required to adopt both DMARC and STARTTLS, two easy-to-implement technologies already widely used in the private sector.

STARTTLS is a basic encryption protocol designed to prevent the interception of email messages in transit, whereas DMARC is an email authentication system that combines two decade-old technologies (SPF and DKIM) designed to detect email spoofing and in turn minimize successful phishing attempts.

While the US intelligence community has already widely adopted such measures—which only happened after significant prodding—the fact that most government agencies have not has long been a point of admonition among security experts. The agency responsible for managing the Pentagon's email systems announced just this summer that it intended to adopt STARTTLS, which has been around for about 15 years.

But civilian agencies—such as the Departments of Education, Commerce, and Energy—had yet to make such an announcement. As the leading civilian cybersecurity authority, Homeland Security is charged with ensuring that federal agencies adhere to best security practices, and it is authorized to issue binding directives enforcing the new policies.

According to Reuters, the order to begin implementing STARTTLS and DMARC is expected to come down later today.

While the Trump administration will be widely praised for the decision, which comes on the

heels of President Donald Trump declaring October to be "Cybersecurity Awareness Month," Senator Ron Wyden, Democrat of Oregon, deserves much of the credit.

Wyden wrote to DHS to push for DMARC adoption in July. Prior to that, he had publicly questioned the Department of Defense over why STARTTLS was not in use; the decision to adopt it followed shortly thereafter.

"I've been pushing federal agencies to take cybersecurity seriously, and today's new policy is a good, basic step," Wyden said in a statement. "STARTTLS encryption and anti-phishing technologies like DMARC are two cheap, effective ways to secure email from being intercepted or impersonated by bad guys."

Added Wyden: "It's my hope that other government agencies recognize the clear security benefits of strong encryption, and that private sector companies move quickly to upgrade their own email security."

## **DHS Orders Agencies To Adopt DMARC Email Security**

[FedScoop](#), October 16, 2017

The Department of Homeland Security issued an order Monday for federal agencies to adopt a form of email security that guards against spam and phishing.

CyberScoop's Shaun Waterman reported that Assistant Secretary for Cybersecurity and Communications Jeanette Manfra issued a binding operational directive from New York requiring federal agencies within 90 days to implement Domain-based Message Authentication, Reporting and Conformance (DMARC) for their email systems.

"It's a real sign that DHS and the federal government are stepping up and leading by example," said Phil Reitinger, CEO of the Global Cyber Alliance — a non-profit that advocates for internet security.

DMARC is the industry standard measure to prevent hackers from spoofing emails — making their messages appear as if they're sent by someone else. Spoofing is the basis of phishing, a hacking technique used in both crime and espionage, in which an email appearing to come from a trusted friend or company provides an infected attachment or directs readers to a website where login and password credentials can be stolen.

In a recent survey, 135 federal email domains had DMARC deployed, out of a total of 1315 .gov domains. But fewer than half of those have it actually activated.

## **Homeland Security Orders Federal Agencies To Start Encrypting Sites, Emails**

[ZDNet](#), October 16, 2017

Homeland Security is ordering federal agencies to deploy basic web and email security features in an effort to boost cybersecurity across government.

Up until now, Homeland Security had been pushing businesses and enterprise customers to enable HTTPS web encryption across the board, which helps secure data in transit but also ensures that nobody can alter the contents of the website you're visiting. The agency has also pushed DMARC, an email validation system used to verify the identity of an email sender, which helps to protect against inbound spoofed emails and phishing attacks.

Now, the Homeland Security has set its sights on government agencies, which have for years fallen behind.

The agency has issued a binding operational directive, giving all federal agencies three months to roll out DMARC across their networks. Enabling that email policy will prevent spammers from impersonating federal email addresses to send spoofed email.

The agency is also requiring within the next four months for all federal agencies to employ HTTPS.

If you thought the government already had that policy, you're not wrong.

In 2015, the Obama administration issued a directive that all federal government sites should be HTTPS by default by the end of 2016. More than two years later, about one-quarter of all federal sites still don't support basic website encryption.

Perhaps ironically, only 70 percent of all Homeland Security domains support HTTPS. Even fewer enforce the encryption by default.

The agency hopes that the remaining non-encrypted sites can get up to speed by early next year.

The order also asks that government agencies use other kinds of encryption, such as STARTTLS, a protocol that sends email over an

encrypted channel when it's available, on their email servers.

News of the announcement was lauded by one privacy-minded senator, who's been on a crusade to get federal agencies up to speed on security.

Wyden called today's move a "good, basic step," in a statement to ZDNet.

"STARTTLS encryption and anti-phishing technologies like DMARC are two cheap, effective ways to secure email from being intercepted or impersonated by bad guys," he said. "It's my hope that other government agencies recognize the clear security benefits of strong encryption, and that private sector companies move quickly to upgrade their own email security."

## **DHS To Require All Fed Agencies To Use DMARC, HTTPS, And STARTTLS**

By Dawn Kawamoto

[Dark Reading](#), October 16, 2017

The move follows a DHS review of federal government agencies' steps to secure email and deploy authentication technologies.

The U.S. Department of Homeland Security issued a binding operational directive (BOD) requiring all federal agencies that use .gov email and website domains to secure email and deploy authentication technologies in the coming months, the DHS announced Monday.

In the next 30 days, all federal agencies are mandated to develop a plan to implement the Domain-based Message Authentication, Reporting & Conformance (DMARC) security protocol, which is designed to prevent phishing and spamming attacks.

DMARC creates a whitelist of verified senders, then seeks to deliver only authenticated emails and delete fake ones before a user sees them. It also has the potential side benefit of reducing "shadow IT" by restricting the ability for company employees to send out unauthorized email campaigns.

Three categories of filtering exist under DMARC: monitoring email for phishing and spam, quarantining emails that fall into this category, and, lastly, deleting such emails.

Within the next 90 days, all federal agencies are required to have their DMARC plans in place and, at a minimum, have begun monitoring emails.

Over the coming year, the DHS aims to have 100% of federal agencies rejecting phishing and spam emails, said Jeanette Manfra, assistant secretary for the Office of Cybersecurity and Communications at the DHS, during a joint-press conference with the Global Cyber Alliance.

“Citizens who depend upon interaction with the government deserve a trusted relationship. So, if they see an email from the IRS or FEMA, they need to believe and trust it is an email from the IRS or FEMA,” Manfra said.

Additionally, within the next 120 days, all federal agencies will be required to use encryption on their websites via HTTPS and STARTTLS for email.

DHS has been working to implement DMARC over the past year and in the spring ramped up its efforts to encourage federal agencies to adopt the protocol. But, apparently, that was not enough.

“We felt in talking with all the agencies that we needed a little bit of a push to get people to really prioritize it and focus on it,” said Manfra, who noted the DHS has previously used a BOD in a few cases with federal civilian offices.

#### DMARC Industry Details

Google, Yahoo, and Microsoft email services support DMARC, providing a large leg up in migrating consumers to the security protocol. The DHS reports 4.8 billion inboxes worldwide support DMARC, accounting for 76% of global email accounts.

Federal agencies and enterprise companies are far from the 50% DMARC level, according to the DHS and industry reports.

Two-thirds of Fortune 500 companies, meanwhile, have not deployed any level of DMARC, according to an analysis of DNS records by Agari.

Agari’s report found 25% of survey respondents chose to only monitor email, 3% have a quarantine policy, and 5% have implemented a reject policy. Agari lumped the organizations that only monitor email into the category of not deploying any level of DMARC, because users would not have received the protection of having their emails quarantined or rejected.

#### DMARC Deployment Delays

The majority of DMARC deployments fail, according to a report last year by ValiMail. The report found 62% to 80% of DMARC efforts failed.

The protocol’s low adoption rate may be blamed, in part, on a lack of education by users, as well as a hesitation to try a new technology, industry experts say. ValiMail also pointed to a reluctance to change back-end email systems, which have complex DNS tables.

But the Global Cyber Alliance (GCA) says implementing DMARC is not difficult. Shehzad Mirza, GCA’s director of global operations, says the organization has a relatively easy DMARC setup guide on its website.

“Anyone with an email domain, small businesses, large businesses, should be using it,” Mirza says.

#### Enterprises Stand to Win

Enterprises will “absolutely” benefit from the mandate, says Patrick Peterson, Agari’s founder and executive chairman.

“This mandate will reduce risk for the enterprise as many phishing and malware attacks impersonate government agencies such as recent threats highlighting SEC and IRS spoofing. This leadership from DHS also sets a clear message that DMARC is valuable and should be implemented at scale which will drive enterprise awareness and adoption,” says Peterson.

Peter Goldstein, chief technology officer and co-founder of ValiMail, also agrees enterprises stand to benefit from the DHS mandate.

And although Goldstein applauds the DHS’s mandate, he cautions it is not enough to publish a DMARC record to the DNS.

“You have to get to enforcement to get real value out of DMARC,” says Goldstein. “At enforcement, receiving mail servers are instructed to quarantine (flag as spam) or delete messages that fail authentication. But getting there requires authenticating all of an organization’s legitimate senders — both internal and cloud services sending on their behalf.”

He noted that only 20% of companies succeed at reaching this point because of the complexity of modern email systems, which include dozens of cloud services a company may use to send emails on their behalf. As a result, it may prove tricky for many companies to get all of these services whitelisted, he says.

“We’re seeing progress in some areas, like the biggest financial companies,” Goldstein says. “But across the board, the rates of enforcement are still quite low.”

## **DHS Mandates New Security Standards For Federal Networks**

By Derek B. Johnson

[Federal Computer Week](#), October 16, 2017

The Department of Homeland Security is requiring agencies to use new email and web security guidelines that address man-in-the-middle attacks.

A binding operational directive from DHS gives federal agencies 90 days to implement a pair of tools, Domain-based Message Authentication Reporting and Conformance (DMARC) and STARTTLS. DMARC is an email authentication tool designed to prevent email spoofing and provide data on where a forgery may have originated. STARTTLS helps protect against passive man-in-the-middle attacks by allowing for email encryption while data is in transit.

The directive also requires agencies to switch all publicly accessible federal websites to HTTPS and HSTS-secure connections within 120 days. Doing so could potentially eliminate a large swath of security flaws that affect most federal government websites.

"According to DHS's Cyber Hygiene scanning data, seven of the ten most common vulnerabilities seen across federal agency networks at the issuance of this directive would be addressed through complying with the required actions in this directive related to web security," wrote Acting DHS Secretary Elaine Duke in a memo to Office of Management and Budget Director Mick Mulvaney.

The directive landed the same day as a dangerous flaw in the WPA2 protocol used to secure Wi-Fi routers was publicized. The United States Computer Emergency Readiness Team at DHS shared news of the discovery of a security bug that may leave nearly every Wi-Fi-enabled device open to man-in-the-middle attacks by malicious hackers.

The vulnerability allows hackers to potentially read and steal previously encrypted information sent over wireless networks, such as credit card numbers, passwords, cookies, chat messages, emails photos and other data, according to a website set up by the researchers who discovered the flaw, Mathy Vanhoef and Frank Piessens of the Belgium-based university KU Leuven.

The attack "works against all modern protected Wi-Fi networks," wrote the researchers,

who dubbed their flaw KRACK or Key Reinstallation Attacks.

In order to take advantage of the vulnerability, an attacker must be in close physical proximity between the network's access point and the victim in order to disrupt the timing and transmission of authentication data and trick users into reinstalling already-used keys.

"With a little cleverness, this can lead to full decryption of traffic streams," Matthew Green, cryptographer and professor at Johns Hopkins University, wrote on his cryptography blog.

Because the vulnerability exists at the protocol level, it affects most if not all personal and enterprise wireless networks. Certain operating systems, such as Android 6.0 and Linux, are particularly vulnerable.

In a statement, the Wi-Fi Alliance, a nonprofit industry organization dedicated to promoting best standards and practices around the technology, said there is no indication yet that the attacks have been used by other parties, and the problem can be largely fixed through straightforward software updates by platform providers.

## **Researchers Uncover Flaw That Makes Wi-Fi Vulnerable To Hacks**

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **'All Wifi Networks' Are Vulnerable To Hacking, Security Expert Discovers**

By Alex Hern

[The Guardian \(UK\)](#), October 16, 2017

The security protocol used to protect the vast majority of wifi connections has been broken, potentially exposing wireless internet traffic to malicious eavesdroppers and attacks, according to the researcher who discovered the weakness.

Mathy Vanhoef, a security expert at Belgian university KU Leuven, discovered the weakness in the wireless security protocol WPA2, and published details of the flaw on Monday morning.

"Attackers can use this novel attack technique to read information that was previously assumed to be safely encrypted," Vanhoef's report said. "This can be abused to steal sensitive information such as credit card numbers, passwords, chat messages, emails, photos and so on.

Vanhoef emphasised that “the attack works against all modern protected wifi networks. Depending on the network configuration, it is also possible to inject and manipulate data. For example, an attacker might be able to inject ransomware or other malware into websites.”

The vulnerability affects a number of operating systems and devices, the report said, including Android, Linux, Apple, Windows, OpenBSD, MediaTek, Linksys and others.

“If your device supports wifi, it is most likely affected,” Vanhoef wrote. “In general, any data or information that the victim transmits can be decrypted ... Additionally, depending on the device being used and the network setup, it is also possible to decrypt data sent towards the victim (e.g. the content of a website).”

Vanhoef gave the weakness the codename Krack, short for Key Reinstallation AttaCK.

Britain’s National Cyber Security Centre said in a statement it was examining the vulnerability. “Research has been published today into potential global weaknesses to wifi systems. The attacker would have to be physically close to the target and the potential weaknesses would not compromise connections to secure websites, such as banking services or online shopping.

“We are examining the research and will be providing guidance if required. Internet security is a key NCSC priority and we continuously update our advice on issues such as wifi safety, device management and browser security.”

The United States Computer Emergency Readiness Team (Cert) issued a warning on Sunday in response to the vulnerability.

“The impact of exploiting these vulnerabilities includes decryption, packet replay, TCP connection hijacking, HTTP content injection and others,” the alert says, detailing a number of potential attacks. It adds that, since the vulnerability is in the protocol itself, rather than any specific device or software, “most or all correct implementations of the standard will be affected”.

The development is significant because the compromised security protocol is the most secure in general use to encrypt wifi connections. Older security standards have been broken in the past, but on those occasions a successor was available and in widespread use.

Crucially, the attack is unlikely to affect the security of information sent over the network that

is protected in addition to the standard WPA2 encryption. This means connections to secure websites are still safe, as are other encrypted connections such as virtual private networks (VPN) and SSH communications.

However, insecure connections to websites – those which do not display a padlock icon in the address bar, indicating their support for HTTPS – should be considered public, and viewable to any other user on the network, until the vulnerability is fixed.

Equally, home internet connections will remain difficult to fully secure for quite some time. Many wireless routers are infrequently if ever updated, meaning that they will continue to communicate in an insecure manner. However, Vanhoef says, if the fix is installed on a phone or computer, that device will still be able to communicate with an insecure router. That means even users with an unpatched router should still fix as many devices as they can, to ensure security on other networks.

Alex Hudson, the chief technical officer of subscription service Iron, said that it is important to “keep calm”.

“There is a limited amount of physical security already on offer by wifi: an attack needs to be in proximity,” Hudson wrote. “So, you’re not suddenly vulnerable to everyone on the internet. It’s very weak protection, but this is important when reviewing your threat level.

“Additionally, it’s likely that you don’t have too many protocols relying on WPA2 security. Every time you access an HTTPS site ... your browser is negotiating a separate layer of encryption. Accessing secure websites over wifi is still totally safe. Hopefully – but there is no guarantee – you don’t have much information going over your network that requires the encryption WPA2 provides.”

There’s likely to be a delay before the vulnerability is used to actually attack networks in the wild, says Symantec researcher Candid Wuest. “It’s quite a complex attack to carry out in practice, but we’ve seen similar before, so we know it’s possible to automate.

“Small businesses and people at home should be concerned, but not too worried,” Wuest added, advising most users to simply apply the updates to their software as and when it becomes available.

The most important lesson from the weakness, he said, was that relying on any one security feature is risky. "You shouldn't be trusting one single point of failure for all your security. Don't rely on just your wifi, use a VPN or secure connection for anything important."

Different devices and operating systems are impacted to differing degrees based on how they implement the WPA2 protocol. Among the worst hit are Android 6.0 (Marshmallow) and Linux, due to a further bug that results in the encryption key being rewritten to all-zeros; iOS and Windows, meanwhile, are among the most secure, since they don't fully implement the WPA2 protocol. No tested device or piece of software was fully immune to the weakness, however.

The international Cert group, based at Carnegie Mellon University, informed technology companies of the flaw on 28 August, meaning that most have had around a month and a half to implement a fix. The Guardian has asked Apple, Google, Microsoft and Linksys the status of their patches. Google said: "We're aware of the issue, and we will be patching any affected devices in the coming weeks." Microsoft said: "We have released a security update to address this issue. Customers who apply the update, or have automatic updates enabled, will be protected." No other vendor has replied at press time.

Your iPhone's password demands aren't just annoying. They're a security flaw

## **Every Modern, Protected WiFi Network Is Vulnerable, Warns Government Cyber Watchdog**

By Hamza Shaban

[Washington Post](#), October 16, 2017

A top federal government cybersecurity watchdog issued an advisory on Monday, warning users to update their devices to protect against a newly discovered vulnerability that affects nearly every modern, protected WiFi network.

The U.S. Computer Emergency Readiness Team's announcement comes after a security expert at the University of Leuven in Belgium published findings that showed that a widely used encryption system for wireless networks could give attackers an opening to steal sensitive information such as emails, chat histories and credit card numbers.

The exploit would allow hackers to eavesdrop on Internet traffic between computers and wireless

access points. The findings are significant because of the wide range of devices that could be affected.

"The attack works against all modern protected Wi-Fi networks," Mathy Vanhoef said on a website he created to share his research. "Depending on the network configuration, it is also possible to inject and manipulate data. For example, an attacker might be able to inject ransomware or other malware into websites."

Vanhoef said any device that supports WiFi probably leaves itself vulnerable to this attack, called KRACK, for Key Reinstallation Attack. "During our initial research, we discovered ourselves that Android, Linux, Apple, Windows, OpenBSD, MediaTek, Linksys, and others, are all affected by some variant of the attacks," he noted on the website.

Cisco, Intel and Samsung were among the companies whose products were affected but have since updated their devices.

In a statement, Microsoft said the company "released security updates on October 10th and customers who have Windows Update enabled and applied the security updates, are protected automatically. We updated to protect customers as soon as possible, but as a responsible industry partner, we withheld disclosure until other vendors could develop and release updates."

Apple did not immediately respond to a request for comment, but Vanhoef noted that iOS and Windows devices were not the most vulnerable to the exploit. The attack, however, is "exceptionally devastating" for devices that run Android 6.0, Vanhoef found. Google said in a statement, "We're aware of the issue, and we will be patching any affected devices in the coming weeks."

Vanhoef noted that even when Internet users connect to secure websites that use the HTTPS protocol, they may still be at risk. "Although websites or apps may use HTTPS as an additional layer of protection, we warn that this extra protection can (still) be bypassed in a worrying number of situations," he said.

While he acknowledged that some of the attack scenarios discussed in his research are impractical to pull off, he said the bottom line is that you should still "update all your devices once security updates are available."

## US Warns Of Security Flaw Which Can Compromise Wi-Fi Connections

[AFP](#), October 16, 2017

The US government's computer security watchdog warned Monday of a security flaw in Wi-Fi encryption protocol which can open the door to attacks to eavesdrop on or hijack devices using wireless networks.

The disclosure by the government's Computer Emergency Response Team could potentially allow hackers to snoop on or take over millions of devices which use Wi-Fi.

The agency, part of the Department of Homeland Security, said the flaw was discovered by researchers at the Belgian university KU Leuven.

According to the news site Ars Technica, the discovery was a closely guarded secret for weeks to allow Wi-Fi systems to develop security patches.

Attackers can exploit the flaw in WPA2 — the name for the encryption protocol — “to read information that was previously assumed to be safely encrypted,” said a blog post by KU Leuven researchers.

“This can be abused to steal sensitive information such as credit card numbers, passwords, chat messages, emails, photos, and so on. The attack works against all modern protected Wi-Fi networks.

“Depending on the network configuration, it is also possible to inject and manipulate data. For example, an attacker might be able to inject ransomware or other malware into websites.”

The flaw was dubbed KRACK for Key Reinstallation AttaCK because it allows attackers to insert a new “key” on a Wi-Fi connection that keeps data private.

Security researchers said the newly discovered flaw was serious because of the ubiquity of Wi-Fi and the difficulty in patching millions of access points.

“Wow. Everyone needs to be afraid,” said Rob Graham of Errata Security in a blog post.

“It means in practice, attackers can decrypt a lot of Wi-Fi traffic, with varying levels of difficulty depending on your precise network setup.”

The Wi-Fi Alliance, an industry group which sets standards for wireless connections, said computer users should not panic.

“There is no evidence that the vulnerability has been exploited maliciously, and Wi-Fi Alliance

has taken immediate steps to ensure users can continue to count on Wi-Fi to deliver strong security protections,” the group said in a statement.

“Wi-Fi Alliance now requires testing for this vulnerability within our global certification lab network and has provided a vulnerability detection tool for use by any Wi-Fi Alliance member.”

## All Data That Move Across Wi-Fi Networks Could Be Susceptible To Hacking, Researcher Says

By Samantha Masunaga

[Los Angeles Times](#), October 16, 2017

Home and corporate Wi-Fi networks — and all the data, photos and messages transmitted across them — could be vulnerable to hackers, according to a computer security researcher in Belgium.

The vulnerability is in WPA2, the main protocol that protects Wi-Fi networks. Hackers can use a technique known as key reinstallation attacks, or Krack for short, to intercept information sent over networks that users thought were encrypted, the researcher says.

“Nobody has ever found this vulnerability,” said Matthew Green, assistant professor of computer science at Johns Hopkins University. “It’s pretty serious.” Who does this affect?

WPA2 is the “industry standard” and has been heavily relied upon as the “best level of protection for your information,” said Emma Garrison-Alexander, vice dean for cybersecurity and information assurance in the graduate school at the University of Maryland University College.

“It’s really the fundamental way our wireless communication is protected today,” she said.

Mathy Vanhoef, the researcher who discovered the protocol vulnerability, said on his website that any device that uses Wi-Fi is probably vulnerable. That means a router, a phone, a laptop, a smart TV or even a Wi-Fi enabled refrigerator that uses WPA2 protocol could be susceptible.

Vanhoef said the attack works against all modern protected Wi-Fi networks, and that his team found during its research that systems powered by Android, Apple, Windows, Linux and others were all affected by “some variant” of the attacks. Are some operating systems more susceptible than others?

Vanhoef said on his site that the key reinstallation attack was “exceptionally devastating” against Linux and Android 6.0 or higher. What’s the worst-case scenario?

A hacker could exploit this vulnerability in a Wi-Fi network and use it to capture the content of victims’ emails, browsing data to see what websites they visit, credit card information from online purchases, or photos and videos sent to friends.

“Any data information sharing that’s depending on that protocol for security” could be exposed, Garrison-Alexander said. Should I be freaking out?

Yes and no.

While the security implications are grave, researchers believe attackers must be physically proximate to their victims, and extremely skilled in hacking. That makes attacks against individuals less likely, at least for now, than attacks against corporate targets, which transmit large amounts of payment information, experts said. What should users do to protect themselves?

Cybersecurity researchers advise that users download a patch, or fix, from their device and router manufacturers as soon as they are available.

Microsoft Corp. said in a statement that the company released security updates last week and that users who have Windows Updates enabled and applied the security updates are automatically protected.

An Apple spokesman confirmed that the fix for the vulnerability is already patched into some devices that run beta versions of all of the company’s operating systems, including Mac OS, iOS, Watch and TV. A software update will be coming in a few weeks to patch the rest.

Google said in a statement that it is aware of the issue and will be patching any affected devices in the coming weeks. The company said Android partners have also been notified and will be issuing patches “as quickly as possible.”

Websites protected by HTTPS and encrypted email features could offer users an additional layer of protection, said Avi Rubin, professor of computer science at Johns Hopkins University and technical director of the university’s information security institute.

Concerned users could also avoid password-less file-sharing and avoid performing sensitive

transactions on devices that connect to many Wi-Fi networks or have many unencrypted apps.

## **Microsoft Responded Quietly After Detecting Secret Database Hack In 2013**

By Joseph Menn

[Reuters](#), October 17, 2017

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## **Kaspersky Finds Bug In Adobe Flash**

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **Adobe Warns That Hackers Are Exploiting Its Flash Software**

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **DHS, NASS Aim To Facilitate Election Security Comms Through New Council**

By Jane Edwards

[ExecutiveGov](#), October 16, 2017

The Department of Homeland Security met in Georgia with members of the National Association of Secretaries of State and other election executives to discuss the creation of a new council that seeks to facilitate communications between states and DHS in the event of a future cyber attack, the Washington Examiner reported Sunday.

The plan to establish a new government coordinating council came months after DHS designated election systems as critical infrastructure in January in response to Russia’s interference in the 2016 presidential elections.

“The other importance of the coordinating council actually being formed, is that there is so much activity on the federal level regarding legislation, I think this will give us, hopefully, a venue to help us inform members of the U.S. Senate and House of Representatives that states are taking an active role and we are doing a lot to prepare ourselves for the 2018 elections and



beyond," said Connie Lawson, NASS president and Indiana secretary of state.

Lawson said attendees also tackled the need to establish a chain of communication, objectives and deliverables for the proposed council at this weekend's meeting, which was also attended by Elections Assistance Council representatives.

## **Detering Cyberattacks**

By Susan Hennessey

[Foreign Affairs](#), October 16, 2017

In the two years before the 2016 U.S. presidential election, hackers targeted a number of prominent political organizations of both parties, including the Democratic National Committee (DNC), and managed to steal a trove of documents pertaining to the presidential campaign of Hillary Clinton. The hackers got ahold of private e-mails, including those belonging to Debbie Wasserman Schultz, the DNC chair, and John Podesta, Clinton's campaign chair. Some of these exchanges discussed hot-button issues such as the Clinton Foundation's fundraising or suggested that senior DNC figures had sought to aid Clinton in her primary campaign against Senator Bernie Sanders of Vermont.

As the presidential election drew near, a number of websites, including WikiLeaks, began publishing the stolen e-mails, fueling right-wing conspiracy theories about Clinton and generating anger among Sanders supporters. Donald Trump, the Republican presidential nominee, seized on the leaks to criticize his opponent; "I love WikiLeaks!" he declared at a rally in October. Meanwhile, Democrats seethed as reports emerged that the hackers were linked to Russian military and intelligence agencies.

Those rumors were officially confirmed in early October when the Office of the Director of National Intelligence and the Department of Homeland Security issued a joint statement asserting that the Russian government had been behind the hacking, which aimed to interfere with the election. In January, the ODNI released a declassified report stating even more definitively that the hacking had been part of a Russian attempt to "undermine the U.S.-led liberal democratic order" by sowing chaos and eroding faith in the democratic process. "There should be no fuzz on this whatsoever: the Russians interfered in our election," James Comey, the former director of the FBI, said in testimony before Congress in June. Comey had previously issued a

warning about the Russians: "They'll be back in 2020. They may be back in 2018, and one of the lessons they may draw from this is that they were successful because they introduced chaos and division and discord."

One reason strategy to deter cyberattacks or to respond strongly enough when such attacks have occurred. In the face of crafty and concerted assaults on U.S. interests, Washington's retaliatory measures have amounted to little more than largely symbolic sanctions and diplomatic slaps on the wrist. This has remained true even in the wake of Russia's unprecedented meddling in the 2016 presidential election. Put simply, the United States failed to deter Russia; instead, Russia has deterred the United States from meaningful retaliation.

## **Sources: Hope Remains For October House Vote On McCaul's DHS Cyber Bill**

By Charlie Mitchell

[Inside Cybersecurity](#), October 16, 2017

Productive talks are continuing among a handful of House committees on legislation to consolidate and elevate the Department of Homeland Security's cybersecurity functions, sources said late last week, with floor action still possible before the end of October.

The House Homeland Security Committee in July passed a bill to reorganize DHS' National Protection and Programs Directorate into a cyber agency, and discussions ensued involving the homeland security panel and the Energy and Commerce, Oversight and Government Reform and Transportation...

## **Classified Data Not Compromised In 2016 Australian F-35 Info Breach**

By Nichols Martin

[ExecutiveGov](#), October 16, 2017

The Pentagon's F-35 joint program office has said a cybersecurity breach of technical aircraft information from an Australia-based supplier in summer 2016 did not compromise sensitive data, Defense News reported Friday.

F-35 JPO spokesman Joe DellaVedova told Defense News the office was aware of the hacking incident that affected non-classified information.

Reuters reported Thursday nearly 30 gigabytes of commercial data on the F-35 and P-8

Poseidon surveillance aircraft were stolen during the hack.

Australia's cybersecurity center said in its 2017 Threat Report report it addressed 734 breaches related to "systems of national interest" for the Australian government's fiscal year ended June 30 and pointed to defense contractors as primary target of cyber attacks.

An unidentified malicious actor exploited a flaw within an information technology helpdesk portal managed by an Australian defense company last year and gained access to data related to certain aircraft platforms including F-35, ZDNet posted Wednesday

Mitchell Clarke, an incident response manager at Australia's signals directorate, said the hacked information was regulated under the International Traffic in Arms Regulations and urged the Australia's government to establish strict security controls requirements for contractors to prevent similar attacks.

## **Energy Department's Cybersecurity Needs Improvement**

By Armin Haracic

[Fifth Domain Cyber](#), October 16, 2017

The Department of Energy needs to better its cybersecurity initiatives for the next fiscal year, according to DOE's Office of Inspector General.

The OIG set out to determine whether the agency's unclassified cybersecurity program provides proper protection for DOE's information systems operations and assets, as required by the Federal Information Security Modernization Act of 2014.

The OIG's FY 2017 independent evaluation found the closure of 13 of the prior fiscal year's 16 weaknesses, and a reduction of nine vulnerability management findings in FY 2016 to five in FY 2017.

However, the report stated that "issues related to vulnerability management, system integrity of web applications, and access controls continue to exist."

For example, DOE operates nearly 100 entities nationwide and the evaluation found at least three locations that had workstation and server software no longer supported by the vendor or that had missing security patches. There were also laptops, servers and workstations that were missing antivirus software updates that protected information system assets.

Further issues included one location's security program's inability to properly prevent malicious input data. The report indicated that should this ineffective program be exploited, it could allow unauthorized access to the DOE's IT resources, potentially giving attackers the opportunity "to compromise legitimate users' workstations and application login credentials."

There were also issues related to control weaknesses, notably a lack of adequately enforced identification and verification requirements and poorly implemented logging capabilities for monitoring user activities. These factors led to the existence of still-registered user accounts for personnel no longer with the DOE and 223 privileged users still having system access despite exceeding password expiration limitations.

The report found that these issues persisted due to the DOE's failure to fully develop/implement their intended cybersecurity policies and procedures.

For instance, the department's "current configuration and security patch processes" did not ensure that their cybersecurity remained up to date, an issue leftover from prior fiscal year evaluations. The department also inconsistently implemented adequate risk and performance management programs, including security testing that ineffectively monitored IT programs at certain locations.

The report concluded that should there be a perpetual lack of cybersecurity improvements, particularly when it came to enhanced controls and vulnerability management, the DOE's information systems' program could become increasingly vulnerable to "higher-than-necessary risk of compromise, loss and/or modification" by cyber attackers.

Noting remediation efforts but also the DOE's consistently pervading cybersecurity management issues, the OIG gave 30 recommendations to programs and sites to help better the department's cybersecurity capabilities, including the need to address phishing and malware, continuous monitoring, multifactor authentication and PIV card implementation for local, remote and application access, among other areas of concern.

Management concurred, indicating that corrective actions had been initiated or were

planned to address the issues identified in the report.

## **OTHER DHS NEWS**

### **Amid Fears Of Violence, Florida Governor Declares Emergency Ahead Of Spencer Speech**

By Arek Sarkissian

[USA Today](#), October 16, 2017

TALLAHASSEE — Gov. Rick Scott has declared a state of emergency as hundreds of law enforcement officers from across the state gather at the University of Florida in advance of a Thursday event by white nationalist Richard B. Spencer.

Alachua County Sheriff Sadie Darnell had asked Scott to declare the emergency as the university prepares for Spencer's visit. The governor's executive order places the state agency usually responsible for hurricanes at the front of the effort to preserve order during the event. It also places the Florida National Guard on standby.

Anti-fascist groups, known as Antifa, plan to protest the white nationalist event. Both sides have talked on social media about using violence.

"I find that the threat of a potential emergency is imminent and hereby declare a state of emergency in Alachua County," Scott wrote in an executive order he signed on Monday.

Darnell's agency is equipped and trained as a specialized regional task force for the federal Department of Homeland Security. But uncertainty over the groups that may show up led her to request as many resources as possible.

"What was needed was the ability to reach out to some specialty teams," Darnell said. "We've never been able to predict the unknown and we just don't know what to expect."

Spencer said the emergency declaration was overkill and is a maneuver that should be reserved for a hurricane or an invasion. He worried Scott's order was meant to eventually cancel his event.

"If someone is coming to speak I feel like declaring the state of emergency is out of bounds," Spencer said. "I feel like this may be an excuse to cancel the event but I simply don't know."

"There's no good reason why the speech shouldn't take place," Spencer said.

Scott wrote in a statement about the declaration that freedom of speech is a right, but the government must also preserve the safety of its citizens.

"We live in a country where everyone has the right to voice their opinion, however, we have zero tolerance for violence, and public safety is always our number one priority," Scott said. "This executive order is an additional step to ensure that the University of Florida and the entire community is prepared so everyone can stay safe."

Spencer said he expected the 800-seat center to be full. Darnell said she did not have a crowd estimate for people who will fill parking lots around the Phillips Center.

University officials said the price tag for security at Spencer's event will be \$500,000. Spencer's National Policy Institute paid the school \$10,000 to rent the Phillips Center for the Performing Arts. At least 500 law enforcement officers are expected to be on hand.

Scott's emergency declaration places the state Division of Emergency Management in control of all coordination efforts before and after the event. Safety measures will be headed by the Florida Department of Law Enforcement.

Spencer's appearance was made public earlier this month after the university reversed a decision that had canceled a similar event in September. Spencer is a leader of the alt-right, which organized an August rally in Charlottesville, Virginia that turned deadly.

Under threat of lawsuit, UF President Ken Fuchs said the First Amendment required the university to allow Spencer's event. He also asked students and staff to ignore it.

"The values of our university are not shared by Mr. Spencer, the National Policy Institute or his followers," Fuchs said in a video posted to the university president's Facebook page. "Our campuses are places where people of all races, origins and religions are welcomed and are treated with love."

Fuchs later added, "I urge everyone to stay away from the Phillips Center on Oct. 19."

Similar to a natural disaster like a hurricane, Scott's executive order allows public agencies to bypass laws that govern how they spend money. It also grants authority to any law enforcement officer who comes from outside Alachua County.

## Florida Governor Declares State Of Emergency In Advance Of Richard Spencer Event

By Susan Svrluga

[Washington Post](#), October 16, 2017

Florida Gov. Rick Scott declared a state of emergency Monday in anticipation of a speech by white nationalist Richard Spencer at the University of Florida.

Scott warned in an executive order that a “threat of a potential emergency is imminent” in Alachua County, where the public university is located.

The order was intended to help with law enforcement agencies’ response to rallies planned for Thursday, the governor said in a news release.

Spencer led hundreds of torch-bearing white supremacists, white nationalists and others on a march chanting, “You will not replace us” and “Jews will not replace us,” at the University of Virginia in Charlottesville in August. The group fought briefly with counterprotesters, and violence worsened the following day when a man drove a car into a crowd of people protesting a planned “Unite the Right” rally, killing a woman and injuring others.

A state of emergency was declared in Virginia after that violence.

In the days afterward, the University of Florida told Spencer he could not hold an event he had planned on campus. After his supporters and a lawyer questioned that decision on First Amendment grounds, the university allowed Spencer to schedule his speech and question-and-answer session for Thursday.

University officials have done extensive planning for the event and said they plan to spend \$500,000 on security.

The governor’s executive order will allow local law enforcement officials to work with state and other agencies. Scott is also activating the Florida National Guard to help if needed.

“This worries me. I don’t get it,” Spencer said about Scott’s order. “I hope he’s doing this with good intentions.”

He said the order won’t change his plans. “I’m going to play ball,” Spencer said. “My people are in constant contact with security. We’re moving forward in good faith.”

Spencer said his followers won’t instigate violence. If altercations occur, he said, it will be because somebody else starts it.

“It’s these antifa groups,” Spencer said, referring to the anti-fascist movement. “They’re thugs. Nasty, nasty people.”

Scott said in a statement that he had been in constant contact with the Alachua County sheriff, who requested the order to ensure county and local law enforcement agencies have every available resource.

The governor called it an additional step to ensure the University of Florida and Gainesville are prepared, and that safety is maintained.

“We live in a country where everyone has the right to voice their opinion,” Scott said, “however, we have zero tolerance for violence and public safety is always our number one priority.”

Alachua County Sheriff Sadie Darnell said she sought the declaration because of uncertainty surrounding what law enforcement will encounter.

The sheriff said she and the governor spoke several times over the weekend. “I pitched it to him and that it would help us a great deal to have that latitude,” Darnell said.

That includes allowing her to purchase more equipment quickly. Darnell said she wants to get more radios so all of the agencies involved — from campus police to the Florida National Guard — can communicate.

“We have looked at what happened in Charlottesville and Berkeley,” Darnell said, referring to events in Virginia and at the University of California at Berkeley. “We’re not being alarmist. But we want to be prepared.”

## Florida Governor Rick Scott Declares State Of Emergency Over Richard Spencer

By Steve Bousquet

[Miami Herald](#), October 16, 2017

Gov. Rick Scott on Monday declared a state of emergency in Alachua County three days ahead of a scheduled speech at the University of Florida campus in Gainesville by the white nationalist Richard Spencer.

“I find that the threat of a potential emergency is imminent,” Scott said in a seven-page executive order. Scott placed Wes Maul, the recently-promoted 29-year-old interim state emergency management director, as the state coordinating officer “for the duration of this emergency,” including giving Maul the authority to deploy law enforcement officers and to suspend state laws if necessary.

Maul had been chief of staff at DEM to Bryan Koon, who resigned Oct. 1 for a job in the private sector.

The governor's order, Number 17-264, gives all state agencies the power to suspend rules and regulations, including for purchasing, travel and personnel actions. Scott also activated his authority as governor to spend surplus money as he deems necessary.

In a statement, Scott said: "We live in a country where everyone has the right to voice their opinion. However, we have zero tolerance for violence and public safety is always our number one priority. I have been in constant contact with Sheriff Darnell who has requested this Executive Order to ensure that county and local law enforcement have every needed resource. This executive order is an additional step to ensure that the University of Florida and the entire community is prepared so everyone can stay safe."

The order activates Florida's Mutual Aid Plan to allow the state and the sheriff's office to "quickly coordinate resources from other state, county and municipal law enforcement agencies," Scott's office said.

The governor's order designates the Florida Department of Law Enforcement (FDLE) as the lead agency for crisis management. FDLE Commissioner Rick Swearingen reports to Scott and the three elected Cabinet members.

Scott's order noted that prior speeches by Spencer in Virginia, Alabama, California and Texas "have sparked protests and counter-protests resulting in episodes of violence, civil unrest and multiple arrests."

## **Rick Scott Wants \$1 Million For Security For Jewish Day Schools Across Florida**

By Kevin Derby

[Sunshine State \(FL\) News](#), October 16, 2017

At an event at Katz Hillel Day School in Boca Raton on Monday, Gov. Rick Scott announced that he would propose \$1 million in funding to boost security for Jewish Day Schools across the Sunshine State. That's up from last year when \$654,000 was used for security at these schools.

Scott made the case for why these funds are needed.

"Every Florida student deserves to have the opportunity to learn in a safe and comfortable setting," Scott said. "After Florida's Jewish

community received hateful threats last year, we saw the need to provide additional security so the children that attend Jewish Day Schools can learn without having to worry about feeling threatened. While last year's investment will make a huge difference, we must continue to do more. I look forward to working with the Legislature to provide this important funding and will continue to work with our federal partners and members of Florida's Jewish community to ensure the safety of families and students."

Scott is not the only office holder from Florida warning about rising anti-Semitism. Back in February, more than 150 members of Congress signed onto a letter from a Florida congresswoman urging the U.S. Justice and Homeland Security Departments and the Federal Bureau of Investigation (FBI) investigate bomb threats to more than 50 Jewish Community Centers (JCCs) in 26 states. Freshman U.S. Rep. Stephanie Murphy, D-Fla., wrote the letter to U.S. Attorney General Jeff Sessions, Homeland Security Sec. John Kelly and FBI Director James Comey asking for a federal investigation of the wave of recent threats.

Murphy paired with U.S. Rep. Joe Crowley, D-NY, to write the letter. From the Florida delegation, Republican U.S. Reps. Gus Bilirakis, Vern Buchanan, Carlos Curbelo, Mario Diaz-Balart, Bill Posey and Ileana Ros-Lehtinen signed the letter as did Florida Democrats U.S. Reps. Kathy Castor, Charlie Crist, Val Demings, Ted Deutch, Lois Frankel, Alcee Hastings, Darren Soto, Debbie Wasserman-Schultz and Frederica Wilson.

"These bomb threats are unacceptable," Murphy said. "Federal law enforcement agencies must do everything within their power to punish those responsible for the threats that have already taken place, to prevent future threats from occurring, and to ensure these threats are never converted into action. This letter urges senior federal officials to advise Congress on the steps that are being taken to deter these threats from being made, to identify and prosecute the perpetrators, and to enable JCCs to enhance security measures such as physical barriers and guards.

"As the letter notes, these phone calls have a severe economic, as well as emotional, impact," Murphy added. "JCCs provide a range of educational and community services for Jewish

and non-Jewish individuals and families, with a particular focus on children and youth. The individuals who make these calls no doubt recognize that bomb threats can compromise a JCC's financial future."

Back in April, the Anti-Defamation League (ADL) released its annual "Audit of Anti-Semitic Incidents" which found anti-Semitic incidents rising 34 percent in 2016 and 86 percent in the first three months of 2017.

"There's been a significant, sustained increase in anti-Semitic activity since the start of 2016 and what's most concerning is the fact that the numbers have accelerated over the past five months," said Jonathan Greenblatt, the CEO of the ADL. "Clearly, we have work to do and need to bring more urgency to the fight. At ADL, we will use every resource available to put a stop to anti-Semitism. But we also need more leaders to speak out against this cancer of hate and more action at all levels to counter anti-Semitism."

### **Travelers From 9 States Will Need Passports For Domestic Flights In 20**

[Atlanta Journal-Constitution](#), October 16, 2017

The deadline is approaching for nine states that have yet to update state IDs in compliance with the REAL ID Act, which was passed in 2005.

As a result, residents in those nine states will have to present a valid U.S. passport – instead of a driver's license or ID – to travel within the U.S. and beyond.

Travelers who live in the following states will be affected:

Other forms of identification that will be accepted by TSA at airports for travelers living in those nine states will be a permanent resident card/green card or a military ID. Other forms of acceptable identification are listed on the official TSA website.

Some states have started working to provide residents with other forms of federally approved identification that would allow travelers to avoid ordering a passport for domestic travel, Forbes reported. Travelers are encouraged to check with local government officials for any potential options.

Those who visit airports starting Jan. 22 without acceptable identification will not be allowed through airport security.

The REAL ID Act came after 9/11 as an effort to ensure safer travel within the US. According to Clark Howard, despite the fact that Congress passed the act 10 years ago, enforcement of the new regulations wasn't pushed until 2013.

Some of the nine states are scrambling to update state IDs to meet compliance standards in the next three months. Budget shortages have delayed some states, including Oklahoma, from making the ID updates.

Those who live in one of the nine states that do not have TSA-compliant IDs may want to consider ordering a passport sooner rather than later. It generally takes four to six weeks to process passport orders, according to the Department of State.

### **Tribe, State Continue To Address Real ID Issues**

By Noel Lyn Smith

[Albuquerque \(NM\) Journal](#), October 16, 2017

The New Mexico Motor Vehicle Division will now accept a Certificate of Indian Blood and an affidavit of birth issued by the Navajo Nation Office of Vital Records in lieu of a birth certificate when obtaining a driver's license, identification card or driving authorization card.

The announcement was made by tribal and state officials at a town hall meeting Friday at Navajo Technical University in Crownpoint.

Another change is that the motor vehicle division will accept utility bills that include physical location of residences, such as those sent by the Navajo Tribal Utility Authority, officials said.

The changes were the result of consultation between the two governments to address issues tribal members had in complying with regulations set by the Real ID Act.

New Mexico started issuing driver's licenses and identification cards in November 2016 that comply with the federal Real ID Act of 2005 in addition to issuing non-compliant driving authorization cards.

Speaker LoRenzo Bates said council delegates started meeting with motor vehicle division officials to address driver's license and identification card issues.

The opportunity also helped the tribe in sharing information with the state about the tribe's vital records office, which issues the Certificate of Indian Blood and affidavits of birth.

"We've made a huge accomplishment as a result of sitting down, discussing and exchanging information," Bates said.

The purpose of the town hall meeting was to share information about the Real ID Act and provide an opportunity for tribal members to share their concerns.

Jerry Valdez, deputy director for the motor vehicle division, said complying with the Real ID Act is a statewide issue, including questions about required documentation and addressing name changes.

A driver's license now goes beyond authorizing a person to operate a vehicle due to the Real ID Act, he said adding a license is required to enter federal buildings to picking up a prescription at a pharmacy.

"It's everything. Your credential is who you are," Valdez said.

As part of efforts to help residents, the division had its mobile unit visit Crownpoint on Wednesday and Thursday.

The service resulted in 50 people renewing or obtaining driver's licenses and identification cards, Valdez said.

Nahodishgish Chapter resident Felicia John was at the meeting on behalf of her 93-year-old grandmother.

John said her grandmother wants to renew her identification card but is facing a problem because her name on her affidavit of birth does not match her name on other documentation.

To remedy the situation, John said her grandmother will file a name change with the court but explaining the process to her in the Navajo language has been a challenge.

Since an original or certified copy of a state birth certificate is listed as a required document to prove a person's identity for a driver's license or identification card, some tribal members have been seeking delayed birth certificates.

Nancy Joe, a vital statistics technician for the tribe's vital records office in Shiprock, said the office has been partnering with the state Bureau of Vital Records and Health Statistics to help tribal members receive delayed birth certificates.

This collaboration has resulted in events where personnel assist with issuing delayed birth certificates in Shiprock.

On Monday and Tuesday, personnel from both offices will once again hold an event to

answer questions and assist in obtaining delayed birth certificates.

The event will be from 1 p.m. to 4:30 p.m. Monday and from 8:30 a.m. to 4:30 p.m. Tuesday, both at the tribe's vital records office in Shiprock.

The motor vehicle division mobile unit will be on site to provide services.

Noel Lyn Smith covers the Navajo Nation for The Daily Times. She can be reached at 505-564-4636.

## **Pressing, Multiplying Biodefense Issues Plague U.S., Experts Say**

By Kim Riley

[Homeland Preparedness News](#), October 16, 2017

The Blue Ribbon Study Panel on Biodefense, a privately funded group established in 2014 to ascertain the current biodefense capabilities of the United States and issue expert recommendations to encourage change, has grown increasingly worried about microbial forensics and biological attribution.

And according to recent statements from several experts, it's no wonder why.

"The diffusion of technical expertise coupled with the biotechnology revolution, drastically increases the threat of bioterrorism. New technologies have decreased resources and financial requirements for entry, and increased capabilities that could be misused by a determined bioterrorist. We need core microbial forensic laboratory capabilities to enable attribution," said Dr. Gerald W. Parker, Jr., director of Texas A&M University's Pandemic and Biosecurity Policy Program at the Scowcroft Institute for International Affairs and associate dean for Global One Health in the College of Veterinary Medicine.

Involved in biodefense since 1982, Parker recently told the panel that he feels like he has "been at the eye of the storm witnessing evolving biological threats over my career."

"And today, I am more concerned than ever about the risk of biological threats—whether from outbreaks, accidents or attacks—and the need to underpin no-regret attribution decisions with a sound scientific foundation in microbial forensics," Parker said during a panel meeting held earlier this month.

Attribution to determine who was responsible for an attack, whether a crime, act of terror, or

warfare is essential to hold those responsible accountable for their actions, prevent future attacks and serve as a deterrent, he said.

Attribution and the supporting microbial forensic sciences also are important to exonerate and rule out suspected perpetrators, whether a nation state, terror group or criminal that is innocent, Parker said.

“The stakes could be very high, particularly when a nation state is involved or suspected, and a rush to judgment before the science and evidence are in, should be avoided,” said Parker. “Decisions to attribute, especially a nation state, will be consequential, no-regret decisions that must be guided by a strong scientific and evidentiary foundation.”

#### Online biocrimes

Essentially, microbial forensics and biological attribution are used to find out who, how and what disease agent was used, and where it was obtained following a biological attack.

And as biological threats and attacks increase worldwide, the risks are heightened for the United States, a fact the Blue Ribbon Study Panel on Biodefense has belabored since 2015 when it issued its national reform blueprint, which specifically includes Recommendation 9 saying the nation lacks biological attribution capabilities due to “the inherent challenges associated with microbial forensic techniques and related analyses.”

Today the panel continues advocating for the establishment of a national biological attribution decision-making process that would be overseen by the U.S. vice president; developed by the secretaries of the departments of State, Defense and Homeland Security (DHS), as well as the Attorney General and the Director of National Intelligence; and run by the Federal Bureau of Investigation (FBI), which also would be in charge of the National Bioforensics Analysis Center (NBFAC) where biological forensics and attribution work would be handled.

The panel is also concerned about U.S. President Donald Trump’s FY 2018 budget request, which would eliminate biological attribution and biodefense functions from DHS and close the National Biodefense Analysis and Countermeasures Center in Maryland, which houses the NBFAC.

“Terminating funding would leave the country without a core investigative tool for biocrimes and

bioterrorism,” panel co-chairman and former Sen. Joseph Lieberman said.

Specifically, the NBFAC conducts technical analyses in support of federal law enforcement investigations and attempts to coordinate multi-agency biological forensic efforts. The NBFAC currently is administered by the DHS Science and Technology Directorate, which the panel says in its blueprint has caused NBFAC to struggle to coordinate with and serve other agencies “because its scientific goals sometimes run at cross-purposes to those of the operational communities it could serve.”

In addition to proposed budget cuts, the panel also is concerned about biothreats from virtual terrorists, who, like their offline counterparts, are tantalized by biological agents for several reasons: detection is tough, production is cheap, incubation periods allow ample get-away times, they’re simple to unleash, and common technology to produce and deliver warfare agents are readily available. Virtual terrorists now can gather online what’s needed to build deadly pathogens that may be used as weapons.

For instance, there’s the Clustered, Regularly Interspace, Short Palindromic Repeat (CRISPR) technique—a recent and significant scientific breakthrough that allows DNA code to be removed and replaced with new genes—that’s been used by virtual terrorists or even unknowing amateurs who can buy a cheap, online kit to reconstruct or edit DNA in their own makeshift synthetic biology labs.

Because CRISPR techniques now are “feasible for a greater range of users,” fears have increased that “in the wrong hands, the procedure could unleash dangerous strains of bacteria or other organisms,” explains Daniel Wagner, managing director of risk solutions at Risk Cooperative, in an Oct. 2 Huffington Post contributed piece.

“Prior to CRISPR, editing DNA required sophisticated labs, years of experience, a PhD degree, and many thousands of dollars,” Wagner writes. “Today the simple do-it-yourself CRISPR kits could enable virtual terrorists targeting the food supply chain to alter the avian influenza genome and engineer a large bird flu epidemic, similar to the 2009 H1N1 epidemic in Asia that affected not only poultry, but also other mammals, including human beings.”



And to properly and fully prosecute whomever committed such an act of bioterrorism, the U.S. must be able to rapidly and accurately identify the pathogens used, who used them and how.

The Blue Ribbon Study Panel held an Oct. 3 meeting, entitled Biological Attribution: Challenges and Solutions, to learn about the existing capabilities of the U.S. government to correctly identify pathogens and their sources; attribute the use of biological weapons with scientific and other forms of evidence; and explore the processes used for investigative, legal, policy, and political decisions involving biological attribution.

Clearly, after hearing from three experts who framed the problem for the biodefense panel, the prognosis wasn't good.

In fact, panel member and meeting chairman Ken Wainstein, former U.S. Homeland Security Advisor and a partner in the litigation department at the Washington, D.C.-based Davis Polk and Wardwell LLP, called the experts' statements "very illuminating and sobering."

The nitty gritty

Specifically, the experts discussed biological threats and their potential for large-scale consequences, and how such threats and consequences have been and would be much worse because of an inability to obtain microbial forensic evidence. (The discipline of microbial forensics is based in epidemiology and focused on the characterization, analysis and interpretation of evidence from the scene of a bio-crime or an act of bioterrorism.)

Nicolas Dunaway, chief biosecurity officer at Inspirion Biosciences, previously oversaw weapons of mass destruction (WMD) investigations for the FBI and conducted liaison and outreach with public and private entities with a nexus to chemical, radiological, biological and nuclear material.

Dunaway has unique experience in computer network intrusion and computer network exploitation operations and has developed novel approaches for large-scale data management, bioinformatic analysis, biological warfare threat identification and information technology system development. He is also a subject matter expert on biological WMD matters, specifically select agents, synthetic biology and advanced biotechnology.

In providing panel members with examples about recent events, Dunaway generalized published research he had read about a hack that was conducted on a network system for a company that produced genetic sequences. The researchers showed that by sending a sequence of a certain type, they could compromise the code of the machines and take control of those machines, Dunaway told the panel.

"So instead of the typical hacks we see today ... it demonstrates one of many, many issues we're going to see with cyber and bio. Every time I see a cyber event, I think of an analogous bio event. I think that mindset is one we all need to start taking," he said.

Edward H. You, a supervisory special agent in the biological countermeasures unit of the FBI Weapons of Mass Destruction Directorate, told the panel that attribution is also a major component needed in the nation's overall biodefense strategy, regardless of whether bioterrorism events are accidental or intentional.

The FBI WMD Directorate was created in July 2006, consolidating WMD investigation and prevention efforts to create a unique combination of law enforcement authorities, intelligence analysis capabilities, and technical subject matter expertise focused on chemical, biological, radiological, nuclear and explosive matters, according to You.

In his position, You is responsible for creating programs and activities to coordinate and improve FBI and interagency efforts to identify, assess and respond to biological threats or incidents, and the efforts include expanding FBI outreach to the Life Sciences community to address biosecurity.

In a world of open-source DNA sequences, You told the panel that the potential for great discoveries in biology is nearly limitless, but so is the potential for exploitation, particularly as their associated costs decrease.

You noted that biological threat issues have historically been focused on the potential acquisition, development and use of materials such as viruses, bacteria and toxins. But new biotechnologies and the convergence of biology with the cyber/digital realm are challenging the nation's current policies and practices to address biological threats.

"Public health, military labs, other nations ... all of the stakeholders focused on this need to be connected in one way and we have to integrate

these components. It will take leadership to do that," You said. "We're living in a perfect storm."

Dunaway said he has "no idea" what to predict about challenges coming over the next year, except to say that the nation must remain involved and engaged.

"I expect genetic engineering will become more targeted, more capable. Tech will become more effective and more expansive. Should we ban/allow certain types of research? In my opinion, these types of advances are inevitable. Bans will serve only to take the U.S. out of leadership in this space and we'll have national economic ramifications in security. And if you're not in the field, you're not having an effect on the game," he said.

Facing reality

Members of the Blue Ribbon Study Panel on Biodefense tried to remain positive.

"We face some major challenges in microbial forensics and biological attribution, but we can overcome many of them," said panel co-chairman and former U.S. Senate Majority Leader Tom Daschle. "We need to do what we can to eliminate them now, before we find ourselves under attack again."

Wainstein said that he also hopes attribution is a national budget priority, particularly to maintain operations at national research labs and at NBFAC. "There are bioterrorism cases happening all the time. These aren't just labs with the lights on and nothing's happening. That's a misconception that they're just waiting for the next attack to come," he said.

Lieberman said it's critical for the United States to address the fact that the extraordinary expansion and advances in biotech can be used for adverse purposes.

"We're dealing with a recurring human problem but inevitably governments and law have to try and intervene to protect people's security," Lieberman said. "This is an example of a problem our government has today due to partisan, ideological gridlock and rigidity and the inability to deal with budgeting in a rational way.

"It's hard to get ahead of problems because [Congress] tends to only react when there's a crisis. So what we're working on here in this particular area ... is to try to get ahead of this potential real threat before we have a crisis or a catastrophe," he said.

## **GLOBAL MEDIA**

### **Big Drop In Asylum Seekers Illegally Crossing Into Canada In September**

By Anna Mehler Paperny  
[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **TERRORISM INVESTIGATIONS**

### **New Jersey Man Found Guilty In Chelsea Bombing**

By Michael Wilson  
[New York Times](#), October 16, 2017

A federal jury convicted Ahmad Khan Rahimi, a loner from New Jersey drawn to online calls to jihad, of setting the explosives in the Chelsea neighborhood that blew out windows and sent shrapnel flying into buildings, cars and people during a two-day bombing campaign in and around New York City last year.

The conviction on Monday carries a mandatory life sentence; the sentencing is scheduled for Jan. 18.

The verdict came after dozens of F.B.I. agents, police bomb-squad detectives, computer analysts and technicians presented evidence over eight days. They had sorted through a blocklong field of debris on West 23rd Street and feeds from dozens of video cameras in the days after the Sept. 17, 2016 explosion, searching for clues.

Jurors also heard from those wounded that night by shrapnel from a bomb specifically designed to hurt people. No one was killed, a remarkable stroke of good fortune when the magnitude of the explosion became clearer. It blew out windows and doors and threw a heavy trash bin across a street six lanes wide. The mangled metal container was rolled out for inspection by jurors hearing the trial.

Mr. Rahimi carried multiple bombs — nine in all — but most did not explode. The first was set early that morning in a garbage can at the finish line of a United States Marine Corps charity race in Seaside Park, N.J. The race's start time was delayed, however, and no one was hurt when the bomb exploded. That night, a blast occurred in Chelsea. A short time later, passers-by found a bomb on West 27th Street, which was disarmed

by the police bomb squad. The next day, Mr. Rahimi returned to New Jersey, leaving six pipe bombs in a backpack at an Elizabeth, N.J., train station. They carried fuses, not timers, and they did not explode until a bomb-squad robot detonated one later.

Though no one was killed by Mr. Rahimi's devices, because of a combination of bad luck and mistakes, the bombing spree left the region in fear for two days.

Mr. Rahimi was identified by his fingerprints and DNA on the unexploded devices and debris from the bombs. Video from cameras along the length of his journey from Penn Station in Manhattan, where he arrived from New Jersey that Saturday evening with his bombs, to West 23rd and West 27th Streets, were played for jurors over several days. Unhurried, his face without expression, Mr. Rahimi walked along the city's sidewalks, pulling a rolling suitcase with each hand. He left one on West 23rd, the other on West 27th.

The first exploded at about 8:30 p.m. Camera after camera on the block showed smiling pedestrians, until a white blast of light filled the air. On the videos, the same pedestrians fled, their hands over their ears.

Later that night, on 27th Street, two men saw a suitcase on the sidewalk. One bent to open it, removing whatever was wrapped in a plastic bag — it was a pressure cooker with a cellphone detonator attached, packed with shrapnel. They took the empty suitcase. A neighbor passed, noticed the device and, rattled by the nearby explosion, called the police.

## **Chelsea Bomber Convicted, Faces Sentence Of Life In Prison**

By Devlin Barrett

[Washington Post](#), October 16, 2017

A jury convicted a New Jersey man Monday in a bombing last year that injured 31 people and sparked a frantic two-state manhunt. The verdict means the bomber, Ahmad Khan Rahimi, is likely to spend the rest of his life in prison.

A jury in Manhattan federal court deliberated for just a few hours between Friday afternoon and Monday morning before finding Rahimi guilty of all eight counts against him for planting bombs in the Manhattan neighborhood of Chelsea on Sept. 17, 2016. One bomb left on a sidewalk did not

explode, but another, left inside a metal trash container, detonated, causing the injuries.

U.S. Attorney Joon H. Kim called Rahimi's conviction "a victory for New York City, a victory for America in its fight against terror, and a victory for all who believe in the cause of justice."

Rahimi chose not to testify in his defense, and in closing arguments his attorneys did not dispute some of the charges he faced — only the ones that with convictions would trigger a mandatory life prison sentence. His sentencing is scheduled for Jan. 18.

Prosecutors spent two weeks presenting the mangled metal dumpster and other evidence to the jury. Authorities say Rahimi, before planting bombs in New York, left a bomb that detonated, without injury, along the course of a five-kilometer charity race in Seaside Park, N.J. He also dumped a bag of pipe bombs outside a New Jersey train station before trying to disappear and evade police.

Rahimi was captured when police officers in Linden, N.J., found him sleeping in the doorway of a bar. Authorities say he pulled a gun from a waist pack and started shooting, striking one of the officers in his protective vest.

Prosecutors had a wide array of evidence to convince the panel, including fingerprints and records of his purchases of bomb parts.

Jurors watched security camera videos that showed him outside his residence on the day the bombs were planted, then showing the same person arriving at Penn Station in Manhattan. There was also video of his movements in the city and of him leaving one of the bombs on West 27th Street.

Among the most damning pieces of evidence was a letter written in a notebook Rahimi was carrying during his shootout with police. Stained by blood and torn in places, the letter is addressed to the U.S. government and describes his anger over U.S. foreign policy, indicates his admiration of Osama bin Laden and Anwar al-Awlaki, the Yemeni American cleric and propagandist, and ends with the declaration: "Inshallah the sounds of bombs will be heard in the streets. Gunshots to your police. Death to your OPPRESSION."

Rahimi is a U.S. citizen born in Afghanistan whose last name is sometimes spelled in government documents as Rahami. He faces separate charges in New Jersey for his alleged crimes there.

Counterterrorism officials have described Rahimi as a lone wolf who was not part of any broader conspiracy but was inspired by terrorist propaganda — much of it from overseas — and decided to act on his own. Prosecutors say a laptop in Rahimi's home contained 14 issues of al-Qaeda's Inspire magazine, which included various bombmaking recipes.

The Rahimi case also highlighted how difficult it can be to prevent such an attack, even when authorities have some inkling a person might be dangerous. The FBI briefly looked into Rahimi in 2014 after it learned his father had made comments to others indicating his son might be involved in terrorism. But that investigation ended after an FBI review found no links between Rahimi and terrorist groups.

## **Ahmad Khan Rahimi Convicted In New York City Pressure-cooker Bomb Case**

By Andrea Noble

[Washington Times](#), October 16, 2017

A 29-year-old New Jersey man was convicted Monday of planting two pressure-cooker bombs in New York City in 2016, one of which exploded and injured 30 people.

A federal jury found Ahmad Khan Rahimi guilty of eight criminal counts, including use of a weapon of mass destruction, and could face life in prison.

Prosecutors said Rahimi, who was born in Afghanistan but moved to the U.S. with his family as a child, was inspired by ISIS and al Qaeda to plan the attack. He constructed bombs filled with ball bearings meant to act as shrapnel when the detonated, and placed them in trash bins in New York. One of the bombs left on 23rd Street in the Chelsea neighborhood exploded the night of Sept. 17, 2016.

The second bomb was discovered before it could detonate.

"On September 17, 2016, Ahmad Khan Rahimi attacked our country and our way of life," said Joon H. Kim the acting U.S. Attorney for the Southern District of New York, whose office prosecuted the case. "Inspired by ISIS and al Qaeda, Rahimi planted and detonated bombs on the streets of Chelsea, in the heart of Manhattan, and in New Jersey, hoping to kill and maim as many innocent people as possible. Rahimi's

crimes of hate have been met with swift and resolute justice."

Prosecutors said Rahimi had also planted bombs along the route of a charity race in Seaside Park, New Jersey and in a train station in Elizabeth, New Jersey. The bomb planted near the route of the race exploded before the race began Sept. 17 while the other explosive devices were found before they could explode.

Rahimi was arrested two days later after a shootout with police in Linden, New Jersey. He faces separate charges in New Jersey in connection with the devices planted there and the shootout with police.

Rahimi is set to be sentenced in the New York case in January.

## **Somalia Truck Bombing Toll Over 300, Scores Remain Missing**

By Abdi Guled

[Associated Press](#), October 16, 2017

MOGADISHU, Somalia (AP) — More than 300 people were killed in the weekend truck bombing in Somalia's capital and scores remained missing, authorities said Monday, as the fragile Horn of Africa nation reeled from one of the world's worst attacks in years.

As funerals continued, the government said the death toll was expected to rise.

Nearly 400 people were injured in the bombing Saturday that targeted a crowded street in Mogadishu. Somalia's government blamed the al-Qaida-linked al-Shabab, though the Islamic extremist group has not claimed responsibility for the attack. A new statement by the SITE Intelligence Group said al-Shabab posted claims of responsibility as recently as Monday for other attacks on Somali and African Union forces — but not for Saturday's blast.

Still, analysts said there was little doubt the Islamic extremist group carried out the bombing, one of the deadliest in sub-Saharan Africa. "No other group in Somalia has the capacity to put together a bomb of this size, in this nature," said Matt Bryden, a security consultant on the Horn of Africa.

Nearly 70 people remained missing, based on accounts from relatives, said police Capt. Mohamed Hussein. He said many bodies were burned to ashes in the attack.

The most powerful bomb blast ever witnessed in Somalia's capital has killed more

than 200 people, with hundreds more injured. It is the deadliest single attack in the Horn of Africa nation. (Oct. 15)

As the death toll rose to 302, overwhelmed hospitals in Mogadishu were struggling to treat badly wounded victims, many burned beyond recognition. Exhausted doctors struggled to keep their eyes open as the screams from victims and bereaved families echoed in the halls.

Africa's deadliest Islamic extremist group, al-Shabab has waged war in Somalia for more than a decade, often targeting high-profile areas of the capital. Earlier this year, it vowed to step up attacks after both the Trump administration and Somalia's recently elected Somali-American president, Mohamed Abdullahi Mohamed, announced new military efforts against the group.

After Saturday's attack, Mohamed declared three days of mourning and joined thousands of people who responded to a plea by hospitals to donate blood.

Meanwhile, a Turkish military plane carrying 35 critically wounded people arrived in the Turkish capital, Ankara, where they were taken to hospitals for treatment. Countries including Kenya and Ethiopia have offered to send medical aid in response to what Somali's government called a "national disaster," Information Minister Abdirahman Osman said. A plane carrying a medical team from Djibouti also arrived to evacuate the wounded, according to health ministry official Mohamed Ahmed.

Mogadishu, a city long accustomed to deadly bombings by al-Shabab, was stunned by the force of Saturday's blast. The explosion shattered hopes of recovery in an impoverished country left fragile by decades of conflict, and it again raised doubts over the government's ability to secure the seaside city of more than 2 million people.

The United States condemned the bombing, saying "such cowardly attacks reinvigorate the commitment of the United States to assist our Somali and African Union partners to combat the scourge of terrorism." It tweeted a photo of its charge d'affaires in Somalia donating blood. But the U.S. Africa Command said U.S. forces had not been asked to provide aid. Pentagon spokesman Col. Robert Manning said Monday the U.S. currently has about 400 troops in Somalia, adding "we're not going to speculate" about sending more.

The U.S. military has stepped up drone strikes and other efforts this year against al-Shabab, which is also fighting the Somali military and over 20,000 African Union forces in the country.

Saturday's blast occurred two days after the head of the U.S. Africa Command was in Mogadishu to meet with Somalia's president, and two days after the country's defense minister and army chief resigned for undisclosed reasons.

The United Nations special envoy to Somalia called the attack "revolting." Michael Keating said the U.N. and African Union were supporting the Somali government's response with "logistical support, medical supplies and expertise."

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## **Terrorist Attack In Somalia Underscores Al-Shabab's Resilience**

By Alex Horton And Carol Morello

[Washington Post](#), October 16, 2017

The massive attack that rocked a bustling Mogadishu street Saturday, killing 300, was a demonstration of resilience by -al-Shabab, an Islamist militant group that has been battling U.S.-backed forces.

The group frequently targets public spaces in Somalia's capital with the goals of undermining the central government's legitimacy and pushing back against its cooperation with the United States and a coalition of African allies.

While U.S. officials and other observers say Saturday's bombing does not necessarily signal -al-Shabab's resurgence, it does highlight the group's ability to absorb setbacks and survive to execute brazen attacks.

The militant group has experienced territorial, financial and recruitment losses since 2010, when the United States and its coalition began targeting its command structure. But that has not prevented the group from massing to attack military bases or coordinate bombings inside and outside Somalia, said Seth G. Jones, director of defense policy at the Rand Corp., a Pentagon-funded think tank in Washington.

"Al-Shabab has areas where they can operate relatively freely," Jones told The Washington Post, including strongholds in southern river valleys. It's challenging terrain for

ground troops to navigate, and the dense foliage can obscure drone surveillance.

Attacks against Somali troops and those assigned to the African Union Mission in Somalia (AMISOM), a force numbering about 22,000, have grown more spectacular as al-Shabab's territory has shrunk, Jones concluded in a 2016 report on the counterterrorism campaign there.

In June 2016, for instance, 30 Ethiopian soldiers were killed — along with 150 al-Shabab militants — in an attempt to overrun a base some 200 miles north of Mogadishu.

The group has been dangerous to U.S. troops, too. Navy SEAL Kyle Milliken, a senior chief petty officer, was killed in May during a mission described as “behind” Somali troops but later revealed as a mission shoulder-to-shoulder with them.

As U.S. airstrikes have targeted al-Shabab's commanders and its training camps, the group's leaders have made security adjustments, Jones said. They rely less on computers and cellphones, whose transmissions can be tracked.

The U.S. military presence in Somalia is about 400 troops, with approximately half in Mogadishu, the Pentagon said Monday. Those forces include Special Operations troops to train Somali forces and conventional personnel on hand for logistical support, although much of the focus has been on collecting and handing off surveillance and intelligence data to the Somalis.

Al-Shabab still controls many rural areas in the south, including the roads leading to cities and towns. Even in Mogadishu, militants go around collecting “taxes” from businesses to offset revenue losses of seaside ports recaptured by government forces.

AMISOM troops heading to Baidoa, one of the largest cities in Somalia, must often use aircraft to get there rather than roads primed for ambushes, said Abdi Ismail Samatar, a Somalia analyst and geography professor at the University of Minnesota who also serves on the board of the University of Mogadishu.

“They are fighting with a bunch of guerrilla fighters who are exceptionally mobile, who are working in a huge territory in which there is no government, so they are able to do what they want at a time of their own choosing,” he said.

A State Department official acknowledged that Saturday's truck bomb shows that al-Shabab is capable of staging attacks throughout the

country, but said the government is making progress in helping Somalia transition from rule by warlords and clans to a federal government with a nationwide reach.

“The magnitude of this attack caught everybody by surprise,” said the official, speaking on the condition of anonymity under State Department ground rules for briefing reporters.

“As terrible as the individual attack is, the fact is we don't see this every day now in Somalia. This is extraordinary, and it doesn't change the overall positive trajectory we're seeing there.”

The State Department official said the Somalis have thwarted a number of planned attacks, and defections have been encouraged by the newly elected president, the Somali American Mohamed Abdullahi Mohamed. He noted that the latest bombing was condemned by Sheikh Mukhtar Robow, a former al-Shabab leader who defected after the Trump administration removed him from the most-wanted list of terrorists run by the State Department's “Rewards for Justice” program.

“I wouldn't characterize the overall situation as the central government is failing or returning to a failed state,” the official said. “Under the previous and current governments, we've seen some pretty significant improvements.”

The United States over the past six years has spent \$1.5 billion on humanitarian aid for victims of drought and famine, and \$240 million on economic development aid, including good-governance projects and new schools and government buildings.

The United States also has a diplomatic presence of sorts, although it is limited to the heavily fortified Mogadishu airport, where Somali officials must travel to visit. The embassy officially is in Nairobi, a reflection of the dangerous environment, although it has been rotating diplomats on temporary duty between Somalia and Kenya until it can establish a full-time embassy on the airport grounds.

## **NATIONAL SECURITY NEWS**

### **Trump Says ‘Total Termination’ Of Iran Deal Possible**

By Matthew Lee

[Associated Press](#), October 16, 2017

WASHINGTON (AP) — President Donald Trump on Monday renewed his threat to fully

withdraw the United States from the landmark Iran nuclear deal, while holding out the possibility that fixes to the accord may prevent an American pullout.

Justifying his decision last week to decertify the 2015 pact under U.S. law, Trump said the United States had been taken advantage of in negotiations the Obama administration conducted and that he was tired of it. He said that's why he refused to confirm to Congress that the deal is in America's national security interest.

Trump decertified the pact on the grounds that Iran had committed several violations of the deal and is receiving disproportionate relief from international sanctions for the concessions it made. But he did not announce a withdrawal from the agreement. Instead, he kicked the future of U.S. participation to Congress.

"I feel strongly about what I did," Trump told reporters at a meeting of his Cabinet in the White House on Monday. "I'm tired of being taken advantage of as a nation. This nation has been taken advantage of for many, many years, for many decades, frankly, and I'm tired of watching it. But the Iran deal was something that I felt had to be done."

Lawmakers now have 60 days to snap back sanctions on Iran that had been suspended, keep the status quo or, as the Trump administration has suggested, amend or replace the Iran Nuclear Agreement Review Act — which compels the president to reaffirm Iran's compliance with the deal ever 90 days. The law's requirements could be broadened so that sanctions relief for Iran is contingent on things beyond the nuclear deal, such as Tehran halting ballistic missile testing.

At the same time, the administration is pressing the other nations in the nuclear agreement to fix what Trump believes are fatal flaws, including the expiration of some restrictions on nuclear activity under so-called "sunset provisions." In addition to Iran, the deal's other parties are Britain, China, France, Germany, Russia and the European Union.

Trump referred to the lobbying effort with Congress and the other governments as "Phase 2." He said a failure to achieve either or both could lead him to pull out.

"We'll see what Phase 2 is. Phase 2 might be positive and it might be very negative. It might be a total termination. That's a very real possibility. Some would say that's a greater possibility. But it

also could turn out to be very positive. We'll see what happens."

Congress is currently drafting legislation that could alter the existing law but it remains unclear if it could pass.

All the other nations in the deal say it is working and there is no reason to reopen it. However, France has signaled a willingness to try to supplement the accord with side agreements that would address concerns about Iranian nuclear restrictions that begin expiring next decade.

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## Trump Freshly Hints At Fully Pulling Out Of Iran Deal

By Louis Nelson

[Politico](#), October 16, 2017

President Donald Trump said Monday that he decertified Iran's compliance with a landmark nuclear agreement because he is "tired of being taken advantage of," while also hinting that the U.S. could still fully pull out of the deal.

"I feel strongly about what I did. I'm tired of being taken advantage of as a nation," the president said Monday during a meeting with his cabinet. "This nation has been taken advantage of for many, many years, for many decades, frankly, and I'm tired of watching it."

Trump announced his move to decertify Iranian compliance with the landmark 2015 nuclear deal on Friday, triggering legislation that gives Congress 60 days to decide whether or not to reimpose certain sanctions that had been lifted under the agreement. Trump has lambasted the nuclear deal, negotiated by former President Barack Obama along with the other permanent members of the United Nations Security Council and Germany, as "one of the worst and most one-sided transactions the United States has ever entered into."

The president said Monday that he is waiting for "phase two" of the deal, one that will either improve it or prompt him to withdraw the U.S. entirely. Of the latter option, the president said, "some would say that's a greater possibility."

"We'll see what phase two is. Phase two might be positive. It might be very negative. Might be a total termination," the president said. "That's a very real possibility. Some would say that's a

greater possibility. But it also could turn out to be very positive. We'll see what happens."

## **Donald Trump Should Pursue Bigger, Better Iran Deal: Obama Diplomat**

By YJ Fischer, Opinion Contributor  
[USA Today](#), October 16, 2017

It was my job in the Obama administration to work with Iran and our allies on implementing the nuclear agreement. Based on everything I saw, President Trump is right that now is the time to be seeking new concessions.

That's why it's confounding that Trump decided to decertify the 2015 nuclear agreement absent any evidence of Iranian violations, instead of building on a deal that's working and going back to the negotiating table for a broader follow-up agreement. It's especially perplexing because Trump — perhaps unintentionally — has in past remarks and tweets suggested the outlines of a bigger and better deal: Allow U.S. companies to re-enter the Iranian market in exchange for Tehran curtailing its ballistic missile program.

The Obama administration argues that it got the best deal on offer — one limited to Iran's nuclear program. As a diplomat charged with working with our allies to implement the agreement, I saw firsthand why we couldn't secure agreement around Iran's ballistic missile program, regional provocations or human rights abuses. America had global support for pressing Iran on its nuclear capability, but not for anything else. Iran was close to getting a nuclear weapon, so time was of the essence. And while the Iranians had no interest in broad negotiations, their nuclear-related concessions were so comprehensive that the international community rightly decided it was a deal worth making, even if it didn't solve every problem with Iran.

But that was then and this is now. A lot has changed in the two years since the negotiation of the nuclear agreement. There is another deal, broader in scope, to be had.

Trump has long attacked the deal for disadvantaging American companies. During the campaign he complained, "Everybody's involved now with Iran selling them stuff. We're probably going to be the only ones that won't be selling them anything."

He's right. The nuclear agreement allows foreign companies to do business in Iran, while

American companies are still restricted by remaining U.S. sanctions.

Trump's not alone in his frustration. Supreme Leader Ali Khamenei agrees with him and has called for access to the U.S. financial system. So has Iranian President Hassan Rouhani, who campaigned successfully for re-election on a second "Barjam," the Iranian name for the nuclear deal, to promote economic prosperity.

This overlap creates the possibility of a deal.

Our remaining sanctions give Washington leverage to seek new concessions. The Iranians agreed to dismantle their nuclear program because their economy was crumbling, and sanctions relief offered a lifeline. But Rouhani oversold the economic benefits domestically. Many foreign banks and companies are still reluctant to do business with Iran because of lingering legal and political concerns. As a result, the economic impact has been modest, and Iranians are disappointed. Notwithstanding the positive trajectory on macroeconomic measures such as gross domestic product growth and foreign direct investment, the economy is still struggling to create well-paying jobs, especially for Iran's young, educated population.

In the early days of implementation of the nuclear agreement, it was my job to travel around the world explaining to international banks and companies that they could now invest in Iran, even encouraging them to do so. This was a surprising mission, but the Obama administration was concerned that the Iranians would withdraw from the agreement unless they saw real economic benefits from sanctions relief.

It turns out we didn't have to worry. The Iranians were so desperate for an economic boost, they'd take whatever they could get — and still would.

Lifting the remaining U.S. sanctions would benefit American companies and workers. It would also give us room to get concessions from Iran we couldn't get the first time, such as a broader agreement around ballistic missiles.

Trump put it well during the campaign when he said: "At the very least, we must hold Iran accountable by restructuring the terms of the previous deal. Iran has already — since the deal is in place — test-fired ballistic missiles three times. Those ballistic missiles, with a range of 1,250 miles, were designed to intimidate not only Israel, which is only 600 miles away, but also



intended to frighten Europe and, someday, the United States.”

Trump is onto something. We shouldn't walk away from the nuclear agreement, but we should get more for U.S. companies and regional security. Now is the time to go back to the negotiating table to get more for more.

YJ Fischer served as the assistant coordinator for Iran nuclear implementation at the State Department during the Obama administration. Before that, she served as chief of staff to Ambassador Tom Shannon. She co-wrote the Democratic Party platform and served on the Clinton-Kaine Transition Team.

## **EU Defends Iran Deal Despite Trump, Appeals To U.S. Congress**

By Robin Emmott And Gabriela Baczynska  
[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **Approach To Iran Exposes Growing Irritation Between U.S. And Allies**

By Karen Deyoung  
[Washington Post](#), October 14, 2017

Just before President Trump announced on Friday that he would decertify the Iran nuclear deal, French President Emmanuel Macron called his counterpart in Tehran to offer reassurance, Macron's office said in a statement. No matter what Trump said, he told Iranian President Hassan Rouhani, Europe would continue to back the agreement.

The Europeans were only interested in Iran's money, Trump scoffed to reporters later that day. Macron, he said, had also called him.

“I said: ‘Look, Emmanuel, they just gave Renault a lot of money,’ ” Trump related, referring to a recent business deal between Iran and the French carmaker. “ ‘Take their money; enjoy yourselves. But we'll see what happens.’ ”

What has already happened is a widening chasm of mutual disdain between the United States and its traditional allies. Trump sees them as self-interested freeloaders who must be reminded of U.S. power. They see him as an erratic force who must be managed as he squanders American leadership.

Republican and Democratic lawmakers were largely split in their reactions to Trump's

announcement that he would terminate the nuclear deal if Congress didn't come up with a way to rewrite it to his liking. Many Republicans congratulated the president and agreed it was time to get tough against Iran.

Many Democrats criticized Trump for what Sen. Jack Reed (D-R.I.) said was “clearly a political decision” made to please his base voters “and not a strategic one.” Reed and others warned that Trump's insistence on changing the original agreement risked conflict and would be opposed by U.S. negotiating partners who had also signed it — Britain, France, Germany, Russia and China.

When Trump invited them to join him in holding Iran's feet to the fire, Russia and China said there was nothing to talk about. The Europeans, in a joint statement, said they were eager to discuss their shared complaints about Iran — its ballistic missile program and support for terrorism — but that there could be no changes in the nuclear deal, officially known as the Joint Comprehensive Plan of Action, or JCPOA.

European Union foreign policy chief Federica Mogherini bordered on scornful, saying in a statement Friday that the JCPOA “is not a domestic issue” and “does not belong to any single country” to demand changes. Trump was powerful, she said, but did not have the power to do that.

But several senior officials from the European signatory countries said privately that there was little to be gained, for now, by shouting their opposition. Instead, their plan is to continue trying to convince U.S. lawmakers that there was much to lose if they take the path Trump has set for Congress.

All refused to speak for quotation out of what they said was worry that they would add fuel to an already-smoldering fire. But they uniformly expressed concern about what they described as yet another instance of America walking away from an international commitment.

Last spring, as Trump prepared for his first overseas trip in May, White House aides outlined his game plan to assume the mantle of global primacy.

“One thing he has the ability to do is really bring people together and galvanize people around a common set of goals,” a senior adviser said in describing objectives for the 10-day tour

that took Trump to Saudi Arabia, Israel, Rome, Brussels and a G-20 meeting in Sicily.

Rather than a liability, Trump's "unpredictability . . . is a real asset," said the adviser, who spoke on the condition of anonymity under White House ground rules. The new president, he said, was "sending one big message, which is America is ready to lead in the world again."

Yet instead of leading, Trump's "my way or the highway" approach has been a detour from the multilateral road the United States has traveled since World War II. And as Trump has left behind, or threatened to, the premier international agreements of this century, from the Paris climate accord to global trade alliances and now the Iran nuclear deal, he has not had many willing followers.

Among the exceptions, governments in Saudi Arabia and the United Arab Emirates joined Israel in praising what Israeli Prime Minister Benjamin Netanyahu called Trump's "courageous" decision on Iran.

Yet even those who have proclaimed him as a leader have sometimes not felt bound by his demands. Early in his administration, Trump gently chastised Israel for its West Bank settlements, saying that they "don't help the process" and were not "a good thing for peace." He has remained silent, however, as Netanyahu's government, including as recently as last week, has approved additional settlements, leading some perplexed Israeli commentators to speculate on whether he made a "secret" deal with Netanyahu.

In May, when the heads of dozens of Muslim-majority countries gathered in Riyadh to listen to him speak about a unified fight against terrorism, Trump claimed credit for a unity agreement on counterterrorism cooperation signed with the six members of the Gulf Cooperation Council.

Just days later, the Saudis and Emiratis, joined by fellow GCC member Bahrain and Egypt, broke relations with Qatar, another council member, and closed their air and sea borders to it. While Trump initially supported the action — even as his State and Defense Department secretaries called for it to be reversed — he later changed course.

Appearing last month with the visiting emir of Kuwait, Trump called for the gulf states to patch up their differences and said if the problem wasn't

"quickly" resolved, he would summon regional leaders to the White House and take care of it. Since then, he has said nothing publicly about a presidential intervention.

Trump has claimed massive progress in the U.S. fight against the Islamic State in Syria and Iraq under his leadership. But he was unable to persuade Iraq's Kurdistan Regional Government, one of America's closest military and political allies in the region, to call off an independence referendum late last month that has left Iraq in a turmoil the administration has been powerless to resolve.

Similarly in Turkey, where Trump last month said bilateral ties under his administration were "better than ever," relations now seem to be at a modern all-time low, with tit-for-tat suspension of visa issuance earlier this month.

Rather than "galvanizing" respect and unity, Trump sometimes appears to engender resentment and division. Although NATO members agreed in 2014 to increase their domestic defense spending, Trump's exhortations and threats to diminish the U.S. presence in the alliance seemed to spur some countries to speed up that process. But his subsequent chest-beating has left many irritated and bitter.

Even in Asia, where he has worked to build personal relationships with Chinese President Xi Jinping, and Japanese Prime Minister Shinzo Abe — both of whom he will visit on a lengthy trip next month — Trump can befuddle. Early this month, he undercut Secretary of State Rex Tillerson's efforts to keep open channels of communication with North Korea, telling Tillerson via Twitter to stop "wasting his time" trying to negotiate with Pyongyang over its nuclear weapons program. North Korea, he said, had "made fools" of U.S. negotiators in the past.

On Friday, Trump told reporters that "if something can happen where we can negotiate," with North Korea, "I'm always open to that."

## **Iran Vows To 'Follow N. Korea' Nuke Pathway After Deal Decertification**

By Adam Kredo

[Washington Free Beacon](#), October 16, 2017

Senior Iran leaders praised the North Korean regime this weekend and claimed the Islamic Republic is encouraged to follow Pyongyang's nuclear pathway following the Trump administration's decision last week to decertify

Iranian compliance with the landmark nuclear agreement.

Iran's threat to become the next North Korea, which has itself played a longtime and key role in providing the Islamic Republic with nuclear technology and know-how, is likely to set the stage for increased confrontation with the United States following President Donald Trump's decision to request that Congress reconsider the nuclear agreement to make it far tougher for Iran to continue its military buildup and pursuit of nuclear equipment.

Iran is more likely to follow the North Korean nuclear model—which includes the illicit transfer of nuclear technology and the routine test of this equipment—despite the U.S. decision to remain a party to the nuclear agreement in the short term. Congress now has 60 days to decide whether it will reimpose all economic sanctions on Iran that were lifted by the Obama administration as part of the agreement.

Iranian leaders spent a large portion of the weekend threatening the United States and vowing to “continue the path” to a nuclear weapon as a result of Trump's decertification and nascent moves by Congress to level a series of harsh new penalties on Iran.

The United States and Iran continue to head closer towards a diplomatic clash over Trump's desire to see Congress level a series of new restrictions on Tehran that would greatly curb the nuclear and military actions it can legally pursue under the original Joint Comprehensive Plan of Action, or JCPOA.

Alaeddin Boroujerdi, chair of the Iranian parliament's national security and foreign policy commission, lashed out at Trump early Monday, saying that Iran and other countries will have no choice but to “follow North Korea” as a result of the decertification effort.

“The U.S. president showed by his remarks again that the U.S. government is not trustworthy and the U.S. behavior towards the nuclear deal persuades views of countries like North Korea,” Boroujerdi was quoted as telling his Turkish counterpart during a meeting in Tehran on Monday, according to the country's state-controlled press organs.

In a separate Monday meeting with a French official, Boroujerdi vowed that Iran would restart its pursuit of nuclear weapons technology if

Congress follows through with new sanctions and other penalties.

“If the U.S. Congress decides to violate and abrogates the nuclear deal and its undertakings, the Islamic Republic of Iran will have no motivation to continue the path,” Boroujerdi was quoted as saying.

The Washington Free Beacon first reported late Friday that congressional leaders are already considering legislation that would tighten restrictions on Iran's pursuit of ballistic missile technology and refusal to permit international nuclear inspectors into its contested military sites.

The legislation, if signed by Trump, would create a parallel nuclear agreement that addresses many of what Congress and the current White House view as key flaws in the original accord. Iran would not be party to such an agreement, but would face harsh economic sanctions if it does not follow these restrictions.

Iranian leaders have already said this remains a non-starter. Iran will not compromise on its ballistic missile program—a key international concern—and refuses to renegotiate any portion of the original nuclear deal.

The ballistic missile issue in particular is “not negotiable at all,” according to Boroujerdi and other senior Iranian government officials who have voiced similar comment in the previous months, as well as following Trump's decertification.

Ali Akbar Velayati, the Iranian Supreme Leader's senior adviser on international affairs, also stated on Monday that Iran would not renegotiate any portion of the JCPOA.

“The nuclear deal will not be renegotiated at all and we will not hold renegotiations,” the top aide was quoted as saying on Monday.

## **Trump: Cuba ‘Is Responsible’ For Attacks On US Personnel**

By Josh Lederman

[Associated Press](#), October 16, 2017

WASHINGTON (AP) — President Donald Trump said Monday that he believes Cuba is responsible for unexplained attacks in Cuba that the U.S. says have injured at least 22 American government workers.

The United States has avoided casting blame on Cuban President Raul Castro's government for the invisible attacks that began last year and have eluded an FBI investigation. Trump did not say whether he believed that Cuba was behind the

attacks or merely shared responsibility for the fate of the Americans for failing to keep them safe on his country's soil.

"I do believe Cuba is responsible, yes," Trump said in a Rose Garden news conference.

Trump called the attacks "very unusual," but offered no new details about what type of weapon might have caused damage ranging from permanent hearing loss to mild traumatic brain injury, or concussion. The State Department has said that despite the lengthy investigation and FBI visits to the island, the U.S. still can't identify either a culprit or a device.

Trump's ambiguous allegation against the Cubans was likely to increase tensions even further between the two longtime former enemies. The U.S. and Cuba re-opened diplomatic relations in 2015 after a half-century of estrangement, but the attacks on Americans and steps taken by Washington in response have started to unravel those budding ties.

Since first disclosing the attacks in August, the Trump administration has steadfastly avoided accusing Cuba of perpetrating the attacks. Castro's government has repeatedly denied both involvement in and knowledge of the attacks.

Still, the U.S. has pointed to Cuba's tight control over security in Havana and its close surveillance of Americans working there are reasons to believe that Cuba might know more about what's transpired than it has let on. The State Department has also said that no matter who is attacking Americans, it's Cuba's responsibility under international law to protect U.S. embassy workers.

"We believe that the Cuban government could stop the attacks on our diplomats," White House chief of staff John Kelly said last week.

The State Department has said 22 Americans are "medically confirmed" to be affected and that the number could grow. The symptoms and circumstances reported have varied widely, making some hard to tie conclusively to the attacks. The incidents began last year and are considered "ongoing," with an attack reported as recently as late August.

Reach Josh Lederman on Twitter at <http://twitter.com/joshledermanAP>

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## Trump Blames Cuba For Attacks That Sickened U.S. Diplomats

By Julie Hirschfeld Davis

[New York Times](#), October 16, 2017

WASHINGTON — President Trump said on Monday that he blamed Cuba for the mysterious attacks that have sickened American diplomats there and prompted the abrupt withdrawal of United States embassy personnel, breaking with the State Department, which has said it does not know the cause of the illnesses.

Mr. Trump's statement came about two weeks after his administration ordered the expulsion of 15 diplomats from the Cuban Embassy in Washington, a move the State Department said was made because of Cuba's failure to protect American diplomats stationed on its soil, as required under international law.

But senior officials there have said repeatedly in recent weeks that they have not yet determined who is carrying out the attacks or what precisely is causing the resulting illness. Many current and former officials say they doubt that Cuba is to blame.

The episode has cast a Cold War chill over the détente between Cuba and the United States, a major Obama-era initiative that Mr. Trump has vowed to halt, calling it a "terrible and misguided deal" that rewarded a brutal government.

While the president promised to impose new regulations to crack down on travel and commerce with Cuba, his administration has yet to do so. But the diplomatic dispute over 22 Americans who have fallen ill in Havana — experiencing symptoms including tinnitus, hearing loss, dizziness, balance and visual problems, headaches and cognitive difficulties — has driven a wedge between the United States and Cuba.

"I do believe Cuba is responsible. I do believe that," Mr. Trump told reporters in the Rose Garden on Monday during a wide-ranging news conference at the end of a meeting with Senate Majority Leader Mitch McConnell, Republican of Kentucky. "It's a very unusual attack, but I do believe Cuba is responsible, yes."

The statement went further than top members of Mr. Trump's administration, who have argued that even though they do not know who or what is to blame, the attacks could not occur without Cuba's knowledge and assent, and therefore Cuba must have the power to stop them.

"We believe the government could stop the attacks on our diplomats," John W. Kelly, the White House chief of staff, told reporters last week when asked whether Cuba was responsible.

Some of the people targeted worked for the Central Intelligence Agency's station in Havana, according to a United States official.

The president also appeared to diverge from his staff on Monday regarding his coming trip to Asia.

The White House announced that Mr. Trump would travel to Japan, South Korea, China, Vietnam and the Philippines, where he is to meet with President Rodrigo Duterte, who has been accused of extrajudicial killings. Asked about the trip, Mr. Trump appeared to hedge over his willingness to visit the Philippines.

"We've been invited to the Philippines; I may be going to the Philippines," Mr. Trump said, hours after his itinerary, including a stop in Manila and the meeting with Mr. Duterte, had been announced. "We haven't set the details as of this moment."

## **Trump Holds Cuba Responsible For Attacks**

By Franco Ordoñez

[McClatchy](#), October 16, 2017

President Donald Trump is holding Cuba responsible for the bizarre sonic attacks on U.S. diplomats in Havana that have affected as many as 25 people.

The comments, which came during an impromptu Rose Garden press conference Monday with Senate Majority Leader Mitch McConnell, R-Ky, represented a departure from State Department messaging.

"I do believe Cuba is responsible," Trump said.

The string of attacks has significantly cooled relations between the two former adversaries who have spent the last couple years strengthening ties after former President Barack Obama and Cuban ruler Raul Castro sought to ease more than a half-century of hostility.

I do believe Cuba is responsible.

The State Department has been more careful in its characterization of the attacks. It has not accused the government, but repeatedly warned that Havana is responsible for the safety of foreign diplomats on its soil under the Vienna convention on diplomatic relations.

The Trump administration however has turned up the rhetoric after announcing plans this month to kick out nearly two-thirds of Cuba's embassy personnel in the United States. White House chief of staff John Kelly said Thursday during a press briefing that the Cuban government could have prevented more attacks.

"We believe that the Cuban government could stop the attacks on our diplomats," Kelly said.

But a senior White House official told McClatchy Friday that Cuba is responsible for protecting United States personnel on the island, but Kelly was not saying that the Cuban government was behind the attacks.

The United States still does not know the nature of the device or weapon being employed against its staff. The most recent incidents were reported within the last few weeks.

The Cuban government has repeatedly stated it had nothing to do with the incidents. And in a speech to the United Nations last month, Cuban Foreign Minister Bruno Rodriguez Parrilla said Havana had found "no evidence whatsoever" that could confirm the causes or the origin of the health problems reported by U.S. diplomats and their relatives.

"Cuba has never perpetrated nor will it ever perpetrate actions of this sort," he said. "Cuba has never allowed nor will it ever allow its territory to be used by third parties with that purpose."

Some officials inside the State Department are swayed by the Cuban denials, even raising the possibility of a third-party actor operating against the United States.

## **Trump Asia Itinerary Filled With Potential Headaches**

By John T. Bennett

[Roll Call](#), October 16, 2017

President Donald Trump will stop in China and South Korea — two countries key to his standoff with North Korea — next month during his first Asia swing, a trip that also will feature one-on-one meetings in the Philippines with that country's hardline leader.

Trump is slated to depart on an 11-day swing through the continent on Nov. 3, with the main event to be his participation in an Asia-Pacific Economic Cooperation (APEC) summit in Vietnam.

But with the volatile North Korea situation creating tensions across the Asia-Pacific region and the world as two nuclear-armed states square off, Trump will stop in Japan, South Korea and China. During meetings with the leaders of those countries, what to do about the North's atomic arsenal and long-range missile programs will be a major topic.

He is slated to huddle one-on-one with Japanese Prime Minister Shinzo Abe (Nov. 5) and South Korean President Moon Jae-in (Nov. 7), two countries partially dependent on U.S. protection from North Korea's military and nuclear arms.

But Chinese President Xi Jinping is seen by experts and lawmakers who follow global affairs as the one world leader Trump most needs to pressure Pyongyang; China is the North's lone remaining close ally.

The White House on Monday said the president plans to use the trip to "underscore his commitment to longstanding United States alliances and partnerships, and reaffirm United States leadership in promoting a free and open Indo-Pacific region."

During a speech at APEC, Trump intends to "underscore the important role the region plays in advancing America's economic prosperity," the White House said.

The most controversial part of the trip will be his planned one-on-one meetings with President Rodrigo Duterte of the Philippines during a stop there. That meeting will come on the final day of the president's trip, Nov. 14.

The White House earlier this year invited Duterte to the White House, a move that drew widespread criticism from human rights groups and congressional Democrats. Duterte declined the invitation. The Philippine leader has presided over a government crackdown of drug dealers and users, including extrajudicial killings and other human rights abuses.

In an April 29 phone call with the Philippine president, Trump praised the tactics.

"I just wanted to congratulate you because I am hearing of the unbelievable job on the drug problem," Trump said, according to a leaked transcript of the call. "Many countries have the problem, we have a problem, but what a great job you are doing and I just wanted to call and tell you that."

Trump would also be able to check in on the progress of the soon-to-open Trump Tower Manila.

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## **North Korea Says 'Nuclear War May Break Out Any Moment'**

[Associated Press](#), October 16, 2017

UNITED NATIONS — North Korea's deputy U.N. ambassador warned Monday that the situation on the Korean peninsula "has reached the touch-and-go point and a nuclear war may break out any moment."

Kim In Ryong told the U.N. General Assembly's disarmament committee that North Korea is the only country in the world that has been subjected to "such an extreme and direct nuclear threat" from the United States since the 1970s — and said the country has the right to possess nuclear weapons in self-defense.

He pointed to large-scale military exercises every year using "nuclear assets" and said what is more dangerous is what he called a U.S. plan to stage a "secret operation aimed at the removal of our supreme leadership."

This year, Kim said, North Korea completed its "state nuclear force and thus became the full-fledged nuclear power which possesses the delivery means of various ranges, including the atomic bomb, H-bomb and intercontinental ballistic rockets."

"The entire U.S. mainland is within our firing range and if the U.S. dares to invade our sacred territory even an inch it will not escape our severe punishment in any part of the globe," he warned.

Kim's speech follows escalating threats between North Korea and the United States, and increasingly tough U.N. sanctions.

Russian President Vladimir Putin said Monday that his country is curtailing economic, scientific and other ties with North Korea in line with U.N. sanctions, and the European Union announced new sanctions on Pyongyang for developing nuclear weapons and ballistic missiles.

U.S. Secretary of State Rex Tillerson said Sunday that diplomatic efforts aimed at resolving the North Korean crisis "will continue until the first bomb drops." His commitment to diplomacy came despite President Donald Trump's tweets several weeks ago that his chief envoy was "wasting his time" trying to negotiate with North Korean leader

Kim Jong Un, whom he derisively referred to as "Little Rocket Man."

North Korea's deputy U.N. ambassador called his country's nuclear and missile arsenal "a precious strategic asset that cannot be reversed or bartered for anything."

"Unless the hostile policy and the nuclear threat of the U.S. is thoroughly eradicated, we will never put our nuclear weapons and ballistic rockets on the negotiating table under any circumstances," Kim said.

He told the disarmament committee that the Democratic People's Republic of Korea — North Korea's official name — had hoped for a nuclear-free world.

Instead, Kim said, all nuclear states are accelerating the modernization of their weapons and "reviving a nuclear arms race reminiscent of (the) Cold War era." He noted that the nuclear weapon states, including the United States, boycotted negotiations for the Treaty on the Prohibition of Nuclear Weapons that was approved in July by 122 countries at the United Nations.

"The DPRK consistently supports the total elimination of nuclear weapons and the efforts for denuclearization of the entire world," he said. But as long as the United States rejects the treaty and "constantly threatens and blackmails the DPRK with nuclear weapons ... the DPRK is not in position to accede to the treaty."

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## **Can North Korea's Missiles Deliver An Atomic Weapon To The U.S. Mainland? Maybe.**

By Raoul Rañoa And Angelica Quintero, Contact Reporters

[Los Angeles Times](#), October 16, 2017

Although recent missile tests indicate that North Korea has made advancements in missile technology, it's unknown whether its missiles can deliver an atomic weapon to the continental United States.

"The bottom line is we don't know," said Ted Postol, a Massachusetts Institute of Technology professor emeritus of science, technology and international security. "I believe it's unlikely they can deliver an atomic bomb to the United States at this time, but we can't rule it out."

Missile trajectory and payload make a big difference

In most of its longer-range tests, North Korea has flown missiles on near-vertical trajectories with lighter than standard payloads. Once the weight of standard payloads and other factors are accounted for, the missiles may not be able to carry atomic bombs as far as test launches suggest.

To estimate the circumstances needed for a North Korean missile to reach the United States, Postol and two associates, Markus Schiller and Robert Schmucker, estimated the likely ranges of previous North Korean missile tests based on a standard trajectory and likely payloads.

Based on observed tests of the Hwasong-14 this year, an upgraded missile may be able to reach the United States with a payload weighing between 1,550 and 1,650 pounds. This would be possible only with the addition of extra motors that North Korea currently has. "It would be a major design improvement. But, I think they can do it. They've shown enough skill to do it," said Postol.

The weight of the payload plays a huge role in the missile's range, but nobody knows the weight of a North Korean warhead.

According to Schiller, founder of Germany's Munich-based space and rocket consulting company ST Analytics, there is strong evidence that the early North Korean ballistic missile program was heavily supported by Russian engineers during and well after the 1991 Soviet Union collapse.

"At the time, giant transfers of missile systems and rocket components occurred," he said.

Postol believes that Russian rocket engineers from the Makeyev institute in Miass, Russia, the organization that designed the most advanced Soviet rockets during the Cold War, migrated to North Korea during the Soviet Union's economic collapse. @latimesgraphics

"The North Koreans were willing to give them money to sell them these components. This was a catastrophic hemorrhage of Russian rocket components that happened without the knowledge of the central Russian government," he said.

The engines in North Korean missiles, including the Hwasong-12 and 14, are extremely complex. Though unable to manufacture and engineer much of the technology on its own, North

Korea adapts and modifies Russian designs to build its arsenal.

"A modern world where very advanced pieces of technology like rocket engines can be adapted for different purposes creates an environment that allows for the serious proliferation of long-range missiles from North Korea," he said.

How Russian rocket engines work

Fuel and nitrogen tetroxide, an oxidizer that enables combustion, is forced into a small combustion chamber.

To start the rocket motor, fuel and oxidizer combust in the small combustion chamber, powering a turbine that makes 10,000 to 30,000 revolutions each minute.

The turbine powers "impellers" — propellers that suck fluid in and accelerate it outward at high pressures. Oxidizer is pushed to the top of the cone-like rocket nozzle, while the fuel is forced into a circular tube — known as the torus — at the bottom of the rocket nozzle.

Unheated fuel is injected at high pressure into bottom of the rocket nozzle and funneled up channels of corrugated metal between the nozzle's inner and outer walls. The unheated fuel flowing up channels keeps the nozzle and combustion chamber from melting. The fuel is heated as it travels upward. Once it reaches the top, it is pushed into the fuel manifold.

Fuel and oxidizer are sprayed into the combustion chamber at angles designed to maximize mixing. Combustion occurs instantly.

Key to the rocket's success is the precisely controlled mixing of rocket fuel and oxidizer. Do it even slightly wrong, and the rocket can explode prematurely.

Fuel and oxidizer are pushed into the manifolds at 25 gallons per second. Between 250 and 1,000 nozzles within the manifolds keep fuel and oxidizer separated to prevent premature combustion.

Inside the nozzles, fuel and oxidizer are forced into a spiral motion to increase the lateral pressure and velocity.

Fuel and oxidizer are sprayed into the combustion chamber at angles designed to maximize mixing.

Excess gas from the small combustion chamber is expelled into the environment and adds to the motor's thrust.

Failures and recent successes

North Korea has had some notable failures in its missile program. The Musudan missiles failed nearly all of their flights.

"We would see North Korea moving Musudans around," said Postol. "They hadn't been tested though. Once they started to fly it, it failed almost all the time."

"They made a bad design choice in this case and had a large number of failures," he said. "Maybe they hoped to get their manufacturing ability to a higher level. They were wrong."

The Hwasong-12 and 14, unlike the Musudan, have been very successful. Out of eight launches, there have been only three unconfirmed failures.

These recent increase in missile launches — and the apparent higher performance of these missiles — seemingly indicate a vast improvement in North Korea's nuclear missile capabilities.

However, Schiller agrees with Postol that these capabilities could not have occurred without Russian motors.

"For a first-generation rocket, dozens of launches and over 10 years of development are typically required. At least five more years of development and 10 more launches are usually needed to verify a weapon is ready for war," he said.

"North Korea's highest priority is to survive as a state," said Postol. "They are abundantly aware that the U.S. has a history of trying to destabilize countries that the U.S. doesn't like. They're saying, don't try it with us."

"They want to look dangerous to deter any foreign interference," said Schiller. "That's all they really want."

Additional source: Robert Schmucker, Schmucker Technologie

## **Economic Crackdown On North Korea Begins, Belatedly**

**International help in squeezing the isolated nation has been slow to take hold**

By Gerald F. Seib

[Wall Street Journal](#), October 16, 2017

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## **Israel Moves Ahead On West Bank Settlements, But Guardedly**



By Isabel Kershner And David M. Halbfinger  
[New York Times](#), October 16, 2017

JERUSALEM — Israel is moving ahead with plans for a significant expansion of its settlements in the occupied West Bank, including apartments in the volatile city of Hebron and the first approval of a new settlement in 20 years.

But while the latest plans call for the eventual construction of thousands of new homes on the West Bank, when Israeli officials meet this week to review them, only several hundred housing units appear likely to be granted final approval.

Prime Minister Benjamin Netanyahu is once again maneuvering on familiar ground, trying to balance the demands of his pro-settlement coalition partners with the opposition from the international community.

In restricting the number of final approvals now, however, his government may also be taking into account some other Israeli priorities. Among them are the campaign against Iran and the joint interests he has been pushing with Arab countries like Saudi Arabia, with which Israel has no formal diplomatic relations.

When the Israeli government announced last week that a planning committee convening on Tuesday and Wednesday would promote plans for 3,736 new housing units — which are at various stages of the long approval process — opponents of Israeli settlement in the West Bank were outraged. Critics in the pro-settlement camp were not satisfied, either, accusing Mr. Netanyahu of recycling announcements of plans that were still in their early stages of approval and engaging in political spin.

According to calculations by both sides, about 600 housing units will receive final approval before building. Final approval is also expected to be given for an additional 459 housing units in the urban settlement of Ma'ale Adumim, east of Jerusalem, though in that case bids for construction still need to be issued.

Oded Revivi, the chief foreign envoy of the Yesha Council that represents the settlers, complained that the amount of building being approved "does not accommodate even the natural growth" of the settler population.

The Trump administration has been more accommodating than its predecessors when it comes to Israeli settlement activity. But it has also called for restraint as it tries to foster a resumption of the Israeli-Palestinian peace process with

regional support and a coalition against Iran's regional ambitions.

"That's the tension: a government that wants to satisfy, or not upset, the American administration," Mr. Revivi said, "and the demands of citizens whose needs are not being kept."

Based on several meetings he had with Mr. Netanyahu, Mr. Revivi believes the Trump administration has not really drawn clear lines about what settlement it could live with.

"They said to the prime minister, 'We are not going to put any limits on you, but just make sure that what you do doesn't get us upset,' Mr. Revivi said. "I think that's where Prime Minister Netanyahu is: not knowing just how much he can pull the strings without getting the American administration upset."

Most of the world considers the settlements, built in the territory that Israel captured from Jordan in the 1967 war — the heartland of any future Palestinian state — to be a violation of international law.

Hagit Ofran, who monitors construction for Peace Now, a leftist Israeli advocacy group that opposes settlement activity, said there had been a sharp acceleration in the promotion of plans compared with the last two years. The rate now, she said, is similar to that in 2014, which was a bumper year. (The relative slump in 2015 and 2016 might have been due to a glut.)

"The strategy is to confuse us," Ms. Ofran said. And Israel, she said, is now allowing itself to build in places where it has held off for decades.

For example, approval is being given for 31 new apartments in the Jewish settlement in the heart of the contested and volatile city of Hebron, although that project is expected to be held up by a legal challenge by Hebron's Palestinian-run City Hall.

And for the first time in 20 years, final approval is also being given for a new settlement, Amihai, to accommodate the families who were evacuated from the illegal Israeli outpost of Amona, which was built on private Palestinian land.

A bid for construction is expected to be issued for 300 units in the Beit El settlement that the government has been promising since 2012. And heavy machinery has been spotted in recent days carrying out soil-boring tests at Givat Hamatos, an area over the 1967 lines in southern Jerusalem. According to Peace Now, the

infrastructure work is being done in preparation for the issuing of bids for the construction of 1,600 housing units in the area.

Anti-settlement groups say the construction in Givat Hamatos would drive a wedge between predominantly Palestinian East Jerusalem neighborhoods and Bethlehem, harming the contiguity of any future Palestinian state. The past promotion of plans there have prompted international condemnation.

In its official statement last week, the government declared: "During 2017, approximately 12,000 housing units in different stages of planning and construction will be approved, about four times the amount in 2016. Whoever claims that this is not a significant improvement is misleading the public." But hinting at the need to take Israel's broader interests into account, the statement also said, "Whoever believes that diplomatic considerations need not be taken into account is greatly mistaken."

"There is nobody," the statement concluded, "that does more for settlement, steadfastly and wisely, than Prime Minister Benjamin Netanyahu."

Hanan Ashrawi, a member of the executive committee of the Palestine Liberation Organization, condemned the latest settlement plans. "Clearly, Israel is bent on entrenching the military occupation and its illegal settlement enterprise," she said, "further reaffirming its intentions of displacing Palestine and replacing it with 'Greater Israel.'"

Bezalel Smotrich, an Israeli lawmaker from the staunchly pro-settlement Jewish Home party, which sits in Mr. Netanyahu's governing coalition, wrote a scathing online post accusing the prime minister's staff of issuing "a sea of lying numbers."

Mr. Smotrich blamed the Americans for not authorizing plans for industrial zones by the settlements, in part because they take up a lot of space. "Without industrial zones there is no employment, no livelihood and no existence," he said.

The planning committee meeting this week convenes four times a year. Shaul Arieli, an Israeli expert on political geography who prepared maps for past negotiations with the Palestinians, and who is a strong advocate for the establishment of a Palestinian state alongside Israel, said final approval for about 600 units has become relatively "routine."

But in the past, he said, about 75 percent of new building was inside the so-called settlement blocs, meaning areas mostly close to the 1967 line that Israel intends to keep in any future agreement with the Palestinians, possibly in return for land swaps. Over the last six or seven years, he said, up to half the new building has been deep in the West Bank, outside the blocs.

## **Egypt Moves Palestinians Toward Reconciliation, Pressuring Israel On Broader Peace Deal**

By Jacob Wirschafter And Asma Jawabreh  
[Washington Times](#), October 16, 2017

CAIRO — It's been a decade since the Palestinian terrorist group turned political party Hamas took over the Gaza Strip.

In that time, neither the Hamas nor the Ramallah-based Palestinian Authority, whose president, Mahmoud Abbas, and secular Fatah ruling party officially lead the Palestinian strongholds in both Gaza and the West Bank, has made strides toward reconciling their bitter differences or meaningful progress toward their shared dream of statehood.

But reconciliation talks hosted by Egypt signal a new seriousness between the competing movements on a political truce, one that could have far-reaching consequences for the Palestinians, Israel and the region as a whole.

A unity pact could alleviate the deep economic distress in Gaza and scramble the calculations of U.S. diplomats trying to put together what President Trump has dubbed "the ultimate deal" to end the longest-running conflict in the Middle East.

The talks got a major boost last week with the announcement of a "preliminary agreement" that could lead to the Palestinian Authority's reclaiming of administrative control of Gaza and the end of crippling border restrictions that have devastated Gaza's economy. But the deal, announced Thursday at a press conference, still may founder on critical details that have torpedoed past attempts at reconciliation.

A senior Palestinian official said Fatah leaders, including the ailing 82-year-old Mr. Abbas, might visit Gaza in the coming weeks, The Associated Press reported. The Western-backed Mr. Abbas hasn't been able to visit in Gaza since 2007, when the more militant Hamas seized the territory after days of factional street battles.

In the wake of the 2014 conflict between Hamas and Israel that destroyed Gaza's infrastructure, including 171,000 homes, the United Nations has said the densely populated enclave, occupying a patch of ground smaller than Rhode Island, will be uninhabitable by 2020 without significant investment.

Long-suffering Gazans say the survival of the Palestinian nation and the statehood cause depend on abandoning factionalism and reaching a deal in Cairo.

"The rift has caused endless damage," said Samyah Maher, an unemployed 22-year-old with a computer engineering degree from a local technical college. "Homes and schools go for hours without electricity. The border crossings need to be opened, and rebuilding from the last war is still not finished. Reconciliation is the only tool we have to create a decent life."

The talks in Cairo have been focused on nuts-and-bolts governance challenges for the Palestinians.

Hamas, which the U.S. and Israel still condemn as a terrorist organization, put nearly 50,000 loyalists on the civil service payroll. But many of those workers don't receive paychecks regularly because of disagreements between Hamas and Fatah over who manages tax revenue. Electricity outages are common. Water and sewer service is spotty, leading to polluted drinking water.

"We all know that there are several hard topics and issues to deal with," said Tayseer Nasrallah, a member of the Fatah Revolutionary Council. "But we now have the positive spirit to achieve this reconciliation with the help of Egypt."

Last week, the Palestinian Cabinet held its first meeting in Gaza since 2014, with Egypt's chief of general intelligence, Khaled Fawzi, in attendance. It signaled an expectation for Hamas and Fatah to settle their differences in the interest of improving security and gaining independence.

Mr. Abbas did not attend that meeting, but Palestinian Prime Minister Rami Hamdallah pledged to "turn the page on division, restore the national project to its correct direction and establish statehood."

Since his own ascension to power, Egyptian President Abdel-Fattah el-Sissi has consistently pushed for a conclusive Israeli-Palestinian peace agreement. He has cited the lack of Palestinian

unity as well as Israel's policy of permitting new settlements as key obstacles to a deal.

Last month, Mr. el-Sissi put aside his prepared text in a speech to the U.N. General Assembly in New York and appealed directly to the Palestinians to overcome their differences and "not lose the opportunity and be ready to coexist with the Israelis in safety and peace."

Cairo is providing incentives for a deal by supporting a plan to open its border crossing with Gaza if Hamas allows Fatah to deploy 3,000 police officers in the territory and field a team monitored by the European Union to check goods and people at the Rafah border post. The border has long been a barrier because Egyptian officials have worried that terrorists might ship weapons into the country from Gaza.

"Hamas believes that by unity, under Egyptian supervision, we can achieve what the Palestinians want from their leaders," said Salah Al-Bardawil, a Hamas leader in Gaza.

Azzam al-Ahmad, head of the Fatah delegation, told the AP that the Palestinian Authority would assume control of the crossing points between Gaza and Israel by Nov. 1 under last week's accord. He said Mr. Abbas' presidential guard would assume control of the Rafah crossing between Gaza and Egypt, but he did not specify a timetable.

Trump and el-Sissi

President Trump, in a sharp departure from his predecessor, has cultivated a close personal relationship with Mr. el-Sissi, and Egyptian officials say they are confident that the new U.S. administration is behind Cairo's efforts despite widespread doubts in the region that the time is ripe for a comprehensive deal.

"President Trump has made no secret of his ambition to help the Palestinians and the Israelis reach a peace accord," said Hussein Haridy, an assistant foreign minister under former Egyptian President Hosni Mubarak, who was ousted from office during the Arab Spring uprisings in 2011. "But for the American strategy to succeed, Washington will have to keep up that momentum regardless of the domestic situation in Israel."

Israeli Prime Minister Benjamin Netanyahu has been openly wary of the Hamas-Palestinian Authority unity talks, even as the negotiations were accelerating in recent weeks.

"We are not interested in a bogus reconciliation in which the Palestinian factions

reconcile with each other at the expense of our existence," the hawkish Mr. Netanyahu said.

The Israeli leader repeated demands for Hamas to sever all links with Iran, dismantle its military wing and recognize Israel as a Jewish state — steps the organization has long resisted.

"Israel objects to a reconciliation that does not include these elements," he said in a statement after Thursday's preliminary deal was signed in Cairo. "So long as Hamas does not disarm and continues to call for the destruction of Israel, Israel sees it as responsible for all terror emanating from Gaza."

But the backing of Egypt and the possible participation of the Americans has kept Israel from rejecting the unity talks out of hand.

"Israel was forced to accept this move," said Menachem Klein, a political science professor at Bar Ilan University and former negotiator in Israel-PLO talks. "After meetings with Sissi, the Americans and the Russians, the move of the Fatah delegation and their taking the responsibilities over the Gaza Strip was something that got Prime Minister Netanyahu's quiet agreement."

Yet Mr. Klein thinks Mr. Netanyahu's supposedly forced assent to the Palestinian unity project is merely tactical.

Mr. Netanyahu supports continued building in east Jerusalem, which Palestinians claim as their capital, and made hard commitments to Israeli settlers in the West Bank. An actual Palestinian accord could put Mr. Netanyahu in an uncomfortable diplomatic spot.

"He hopes that the unity government talks will break down, that Hamas refuses to disarm and Abbas will put obstacles in the implementation of the reconciliation," said Mr. Klein, who thought the prime minister's gambit might not work. "But it seems to me that Hamas is changing dramatically, and Egypt is not going to give up so easily."

After years of infighting, many ordinary Palestinians appear indifferent to the political maneuvering of their leaders. But there are signs they are allowing themselves at least a cautious optimism for the U.S.-backed Egyptian diplomatic efforts.

"Trump is trying to do what the previous American presidents failed to do," said Mohammad Ayoub, a 26-year-old graduate in literature from the Islamic University in Gaza who

earns \$6 a day working at a construction site. "He wants to be the superhero who achieved peace in the Middle East. But all I want is to have good job, earn money, fulfill my dream as any other person in this world."

Still, he kept the dream of Palestinian statehood alive.

"A two-state solution can be really accepted if Israel and Palestine work seriously to achieve it," Mr. Ayoub said. "And it is time to find a solution."

• Asma Jawabreh reported from Hebron, West Bank.

## **U.S. Condemns Venezuelan Elections As Neither Free Nor Fair**

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **Venezuelan Opposition Denounces Latest Vote As Ruling Party Makes Gains**

By Kirk Semple

[New York Times](#), October 16, 2017

CARACAS, Venezuela — For members of Venezuela's opposition, the big question heading into Sunday's elections seemed less about whether they would win than how much power they would be allowed to wield once they did.

Widespread dissatisfaction with President Nicolás Maduro's ruling party was plain to see. Violent demonstrations had taken over the streets for months, while many thousands of Venezuelans had fled the country to escape scarcities of food and medicine, rampant violence and a triple-digit inflation. Polls had predicted that opposition candidates could nearly sweep the board in Sunday's gubernatorial races, taking as many as 18 of the nation's 23 statehouses.

Yet the result was the opposite: Candidates aligned with the president won at least 17 state races, some by wide margins. Opposition candidates took only five. They even lost in states that were considered overwhelmingly pro-opposition.

The results shocked the country and, according to Venezuelan and foreign analysts, raised new questions about the integrity of Venezuela's electoral system.

"The result is another sham," said Nicholas Watson, senior vice president of Teneo

Intelligence, a business consultancy. He said that the ruling party's claim to winning 54 percent of the vote was "inconceivable" and that the loss of opposition stronghold states like Miranda and Barinas was "simply implausible."

Venezuela's democratic credentials have been under question since this summer. Mr. Maduro greatly consolidated power in July, creating a new governing assembly that dissolved the opposition-controlled legislature and now rules virtually unchecked.

Mr. Maduro's government has already been accused of manipulating the results of that election. The software company involved in setting up Venezuela's voting systems for the vote said that the tally had been inflated by at least one million votes.

In that election, a broad victory for Mr. Maduro's party had been a foregone conclusion because the opposition refused to participate. But Sunday's election was a different story altogether. Turnout was large, with more than 61 percent of eligible voters casting ballots, according to federal elections officials, raising broad doubts about the fairness of the outcome.

José Ignacio Hernández, a law professor at Central University of Venezuela, said the results appeared "statistically unlikely" and reflected an election "that is neither free nor transparent."

"The problem is proving it," he continued. "The declared results are not rational. Among other factors, I think there was manipulation."

Opposition leaders have refused to endorse the results, demanding an audit and calling on their candidates to take their protests to the street. But they have not offered any evidence of fraud.

Several analysts said that fraud at the ballot box should have been identifiable by the opposition. Venezuelan election law allows for monitors of both sides to observe the voting and to double check a percentage of the results on election day through an auditing system.

Yet the absence of any such claims on Monday suggested that the opposition had detected no evidence of voting fraud through the audit system.

In any case, Mr. Watson said, legal challenges would be likely to come to nothing in government-controlled courts.

"The rules of the game have never been fair, and Chavismo has been tilting the playing field away from the opposition for years now," he said,

referring to the movement founded by Mr. Maduro's predecessor, former President Hugo Chávez.

The results left the opposition foundering, its future in doubt.

Opposition leaders suspected that even if they swept the statehouses, Mr. Maduro's constituent assembly, which now governs the country, would ensure that their governorships were neutered. They decided to participate anyway, hoping that overwhelming victories across the country would be their best chance to loosen Mr. Maduro's authoritarian grip.

But now, having lost badly in the regional elections, the future of the opposition coalition hangs in the balance, analysts said.

"This is a catastrophe for the opposition," said David Smilde, a sociology professor at Tulane University who has researched Venezuela for 25 years. "I think they're going to pay a real price with Venezuelans."

At an evening news conference on Monday, Ángel Oropeza, general coordinator of the opposition coalition — the Democratic Unity Roundtable, known as M.U.D., the initials of its name in Spanish — called for a "quantitative and qualitative" audit "of all the electoral processes, with full, trustworthy, international verification."

At a separate news conference, Carlos Ocariz, the candidate for governor of Miranda, a heavily anti-Maduro state that he was expected to win easily, said the opposition was up against "an absolutely fraudulent system."

"We have faced it for a long time," Mr. Ocariz added.

But while he offered no evidence of voting fraud, he pointed to several of the decisions made by federal electoral officials that, critics said, were intended to confuse voters or suppress the vote.

Last week, the government relocated more than 200 voting sites and printed ballots that included the names of opposition candidates who had lost in the primaries. Opposition supporters also accused the government of purposely delaying the opening of some polling sites in predominantly anti-Maduro neighborhoods to dissuade opposition voters by causing them to wait hours.

But Mr. Ocariz also acknowledged the impact of an abstention campaign promoted by some members of the opposition who had argued that participation would only reaffirm Mr. Maduro's

government by making Venezuela appear democratic.

"We always said: facing a fraudulent system, we have to vote," Mr. Ocariz said.

Sunday's results have left opposition supporters deeply disillusioned. Many voters were already dispirited, dragging themselves to the polls with whatever hope they could muster. The election results could knock out whatever enthusiasm was left for participation in the system, or perhaps even for protest, analysts said.

Should the opposition present convincing evidence of electoral fraud, they might be able to resuscitate the movement and spur greater international support, including harsher sanctions against the Maduro administration, analysts said.

In the absence of such a response, however, the opposition coalition – which was already riven by competing agendas, political philosophies and egos – could collapse.

"If the M.U.D. is not able to demonstrate the fraud, I think the public backlash will be enormous," said Dimitris Pantoulas, a political consultant in Caracas, the capital. "It will be the last election for the M.U.D., especially if people see that the M.U.D. can't defend the vote."

The crumbling of the opposition, he predicted, would then help to ensure a resounding victory for the ruling party in presidential elections next year.

Mr. Watson, however, said a breakup of the opposition was not inevitable.

"The risk of splitting up still acts as a cohesive glue that keeps them all together, because the alternative remains pretty horrendous," he said. "They understand they're on a cliff's edge."

## **In Venezuela, Opposition Took Risk That Might Not Pay Off**

By Anthony Faiola And Rachelle Krygier  
[Washington Post](#), October 16, 2017

If Sunday's elections in Venezuela proved anything, it's that the opposition to President Nicolás Maduro is caught in a trap: How do you fight for power at the ballot box in a country that no longer plays by democracy's rules?

That the opposition even participated in the vote — for the governorships in all 23 states — was always a calculated risk. As recently as July, Maduro's government held an election creating a new super congress stocked with his loyalists that

was internationally condemned as a fraudulent power grab. The opposition boycotted that vote so as not to validate it. But it participated in this one, calculating that it could perhaps claw back a vestige of power.

Yet on Sunday, Maduro — the anointed successor of Hugo Chávez, who died in 2013 — pulled off a surprising, some say too surprising, victory. The government had limited the opposition's airtime and, at the last minute, relocated hundreds of polling centers in opposition-heavy districts. Opinion polls had still predicted a big win for anti-government forces. But Sunday night, Maduro's socialists captured 17 states to the opposition's five – with one race still in dispute.

If the mission was to show the world that Maduro does not play fair — and in part it was — then consider it mission accomplished. The United States, which has already sanctioned Maduro and his inner circle and sought to squeeze Venezuela out of the U.S. financial system, on Monday strongly denounced the vote. It also offered a thinly veiled threat of more measures to come.

"We will work with members of the international community and bring the full weight of American economic and diplomatic power to bear in support of the Venezuelan people as they seek to restore their democracy," U.S. State Department spokeswoman Heather Nauert said in a statement.

Yet the outcome, analysts say, could now leave the opposition more weakened than it already was. Some anti-government Venezuelans argue that by even running, the opposition aided Maduro, lending credence to the optics of a democracy that many say no longer exists. Others were disappointed that the opposition did not more forcefully denounce the government's tactics immediately following the vote.

Indeed, the opposition coalition appeared at least momentarily blindsided late Sunday, offering a vague condemnation that suggested foul play but stopping short of a direct charge of vote rigging. The government, it said, had engaged in dirty tricks on the campaign trail as well as on the day of the vote, allegedly buying off voters with cash and food and sending its thugs to disrupt the opposition's get-out-the-vote drive.

But had the government actually stuffed ballot boxes? Contradictions suggested the possibility. Carlos Ocariz, the opposition candidate

for governor of Venezuela's important Miranda state, for instance, said his campaign's own exit polling showed him up by nine percentage points — a major discrepancy with the official tally that favored his opponent, a Maduro backer, by 52 percent to 46 percent.

But proving outright fraud is tough when democratic powers are so constrained. The government seemed to do best, Ocariz said, in rural areas where the opposition's legally permitted observers were allegedly barred from entering polling places. In addition, he said, phone signals in some areas where the government outperformed strangely went down during the vote, limiting the opposition's ability to monitor the balloting there.

Yet even he conceded that the opposition was dealing with an electorate that was so jaded and frustrated by the government's tactics that many did not even bother to vote.

"I did everything I could," he said. "We raised people's moral, tried to awaken them, and went all around the whole state. We'll keep doing it. . . . This is not about a job, but about changing a system that brings lies, frustration and pessimism."

The outcome left the opposition in a deeper rut. Following the collapse of oil prices and the corrosive effects of faulty economic policies, Venezuelans are suffering through a historic crisis marked by desperate shortages of food and medicine. Maduro remains deeply unpopular, with roughly 23 percent support. But without doubt, some Venezuelans, beholden to the government for food and jobs, still see supporting it as the path of least resistance.

Many others are fed up. But earlier this year, months of massive street demonstrations that initially put enormous pressure on Maduro failed to change the game, while leaving more than 100 people dead. The choices facing the opposition going forward now are not good. Does it risk participating in more elections only to face similar, perhaps orchestrated defeats? Or does it boycott the political process, only to suffer more losses in local elections in the coming months?

In the meantime, the opposition has to contend with its own supporters who have grown increasingly frustrated with its lack of a clear vision on how to confront Maduro.

"I'm not just disappointed in the government, but also in an opposition that does nothing,"

complained Daniela Duarte, an unemployed 38-year-old sitting in Caracas's Plaza Altamira on Monday. "They aren't prepared or qualified to confront this. I voted because I had the hope that they were. I thought they'd respond strongly, defend us. But the government robs our votes, and they just do nothing."

## **Investigative Journalist In Malta Is Killed In Car Bombing**

By Sewell Chan

[New York Times](#), October 16, 2017

An investigative journalist in Malta who exposed her island nation's links to offshore tax havens using the leaked Panama Papers was killed in a car bombing on Monday, an attack that shocked Malta and was condemned by leaders of the European Union.

The journalist, Daphne Caruana Galizia, 53, died when the car she was driving exploded in Bidnija, a hamlet in north-central Malta. Her final blog post, accusing the prime minister's chief of staff of corruption, had been published about a half-hour earlier.

Ms. Caruana Galizia ran a blog that was so popular and influential that it helped cause a political crisis when she accused Prime Minister Joseph Muscat's wife of benefiting from a secret Panamanian shell company that was used to deposit unexplained payments from Azerbaijan's ruling family. Mr. Muscat, who has denied wrongdoing, called a snap election in June, which his Labour Party won, giving him a second term.

In a statement on Monday, Mr. Muscat said he was shocked by the killing.

"I condemn without reservations this barbaric attack on a person and on the freedom of expression in our country," he said in a statement. "Everyone is aware that Ms. Caruana Galizia was one of my harshest critics, politically and personally, as she was for others too. However, I can never use, in any way, this fact to justify, in any possible way, this barbaric act that goes against civilization and all dignity."

Mr. Muscat said the national police and security forces had been instructed "to take every step necessary in the investigations" to find whoever was responsible.

The leader of the opposition, Adrian Delia, warned of "the collapse of democracy and freedom of expression," and said on Twitter: "We shall not be silenced."

Another opposition lawmaker, Simon Busuttil, warned on Twitter: "The rule of law has collapsed. Our democracy is at stake."

Numerous officials condemned the killing. "If journalists are silenced, our freedom is lost," said Frans Timmermans, the first vice president of the European Commission, the executive arm of the European Union.

Antonio Tajani, the president of the European Parliament, said that Ms. Caruana Galizia had "sacrificed her life to seek out the truth."

Ms. Caruana Galizia started her journalism career in 1987 as a columnist for The Sunday Times of Malta, but she was best known in recent years for her influential blog, called Running Commentary, which frequently leveled accusations against powerful politicians and business executives. Her final blog post called the prime minister's chief of staff "a crook" and warned: "There are crooks everywhere you look now. The situation is desperate."

The European edition of Politico, the online news site, recently included Ms. Caruana Galizia on a list of 28 people who are "shaping, shaking and stirring Europe." The news site called her a "blogging fury" and a "one-woman WikiLeaks" bent on exposing corruption and nepotism.

In February, Ms. Caruana Galizia wrote that the country's economy minister and an ally had sued her for libel, and gotten her accounts frozen, after she accused them of visiting a brothel in Germany while on official government business.

The Times of Malta reported that Ms. Caruana Galizia had filed a police report about two weeks ago about threats that she had received.

Prime Minister Muscat called on the country to defend democracy and the rule of law.

"In this moment of profound sentiment, I am appealing for national unity," he said in his statement. "This is not the time to discuss the conduct of a person. Everyone has the right to write and say what they want in this country, and those who feel wronged are entitled to protection by the courts and no other remedy."

He vowed: "I will not rest until justice is delivered in this case, as our country deserves justice."

Gerard Ryle, the director of the International Consortium of Investigative Journalists, which organized the Panama Papers investigation, said it was "deeply concerned about freedom of the

press in Malta" and urged the authorities to investigate the killing. One of the victim's three sons, Matthew Caruana Galizia, works for the organization as a developer and data journalist.

Ms. Caruana Galizia, who is also survived by her husband, had been a staunch advocate for the European Union, which Malta joined in 2004. "Over my dead body will my children be stuck on these rocks," she told Politico.

## **Dozens Of ISIS Fighters Killed In Yemen Strikes, Pentagon Says**

By Alex Horton

[Washington Post](#), October 16, 2017

Dozens of Islamic State militants were killed Monday by U.S. airstrikes targeting training camps in Yemen, the Pentagon said.

The camps were in Al Bayda Governorate and were used to train militants to use small arms, according to the Pentagon.

Al Bayda is a sprawling region southeast of the capital, Sanaa, that has been the focus of U.S. military action. The first drone strikes of the Trump administration occurred there in January. Days later, Chief Special Warfare Operator William "Ryan" Owens, a Navy SEAL, was killed in a firefight in Al Bayda during a mission to obtain intelligence on al-Qaeda activity. Owens's death was the first combat casualty of the administration.

The Islamic State has sought to exert influence in the Middle East and North Africa after stinging defeats in Mosul, Iraq, and an impending expulsion from Raqqa, the group's Syrian stronghold. CNN, citing an anonymous defense official, reported the strikes were the first to target the group in Yemen.

The country has become a beacon for militant activity since the collapse of the country's government in 2014, when Shiite Houthi rebels, backed by Iran, forced then-Yemeni President Abed Rabbo Mansour Hadi to flee.

Since 2015, Saudi Arabia has led an Arab coalition that has attacked Houthi positions, leading to accusations of indiscriminate bombings and civilian deaths. The United States has provided limited intelligence and has flown aerial resupply missions for Saudi planes.

## **U.S. Strike On Islamic State Camps In Yemen Kills Dozens: Pentagon**

[Reuters](#), October 16, 2017



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## **U.S.-backed Forces In Final Push Against Islamic State Raqqa**

By John Davison And Rodi Said  
[Reuters](#), October 16, 2017

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## **NATIONAL NEWS**

### **Trump, McConnell Show Republican Unity At White House**

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

### **Trump And McConnell Declare They Have A Common Agenda**

By Eli Stokols  
[Wall Street Journal](#), October 16, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

### **Trump And McConnell Say They're Pals Again**

By Bob Fredericks  
[New York Post](#), October 16, 2017

President Trump and Mitch McConnell on Monday made a show of telling the media what great pals they were — just hours after the president agreed with ex-adviser Steve Bannon's harsh critique of the senate majority leader.

"Despite what you read, the relationship is better than ever," Trump said in a wide-ranging, 40-minute press briefing with McConnell in the Rose Garden.

He also said that the Kentucky Republican would get health care reforms passed, calling McConnell "a great man" who was "going to get it done."

McConnell seconded that sentiment, saying that "we are working together" to pass tax reform.

"We've been friends and acquaintances for some time. Contrary to what some of you may have reported, we are together totally on this agenda to move America forward," he said.

"We're going to get this job done and the goal is to get it done by the end of the year."

But they also gave themselves an out — noting that it took ex-Presidents Obama and Reagan far longer to pass key agenda items.

"I would like to see it be done this year. If we get it done that's a great achievement, but don't forget, it took years for the Reagan administration to get taxes done. I've been here nine month," Trump said.

"The goal to get it done this calendar year, but it is important to remember that Obama signed Obamacare in March of year two," McConnell added.

Trump has often denounced McConnell on Twitter and at rallies, blaming him for the party's failure to repeal and replace Obamacare.

During the news conference, the president also:

said he would declare the nation's opioid crisis a national emergency "probably next week," two months after first saying he would do so.

for the first time blamed Cuba for the mystery sonic attacks that injured US diplomats in Havana, saying he does "believe Cuba is responsible."

slammed Big Pharma, and accused drug companies of charging "double or triple or quadruple" the price for prescriptions in the US than they did for the exact same drugs in other countries.

crowed that Clinton-era FEMA director James Witt gave the federal government an "A+" for hurricane response, including in Puerto Rico. "Puerto Rico has more generators, I believe, than any place in the world. There are generators all over the place," Trump said.

took a swipe at Hillary Clinton, saying that her support for NFL players who take a knee during the national anthem was why she lost the election. "Hillary, please run again!" he quipped.

said he was not going to fire special counsel Robert Mueller, but again dismissed his investigation as an excuse cooked up by Democrats for losing the White House and denied any collusion with Russia.

In the Rose Garden, the president's tone was far more conciliatory toward McConnell than earlier in the day, when he bashed the GOP-controlled Congress and praised Bannon, who had declared "war" on McConnell and the GOP establishment over the weekend.

The Breitbart chief said he would primary Republicans who did not share Trump's America First agenda.

"Steve is doing what Steve thinks is the right thing. I can understand where Steve is coming from and where a lot of people are coming from. I'm not happy about it and a lot of people are not happy about it," Trump said at a cabinet meeting as McConnell's wife, Transportation Secretary Elaine Chao, sat nearby.

"We are not getting the job done. I'm not going to blame myself. They are not getting the job done," the president said about Congress.

McConnell said later that his goal was to put up Senate candidates who could win by appealing to a broader constituency than Trump's base.

The president also singled out 81-year-old Sen. John McCain, who is battling brain cancer, by name.

"There are Republicans frankly that should be ashamed of themselves. A few people disappointed us really, really disappointed us," he said, citing "a surprise vote by John McCain" against the Senate plan to repeal and replace Obamacare.

And he praised his cabinet, whose members had lavished him with compliments during an earlier meeting.

"We have a cabinet that there are those that say it's one of the finest group of people ever assembled as a cabinet. I happen to agree with that. I should agree that. This is a tremendous amount of talent and I wouldn't say I was necessarily looking to be politically correct although I ended up being politically correct because it was the right thing to do in every sense of the word," he said in an apparent reference to gender diversity.

## **Trump, McConnell All Smiles, All The Time**

By John T. Bennett

[Roll Call](#), October 16, 2017

Speaker Paul D. Ryan is ready to cancel Christmas recess to get a tax bill done, but President Donald Trump and Majority Leader Mitch McConnell signaled the effort could slip into next year.

Trump on Monday called his relationship with McConnell "very good" amid reports of tension between the two leaders. During a remarkable and rowdy midday joint press conference in the

Rose Garden, Trump declared he and McConnell "are probably now ... closer than ever before.

"The relationship is very good," Trump said. "We're fighting for the same thing. We're fighting for lower taxes, a big tax cut, the biggest tax cuts in the history of our nation. We're fighting for tax reform as part of that."

Regarding that still developing tax bill, the president said of the majority leader: "This man is going to get it done."

The president and majority leader have in recent weeks expressed differing views about when the House and Senate must finish their respective tax bills, hammer out the differences and deliver a final product to Trump to sign into law. Trump has been clear he wants to sign a bill before 2017 ends; McConnell has sounded willing to take more time if it's required.

On Monday, it was Trump who gave ground.

McConnell said the GOP goal is to pass a tax bill this calendar year, but he and Trump made clear they would not be opposed to allowing it to slide into 2018 if additional weeks or months were needed to secure the necessary votes.

They noted other presidents signed signature bills early in their second years in office. But their willingness to push past the holiday season puts them at odds with Ryan.

"We're going to keep people here for Christmas if we have to," Ryan said Friday at a forum hosted by the conservative Heritage Foundation. "I don't care. We have to get this done."

Then on Monday the Wisconsin Republican laid out his expected timeline for getting a tax bill out his chamber.

"By early November we'll get it out of the House," Speaker Paul D. Ryan said on WTMJ.

Ryan said the GOP's tax framework is realistic, that they have run the numbers and wouldn't have put out the promised rate cuts, etc. that they did if they couldn't get there.

The speaker also said the tax measure would be more "direct and streamlined" under the fast-track budget reconciliation process than what happened to the GOP's unsuccessful health care efforts using reconciliation.

"You could only do about a half of what we wanted to do on health care in that reconciliation bill," the speaker said. "That's not how tax is. You can put the entire tax code overhaul in one vote, in one bill."

Much of the White House press corps was already assembled in the briefing room for a scheduled session with Press Secretary Sarah Huckabee Sanders on Monday before being hustled to the Rose Garden for the joint Trump-McConnell presser.

Reporters shouted at Trump during the nearly half-hour joint press conference, trying to get his attention and jockeying for position. McConnell stood to the president's left.

McConnell mostly demurred to Trump, as the president first falsely accused former President Barack Obama of never writing or calling the family members of fallen U.S. military troops. Obama, like other former commanders in chief, did so throughout his presidency.

The president also defended his administration's response to the Puerto Rico crisis, dared Hillary Clinton to run for president in 2020, and announced the United States would remain neutral in fighting between Iraqi government and Kurdish forces.

The president told reporters he does not intend to fire Robert S. Mueller, the former FBI director now leading the Justice Department probe of Russia's interference in the 2016 election — including possible ties between Moscow and Trump's campaign. But the president says he thinks it is time for Mueller to start wrapping things up, again saying there was "absolutely no collusion" with the Kremlin.

Just a few hours earlier at a meeting with this Cabinet, Trump revealed his administration could be about to throw another issue on Congress' fast-growing to-do list, accusing the pharmaceutical industry of price gouging and saying welfare recipients were gaming the system.

He said he and his Cabinet are "looking very very strongly therefore at welfare reform" because some recipients are taking advantage of federal assistance.

The president also said drug manufacturers are "getting away with murder" by over-charging people for their products.

"Prescription drug prices are out of control," he said, according to a pool report, adding that medicines cost more here than in other countries. "Meaning, as usual, the world is taking advantage of the United States," a common Trump grievance.

Later in the Rose Garden, Trump promised a "major announcement" as soon as next week on drug prices and the opioid crisis.

The two GOP leaders also were asked about the party's strategy for the 2018 midterm elections.

McConnell said the Republican approach will be to support incumbents and candidates who can win general election races.

That worked in 2014 and 2016, and the party won't change that approach just because former White House chief strategist Steve Bannon is pushing conservative candidates and is in a self-described "war" with McConnell.

One of those Bannon-preferred conservatives is Alabama GOP Senate nominee Roy Moore. Trump revealed he plans to meet with the former judge, who has harshly criticized McConnell, next week.

Lindsey McPherson contributed to this story.

## **Trump Hints He Might Try To Get Bannon To Back Off, As He Seeks To Project Unity With McConnell**

By Sean Sullivan

[Washington Post](#), October 16, 2017

President Trump and Senate Majority Leader Mitch McConnell sought to project unity Monday amid heightening tensions between the president and Senate Republicans that threaten to complicate the GOP's fall legislative agenda and midterm election strategy.

At a joint news conference in the White House Rose Garden after a working lunch, Trump and McConnell tried to dismiss media reports of a troubled relationship and to demonstrate that they are on the same page when it comes to the effort to rewrite the nation's tax laws.

But the lengthy public appearance veered into many other topics as well, as Trump eagerly fielded a volley of questions on Puerto Rico, NFL anthem protests, Hillary Clinton and special prosecutor Robert S. Mueller III's investigation into Russian election meddling.

One uncomfortable element of the dynamic between McConnell and Trump continued to loom over the two men, even after their news conference ended: the actions of Stephen K. Bannon, Trump's former chief strategist.

Bannon is waging an effort to unseat Republican senators loyal to the majority leader in the midterms by backing insurgent primary

challengers. Trump said Monday that he has a "very good relationship" with Bannon. At the same time, he hinted he might try to persuade him not to take on certain GOP senators.

"Some of the people that he may be looking at — I'm going to see if we can talk him out of that, because frankly they're great people," said Trump. He did not specify whom he had in mind.

McConnell explained that his midterm goal is simply to keep Republicans in control of the Senate majority. "Winners make policy, and losers go home," he said bluntly.

Trump also said he plans to meet next week with Roy Moore, the controversial Republican Senate nominee in Alabama who defeated the candidate endorsed by both McConnell and Trump. Moore has been an outspoken critic of McConnell.

Moore visited Capitol Hill earlier this month but did not meet with McConnell or Trump. Bannon actively championed Moore during the primary.

Trump and McConnell both said they are aiming to complete a sweeping revision of the nation's tax laws by the end of this year, although they left open the possibility that might not happen.

"We have the same agenda," the majority leader said.

Still, there were some surprises. The president said that he plans to release an "economic development bill" but that he had not yet briefed the Senate leader on it.

Earlier in the day, the tensions between Republican senators and Trump were on display at a Cabinet meeting where the president empathized with Bannon and blamed Senate Republicans for the GOP's legislative woes.

Trump said at the meeting that Bannon was "very committed to getting things passed." He added: "We're not getting the job done. And I'm not going to blame myself, I'm going to be honest. They are not getting the job done."

The president singled out Sen. John McCain (R-Ariz.), who cast a decisive vote in the summer against a Republican plan to repeal and replace the Affordable Care Act.

"You had a few people that really disappointed us. They really, really disappointed us," he said. "So I can understand fully how Steve Bannon feels. Okay?"

After Senate Republicans failed to dismantle the ACA, the relationship between Trump and McConnell worsened. The president took to blaming the majority leader publicly for the failure.

The outcome of the Alabama primary last month marked another disappointment to McConnell and Trump. It also gave a boost to Bannon's effort to dislodge McConnell as Senate leader.

Trump's feud with Sen. Bob Corker (R-Tenn.), the chairman of the Foreign Relations Committee, has also rattled his relationship with Capitol Hill Republicans. Last week, while the Senate was away on recess, Republicans were not eager to enter the fray. The Senate was scheduled to return to session Monday afternoon.

Trump is making some efforts to mend fences with Republican senators he has clashed with in the past. He has played golf recently with Sens. Lindsey O. Graham (R-S.C.) and Rand Paul (R-Ky.), who have criticized him sharply.

"I know the Republican senators," Trump said at his Cabinet meeting. "Most of them are really, really great people that want to work hard and they want to do a great thing for the American public. But you had a few people that really disappointed us."

## **Trump Says He'll Tell Bannon To Stop Picking On Mitch McConnell's Friends**

By Lesley Clark

[McClatchy](#), October 16, 2017

Donald Trump on Monday threw a life raft to the most unpopular Republican in Congress, publicly expressing his support for Mitch McConnell and pledging to ask his anti-establishment friends to leave the Senate leader and his friends alone.

Until Monday, the Senate Majority Leader's reputation as a canny tactician had taken a beating this year. Major legislation stalled. Critics from his own party called for his ouster. His approval rating was far below that of other congressional leaders from either party.

Then along came Trump on Monday, standing beside the Kentucky Republican in the Rose Garden, praising him as a leader who shares his agenda and pledging to ask McConnell's chief antagonist to lay off the Senate leader's GOP allies.

"We are probably now, at least as far as I'm concerned, closer than ever before," Trump said,

declaring a friendship with McConnell that predates either man's life in politics. "The relationship is very good."

Trump has tweeted criticism at McConnell, but the president insisted Monday the two were tight and were "getting close" on a tax overhaul and a health care initiative, which has languished in the Senate.

Yet even as they parried questions from reporters, there was clearly an audience of one: Former Trump aide Steven Bannon, who on Saturday declared a "season of war" against establishment Republicans and singled out McConnell, warning that he'd meet the same fate as the slain Roman leader Julius Caesar.

"We've cut your oxygen off, Mitch," Bannon, now the executive chairman of the ultra-conservative Breitbart News, threatened at a gathering of conservatives in Washington.

Trump initially told reporters on Monday that he understood "where Steve Bannon is coming from" and shared his former aide's frustration with a recalcitrant Senate that hasn't enacted his agenda.

But after lunch at the White House with McConnell, Trump was on the Senate leader's side. Trump said he'd speak with Bannon about his strategy of backing primary challenges to Senate incumbents. Bannon declared victory in Alabama's Senate primary last month, as his candidate, former Alabama Chief Justice Roy Moore, trounced McConnell's candidate, Sen. Luther Strange.

"Steve is doing what Steve thinks is the right thing," Trump said before adding, "Some of the people that he may be looking at, I'm going to see if we talk him out of that, because frankly, they're great people."

McConnell warned Bannon's gambit wouldn't work, and listed several 2010 and 2012 Republican Senate nominees pushed by the tea party movement and other conservative uprisings. They were candidates who lost after proving unpalatable to general election voters in November.

"You have to nominate people who can actually win, because winners make policy and losers go home," McConnell said, noting that Republicans in 2014 looked to nominate candidates who could win general elections.

"Our operating approach will be to support our incumbents, and in open seats, to seek to help

nominate people who can actually win in November," McConnell said.

It appeared unlikely that Bannon would accept his former boss's counsel. Breitbart reported Monday that Bannon will attend an event Tuesday for Kelli Ward, a Republican who is challenging Sen. Jeff Flake, R-Ariz., a top target of conservatives.

It was clear that McConnell and Trump are still not entirely on the same page. As the president insisted Democrats and Republicans were meeting to develop something "very special" on taxes by the end of the year, McConnell sought to lower expectations.

"The goal is to get it done this calendar year. But it is important to remember that Obama signed Obamacare in March of year two," McConnell said, referring to 2010.

"Obama signed Dodd-Frank in July of year two," he added, referring to the financial regulatory law passed after the 2008 financial crisis.

The taciturn McConnell, who generally takes only a few questions at his weekly Senate press availability, stood at Trump's side for 40 minutes, smiling broadly several times while the president fielded questions. As they returned to the White House, Trump reached out to steady McConnell as the senator appeared to trip up a stair.

McConnell has been under mounting pressure to deliver. A recent Harvard-Harris poll showed him with the lowest favorability rating of any elected official with a national profile. Conservative groups last week called for McConnell and his leadership team to step down, arguing that he's failed to advance their agenda.

"Republicans were given full control of the federal government," six conservative activists wrote to McConnell and his leadership team. "They — you — have done nothing....You were not going to 'drain the swamp' You are the swamp."

Though most observers and Senate colleagues say McConnell's standing — for now — seems secure, he and Republicans need some wins, nervous Republicans acknowledge.

"It's important, for Senate Republicans, especially leadership to hear the message that we've got to deliver results," Sen. Ted Cruz, R-Texas, told conservative donors at a recent seminar hosted by the billionaire Koch brothers' advocacy groups.

If Republicans could pass a tax cut and deliver on the promise to repeal Obamacare, "We could have a phenomenal election" in 2018, Cruz said.

But if a tax overhaul "crashes and burns" and Obamacare is not repealed, Cruz warned, Republicans could face "a bloodbath. I think that we have the potential of seeing a Watergate-level blowout."

## **Mitch McConnell Challenges Steve Bannon: 'Winners Make Policy And Losers Go Home'**

By Charlie Spiering

[Breitbart](#), October 16, 2017

"You have to nominate people who can actually win because winners make policy and losers go home," McConnell said when asked about Bannon by reporters at the White House.

The Senate Majority Leader specifically recalled anti-establishment Senate candidates like Christine O'Donnell, Sharron Angle, Todd Akin, and Richard Mourdock who won their Republican primary but failed to win their general election against a Democrat.

McConnell praised his campaign model in 2014 that allowed the Republican Senate to seize the majority.

"Our primary approach will be to support our incumbents and in open seats to seek to help nominate people who can actually win in November," he said. "That's my approach. That's the way you keep a governing majority.

McConnell made his remarks during a surprise press conference at the White House on Monday after having lunch with Trump. The Senate Majority Leader went out of his way to appear supportive of the president's agenda.

"We have the same agenda," McConnell said to reporters. "We've been friends and acquaintances for a long time. We talk frequently ... frequently we talk on the weekends."

McConnell specifically mentioned support for upcoming issues in the Senate such as tax reform and the budget.

The Senate Majority leader praised Trump's appointment of Neil Gorsuch to the Supreme Court as the "single most significant thing this president has done."

He expressed interest in getting tax reform done in 2017, but acknowledged that previous

administrations took longer than expected to get important legislation done.

"We're going to get this job done and the goal is to get it done by the end of the year," McConnell said.

The president said that McConnell was a "friend," despite reports that said the two were at odds.

"We have been friends for a long time. We are probably now, despite what we read, we're probably now I think at least as far as I'm concerned closer than ever before," he said. "The relationship is very good."

Trump also called Bannon a friend, suggesting that he would communicate with him about upcoming Senate races.

"Steve is doing what Steve thinks is the right thing," he said. "Some of the people that he may be looking at I'm gonna see if we talk him outta that, cause frankly, they're great people."

## **White House Legislative Director: Working With GOP More 'Productive' Than Challenging Them In 2018**

By Sally Persons

[Washington Times](#), October 16, 2017

White House Legislative Director Marc Short said Monday that working with Republicans is more "productive" than creating political problems for them.

"We know that frustration is there, but in many cases a more productive path would be to partner to help make sure Republicans get the job done," Mr. Short said on Fox News. "And we think they're going to get the job done in 2018 before they face a midterm election."

Mr. Short was responding to a question about former White House chief strategist Steven Bannon, who said that he plans to support primary challenges against incumbent Republicans next year.

"I think that there's a lot of Americans who are frustrated. Frustrated that there were promises made over the last six years that weren't delivered on the repealing of Obamacare," Mr. Short said.

He also expressed confidence that both tax and health care reform would be done before the 2018 midterms. On health care reform, Mr. Short said senators just wanted more time to discuss the legislation to put something to a vote.

## Trump Embraces McConnell In Search Of A Tax Win

By Justin Sink

[Bloomberg News](#), October 16, 2017

Barely two hours after blaming congressional Republicans for failing him, President Donald Trump gave a Rose Garden embrace to the epitome of the party's establishment, Senate Majority Leader Mitch McConnell.

Trump exceeded an impromptu news conference on Monday with McConnell at his side that suggested a president trying to build support for a tax overhaul and the rest of his legislative agenda by charming the residents of the Washington "swamp" he so often derides.

"We are probably now, I think, at least as far as I am concerned, we are closer than ever before and the relationship is very good," Trump told reporters. "We are fighting for the same thing."

McConnell echoed the president's remarks.

Trump had launched Twitter attacks on McConnell as recently as August. And, earlier in the day, before a private lunch with McConnell, he said Republicans in Congress aren't getting the job done. The two leaders' joint appearance followed a threat from Trump ally Stephen Bannon to use party primaries to purge the Senate of Republicans he regards as blocking the president's priorities.

Trump has publicly criticized McConnell for failing to repeal and replace Obamacare, and he's accused the Kentucky Republican of creating a "mess" with legislation to raise the nation's borrowing authority. McConnell, for his part, has questioned Trump's "excessive expectations" for legislative action and offered tacit criticism of the president's handling of the unrest in Charlottesville, Va. Bannon's Campaign

The relationship seemed to further fray in recent days after Bannon declared he would back primary challengers to almost every Republican senator running for re-election next year.

Bannon plans to back Senate GOP incumbents only if they promise to vote against McConnell as majority leader and vote to end senators' ability to block legislation by filibustering, according to people familiar with his plans. But Trump on Monday said he would discourage the campaign.

"Steve is doing what Steve thinks is the right thing," Trump said. "Some of the people that he may be looking at I'm going to see if we can talk

him out of that, because frankly they're great people."

McConnell was more specific, offering a pointed reminder of insurgent candidates who prevailed in party primaries in 2010 only to cost Republicans Senate seats in the election as their rhetoric repelled swing voters.

"The goal here is to win elections in November" and hold the Senate majority, the Kentucky Republican said. Damaged Candidates

McConnell named four 2010 Republican Senate nominees: Todd Akin of Missouri, who repulsed voters with talk about "legitimate rape"; Richard Mourdock of Indiana, who said pregnancy from rape is "something that God intended to happen"; Christine O'Donnell of Delaware, who said she'd dabbled in witchcraft; and Sharron Angle of Nevada, who said Sharia law – Islamic religious law – had taken over several U.S. cities.

"They were not able to appeal to a broader electorate in a general election," McConnell said. "The way you do that is not complicated. You have to nominate people who can actually win, because winners make policy and losers go home."

Despite the president's public overtures on Monday, his ability to work in partnership with McConnell is unclear as they confront complicated legislative goals such as overhauling the tax code and acting on immigration.

During the press conference, Trump said that he was drafting an economic development bill – but hadn't yet told McConnell about it. And only hours earlier, Trump castigated congressional Republicans for failing to deliver and said he understood Bannon's frustrations with senators not "getting the job done."

"You had a few people that really disappointed us. They really, really disappointed us," Trump said in a meeting of his Cabinet. "So I can understand fully how Steve Bannon feels."

## Trump Rekindles Relationship With Mitch McConnell

By Gabby Morrongiello

[Washington Examiner](#), October 16, 2017

President Trump touted his relationship with Senate Majority Leader Mitch McConnell, R-Ky., on Monday, claiming they are "closer than ever" just months after he attacked the top Senate Republican in a series of bitter tweets.

"We just spent quite a bit of time inside with the Senate Majority Leader, who's been a friend of mine for a long time – long before my world of politics," Trump told reporters after meeting with McConnell to discuss the Senate's legislative agenda.

Related: Mitch McConnell defends relationship with Trump: 'We talk frequently'

"We are probably now, despite what we read, I think ... closer than ever before," Trump added.

Trump blasted McConnell for failing to shepherd an Obamacare replacement bill through the Senate earlier this summer, claiming the GOP leader "who has screamed Repeal and Replace for seven years, couldn't get it done."

"The only problem I have with Mitch McConnell is that, after hearing Repeal and Replace for 7 years, he failed! That should NEVER have happened!" Trump tweeted in late August.

Trump dodged a question on Monday about his criticism of McConnell, promising that the GOP leader "is going to get [healthcare reform] done and get it done long before anyone else."

"My relationship with this gentleman is outstanding — has been outstanding," Trump told reporters, adding that he and McConnell are "working very hard."

## **Trump Voices Support For Bannon As He Wages War Against McConnell**

By Cristiano Lima

[Politico](#), October 16, 2017

President Donald Trump offered up praise for Steve Bannon when asked about his former chief strategist's war against Senate Majority Leader Mitch McConnell.

"Steve is very committed," the president told reporters, when asked about Bannon's verbal attacks on McConnell and other GOP leaders for not doing more to advance Trump's legislative agenda. "He's a friend of mine. He's very committed to getting things passed."

Trump, who is meeting with McConnell and Vice President Mike Pence for lunch on Monday, added that he "can understand where Steve Bannon is coming from" given Republican lawmakers' failure so far to pass Obamacare repeal, tax reform and other big ticket items. Bannon has gone so far as to encourage Senate candidates who will challenge McConnell's leadership role.

While Trump stressed that he had "great relationships with many senators," he gave a grim assessment of the work by GOP lawmakers on Capitol Hill. "They are not getting the job done," Trump told reporters while meeting with his Cabinet. "And I'm not going to blame myself. They are not getting the job done."

The president added that "there are Republicans frankly that should be ashamed of themselves" for their inability to convert on repealing the Affordable Care Act and passing major tax reform legislation.

Bannon, who was ousted from the White House in August and has since rejoined the bomb-throwing populist Breitbart News site, on Saturday offered a warning to Republican leaders, declaring a "season of war against a GOP establishment."

"There's a time and season for everything, and right now it's a season of war against a GOP establishment," Bannon said. "It's no longer acceptable to come and pat you on the head and tell you everything is going to be fine just to get those people in office."

Bannon recently notched a victory against McConnell and Trump in the special election to fill Alabama's open Senate seat, where the McConnell-backed candidate Luther Strange was defeated by Bannon's candidate of choice, Roy Moore.

## **In Free-form News Conference, Trump Says Little About A Lot, Claims Unity With Senate Leader**

By David Jackson And Heidi M. Przybyla

[USA Today](#), October 16, 2017

WASHINGTON — President Trump led Senate Majority Leader Mitch McConnell to the White House Rose Garden Monday afternoon to claim unity less than two hours after Trump ripped the GOP Congress in general for failing to deliver on health care and other issues.

Their impromptu appearance unleashed a rambling news conference in which Trump hurriedly grazed through a buffet of topics, including hurricane relief in Puerto Rico, condolence calls to the families of dead soldiers, the chances for a tax reform bill, and the alleged obstruction of the Democratic minority in Congress. Trump was also asked about reports his campaign has been subpoenaed over sexual assault allegations, calling them "fake news."



"We're fighting for the same things," Trump said with McConnell at his side, right after a private lunch at the White House.

McConnell, who has clashed with the president repeatedly, said that "we have the same agenda."

The news conference lasted long enough for Trump to claim — falsely — that previous presidents had not called the family members of troops killed in combat and then be challenged on that claim after he was criticized on Twitter. "The traditional way, if you look at President Obama, and other presidents, most of them didn't make calls, a lot of them didn't make calls," said Trump. Asked again, Trump backed away, saying previous presidents had "probably" contacted family members.

During an earlier Cabinet meeting and in the news conference, Trump predicted a short-term health care "fix" this year and a major overhaul next year, even as he blamed the Republican congressional majority for a string of setbacks.

"I'm not going to blame myself, I'll be honest," Trump said before the Cabinet meeting. "They are not getting the job done."

Hours later in the Rose Garden availability with reporters, Trump put the blame on Democrats, who are "obstructionists" and "basically just want us to do badly." Trump said his party must "go through hell" to pass legislation because of Democrats. That's even as his biggest defeat to date — the effort to repeal the Affordable Care Act — was due to Republican lawmakers' objections.

Other topics he touched on:

- Russia: Trump called the investigation by special counsel Robert Mueller into his campaign's contacts with Russia "an excuse for the Democrats losing the election." Said Trump: "They ought to get to the end of it because I think the American public is sick of it."

- NFL player protests: Trump repeated his contention that players who are "taking a knee" during the national anthem are "very disrespectful to our country." He said the American people are "very angry" and "they shouldn't do it."

- Tax reform timing: Trump seemed to downplay the importance of finishing a tax cut package this calendar year, which has long been his administration's goal. He said congressional negotiators are making "minor adjustments," while

noting that it took former President Ronald Reagan "years to get it done."

Trump also said he understands why former White House adviser Steve Bannon is seeking primary challengers for some GOP incumbents in next year's elections, and also wants McConnell ousted from Senate leadership.

"Depends on who you're talking about," Trump said as Cabinet members looked on. "There are some Republicans, frankly, that should be ashamed of themselves."

Later, after his lunch with McConnell, Trump said Bannon is doing what he thinks is right, but there are only a few Republicans who deserved to be targeted. The president said he has "fantastic relationship" with most Republicans — with only a few "exceptions" — and they should be re-elected.

McConnell, while declining to comment on Bannon's attacks, said the GOP in past years has nominated very conservative Senate candidates who could not appeal to a diverse electorate and lost to Democrats.

The objective, he said, is to nominate candidates "who can actually win," because "winners make policy and losers go home."

The main reason for Trump's complaints about the Republicans: The failure of the GOP-run Congress to pass a bill to repeal and replace Obama's health care law.

Trump responded last week with an executive order making it easier for associations to buy insurance across state lines, while his administration announced it would stop making certain subsidy payments to insurance companies.

Saying the latter move cut off the "gravy train" for insurers, Trump said Congress is now busy with what he called the failures of the existing law.

"They are having emergency meetings to get a short-term fix of health care," Trump said, said while an overall new plan should come in March or April of next year.

"Obamacare is finished," Trump said. "It's dead. It's gone. You shouldn't even mention it. It's gone. There is no such thing as Obamacare anymore."

In fact, most of the Affordable Care Act remains in place, particularly the expansion of health insurance coverage for low-income Americans under Medicaid and a national marketplace in which Americans can buy health

insurance, even if they have preexisting medical conditions.

Health care experts said last week that many of Trump's executive actions on health care were aimed at sabotaging the law, something Bannon echoed during his speech last week before a conservative gathering in Washington. Adult day care center

Trump has also clashed with Republicans over immigration and foreign policy, and he has repeatedly criticized McConnell's leadership. Some Republicans have returned the favor; Sen. Bob Corker, R-Tenn., likened Trump's White House to an adult day care center.

The Trump-McConnell meeting took place two days after Bannon told a group of social conservatives that they should take on the Republican leadership, particularly McConnell, for insufficient support of Trump and his agenda.

"Right now, it's a season of war against a GOP establishment," Bannon said.

At his Cabinet meeting, Trump also discussed a relatively new subject: Welfare reform.

"We are looking very, very strongly therefore at welfare reform," he said.

The traditional form of welfare, which came in direct payments to low-income Americans, was ended by a major reform bill by the Republican-led Congress in 1996 and signed into law by President Bill Clinton, a Democrat.

It was unclear what type of welfare reform Trump was referring to.

After his lunch with McConnell, Trump said he and the GOP Senate majority leader have been "friends for a long time."

He added: "We are probably now — despite what we read — we're probably now, I think, at least as far as I'm concerned, closer than ever before."

McConnell agreed, and said: "We talk frequently. We don't give you a readout every time we have a conversation, but frequently we talk on the weekends about the issues that are before us."

## **Trump Says Relationship With McConnell Is 'Outstanding'**

By Dave Boyer

[Washington Times](#), October 16, 2017

With Senate Majority Leader Mitch McConnell at his side, President Trump said

Monday their relationship is "closer than ever before" as they work on tax cuts and another attempt to replace Obamacare.

"We've been friends for a long time," Mr. Trump told reporters in the rose garden after emerging from a lunch meeting with Mr. McConnell. "My relationship with this gentleman is outstanding."

Mr. Trump has expressed frustration with the Kentucky Republican for failing to repeal Obamacare and to pass other parts of his agenda. Former White House adviser Stephen K. Bannon has even gone to "war" against establishment Republicans such as Mr. McConnell, vowing to defeat them in 2018.

Mr. McConnell said "we have the same agenda."

Both men agreed that their approval of conservative judges has been one of their biggest successes.

Mr. McConnell said of the president's tax-reform plan, "We are together totally on this agenda to move America forward."

The president said he "would like to see" tax cuts approved this year.

Asked about Mr. Bannon's push to defeat incumbent Republicans, Mr. Trump said, "Steve is doing what Steve thinks is the right thing."

"I have a fantastic relationship with the people in the Senate," the president said, adding that "maybe" he'll try to talk Mr. Bannon out of some of his plans.

"The Republican Party is very, very unified," Mr. Trump said. "We have no Democrat support. They're obstructionists."

Mr. McConnell said the goal of the GOP "is to win in November."

"My goal ... is to keep us in the majority," he said. "Winners make policy and losers go home."

He said the GOP needs to settle on nominees "who can actually win in November."

The president also said he will declare a public-health emergency over the opioid crisis next week.

## **Trump: Relationship With McConnell Is 'Outstanding'**

By Jordan Fabian

[The Hill](#), October 16, 2017

President Trump on Monday lauded his relationship with Senate Majority Leader Mitch

McConnell (R-Ky.) and expressed optimism about their agenda.

"My relationship with this gentleman is outstanding," Trump said with McConnell at his side during a surprise appearance in the Rose Garden.

Trump says he and McConnell are now "closer than ever before."

Trump also said the Senate is "working very hard" to pass tax reform and other agenda items

"I want to underscore what the president said: We have the same agenda," McConnell said.

This breaking news report was last updated at 2:03 p.m.

## **Trump Blames Democrats And 'Some Republicans' For Stalled Agenda**

By Michael D. Shear

[New York Times](#), October 16, 2017

WASHINGTON — President Trump convened his cabinet on Monday in the hopes of kick-starting his stalled domestic policy agenda and complained that Democrats in Congress are obstructing his efforts on tax reform, health care and the confirmation of judicial nominees.

"The Democrats have terrible policy," Mr. Trump told reporters, flanked by Secretary of State Rex W. Tillerson and James Mattis, the secretary of defense. "They are very good at, really, obstruction."

He also lashed out — without naming them — at "some Republicans" in the Senate, members he accused of refusing to go along with their party. He appeared to be talking about failed votes to repeal the Affordable Care Act.

"There are some Republicans, frankly, that should be ashamed of themselves," Mr. Trump said, adding that most of the senators are "really, really great people" but saying that "you had a few people who really disappointed us."

Mr. Trump offered support to Stephen K. Bannon, his former White House adviser, who has declared political war against members of the Republican establishment, including several senators like Mitch McConnell, the majority leader. Mr. Trump was scheduled to have lunch with Mr. McConnell at the White House on Monday.

"Steve is very committed," Mr. Trump said. "He's a friend of mine and he's very committed to getting things passed." The president said he understood Mr. Bannon's criticism of Republican

senators who have stood in the way of the Trump agenda.

"We are not getting the job done," he said, "and I'm not going to blame myself, I'll be honest. They are not getting the job done. I can understand where Steve Bannon is coming from."

The president bragged that he is receiving "tremendous accolades" for his effort to cut taxes, and he expressed sadness at the loss of life in the Las Vegas shooting and in forest fires raging in California.

"It's a very sad thing to watch," Mr. Trump said of the fires.

For the first time since becoming president, Mr. Trump raised the prospect of widespread abuse of welfare payments and hinted that his administration would be making changes to the nation's welfare system.

"People are taking advantage of the system and other people aren't receiving what they need to live," Mr. Trump said. "We are going to be looking very, very strongly, therefore, at welfare reform."

"You'll be hearing about them very shortly," the president added. He did not say, specifically, what changes in the welfare system he would seek.

Mr. Trump predicted that Democrats and Republicans would soon work together on a temporary fix for health care issues, and took credit for any cooperation because he ended taxpayer subsidies to insurance companies that lower co-payments.

He also suggested that Congress should take on the issue of prescription drug prices, saying that companies often charge less in other countries for the same drugs.

"Drug companies are getting away with murder," Mr. Trump said.

## **Mississippi Senator's Health Woes Narrow Republican Majority**

By Nicholas Fandos

[New York Times](#), October 16, 2017

WASHINGTON — Capitol Hill's most anticipated arrival on Monday did not come to pass: Senator Thad Cochran, the aging Republican patrician from Mississippi, stayed at home to continue recovering from a urological issue, his aides said.

Mr. Cochran's continued absence set off speculation about the severity of the senator's

condition, and it could have immediate ramifications for Republicans. Without his vote, Senate Republican leaders are down to a single-vote majority, 51, as they barrel toward a crucial late-week vote on a budget blueprint that would allow Congress to overhaul the tax code.

On Monday, the chamber's leaders were confident that they would have the votes they needed, even without Mr. Cochran, but the senator's absence and the expectation of unified Democratic opposition will narrow an uncomfortably thin margin. At least two Republicans are thought to be uncommitted to voting for the budget plan: Senators Rand Paul of Kentucky and John McCain of Arizona, who is being treated for brain cancer but is expected to be in Washington this week.

In a statement sent to reporters on Monday morning, Brad White, Mr. Cochran's chief of staff, said that the senator had developed a urinary tract infection as he underwent treatment for urological issues and did not offer a return date to Washington. Mr. Cochran has been absent from the Senate since late September, and his staff had previously indicated that he would return Monday.

"After a day of monitoring his condition, and on the advice of his physicians and other health care professionals, Senator Cochran has postponed his return to Washington," Mr. White wrote. "The Senator has expressed his intention to return to the Senate when his health permits, and to fulfill his commitment and duties to the people of his state."

An aide to Mr. Cochran, 79, said on Monday that it was not yet clear when that would be.

Mr. Cochran is the chairman of the powerful Appropriations Committee and a reliable vote for Senate leadership, making his health a source of widespread discussion in Washington, where Republicans fear he could be out of commission for the remainder of the year.

His precise condition has not been made publicly clear.

Late last month, as Senate Republicans' most recent bid to dismantle the Affordable Care Act was collapsing, President Trump suggested on Twitter that a senator had been hospitalized and was unable to vote on the measure. It was an apparent reference to Mr. Cochran, who wrote in a tweet of his own that he had, in fact, not been hospitalized, but was recovering at home.

The absence — and the possibility that it could stretch on — is particularly concerning to Senator Mitch McConnell of Kentucky, the majority leader, who has struggled to translate Republican control in Washington into a meaningful legislative victory. Mr. McConnell's majority was already small, and with a special Senate election scheduled for December in Alabama, it could soon become less predictable. One fewer reliable Republican vote would add to that.

In the meantime, Mr. McConnell needs to lock down the support of Mr. McCain and Mr. Paul for a budget blueprint that could come to a vote on Friday or Saturday. Mr. McCain would like to see greater increases to military spending. Mr. Paul is a fiscal hawk who has shown himself willing to buck his party's leadership.

Republican leaders expect they can muster the votes. The House passed a budget blueprint this month.

Fears that Mr. Cochran may not recover have also fueled conjecture about political chaos breaking out in Mississippi, a Republican stronghold that has become an open front in the battle between the party's establishment wing and an emerging nationalist wing, backed by Stephen K. Bannon, Mr. Trump's former chief strategist.

Mr. Cochran, an establishment figure best known for the federal money he has secured for his state, was nearly knocked off in a primary challenge in 2014 by Chris McDaniel, a firebrand state senator.

Now Mr. McDaniel is weighing a challenge to the state's other Republican senator, Roger Wicker, a McConnell ally cut from Mr. Cochran's mold.

Mr. Cochran's health could determine whether another seat may soon be up for grabs, placating Mr. McDaniel or perhaps laying the groundwork for another intraparty fight.

## **Trump Makes False Claim That Former Presidents Didn't Call Families Of Slain Troops**

By Gregory Korte And Heidi M. Przybyla  
[USA Today](#), October 16, 2017

WASHINGTON — President Trump defended his slow public response to the deaths of four U.S. soldiers in Niger this month by claiming that most of his predecessors never

called the families of service members killed in action.

"If you look at President Obama, and other presidents, most of them didn't make calls, a lot of them didn't make calls," Trump said Monday. "I like to call when it's appropriate, when I think I am able to do it."

It was Trump's first public statement about the Niger incident, in which an Army special forces unit was ambushed by Islamic extremists in the western African nation. And it brought an swift and strong reaction from aides to former President Barack Obama.

"That's a (expletive) lie," said Alyssa Mastromonaco, Obama's deputy chief of staff, on Twitter, calling Trump "a deranged animal."

Trump later backed off his own statement later during an impromptu and freewheeling session with reporters in the White House Rose Garden.

"President Obama I think probably did sometimes, and maybe sometimes he didn't. I don't know. That's what I was told," he said. "Other presidents did not call. They'd write letters. And some presidents didn't do anything."

Recent presidents have acknowledged the sacrifice of fallen soldiers in different ways — and usually with little fanfare. President George W. Bush met personally with more than 450 families of service members who died in the Iraq and Afghanistan wars, and wrote to more than 4,000 of them, according to newspaper accounts at the time.

Obama met with families at Dover Air Force Base, where the military mortuary is located, and also wrote letters and made phone calls. In 2011, he reversed a long-standing policy and began sending letters of condolence to families of service members who committed suicide while deployed to a combat zone.

Asked to clarify Trump's statement later, press secretary Sarah Huckabee Sanders said the president wasn't criticizing his predecessor, but "stating a fact."

"When American heroes make the ultimate sacrifice, presidents pay their respects. Sometimes they call, sometimes they send a letter, other times they have the opportunity to meet family members in person. This president, like his predecessors, has done each of these," she said.

Anyone who claims previous presidents called every family, she said, is "mistaken."

Trump has criticized Obama's handling of service members killed in action before. In 2012, he suggested on Twitter that Obama was "too busy playing golf" and sent form letters to families signed with an autopen. The Obama White House said the letters were form letters but that they were each hand-signed.

Trump said he wrote personal letters to the families over the weekend and at some point will call the families. "I felt very, very badly about that. The toughest calls I have to make are the calls where this happens," he said. "I want a little time to pass. I'm going to be calling them."

The Army said four soldiers were shot and killed while on a reconnaissance patrol 13 days ago on Oct. 3. They were serving in Niger as part of an operation to train local forces to combat the Boko Haram terror group, which has ties to the Islamic State and al-Qaeda.

The soldiers killed were:

- ▶ Staff Sgt. Bryan C. Black, 35, of Puyallup, Wash.
- ▶ Staff Sgt. Jeremiah W. Johnson, 39, of Springboro, Ohio
- ▶ Staff Sgt. Dustin M. Wright, 29, of Lyons, Ga.
- ▶ Sgt. La David T. Johnson, 25, of Miami Gardens, Fla.

## **Obama Aides Lash Out After Trump Claims Past Presidents Didn't Call Fallen Soldiers' Families**

By Nolan D. McCaskill

[Politico](#), October 16, 2017

President Donald Trump on Monday accused Barack Obama and other past American presidents of failing to call the family members of slain service members, a claim a former Obama aide called "an outrageous and disrespectful lie."

Four Green Berets were killed earlier this month in an ambush in Niger. But Trump has stayed publicly silent on the issue until Monday, when he was asked during a Rose Garden news conference why the American people hadn't heard the president speak about the deaths related to the Oct. 4 attack.

"I've written them personal letters. They've been sent, or they're going out tonight," the president told reporters. "But they were written during the weekend. I will at some point during the

period of time call the parents and the families, because I have done that traditionally.”

Trump said he feels “very, very badly about” having to make those calls and always does. “The toughest calls I have to make are the calls where this happens: soldiers are killed,” he added.

But he also suggested that past presidents responded to slain soldiers in a “traditional way” that didn’t include phone calls to family members.

“So the traditional way, if you look at President Obama and other presidents, most of them didn’t make calls,” Trump alleged. “A lot of them didn’t make calls. I like to call when it’s appropriate, when I think I’m able to do it.”

Trump said he “generally” likes to call because soldiers “have made the ultimate sacrifice.” And he reiterated that he will make the calls to family members but cautioned that he wants more time to elapse.

“I’m going to be calling them. I want a little time to pass,” he said. “I’m going to be calling them. I have, as you know, since I’ve been president, I have, but in addition, I actually wrote letters individually to the soldiers we’re talking about, and they’re gonna be going out either today or tomorrow.”

Ben Rhodes, Obama’s deputy national security adviser, called the president’s claim “an outrageous and disrespectful lie even by Trump standards” and noted on Twitter that it was Trump, not Obama, who attacked a Gold Star family that had been critical of him.

Alyssa Mastro Monaco, Obama’s former deputy chief of staff of operations, was even more forceful with her tweet, writing, “that’s a f----- lie. to say president obama (or past presidents) didn’t call the family members of soldiers KIA – he’s a deranged animal.”

Asked in a follow-up question how he could make such a charge against Obama, Trump was less firm than in his initial comments.

“I don’t know if he did,” Trump said of Obama. “No, no, no. I was told that he didn’t often. And a lot of presidents don’t. They write letters. I do a combination of both. Sometimes it’s a very difficult thing to do, but I do a combination of both.”

“President Obama, I think, probably did sometimes and maybe sometimes he didn’t. I don’t know,” he continued. “That’s what I was told. All I can do is ask my generals. Other presidents did not call. They’d write letters. And some

presidents didn’t do anything. But I like the combination of — I like when I can the combination of a call and also a letter.”

The White House later on Monday said Trump “wasn’t criticizing his predecessors, but stating a fact.”

“When American heroes make the ultimate sacrifice, presidents pay their respects. Sometimes they call, sometimes they send a letter, other times they have the opportunity to meet family members in person,” press secretary Sarah Huckabee Sanders said in a statement. “This president, like his predecessors, has done each of these. Individuals claiming former presidents, such as their bosses, called each family of the fallen, are mistaken.”

## **Criticized For Not Commenting On Soldiers Killed In Action, Trump Falsely Says Obama Did Even Less**

By Philip Bump

[Washington Post](#), October 16, 2017

Four U.S. Special Forces soldiers were killed earlier this month while on patrol in Niger. President Trump’s silence on their deaths has been notable, with 10 days having passed without any comment from the White House — 10 days during which Trump visited his golf club in Sterling, Va., five times.

During an impromptu news conference in the White House Rose Garden on Monday afternoon, Trump was asked why he hadn’t yet made a public comment on the fatalities.

“I’ve written [the soldiers’ families] personal letters,” Trump replied. “They’ve been sent — or they’re going out tonight but they were written during the weekend.”

He continued:

“I will at some point during the period of time call the parents and the families because I have done that traditionally. I felt very, very badly about that; I always feel bad. The toughest calls I have to make are the calls where this happens, soldiers are killed. It’s a very difficult thing. Now, it gets to a point where you make four or five of them in one day, it’s a very, very tough day. For me that’s by far the toughest.”

“So, the traditional way, if you look at President Obama and other presidents, most of them didn’t make calls, a lot of them didn’t make calls. I like to call when it’s appropriate, when I think I’m able to do it. They have made the

ultimate sacrifice. So generally I would say that I like to call. I'm going to be calling them — I want a little time to pass — I'm going to be calling them. I have, as you know, since I've been president I have. But in addition I actually wrote letters individually to the soldiers we're talking about and they're going to be going out either today or tomorrow."

These comments were immediately criticized by veterans of the Obama administration and members of the media who had covered it.

"That's a f—ing lie," replied Alyssa Mastromonaco on Twitter. Mastromonaco served as deputy chief of staff for operations under Trump's predecessor. "To say President Obama (or past presidents) didn't call the family members of soldiers " killed in action suggested, she said, that Trump was a "deranged animal".

In late 2010, the family of a soldier who was killed in action reached out to the White House and was apparently told by someone there that "Obama did not regularly make phone calls to the families of fallen soldiers." The story got a decent amount of attention in the conservative media.

So, too, did an allegation that Obama's letters to the families of those killed in action were signed with an auto-pen, a mechanical device that allows for the rapid signing of multiple documents. That rumor got picked up by Trump himself, who repeated it on Twitter.

Those letters did appear to have been form letters, though ABC notes that George W. Bush used form letters, too. A 2009 Washington Times story explained how, at that point, Obama hand-wrote notes to family members of those killed, notes which were later typed up and signed.

Trump's allegation that Obama hadn't made calls was the subject of another question later in the news conference. "How can you make that claim?" NBC News's Peter Alexander asked about Trump's phone-call assertion.

The president admitted that Obama may very well have made calls after all.

"I don't know if he did. No no no. I was told that he didn't often," Trump replied. "A lot of presidents don't; they write letters. I do a combination of both. Sometimes — it's a very difficult thing to do, but I do a combination of both. President Obama I think probably did sometimes and maybe sometimes he didn't. I don't know. That's what I was told. All I can do is ask my generals. Other presidents did not call. They'd

write letters. And some presidents didn't do anything. But I like, I like the combination of — I like, when I can, the combination of a call and also a letter."

Former Obama staffer Dan Pfeiffer: "Now he's lying about his own lie."

Trump's gambit with his initial assertion is made pretty clear with his description of a call and a letter as being "a very difficult thing to do" during his second response.

In order to make the gap between the soldiers' deaths and his writing letters or calling the families seem less egregious, he suggests that those calls are particularly difficult, claiming that his predecessors avoided them as a result. Trump may be acting later than anticipated, but he wants people to think that's made up for by doing more than anticipated. To have it be more than anticipated, he claims that calling those families is an unusual effort that he will undertake. When it's noted that this isn't actually unusual, he then suggests that what was unusual and abnormally difficult was the combination of a call and a letter.

Why not do it right away? He's got an answer for that, too: He "want[ed] a little time to pass."

Some of the time that will pass will be in when the letters were sent. First, they had been sent; then they were sent or being sent this evening; and, finally, they were sent or being sent this evening or tomorrow.

He didn't indicate when he'd be making the calls.

## **Trump Falsely Claims Obama Didn't Contact Families Of Fallen Soldiers**

By Mark Landler

[New York Times](#), October 16, 2017

WASHINGTON — President Trump falsely asserted on Monday that his predecessor, Barack Obama, and other presidents did not contact the families of American troops killed in duty, drawing a swift, angry rebuke from several of Mr. Obama's former aides.

Answering a question about why he had not spoken publicly about the killing of four American Green Berets in an ambush in Niger two weeks ago, Mr. Trump said he had written personal letters to their families and planned to call them in the coming week.

"If you look at President Obama and other presidents, most of them didn't make calls," Mr. Trump said during a news conference in the Rose

Garden with the Senate majority leader, Mitch McConnell. "A lot of them didn't make calls. I like to call when it's appropriate."

Mr. Trump's assertion belied a long record of meetings Mr. Obama held with the families of killed service people, as well as calls and letters. Mr. Obama regularly traveled to Dover Air Force Base in Delaware to greet the caskets of troops, a ritual that began early in his presidency before he decided to deploy 30,000 troops to Afghanistan.

"This is an outrageous and disrespectful lie even by Trump standards," Benjamin J. Rhodes, a former deputy national security adviser to Mr. Obama, posted on Twitter. "Also," Mr. Rhodes added, "Obama never attacked a Gold Star family."

That reference was to the public feud Mr. Trump began with the parents of a Muslim American soldier, Humayun Khan, who was killed in Iraq in 2004. The soldier's parents, Khizr and Ghazala Khan, appeared at the Democratic National Convention in 2016, where Mr. Khan criticized Mr. Trump.

Alyssa Mastromonaco, a former senior aide to Mr. Obama, used even stronger language on Twitter, calling Mr. Trump's statement a lie — along with an expletive — and describing him as a "deranged animal."

A spokesman for Mr. Obama declined to comment.

What made Mr. Trump's assertion all the more remarkable was that he made it to defend his silence after three American soldiers were killed while on patrol on the border between Niger and Mali this month. The body of a fourth American soldier was recovered later.

On Monday, Mr. Trump said he had written letters to the families of the soldiers over the weekend, which would be mailed later in the day or on Tuesday. He said he also planned to call the families.

"I felt very, very badly about that," he said. "It's the toughest calls I have to make are the calls where this happens, soldiers are killed, and it's a very difficult thing." He added: "It gets to the point where you make four or five a day, it's a very tough day, and for me, that's by far the toughest."

So far this year, there have been 11 American combat fatalities in Afghanistan and 14 in Iraq. Seventeen sailors were killed in accidents involving two Navy warships, the John McCain and the Fitzgerald. In 2009, the first year of Mr.

Obama's presidency, there were 317 American fatalities in Afghanistan and 149 in Iraq.

When Mr. Trump was pressed a few minutes later about his claim about Mr. Obama, he waffled.

"I don't know if he did," the president said. "I was told he didn't often, and a lot of presidents don't. They write letters."

"President Obama, I think, probably did sometimes and maybe sometimes he didn't," Mr. Trump continued. "That's what I was told. All I can do is ask my generals."

## **Trump Says Predecessors Didn't Honor Fallen; Response Heated**

By Calvin Woodward

[Associated Press](#), October 16, 2017

WASHINGTON (AP) — For U.S. presidents, meeting the families of military personnel killed in war is about as wrenching as the presidency gets. President Donald Trump's suggestion Monday that his predecessors fell short in that duty brought a visceral reaction from those who witnessed those grieving encounters.

"He's a deranged animal," Alyssa Mastromonaco, a former deputy chief of staff to President Barack Obama, tweeted about Trump. With an expletive, she called Trump's statement in the Rose Garden a lie.

Trump said in a news conference he had written letters to the families of four soldiers killed in an Oct. 4 ambush in Niger and planned to call them, crediting himself with taking extra steps in honoring the dead properly. "Most of them didn't make calls," he said of his predecessors. He said it's possible that Obama "did sometimes" but "other presidents did not call."

The record is plain that presidents reached out to families of the dead and to the wounded, often with their presence as well as by letter and phone. The path to Walter Reed and other military hospitals, as well as to the Dover, Delaware, Air Force Base where the remains of fallen soldiers are often brought, is a familiar one to Obama, George W. Bush and others.

Bush, even at the height of two wars, "wrote all the families of the fallen," said Freddy Ford, spokesman for the ex-president. Ford said Bush also called or met "hundreds if not thousands" of family members of the war dead.

Obama's official photographer, Pete Souza, tweeted that he photographed Obama "meeting with hundreds of wounded soldiers, and family



members of those killed in action." Others recalled his frequent visits with Gold Star families, and travels to Walter Reed, Dover and other venues with families of the dead and with the wounded.

Trump addressed the matter when asked why he had not spoken about the four soldiers killed in Niger. They died when militants thought to be affiliated with the Islamic State group ambushed them while they were patrolling in unarmored trucks with Niger troops.

"If you look at President Obama and other presidents, most of them didn't make calls," Trump said.

Pressed on that statement later, he said of Obama: "I was told that he didn't often, and a lot of presidents don't. They write letters." He went on: "President Obama, I think, probably did sometimes, and maybe sometimes he didn't. I don't know. That's what I was told. ... Some presidents didn't do anything."

Among other rituals honoring military families, the Obamas had a "Gold Star" Christmas tree in the White House decorated with hundreds of photos and notes from people who had lost loved ones in war. Gold Star families visited during the holidays, bringing ornaments.

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## **Gregg Popovich: President Trump Is 'Soulless Coward'**

By Kevin Spain

[USA Today](#), October 16, 2017

San Antonio Spurs coach Gregg Popovich, who has been vocal about President Trump's behavior, lashed out Monday, calling him a "soulless coward" for lying about former presidents not calling families of fallen soldiers.

Trump, while defending his slow response to the deaths of four U.S. soldiers in Niger earlier this month, said that most of the presidents who came before him never called the families of service members killed in action.

"If you look at President Obama, and other presidents, most of them didn't make calls. A lot of them didn't make calls," Trump said Monday. "I like to call when it's appropriate, when I think I am able to do it."

Popovich on Monday told Dave Zirin, sports editor at *The Nation*, that Trump was a "soulless

coward" and wanted to make sure the comments were "on the record."

According to the story, Popovich said:

"I've been amazed and disappointed by so much of what this President had said, and his approach to running this country, which seems to be one of just a never ending divisiveness. But his comments today about those who have lost loved ones in times of war and his lies that previous presidents Obama and Bush never contacted their families, is so beyond the pale, I almost don't have the words.

"This man in the Oval Office is a soulless coward who thinks that he can only become large by belittling others. This has of course been a common practice of his, but to do it in this manner—and to lie about how previous Presidents responded to the deaths of soldiers—is as low as it gets. We have a pathological liar in the White House: unfit intellectually, emotionally, and psychologically to hold this office and the whole world knows it, especially those around him every day. The people who work with this President should be ashamed because they know it better than anyone just how unfit he is, and yet they choose to do nothing about it. This is their shame most of all."

Popovich has been openly critical of Trump before. During the Spurs' media day, Popovich told reporters that the United States is currently "an embarrassment in the world."

"You've got a choice," Popovich said. "We can continue to bounce our heads off the wall with his conduct, or we can decide that the institutions of our country are more important, that people are more important, that the decent America that we all thought we had and want is more important, and get down to business at the grassroots level and do what we have to do."

Recent presidents have acknowledged the sacrifice of fallen soldiers in different ways — and usually with little fanfare. President George W. Bush met personally with more than 450 families of service members who died in the Iraq and Afghanistan wars, and wrote to more than 4,000 of them, according to newspaper accounts at the time.

Obama met with families at Dover Air Force Base, where the military mortuary is located, and also wrote letters and made phone calls. In 2011, he reversed a long-standing policy and began sending letters of condolence to families of service

members who committed suicide while deployed to a combat zone.

## **Trump On Las Vegas Shooter: 'The Wires Were Crossed Pretty Badly In His Brain'**

By Louis Nelson

[Politico](#), October 16, 2017

The gunman who killed more than 50 people when he opened fire on a music festival in Las Vegas earlier this month "was a demented, sick individual" whose "wires were crossed pretty badly in his brain," President Donald Trump said Monday afternoon.

"I guess a lot of people think they understand what happened, but he was a demented, sick individual," the president said Monday in remarks to reporters during a cabinet meeting at the White House. "The wires were crossed pretty badly in his brain. Extremely badly in his brain. And it's a very sad event."

Sixty-four-year-old Stephen Paddock killed 58 people and injured 546 two weeks ago when he broke a window in his hotel room on the 32nd floor of the Mandalay Bay Resort and Casino and began firing his arsenal of weapons into the crowd at a nearby country music festival. It was the deadliest mass shooting in modern U.S. history.

Trump visited Las Vegas three days after the shooting to meet with first responders, victims and their families.

It was not clear what information, if any, Trump based his remark about Paddock's mental condition on. The Associated Press reported last week that the gunman's body had been sent to Stanford University, where it will undergo multiple analyses, including a neuropathological examination of his brain.

## **118 Police Officers Killed In Line Of Duty In 2016, FBI Says**

[CBS News](#), October 16, 2017

A total of 118 law enforcement officers died in the line of duty in the U.S. last year, according to an FBI report released Monday. It said 52 of the deaths were accidental and 66 were felonious.

The annual Law Enforcement Officers Killed and Assaulted (LEOKA) report said 57,180 officers were assaulted in the line of duty and about 30 percent of the officers were injured in those incidents. It said the number of fatalities increased from 2015, when 131 officers died —

45 in accidents and 41 as a result of a criminal attack.

Of the police officers killed in criminal attacks in 2016, the report said 64 of them were men and two were women. Firearms were involved in an overwhelming majority of the cases: 62 of the 66 deaths were caused by gunshot wounds. Fifty-one of those officers were wearing body armor at the time they were killed.

In the other four cases, officers were killed intentionally by vehicles.

Of the 52 accidental deaths, 26 of the officers were killed in auto accidents while another 12 were struck by vehicles, the report said. Seven other officers were killed in motorcycle accidents.

In a statement, the agency said it collects the data through its Uniform Crime Reporting Program, which pulls information from assaults and deaths concerning law enforcement officers.

It also collects data from campus, local, state, tribal and federal law enforcement agencies. It also collects data provided by FBI field offices and nonprofit organizations that track officer deaths.

## **61% Increase Law Enforcement Officers Killed 2016, Jeff Sessions Calls Increase 'Unacceptable'**

By Ian Mason

[Breitbart](#), October 16, 2017

Attorney General Jeff Sessions called the new numbers "as shocking as they are unacceptable" in an accompanying press release.

The feloniously killed category is a narrow one. Sixty-two of those 66 officers died of gunshot wounds, with the last four dying after being hit by motor vehicles. The 66 officers feloniously killed in the line of duty in 2016 is the highest single-year figure since 1997.

The single most common category of officer slaying and the largest increase recorded was the 17 "ambush" type premeditated killings in 2016, a 142 percent increase over the seven such attacks in 2015. Breitbart News has reported extensively on these attacks, the most egregious of which left five Dallas, Texas, policemen dead after a black nationalist opened fire at a July 2016 Black Lives Matter rally.

An additional 52 officers died in accidents while on duty, for a total of 118 line-of-duty deaths, a 37 percent increase over 2015.

The number of assaults on officers also increased significantly in 2016, with over 57,000

recorded nationwide. This figure represents a 14 percent increase over 2015 and a rate of more than 150 a day and nearly one assault for every ten police officers in the country.

Attorney General Sessions was confident President Trump's law-and-order agenda could bring the increase, which occurred under the previous administration, under control. "Our law enforcement deserves the support of the people they serve. Fortunately we have a President who understands this," he said. "President Trump ran for office as a law-and-order candidate; now he is governing as a law-and-order President."

Sessions went on to cite Executive Order 13744 on "Preventing Violence Against Federal, State, Tribal, and Local Law Enforcement Officers," one of the president's first official acts. He said:

In one of his first Executive Orders to [the Justice] Department, President Trump directed us to prevent violence against law enforcement officers. He stands with our law enforcement 100 percent—and so does this Department of Justice. That's one more reason why we're focused on the President's goal of reducing violent crime and united with local, state, and federal law enforcement in our shared mission to protect law-abiding people in every community.

While official FBI numbers for 2017 will not be available until roughly this time next year, National Law Enforcement Officers Memorial Fund estimates show a substantial drop in fatal police officer shootings so far this year. According to those figures, 19 percent fewer officers have been shot and killed compared to this time in 2016. Read More Stories About:

## **U.S. Police Deaths On Duty Spiked In 2016: FBI**

By Sarah N. Lynch

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **FBI: 118 Police Officers Killed On The Job In 2016**

By Mallory Shelbourne

[The Hill](#), October 16, 2017

The FBI on Monday said 118 police officers were killed on the job in 2016, an increase from 86 in 2015.

The bureau's annual report found that 66 of the deaths were criminal, while 52 were accidental. Both numbers represented a jump from 2015, when 41 criminal and 45 accidental deaths were reported.

The Law Enforcement Officers Killed and Assaulted report also found that 57,180 police officers were assaulted on the job in 2016, a jump from the 50,212 assaults reported in 2015.

The FBI said the report's data is used to help law enforcement officers with safety training.

Attorney General Jeff Sessions in a Monday statement about the report said the Justice Department will continue to focus on fighting violent crime.

"Every law enforcement officer goes to work knowing that today might be his or her last. But last year, we saw a staggering 61 percent increase in the number of law enforcement officers killed in the line of duty because of a felony, and on average, more than 150 officers were assaulted in the line of duty every single day. These numbers are as shocking as they are unacceptable," Sessions said.

"Our law enforcement deserves the support of the people they serve. Fortunately we have a President who understands this. President Trump ran for office as a law-and-order candidate; now he is governing as a law-and-order President."

## **Jeff Sessions Says Rise In US Police Deaths By More Than A Third Is 'Unacceptable'**

By Jeremy B White

[Independent \(UK\)](#), October 16, 2017

More American police officers were killed in the line of duty in 2016 compared to the prior year, according to the Federal Bureau of Investigation.

Statistics released by the FBI show that 118 cops died last year, up 37 per cent from 86 killed the prior year. While some of those deaths were accidental, the majority – 66 of them – were intentional slayings, up from 41 in 2015.

Guns felled almost all of the officers, according to the FBI, though four of them were deliberately run down by vehicles.

Donald Trump has consistently positioned himself as a staunch law-and-order advocate and has argued since the presidential campaign that policing is unfairly under assault. He has vowed to toughen criminal penalties and said "the attacks on our police must end".

That rhetoric has paralleled the rise of “Black Lives Matter” movement, which seeks to draw attention to African-Americans who die at the hands of police officers. In recent weeks, Mr Trump has provoked a furor by lambasting professional athletes who kneel during the National Anthem to protest police brutality.

Attorney General Jeff Sessions decried the “staggering” numbers on police deaths as “shocking” and “unacceptable” and said the increase vindicates Mr Trump’s approach. Mr Sessions earlier this year directed prosecutors to seek the maximum possible penalties, reversing an Obama-era turn toward leniency for drug offenders.

“Our law enforcement deserves the support of the people they serve”, Mr Sessions said in a statement. “Fortunately we have a President who understands this. President Trump ran for office as a law-and-order candidate; now he is governing as a law-and-order President”.

## **Supreme Court To Consider Major Digital Privacy Case On Microsoft Email Storage**

By Robert Barnes

[Washington Post](#), October 16, 2017

The Supreme Court on Monday accepted a second important case on digital privacy, agreeing to hear a dispute between the federal government and Microsoft about emails stored overseas.

The case began in 2013, when U.S. prosecutors got a warrant to access emails in a drug trafficking investigation. The data was stored on Microsoft servers in Ireland.

Microsoft turned over information it had stored domestically but contended U.S. law enforcement couldn’t seize evidence held in another country. It said if forced to do so, it would lead to claims from other countries about data stored here.

A judge upheld the warrant, but a panel of the U.S. Court of Appeals for the 2nd Circuit overturned the ruling. The full circuit then split evenly on whether that decision was correct.

The Justice Department asked the Supreme Court to reverse the lower courts. It said the decision conflicts with past decisions in lower courts that “a domestic recipient of a subpoena is required to produce specified materials within the recipient’s control, even if the recipient stores the materials abroad.”

But Microsoft contends that the Stored Communications Act of 1986 did not imagine a world in which “a technician in Redmond, Washington, could access a customer’s private emails stored clear across the globe.”

The corporate giant noted that the Justice Department has asked Congress to amend the law to address just that issue.

“The government was right to appeal to Congress for the same reason it is wrong to ask this court to intervene now: Under this court’s settled extraterritoriality doctrine, revising a federal statute to account for the globalization of data is a job for Congress, not courts,” the company wrote.

The justices already are scheduled to consider in December whether police need a warrant to access cellphone location data held by wireless service providers., another major case involving digital privacy.

The case granted Monday is U.S. v. Microsoft.

## **U.S. Supreme Court To Decide Major Microsoft Email Privacy Fight**

By Lawrence Hurley

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **Supreme Court To Hear Case On Accessing Data Stored Abroad**

By Josh Gerstein

[Politico](#), October 16, 2017

The Supreme Court has agreed to decide whether technology firms with U.S. operations have to retrieve electronic information stored abroad if American authorities demand it under U.S. law.

Law enforcement officials say they need the ability to compel U.S.-based firms to comply with subpoenas and search warrants, but the companies argue that giving American investigators the right to do that will lead to foreign governments demanding data stored on U.S. soil.

In an order Monday, the justices accepted the Justice Department’s request to review a 2nd Circuit U.S. Court of Appeals decision from last year that found Microsoft was not obliged to provide data stored in Ireland to comply with an American warrant.

The New York-based appeals court's decision remains the only circuit court decision addressing the issue, but several subsequent events have demonstrated that many judges have doubts about rationale of the 2-1 decision a three-judge panel handed down last July.

In January, the court announced that its judges split, 4-4, on a request for the full bench of the court to rehear the case. Three judges recused.

Meanwhile, federal district court judges in Philadelphia, San Francisco and Washington have reached the opposite conclusion of the 2nd Circuit panel, which is binding only in New York, Connecticut and Vermont.

The Supreme Court is likely to hear arguments on the issue early next year.

The case does not address any constitutional question about the ultimate power of the U.S. government, but rather the application and reach of a three-decade-old law, the Stored Communications Act. In the 2nd Circuit, Microsoft argued that asking it to turn over data stored overseas amounted to an extraterritorial application of the law, something the courts generally decline unless Congress has made clear that a law should apply abroad.

In a blog post responding to the Supreme Court's action Monday, Microsoft President and Chief Legal Officer Brad Smith said Congress needs to weigh in.

"The continued reliance on a law passed in 1986 will neither keep people safe nor protect people's rights. If U.S. law enforcement can obtain the emails of foreigners stored outside the United States, what's to stop the government of another country from getting your emails even though they are located in the United States?" Smith wrote. "The current laws were written for the era of the floppy disk, not the world of the cloud. We believe that rather than arguing over an old law in court, it is time for Congress to act by passing new legislation."

However, in its request for Supreme Court review, the Justice Department said the consequences of leaving the 2nd Circuit ruling in place would be severe.

"The decision is causing immediate, grave, and ongoing harm to public safety, national security, and the enforcement of our laws," government lawyers wrote. They also warned that allowing the ruling to stand could encourage

companies to store their data abroad in the first place so that they would not have to abide by U.S. legal process.

The overseas-data dispute the justices agreed to wade into is one of several that pit U.S.-based technology companies trying to cater to a global market against American law enforcement officials, who contend the companies are complicating the work of U.S. law enforcement.

## **Justices To Decide On Forcing Technology Firms To Provide Data Held Abroad**

By Adam Liptak

[New York Times](#), October 16, 2017

The Supreme Court on Monday agreed to decide whether federal prosecutors can force technology companies to turn over data stored outside the United States.

Disputes between leading technology companies and the Justice Department have become increasingly common, and the new case will give the Supreme Court an opportunity to weigh in on the clash between the demands of law enforcement and the companies' desire to shield the information they collect to protect their customers' privacy.

The case, *United States v. Microsoft*, No. 17-2, arose from a federal drug investigation. Prosecutors sought the emails of a suspect that were stored in a Microsoft data center in Dublin. They said they were entitled to the emails because Microsoft is based in the United States.

A federal magistrate judge in New York in 2013 granted the government's request to issue a warrant for the data under a 1986 federal law, the Stored Communications Act. Microsoft challenged the warrant in 2014, arguing that prosecutors could not force it to hand over its customer's emails stored abroad.

A three-judge panel of the United States Court of Appeals for the Second Circuit, in Manhattan, ruled that the warrant in the case could not be used to obtain evidence beyond the nation's borders because the 1986 law did not apply extraterritorially. In a concurring opinion, Judge Gerard E. Lynch said the question was a close one, and he urged Congress to revise the 1986 law, which he said was badly outdated.

The government asked the full Second Circuit to rehear the case, but the court deadlocked by a 4-to-4 vote. In dissent, Judge

José A. Cabranes wrote that the panel's decision had restricted an investigative tool used thousands of times a year while failing to "serve any serious, legitimate, or substantial privacy interest."

In urging the Supreme Court to hear the case, the Justice Department said nothing should turn on Microsoft's business decision to store data abroad that it "can access domestically with the click of a computer mouse." The panel's ruling, the department's brief said, "is causing immediate, grave, and ongoing harm to public safety, national security, and the enforcement of our laws."

"Hundreds if not thousands of investigations of crimes — ranging from terrorism, to child pornography, to fraud — are being or will be hampered by the government's inability to obtain electronic evidence," the brief said.

In response, Microsoft told the justices that it is up to Congress to revise the 1986 law and noted that both houses have recently held hearings to consider overhauls.

A ruling upholding the warrant, the company warned, would embolden foreign countries to seek the emails of Americans stored in the United States.

Microsoft added that the Justice Department's position posed a threat to technology companies by requiring them to choose between complying with a warrant and disobeying foreign laws.

"These conflicts can place U.S. companies in the untenable position of being forced to violate foreign privacy laws to comply with U.S. warrants," the company's brief said. "And the growing privacy concerns of customers around the world mean that granting U.S. law-enforcement agencies that broad authority would hamstring U.S. companies' ability to compete in the multibillion-dollar cloud computing industry."

The case is part of the broader clash between the technology industry and the federal government in the digital age. Apple, for instance, battled the F.B.I. over helping investigators break into a locked iPhone that had been used by a gunman in a mass shooting.

## **Supreme Court To Decide If U.S. Agents Can Obtain Emails Stored Overseas By Microsoft**

By David G. Savage

[Los Angeles Times](#), October 16, 2017

The Supreme Court said Monday it has agreed to hear an urgent Justice Department appeal and decide whether emails that are stored overseas can be obtained by government investigators armed with a search warrant.

Microsoft Corp. has defied federal authorities since 2013 by refusing to comply with court orders to turn over emails that it decided to maintain on a server in Dublin, Ireland.

Under federal law and the U.S. Constitution, investigators may obtain private records—and in this instance, emails—if they obtain a search warrant by showing a magistrate they have "probable cause" to believe someone is engaged in a crime.

But when federal agents presented a warrant at Microsoft's headquarters in Redmond, Wash., seeking emails of a suspected drug trafficker, the company refused. It said the emails had been "migrated" to a data center in Ireland. And its lawyers argued that the Stored Communications Act of 1986, the federal law which regulates electronic records, does not extend beyond the United States.

To the surprise of the Justice Department, a three-judge panel of the 2nd Circuit Court in New York agreed with Microsoft. The judges said that when Congress wrote the law in 1986, it did not "envision the application of its warrant provisions overseas."

Prosecutors called the decision unprecedented, dangerous and wrong, but the full 2nd Circuit split 4-4 on the issue last year.

The U.S. Justice Department, supported by 33 states, urged the Supreme Court in June to hear the case and reverse the 2nd Circuit's ruling.

"Hundreds, if not thousands, of investigations of crimes—ranging from terrorism to child pornography to fraud—are being or will be hampered by the government's inability to obtain electronic evidence," Deputy Atty. Gen. Jeffrey Wall said in the appeal. "And the opinion cannot be defended as a protection of privacy," he said, since agents had obtained a search warrant based on probable cause.

"The decision protects only criminals whose communications are placed out of reach of law enforcement officials because of the business decisions of private providers," he said.

The appeal does not reveal the identity or location of the defendant, but government lawyers said his conduct and his emails were limited to

inside the U.S. The Justice Department said the warrant “requires Microsoft to disclose communications in the United States. And Microsoft’s U.S.-based employers could make the disclosure without leaving their desks.”

Microsoft had urged the court to steer clear of the case. Its lawyers said Congress in 1986 aimed to protect the privacy of electronic communications, and it “said absolutely nothing about applying the act to reach communications overseas.” If the law needs to be updated, Congress, and not the courts, should do it, the company said.

The court will hear the case, *United States vs. Microsoft*, early next year.

It is the rare case involving a government search that does not turn on the 4th Amendment and its protection against unreasonable searches. Instead, the legal dispute turns entirely on the 1986 law.

Google and Yahoo had also challenged subpoenas, but after losing before several judges, Google “has reversed its previous stance and informed the government it will comply” with warrants, the Justice Department said in September.

## **Supreme Court To Consider Search Warrant Power In Microsoft Email Case**

By Brent Kendall

[Wall Street Journal](#), October 16, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

## **Supreme Court To Rule If Microsoft Must Turn Over Emails Stored Overseas**

By Jose Pagliery

[CNN Money](#), October 16, 2017

At issue is a decision last year that has severely restricted law enforcement’s ability to acquire digital evidence stored on computers outside the United States — a limit that has held back criminal investigations all over the country.

For more than a year, American police have had trouble solving cases involving child rape, drug trafficking and fraud because of these restraints, according to the U.S. Department of Justice.

Technology companies store customer data inside and outside the United States. And until last year, companies routinely handed over evidence of crimes to law enforcement when presented with a judge-approved search warrant.

But Microsoft challenged the law police were using to access that data.

“A law enacted decades before there was such a thing as cloud computing — was never intended to reach within other countries’ borders,” said Brad Smith, Microsoft’s chief legal officer, in a blog post on Monday.

The Second Circuit Court of Appeals in New York decided that the current law does not give American judges “extraterritorial” powers. That means judges cannot grant search warrants that reach outside the United States.

The appellate ruling was dubbed the “Microsoft-Ireland decision,” because the court denied federal investigators access to emails stored on Microsoft computers in Ireland. That investigation dealt with suspected drug traffickers.

In effect: If an American commits a crime against another American on American soil — but video proof is made up of bits and bytes on a computer server in Europe — a judge cannot order a company to transfer that file back here. Even if it’s merely a click away.

No other federal appellate court has reviewed this issue, so tech companies have interpreted the Microsoft-Ireland decision as the law of the land.

Companies like Google (GOOGL, Tech30) and Yahoo have joined Microsoft by refusing to comply with search warrants seeking data they choose to store outside the country, according to a CNN review of sealed cases.

As a result, a wide range of evidence is unobtainable in local and national criminal cases, according to Congressional testimony by officials.

The Supreme Court’s decision on Friday means it will review whether Microsoft (MSFT, Tech30) should indeed turn over email evidence stored in Ireland.

The nation’s highest court will be taking a close look at the 1986 Stored Communications Act, a privacy law that details how police can access digital evidence.

Legal scholars have noted that the 1986 law was written long before the existence of a global internet that now dominates our daily lives. To Congress at the time, it was unthinkable that

American companies would store vast troves of Americans' data outside the country.

The Department of Justice hopes the Supreme Court will overturn the Second Circuit's decision. But it is simultaneously pushing for an update to the 1986 law that would once again give police access to data overseas.

Meanwhile, the tech industry also has a Plan B. It has rallied behind the International Communications Privacy Act, a bill now making its way through the House and Senate that would allow police to access data overseas — but only if that foreign country agrees.

"Current laws don't adequately support the needs of law enforcement anywhere in the world or protect our rights," said Microsoft's Smith.

## **Supreme Court Agrees To Hear Microsoft Data Privacy Case**

By Morgan Lynch

[MeriTalk](#), October 16, 2017

The Supreme Court announced Oct. 16 that it will hear a case on data privacy that relates to Microsoft's data centers in Ireland.

The Department of Justice (DOJ) filed a petition last year requesting an en banc rehearing of the 2nd U.S. Circuit Court of Appeals case, which sided in favor of Microsoft that American service providers are not required to honor warrants seeking data outside the United States. Join us on Oct. 24 at the Newseum in Washington, D.C., to hear insights from technology leaders on how to get the end results your agency has been looking for in providing its cloud-era data centers with reduced operational costs and better security, speed, and efficiency. Click here to learn more and register.

In this case the data the DOJ was asking for belonged to a non-U.S. citizen and was stored in a data center in Ireland.

The DOJ argued that the decision should be overturned because the location of the stored data is arbitrary and not determined by law, the case doesn't follow precedents, and the decision gives technology companies loopholes in the U.S. law.

Microsoft has been expanding the reach of its overseas data centers by establishing its cloud services in German data centers that have privacy protections in place that ban anyone other than the data trustee, including Microsoft and law enforcement, from gaining access to user information.

Following the 2nd Court of Appeals decision, Microsoft would have no legal trouble establishing these services, according to Stewart Baker, former National Security Agency general counsel and partner at Steptoe & Johnson. If the decision is overturned, the fates of these data centers are uncertain.

The move toward excluding the U.S. intelligence and law enforcement community occurs after a push from Federal officials including NSA Director Mike Rogers, former FBI Director James Comey, and former Attorney General Eric Holder, for companies to leave a "backdoor" in their encryption so that the intelligence community could gain access to data. However, technology and cybersecurity experts said there's no way to do this without exposing the material to hackers.

The Microsoft data centers focus on attracting clients in the public, financial, or health sector that specifically deal with sensitive data.

"Microsoft's latest offering addresses companies who need to comply with the most stringent privacy regulations," said Arthur Kaindl, general manager for Digital Health Services at Siemens Healthcare. "It now enables us and our customers to scale and to successfully implement new business models even broader."

Baker said that prohibiting law enforcement access to data centers is possible when the facilities are built abroad. Baker also thinks the Federal government is less likely to go after a U.S. company for information than a foreign company.

"I think that Microsoft has a good chance of keeping it out of the hands of the U.S. government," Baker said last year. "Whether that's a good idea or whether it exposes the U.S. to more terrorism is a different question."

## **Microsoft And Justice Department Will Square Off In Supreme Court Over Critical Privacy Case**

By Kate Conger

[Gizmodo](#), October 16, 2017

The US Supreme Court has agreed to hear arguments in a critical case over data privacy, the outcome of which will likely determine how easily law enforcement can gain access to information stored in tech companies' overseas data centers. Microsoft will go head-to-head with the Justice Department, arguing that the agency cannot use a warrant to collect emails held in Microsoft's Ireland data center.



In 2016, the Second Circuit Court of Appeals ruled in favor of Microsoft, asserting that a 1986 law, the Electronic Communications Privacy Act (ECPA), was not intended to grant law enforcement access to internationally-stored data. The Justice Department says that this ruling has hampered its investigative abilities in the digital age. In asking the Supreme Court to consider the case, the Justice Department argued that "hundreds if not thousands" of investigations into terrorism and child pornography "are being or will be hampered by the government's inability to obtain electronic evidence."

"The continued reliance on a law passed in 1986 will neither keep people safe nor protect people's rights," Microsoft's chief legal officer Brad Smith wrote in a blog post about the Supreme Court's decision. "We believe that people's privacy rights should be protected by the laws of their own countries and we believe that information stored in the cloud should have the same protections as paper stored in your desk."

Microsoft's legal battle kicked off in 2013, when the Justice Department asked the company to hand over emails stored in its Ireland data center for a drug investigation. Microsoft successfully challenged the warrant, arguing that DOJ needed to pursue international data through a treaty process.

In today's blog post, Smith argued that the issue belongs in Congress. He urged Congress to pass the International Communications Privacy Act to update the outdated ECPA.

"ICPA provides sensible ways for cross-border data access, including a robust legal process to access the email of Americans and notification of foreign countries, when required under international law," Smith wrote. "Without these important clarifications, technology companies, law enforcement and the courts will continue to interpret and apply a law to technologies and circumstances far beyond what Congressional leaders envisioned in 1986."

## **Trump Renews Attacks On High Drug Prices**

**The president reiterates his desire to get the cost of prescription drugs 'way down,' claiming 'the world is taking advantage of us.'**

By Sarah Karlin-Smith

[Politico](#), October 16, 2017

President Donald Trump took two swings at drugmakers over the high cost of medicines on Monday, bringing attention back to an administration priority that he has largely ignored for the past few months.

Trump reiterated his desire to get the cost of prescription drugs "way down," claiming during a Rose Garden press conference that "the world is taking advantage of us." Before a Cabinet meeting earlier in the day, Trump accused drug companies of "getting away with murder," repeating an attack line he first used shortly before taking office.

Trump noted that other countries, unlike the United States, set drug prices and pay less than half of what the United States pays for the same treatments. Trump said he wants to bring U.S. prices down to what other countries are paying, "or at least close" to that amount, and let those countries pay more for drugs.

His remarks echo claims, largely discredited by researchers, that U.S. drug prices are high because other countries pay less for medicines and don't contribute as much toward research and development.

It's unclear whether Trump's renewed criticism of the drug industry signals any forthcoming action. Even though he has repeatedly lashed out at drugmakers, there's been little indication he will crack down on prices.

A leaked draft of a still-pending executive order on drug prices this summer was favorable to the industry. The White House has also abandoned key pledges to allow Medicare to negotiate drug prices and expand importation of cheaper medicines from overseas. The administration has also appointed industry insiders to key posts.

Trump tied his harsh comments on drug prices to his broader criticism of Obamacare and his desire to remake the country's health care system. However, neither the White House nor Congress ever put forward drug pricing reform as part of efforts to dismantle the Affordable Care Act, though Trump sometimes suggested they should be linked.

Trump also attacked the drug industry for contributing "massive amounts of money" to politicians and campaigns. He suggested that Senate Majority Leader Mitch McConnell, who was standing beside him in the Rose Garden, may receive pharmaceutical industry donations.

Trump said he doesn't need or want industry money, but he also benefited from the sector on the campaign trail and after his election. For instance, U.S. drug giant Pfizer made a \$1 million contribution to Trump's inaugural committee, and Amgen donated \$500,000, according to the Center for Public Integrity.

## Stop Big Pharma From 'Getting Away With Murder'

[USA Today](#), October 16, 2017

Few things are more infuriating to consumers than the constant, surging increases in drug prices. Americans under 65 are projected to pay an additional 11.6% this year, while seniors are expected to see increases of 9.9%. These increases follow similar ones in recent years.

Price hikes like these, which run well above inflation and wage growth year after year, are a keen indication of how the drug industry lacks market fundamentals. Or, as President Trump put it Monday, prescription drug prices "are out of control" and the big pharmaceutical companies "are getting away with murder."

Exhibit A: generic drugs, which have failed to restrain spiraling prices.

This has happened in some cases because generic drug makers have begun to act like the name-brand producers they were supposed to compete with. Mylan, for instance, is a generic drug maker. It is also the company that bought the EpiPen auto-injector and jacked up its prices to obscene levels.

Mostly, it is the result of brand-name drug companies using ploys to keep generics off the market.

One favored technique is to simply pay generic makers to keep their products out of drugstores. These "pay to delay" schemes are often embedded in some kind of legal dispute designed to obscure the wildly anti-competitive nature of the deal.

Another tactic is for branded drug makers to make minor tweaks to their products to claim whole new patents.

But perhaps the most novel ruse involves preventing generic drug makers from getting access to doses of branded drugs they need to run tests. Generic makers need roughly 5,000 doses of branded drugs to show that their products are truly equivalent.

The Food and Drug Administration has received approximately 150 letters sent by companies complaining about access to the doses they need. About half of these involve branded drug makers claiming that the Risk Evaluation and Mitigation Strategies, an FDA-required process designed to promote drug safety, prohibits them from providing doses.

As the result of this infuriating tactic, patients, insurance companies and the federal government pay an additional \$5.4 billion annually on drugs, according to a study by Matrix Global Advisors for the Generic Pharmaceutical Association.

Drug makers "game the system and game the rules," FDA administrator Scott Gottlieb said during a recent visit with USA TODAY's Editorial Board.

Government agencies can and should be more aggressive in fighting off these schemes. Gottlieb said the FDA will fight harder to get generics on the market. And the Federal Trade Commission is stepping up its efforts to combat blatantly anti-competitive practices.

These steps will help. An even fuller solution is to give big buyers more leverage in negotiating prices, starting with the federal government's purchase of drugs for Medicare.

That, however, would require Congress to shake its addiction to campaign contributions and put patients ahead of Big Pharma.

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## PhRMA: We're Working To Protect Patients

By James C. Stansel

[USA Today](#), October 16, 2017

Ensuring patient access to medicines that are revolutionizing how we fight disease is critically important. Equally so is understanding when additional safeguards are required to ensure a medicine's benefits outweigh its risks.

In such cases, the Food and Drug Administration may require the biopharmaceutical company that manufactures the medicine to implement additional procedures, called Risk Evaluation and Mitigation Strategies (REMS), to facilitate safe use of the medicine.

REMS are a critical regulatory tool for protecting patient safety. Their elements can take many different forms and vary by medicine. In some cases, the FDA may impose an additional

level of scrutiny that goes by the acronym of ETASU, or elements to assure safe use to mitigate a serious risk included in the labeling.

Some critics claim biopharmaceutical companies use the process to block companies from obtaining samples of medicines for testing in bioequivalence studies and bringing generic versions to market. However, this fails to acknowledge that companies have provided access when adequate assurances have been made with respect to compliance, and that many medicines subject to REMS with ETASU already have generic competitors. In fact, of the 43 instances, 10 are shared systems, meaning generic versions have been approved.

We believe we can further improve patient access and affordability through reforms that promote competition and modernize the drug discovery and development process.

We applaud the FDA for streamlining and expediting the generic drug approval process. Its recent initiative to publish a list of off-patent, off-exclusivity medicines without approved generics and updating its internal procedures to allow expedited review for some generic medicines is further evidence the FDA is correctly focused on promoting a competitive marketplace that works for patients.

The U.S. biopharmaceutical industry leads the world in innovation and will continue to work with the FDA to promote competition and protect patient safety.

James C. Stansel is general counsel of the Pharmaceutical Research and Manufacturers of America.

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## **Trump Predicts 'Long-term Fix' For Obamacare By March Or April**

By Nolan D. McCaskill

[Politico](#), October 16, 2017

President Donald Trump insisted Monday that Democrats will be blamed for their "Obamacare mess," despite executive actions he took last week to undercut the law, while also expressing confidence that there will be a "long-term fix" for the law by March or April.

Trump moved last week to cut off cost-sharing reduction (CSR) subsidy payments to insurers. The scrapped subsidies, which were worth \$7 billion this year and were paid out in

monthly installments, will likely jolt the already-fragile Obamacare insurance markets, but Trump denied any responsibility for what may happen to Obamacare or the millions of people impacted by his decision.

He did, however, take credit for bringing Republicans and Democrats to the negotiating table, if only for a short-term fix.

"In my opinion, what's happening is as we meet, Republicans are meeting with Democrats because of what I did with the CSRs, because I cut off the gravy train," Trump told reporters during a Cabinet meeting at the White House. "If I didn't cut the CSRs, they wouldn't be meeting. They'd be having lunch and enjoying themselves, all right? They're right now having emergency meetings to get a short-term fix of health care, where premiums don't have to double and triple every year like they've been doing under Obamacare."

Obamacare, the president declared, "is finished," "dead" and "gone." "You shouldn't even mention" it, he said, arguing that "there is no such thing as Obamacare" anymore and adding that it was a policy that never could have worked.

Trump predicted a short-term bipartisan fix for Obamacare will come "fairly soon," and he claimed Republicans have the votes to pass the health care reform that has eluded them for the past nine months.

"Soon as we have the next reconciliation, I think we'll get the vote for health care. I feel very confident of that," Trump said. "I think we already have the vote for health care. Sadly, the Democrats can't join us on that, which will be the long-term fix, but I do believe we'll have a short-term fix because I think the Democrats will be blamed for the mess. This is an Obamacare mess."

"When the premiums go up, that has nothing to do with anything other than the fact that we had poor health care, delivered poorly, written poorly, approved by the Democrats," the president continued. "It was called Obamacare. But I think we'll have a short-term fix, and then we'll have a long-term fix, and that will take place probably in March or April. We will have a very solid vote. It'll be probably 100 percent Republican, no Democrats, but most people know that's gonna be a very good form of health insurance."

## Trump Upbeat On Bipartisan U.S. Healthcare Fix

By Roberta Rampton And Richard Cowan  
[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## How States Can Save The Obamacare Exchanges

By Daniel Hemel  
[Washington Post](#), October 16, 2017

Daniel Hemel is an assistant professor at the University of Chicago Law School.

Health insurance premiums are likely to skyrocket as a result of President Trump's announcement last week that his administration will halt subsidies for insurers that cover lower-income individuals and families. But while the president's decision appears to have been designed to disrupt the Affordable Care Act exchanges, states now have an opportunity to restore order to their insurance markets.

Specifically, states can step in to make the subsidy payments themselves — and then turn around and sue the federal government for reimbursement. The law is on their side, and while it might take months or years, the states are highly likely to be repaid in full, plus interest. In the meantime, the backstop provided by the states will encourage insurers to stay on the exchanges rather than rushing to the exits.

The president's latest attack on the ACA takes aim at an important provision affecting silver-level plans, the most common plan on the ACA exchanges. The 2010 law requires insurers to make cuts to co-payments and deductibles — known as “cost-sharing reductions” — for lower-income households enrolled in silver plans. The statute also says that the federal government “shall make periodic and timely payments” to insurers “equal to the value” of cost-sharing reductions.

The trouble is that Congress refused to appropriate funds for those payments. The Obama administration decided to pay the subsidies anyway, reasoning that not doing so would lead to “bizarre consequences.” Indeed, without these subsidies, insurers will have to charge significantly more for silver plans. The Urban Institute estimates that once the subsidies

stop, the average annual silver-plan premium will rise by more than \$1,000 per person.

If premiums go up, the size of the tax credit for lower-income households on the exchanges goes up commensurately. The IRS will therefore have to pay out more to lower-income households to offset the premium hikes. For these households, the consequences of Trump's decision may be contained.

But Trump's move is more problematic for households with incomes above four times the poverty line, which are ineligible for the tax credits. These households will face much higher premiums for silver plans — without larger tax credits to offset the cost.

To be sure, these credit-ineligible households will still have the option to purchase other types of coverage that aren't directly affected by cost-sharing reductions — such as bronze, gold or platinum plans. But across most of the country, the silver plans account for the lion's share of the individual insurance market: 70 percent of consumers on the ACA exchanges are enrolled in silver plans. The abrupt subsidy cut-off also may generate uncertainty and cause insurers to withdraw from the ACA exchanges entirely.

But creative state governments can avert these risks. As University of Pennsylvania law professor Tom Baker and I first suggested in April, states can make their own subsidy payments to insurers if the federal government won't. They can also take subrogation rights, meaning that if and when the federal government pays up, those payments will go to the states rather than the insurers.

The states can then sue the Department of Health and Human Services in the Court of Federal Claims for failing to follow through on payments required by law. As the Obama administration acknowledged, HHS would likely lose that lawsuit. Indeed, the Supreme Court has interpreted similar statutory language to require the federal government to make payments even in the absence of a congressional appropriation.

When an agency such as HHS loses a lawsuit, damages are paid out of the federal government's Judgment Fund. And while House Republicans have made noise about limiting the use of the Judgment Fund for ACA-related purposes, failure to pay a court-ordered judgment would mean defaulting on a federal debt. The fallout for financial markets should be dire enough

to deter congressional Republicans from interfering with Judgment Fund payouts.

In effect, states would be playing a bridge-financing role. And if they can't come up with the money immediately, they can turn to the private sector for help. As Darien Shanske, a law professor at University of California at Davis, has suggested, states could raise funds by issuing tax-exempt "Obamacare bonds," repaying the bondholders when litigation with the federal government is resolved. Those bonds might be an attractive investment for wealthy liberals looking to add an anti-Trump asset to their portfolios.

Not every state is likely to pursue this approach. But even some Republican governors — such as John Kasich of Ohio — might be amenable to a plan that prevents chaos on their states' exchanges.

For much of the ACA's short life, the statute's reliance on states has been its Achilles heel. But now the best prospect for the law's survival is for states to fill in for a presidential administration that won't carry out the law. Hopefully, they can muster the will to do so.

## **McConnell Says Senate Will Vote On Pain Capable Unborn Child Protection Act 'At Some Point'**

By Laretta Brown

[Townhall](#), October 16, 2017

Senate Majority Leader Mitch McConnell (R-KY) told reporters in the Rose Garden Monday that the Pain Capable Unborn Child Protection Act, which would ban abortion after 20 weeks of pregnancy, is supported by "virtually all" of the Republicans in the Senate and they "expect to have a vote on it at some point." He did not provide further details about when the vote might take place.

The legislation, which passed the House by a 237-189 vote, bans abortion at the point that science increasingly shows that unborn children feel pain. Sen. Lindsey Graham (R-S.C.) introduced the bill in the Senate October 5th.

Despite the uphill battle the legislation faces in the Senate, requiring 60 votes to pass while Republicans only hold 52 seats, Graham said at the time that he expected the bill "to pass with 60 votes over the arc of time as we persuade more and more Americans."

President Trump promised to sign the bill on the campaign trail and the White House released

a statement, just prior to the House vote, formally backing it.

The statement says the bill "would promote a science-based approach to unborn life, as recent advancements have revealed that the physical structures necessary to experience pain are developed within 20 weeks of fertilization."

"The United States is currently out of the mainstream in the family of nations, in which only 7 out of 198 nations allow elective abortions after 20 weeks of pregnancy," they add. This claim was recently verified by The Washington Post Fact Checker.

## **Trump's Top Economist Says Corporate Tax Cuts Will Lift Workers' Wages**

By Jim Tankersley

[New York Times](#), October 16, 2017

WASHINGTON — President Trump's top economist argued in a report issued on Monday that corporate tax cuts being pushed by Republicans would increase a typical household's income by \$3,000 to \$7,000 a year, highlighting a primary argument the administration will make in drafting and selling its tax plan.

The report is the first official calculation of the tax plan's impact and its focus underlines how central a corporate tax cut is to the administration's overall plan. Mr. Trump and Republican lawmakers have been selling their tax framework as a middle-class tax cut, saying the plan will put money back in workers' pockets, including by lowering the corporate tax rate to 20 percent from 35 percent.

The report, by the White House Council of Economic Advisers, argues that high corporate taxes hurt workers in the form of smaller paychecks and that worker incomes rise sharply when corporate tax rates fall.

The report drew swift condemnation from many Democrats and liberal economists, who accused the administration of "cherry-picking" economic evidence to sweeten Mr. Trump's pitch to American workers.

Senator Charles Schumer, a Democrat of New York who is the Senate minority leader, called the report "fake math" and said history showed tax cuts in the mold of the Republican plan "benefit the wealthy and the powerful to the exclusion of the middle class."

Other research has cast doubt on the theory that businesses would pass tax savings on to their workers in the form of higher wages. A 2012 Treasury Department study, which the department recently removed from its website, found that less than a fifth of the corporate tax falls on workers. A Congressional Research Service report last month concluded that the effects of corporate taxes fell largely on high-income Americans, not average workers.

The president, signaling how heavily the administration will lean on the Council of Economic Advisers report, said in a speech in Pennsylvania last week that the proposal would most “likely give the typical American household a \$4,000 pay raise.”

The council is led by Kevin Hassett, an economist whose academic work has argued that high corporate tax rates hurt workers, and that when those tax rates fall, worker incomes rise sharply.

The report does not try to analyze the full Republican proposal, which still lacks key details on the income ranges for tax brackets, the rules to qualify for certain lower business tax rates and how to prevent multinational corporations from avoiding taxes by channeling profits to ultra-low-tax countries.

Instead, it focuses on one detail that Mr. Trump has insisted is not negotiable: the reduction in the top corporate income tax rate.

The report draws heavily on several economic studies that find similar results to Mr. Hassett's: that the so-called incidence of corporate taxation falls mainly on workers, meaning they have much to gain if such rates are cut. It concludes that if the corporate rate were cut to 20 percent, the median American household, which earns just under \$60,000 a year, would earn \$3,000 to \$7,000 more than it otherwise would have.

Mr. Hassett said in a conference call with reporters that those gains could be even larger than the calculations suggested, “because America's broken corporate tax system creates incentives for firms to hold their profits outside our borders.”

A prominent conservative economist, Douglas Holtz-Eakin, the president of the American Action Forum in Washington and a former director of the Congressional Budget Office, said on Monday that the council's

projections represented “a reasonable, back-of-the-envelope calculation,” drawn from empirical research.

More important, he said, is the argument that the numbers support: that corporate tax cuts will drive economic growth and deliver income gains across the country. The gains to workers from a corporate rate cut, he contended, would matter far more to their standards of living than the Republican plan's proposed changes to the individual income tax code, such as doubling the size of the standard deduction.

“The most important things for the middle class are not on the piece of paper,” Mr. Holtz-Eakin said, referring to the details of the individual income tax plan. “Do real wages rise, do standards of living increase? The specifics of the plan — the bigger standard deduction, etc. — are small potatoes compared to that. There's a bigger game here, and the C.E.A. report is a reminder of that bigger game.”

Liberal researchers accused the Trump administration on Monday of ignoring studies that showed few benefits from corporate tax cuts for average workers and of instead relying on research that supported a politically desirable result. Seth Hanlon, a senior fellow at the Center for American Progress think tank and a former economic adviser to President Barack Obama, said Mr. Hassett had “cherry-picked” studies outside the “mainstream consensus” on the effects of corporate taxation on wages.

“On some level, we've seen this movie before,” Mr. Hanlon said. “We've seen promises that tax cuts for businesses or ‘job creators’ will trickle down. And they continue to fail.”

The administration contends that American tax policies have depressed wages for decades. The report begins with a declaration that “wage growth in America has stagnated,” even as corporate profits have soared, because “the relationship between corporate profits and broke down in the late 1980s.”

The report asserts that reducing the corporate rate will repair that relationship, encouraging companies to invest heavily in domestic machinery, computers and other equipment that will help workers produce more with the same amount of time on the job. That productivity increase, Mr. Hassett said, would lead companies to pay their workers more.

## How To Make A Good Tax-Reform Plan Even Better

The GOP framework would boost growth and help the middle class—even more with one simple tweak.

By Edward Lazear

[Wall Street Journal](#), October 16, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

## Ivanka Trump, Kushner To Host Democrats For Tax Reform Dinner

By Burgess Everett And Annie Karni

[Politico](#), October 16, 2017

Jared Kushner and Ivanka Trump are reaching out to Senate Democrats as part of their courtship of Congress on tax reform, according to sources familiar with the matter.

The couple is expected to host Sens. Joe Manchin (D-W.Va.), Heidi Heitkamp (D-N.D.) and Claire McCaskill (D-Mo.) on Monday evening at their Kalorama home, those sources said. All three are up for reelection next year in states where President Donald Trump is popular.

Heitkamp, Manchin and Joe Donnelly of Indiana are the Senate Democratic votes viewed as most gettable on a tax bill by the administration; they abstained from a Democratic letter laying out hardline demands for tax reform. McCaskill signed that letter, and President Donald Trump called her out at a Missouri rally and said she should be defeated next year if she doesn't support tax reform.

GOP Sens. Marco Rubio of Florida, Mike Lee of Utah, Pat Toomey of Pennsylvania and several other Republican senators are also expected to attend. White House legislative affairs director Marc Short also may stop by, one source said.

Thus far, Ivanka Trump has focused much of her congressional outreach on improving childcare options through the tax code. But with the margins so tight in the Senate any bipartisan outreach could go a long way toward the GOP's attempt at comprehensive tax reform.

Without Democratic votes, Senate Republicans can lose only two votes and pass tax reform. But both Manchin and Heitkamp seem open to the administration's outreach and both have appeared with President Trump in recent weeks.

## Senate Confirms Callista Gingrich As Ambassador To The Vatican

By Richard Lardner

[Washington Times](#), October 16, 2017

The Republican-led Senate on Monday confirmed Callista Gingrich, wife of former House Speaker Newt Gingrich, as the U.S. ambassador to the Vatican.

Senators approved her nomination, 70-23, with more than 20 Democrats joining Republicans in backing her for the post. Newt Gingrich is an ally of Trump, who had announced in May that he would nominate the former congressman's wife.

Callista Gingrich is president of Gingrich Productions and has produced a number of documentaries, including one about Pope John Paul II. She worked for the House Committee on Agriculture as chief clerk until 2007. She was a key figure in her husband's 2012 bid for the Republican presidential nomination.

She was a congressional aide when she began a six-year affair with Newt Gingrich, then a married Republican lawmaker from Georgia.

In 2012, Gingrich's second wife, Marianne Gingrich, told ABC News that he had proposed an "open marriage" so he could continue to see Callista without divorcing. The former speaker denied the charge.

He converted to Catholicism in 2009, after years of attending mass at the Basilica of the National Shrine of the Immaculate Conception in Washington, D.C., where Callista Gingrich has performed in the choir.

The Senate Foreign Relations Committee held Callista Gingrich's confirmation hearing in mid-July. She sought to assure skeptical Democrats on the panel that Trump wanted the United States to be an environmental leader even after pulling out of the international accord aimed at combatting global warming.

Democrats have criticized Trump sharply for withdrawing from the Paris climate agreement, a move that left the United States, Syria and Nicaragua as the only sovereign countries to not be part of the agreement.

But Callista Gingrich said Trump is committed to sustaining "our clean air and our clean water." She said "we aren't backing off of that" despite Trump's decision to withdraw from the climate accord.

"We're all called to be stewards of the land," she said.

Pope Francis met with Trump in late May at the Vatican, days after the president announced he was nominating Callista Gingrich to the ambassador's post. Francis, who has framed climate change as an urgent moral crisis and blamed global warming on an unfair, fossil fuel-based industrial model that harms the poor, presented Trump as a gift his 2015 encyclical on the need to protect the environment.

But Trump's vision for foreign relations and diplomacy has been starkly different from that promoted by the pope. While Francis has spoken of the need for bridges between nations, Trump has advocated building a wall on the Mexican border and restricting travel to the U.S. from six Muslim-majority countries as necessary national security measures.

### **Trump Promises To 'Look Into' Report On Drug Czar Nominee Marino In Wake Of Post/'60 Minutes' Probe**

By Ed O'Keefe, Scott Higham And Lenny Bernstein

[Washington Post](#), October 16, 2017

President Trump said "we're going to be looking into" a report about Rep. Tom Marino (R-Pa.), his drug czar nominee, in the wake of a Washington Post/"60 Minutes" investigation that found the lawmaker helped steer legislation that made it harder for the government to take some enforcement actions against giant drug companies.

"He was a very early supporter of mine from the great state of Pennsylvania. He's a great guy. I did see the report. We're going to look into the report," Trump told reporters when asked about whether he still supports Marino to lead the Office of National Drug Control Policy.

Trump also said that he will have a "major announcement, probably next week" about how his administration plans to tackle opioid addiction in the United States, a "massive problem" that he wants to get "absolutely right."

"This country and, frankly, the world has a drug problem," he said. "We're going to do something about it."

Trump's comments came as congressional Democrats reacted sharply to the report that Marino helped guide the legislation that sailed through Congress last year with virtually no opposition.

"We're going to look into that very closely," Trump said in a White House Rose Garden appearance.

Marino, Trump said, is "a good man, I have not spoken to him, but I will speak to him and I will make that determination." If Marino's work was detrimental to Trump's goal of combating opioid addiction, "I will make a change," Trump said.

Trump first said he was doing to declare a national opioid emergency in August, but has not done so.

Asked by a reporter whether he would be declaring the epidemic a national emergency, Trump said, "We're going to be doing that next week."

"That is a very, very big statement. It's a very important step and to get to that step a lot of work has to be done and it's time-consuming work. We're going to be doing that next week," he said.

Earlier Monday, Sen. Joe Manchin III (D-W.Va.) said he was "horrified" to read details of an investigation by The Washington Post and "60 Minutes" that detailed how a targeted lobbying effort helped weaken the Drug Enforcement Administration's ability to go after drug distributors, even as opioid-related deaths continue to rise. He called on Trump to withdraw Marino's nomination.

Manchin added in an interview that he's not attacking Marino's motives or character, but that "there's no way that in having the title of the drug czar that you'll be taken seriously or effectively by anyone in West Virginia and the communities that have been affected by this knowing that you were involved in something that had this type of effect."

Marino was first floated as a potential drug czar last spring, but withdrew from consideration, citing a family illness. But the White House formally nominated him for the post in September. The Senate Judiciary Committee has yet to set a date for his confirmation hearing. Committee aides did not immediately return requests for comment on plans for a hearing. Ultimately, Marino could be confirmed by the Senate with a simple majority vote.

In a separate letter to Trump, Manchin said that more than 700 West Virginians died of opioid overdoses last year. "No state in the nation has been harder hit than mine," he wrote.

Sen. Claire McCaskill (D-Mo.) also said Monday that she would introduce legislation that would repeal the Ensuring Patient Access and



Effective Drug Enforcement Act of 2016. The law, she said, “has significantly affected the government’s ability to crack down on opioid distributors that are failing to meet their obligations and endangering our communities.”

McCaskill, as the top Democrat on the Homeland Security and Governmental Affairs Committee, has used her perch to probe opioid manufacturers, and is pushing them for sales and marketing materials, studies of potential addictions and whether the firms are donating to third-party advocacy groups that champion their work. It was unclear Monday afternoon how much support McCaskill’s bill would receive and whether it would ever be taken up for a vote in the GOP-controlled House and Senate.

As of Monday afternoon, no Republican lawmaker had announced their opposition to Marino’s legislation or plans to either sponsor McCaskill’s bill or introduce something similar.

Manchin and McCaskill face reelection next year in rural states that Trump won last year. Despite their concerns, neither opposed the legislation when it passed in the Senate last year by unanimous consent. McCaskill was away from Congress for three months last year being treated for breast cancer when the bill was approved.

Manchin said in the interview that his aides responsible for tracking drug policy had raised concerns about Marino’s legislation as it worked its way through Congress last year.

“They had questions and they had concerns from the beginning but they were laid to rest by the DEA. We’re going to find out how that could happen and why,” Manchin said.

As an alternative to Marino, Manchin suggested that Trump consider nominating Joseph T. Rannazzisi to serve as drug czar. Rannazzisi ran the DEA’s division responsible for regulating the drug industry and led a decade-long campaign of aggressive enforcement until he was forced out of the agency in 2015.

If Trump prefers to nominate a partisan figure, “we can find a Republican who has a passion because of the devastation to their own family. That won’t be hard to find in America, I can assure you that,” Manchin said.

Fallout from the investigation also has spread to electoral politics. Rep. Marsha Blackburn (R-Tenn.), who is running for Senate in a state that has been hit hard by the opioid crisis, is also

fielding attacks for being a lead sponsor of Marino’s bill.

James Mackler, the Senate race’s Democratic front-runner, criticized Blackburn over her involvement, saying in a statement late Sunday, “I’m running for U.S. Senate because Tennesseans need a senator that will stand up for them rather than catering to special interests and corporate lobbyists.”

“That Congresswoman Blackburn would champion legislation like this while Tennesseans face an opioid epidemic is all one needs to know about her priorities,” he said.

In April 2016, a handful of members of Congress, allied with the nation’s major drug distributors, prevailed upon the DEA and the Justice Department to agree to the more industry-friendly legislation, undermining efforts to stanch the flow of pain pills, according to the Post/60 Minutes investigation. The DEA had opposed the effort for years.

The law was the crowning achievement of a multifaceted campaign by the drug industry to weaken aggressive DEA enforcement efforts against drug distribution companies that were supplying corrupt doctors and pharmacists who peddled narcotics to the black market. The industry worked behind the scenes with lobbyists and key members of Congress, pouring more than \$1 million into their election campaigns.

The chief advocate of the law that hobbled the DEA was Marino, who spent years trying to move it through Congress. It passed after Sen. Orrin G. Hatch (R-Utah) negotiated a final version with the DEA.

Besides the sponsors and co-sponsors of the bill, few lawmakers knew the true impact the law would have. The White House was equally unaware of the bill’s import when President Barack Obama signed it into law, according to interviews with former senior administration officials.

Top officials at the White House and the Justice Department have declined to discuss how the bill came to pass.

Michael Botticelli, who led the ONDCP at the time, said neither Justice nor the DEA objected to the legislation, removing a major obstacle to the president’s approval.

“We deferred to DEA, as is common practice,” he said.

The bill also was reviewed by the White House Office of Management and Budget.

"Neither the DEA nor the Justice Department informed OMB about the policy change in the bill," a former senior OMB official with knowledge of the issue said recently. The official spoke on the condition of anonymity because of the sensitivity of internal White House deliberations.

The DEA and the Justice Department have denied or delayed more than a dozen requests filed by The Post and "60 Minutes" under the Freedom of Information Act for public records that might shed additional light on the matter. Some of those requests have been pending for nearly 18 months. The Post is now suing the Justice Department in federal court for some of those records.

## **Trump Says He'll Consider Pulling Drug Czar Nomination**

By Peter Baker

[New York Times](#), October 16, 2017

WASHINGTON — President Trump's plans to combat the nation's opioid epidemic were disrupted on Monday as he came under pressure to abandon a nominee for drug czar who championed legislation undercutting the government's power to go after pharmaceutical companies that contribute to the crisis.

Even as the president promised to announce a major initiative to stem the wave of opioid abuse as early as next week, Mr. Trump said he would consider scuttling the nomination of Representative Tom Marino as director of the Office of National Drug Control Policy. Mr. Marino, Republican of Pennsylvania, pushed the legislation sought by lobbyists for the drug industry.

"He's a good man," Mr. Trump said during a news conference on Monday in the Rose Garden. "I have not spoken to him, but I will speak to him, and I'll make that determination. And if I think it's 1 percent negative to doing what we want to do, I will make a change, yes."

The president also suggested that he might favor rethinking the law that Mr. Marino helped pass. "We're going to look at that very closely," he said.

Mr. Trump's response came after a joint investigation by CBS's "60 Minutes" and The Washington Post examined the influence of the drug industry in Washington. The legislation

pressed by Mr. Marino was the result of a concerted industry campaign to change the authority of the Drug Enforcement Administration in a way that would make it more difficult to stop the flow of painkillers to the black market. The law, passed last year, made it nearly impossible for the D.E.A. to freeze suspicious shipments of drugs, according to documents cited by The Post.

The law was a top priority of the drug industry, which spent \$106 million lobbying Congress from 2014 to 2016. Mr. Marino, who received nearly \$100,000 in campaign contributions from political action committees representing the industry, according to The Post, was one of the leaders in pushing the bill. Congress passed it with many legislators unaware of its real effect, and President Barack Obama signed it into law, also unaware of its import, according to former administration officials cited by The Post.

Some Democrats called on Mr. Trump to respond after the report. Senator Joe Manchin III, Democrat of West Virginia, a state that has been ravaged by opioid abuse, sent a letter to the president urging him to withdraw Mr. Marino's nomination.

"His advocacy for this legislation demonstrates that Congressman Marino either does not fully understand the scope and devastation of this epidemic or ties to industry overrode those concerns," Mr. Manchin wrote. "Either option leaves him unfit to serve as the head of the" drug office.

Senator Claire McCaskill, Democrat of Missouri, said she was introducing legislation to repeal the law that Mr. Marino helped pass. "Media reports indicate that this law has significantly affected the government's ability to crack down on opioid distributors that are failing to meet their obligations and endangering our communities," Ms. McCaskill said.

Mr. Trump has repeatedly promised to tackle the opioid crisis and appointed a high-level commission led by Gov. Chris Christie of New Jersey that delivered a report last summer. Although the president said in August that he would declare the epidemic a national emergency, he has yet to do so. In his news conference on Monday, he said he planned to do it next week.

"We're going to have a major announcement, probably next week, on the drug crisis and on the opioid massive problem, and I want to get that

absolutely right," he said. "This country, and frankly the world, has a drug problem. The world has a drug problem. But we have it, and we're going to do something about it."

Mr. Trump said that he saw the report on the drug industry's role in passing the legislation and expressed concern about it. "As far as Tom Marino, so he was a very early supporter of mine — the great state of Pennsylvania," Mr. Trump said. "He's a great guy. I did see the report. We're going to look into the report. We're going to take it very seriously."

## **Trump Says He Will 'Look Into' Drug Czar Pick Following Report**

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **Trump: 'Looking Into' Marino's Nomination As Drug Czar After Report On Opioid Legislation**

By Louis Nelson

[Politico](#), October 16, 2017

President Donald Trump said Monday that "we're going to be looking into" Rep. Tom Marino, the White House's pick to be the nation's next drug czar, after CBS' "60 Minutes" and The Washington Post reported that the lawmaker championed a law that hobbled federal efforts to combat the abuse of opioids.

Trump pledged to reverse his nomination of Marino (R-Pa.) to lead the Office of National Drug Control Policy if "it's 1 percent negative to doing what we want to do."

"As far as Tom Marino, so he was a very early supporter of mine, the great state of Pennsylvania. He's a great guy," Trump said during a Rose Garden news conference Monday afternoon. "I did see the report. We're going to look into the report. We're going to take it very seriously because we're going to have a major announcement probably next week on the drug crisis and on the opioid massive problem, and I want to get that absolutely right... We're going to be looking into Tom."

According to reporting by the Post and "60 Minutes," Marino was the top lawmaker championing the Ensuring Patient Access and Effective Drug Enforcement Act, legislation that the news outlets said makes it essentially

impossible for the Drug Enforcement Administration to freeze suspicious narcotics shipments from drug companies. The DEA had fought against the bill, while the pharmaceutical industry lobbied hard on its behalf.

The law hobbled DEA efforts to stop shipments of opioid drugs from distribution companies to corrupt doctors and pharmacies, the news outlets reported. Prescription opioid addiction has spiked in recent years, igniting a resurgence of heroin use as well. Trump has sworn to address the ongoing epidemic of opioid abuse.

"Well, he's a good man. I have not spoken to him but I will speak to him, and I'll make that determination," Trump said of Marino.

Democratic senators on Monday called for Trump to withdraw Marino's nomination, with Senate Minority Leader Chuck Schumer casting the congressmen as thoroughly unfit to oversee the nation's federal anti-drug initiatives.

"Confirming Representative Marino as our nation's drug czar is like putting the wolf in charge of the hen house," Schumer said on the Senate floor. Schumer joined Sens. Joe Manchin and Claire McCaskill in urging Trump to drop his pick for drug czar.

Manchin, in a letter addressed to the president, called the opioid issue "the biggest public health crisis since HIV/AIDS," and added that "we need someone leading the White House Office of National Drug Control Policy who believes we must protect our people, not the pharmaceutical industry."

McCaskill, during an appearance on CNN, said she did not support a Marino nomination, and that "most of [her] colleagues agree." The Missouri senator also pressed Trump to support greater funding for the Office of National Drug Control Policy to help bolster the government's efforts against opioid addiction.

Cristiano Lima contributed to this report.

## **Trump's Drug Czar Nominee Could Be In Trouble After Report On Drug Industry Ties**

By Deirdre Shesgreen

[USA Today](#), October 16, 2017

WASHINGTON — Democratic Sen. Joe Manchin called on President Trump to withdraw his nominee to be the nation's next drug czar Monday, saying Rep. Tom Marino is "unfit" for the

job and cannot be trusted to confront the opioid epidemic.

The West Virginia senator's move comes in the wake of an investigation by The Washington Post and 60 Minutes, which detailed a successful effort by the drug industry to undermine the ability of law enforcement officials to stop suspicious shipments of opioids flooding American communities.

Marino, the Pennsylvania Republican lawmaker who led that effort in Congress, is now Trump's drug-czar candidate. The Post/60 Minutes investigation detailed Marino's ties to the drug industry and his legislative push to make it harder for the Drug Enforcement Agency to halt drug shipments that posed an "imminent danger" to the community.

"We need someone leading the White House Office of National Drug Control Policy who believes we must protect our people, not the pharmaceutical industry," Manchin said in Monday's letter asking Trump to nix Marino's nomination.

Marino's spokeswoman did not immediately respond to a request for comment on Manchin's letter. That was not the only fallout from the Post/60 Minutes probe.

Sen. Claire McCaskill said Monday she would try to repeal the 2016 law, written by Marino and Sen. Orrin Hatch, R-Utah. Before that law went into effect, the DEA had been using that authority to crack down on drug distribution companies that were sending millions of opioids to what law enforcement believed were corrupt doctors and Internet pharmacies, which in turn were doling out the drugs to opioid addicts.

The 2016 law made it "virtually impossible for the DEA to freeze suspicious narcotic shipments from the companies," the Post probe found, citing internal Justice Department documents and an independent assessment by an administrative law judge. "That powerful tool had allowed the agency to immediately prevent drugs from reaching the street."

Marino's nomination was controversial even before the Post/60 Minutes exposé. Treatment advocates have highlighted the Pennsylvania Republican's push to lock up low-level drug users against their will, until they agree to treatment.

"One treatment option I have advocated for years would be placing nondealer, nonviolent drug abusers in a secured hospital-type setting under

the constant care of health professionals," Marino said at a May 2016 hearing. "Once the person agrees to plead guilty to possession, he or she will be placed in an intensive treatment program until experts determine that they should be released under intense supervision."

He suggested criminal charges would be dropped once the person completed treatment. "The charges are only filed to have an incentive for that person to enter the hospital-slash-prison, if you want to call it," Marino said.

"He's a former prosecutor who took a hard line on drug issues and made some troubling comments around the idea of forcibly hospitalizing people who are caught with illegal drugs," said Grant Smith, deputy director of national affairs for the Drug Policy Alliance, which advocates harm-reduction strategies. "That really runs counter to the idea of treating this as a health issue. There is no other health issue where you forcibly hospitalize someone against their will."

Andrew Kolodny, a physician and co-director of the Opioid Policy Research Center at Brandeis University, called Marino an "awful pick" to set the nation's drug policy.

"Marino has no qualifications for that role," Kolodny told USA TODAY. "My understanding is that Trump has selected him as a political payback because he was a political supporter."

Marino was one of the earliest House Republicans to back Trump in the 2016 presidential race. He later served on Trump's transition team.

Kolodny said the drug czar position should be filled by someone who fully understands the opioid epidemic and can harness all the federal government's resources to confront it.

"Marino's only experience that I can see in terms of the opioid epidemic was pushing through legislation that weakened the DEA's ability to go after legal narcotics distributors," Kolodny said.

## **The Government's Shameful Role In The Opioid Crisis**

[Washington Post](#), October 16, 2017

MULTIPLE, GLARING government breakdowns are documented in the revealing investigation of the opioid-overdose epidemic by The Post and CBS's "60 Minutes." The report exposed weakening federal enforcement of drug distribution; corrosive industry lobbying that crippled that enforcement; and a dysfunctional

Congress and White House at a time when a debilitating scourge swept the country.

At the core of the story is the Drug Enforcement Administration, charged with making sure that prescription narcotics do not spill from the legitimate supply chain into the underworld of drug abuse. A DEA unit, the Office of Diversion Control, is supposed to keep pills from being siphoned off by what one former official calls “drug dealers in lab coats.” The investigation revealed how this vital DEA enforcement mission was badly undercut in a bill supported by the drug companies that passed Congress and was signed by President Barack Obama last year without sufficient scrutiny.

The breakdown of enforcement described by reporters Scott Higham and Lenny Bernstein is appalling. They report that a DEA effort was undertaken in the mid-2000s to target drug distribution companies that were shipping unusually large volumes of opioids. For example, one midsize distributor had shipped 20 million doses to pharmacies in West Virginia over five years; 11 million doses went to one county alone with a population of 25,000 people. Some pharmacies in Florida were nothing more than illicit drug dens, with streams of customers arriving in vans from Appalachia. “Back home, each 30-pill bottle of oxycodone was worth \$900,” The Post reports. By going after the distributors, the DEA hoped to stanch this deadly trade. The DEA brought at least 17 enforcement cases against 13 drug distributors and one manufacturer under a hard-charging head of the Office of Diversion Control, Joseph T. Rannazzisi.

Then the rules changed. The DEA originally could freeze drug shipments that posed an “imminent danger” to the community, giving the agency broad authority to act. In 2014, the industry launched an effort to slow enforcement by changing the standard. The legislation was sponsored by Rep. Tom Marino (R-Pa.) and aided by former DEA officials who went through the revolving door to help the drug companies. Some DEA officials pushed back; one wrote the bill “is fixing a problem that doesn’t need fixing.” At one point, Attorney General Eric H. Holder Jr. spoke out against the legislation, but over time, and after Mr. Holder left office, it sailed through Congress by unanimous consent and was signed by the president. The new law requires the DEA to show that a company’s actions represent “a substantial

likelihood of an imminent threat,” a much higher threshold. Predictably, enforcement actions plummeted. Not a single immediate suspension order has targeted a distributor or manufacturer since late 2015 at a time when overdose deaths are skyrocketing.

All this adds up to disgraceful conduct. Congress must put teeth back in DEA enforcement. President Trump suggested Monday he will reexamine Mr. Marino’s nomination as drug czar. He should withdraw it, and Mr. Marino instead should be held to account for kneecapping the DEA’s opioid enforcement effort.

## **Marquette Law Review Article Focuses On New Law Disarming DEA In Fight Against Opioids**

[Milwaukee Journal Sentinel](#), October 16, 2017

The Marquette Law Review isn’t normally in the business of breaking news.

But a soon-to-be-published article in the review has emerged as a key piece in an explosive investigative report that claims Congress helped disarm the Drug Enforcement Administration even as the country was dealing with a spiraling opioid crisis.

The article, to appear in the review’s winter issue, was written by DEA Administrative Law Judge John J. Mulrooney II, and his former legal clerk, Katherine E. Legel, a recent Marquette University Law School graduate.

Mulrooney and Legel sought to detail the impact of an April 2016 law passed by Congress that critics say diminished the agency’s authority over drug distributors.

“If it had been the intent of Congress to completely eliminate the DEA’s ability to ever impose an immediate suspension on distributors or manufacturers, it would be difficult to conceive of a more effective vehicle for achieving that goal,” the article says, according to a draft.

In a joint investigation, the Washington Post and CBS News’ “60 Minutes” found “a handful of members of Congress, allied with the nation’s major drug distributors, prevailed upon the DEA and the Justice Department to agree to a more industry-friendly law, undermining efforts to stanch the flow of pain pills.”

The Post called the law “the crowning achievement of a multifaceted campaign by the drug industry to weaken aggressive DEA

enforcement efforts against drug distribution companies that were supplying corrupt doctors and pharmacists who peddled narcotics to the black market. The industry worked behind the scenes with lobbyists and key members of Congress, pouring more than \$1 million into their election campaigns."

The lawmaker who helped shepherd the bill through Congress, U.S. Rep. Tom Marino (R-Pa.), is President Donald Trump's nominee to lead the Office of National Drug Control Policy.

The Post quoted from the law review article as a counterpoint to industry officials who defended the new law.

Established in 1916, the student-run Marquette Law Review is published quarterly and dives into legal issues in Wisconsin and nationwide.

Michael Anspach, a third-year law student, is the current editor in chief. He said the first contact for the article was made in late June, when Legel reached out in an email to Marquette law professor Daniel Blinka and Blake Nold, senior articles editor of the law review.

Within the week, Anspach said he was on the phone with Mulrooney as they discussed if the law review would be the right home for the article.

"Right off the bat, I knew I wanted the article based on its subject matter," Anspach said.

An Ohio native and graduate of Boston College, Anspach said two of his friends died of opiate-related deaths in recent months.

"I knew of the devastation that was being caused as a result of the opioid epidemic, being in Milwaukee, coming from Ohio and coming from the northeast United States where these epidemics are running rampant," he said.

He said the article would help "raise awareness for the epidemic generally and some roadblocks that need to be overcome in order for this to be effectively addressed."

The law review received a draft of the article at the end of July, Anspach said. Over the past two weeks, as the explosive investigative report was set to publish and air, the editing process went into overdrive.

"We've had all hands on deck with this article," Anspach said. "We doubled our efforts. Normally, we'd have three people editing it. Due to its size, we had six people on it at one point. We probably had about a dozen people already working on this article."

The law review released a draft of the article. Editing will continue. Publication will take place in February.

## Taylor Impresses Trump For Fed Chairman, Warsh Slips

By Jennifer Jacobs , Saleha Mohsin , And Craig Torres

[Bloomberg News](#), October 16, 2017

Stanford University economist John Taylor, a candidate for Federal Reserve chairman, made a favorable impression on President Donald Trump after an hour-long interview at the White House last week, several people familiar with the matter said.

Former Fed board governor Kevin Warsh has meanwhile seen his star fade within the White House, three of the people said. They would not say why but Warsh's academic credentials are not as strong as other candidates, and his tenure on the Fed board has been criticized by a diverse group of economists ranging from Scott Sumner to Nobel laureate Paul Krugman.

Trump gushed about Taylor after his interview, one of the people said. The president has always been prone to hiring people with whom he has a good relationship. However, he told the Wall Street Journal in July that he would "like to see rates stay low," and Taylor is the namesake of a well-known monetary policy rule that would generally advocate higher interest rates.

Warsh remains on Trump's shortlist candidates to lead the central bank along with Taylor, the people said. The others are the current Fed Chair Janet Yellen, Trump's chief economic adviser Gary Cohn and Fed governor Jerome Powell.

Trump plans to interview Yellen on Thursday, a person familiar with the matter said.

Warsh didn't respond to a request for comment. Taylor declined to discuss the Fed search when approached at a conference in Boston on Friday.

In addition to Trump's deliberations on Fed chair, he is considering appointing Treasury Department official David Malpass to a governor's seat on the Fed board, one person said. Malpass, an economist, was an economic adviser to Trump during his campaign and currently serves as Treasury undersecretary for international affairs. Taylor's Interview

The Bloomberg dollar index reached its strongest point of the day, gaining as much as 0.33 percent on the report of Trump's interview with Taylor, while 10-year Treasury note prices touched the day's weakest levels.

Trump interviewed Taylor, 70, on Wednesday with his chief of staff John Kelly, one of the people said. The economist checks many of the boxes White House officials are looking for: He served on the Council of Economic Advisers under three presidents, and was an adviser on the presidential campaigns of George W. Bush and John McCain. He was Undersecretary of the Treasury for International Affairs from 2001 to 2005.

Taylor is a monetary policy expert whose equation on policy-rate settings is a standard reference tool used by central banks and economists around the world. He also leans against unbridled Fed discretion and has said the central bank needs to be more transparent about its strategy.

U.S. central bankers are gradually removing economic stimulus under Yellen, a strategy Taylor has said he agrees with. The Fed policy rate is now set at 1 percent to 1.25 percent. How high it should go to achieve a neutral level – a rate that neither stimulates nor crimps the economy – is a matter of debate among economists, including Taylor.

Taylor said in March testimony before a House subcommittee that a long time ago he estimated the neutral rate would be about 4 percent, or 2 percent in real terms after subtracting the Fed's 2 percent target inflation rate. Republican Favorite

Taylor has been a favorite witness for House Republicans critical of Fed discretion. But last week at a Boston Fed conference he said he didn't think "rules should be used as a way to tie central bankers' hands."

"There are reasons to run policy with a strategy," he added.

Yellen's first term expires in February. Trump has complimented her work and could reappoint her, but many of his aides are recommending against it.

Warsh, who holds a law degree, may be falling out of favor as Trump considers candidates like Taylor – a Ph.D. economist – with stronger expertise in monetary policy and institutional leadership, key attributes for the Fed chair. As a Fed governor from 2006 to 2011, during the

financial crisis, Warsh leaned hard against providing further monetary stimulus in 2010 with unemployment above 9 percent and inflation decelerating.

Nevertheless, Bernanke, in his 2015 memoir "The Courage to Act" called Warsh's political and markets savvy "invaluable."

## Trump To Interview Yellen As Final Decision Nears On Fed Chair

By Ben White

[Politico](#), October 16, 2017

President Donald Trump plans to formally interview Janet Yellen this week about potentially staying on as Federal Reserve chair, two people familiar with the matter said.

The meeting will come as Trump nears a decision on filling the world's most important central banking job. Many Republicans on Capitol Hill want Trump to move on from Yellen, whose first term ends in February, and choose a more traditionally conservative Fed chair.

Trump sharply criticized Yellen during the presidential campaign, but has spoken more positively of her in recent months and said he is considering keeping her in the job. "I like her and I respect her, but I haven't made that decision yet," Trump told reporters last month.

New presidents typically renominate Fed chairs they inherited for an additional term. But Trump tends to prefer changing personnel and policies left over from his predecessor.

An exact time for the Trump-Yellen meeting is not yet set but is expected this week, people familiar with the matter said. The meeting could slip to next week depending on the president's schedule, the people said.

The White House is hoping to wrap up the Fed decision-making process soon and send a nominee to Capitol Hill in time to have confirmation hearings and votes before Yellen's term expires.

Former President Barack Obama nominated Yellen in October 2013. In 2014 she became the first woman to lead the century-old central bank, which sets interest-rate policy that affects global markets and everything from credit card to mortgage rates. The Fed is also among the most important regulators of the nation's largest banks.

Other finalists for the job include Fed Governor Jerome Powell, a favorite of Treasury Secretary Steven Mnuchin, who is leading the

selection process; former Fed Governor Kevin Warsh; Stanford economist John Taylor; and National Economic Council Director Gary Cohn. Dark-horse candidates could also emerge, though Yellen is expected to be the last of the major interviews for the Fed chair job, people close to the matter said.

Those in favor of a Yellen renomination argue she is both the most experienced among the final candidates and the most likely to pursue a gentle approach to raising interest rates. That approach could help GOP hopes to boost the economy ahead of the 2018 midterms and Trump's potential reelection bid in 2020.

Powell, Warsh and especially Taylor could be more inclined to raise rates faster and shrink the Fed's balance sheet in ways that could weigh on asset prices and slow the economy. Trump has gone back and forth in his comments about Yellen and her record at the Fed but once described himself as a "low-rates guy."

The stock market continues to hit record highs, a fact constantly touted by the president, and keeping Yellen in the job would likely be welcomed by investors around the world. The other finalists would also likely be palatable to Wall Street, though there could be more of an adjustment period to a new chair's policies and communication style.

## **Trump To Meet With Yellen Thursday To Discuss Fed Chief Renomination**

**Yellen is one of several candidates under consideration by the president**

By Peter Nicholas And Kate Davidson  
[Wall Street Journal](#), October 16, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

## **Trump On Russia Probe: 'The American Public Is Sick Of It'**

By Cristiano Lima  
[Politico](#), October 16, 2017

President Donald Trump said Monday he would like to see an "end" to the ongoing federal and congressional probes into Russian election interference, claiming that the public mood toward the investigations has soured.

"They ought to get to the end of it because I think the American public is sick of it," said when asked about special counsel Robert Mueller's

ongoing probe into potential ties between Trump campaign associates and Russian agents during the 2016 presidential election.

Trump, addressing reporters alongside Senate Majority Leader Mitch McConnell at the White House, added that "there has been absolutely no collusion" yet proven by Mueller's team.

The president, who has dismissed the probes as "fake news," again blasted Democratic officials, claiming they continue to use the investigation as an "excuse" for their defeat during the 2016 presidential election.

"The whole Russian thing was an excuse for the Democrats losing the election and it turns out to be just one excuse," Trump said.

Trump also batted away the notion that he was considering dismissing Mueller.

"No, not at all," Trump said when asked if he was considered firing the former FBI chief. Trump's comments echoed his prior statement on the matter in August.

"I haven't given it any thought," Trump told reporters two months ago in Bedminster, New Jersey. "I've been reading about it from you people. You say, 'Oh, I'm going to dismiss him.' No, I'm not dismissing anybody."

## **Firm Behind Trump Dossier Refuses To Comply With Russia Probe Subpoena**

By Brad Heath  
[USA Today](#), October 16, 2017

The political consulting firm behind an infamous dossier alleging ties between President Trump's campaign and the Russian government refused Monday to comply with a subpoena from the House intelligence committee.

Lawyers for the firm, Fusion GPS, dismissed the subpoenas as "shameful" in a letter to the committee's chairman, Rep. Devon Nunes, R-Calif., whom they accused of having launched his own "parallel investigation to the detriment of any serious attempt by this Committee to obtain information about whether the Russian government and its associates influenced the 2016 presidential election."

Fusion GPS commissioned former British intelligence officer Christopher Steele to research Trump in the months before the election. The result was an explosive — and, so far, unverified — dossier alleging extensive ties between Trump



and the Russian government, which Trump has said are both false and “disgraceful.”

The dossier — both its accuracy and its role in the FBI’s probe of Russian influence — has become a subject of the three separate congressional Russia investigations.

Read More: Trump campaign spends more than \$1 million on legal fees in last quarter

Fusion GPS’ lawyers, Joshua Levy and Robert Muse, said in a letter Monday that Nunes signed subpoenas on Oct. 4 seeking records and testimony from three people connected to the firm. Among other things, lawmakers have been trying to determine who paid Fusion GPS to investigate Trump. The subpoenas had not previously been made public.

In their letter, the lawyers told Nunes “you have left us with no choice but to advise our clients to assert their privileges in the face of these subpoenas.”

Fusion GPS’ co-founder Glenn Simpson testified before the Senate Judiciary Committee in August.

Muse and Levy questioned Nunes’s role in authorizing the subpoenas. Nunes said in April that he would turn over leadership of the committee’s Russia investigation after the House Ethics Committee said it was looking into whether he had improperly released classified information to the press.

“Your unilateral issuance of these subpoenas violates your recusal and further undermines the legitimacy of this investigation,” the lawyers wrote.

A spokesman for Nunes declined to comment on Monday.

The lawyers also complained that Nunes’ subpoena appeared to have been hastily prepared — part of it was addressed to the Central Intelligence Agency — and said it did not appear to have been properly authorized by the entire committee. And they said that producing records about the firm’s political consulting would “chill the exercise of confidential opposition research in elections and might put a halt to it, once and for all.”

## **Firm Behind Trump Dossier Declines To Respond To House Panel’s Subpoena**

By Mark Hosenball

[Reuters](#), October 16, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **Liberals Embrace ‘Dark Money’**

**Fusion GPS rolls out a novel excuse to block a House subpoena.**

[Wall Street Journal](#), October 16, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

## **Here’s The Memo The Kremlin-Linked Lawyer Took To The Meeting With Donald Trump Jr.**

By Elias Groll

[Foreign Policy](#), October 16, 2017

Russian lawyer Natalia Veselnitskaya arrived at a June 2016 meeting with Donald Trump Jr. armed with a set of talking points arguing American officials were hoodwinked into slapping human rights sanctions on Russia in 2012 and that efforts to expand those measures would hurt relations between Washington and Moscow.

According to her talking points, obtained by Foreign Policy, Veselnitskaya made the case that the American businessman Bill Browder perpetrated a massive scheme of tax fraud against the Russian state and then launched a global campaign claiming that his companies had in fact been defrauded by Russian officials — and that they had killed the lawyer Sergei Magnitsky in order to cover it up.

That June 2016 meeting has landed in the crosshairs of investigators examining whether aides to Donald Trump conspired with Kremlin operatives in their alleged effort to boost the real estate mogul’s campaign by hacking into Democratic Party computer systems and leaking stolen documents online.

White House senior advisor Jared Kushner and then-Trump campaign chairman Paul Manafort also attended the meeting with the Kremlin-connected lawyer Veselnitskaya, who brought with her a Russian-American lobbyist, Rinat Akhmetshin, with ties to Russian intelligence. The meeting was organized with the help of Rob Goldstone, a British publicist, who emailed Trump Jr. ahead of the gathering to tell him that his Russian contacts were in possession of “sensitive information” supplied by the Kremlin on Democratic rival Hillary Clinton.

“If it’s what you say I love it,” Trump Jr. wrote back.

Trump’s critics have seized on the meeting as evidence that his lieutenants conspired with Russian operatives, but Veselnitskaya’s talking points provide scant mention of Clinton or her rivals. An English-language copy of the memo was provided to FP by News Front, a pro-Russian news organization based in Crimea, which has touted exclusive access to Veselnitskaya.

In a phone interview with FP, Veselnitskaya confirmed that the document was an English-language translation she had prepared to take to the meeting. “I prepared it not only for the meeting with Trump but for anyone I met in the United States” to discuss these issues, she said.

Veselnitskaya said when it became clear the meeting wasn’t what Trump Jr. expected, the document never changed hands.

The memo’s existence was previously reported by CNN, which quoted from a section of it. FP is publishing it in full.

A lawyer for Trump Jr. did not respond to questions from FP.

Only one line of the memo refers to Clinton, and even that ties back to Veselnitskaya’s primary obsession, Browder. According to Veselnitskaya’s talking points, Browder’s work in Russia was bankrolled by Ziff Brothers Investments, an American firm that she describes as having deep ties to Democrats. “It cannot be ruled out that they also financed [the] Hillary Clinton campaign,” she writes in the document.

Though the meeting was set up under the pretense of providing damaging information on Trump’s Democratic rival, the memo’s passing reference to Clinton appears to demonstrate just how limited Veselnitskaya’s interest was in Clinton.

When contacted by FP, Michael Freitag, a spokesman for Ziff Brothers Investments, declined to comment on the allegations in the memo.

Veselnitskaya’s memo describes her message to Trump campaign officials as firmly focused on attacking Browder, and advocating for the repeal of the Magnitsky Act, which sanctions Russian officials accused of human rights violations. But Trump Jr.’s explanation of the meeting shifted once it was made public.

After the gathering was revealed, according to the Washington Post, President Trump personally dictated a statement in his son’s name,

saying the meeting “primarily discussed a program about the adoption of Russian children” — an issue that Veselnitskaya’s talking points mention only briefly. (The adoption of Russian children by Americans was banned in response to the passage of the Magnitsky Act in 2012.)

The statement allegedly dictated by the president has become a centerpiece of the probe into whether Trump and those around him attempted to obstruct the investigation of Russian meddling in the 2016 U.S. presidential election.

According to Scott Balber, a lawyer for the Russian real estate mogul Aras Agalarov and his son, Emin, who helped arrange the meeting, Veselnitskaya’s message became muddled as it was passed along. Veselnitskaya passed her talking points to Yuri Chaika, Russia’s prosecutor general, Balber said, but as that information passed to Goldstone through the Agalarovs, the message became that Veselnitskaya had information from the Russian government.

And that was the message Goldstone emailed to Trump Jr. — that the material came from the Russian government.

“There’s a bit of a game of telephone here,” Balber said.

Goldstone did not answer emailed questions from FP.

When Trump Jr. and Veselnitskaya met in June 2016, each appeared to think the meeting was about something different. Trump Jr. thought he was getting damaging information on Clinton, possibly from the Russian government, and Veselnitskaya believed she was being given an opportunity to make her case for the repeal of the Magnitsky Act.

At the time of the meeting, pending legislation — dubbed the Global Magnitsky Act and since signed into law — would expand the president’s authority to slap sanctions on government officials responsible for human rights abuses around the world. According to her memo, this legislation was being pushed in Congress to “prevent the new Administration from revising the interstate relations between the United States and Russia.”

Veselnitskaya’s claims about Browder have not gained much traction in the United States, where officials have described the seizure of his investment firm Hermitage Capital Management as one of the better-documented cases of Russian kleptocracy. Browder alleges \$230 million

was funneled from his firm to Russian bureaucrats.

Thanks to Browder's advocacy, Magnitsky emerged as a cause célèbre for critics of Russian President Vladimir Putin, and a sweeping 2012 sanctions bill bears the lawyer's name. That measure, the so-called Magnitsky Act, allows American officials to seize assets belonging to Russian officials implicated in human rights abuses and bars their entry into the United States.

Browder did not respond to questions about the memo, but in a July interview with FP the American financier said Veselnitskaya's June 2016 meeting was "one of fifteen different angles" used by the Kremlin "to get to Trump."

"They wanted the Magnitsky Act repealed, and who knows what they got up to in order to get this carried out," Browder added.

Veselnitskaya has orchestrated a yearslong lobbying campaign against the Magnitsky Act, and former American intelligence officials argue that she could not have done so without at least tacit approval from the Kremlin.

But if Veselnitskaya was dispatched to New York to suss out whether Trump operatives were receptive to help from the Kremlin, she would arguably have been an odd choice. Veselnitskaya remains far from Putin's inner circle and does not speak English.

While Trump Jr.'s description of the meeting has evolved, Veselnitskaya's version has been relatively consistent. She has portrayed her meetings with Trump supporters and American politicians, which included Rep. Dana Rohrabacher, as opportunities to lobby them on the Magnitsky Act, not elections.

In an email, she disputed what she believes is the nefarious characterization of those meetings in the press, including in FP. Even her meeting with Rohrabacher, a California Republican who has advocated for closer Russian relations, was "rather by chance," she wrote in an email to FP.

Neither "the meeting with Donald Trump Jr., nor with anybody else in the US had [anything] to do with the elections," she wrote.

## **Trump: I'm Looking 'Very Strongly' At Reforming Welfare System**

By Nolan D. McCaskill

[Politico](#), October 16, 2017

President Donald Trump is "looking very, very strongly" at reforming the nation's welfare system, he told reporters Monday.

"One thing we're going to be looking at very strongly is welfare reform. That's becoming a very, very big subject," the president said during a Cabinet meeting at the White House. "And people are taking advantage of the system, and then other people aren't receiving what they really need to live, and we think it's very unfair to them."

"But some people are really taking advantage of our system from that standpoint, and we are going to be looking very, very strongly, therefore, at welfare reform," he continued. "It's gonna be a very big topic under this administration. And it's started already, and we have a lot of recommendations that we're going to be making, and you'll be hearing about them very shortly."

POLITICO reported earlier this month that Trump administration officials are considering an executive order instructing federal agencies to review low-income assistance programs in an effort to make sweeping changes to America's welfare system.

The White House began circulating a draft order in late September. The draft calls on agencies to review regulations and propose new rules that conform to a broad set of principles, streamline or eliminate duplicative services, set metrics to measure accountability and create greater cooperation with state and local governments.

Trump's proposed fiscal 2018 budget called for a massive reduction in funding for social safety nets, such as food stamps, Social Security disability insurance benefits, and the Temporary Assistance for Needy Families program.

## **Trump Trashes Obama's 'Imperial' Presidency, Dismantles Legally Dubious Executive Orders**

By Dave Boyer

[Washington Times](#), October 16, 2017

Democrats are attacking President Trump for "dismantling" President Obama's legacy on everything from Obamacare subsidies to immigration amnesty, but nobody knew better than Mr. Obama how vulnerable his go-it-alone agenda would be if Mr. Trump won the election.

Unable to work with a Republican-led Congress for most of his presidency, Mr. Obama did what he could with his presidential "pen and

phone,” issuing executive orders, rules and regulations that in many cases could be overturned by another stroke of the pen — this time by a Republican president. Long before Mr. Obama left office, Republicans were accusing him of overreaching presidential authority, and Mr. Trump was vowing to overturn his unilateral decisions.

At a Clinton campaign rally in Cleveland in October 2016, a few weeks before Election Day, Mr. Obama tried to fire up Democratic voters with a plea that his legacy was hanging in the balance on issues such as climate change and health care.

“I’m here to tell you that all that progress goes out the window if we don’t make the right choice right now,” Mr. Obama said at the time. “Donald Trump’s closing argument is ‘What do you have to lose?’ The answer is: Everything. All the progress we’ve made right now is on the ballot.”

Among the actions Mr. Trump has taken since Jan. 20 are pulling the U.S. out of the Paris climate agreement (a U.N. accord never ratified by Congress), revoking deportation amnesty for young illegal immigrants called “Dreamers” (to Republicans’ complaints that he was exceeding his authority, Mr. Obama dared lawmakers: “Pass a bill”), decertifying the Iran nuclear deal (and requesting more congressional input), ending government subsidy payments to insurance companies under Obamacare (never approved by Congress), and rolling back about 800 other Obama-era government regulations on a broad front, including portions of the 2010 Dodd-Frank financial regulatory law.

Asked at an impromptu news conference Monday if there were any Obama policies he would like to keep, Mr. Trump replied, “Not too many, I must say. It’s the opposite side of the spectrum.

“We’re very opposite in terms of incentives for jobs and other things,” he said of Mr. Obama.

While other presidents have rescinded policies of their predecessors, the extent of Mr. Trump’s actions is rare, said Hans von Spakovsky, a senior legal fellow at The Heritage Foundation Institute for Constitutional Government.

“He is undoing unilateral executives actions of a prior president that went beyond the executive authority of the president,” Mr. von

Spakovsky said. “Trump is not being given credit or praise the way he should for what he is accomplishing: restoring the rule of law, bringing the executive branch back within the parameters and limits of the Constitution and restoring to Congress authority that prior presidents have stolen.”

He said Mr. Trump “is reversing the unfortunate trend we have seen, especially during the Obama administration, of the move towards an imperial presidency that disregards the limits on its power.”

Mr. Obama’s legacy was already on shaky legal ground when Mr. Trump took office. On several of Mr. Obama’s initiatives, such as the Clean Power Plan environmental rule and the Obamacare cost-sharing payments, federal courts had ruled the policies questionable, lending more weight to Mr. Trump’s decisions to roll them back. On the immigration amnesty program known as Deferred Action for Childhood Arrivals, courts were likely to rule against it.

On the economic front, Mr. Trump is working to rescind and repeal much of Mr. Obama’s agenda, and the U.S. economy continues to pick up steam, defying Mr. Obama’s warnings about unraveling his efforts at economic recovery.

“The unemployment rate is at an almost 17-year low,” Mr. Trump said at a Cabinet meeting Monday. “The stock market is soaring to record levels. We just hit a new high on Friday, and I think we’re hitting another new high today because there’s tremendous optimism having do with business in our country.”

Mr. Trump and his advisers view his moves as giving power back to the people — in most cases through Congress.

“For too long, politicians have tried to centralize the authority among the hands of a small few in our nation’s capital,” Mr. Trump told the Values Voter Summit last week in Washington. “Bureaucrats think they can run your lives, overrule your values, meddle in your faith, and tell you how to live, what to say, and how to pray.”

So eager is Mr. Trump to disassociate himself from everything Obama, he even told reporters that Mr. Obama and some other presidents didn’t make calls to families of fallen service members and instead wrote letters. He said he makes many calls to families and sometimes writes letters.

His comment about Mr. Obama was wrong, and the media and former Obama aides pointed it out before the news conference ended.

Former Obama adviser Alyssa Mastromonaco called the remark “a f—ing lie” and Mr. Trump “a deranged animal.”

Many in the media aren't happy, either, about Mr. Trump's purge of Obama polices. New York Times columnist Charles Blow wrote, “Trump can't hold a candle to Obama, so he's taking a tiki torch to Obama's legacy.

“Trump can't get his bad ideas through Congress, but he can use the power of the presidency to sabotage or even sink Obama's signature deeds,” Mr. Blow opined. “In fact, if there is a defining feature of Trump as ‘president,’ it is that he is in all ways the anti-Obama — not only on policy but also on matters of propriety and polish. While Obama was erudite, Trump is ignorant. Obama was civil, Trump is churlish. Obama was tactful, Trump is tacky.”

Senate Republicans said in a statement Monday that they are “turning the page.”

“The last 10 years have been a lost decade where the economy stumbled and opportunities declined,” Senate Majority Leader Mitch McConnell, Kentucky Republican, wrote in an op-ed. “They suffered through stagnant paychecks, a lack of steady work, and retirement that slipped further away by the day.”

As Mr. Trump understands too well, the risk with his assault against the Obama agenda is the same as it was during Mr. Obama's presidency: that a president of the opposite party can come along and rescind Mr. Trump's executive actions. Mr. Trump needs more cooperation from Congress on work such as repealing Obamacare and hammering out a new immigration policy if his stamp on those issues is to become more permanent.

“We're going to have great health care in our country,” Mr. Trump promised last week. “We're taking a little different route than we had hoped because getting Congress — they forgot what their pledges were. So we're going a little different route.”

## **Bowe Bergdahl, Called A ‘Traitor’ By President Trump, Pleads Guilty**

By Richard A. Oppel Jr.

[New York Times](#), October 16, 2017

FORT BRAGG, N.C. — Sgt. Bowe Bergdahl, who walked off his base in Afghanistan in 2009, setting off a military manhunt and political furor, pleaded guilty to desertion and misbehavior before the enemy on Monday before a military judge in Fort Bragg, N.C.

Sergeant Bergdahl, 31, was held captive by the Taliban for five years before the Obama administration traded him in 2014 for five Taliban detainees at Guantánamo Bay, Cuba.

He was charged with desertion, which carries a potential five-year sentence, and with misbehavior — essentially, endangering the troops who were sent to search for him — which carries a potential life sentence.

The negotiations for his release became a presidential campaign issue and an attacking point for Republican critics of President Obama's foreign policy. Last year, as a candidate, Donald J. Trump repeatedly called the sergeant a “traitor” and called for him to be executed.

Sergeant Bergdahl had a different explanation, telling the Army's chief investigator, Maj. Gen. Kenneth Dahl, that he decided to leave his base so he could walk to a larger base about 18 miles away in order to report what he felt were leadership problems in his own unit.

General Dahl, whose investigation formed the basis of the military's case against Sergeant Bergdahl, later testified that jailing him would be “inappropriate,” suggesting that the sergeant had been delusional and that he had never intended to desert.

Army prosecutors have argued that Sergeant Bergdahl's departure forced the military to drastically alter its operations during the manhunt. They also say that two soldiers and a Navy SEAL suffered serious wounds searching for the sergeant in two separate operations.

Defense lawyers have said those injuries cannot be directly tied to Sergeant Bergdahl. Military investigators later found grave faults with the leadership and planning of one mission, they say, adding that evidence indicates that the other mission “targeted a well-known enemy combatant” and thus had a purpose apart from rescuing the sergeant.

Defense lawyers have also argued that the comments made by President Trump before his election made a fair trial impossible. But a military judge ruled in February that while Mr. Trump's

statements were “troubling,” they had not prejudiced the case against the sergeant.

## **Mexico Braces For The Possible Collapse Of Nafta**

By Elisabeth Malkin

[New York Times](#), October 16, 2017

MEXICO CITY — Mexico is steeling itself for the increasing possibility that the United States will pull out of the North American Free Trade Agreement, envisioning how the Mexican economy will adapt without the deal that has guided relations between the neighbors for a quarter-century.

Since President Trump’s election victory, Mexico has put negotiations for new or updated trade deals with other countries on a fast track, seeking markets for its exports and new suppliers.

President Enrique Peña Nieto recently traveled to China to discuss trade, among other issues; Mexico is a member of the Trans-Pacific Partnership trade accord.

Already new suppliers are emerging. In December, Argentina is expected to deliver 30,000 tons of wheat, its first sale ever to Mexico. Crisp Chilean apples have begun to appear on Mexico’s supermarket shelves, next to piles of apples from Washington State.

“There are ways to adapt to contain the impact,” said Ildefonso Guajardo Villarreal, the economy minister in a televised interview, adding that his ministry has begun to analyze the effect on different parts of the economy if the United States were to leave the accord.

And Moisés R. Kalach, who leads the Mexican business delegation to the Nafta talks, said companies were talking to the government about how to adapt. “What do we do to remain competitive and to continue developing our manufacturing and our agriculture?” he said.

But the fallout in Mexico could have ripple effects that extend well beyond trade. To many in Mexico, a decision by the United States to leave Nafta would be the culmination of Mr. Trump’s campaign insults, and could provoke nationalist sentiments affecting Mexico’s presidential election next year.

Negotiators for Mexico, the United States and Canada last week began a fourth round of talks originally intended to modernize the deal, which underpins trade and investment among the three countries and has reshaped Mexico’s economy.

But Washington has floated protectionist proposals that both Mexico and Canada have said they will not accept, raising fears that the discussions could break down and hand Mr. Trump a reason to make good on his repeated promises to withdraw from Nafta.

Foreign Minister Luis Videgaray warned legislators last week that Mexico was prepared to exit the talks rather than accept a harmful deal.

“It should be clear to everybody that Mexico is much bigger than the North American Free Trade Agreement, and we must be prepared for the different scenarios that could result from this negotiation,” he said.

“We will only continue in this process and in this treaty if it meets the national interest,” he added.

Prime Minister Justin Trudeau of Canada paid a two-day official visit to Mexico last week that symbolized the two countries’ solidarity on Nafta against their larger neighbor.

For all of Mr. Trump’s heated comments, describing Nafta as the “worst trade deal ever made,” the effect of the accord has been exponentially larger on Mexico than on the United States, where the economy is about 18 times as large as the economy of its southern neighbor.

Mexico has transformed from an inward-looking oil producer to a manufacturing powerhouse, its factories rolling out cars, computers and machinery for export. Mexican tomatoes, avocados and broccoli crowd the aisles of American supermarkets. Newer industries like aerospace and medical equipment are thriving.

Last year, Mexican exports amounted to \$374 billion, with more than 80 percent of that going to the United States.

But Mexico’s broader performance under Nafta has been a disappointment. The domestic economy never kept pace with the success of exports, and the gap between the export-driven north and the rural south has widened. Real wages have stagnated, and imports of corn and other food products drove almost two million farmers off their land.

Now Mexico faces the possibility of a shock to the most dynamic part of its economy.

The collapse of Nafta threatens to reduce the volume of exports to the United States by removing their duty-free access and to halt investment by companies that establish Mexican

factories to make products for the American market.

Still, the question is what a post-Nafta economy would look like. The Mexican government's view is that the United States market would remain largely open. Without Nafta, American duties on Mexican goods would revert to levels set by the World Trade Organization.

The figures vary, although the average is estimated to be about 3 percent for manufactured products. Cars assembled in Mexico, for example, would pay a duty of 2.5 percent.

"Do we like those duties? No. Can we live with them? Yes," said Luis de la Calle, a former trade negotiator for Mexico. "The integration of Mexico, the United States and Canada will continue regardless of the governments.

"But," he added, "there will be uncertainty in the short term."

Mr. Guajardo, the economic minister, said Mexican-made light trucks, for example, would face a 25 percent duty in the United States. Converting factories to the production of cars, which would be subject to the much lower duty, could be a response.

Even before Nafta, assembly plants known as maquiladoras imported parts duty free and sent the finished product back to the United States. The end of Nafta "may not be an absolute game changer," said Manuel Padrón-Castillo, a trade lawyer at Baker McKenzie in Ciudad Juárez, across the border from El Paso, Tex.

"If we don't have Nafta, are we going back to the same old rules?" he continued. "The answer is unknown."

Over the longer term, other analysts said, an American withdrawal from Nafta "would call into question the viability of Mexico as an outsourcing destination," said Dan Ciuriak, a trade expert at the Center for International Governance Innovation in Waterloo, Ontario.

Under Nafta, a complex network has evolved in which raw materials and parts move easily across borders, often several times, to be assembled into larger pieces and finally into a finished product.

Without Nafta, even small duties would add up in such a manufacturing system. "For passenger vehicles and parts, the buildup could be quite high," Mr. Ciuriak said. "The deeply integrated sectors would face tremendous disruption."

If tariffs rise, one possible effect could be that companies move more production from the United States to Mexico to reduce the number of parts requiring duty payments.

The other risk is that companies move production to Asia, buying parts there instead of in North America, and paying a single duty when the finished product enters the United States.

Ford Motor Company set the example this year. In January, it scrapped plans to build a factory in Mexico to produce the Focus, a small passenger car, a decision that won praise from Mr. Trump. But in June, the company announced that it would build a new Focus factory in China instead.

A withdrawal from Nafta could also have far-reaching political consequences.

It "will be interpreted as a rejection of Mexico and Mexicanness and that will complicate the politics of the relationship with the United States," said Mr. de la Calle, the former trade negotiator. "The political cost of collaboration with the U.S. becomes higher."

A collapse of Nafta is likely to be a liability for Mexico's centrist candidates in next year's presidential election; the front-runner now is Andrés Manuel López Obrador, a leftist populist, although he has not yet made an issue of Mexico's relationship with the United States.

Juan Francisco Torres Landa, a trade lawyer with Hogan Lovells in Mexico City, warned that Mr. Trump had opened "a Pandora's box."

"When I was in elementary school," he said, "we learned: 'Watch out for the Americans. They invaded us a couple of times, they took half our territory.' "

All that had been forgotten, he said, as Mexico and the United States moved closer under Nafta. "It's actually very refreshing that in spite of all that negative background and noise" we can live as good neighbors, Mr. Torres Landa said.

But Mexicans' historical wariness may revive in the presidential campaign, he warned. "Somebody may say the enemy is Trump or the U.S., and I am the guy who can stand up to this."

## **How A Group Of Florida Tomato Growers Could Help Derail NAFTA**

By Caitlin Dewey

[Washington Post](#), October 16, 2017

Tony DiMare, a third-generation Florida tomato grower, has spent two decades