### ICLI 131 and 132 Records:

**Document Title:** 2018-ICLI-000131.pdf (347 pages) and 2018-ICLI-000132.pdf (76 pages; extension of first document)

<table>
<thead>
<tr>
<th>Agency &amp; Type of Document</th>
<th>Description</th>
<th>Date</th>
<th>Notes</th>
<th>Redacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICE Email (page 14)</td>
<td>“Gene docs”: ICE removals by arresting agency, Draft of ICE’s monthly EO report, summary of ICE’s OIS concerns</td>
<td>10-04-2017</td>
<td></td>
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<tr>
<td>ICE Removals by Arresting Agency (page 15)</td>
<td>Table of ICE arrests FY 2013-2017 (convicted criminal, non-criminal, and total)</td>
<td>FY 2017</td>
<td>Major decrease between 2013 and 2014 and again 2014-2015; 2017 total of 477 people removed by ICE.</td>
<td></td>
</tr>
<tr>
<td>ICE Report: Administrative Arrests, Releases and Removals (pages 16-37)</td>
<td>Fully redacted.</td>
<td>08-2017</td>
<td></td>
<td>Yes. B5, B6, B7(C)</td>
</tr>
</tbody>
</table>
| ICE Email (page 38)        | “Attached is the information requested regarding Haitian nationals and ERO’s removal efforts.”  
- To Thomas Blank  
- From Acting Chief of Staff, Enforcement and Removal Operations (redacted) | 07-15-2017 |                                                                      | In part. B5, B6, B7(C) |
| Haitian Removals Overview: ICE (page 40) | ICE began to arrest and remove criminal and non-criminal Haitians in 2016, rescinding its 2011 policy; temporary cancellation due to Hurricane Matthew; | No date    | “Unlike the monthly criminal removal flights where ICE must receive individual approval from GoH for each criminal removed, ICE receives a blanket approval for non-criminal manifests submitted to |                  |
This blanket approval has provided ICE an opportunity to remove Haitians quickly and efficiently without the need for time consuming consulate interviews and document searches…” (40)

USAID provided funding to IOM to support GoH with reception of non-criminal removals;

Haitian National Office of Migration (ONM) has provided support (names hot meal, 1000 HTG (equivalent of $15), and “medical screening as needed” to non-criminal removals;

Notes decrease in detainees.

Haitian removals FY12-FY16:
- FY 12: 758
- FY 13: 512
- FY 14: 382
- FY 15: 433
- FY 16: 310

<table>
<thead>
<tr>
<th>USCIS Memo (page 48)</th>
<th>From: Victor Cerda (acting Director) Subject: Issuance of Notices to Appear, Administrative Orders of Removal, or Reinstatement of a Final Removal Order on Aliens with United States Military Services</th>
<th>09-03-2004</th>
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</thead>
<tbody>
<tr>
<td>USCIS Memo (page 54)</td>
<td>Haitian Removal Information And Statistics</td>
<td>05-23-2017</td>
</tr>
<tr>
<td>ICE Email (page 55)</td>
<td>Subject: Canada “HIS intel” on Haitians heading to Canada; from Jack to Thomas Blank</td>
<td>08-08-2017</td>
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<tr>
<td>DHS Email (page 67)</td>
<td>From Bulletin Intelligence to DHS; Homeland Security news Briefing for Thursday, August 10, 2017</td>
<td>08-10-2017</td>
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<tr>
<td>DHS News Bulletin (page 68)</td>
<td>---</td>
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<tr>
<td>ICE Email (page 290)</td>
<td>Email announcing attachment of Daily Activity Report</td>
<td>06-21-2017</td>
</tr>
<tr>
<td>ICE Memo (page 291)</td>
<td>ICE Memo for Field Office Directors and Deputy Field Office Directors</td>
<td>10-25-2007</td>
</tr>
<tr>
<td>Ethiopian JPATS Operation (page 292)</td>
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<tr>
<td>Haitian JPATS Operation (page 293)</td>
<td>Request for a Travel Document Check off List</td>
<td>08-2007 (revised)</td>
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<tr>
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<td>---------------------------------------------</td>
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<tr>
<td>ICE Policy Memo (page 319)</td>
<td>“Reevaluating the Custody Status of Haitian Nationals”</td>
<td>2010</td>
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<tr>
<td></td>
<td>Earthquake: As of January 2010, 528 Haitian nationals were in ICE custody… “In light of the possibility of TPS for some Haitians currently in our custody, field offices must review the cases in their area of responsibility and consider whether release is appropriate.”</td>
<td></td>
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<td></td>
<td>Due to “operational impediments to releasing all TPS-eligible Haitian nationals at once, ICE will prioritize the release of Haitian nationals in the first category below, followed by Haitian nationals in the second and third categories.”</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Non-criminal Haitian nationals who are subject to final orders of removal…</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Non-criminal Haitian nationals who are not subject to final orders of removal</td>
<td></td>
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<tr>
<td></td>
<td>3. Haitian nationals with criminal convictions that do not render them statutorily ineligible for TPS…</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Includes table of Current population of detained criminal and non-criminal Haitian nationals (January, 2010)</td>
<td></td>
</tr>
<tr>
<td>USCIS Memo (page 323)</td>
<td>For Thomas Horman, Executive Associate Director; Phillip T. Miller, Deputy Executive Associate Director</td>
<td>Yes. B5, B6, B7 (C)</td>
</tr>
<tr>
<td></td>
<td>From Marlen Piñeiro, Assistant Director, Removal</td>
<td></td>
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<tr>
<td>Email Type</td>
<td>Subject</td>
<td>Date</td>
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<tr>
<td>DHS Email</td>
<td>Proposal to Rescind the Policy for Resumed Removals to Haiti Issued on April 1, 2011</td>
<td></td>
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<tr>
<td>ICE Email</td>
<td>For SES Awareness; TPS Strategy Meeting Haiti</td>
<td>11-08-2017</td>
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<tr>
<td>ICE Email</td>
<td>Haiti Repats</td>
<td>11-09-2017</td>
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<tr>
<td></td>
<td>“Haiti is currently cooperating with ICE on repatriations…”</td>
<td></td>
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<tr>
<td>ICE Email</td>
<td>Response to Senator Schumer Regarding Extension of TPS for Haitian Nationals</td>
<td>05-09-2017</td>
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<tr>
<td>ICE Email</td>
<td>Acting Secretary Elaine Duke Announcement on TPS for Haiti</td>
<td>11-20-2017</td>
</tr>
<tr>
<td>ICE Email</td>
<td>OPA Issue: Outstanding Criminal Haitian Final Orders</td>
<td>11-21-2017</td>
</tr>
<tr>
<td></td>
<td>“As of September 2nd, there were 1,570 non-detained criminal Haitians and 141 detained criminal Haitians with final orders of removal.”</td>
<td></td>
</tr>
<tr>
<td>ICE Email</td>
<td>For SES Approval: Briefing Memo for Secretary’s Call with Representative Wilson</td>
<td>12-02-2016</td>
</tr>
</tbody>
</table>
| ICE Memo (page 364) | Haitian Detention and Removals  
- Removals resumed in September 2016  
- Temporary suspension due to Hurricane Matthew in October 2016  
- ICE removed 30 “criminal aliens” to Haiti on October 25, 2016  
- ICE plans to remove approx. 30 “non-criminal aliens” on November 3, 2016 | 2016 |
|---------------------|--------------------------------------------------------------------------------------------------|------|
| Letter to DHS Secretary Johnson from former Immigration Jurists (page 367) | Letter from former IJs and BIA members expressing “concern and disappointment at your decision to use the waning months of the administration to dramatically expand the numbers of men, women, and children detained by ICE.”  
Recommendations include “Grant TPS to individuals from the Northern Triangle and Haiti who have fled deteriorating conditions in their home countries.” | 10-31-2016 |
| Redacted Letter from Sarah Saldaña (page 371) | Letter to Honorable Paul Wickham Schmidt, Former Chairman, BIA | Redacted |
| Letter to DHS Secretary Johnson from Members of Congress (page 376) | Request for TPS for those affected by Hurricane Matthew  
Signed by 14 MOCs | 11-02-2016 |
<p>| Response Letter to John Conyers (page 379) | Redacted | Yes. B5, B6, B7 (C) |
| Letter to DHS Secretary Johnson | Re: Halting of humanitarian parole for Haitians and their inevitable deportations | 12-22-2016 |</p>
<table>
<thead>
<tr>
<th>From/To/Exchange</th>
<th>Description</th>
<th>Date</th>
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<tbody>
<tr>
<td>NY State Assembly (page 380)</td>
<td></td>
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<tr>
<td>Response Letter to Assemblymen (page 384)</td>
<td>Redacted</td>
<td></td>
<td>Yes. B5, B6, B7 (C)</td>
</tr>
<tr>
<td>DHS – NY Assemblymen Email Exchange (page 389)</td>
<td>Subject: NY Assemblymember Rodneyse Bichotte and Others Write to S1 Urging the Halting of Haitian Deportations</td>
<td>01-10-2017</td>
<td>Yes. B5, B6, B7 (C)</td>
</tr>
<tr>
<td>DHS Email (page 392)</td>
<td>Subject: Haiti Repats</td>
<td>11-09-2017</td>
<td>Yes. B5, B6, B7 (C)</td>
</tr>
<tr>
<td>DHS Email: Rule for Review: TPS Haiti (page 395)</td>
<td>“ERO RIO provided updates on Haiti’s cooperation with removals for a Haiti TPS task related to an upcoming DHS meeting.”</td>
<td>12-06-2017</td>
<td>Yes. B5, B6, B7 (C)</td>
</tr>
<tr>
<td>DHS Email: Announcement TPS Haiti (page 399)</td>
<td>Subject: TPS Termination Announcement</td>
<td>11-21-2017</td>
<td>Yes. B5, B6, B7 (C)</td>
</tr>
<tr>
<td>DHS Email: Haiti TPS Strategy Meeting (page 405)</td>
<td></td>
<td>11-08-2017</td>
<td>Yes. B5, B6, B7 (C)</td>
</tr>
<tr>
<td>DHS Email: Response to ICE re TPS (page 413)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DHS Email: Haiti Repats (page 423)</td>
<td>Current understanding of repatriation cooperation; Looking for “ground truth” in terms of government cooperation with ICE removal efforts</td>
<td>11-08-2017</td>
<td>Yes. B5, B6, B7 (C)</td>
</tr>
<tr>
<td>Letters to DHS from Public officials around TPS and memos</td>
<td></td>
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</tr>
</tbody>
</table>
From: Albence, Matthew  
To: Blank, Thomas  
Subject: FW: Gene get-backs  

Tom:

Here are the Gene docs. Probably a few things we could tweak, but nothing significant.

From: Simon, Joseph D  
Sent: Wednesday, October 04, 2017 4:37 PM  
To: Albence, Matthew  
Cc: Miller, Philip <EROCHIEFSOFSTAFF@ice.dhs.gov>  
Subject: Gene get-backs

Matt – attached are the get-backs from our call this morning with Gene.

1. ICE removals by arresting agency, FY13 – FY17 YTD
2. DRAFT of ICE’s Monthly EO Report
3. Summary of ICE’s OIS concerns

Also attached for consideration of sharing w/ Gene, is our edits/comments from August on the last shared version of OIS’ Immigration Enforcement Outcome Report.
ERO-LESA Statistical Tracking Unit

For Official Use Only (FOOU)/Pre-decisional

ICE Removals by Arresting Agency

FY2017 YTD ICE Removal data are filtered through 08/31/2017 (HDS v1.28 run date 09/25/2017; EID as of 09/23/2017).

FY2013 – 2016 ICE Removal data are historical and remain static.

ICE Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals Under Docket Control.

ICE Removals include aliens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ERO for detention. Aliens processed for ER and not detained by ERO or VR after June 1st, 2013 and not detained by ERO are primarily processed by Border Patrol. CBP should be contacted for those statistics.

The "CBP" Arresting Agency Includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

The "ICE" Arresting Agency includes the following ERO and HSI Arresting Agency programs: 287(g) Program, Alternatives to Detention, ERO Criminal Alien Program, Detained Docket Control, Detention and Deportation, Law Enforcement Area Response Unit, Non-Detained Docket Control, Juvenile, Fugitive Operations, Violent Criminal Alien Section, Joint Criminal Alien Response Team, Probation and Parole, Quick Response Team, User Fee Investigations, Joint Terrorism Task Force, Non-User Fee Investigations, HSI Criminal Arrest Only, Intelligence, and, beginning in FY2016, Mobile Criminal Alien Task.

The "Other" Arresting Agency includes the Default program area for interface records, and PICS Default value - for user initialization only where the users programs were not updated at the time of the data run.

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<tbody>
<tr>
<td>ICE</td>
<td>105,741</td>
<td>19,250</td>
<td>124,991</td>
<td>86,245</td>
<td>14,727</td>
<td>100,972</td>
<td>63,127</td>
<td>5,736</td>
<td>68,863</td>
<td>60,055</td>
<td>4,907</td>
<td>64,962</td>
<td>61,568</td>
<td>11,968</td>
<td>73,536</td>
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<tr>
<td>Other</td>
<td>4,374</td>
<td>4,186</td>
<td>8,560</td>
<td>678</td>
<td>574</td>
<td>1,252</td>
<td>412</td>
<td>203</td>
<td>615</td>
<td>263</td>
<td>107</td>
<td>370</td>
<td>272</td>
<td>205</td>
<td>477</td>
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2018-ICLI-00013  15
U.S. Immigration and Customs Enforcement
Administrative Arrests, Releases, and Removals Report

July 2017
Immigration Enforcement Outcomes Report
Fiscal Year 2017, Quarter 2

(b)(5)
From: Blank, Thomas  
Sent: 15 Jul 2017 11:58:08 -0400  
To: Blank, Thomas  
Cc: #ICE DD STAFF;#ERO CHIEFS OF STAFF  
Subject: FW: Haiti Removals  
Attachments: ADR_Haitian removals 7.14 17.doc

Tom,

Attached is the information requested regarding Haitian nationals and ERO’s removal efforts.

Please let me know if you need anything further.

Thanks,

[Redacted]

Acting Chief of Staff  
Enforcement and Removal Operations  
915-726-[Redacted]

From: Blank, Thomas  
Date: Friday, Jul 14, 2017, 1:12 PM  
To: [Redacted]  
Cc: Albence, Matthew  
Subject: Haiti Removals

Tom has a VTC with S1 first thing on Monday. S1 wants a report on removals and flights to Haiti. He is looking for stats on travel documents, flight and overall removals. He would them compared year over year and wants a look at the past 6 months. Also an view on what the overall success rate we are having with Haiti.

Is it possible to get this by COB today?

Thanks,

Tom

Thomas Blank  
Chief of Staff  
US Immigration and Customs Enforcement  
US Department of Homeland Security  
500 12th Street SW  
Washington, D.C. 20536  
Office 202 734-
Haitian Removals Overview

In September 2016, Department of Homeland Security (DHS) rescinded its 2011 policy and authorized Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) to arrest, process for removal, and repatriate both criminal and non-criminal Haitian nationals. On the basis of the policy rescission, ICE scheduled its first Haitian non-criminal removal flight in several years. However, the flight, scheduled to occur during the month of October 2016, was cancelled due to the arrival of Hurricane Matthew on October 3, 2016. Post-Hurricane Matthew, ICE removed 30 criminal Haitian nationals on October 18, 2016. On November 3, 2016, removal flights for non-criminal Haitians commenced.

Unlike the monthly criminal removal flights where ICE must receive individual approval from the Government of Haiti (GoH) for each criminal removed, ICE receives a blanket approval for non-criminal manifests submitted to the GoH. This blanket approval has provided ICE an opportunity to remove Haitians quickly and efficiently without the need for time consuming consolate interviews and documents searches. As of this date, the GoH has accepted all of the non-criminal cases that ICE has presented for removal.

In FY17, between October 18, 2016 and July 14, 2017, ICE conducted 60 charter removal flights to Haiti. Nine of those flights were the monthly criminal flights, while the remaining 51 flights were non-criminal. The results of these operations are as follows:

- Non-criminals – 4,858
- Criminals – 261
- TOTAL – 5,119

IOM Assistance

Since the commencement of non-criminal removals to Haiti in 2016, USAID funded the International Organization for Migration (IOM) to support the GoH with the reception and reintegration of returning non-criminal removals. USAID provided funding to IOM to provide returning Haitians with hygiene kits, transportation stipends, and psychological counseling. The USAID funding ended on May 31, 2017.

The Haitian National Office of Migration (ONM) has since taken the lead in the reception and reintegration of returning Haitians. While ONM wished to provide the same services to returning aliens as IOM provided, the GoH has not provided the funds to continue these services.

Even without the funds to replicate the IOM program completely, ONM has taken strides to improve its reception process to returned non-criminal Haitians.

As an example, for July 14, 2017 the Haitian non-criminal removal mission, ONM provided a hot meal to the returnees along with 1000 Haitian Gourdes and medical screenings, if needed.
ONM continues to attempt to secure a budget from the GoH that includes the funds to continue these services. Even with the reduction in services, the GoH with ONM as the lead agency continues to receive non-criminal Haitians from the United States.

**Detained Haitian Population**

In a direct correlation with CBP apprehensions, ICE’s detained population has diminished along with those being encountered at the border. As such, the need for multiple removal flights per week has been reduced. Currently, ICE removal flights are operating at less than capacity.

To improve efficiencies, ICE is working with the GoH to secure the approval to combine the Haitian criminal removals from the once per month flights and to incorporate them into the weekly non-criminal removal flights.

The current ICE detained population of Haitians predominantly consists of those aliens who have expressed fear of returning to Haiti. As these claims make their way through the system, ICE repatriates those whose claims are denied.

**Haitian Removals FY12 – FY16**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number</th>
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<tr>
<td>FY 12</td>
<td>758</td>
</tr>
<tr>
<td>FY 13</td>
<td>512</td>
</tr>
<tr>
<td>FY 14</td>
<td>382</td>
</tr>
<tr>
<td>FY 15</td>
<td>433</td>
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<tr>
<td>FY 16</td>
<td>310</td>
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</table>

**Continuing Efforts**

ERO continues to work with the GoH to obtain Travel Documents for Haitians that are not currently in ICE custody. To that end, all field offices have been directed to review all Haitian cases to identify those who can be arrested and repatriated.
MEMORANDUM FOR: All Field Office Directors  SEP -3 2004

FROM: Victor X. Cerda
Acting Director

SUBJECT: Issuance of Notices to Appear, Administrative Orders of Removal, or Reinstatement of a Final Removal Order on Aliens with United States Military Service

This memorandum amends the current Immigration and Customs Enforcement (ICE) policy requiring Headquarters authorization to issue a Notice to Appear (NTA) in the case of a current or prior member of the United States Military. It also provides guidance regarding the exercise of prosecutorial discretion in the issuance and service of a NTA- a Final Administrative Removal Order (Administrative Order), or a Reinstatement of a Final Removal Order (Reinstatement) upon the alien with service in the United States Military. This includes service in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, or National Guard, as well as service in the Philippine Scouts during World War II.

The former Immigration and Naturalization Service (INS) previously recognized that military service should be considered in determining whether or not to issue and serve an NTA upon an alien who was discharged from one of the military branches. INS Interim Enforcement Procedures, dated June 5, 1997, titled "Standard Operating Procedures for Enforcement Officers: Arrest, Detention, Processing and Removal" state in Section V, Subsection D (8): "Current or former members of Armed Forces. A Notice to Appear shall not be issued against any current or former member of the armed forces without prior approval from the regional director. Also, such an alien must also be advised, prior to the issuance of the Notice to Appear, of any discretionary relief which may be available." The abolition of the INS and its regional offices makes it appropriate to revisit the procedures for the issuance of NTAs, Administrative Orders, and Reinstatements in cases involving aliens who are current or former members of the U.S. armed forces.

Within the Office of Detention and Removal, the authority to approve issuance of an NTA, Administrative Order, or Reinstatement in these cases will now rest with the Field Office Director (FOD) in each field office. This decision will, at a minimum, take into consideration the circumstances in each case as identified below, and requires a memorandum from the FOD to the
Subject: Issuance of Notices to Appear, Administrative Orders of Removal, or Reinstatement of a Final Removal Order on Aliens with United States Military Service Page 2

A-file with a brief overview of the facts considered. This memorandum shall specifically authorize issuance of the NTA, Administrative Order, or Reinstatement.

Prior to making a decision to issue an NTA, a thorough review to determine eligibility for United States Citizenship under sections 328 and 329 of the Immigration and Nationality Act (INA) must be completed in these cases because those sections contain special naturalization provisions for members of the military and, under certain circumstances, an order of removal does not preclude their naturalization. Accordingly, FODs should not initiate removal proceedings against aliens who are eligible for naturalization under sections 328 or 329 of the INA, notwithstanding an order of removal.¹

In cases involving military service where the alien is not eligible for naturalization under sections 328 or 329 of the INA, the issuing official should consider the alien’s overall criminal history, as well as any evidence of rehabilitation, family and financial ties to the United States, employment history, health, community service, specifies of military service, and other relevant factors. When looking at military service, the FOD should consider factors relating to that service, such as duty status (active or reserve), assignment to a war zone, number of years of service, and decorations awarded.

Additionally, when analyzing the criminal history in the case, crimes involving violence, aggravated felonies, drug trafficking, or crimes against children are to be viewed as a threat to public safety and normally the positive factors of any military service will not deter the issuance of an NTA. An honorable discharge by no means serves to bar an alien from being placed in removal proceedings.

The decision not to issue an NTA, Administrative Order, or Reinstatement is an exercise of prosecutorial discretion; as such it does not convey any right upon the alien or his or her representative. There is no application to submit, nor any explanation owed to the alien as to why a decision was made to issue an NTA, Administrative Order, or Reinstatement regardless of military service. There is no right to review the decision to initiate proceedings before any administrative appeal unit, an immigration judge, nor the federal courts. The officer interviewing the alien should, as much as possible, put the responsibility on the alien to substantiate their military service, decorations won, length of service, etc.

Officers charged with processing aliens for NTAs, Administrative Orders, or Reinstatements should be periodically reminded to inquire about military service during such processing in all cases where such service may be a possibility. If an alien’s prior military service record does not come to the attention of ICE until after issuance of the NTA, Administrative Order, or Reinstatement, appropriate action should be taken to comply will) this guidance, LO include exercising discretion by terminating any issued NTA,

¹All aliens eligible for naturalization under section 329 of the INA can be naturalized notwithstanding and order of removal. In contrast, not all aliens eligible for naturalization under section 328 of the INA can be naturalized notwithstanding an order of removal. Under section 328 of the INA, only those aliens who are serving in the armed forces and who, prior to filing the application, appear before a representative from U.S. Citizenship and Immigration Services, may be naturalized notwithstanding an order of removal.
Subject: Issuance of Notices to Appear, Administrative Orders of Removal, or Reinstatement of a Final Removal Order on Aliens with United States Military Service

Page 3

In cases in which an alien is still on active duty when DRO seeks to serve an NTA, Administrative Order, or Reinstatement, FODs should consider the implications of placing an active duty alien into proceedings. While ICE policy does not preclude the placement of an alien on active duty into proceedings, factors regarding successful service of the NTA, Administrative Order, or Reinstatement should be considered prior to authorization of the NTA for service. Such factors may include: (1) whether coordination with the enforcement arm or administration of that branch of the service in which the alien is serving is possible; (2) whether the alien is likely to abscond if he/she is discharged prior to being placed in proceedings; and (3) whether service of the NTA, Administrative Order, or Reinstatement can be coordinated so that the alien can be served immediately upon discharge. Whenever possible, the alien should be served upon being discharged.

This policy provides some, but not all, of the factors to consider when deciding whether or not to exercise prosecutorial discretion in the issuance of an NTA, Administrative Order, or Reinstatement against an alien who has served in the United States military. In all cases, the factors considered and the decision made in each specific case must be entered into a memorandum to file (with a copy placed in the alien’s A-file) and in ENFORCE. The memorandum to file will be referenced on the Form 1-213, Record of Deportable/Inadmissible Alien that is completed for the case. As in all cases, the FOD should seek assistance from the Office of the Chief Counsel as necessary.

Any questions regarding this memorandum can be directed to John Longshore, at 202-514-9040.
Haitian Removal Information and Statistics
May 23, 2017

Purpose:
To provide background on U.S. Immigration and Customs Enforcement’s (ICE) actions with regard to the removal of Haitian nationals.

Context:
- On January 12, 2010, Haiti experienced a 7.0 magnitude earthquake which killed tens of thousands of Haitians and destroyed much of that country’s very limited infrastructure. As a result of the disaster, ICE temporarily halted the removal of Haitian nationals to that country.
- One year later, in January 2011, ICE conducted one removal flight to Haiti.
- Thereafter, removals were once again suspended until April 1, 2011, when ICE announced the resumption of removals via ICE aircraft on a limited basis for those Haitian nationals with final orders of removal who were convicted of a serious crime or who posed a national security threat.
- In September 2016, DHS rescinded its 2011 policy and authorized ICE and CBP to arrest, process for removal, and remove both criminal and non-criminal Haitian nationals.
- On the basis of the policy rescission, ICE scheduled its first Haitian non-criminal removal flight in several years. However, that flight, which was scheduled to occur during the month of October 2016, was cancelled due to the arrival of Hurricane Matthew on October 3, 2016.

Removal Statistics:
- Between October 18, 2016, and May 16, 2017, ICE conducted 54 removal flights to Haiti. Eight of those flights were criminal, while the remaining 46 flights were non-criminal.
- The results of these removal flights are as follows:
  - Non-criminals – 4,452
  - Criminals – 211
  - TOTAL – 4,663
- Following is a fiscal year breakdown of removals of Haitian nationals:

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</thead>
<tbody>
<tr>
<td>Non-Criminals</td>
<td>207</td>
<td>482</td>
<td>190</td>
<td>47</td>
<td>27</td>
<td>161</td>
<td>43</td>
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<tr>
<td>Criminals</td>
<td>137</td>
<td>249</td>
<td>568</td>
<td>465</td>
<td>355</td>
<td>272</td>
<td>267</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>344</strong></td>
<td><strong>731</strong></td>
<td><strong>758</strong></td>
<td><strong>512</strong></td>
<td><strong>382</strong></td>
<td><strong>433</strong></td>
<td><strong>310</strong></td>
</tr>
</tbody>
</table>
From: Blank, Thomas  
Sent: Tuesday, August 8, 2017 11:00 AM  
To: Blank, Thomas  
Subject: FW: Canada

Here is what HSI intel came back with on Haitians heading to Canada. If ERO get field information please edit together or add on to this.

Thanks,

Tom

From Blank, Thomas  
Sent: Tuesday, August 08, 2017 10:13 AM  
To: Blank, Thomas  
Cc:  
Subject: RE: Canada

Sir,

Open source information on the issue of Haitians heading to Canada (it was on NPR this morning as well, coincidentally):


To wit:

- Haitians are leaving the US for Canada, particularly Quebec (not surprising, given common language) and claiming asylum

- The reason is because many Haitians have TPS in the US, which expires in January; reports spreading through the Haitian diaspora in the US falsely claimed Canada was automatically welcoming anyone who already had TPS in the US
  
  o In fact, Canada’s TPS equivalent for Haitians expired three years ago and GoC considers Haiti a safe country, creating an uphill battle for Haitians trying to get refugee status

  o There are approximately 58,000 Haitians with TPS in the US; the TPS was granted after the 2010 earthquake that devastated Haiti
- Olympic Stadium in Montreal has been converted into a shelter for Haitian migrants

- As many as 781 unofficial crossings just in June 2017

- Many are crossing on foot in the Champlain, NY AOR

  - A peculiarity of the Canadian immigration/border system is if you present at a POE for asylum, you are turned around, but if you cross between PsOE you can enter into asylum processing

Furthermore, the Human Smuggling Cell is in the final stages of drafting a finished intelligence product, in coordination with CBP, that speaks to this issue.

If you have any questions please let me know.

Thank you,

Jack

Sent with BlackBerry Work
(www.blackberry.com)

From: [Redacted]
Date: Monday, Aug 07, 2017, 9:33 PM
To: Blank, Thomas
Subject: RE: Canada

I will check with the Human Smuggling Cell and get you an answer in the morning.

Thank you,

Jack

Sent with BlackBerry Work
(www.blackberry.com)

From: Blank, Thomas
Date: Monday, Aug 07, 2017, 9:29 PM
To: [Redacted]
Subject: FW: Canada

Any vis on this one? I expect not but thought I would check?

Tom Blank
The Homeland Security News Briefing

TO: THE SECRETARY AND SENIOR STAFF

DATE: THURSDAY, AUGUST 10, 2017 5:00 AM EDT

TODAY’S TABLE OF CONTENTS

LEADING DHS NEWS:

BORDER WALL:
+ White House Reportedly Seeking Budget Deal That Includes Border Wall Funding.
+ Continuing Coverage: Texas Lawmakers Question Plan To Build Border Wall Through Wildlife Refuge.

BORDER SECURITY:
+ CBP Installs Biometric Technology At Additional Airports.
+ Previously Deported Mexican Man Arrested At Arizona Border.

IMMIGRATION POLICY:
+ Critical Infrastructure Outreach Program Sparks Concerns Over Patient Information.
+ Texas Loses Bid To Head Off Challenge To Anti-Sanctuary City Law.
+ WPost: Immigrant Members Of Congress Afraid Of Trump Immigration Policies.
+ Colorado Politicians Rally On Behalf Of DACA.
+ Grassley Wants Immigration Files Of House Democratic IT Leakers.
+ Continuing Coverage: Chicago Files Lawsuit Over Sanctuary City Grant Guidelines.
+ Advocates Protest Proposed Massachusetts Immigrant Detainer Bill.
+ Administration Policies Seen As Likely To Block Resettlement Of Afghan Women Refugees.
+ Detention Of Asylum Seekers A “Controversial” Issue.
+ Salvadoran Newspaper Warns Immigrants Not To Go To States With 287(g) Programs.
+ Continuing Coverage: Bernalillo County Keeps "Immigrant Friendly" Policy.
+ College Park Postpones Vote On Offering Noncitizens Voting Rights.
+ Continuing Coverage: Judge Blocks Louisiana Law Requiring Birth Certificates To Marry.
+ Hispanic Populating Shrinking In Some Southern Counties.
+ Opinion: Immigrants Cannot Be Neatly Divided Between Good And Bad.
+ New York Soccer League Unites Undocumented Minors.
+ Job Searching Site: US Firms Wary Of Hiring Foreign Tech Workers.

IMMIGRATION ENFORCEMENT:
+ ICE Detaining More Non-Target Immigrants During Operations.
+ Continuing Coverage: Deportation Orders Up, Removals Moving Slowly.
+ Justice Department’s Denaturalization Litigation “Stalled For Months.”
+ Continuing Coverage: Connecticut Resident Takes Sanctuary In Church.
+ Indian Immigrant Detained During ICE Check-In.
+ Owners Of Ann Arbor Restaurant Refuse Kitchen Entry To ICE Agents.
+ San Francisco Chronicle: Deportation Order Splits Oakland Family.
+ ICE Arrests Six During West Virginia Operation.
+ Connecticut Immigrant Posts Bond.
+ California ACLU: Minors Should Receive Legal Representation In Immigration Court.

CRIMINAL INVESTIGATIONS:
+ Eighteen SWAT Members Exposed To Suspected Fentanyl During Raid.
+ CBP Seizes $850,000 In Cash At Puerto Rico Airport.
+ Texas Man Pleads Guilty For Role In Smuggling Incident.
+ Canadian Man Sentenced To Six Months For Role In Human Smuggling Operation.

AVIATION SECURITY:
+ Maryland Motor Vehicle Administration To Offer TSA PreCheck At Six Locations.
+ TSA PreCheck Mobile Enrollment Center Headed To Syracuse.
+ Professor: ISIS Getting Smarter About Thwarting Western Security.

SECRET SERVICE:
+ AP Clarifies Trump Flight Restriction Story.

EMERGENCY RESPONSE:
+ Long Urges Preparedness As NOAA Revises Hurricane Season Forecast.
+ Trump Issues New Hampshire Disaster Declaration.
+ Newspaper Hopes Alabama Congressman Is Asked About CDP During Town Hall Events.

COAST GUARD:
+ Coast Guard Rescues Navy Pilot After Crash.

CYBER NEWS:
+ Toler To Retire As DHS Deputy Assistant Secretary For Cyber, Communications.
+ Russian-Linked Social Media Said To Be Targeting US National Security Adviser, Speaker Of The House.
+ Hackers Said To Be Targeting Factories.
+ Researchers Encode Malware Into DNA.
+ SEC: Investment Firms, Brokers Lax In Enforcing Cybersecurity Policies.
+ FTC Asked To Investigate VPN Privacy Risk.
+ “Critics” Say Trump’s Voter Fraud Commission Creates Hacking Risk.
+ Acting US CISO To Take On Additional Cyber Role.
+ OPM CIO Resigns.
+ Contacts List Allegedly Stolen From HBO CEO “Most Likely Forged.”

OTHER DHS NEWS:
+ West Virginia Governor: Trump Interested In Coal Payments.
+ Minnesota Groups Press Ahead On CVE Efforts.
+ South Carolina To Implement Real ID Requirements By March.
+ California Woman Claims DHS Agent Pointed Gun At Her While Driving.

GLOBAL MEDIA:
+ Qatar Program Allows Visa-Free Entry For Citizens From 80 Countries.
+ Continuing Coverage: Canada Sets Up Border Camp To Deal With Surge In Asylum Seekers.
+ UN: Up To 50 Migrants “Deliberately Drowned” Off Yemen.

TERRORISM INVESTIGATIONS:
+ Miami-Dade Deploys Counterterrorism Force.
+ Driver Rams Group Of French Soldiers, Injuring Six.
+ FBI Affidavit Claims Man Accused Of Jewish Community Bomb Threats Sold Services On Dark Web.
+ Ellison Blasts Trump For Not Condemning Minnesota Mosque Bombing.
+ Denmark Launches “Hug A Jihadi” Program To De-Radicalize Potential Extremists.

NATIONAL SECURITY NEWS:
+ White House Sources: Trump’s “Fire And Fury” Threat Surprised His Own Advisers.
+ Mattis Warns Of North Korea’s “Destruction,” Tillerson Tells Americans To “Sleep Well At Night.”
+ North Korea Says It Will Have Plan To Strike Guam Developed “By Mid-August.”
+ US Officials Concerned Qatar Boycott Could Impede Fight Against ISIS.
+ NYT Analysis: Taliban Leader Killed By Drone Strike Feared Pakistan’s Betrayal.
+ Haley Will Travel To Vienna To Discuss Iran’s Nuclear Activity.
+ State Department: Putin Visit To Georgia Was “Inappropriate.”
+ US Expels Two Cuban Diplomats After Alleged Plot To Deafen Embassy Staffers.
+ Netanyahu Slams Media, Israeli Left.
+ Kenyan President Seizes Lead In Vote Count Amid Opponent’s Claims Of Election Fraud.

Leading DHS News:

POLL SHOWS MAJORITY SUPPORT RAISE ACT PROVISIONS. The Washington Times (8/9, Dinan, 458k) reports that Americans “generally favor” the sort of policies included in the RAISE Act, according to a Morning Consult/Politico poll. The survey found that “62 percent support for giving would-be immigrants who can speak English a leg up, and found 61 percent support for creating a point-based system to select new employer-based immigrants.”

CBS News (8/9, De Pinto, 3.91M) details the findings of a new CBS News poll that shows there is a “division among the American public on some of the components of recently unveiled proposals for legal immigration endorsed by President Trump, but most remain opposed to a border wall.” CBS News says, “Forty-six percent of Americans prefer the U.S. give priority to immigrants based on education, job skills and work experience, while 44 percent think those with family members here should be given priority.” CBS News adds that Americans, overall, “feel legal immigration into the U.S. should be kept at the level it is (43 percent), rather than increased (23 percent) or decreased (30 percent).”

Continued Response To RAISE Act. In an op-ed for Fortune (8/9, Feinstein, 7.44M), Sen. Dianne Feinstein argues the RAISE Act “betrays our country’s values.” Feinstein opines that the bill is a “thinely veiled attempt to make it nearly impossible for all but the wealthiest, most privileged people to immigrate to the U.S., barring families from reuniting and discounting employers’ input on the workers they need to be successful.” She says the bill’s criteria “makes crystal clear that these wholesale changes to our immigration system are designed to appeal to the most nativist elements of Trump’s political base and keep immigrants out.” Feinstein concludes that the “good news is that many Republican senators have made clear their opposition to this mean-spirited proposal.”

In his column for Fox News (8/9, Thomas, 13.56M), Cal Thomas argues the RAISE Act is a “plan worthy of serious consideration, even implementation.” Thomas opines that the bills passage will “depend on whether Congress has any common sense left to do something that is transparently necessary and will benefit the country.”

In his column for the Washington Post (8/9, Thiessen, 12.92M), Marc Thiessen argues the RAISE Act is not the policy of former President Reagan, who “made [the] promise to restore American greatness at the most appropriate place he could imagine: in the shadow of the Statue of Liberty.”
Reagan, during the address, "made no mention of advanced degrees" for entry into the country, and "did not buy into the zero-sum economics behind the Trump immigration proposal, which holds that American-born workers are being displaced by low-skilled immigrants, who are taking their jobs and reducing their wages." Thiessen opines that Reagan "believed that immigrants, both skilled and unskilled, were critical to unleashing economic growth that would lead to greater prosperity for all."

In her column appearing in the Richmond (VA) Times-Dispatch (8/9, Marsden, 338K), Rachel Marsden argues the Trump Administration "wants to eliminate the shallow, skin-deep Diversity Visa lottery program and supports a Senate bill seeking to do just that." Marsden opines that a "strictly talent- and merit-based system means applicants with desire, dedication and determination, as proven by their effort to meet the high standards required for immigration, will be rewarded."

The Atlanta Journal-Constitution (8/9, Datar, 1.26M) reports that, in contrast to the proposal of the RAISE Act, "data shows that employment-based immigration is a very small percentage of immigrants who follow this path." The Journal-Constitution says the "data" shows that "families...are the primary beneficiaries of legal immigration."

**Border Wall:**

**WHITE HOUSE REPORTEDLY SEEKING BUDGET DEAL THAT INCLUDES BORDER WALL FUNDING.** Politico (8/9, Kim, Bade, Bresnahan, 2.97M) reports that according to "multiple sources," the White House is seeking a deal to avoid a government shutdown "that would lift strict spending caps long opposed by Democrats" in exchange for border wall funding. White House Director of Legislative Affairs Marc Short "met with top staffers from both parties on the Senate Appropriations Committee last week to make a hard sell for the proposal." Breitbart (8/9, Munro, 2.16M) reports White House director of legislative affairs Marc Short "stressed that the White House is insisting on a down payment for construction this fall."

**CONTINUING COVERAGE: TEXAS LAWMAKERS QUESTION PLAN TO BUILD BORDER WALL THROUGH WILDLIFE REFUGE.** In continuing coverage, the San Antonio Express-News (8/9, Bradshaw, 785K) reports, "The likelihood that President Trump's proposed border wall would rip through a wildlife refuge on Texas' southern border has prompted questions from six congressmen." Rep. Joaquin Castro (D-TX) "was among six Texas lawmakers who signed a letter to acting U.S. Homeland Secretary Elaine Duke regarding the Santa Ana Wildlife Refuge, which sits in the middle of the proposed border wall route, according to news archives."

**Border Security:**

**CBP INSTALLS BIOMETRIC TECHNOLOGY AT ADDITIONAL AIRPORTS.** Federal Computer Week (8/9, Rockwell, 263K) reports, "After years of searching for ways to implement a biometric entry/exit system to verify the identities of foreign travelers moving through U.S. airports, Customs and Border Protection has rolled out the technology at five major U.S. airports since June." CBP released statements on August 8 that said the agency "had installed facial recognition biometric exit technology at Houston's William P. Hobby International and at Las Vegas' McCarran International Airport." At McCarran, CBP will screen a single daily flight from the US to Mexico.

**PREVIOUSLY DEPORTED MEXICAN MAN ARRESTED AT ARIZONA BORDER.** The AP (8/9) reports Mexican-national Fernando Alberto Santoyo-Martinez was deported in 2011 and has been arrested in southern Arizona. He now faces criminal charges for re-entry. Border Patrol officials "say Santoyo-Martinez was convicted for the harassing calls in Clayton County, Georgia and has multiple gang-related tattoos on his body."
**Immigration Policy:**

**CRITICAL INFRASTRUCTURE OUTREACH PROGRAM SPARKS CONCERNS OVER PATIENT INFORMATION.** *Southern California Public Radio* (8/9, 48K) reports, “A U.S. Department of Homeland Security and Immigration and Customs Enforcement program that aims to build partnerships with local organizations such as hospitals and medical clinics has set off alarms in communities on high alert in the wake of President Trump’s immigration crackdown.” The Critical Infrastructure Outreach Program was launched with the purpose of “helping DHS investigators identify criminal activity and ‘develop potential sources of information.’” Coalition for Humane Immigrant Rights of Los Angeles political director Apolonio Morales “said just the presence of ICE on the grounds of hospitals and medical clinics could discourage immigrants from seeking care.”

**TEXAS LOSES BID TO HEAD OFF CHALLENGE TO ANTI-SANCTUARY CITY LAW.** The *Washington Times* (8/9, Dinan, 458K) reports that US District Judge Sam Sparks in Austin, TX on Wednesday “tossed out Texas’ attempt for a preemptive legal defense of the state’s new anti-sanctuary city law, shifting the battleground to yet another federal court.” Hours after Texas Gov. Greg Abbott signed the anti-sanctuary law, state Attorney General Ken Paxton “went to a court and asked for a preliminary ruling that it was constitutional,” but Judge Sparks “rejected that move, saying courts aren’t in the business of giving advisory opinions.” Now, “the battle over the state law will be fought out another federal court in San Antonio, where a number of cities are battling to preserve their sanctuary policies in the face of the new law, which is slated to go into effect Sept. 1.” The *Huffington Post* (8/9, Planas, 6.63M) reports the court’s decision was a “victory [for] critics trying to overturn the measure.” Austin City Councilman Greg Casar “applauded the decision in a tweet, describing Paxton’s lawsuit as ‘frivolous.’” Paxton “bemoaned the ruling in a statement, but said he’d continue to defend the new law.” The *Houston Chronicle* (8/9, Zelinski, 2.12M) reports similarly.

**WPOST: IMMIGRANT MEMBERS OF CONGRESS AFRAID OF TRUMP IMMIGRATION POLICIES.** The *Washington Post* (8/9, Viebeck, 12.92M) reports, “For many Hispanic members of Congress, President Trump’s immigration policies serve as both an agenda to be opposed and a throwback to their personal experiences.” The Post says “many of the record number of Hispanic lawmakers this year...are first-generation Americans whose parents came to the United States from places such as Mexico and Cuba, as low-skilled workers, some speaking only Spanish.” The Post explains that some of the lawmakers view Trump’s immigration crackdown as “rais[ing] old fears from their childhoods growing up in the United States with parents from somewhere else.” The Post interviewed five Hispanic House members, who “spoke candidly about their experiences as first-generation Americans, their encounters with immigration officials and their parents’ paths toward assimilation.”

**COLORADO POLITICIANS RALLY ON BEHALF OF DACA.** The *Denver Post* (8/9, Paul, 1.01M) reports, “Three of Colorado’s top Democratic political leaders on Wednesday rallied on behalf of 17,000 immigrant children in the state who could face deportation because of possibly forthcoming legal challenges to an Obama-era immigration program.” Lt. Gov. Donna Lynne “joined U.S. Rep. Jared Polis and Denver Mayor Michael Hancock at a Denver news conference touting the contributions of Deferred Action for Childhood Arrivals recipients in Colorado, saying they are slated to contribute an estimated $857 million over the next decade to the state’s economy.”

The *Denver Post* (8/9, 1.01M) editorializes that President Trump “has done the right thing” on DACA so far, and it is now “critical that Congress follow suit.” The Post says Congress “has the urgent opportunity to follow the president’s lead and do the right thing by almost 750,000 Dreamers...who are in limbo as they wait to see whether they will be punished for willingly giving the federal government their information in exchange for a chance to pursue the American dream.”
GRASSLEY WANTS IMMIGRATION FILES OF HOUSE DEMOCRATIC IT LEAKERS. Townhall (8/9, O’Brien, 450K) describes the arrest of Imran Awan, who “was a congressional IT specialist for several Democratic members of the House of Representatives, including former DNC Chair Debbie Wasserman Schultz,” at Dulles International airport as he was “attempting to board a flight to Pakistan” as a “scandal” for House Democrats, “although the mainstream media doesn’t seem too interested in it.” Townhall adds that Senate Judiciary Committee Chairman Chuck Grassley is “demanding the immigration files of the IT leakers.” Grassley has written a letter to Homeland Security Acting Secretary Elaine Duke and “expects an answer by August 18.”

CONTINUING COVERAGE: CHICAGO FILES LAWSUIT OVER SANCTUARY CITY GRANT GUIDELINES. In continuing coverage, the National Review (8/9, DeSanclis, 754K) reports Chicago has filed a lawsuit against the Trump Administration based on new DOJ guidelines that would “deny it law-enforcement grants over its government’s refusal to enforce federal immigration law.” The National Review says the lawsuit “shows that [Mayor] Emanuel remains intent upon both flagrantly ignoring federal law and continuing to collect federal cash.”

In an op-ed for Fox News, Fox News (8/10, Napolitano, 13,56M), Judge Andrew Napolitano argues Chicago’s “complaints about DOJ threats are constitutionally sound because federal strings can be imposed only by Congress and they cannot be imposed retroactively.” Napolitano concludes, “If Hillary Clinton had been elected president along with a Democratic Congress and it had offered state and local governments federal funds with strings attached requiring cities to make abortions available on demand, they all would be whistling a very different and very federalism-based tune.”

In an op-ed for Fox News (8/9, Gingrich, 13,56M), Newt Gingrich argues Emanuel’s lawsuit “perfectly illustrates the dangerous disdain the modern Left has for normal Americans.” Gingrich opines that Emanuel “would like us to believe that he is concerned about the safety of his citizens, but his lawsuit is nothing more than a political charade.” Gingrich concludes, “Hopefully, the other renegade states, cities, and counties in our nation will heed the Attorney General’s warning and leave their renegade ways behind them.”

In his column for the Washington Times (8/9, Thomas, 458K), Cal Thomas argues, “Modern sanctuary cities are less reflective of their ancient namesakes and more like the hideouts established by train robbers and cattle rustlers during the days of the Wild West, as the current sanctuary city movement shields men and women who have broken federal law to reach the United States.” Thomas opines that threats from the Administration to withhold some federal grant money “show[s] some promise.” Thomas concludes that Chicago’s lawsuit will “likely reach the Supreme Court,” which “makes the elevation of Neil Gorsuch to that high bench so critical.”

Vice (8/9, 1,911M) interviewed Harvard Immigration and Refugee Clinical Program attorney Phil Torrey, who “thinks Chicago’s suit has some real muscle.” Torrey says one of Chicago’s strongest arguments is the spending clause claim, where the city is “saying...that the executive agency responsible for administering these federal grants cannot impose additional restrictions on those funds without congressional approval.”

In his column for the National Review (8/9, VerBruggen, 754K), Robert VerBruggen argues he is “no fan of sanctuary cities,” but he is “not a fan” of the approach to strip “certain federal funds from sanctuary cities.” VerBruggen opines, “Not only is there a credible case that what Sessions is doing is illegal, but more important, it involves a tactic that conservatives should reject wholesale.” VerBruggen says the policy is akin to “using federal grants as leverage to get state and local governments to do what it wants.”

ADVOCATES PROTEST PROPOSED MASSACHUSETTS IMMIGRANT DETAINER BILL. The Pittsfield (MA) Berkshire Eagle (8/9, Young, 42K) reports, “Civil liberties and immigrant rights activists converged on the State House this week to voice their displeasure with Gov. Charlie Baker’s proposal to allow state and local police to cooperate, in some cases, with federal
immigration detainer requests, with some activists going as far as to label the policy racist.” The bill filed by Baker last week “would allow state and local police to honor requests from Immigration and Customs Enforcement to detain individuals already in state custody on criminal charges or for sentences related to past violent crimes.” Baker’s legislative proposal “came a week after the Supreme Judicial Court ruled in an unsigned opinion that state law does not allow Massachusetts law enforcement to hold defendants at the request of the federal government for immigration violations if the state or local authorities have no other legal reason to keep the person in custody.”

ADMINISTRATION POLICIES SEEN AS LIKELY TO BLOCK RESETTLEMENT OF AFGHAN WOMEN REFUGEES. The Guardian (UK) (8/9, Rasmussen, 3.45M) discusses the case of Shakila Zareen, an Afghan woman who was granted refugee status by the UN after her husband attempted to kill her. The US government “conditionally approved” Zareen’s resettlement application in 2016, but “a year later,” USCIS “notified Zareen she was ineligible for resettlement” due to “a matter of discretion for security-related reasons.” The Guardian says, “When the US and its allies invaded Afghanistan in 2001, it claimed the advancement of women’s rights as a central pillar of its mission. But cases like Zareen’s demonstrate that progress remains largely in the abstract. Legal justice and protection for female victims exists on paper, but often not in practice.” The Guardian adds, “However, the Trump administration’s incoherent policies...will block even more Afghan women like Zareen from reaching the US.”

DETENTION OF ASYLUM SEEKERS A “CONTROVERSIAL” ISSUE. The San Diego Union-Tribune (8/8, Morrissey, 680K) discusses the detention of asylum seekers pending the resolution of their cases, “a controversial issue for several years.” The Union-Tribune says, “Some say asylum seekers should be released after they pass preliminary interviews where they have to show that they have a legitimate fear of returning to their home countries,” but “others say that too many people who do not have legitimate asylum cases are trying to get into the U.S. by claiming they’re afraid to go home.”

SALVADORAN NEWSPAPER Warns IMMIGRANTS NOT TO GO TO STATES WITH 287(G) PROGRAMS. The Daily Caller (8/9, 680K) reports Salvadoran newspaper La Prensa “warned illegal immigrants in an article Tuesday not to go to the 18 states where police agencies” have 287(g) agreements. The Daily Caller says La Prensa’s article “linked readers to a list of all the jurisdictions that are participating in the program.”

CONTINUING COVERAGE: BERNALILLO COUNTY KEEPS “IMMIGRANT FRIENDLY” POLICY. In continuing coverage, the AP (8/9) reports, “New Mexico commissioners have decided to keep a policy declaring Bernalillo County an immigrant-friendly community despite threats from U.S. Justice Department to defund so-called sanctuary cities.”

COLLEGE PARK POSTPONES VOTE ON OFFERING NONCITIZENS VOTING RIGHTS. The Washington Post (8/8, Chason, 12.92M) reports that College Park, Maryland’s City Council “postponed a vote Tuesday on whether to extend municipal voting rights to noncitizens while it weighs whether to hold a referendum and let voters decide.” The proposal “comes as leaders in some of Prince George’s County’s more liberal-leaning jurisdictions and in neighboring Montgomery County struggle to create policies that protect undocumented immigrants without getting in the crosshairs of the Trump administration.” The council will decide on the measure at its September 12 meeting.

CONTINUING COVERAGE: FEDERAL GOVERNMENT SETTLES LAWSUIT OVER WRONGFUL DETAINER OF NATURALIZED CITIZEN. In continuing coverage, the AP (8/9) reports, “The federal government has settled a lawsuit brought by a naturalized American citizen who a federal judge determined was held on an immigration detainer because of her Hispanic last name and Guatemalan place of birth, in violation of her constitutional rights.” The AP says the plea agreement calls for the federal government to “pay Ada Morales $35,000 and issu[e] assurances that federal databases have been updated to ensure she won’t be detained again.
according to Cody Wofsy, a staff attorney at the American Civil Liberties Union." Wofsy said on Tuesday that the "decisions in this case have become real landmarks in the battles over immigration detainers and sanctuary policies around the country."

CONTINUING COVERAGE: JUDGE BLOCKS LOUISIANA LAW REQUIRING BIRTH CERTIFICATES TO MARRY. In continuing coverage, the AP (8/9, Kunzelman) reports, "A federal judge has permanently blocked a Louisiana law that prevented foreign-born U.S. citizens from getting married if they couldn't produce a birth certificate."

HISPANIC POPULATING SHRINKING IN SOME SOUTHERN COUNTIES. The AP (8/9) reports, "In most places in the South, the Hispanic population has been growing in recent years. But there are a few spots in the region where the Latino population has been shrinking." The AP says "34 large U.S. counties have seen their Hispanic populations decrease since 2010, and 20 of them are in the South, including five each in Alabama and Georgia and three in Mississippi." The AP explains that the reasons for the shrinking population may include "tough immigration law[s]" that contain a "provision requiring employers to screen workers' legal status using the federal E-Verify program, and a Hispanic community that included many undocumented immigrants who were not well organized or able to defend themselves."

OPINION: IMMIGRANTS CANNOT BE NEATLY DIVIDED BETWEEN GOOD AND BAD. In an op-ed for Newsweek (8/9, Hernández, 763K), University of Denver professor argues the bipartisan support for the "revamped version of the Dream Act," which was followed by new that "immigration officials are planning raids against teenagers suspected of gang membership" is a reminder of the "faulty assumption" that "some immigrants are good and some are bad and that it is possible to neatly distinguish between the two." Garcia Hernandez highlights several policies and proposals that "all use criminal activity to sort immigrants," which is "impossible" to do "without mistakes." Garcia Hernandez concludes, "Instead of tired refrains about dangerous criminals, we would do well to think of immigrants as the members of our communities that they are." They are "not perfect," but are "just flawed, fallible, complicated people" like "all of us."

NEW YORK SOCCER LEAGUE UNITES UNDOCUMENTED MINORS. AFP (8/9, Bonilla) reports on a soccer league that "meets every Saturday in the Bronx," whose "players are minors who arrived from Central America without their parents, with no documents or money." AFP says the minors "made the dangerous journey here with one goal in mind: to escape the violence and poverty of their homelands." Around 50 members of the "Union" league now face deportation. AFP explains that soccer "acts as sort of collective therapy for them, a place to briefly forget the tragedies of the past and the new threats they face from the administration of President Donald Trump."

JOB SEARCHING SITE: US FIRMS WARY OF HIRING FOREIGN TECH WORKERS. The San Jose (CA) Mercury News (8/9, Wong, 821K) reports US companies are "thinking twice about hiring foreign tech workers amid uncertainty about immigration policies from the Trump administration, according to data released Wednesday by job searching site Hired." Hired found that the number of "interview requests from U.S. companies to foreign tech workers dropped by 60 percent between the second and fourth quarter of 2016." Interest in hiring foreign tech workers "ticked back up after the presidential election, but it was still down 37 percent in the second quarter of 2017 compared to the same period last year." Hired explained that the decline was "likely the result of uncertainty around immigration policies."

**Immigration Enforcement:**

ICE DETAINING MORE NON-TARGET IMMIGRANTS DURING OPERATIONS. TIME (8/9, Berenson, 6.82M) reports, "More undocumented immigrants are being swept up in immigration raids targeting their friends, neighbors and coworkers." TIME explains that enforcement priorities under the Trump Administration instruct ICE agents "to detain and deport anyone who is in the country illegally, which means even so-called 'non-targets' may end up in custody after a raid."
ICE spokeswoman Danielle Bennett is quoted as saying, “The biggest change is under the previous Administration, there were a lot of individuals that were not considered amenable to arrest that now, since the change in Administration, our director has said there are not going to be any classes or categories of removable aliens that are exempt.” TIME adds that ICE “doesn’t track data over time of how many non-targets are apprehended in raids, so it’s hard to say how dramatic the change is.” Bennett also “said ICE agents won’t always arrest non-targets if they find them during a raid; if there are children present, for example, or other extenuating circumstances that the agents decide mean they shouldn’t take the others into custody.” Bennett explained that ICE agents are allowed more discretion and flexibility when dealing with individuals.

CONTINUING COVERAGE: DEPORTATION ORDERS UP, REMOVALS MOVING SLOWLY. In continuing coverage, Politico (8/9, Hossen, 2.97M) reports, “The U.S. is deporting people more slowly than during the Obama administration despite President Donald Trump’s vast immigration crackdown, according to new data from U.S. Immigration and Customs Enforcement.” ICE removed 84,473 people from February 1 through June 30. Politico says if deportation “continue[s] at the same clip until the fiscal year ends Sept. 30, federal immigration officials will have removed fewer people than they did during even the slowest years of Barack Obama’s presidency.” Politico adds that the slowdown is driven by key factors, such as the number of people trying to catch the border “has dropped precipitously under Trump,” and “another factor is the immigration courts... face a backlog of more than 610,000 cases, according to the Transactional Records Access Clearinghouse at Syracuse University.” The San Diego Union-Tribune (8/9, 608K) reports ICE in San Diego is “on pace to deport fewer people this year than last, most of them unauthorized immigrants without a criminal record.” ICE has removed 16,599 people from San Diego and Imperial region through June 30, as compared to 23,719 last year. The Union-Tribune says the majority of those deported in the San Diego area do not have criminal records. ICE spokeswoman Lauren Mack “said in a statement that the deportation figures reflect the agency’s new priorities.”

Fox News (8/9, Lajeunesse, 13.56M) reports, “Deportation orders have jumped 31 percent this year compared to last year, according to numbers released by the Justice Department.” From February first to the end of July, “there were 57,069 illegal immigrants who were either deported or left voluntarily.” Fox News says that is an increase of 31% from the same period last year.

CONTINUING COVERAGE: ICE ARRESTS 32 SEX OFFENDERS DURING 10-DAY NEW YORK OPERATION. In continuing coverage, the East Hampton (NY) Press (8/9, Wehner, 20K) reports, “A total of 32 convicted sexual predators said to be living on Long Island without documentation were arrested by enforcement and removal officers with U.S. Immigration and Customs Enforcement during a 10-day sting called ‘Operation Sex Offender Alien Removal,’ or ‘SOAR,’ which ended last Thursday, August 3.”

JUSTICE DEPARTMENT’S DENATIONALIZATION LITIGATION “STALLED FOR MONTHS.” The Washington Examiner (8/9, Morrongiello, 403K) reports, “Justice Department attorneys are preparing to file several complaints against unauthorized immigrants who obtained U.S. citizenship after being ordered for removal, a process that has stalled for months while the agency has been forced to address lawsuits challenging the Trump administration’s immigration crackdown.” The Examiner says then-candidate Donald Trump “blasted the revelation” when it was made last September, but since then “only three individuals...who were recommended to the Justice Department for denaturalization proceedings have since been stripped of their citizenship status. And all three cases were litigated during the final months of Barack Obama’s presidency.” DOJ “has received nine referrals for civil denaturalization proceedings from U.S. Citizenship and Immigration Services since Trump took office – seven of which were received between July and August, according to a department spokesperson.” A source “close to the Justice Department” is quoted saying, “There are literally zero resources available to file affirmative litigation right now. ... They’re too busy with litigation coming in from folks challenging different initiatives.”

CONTINUING COVERAGE: CONNECTICUT RESIDENT TAKES SANCTUARY IN CHURCH.
On its website, WRC-TV Washington (8/9, 276K) provides continuing coverage of the case of Marco Reyes, who "sought sanctuary in a New Haven church when he was supposed to be deported Tuesday to Ecuador." Reyes said he does not want to be separated from his children and is prepared to stay as long as he has the support of his family in the decision." Reyes also said that it is frustrating to be stuck at the church because he cannot provide for his family, but that all the support he has received from the community has been a blessing." WRC-TV notes that ICE spokesman Shawn Neudauer said that Reyes is now considered an ICE fugitive for refusing to comply with the removal order and will be arrested when encountered.

INDIAN IMMIGRANT DETAINED DURING ICE CHECK-IN. The Sacramento (CA) Bee (8/9, 585K) reports Indian-national Baljit "Bali" Singh, who resides in California and is a "father of two with no criminal record," was "detained immigration authorities in Sacramento during a regular six-month check-in with authorities, and is now facing deportation." On Tuesday, he was released with an ankle monitor and told he has "three months to put his affairs in order, say goodbye to his wife and two preschool-age sons and leave the country." The Bee says 25% of the immigrants ICE has arrested between January 22 and April 29 of this year have no criminal records, which is an "increase of 150 percent" compared to the same period last year.

In separate coverage, the Sacramento (CA) Bee (8/9, 585K) reports Singh "was granted a three-month reprieve to get his affairs in order and make arrangements to leave the country." ICE spokeswoman Lori Haley said Singh's "immigration case has undergone exhaustive review at multiple levels of the Department of Justice's immigration court system ... Additionally, Mr. Singh had his case reviewed multiple times before the United States Court of Appeals."

OWNERS OF ANN ARBOR RESTAURANT REFUSE KITCHEN ENTRY TO ICE AGENTS. MLive (MI) (8/9, 882K) reports, "The owners of Cafe Zola said they turned away two immigration agents who stopped at the Ann Arbor restaurant the afternoon of Wednesday, Aug. 9 to look for an unnamed person." Owner Hediyeh Batu "declined to let the agents walk through the kitchen and search for the individual in question." ICE spokesman Khaalid Walls issued a statement that said, "Today's enforcement operations are a part of routine, daily targeted operations conducted by ICE in this region and around the country every day, targeting criminal aliens and other immigration violators. ... No arrests were made."

SAN FRANCISCO CHRONICLE: DEPORTATION ORDER SPLITS OAKLAND FAMILY. The San Francisco Chronicle (8/9, Aleaziz, 2.64M) reports on the case of Oakland nurse Maria Mendoza-Sanchez and her husband. Mendoza-Sanchez "knew that she and her husband -- who each lack legal status -- would not be protected by their clean records." They were told by immigration officials on May 23 that they had "three months to make arrangements to leave for the Mexican homeland in which they last set foot 23 years ago." The Chronicle adds, "On Tuesday, they will reluctantly split up their family, flying to Mexico with their 12-year-old son to start a new life, while leaving their three older daughters -- who are 16, 21 and 23 -- behind in the U.S." ICE spokeswoman Virginia Rice "said Wednesday that over the last 15 years the couple's case went through an exhaustive review by the immigration court system." Rice "noted that while ICE continues to prioritize people believed to pose safety risks, the agency's acting director has said ICE will not exempt people from enforcement."

ICE ARRESTS SIX DURING WEST VIRGINIA OPERATION. The Huntington News Network (8/9, 479) reports ICE arrested six men at a Mexican restaurant in West Virginia on August 3. ICE released a statement that said the arrests were part of a "targeted enforcement action."

CONNECTICUT IMMIGRANT POSTS BOND. The New Haven (CT) Register (8/9, 207K) reports, "Myron Espinoza, a West Haven father of four, was able to post bond Wednesday after he was detained for more than two months following his visit to immigration officials on behalf of his young son." The Register says advocates have "accused [ICE] of using Espinoza's son as 'bait,'" to get him to come to the ICE officers in Hartford where he was detained.
CALIFORNIA ACLU: MINORS SHOULD RECEIVE LEGAL REPRESENTATION IN IMMIGRATION COURT. On its website, KABC-TV Los Angeles (8/9, 483K) reports the ACLU "says a teenager’s deportation case exemplifies why undocumented minors should not go before an immigration judge without legal representation." ACLU Southern California legal director Ahilan Arulanantham has brought a case in front of the 9th Circuit Court of Appeals on behalf of C.J.L.G. who "was not granted asylum" and could not afford an attorney.

Criminal Investigations:

EIGHTEEN SWAT MEMBERS EXPOSED TO SUSPECTED FENTANYL DURING RAID. The AP (8/9) reports, "Eighteen members of a SWAT team are OK after they were exposed to a deadly chemical during a raid early Wednesday, Pittsburgh police said." While the team entered a Pittsburgh home, a “table covered with powered drugs was overturned, sending what authorities believed to be a dangerous synthetic opioid called fentanyl wafting into the air, according to a criminal complaint." A number of officers began to feel dizzy and numb as the drugs became airborne. The symptoms are “associated with an opioid overdose.” The team was “later medically cleared at a hospital and a hazmat team was called in to deal with the large amount of opioids.” Four people arrested at the home were charged with intent to distribute fentanyl. Acting US Attorney Soo Song said the operation was a raid of three homes in an ongoing drug investigation that involves various federal law enforcement agencies, including U.S. Immigration and Customs Enforcement and U.S. Homeland Security officials. Song also said [the] incident underscores the danger of fentanyl exposure in law enforcement." CBS News (8/9, 3.91M) reports the agencies involved in the operation “included U.S. Immigration and Customs Enforcement, Homeland Security, Pittsburgh police, Pittsburgh SWAT and state police.”

CBP SEIZES $850,000 IN CASH AT PUERTO RICO AIRPORT. The AP (8/9) reports CBP officers “seized more than $850,000 in cash and five firearms at an airport in Puerto Rico’s capital.” CBP said the items were seized “during a routine inspection of a private plane bound for Punta Cana in the Dominican Republic.” The passenger, David Diaz, was arrested on charges of bulk cash smuggling, among others.

TEXAS MAN PLEADS GUILTY FOR ROLE IN SMUGGLING INCIDENT. The Dallas Morning News (8/9, Farmer, 894K) reports Jesus Osono “pleaded guilty to his role in the kidnapping of several unauthorized immigrants last year who were reportedly assaulted during the smuggling incident.” DOJ explained that eight Mexican citizens were “held against their will” once they were smuggled into the US, and were “ordered to contact their families to get ransom for their release.” HSI “conducted the investigation with the assistance of the Laredo Police Department and U.S. Border Patrol.”

CANADIAN MAN SENTENCED TO SIX MONTHS FOR ROLE IN HUMAN SMUGGLING OPERATION. The AP (8/9) reports Canadian-national Victory Omoruyi was sentenced to six months in jail for his role in a human smuggling operation. Authorities "say he helped move nine Nigerian citizens and asylum seekers to the Canadian border from North Dakota on April 14."

Aviation Security:

MARYLAND MOTOR VEHICLE ADMINISTRATION TO OFFER TSA PRECHECK AT SIX LOCATIONS. The Baltimore Sun (8/9, Campbell, 703K) reports, "The Maryland Motor Vehicle Administration will begin offering TSA PreCheck and Transportation Worker Identification Credential applications at six of its locations by the end of the year, officials announced Wednesday."

TSA PRECHECK MOBILE ENROLLMENT CENTER HEADED TO SYRACUSE. The Syracuse (NY) Post-Standard (8/9, Weiner, 726K) reports a TSA PreCheck mobile enrollment center will be in East Syracuse on Tuesday.
PROFESSOR: ISIS GETTING SMARTER ABOUT THWARTING WESTERN SECURITY. In an op-ed for the Wall Street Journal (8/9, Subscription Publication, 6.99M), Ahmet S. Yayla, an adjunct professor at George Mason University, who formerly led the counterterrorism and operations department of the Turkish National Police in Saniurfa, writes that an ISIS plan to blow up a commercial jet flying out of Sydney last month, while unsuccessful, shows that the group is becoming more sophisticated about getting around Western security.

Secret Service:

AP CLARIFIES TRUMP FLIGHT RESTRICTION STORY. The AP (8/9) reports, "In a story Aug. 8, The Associated Press reported on flight restrictions near President Donald Trump's properties during visits to Florida and New Jersey." The AP says the prior story "should have noted that similar flight restrictions for presidential visits have been in place for decades, and were expanded after the 9/11 attacks, affecting local airports during visits from Presidents Barack Obama and George W. Bush."

Emergency Response:

LONG URGES PREPAREDNESS AS NOAA REVISES HURRICANE SEASON FORECAST. Some of the many news outlets covering NOAA's updated Atlantic hurricane season forecast report that it prompted Administrator Brock Long to stress the importance of storm preparedness. Stories that do not mention Long, including ones aired by two of the three major TV network newscasts, emphasize that NOAA is predicting an unusually active season. Fox News (8/9, Fedeschun, 13.56M) reports on its website that Long said NOAA's "updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge." He added, "As we enter the height of hurricane season, it's important for everyone to know who issues evacuation orders in their community, heed the warnings, update their insurance and have a preparedness plan."

Long's preparedness advice is also highlighted by various other media outlets, including TIME (8/9, Worland, 6.82M), the WEAR-TV Mobile, AL (8/9, 33K) website, the Brownsville (TX) Herald (8/9, Martinez, 37K), the KATC-TV Lafayette, LA (8/9, Baker, 75K) website, the Suffolk (VA) News Herald (8/9, 15K), the Towson (MD) Patch (8/9, Belt), the WWL-TV New Orleans (8/9, 125K) website, and the Tampa Bay (FL) Times (8/9, Solomon, Puttermann, 964K).

The CBS Evening News (8/9, story 7, 0:20, Mason, 11.17M) reported that the 2017 Atlantic hurricane season "could be the most active...since 2010." Scientists at NOAA have "predicted...there could be as many as 19 named storms by the end of November." Hurricane Franklin, the sixth named storm of this season, was expected to bring heavy rainfall and strong wind gusts to the Gulf Coast of Mexico on Wednesday night. ABC World News Tonight (8/9, story 7, 1:05, Muir, 14.63M) reported that while Franklin is the first hurricane in this year's Atlantic hurricane, NOAA forecasters are now predicting that it could be the first of five to nine hurricanes to form before the season ends. Five of those potential hurricanes, added the forecasters, could be major ones. Like the CBS and ABC reports, a Hurricane Franklin story aired by NBC Nightly News (8/9, story 8, 0:20, Holt, 16.61M) did not mention Administrator Long, nor did it cover NOAA's updated forecast. Other sources that did cover the forecast, without mentioning Long, include Newsday (NY) (8/9, Kitchen, 1.83M) and the CNN (8/9, Miller, 44.83M) website.

TRUMP ISSUES NEW HAMPSHIRE DISASTER DECLARATION. The AP (8/9, 1.67M) reports a new federal disaster declaration makes part of New Hampshire that were hit by severe storms last month eligible for federal aid. Gov. Chris Sununu thanked President Trump for issuing the declaration.

NEWSPAPER HOPES ALABAMA CONGRESSMAN IS ASKED ABOUT CDP DURING TOWN
HALL EVENTS. The Anniston (AL) Star (8/9, 57K) editorializes that it hopes Alabama Congressman Mike Rogers is asked about the Center for Domestic Preparedness (CDP) during a pair of town hall meetings that are scheduled to be held in the state on Thursday. The Star wants Rogers to explain why he did not sign a letter that other US House Homeland Security Committee members sent to former FEMA Administrator Craig Fugate in December. According to the Star, the letter “demanded answers” related to the safety of CDP “trainees and employees who may have been unwittingly exposed to live agent and using incorrect protective masks.” Rogers, argues the Star, should have signed the letter since the CDP is located in his district.

Coast Guard:

COAST GUARD RESCUES NAVY PILOT AFTER CRASH. The AP (8/9) reports the Coast Guard rescued a Navy jet pilot off of the Florida Keys. The Coast Guard “says a helicopter and airplane were diverted to the area, and the helicopter crew spotted the pilot’s emergency smoke signal.” The pilot was conducting training operations and was forced to eject.

Cyber News:

TOLER TO RETIRE AS DHS DEPUTY ASSISTANT SECRETARY FOR CYBER, COMMUNICATIONS. ExecutiveGov (8/9, Edwards, 548) reports DHS cybersecurity and communications office Deputy Assistant Secretary Danny Toler “will retire by the end of August after nearly four decades in government service, Federal News Radio reported Tuesday.” Toler “joined DHS in 2012” and became deputy assistant secretary in 2016. Jeanette Manfra is slated to take over as “assistant secretary at the cyber and communications office on a full-time basis, Toler said in an email obtained by the station.”

RUSSIAN-LINKED SOCIAL MEDIA SAID TO BE TARGETING US NATIONAL SECURITY ADVISER, SPEAKER OF THE HOUSE. Mother Jones (8/9, Buzenberg, 1.2M) reports, “Russian-linked social-media networks” have been “busy attacking Trump’s national security adviser, Gen. H.R. McMaster, using the same type of digital operations that the Kremlin deployed against the 2016 presidential election.” MJ says, “Some of Russia’s digital efforts to disrupt and influence US politics are now more in the open, thanks to ‘Hamilton 68,’ a new dashboard” from the Alliance for Securing Democracy “tracing Russian-linked information warfare on Twitter.” MJ adds, “Another campaign picked up by the Russians this week has been a surge in the use of the #ResignPaulRyan hashtag, again echoing pressure from the nationalist base against the speaker of the House to be more compliant with Trump’s agenda.”

HACKERS SAID TO BE TARGETING FACTORIES. The AP (8/9, Dalesio) reports, “While online thieves have long targeted banks for digital holdups, today’s just-in-time manufacturing sector is climbing toward the top of hackers’ hit lists.” The AP discusses a malware attack that last August entered the computer network of a North Carolina transmission plant and spread “like a virus...threatening to lock up the production line until the company paid a ransom.” AW North Carolina information technology manager John Peterson is cited saying that just-in-time production scheduling creates pressure on manufacturers to pay the sums hackers demand in order to be rid of them.

RESEARCHERS ENCODE MALWARE INTO DNA. Wired (8/10, Greenberg, 4.08M) reports one group of “bio-hackers has demonstrated how DNA can carry a less expected threat – one designed to infect not humans or animals but computers.” Wired says, “In new research they plan to present at the USENIX Security conference on Thursday, a group of researchers from the University of Washington has shown for the first time that it’s possible to encode malicious software into physical strands of DNA, so that when a gene sequencer analyzes it the resulting data becomes a program that corrupts gene-sequencing software and takes control of the underlying computer.”
SEC: INVESTMENT FIRMS, BROKERS LAX IN ENFORCING CYBERSECURITY POLICIES. Inside Cybersecurity (8/9, Weber) reports, “The Securities and Exchange Commission staff says investment firms and brokers are falling short in enforcing their own cybersecurity policies and practices, while noting overall progress by the investment industry in meeting persistent cyber threats.”

FTC ASKED TO INVESTIGATE VPN PRIVACY RISK. eWeek (8/9, Kermer, 657K) reports, “According to a complaint filed by the Center of Democracy and Technology (CDT), AnchorFree’s Hotspot Shield VPN is not properly securing its users and is unfairly sharing user information.” The CDT argues in a Federal Trade Commission complaint that “AnchorFree is engaged in unfair and deceptive trade practices.” AnchorFree “denies the allegations.”

“CRITICS” SAY TRUMP’S VOTER FRAUD COMMISSION CREATES HACKING RISK. The AP (8/9, Mulvihill) reports, “Officials from both major political parties” said in 2016 that “US elections are so decentralized that it would be impossible for hackers to manipulate ballot counts or voter rolls on a wide scale.” However, says the AP, “the voter fraud commission established by President Donald Trump could take away that one bit of security.” It “has requested information on voters from every state and recently won a federal court challenge to push ahead with the collection, keeping it in one place. By compiling a national list of registered voters, the federal government could provide one-stop shopping for hackers and hostile foreign governments seeking to wreak havoc with elections, critics say,” Kentucky Secretary of State Alison Lundergan Grimes (D), “who has refused to send data to the commission,” told the AP, “Coordinating a national voter registration system located in the White House is akin to handing a zip drive to Russia.”

ACTING US CISO TO TAKE ON ADDITIONAL CYBER ROLE. FedScoop (8/9) reports, “Acting U.S. CISO Grant Schneider is taking on a second role within the White House as a senior director for cybersecurity at the National Security Council.” An administration official is quoted saying Schneider will take on one of the “recently vacated senior director positions within the cybersecurity directorate on the NSC led by Rob Joyce.”

OPM CIO RESIGNS. NextGov (8/9, Ravindranath) reports OPM CIO Dave Devries “is stepping down after about a year on the job, an agency spokesperson confirmed.” Devries’ last day is “in early September.” NextGov mentions that the news of Devries stepping down “comes shortly after President Donald Trump's pick for Homeland Security Department's CIO Richard Starapoli stepped down after about three months on the job.” NextGov goes on to list current permanent CIOs in government agencies, as well as acting CIOs of government agencies.

CONTACTS LIST ALLEGEDLY STOLEN FROM HBO CEO “MOST LIKELY FORGED.” CNET News (8/9, Ng, 3.05M) reports, “With HBO’s hack, it’s becoming harder to separate fact from fiction.” The purported perpetrators of the hack claimed to be in possession of a contacts list apparently belonging to Richard Pleper, HBO’s chairman and CEO, “but a person familiar with the investigation confirmed to CNET that the document is most likely forged.” CNET says, “The contacts and the document are real, but the file appears to have been doctored to look like it was the CEO's contact list instead of another executive's.” CNET adds, “If the contacts document is altered, it calls into question the other 1.5 terabytes of data the hackers claim to have.”

MAN BEHIND MANY CURRENT PASSWORD GUIDELINES REGRETS ADVICE. USA Today (8/9, May, 10.05M) reports that Bill Burr, “the man behind the 2003 report responsible for many current password guidelines,” has “told The Wall Street Journal his previous advice of creating passwords with special characters, mixed-case letters and numbers won’t deter hackers.” Burr is quoted saying, “Much of what I did I now regret.” USA Today adds, “The better solution could be to simply use a password with four random words, because the number of letters can be more difficult to hack than a small combination of letters and special characters, the Journal reports.”

Other DHS News:
WEST VIRGINIA GOVERNOR: TRUMP INTERESTED IN COAL PAYMENTS. Bloomberg News (8/9, Loh, 3.08M) reports that “West Virginia Governor Jim Justice said Donald Trump is ‘really interested’ in his plan to prop up Appalachian mining by giving federal money to power plants that burn the region’s coal.” Justice “announced at a West Virginia rally alongside President Trump last week that he’s becoming a Republican.” Bloomberg says he “has recently spent a ‘goodly amount of time’ meeting one-on-one with Trump and has liked the feedback to his pro-coal proposal.” The report says “the plan calls for the Department of Homeland Security to send $15 to eastern U.S. utilities for every ton of Appalachian coal they burn.” Justice told Bloomberg, “He’s really interested. He likes the idea. ... Naturally, he’s trying to vet the whole process. It’s a complicated idea.”

Bloomberg News (8/10, Loh, 3.08M) reports that “critics say such a proposal would be expensive and misguided.” The report says “U.S. power plants burned at least 110 million short tons of Appalachian coal in 2016” and “a payment of $15 for each of those tons would cost at least $1.65 billion.” Justice also said he’s “discussed the plan with, among others, Department of Energy Secretary Rick Perry, Vice President Mike Pence and Jared Kushner, Mr. Trump’s senior adviser and son-in-law.”

MINNESOTA GROUPS PRESS AHEAD ON CVE EFFORTS. The Minneapolis Star Tribune (8/9, Montemayor, 1.22M) reports, “Domestic efforts to curb homegrown terrorism are under fresh scrutiny from the Trump administration and Congress, placing Minneapolis at the center of a new national debate over whether they are working – or should even continue.” The Star Tribune says Washington is signaling that CVE will have a “greater emphasis on law enforcement” going forward. The Star Tribune adds that some Minnesota groups have turned down CVE money from DHS in recent months. Some Minnesota CVE groups “are forging ahead” using funds from the private sector, while others have received disbursements from DHS to continue their work.

SOUTH CAROLINA TO IMPLEMENT REAL ID REQUIREMENTS BY MARCH. Columbia (SC) State (8/9, Wilkinson, 363K) reports South Carolina “is expected to finally meet new federal requirements for driver’s licenses by March.” If the timeline is met, state officials “believe the Department of Homeland Security will accept all current S.C. driver’s licenses through Sept. 30, 2020, for boarding commercial airlines and entering federal installations.”

US ATTORNEY’S OFFICE TAKES OVER INVESTIGATION OF SAWMILL FIRE INVOLVING BORDER PATROL AGENT. The Arizona Daily Star (8/8, 158K) reports the US Attorney’s Office “has taken over the investigation of last spring’s Sawmill Fire, raising the possibility of some kind of legal action against the Border Patrol agent who told authorities he accidentally started it while off-duty.” The Daily Star says CBP is “standing firm on its refusal to release information about the agent, including his salary, job title and employment status.”

CALIFORNIA WOMAN CLAIMS DHS AGENT POINTED GUN AT HER WHILE DRIVING. On its website, KTVU San Diego (8/10, Steffen, 62K) reports California resident Felicia Ocampo “says she had a gun pointed at her while driving on I-15 North with her son in the backseat.” Ocampo “said she pulled over because she was afraid he was going to shoot her car and hurt her son.” California Highway Patrol “says they are investigating the incident, and confirm to 10News that the other driver works for Homeland Security.”

Global Media:

QATAR PROGRAM ALLOWS VISA-FREE ENTRY FOR CITIZENS FROM 80 COUNTRIES. Reuters (8/9) reports that Qatar has announced a program “to allow visa-free entry for citizens of 80 countries to encourage air transport and tourism” amid the boycott. Under the program, “nationals from dozens of countries in Europe and elsewhere including India, Lebanon, New Zealand, South Africa, and the United States only need present a valid passport to enter” Qatar.
CONTINUING COVERAGE: CANADA SETS UP BORDER CAMP TO DEAL WITH SURGE IN ASYLUM SEEKERS. In continuing coverage, Reuters (8/9, Lampert) reports, “Canada has deployed soldiers to erect tents near the U.S. border to temporarily house hundreds of asylum seekers crossing from New York state, officials said on Wednesday, an influx of mostly Haitians prompted by fear of deportation by the U.S. government.” The Guardian (UK) (8/9, Kassam, 3.45M) reports Canada deployed around 100 soldiers to the border camp to "erect heated tents to temporarily house as many as 500 people, the armed forces said in a statement." The Globe and Mail (CAN) (8/9, Perreault, 1.14M) and CTV News (CAN) (8/9, 135K) provides additional coverage.

In her column for the Edmonton (CAN) Sun (8/9, Malcolm), Candice Malcolm argues there is a “deliberate misinformation campaign over social media [that] is being blamed for the recent flood of Haitians illegally crossing into Canada.” Malcolm says one of the false themes is that President Trump is to “blame for the crisis.” Malcolm explains that Canada “had its own temporary program for displaced Haitians – except we wound ours down two years ago.” She concludes that the Trudeau government’s “welcome wagon is misleading Haitian migrants and giving them false hope about their future in Canada.”

UN: UP TO 50 MIGRANTS “DELIBERATELY DROWNED” OFF YEMEN. The AP (8/9) reports that the UN International Organization for Migration said Wednesday that up to 50 migrants from Somalia and Ethiopia were "deliberately drowned" when a smuggler forced more than 120 migrants into the sea off Yemen’s coast on Wednesday morning. Calling the deaths “shocking and inhumane,” the IOM also said that 22 migrants remained missing.

Terrorism Investigations:

MIAMI-DADE DEPLOYS COUNTERTERRORISM FORCE. The Miami Herald (8/9, Hanks, 739K) reports that in a new terrorism fighting tactic, Miami-Dade County, Florida is “deploying police with rifles, gas masks and riot helmets to well-traveled public places, including Metrorail stations, County Hall and courthouses.” According to a police spokesman, the new "Rapid Deployment Force-Counter Terrorism" is “there to be noticed, with the deployment designed to remind would-be terrorists and others that Miami-Dade can respond aggressively to threats.” However, advocates for civil liberties “see the display of force as an affront to efforts at smoothing relations between police and the public.”

DRIVER RAMS GROUP OF FRENCH SOLDIERS, INJURING SIX. NBC Nightly News (8/9, story 5, 0:20, Holt, 16.61M) reported that French policy have arrested the driver of a BMW they say “was used to ram into a group of soldiers outside of Paris,” injuring six. French counterterrorism officials are investigating the incident, which Reuters (8/9, Lough, Tessier) says they are calling “a deliberate attack.” Reuters says the suspect “appeared to have lain in wait for the soldiers in a pedestrian zone near their base in Levallois-Perret on the northwestern edge of the capital where France’s domestic counter-terrorism agency is based,” and “accelerated his BMW car into the troops, who were starting their patrol, when they were a few meters away.”

James Longman reported on ABC World News Tonight (8/9, story 4, 1:45, Muir, 14.63M) that the suspect is “believed to be a 36-year-old Algerian with a history of petty crime.” Longman added that earlier Wednesday, “heavily armed, masked police searched a building thought linked to him.” According to the AP (8/9, Charlton, Satter), the suspect’s motive is unclear.

Deputy assistant to the President Sebastian Gorka said on Fox News’ Fox & Friends (8/9, 831K), “We’re seeing this occurring again and again and again. We know that jihad groups out there whether it is al Qaeda or whether it is ISIS have called for attacks on the homeland of what they call the infidels. We have to be cautious of course. There is a phrase in military studies, ‘all initial reports from the battlefield are false.’ At this time we’re not going to comment really in substance. We’ll wait to see what the local authorities come up with. Then, we’ll decide whether it fits into a larger pattern.”
FBI AFFIDAVIT CLAIMS MAN ACCUSED OF JEWISH COMMUNITY BOMB THREATS SOLD SERVICES ON DARK WEB. **NBC News** (8/9, Ortiz, 4.92M) reports a newly unsealed FBI search warrant explains how the 19-year-old Israeli-American man “accused of masterminding more than 200 bomb threats and hoax phone calls to Jewish community centers and schools...allegedly offered his services on the ‘dark web’ for a fee.” Michael Ron David Kadar posted in his ad on the black market site AlphaBay in March, “I email bomb threats to schools on your requests. If you feel you need someone to do this job for you then this service is for you.” AlphaBay was shut down last month, when Attorney General Jeff Sessions called it “one of the most important criminal investigations of the year.” Kadar was arrested and indicted in Israel, and “charged by the U.S. Justice Department in connection with threatening communications.”

ELLISON BLASTS TRUMP FOR NOT CONDEMNING MINNESOTA MOSQUE BOMBING. **The Hill** (8/9, Savransky, 1.61M) reports Democratic National Committee deputy chairman and Minnesota Rep. Keith Ellison on Wednesday called President Trump's failure to condemn the recent bombing of a mosque in Minnesota “an outrage.” Ellison said, “It suggests that his oath to protect and defend the Constitution of the United States, including the right to equal protection under the law, only extends to people who meet certain racial and religious criteria.” Minnesota Gov. Mark Dayton visited the Bloomington Islamic Center on Sunday and has said the bombing was “an act of terrorism.” Dar Al-Farooq Islamic Center's executive director told BuzzFeed News on Monday that as the president of the country, Trump “has to come here and at least express his feelings and say this is bad.”

The **AP** (8/9) reports the explosion occurred early Saturday before morning prayers, causing “extensive damages to the imam’s office but not injuring anyone.” The Minnesota FBI office has provided little information about its investigation, and has not said if it has identified any suspects. In a Monday afternoon statement, Special Agent in Charge Rick Thornton called the bombing a “terrible crime” and vowed to use all available resources to solve the case.

DENMARK LAUNCHES “HUG A JIHADI” PROGRAM TO DE-RADICALIZE POTENTIAL EXTREMISTS. **Townhall** (8/9, Barkoukis, 450K) reports that police in Aarhus, Denmark have “set up a program that’s being referred to as ‘hug a jihadi’ to change the hearts and minds of would-be terrorists.” Authorities hope to de-radicalize the “potential Islamic extremists” by “engaging” them and “treating them with kindness instead of as criminals and outcasts.”

**National Security News:**

WHITE HOUSE SOURCES: TRUMP'S “FIRE AND FURY” THREAT SURPRISED HIS OWN ADVISERS. The tensions over the North Korean nuclear threat once again dominated the news cycle. All three networks led with the story, dedicating just over 23 minutes of combined coverage – up from 15 minutes on Tuesday night. One major topic of discussion was reporting, based on unnamed sources, on the President's stern warning to North Korea the previous day.

Cecilia Vega reported on **ABC World News Tonight** (8/9, lead story, 3:55, Muir, 14.63M) that it “caught some in the President's own inner circle by surprise. The President, in that statement, using language not vetted or pre-approved by his national security team.” According to Vega, “Sources close to the President say behind closed doors with top aides, including new Chief of Staff Gen. John Kelly, President Trump had discussed taking a tougher tone on Pyongyang. But even members of his own national security team had no idea the President would go this far.” Similarly, Anthony Mason said in the lead story on the **CBS Evening News** (8/9, lead story, 2:30, 11.17M) that Trump’s national security advisers had “agreed on a tough statement,” but “they didn’t expect” him to warn of “fire and fury like the world has never seen.”

Similarly, the **Washington Post** (8/9, Rucker, Deyoung, 12.92M) reports Trump discussed with his advisers “a strategy to escalate his rhetoric and deliver a more aggressive and overt challenge to North Korea’s leader, Kim Jong Un, said two senior White House officials.” The message Trump
delivered Tuesday afternoon "was unexpected, but it wasn't surprising," one of the officials said.

The New York Times (8/9, A1, Baker, Thrush, Subscription Publication, 14.49M) reports that when Trump delivered his "fire and fury" threat to North Korea on Tuesday with "eyes flitting on what appeared to be a single page of talking points set before him on the conference table," the piece of paper "was a fact sheet on the opioid crisis he had come to talk about." Trump's "ominous warning to Pyongyang was entirely improvised," and he did not run the language by his advisers during talks beforehand.

The Washington Times (8/9, Boyer, 458K), however, reports that the White House said Wednesday that the President's advisers were "well aware" that he planned to deliver a strong message, but Trump "chose the specific language." Press secretary Sarah Huckabee Sanders said Chief of Staff John Kelly and others on the President's national-security team "were well aware of the tone of the statement of the president prior to delivery," but "the words were his own."

Bloomberg News (8/9, Faries, Syeed, 3.08M) reports White House senior advisor Stephen Miller "suggested one intended audience for Trump's blunt rhetoric may have been China." Said Miller, "One of the most important things that you've seen is the president being so clear so publicly about China's responsibilities in this regard. But the frankness of the president's comments, the straightforwardness of his comments broadcast publicly about his expectations in that area, again, represent a new approach to how we're handling the issue."

White House Deputy Assistant Sebastian Gorka said on Fox News' Fox & Friends (8/9, 831K) that the President "is saying don't test America and don't test Donald J. Trump. We are just not a superpower. We were a hyper power. Nobody in the world, especially not North Korea, comes close to challenging our military capabilities, whether they're conventional, whether they're nuclear or whether they are special forces. So the message is very clear: don't test this White House, Pyongyang."

Gorka said on Fox News' Hannity (8/9, 535K). "North Korea needs to understand the blackmail stops, and if you get into an arms race, as Secretary Mattis said, with United States of America, you will lose, whoever you are."

Trump aides, Politico (8/9, Nelson, 2.97M) reports, are "warning against reading too much into the combative talk." One "White House official" said, "I think he just wanted to show North Korea he was tired of it." Trump, the official said, "was presented at his golf course on Tuesday with a new batch of information on North Korea a few hours before his controversial comments."

Lawmakers, however, have been "worried about...Trump going off script for months," McClatchy (8/9, Kumar, Clark. 95K) reports, and now they "are worried that his blunt and provocative warning to North Korea could lead to war." Rep. John Garamendi (D-CA) said, "His bombastic rhetoric really inflamed a very...dangerous situation." McClatchy says "it's not just Democrats who are alarmed," and "even some fellow Republicans criticized the president's language." Sen. John McCain told Arizona radio station KTAR, "It's kind of the classic Trump in that he overstates things."

Sen. Ben Cardin, ranking Democrat on the Senate Foreign Relations Committee, said on MSNBC's Morning Joe (8/9, 270K), "I think the international community is looking to the United States for leadership to avoid a military confrontation with North Korea that could well involve nuclear weapons, and what the President said was just not helpful, but also raises the question to the international community whether the United States has a game plan for North Korea in order to change the equations."

The New York Times (8/9, Myers, Choe, Subscription Publication, 14.49M) reports the President's comments Tuesday also "sent a shudder through Asia on Wednesday, raising alarm
among allies." The Chinese Foreign Ministry "restated its position that the North Korean nuclear issue should be resolved by political means" and that "all relevant parties" should avoid "remarks and acts that may escalate the conflict." South Korea, meanwhile, sought "to ease concern about the situation, saying that the North's recent posturing, including its threat to attack Guam, appeared to be aimed at tightening solidarity among its own population and causing its neighbors anxiety."

The CBS Evening News (8/9, story 3, 1:50, Mason, 11.17M), however, reported that amid the heightened rhetoric, South Korean President Moon Jae-In says he will now allow the US to fully deploy the THAAD defense system in his country. Japanese lawmakers, meanwhile are "pushing for new weapons that could allow it to launch a preemptive strike on North Korea."

Trump's comments Tuesday, the Washington Post (8/9, Fisher, Johnson, 12.92M) reports, have also further raised concerns among "those who believe the president is a loose cannon, impulsively blunting whatever flits through his mind." The Post says the incident recalls for some Hillary Clinton's campaign ad featuring "a longtime nuclear missile launch officer" who warned against voting for Trump: "I prayed that call would never come. Self-control may be all that keeps these missiles from firing."

While a Wall Street Journal (8/9, Subscription Publication, 6.99M) editorial hits back at criticisms of the President's remarks, arguing that diplomacy works best when there is a credible threat to back it up, most commentary is critical of the President's tone Tuesday. A USA Today (8/9, 10.05M) editorial, for example, argues that it is "time for a deep breath. Fiery rhetoric aside, it bears remembering that the United States and North Korea do not seek dominion over the other," and "America fares best when it acts with steady resolve, not out of fear." In Japan, the Wall Street Journal (8/9, Sonne, Radnofsky, Subscription Publication, 6.99M) reports Prime Minister Shinzo Abe's government welcomed Trump's "fire and fury" language.

On its editorial page, the New York Times (8/9, Subscription Publication, 14.49M) writes that "on some emotional level, one might be able to see why Donald Trump threatened to unleash 'fire and fury' against North Korea," but he "is president of the United States, and if prudent, disciplined leadership was ever required, it is now." The Times argue that "rhetorically stomping his feet, as he did on Tuesday, is not just irresponsible; it is dangerous." Instead, "tougher sanctions, coupled with [Secretary of State] Tillerson's continued efforts at a diplomatic solution, are the best path to a peaceful end to this conflict. That is what Mr. Trump should also be focused on. Engaging in a war of words with North Korea only makes it harder for both sides to de-escalate."

Washington Post (8/9, 12.92M) columnist E.J. Dionne Jr. writes that while Trump "may be given to hyperbolic (and often fact-free) attacks on those he perceives as enemies," it's "hard to be hyperbolic where Kim is concerned. He's about as scary and cruel as they come. And this is where Trump's temperamental unfitness for the office he occupies is disturbing for reasons that go far beyond party or ideology." Politico's Edward-Isaac Dovere tweeted, "The president's aides would like you to know he wasn't prepared and didn't mean it when he threatened nuclear war."

Former Ambassador Bill Richardson said on the CBS Evening News (8/9, story 4, 2:20, Mason, 11.17M), "The best option is diplomacy. The best option is continued sanctions...continue to pressure China, continue the military exercises. But find a way to talk to the North Koreans." He added that "talk about preemptive military strikes and the President's very incendiary statement, which was not helpful, is not the way to go."

Rep. Andre Carson (D-IN) said on CNN's Situation Room (8/9, 554K) said he doesn't think a military response should be taken off the table, but "our diplomatic response sends an example," and "I don't think that President Trump should try to make outlandish statements to one-up Kim Jong-un."
Many Democratic members of the House tweeted about the President’s words. Rep. Judy Chu (D-CA) tweeted, “Trump has said ‘all options are on the table’ wrt #NorthKorea but all we’ve seen is reckless bluster. Diplomacy must be the top priority.” Rep. Diana DeGette (D-CO) tweeted, “@POTUS’ reckless rhetoric on #NorthKorea could further escalate a very precarious situation. Thoughtful strategy & diplomacy is critical.” Rep. Dan Kildee (D-MI) tweeted, “When it comes to North Korea, we need a smart, strong and unified strategy – not bombastic rhetoric.”

Rep. Gwen Moore (D-WI) tweeted, “Please, @realDonaldTrump, enough w/ the saber-rattling. You can’t fight lunacy w/ lunacy. Diplomacy is the only way forward w/ #NorthKorea.” Rep. Adam Schiff (D-CA) tweeted, “Erratic and fiery belligerence of @POTUS statements do little to defuse North Korea situation and threaten to make a bad situation worse.” Rep. Eric Swalwell (D-CA) tweeted, “Constituent texts pouring in asking ‘should we worry about North Korea?’ I’ve never seen anything like chaos @realDonaldTrump has created.”

Rep. Paul Tonko (D-NY) tweeted, “Diplomacy = best & only peaceful way to push back on #NorthKorea. We must work w/ S.Korea, Japan & China to reverse their nuclear ambitions.” Rep. Tim Walz (D-MN) tweeted, “@POTUS rhetoric on N. Korea is reckless and does nothing to keep us safe. Clear he fails to understand the role of commander-in-chief.”

*Trump Comments Spark Debate Over War Resolution.* The Hill (8/9, Wong, 1.61M) reports President Trump’s warning to North Korea has “reignited a debate about whether the commander in chief needs congressional approval before launching a preemptive military strike.” So far, however, “congressional leaders from both parties have been silent on the issue.” The Hill suggests lawmakers are “reluctant to tie Trump’s hands” and “recognize how unpopular and divisive a vote on a war resolution would be for lawmakers facing reelection next year.”

Rep. Ted Lieu (D-CA) tweeted, “No debate here. It’s unconstitutional for @realDonaldTrump to go to war with #NorthKorea without Congressional authorization.”

*Former GOP Senator Says Trump Should Be Removed From Office Via 25th Amendment.* WMUR-TV Manchester, NH (8/9, 400K) reports on its website that former New Hampshire Sen. Gordon Humphrey, a Republican, has sent letters to the state’s senators and two House members, all Democrats, urging them to support removing Trump from office, “citing the president’s Tuesday promise to unleash ‘fire and fury’ on North Korea if that nation continues its nuclear aggression. Humphrey says Trump is ‘sick of mind’ and ‘dangerous’” and should be removed via the 25th Amendment. The Boston Globe (8/9, Pindell, 1.06M) reports that Humphrey “represented New Hampshire in the US Senate from 1976 to 1990, during which time he was viewed as one of the body’s most conservative members.”

*WPost Analysis: Echoes Of Cuban Missile Crisis In Trump’s North Korea Warnings.* The Washington Post (8/9, Miller, 12.92M) reports President Trump’s comments about North Korea have “echoed President Truman’s warning to Japan two days after the bombing of Hiroshima” that if the country didn’t surrender, it faced “a rain of ruin from the air, the like of which has never been seen on this Earth.” But his “blunt words” also “reflect the influence not only of the military academy” Trump attended as a teen, “but also the Cuban missile crisis.”

Author Michael Dobbs, writing in the Washington Post (8/9, 12.92M), also ties Trump’s comments to the Cuban missile crisis. Dobbs writes, “Given the explosive rhetoric of North Korean leader Kim Jong Un, it is understandable that President Trump should be tempted to respond in kind. … Playing chicken is, however, a dangerous indulgence for the leader of a nuclear superpower.”

*Media Analyses: Obama, Not Trump, Deserves Credit For Upgrading US Nuclear Arsenal.* The President’s tweets Wednesday morning also got extensive media attention, with analysts casting doubt on the accuracy of his claims about the nation’s nuclear arsenal.

Kristen Welker, for example, reported on NBC Nightly News (8/9, story 3, 2:25, Holt, 16.61M) that
"privately, Administration officials acknowledge they've spent the day trying to turn down the heat, but the President may have added to the mixed messaging, tweeting, 'My first order as President was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before.'" However, Welker reported that though it's true Trump ordered a review of the nuclear arsenal in January, former President Obama "had already launched an effort to upgrade the stock pile, and it's a project that will take at least 30 years to complete, making it impossible for there to have been any significant changes this year."

Major Garrett, in the lead story on the CBS Evening News (8/9, lead story, 2:30, 11.17M), likewise noted that "in fact, it was President Obama who directed billions over many years to improve aging nuclear weapons and delivery and targeting systems." The President did, however, "order an overall review of US nuclear strategy earlier this year."

Under the headline "Trump Makes False Claims About US Nuclear Arsenal," the Los Angeles Times (8/9, Hennigan, 4.57M) says "parts of the president's claims are false." Like other outlets, the Times says Trump "did not order the modernization of the nuclear arsenal, President Obama did that in 2014." And while Trump "did launch a top-to-bottom Nuclear Posture Review...just like each of his recent predecessors did when they took office," it "wasn't Trump's first order." Instead, it was issued "a week after Trump took office, and was preceded by more than a dozen orders on other topics." The Wall Street Journal (8/9, Sonne, Subscription Publication, 6.99M) also says the review ordered by Trump in January is a customary action taken by administrations, while a revamp of the nuclear arsenal would require congressional legislation.

Trump, the New York Times (8/9, Qiu, Subscription Publication, 14.49M) reports, "claimed undue credit for revamping the nation's nuclear arsenal, wrongly suggested tremendous progress had been made since he took office, and misrepresented the sequence and scope of his executive actions." An AP (8/9, Baldor) "Fact Check" makes similar claims, adding that Trump's statement about overall nuclear strength is also "debatable," the Washington Post (8/9, Rucker, Wagner, 12.92M) calls it "an inflated claim," and Bloomberg News (8/9, Szyed, 3.08M) reports that "for now, at least, the arsenal is shrinking" under its obligations to the New START treaty.

Glenn Kessler writes in his Washington Post (8/9, 12.92M) "Fact Checker" column that "we wavered between Three and Four Pinocchios, but ultimately tipped to Four, given how Trump tooted his horn inappropriately."

**Gorka: Clinton, Obama “Appeasement” Led To Current Predicament.** During an appearance Wednesday on CBN, the Daily Caller (8/9, 680K) reports, Gorka blamed former Presidents Clinton and Obama for the rise of North Korea, and said the US is now "paying the price of that appeasement of Pyongyang." After CBN anchor David Brody played a 1999 clip of Trump "sounding the alarm on North Korea," Gorka "praised Trump for his foresight," saying he "saw the price of appeasement which happened afterwards during the Clinton administration and then during the Obama administration, and today we are paying the price of that appeasement of Pyongyang."

**Global Stocks End Lower Amid North Korea Fears.** Reuters (8/8, Campos) reports Trump’s "warning to North Korea and Pyongyang's threat of possible armed retaliation drove investors away from stocks and other risky assets" on Wednesday and into "safe-havens like gold and Treasuries." Trump's remarks "weighed on Wall Street" as the Dow Jones Industrial Average fell 36.64 points, or 0.17 percent, to 22,048.7, the S&P 500 lost 0.9 points, or 0.04 percent, to 2,474.02 and the Nasdaq Composite dropped 18.13 points, or 0.28 percent, to 6,352.33. The Washington Times (6/9, Miller, 458K) reports Trump's threatening rhetoric on North Korea "is almost entirely responsible for the pullback," said Randy Frederick, vice president of trading and derivatives for Charles Schwab.

**WPost Recalls Nixon-Era Officer Dismissed For Questioning Nuclear Launch Protocol.** The Washington Post (8/9, Rosenwald, 12.92M) recalls the story of Air Force Maj. Harold Hering, who
in 1973 was training to be "a missleer — the guy who turns the keys to commence nuclear Armageddon." In an interview earlier this year, Hering said, "I assumed there had to be some sort of checks and balances so that one man couldn’t just on a whim order the launch of nuclear weapons." According to the Post, Hering was forced to retire because "he wouldn’t stop questioning the launch protocol." A New York Times (8/9, Subscription Publication, 14.49M) video says that his threat, Trump could have been employing a strategy used by former President Richard Nixon, the "madman theory."

MATTIS WARNS OF NORTH KOREA'S "DESTRUCTION," TILLERSON TELLS AMERICANS TO "SLEEP WELL AT NIGHT." Media reports are contrasting separate remarks made Wednesday by Secretary of State Tillerson and Defense Secretary Mattis regarding North Korea. While Tillerson was cast as urging calm, a warning to the North from Defense Secretary Mattis was described as echoing the President's rhetoric. The Washington Post (8/9, Morello, 12.92M), at any rate, says Tillerson "defended" Trump's forceful "warning to North Korea" even as he "attempted to dismiss concerns that Guam is in any imminent danger." Speaking to reporters aboard a flight home from Asia, Tillerson said, "What the president is doing is sending a strong message to North Korea in language that Kim Jong Un would understand, because he doesn't seem to understand diplomatic language."

Meanwhile, another Washington Post (8/9, Lamothe, 12.92M) story indicates that in remarks that were "notably more measured" than the President's, Mattis warned North Korea Wednesday that its actions "will continue to be grossly over-matched by ours," and that Pyongyang would lose any conflict that it starts with the US. In a statement, Mattis said, "While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth." He added that North Korea "should cease any consideration of actions that would lead to the end of its regime and the destruction of its people."

In its lead story, NBC Nightly News (8/9, lead story, 3:25, Holt, 16.61M) said Mattis delivered "his own more artfully worded, but no less threatening message, warning North Korea against actions that could lead to "the destruction of its people."' Mattis, the Washington Times (8/9, Muñoz, 458K) says, was "echoing the strong language coming from the Trump White House," and The Hill (8/9, Mitchell, 1.61M) says he was "just as tough in tone with North Korea, but it indicated mere threats from Pyongyang, which are routinely made by that country's government, would not lead to military action." Townhall (8/9, Pavlich, 450K) also reports on Mattis' statement.

USA Today (8/9, Brook, 10.05M) reports Mattis also said Trump "was informed of the growing threat from North Korea last December and has since stressed the need to enhance US readiness." But USA Today expresses doubts that the US nuclear arsenal is, as Trump boasted, "now far stronger and more powerful than ever before." While Trump ordered a review of the nation's nuclear weapons programs, any changes take time "usually measured in years and decades, not weeks and months."

The AP (8/9, Lederman), meanwhile, reports that as President Trump in a series of tweets on Wednesday declared the US nuclear arsenal "far stronger and more powerful than ever before," Secretary of State Tillerson was working to calm the North Korea crisis and insisting there wasn't "any imminent threat." Only hours before Trump's tweets, Tillerson urged calm and said Americans should have "no concerns" despite the recent rhetoric. Aboard his plane as he flew home from Asia, Tillerson said, "Americans should sleep well at night. Nothing that I have seen and nothing that I know of would indicate that the situation has dramatically changed in the last 24 hours." The AP says the "mixed messages from Tillerson and Trump put the onus on the North Koreans to decide how to interpret the latest missives from the US."

Bloomberg News (8/9, Kate, Forroochar, 3.08M) similarly reports Tillerson "tried to ease concerns that the US was heading toward a military confrontation with North Korea," and the Washington Times (8/9, Boyer, Taylor, 458K) quotes him as saying, "I do not believe that there is any
imminent threat, in my own view."

Anthony Mason similarly said in the lead story on the CBS Evening News (8/9, lead story, 2:30, 11.17M) that Tillerson "tried to reassure Americans and the world that we are not on the brink of nuclear war," and Bill Neely said on NBC Nightly News (8/9, lead story, 3:25, Holt, 16.61M) that Tillerson is "turning down the temperature."

Cecilia Vega reported on ABC World News Tonight (8/9, lead story, 3:55, Muir, 14.63M) that Tillerson sent "a message of his own…offering very different words" and "striking a much softer tone" than the President. The New York Times (8/9, Baker, Harris, Sullivan, Subscription Publication, 14.49M) likewise says the Secretary sent "a more nuanced message" than Trump, and USA Today (8/9, Wolf, 10.05M) writes that while Tillerson "wants Americans to sleep well at night," his "task as the nation’s chief diplomat facing his first major international crisis is tougher than promoting sweet dreams. He must try to tamp down" Trump’s threat "with an oilman’s background, a depleted senior staff, a threatened budget crunch and a power struggle with the White House."

Dana Milbank writes in his Washington Post (8/9, 12.92M) column that on Tuesday, Trump "delivered remarks about North Korea – words we now know to have been off the cuff – that pushed the world toward a nuclear standoff last seen in the Cuban missile crisis." But "then came Tillerson…to assure us that there is nothing to see. It has become a familiar exercise: walking back, cleaning up and outright contradicting crazy things uttered by the man with nuclear codes." Milbank says that there "have been other such cleanup actions, and there will inevitably be many more, as Trump’s advisers try to convey to the world a perverse message: Rest assured, sleep well – and pay no attention to the president’s yammering."

Along similar lines, Gloria Borger said on CNN’s Anderson Cooper 360 (8/9, 686K), "I think what you saw was Mattis and Tillerson kind of being the shovel brigade here and trying to clean up the mess the President made with his rhetoric. You saw Tillerson trying to tamp down everyone, saying everyone ought to sleep well at night. You saw Mattis – it was a muscular statement from Mattis about America’s military power, but it didn’t draw a red line saying if you threaten us again, watch out. It was kind of more generalized. So there was clearly a recognition that something had to be said after the President. If the President had not spoken, I don’t think you would see those two statements from these two men today."

State Dept.: Administration “Singing From The Same Hymn Book” On North Korea. The New York Post (8/9, Moore, 3.2M) reports State Department spokeswoman Heather Nauert on Wednesday "dismissed a suggestion" that some in the Administration "weren’t fully behind" President Trump’s statements. Nauert said the Administration is "singing from the same hymn book" in its reaction to North Korea. "The United States is on the same page. … We are speaking with one voice," she added. The Washington Examiner (8/9, Gehrske, 403K) reports Nauert also "scolded reporters…for being too interested in the US stance on North Korea." Her comment "rankled some reporters," including Matt Lee of the Associated Press, who said, "We’re not obsessing about this. This is the president of the United States threatening a nuclear-armed country…with ‘fire and fury the likes of which the world has never seen.’ I don’t think it’s obsessing to want to know, to have a further clarification of exactly what that means and whether or not it means that we’re preparing to send ‘fire and fury’ raining down on the North Korean regime."

Washington Post conservative blogger Jennifer Rubin tweeted, “State Dept: US speaking ‘with one voice’ on North Korea… you only say that when you’re not.”

WPost Analysis: Kelly “An Apolitical Force” In Divided White House. The Washington Post (8/9, A1, Costa, Rucker, 12.92M) reports that in an administration that "has split into factions and been ravaged by ideological warfare," Chief of Staff John Kelly has "asserted himself as a rare apolitical force." As Trump "bluntly addressed North Korean threats," Kelly has been "a constant by his side in Bedminster, N.J., keeping a low profile and serving as a neutral mediator more than
a pacifier.” According to the Post, Kelly is “one of a number of generals whom the president has come to rely on for national security guidance,” along with Defense Secretary Mattis and National Security Adviser McMaster.

**NORTH KOREA SAYS IT WILL HAVE PLAN TO STRIKE GUAM DEVELOPED “BY MID-AUGUST.”** Reuters (8/9, Kim, Kim) reports North Korean state-run media said Thursday that Pyongyang will develop a plan “by mid-August to launch four intermediate range missiles” at Guam “before presenting it to leader Kim Jong Un who will make a decision on whether to proceed.” Reuters says the “unusually detailed report on the attack plan marked a further escalation in tensions” between Pyongyang and Washington one day after President Trump warned North Korea would face “fire and fury” if it threatened the US. North Korea called Trump’s threat a “load of nonsense.”

The AP (8/9, Lederman, Pennington) reports North Korea “officially dismissed...Trump’s threats,” calling the President “bereft of reason” and warning “ominously” that “only absolute force can work on him.” Reuters (8/9, Oliphant, Blanchard) quotes the state-run KCNA news agency as saying “sound dialogue is not possible with such a guy.”

The Los Angeles Times (8/9, Kaiman, 4.57M) reports North Korea responded to Trump’s threat with vitriol.” In a statement, the Korean People’s Army threatened to “turn the US mainland into the theater of a nuclear war,” sending “a strong signal that Pyongyang’s nuclear ambitions remain unchecked.”

The Wall Street Journal (8/9, Cheng, Subscription Publication, 6.99M) reports North Korea said it would be “closely watching the speech and behavior of the US,” and USA Today (8/9, James, 10.05M) reports North Korean media said the purpose of the missile launch will be “to interdict the enemy forces on major military bases on Guam and to signal a crucial warning to the US.”

The New York Times (8/9, Sang-Hun, Subscription Publication, 14.49M) reports that “in addition to serving as a warning to the United States, the proposed missile firings would also be a challenge to Japan,” noting that “some of the North Korean missiles launched in recent months have fallen in waters near Japan.” The New York Post (8/9, Brown, 3.2M) also reports North Korea’s response, and the Los Angeles Times (8/9, King, 4.57M) notes that “at a distance of about 2,100 miles, Guam lies closer to North Korea than any other US territory.”

The AP (8/9, Bordallo, Bussewitz), meanwhile, reports Guam residents “say they’re afraid of being caught in the middle of escalating tensions between the US and North Korea,” but “local officials downplayed any threat.” Secretary of State Tillerson was also “unruffled as he headed to Guam to refuel on his trip back to Washington from Malaysia.” Said Tillerson, “I do not believe that there is any imminent threat.”

**Media Analyses: US Missile Defenses Lack Real-World Tests.** Martha Raddatz said on ABC World News Tonight (8/9, story 2, 0:55, Muir, 14.63M) that while Trump’s statement “was a surprise to many” and “war is the last thing anyone at the Pentagon wants to see happen,” Pacific Command has been updating its “war planning, and they are certainly focusing on defensive measures.” Reuters (8/9, Stone) reports that the US military says its missile defense system and network of radars “allow it to successfully track and destroy incoming warheads,” but “test conditions do not accurately mimic those of wartime and critics are skeptical the country can truly defend itself.” On May 30 the Missile Defense Agency held its 10th successful test, in 18 attempts, of the Ground-based Midcourse Defense (GMD) system, but the test “took place during daytime and intercepted a single incoming missile. Few experts expect either of those assumptions to be likely if North Korea launched an attack.”

The CBS Evening News (8/9, story 2, 2:10, Mason, 11.17M) reported the US is “scheduled to conduct an annual military exercise in South Korea later this month,” and Cynthia McFadden reported on NBC Nightly News (8/9, story 2, 3:35, Holt, 16.61M) that the Pentagon has already
prepared a "specific strike plan for a preemptive attack" that would involve B-1 bombers targeting "approximately two dozen North Korean missile launch sites and support facilities, which intelligence officials tell NBC News they feel confident they have accurately identified."

North Korea Frees Jailed Canadian Pastor. The New York Times (8/9, Choe, Subscription Publication, 14.49M) reports that Canadian pastor Rev. Lim Hyeon-soo, who had been sentenced to hard labor for life in North Korea, was released on humanitarian grounds on Wednesday, North Korean state-run media said. Lim was sentenced in December 2015 after the nation’s Supreme Court convicted him of carrying out "subversive plots" and committing "activities against" the country. North Korea gave no further details about his release.

US OFFICIALS CONCERNED QATAR BOYCOTT COULD IMPEDE FIGHT AGAINST ISIS. The Washington Post (8/9, Raghavan, 12.92M) reports that Qatar is "defiantly weathering a boycott" by Saudi Arabia, the UAE, Bahrain, and Egypt, "in a deepening crisis that has roiled the region and threatened U.S. interests." Two months into the boycott, Qatar "has used its billions to strengthen its economy and security," and has "announced reforms and bolstered ties with Turkey and Iran that could potentially reshape the region and its alliances for years." While US efforts "to mediate between its close allies have not succeeded," the "crisis is acrimoniously playing out in diplomatic and legal venues." The Post adds that there is growing concern among US officials that "the diplomatic row could hamper efforts to fight the Islamic State in Iraq and Syria."

NYTIMES ANALYSIS: TALIBAN LEADER KILLED BY DRONE STRIKE FEARED PAKISTAN’S BETRAYAL. In an analysis, the New York Times (8/9, Gall, Khapalwak, Subscription Publication, 14.49M) reports on a series of interviews with a former Taliban commander and two senior Afghan officials about Mullah Akhtar Muhammad Mansour, a Taliban leader killed by an American drone strike in May 2016 who feared for his life after "a dangerously widening rift with his Pakistani sponsors." The Times highlights Mullah Mansour’s reliance on Pakistan’s intelligence agency, the ISI, for financing of the Taliban and how his resistance to ISI orders to destroy Afghan infrastructure and to change Taliban leadership led to Pakistan’s likely alerting the US of his presence in what many in the Taliban saw as "a devastating betrayal by their longtime patron and sponsor."

HALEY WILL TRAVEL TO VIENNA TO DISCUSS IRAN’S NUCLEAR ACTIVITY. Reuters (8/9, Nichols) cites a "US official" who said Wednesday that Ambassador Haley "will travel to Vienna later this month to discuss Iran’s nuclear activities...as part of Washington’s review of Tehran’s compliance with a 2015 nuclear deal." According to the official, Haley will "meet with International Atomic Energy Agency (IAEA) officials and the US delegation in Vienna to further explore the extent of Iran’s nuclear activities."

STATE DEPARTMENT: PUTIN VISIT TO GEORGIA WAS “INAPPROPRIATE.” Reuters (8/9) reports that in a statement Wednesday, the State Department said Russian President Vladimir Putin’s visit "to the breakaway Georgian region of Abkhazia was ‘inappropriate.’" The statement came after Putin visited the region Tuesday "and assured it of Moscow’s military support, an act of defiance to Western governments that have condemned Russia’s backing for separatists."

NYTimes A1: Putin Desires Innovation But Is Jailing Entrepreneurs. In a front-page story, the New York Times (8/9, A1, Higgins, Subscription Publication, 14.49M) reports on what it says are "the tensions" between Russian President Vladimir Putin’s "aspirations for a dynamic private sector and his determination to enhance the powers of Russia’s security apparatus." The Times highlights the case of Dmitri Trubitsyn, "a young physicist-entrepreneur with a patriotic reputation," who is seen "as an exemplar of the talents, dedication and enterprise that...Putin has hailed as vital for Russia’s future economic health," but is facing "eight years in jail after a recent raid on his home and office." Trubitsyn, "whose company, Tion, manufactures high-tech air-purification systems for homes and hospitals, is accused of risking the lives of hospital patients, and trying to lift profits, by upgrading the purifiers so they would consume less electricity," and
doing so "without state regulators certifying the changes."

**US IMPOSES NEW SANCTIONS ON VENEZUELA.** *Fox News' Special Report* (8/9, 1.53M) reported the US is imposing new sanctions on Venezuela after "President Nicolas Maduro's creation" of a new assembly, which the US is calling an "illegitimate" move "to further his dictatorship." The sanctions, which mostly target members of the assembly, freeze any assets they may have in the US and prevent Americans from doing business with them.

*McClatchy* (8/9, Mazzei, 95K) says the sanctions hit eight more Venezuelans tied to the Maduro government. They are: "Adán Chávez, brother of the late president and former governor of the state of Barinas; Francisco Ampíelí, governor of the state of Carabobo and leader of the United Socialist Party of Venezuela (PSUV); Tania D'Amelio Cardiel, member of the National Electoral Council; Hermann Escarrá, constitutional attorney and constituent assembly delegate; Erika Farías, minister for urban agriculture; Vladimir Lugo Armas, colonel with the Bolivarian National Guard and head of legislative palace security accused of being involved in several acts of violence against opposition lawmakers in parliament; Carmen Meléndez Rivas, constituent assembly delegate; Ramón Darío Vivas Velasco, constituent assembly delegate and PSUV leader.

The *AP* (8/9, Goodman, Olson) reports that while the new sanctions "brings to 30 the number of government loyalists targeted for human rights abuses and violations of democratic norms since anti-government protests began in April," as "the list of targeted individuals grows longer, promised economic sanctions have yet to materialize amid an outcry by the US oil industry that a potential ban on petroleum imports from Venezuela... would hurt US jobs and drive up gas costs."

**US EXPELS TWO CUBAN DIPLOMATS AFTER ALLEGED PLOT TO DEAFEN EMBASSY STAFFERS.** *Fox News' Special Report* (8/9, 1.53M) reported the State Department says it has expelled two Cuban diplomats from the country's embassy in Washington after a "series of incidents" that left American diplomats in Havana experiencing physical symptoms, including potentially permanent hearing loss, according to a report by Associated Press. Bret Baier said the AP reported that Cuba may have placed sonic devices that produce non-audible sound near the residences of several embassy staffers "with the intent of deafening them." *CNN* (8/9, Labott, Oppmann, Koran, 44.83M) reports on its website that the affected employees "were not at the same place at the same time, but suffered a variety of physical symptoms since late 2016 which resembled concussions." While the State Department "raised the incidents with the Cuban government over the course of several months and sent medical personnel to Havana," it has "not been able to determine exactly what happened."

*Reuters* (8/9) reports that State Department spokesman Heather Nauert told reporters that as a result of the incidents, on May 23, the US "asked two Cuban officials in Washington to leave the country and they have done so." The *Washington Post* (8/9, Gearan, 12.92M) says that while Nauert "linked" the incidents "to the decision to expel two Cubans," she "did not directly blame the Cuban government for harming the Americans."

**NETANYAHU SLAMS MEDIA, ISRAELI LEFT.** *Reuters* (8/9, Amichay) reports that Israeli Prime Minister Benjamin Netanyahu "accused his leftists opponents and the country's media on Wednesday of trying to oust his government by pressuring investigators to indict him 'at any cost'"—referring to stories about his being questioned by police over alleged political "gifts" and conversations with a publisher. Before a rally of his right-wing Likud party, Netanyahu said, "The media and the left, which serves it... contrive endless scandals, endless reports and endless headlines so that maybe, maybe something will stick."

**KENYAN PRESIDENT SEIZES LEAD IN VOTE COUNT AMID OPPONENT'S CLAIMS OF ELECTION FRAUD.** The *Washington Post* (8/9, Sieff, 12.92M) reports that Kenyan President Uhuru Kenyatta "took what appeared to be an unassailable lead" Wednesday in his bid for reelection, leading with 54 percent of the vote with 93 percent of votes tallied — a result mined by
claims made the morning following the election by his opponent Raila Odinga that the outcome was “a complete fraud” and the result of an elaborate hacking scheme. On Wednesday, “small-scale demonstrations” protesting the outcome “popped up in the capital, Nairobi, and in parts of western Kenya, and police fired tear gas to break up at least one protest in the city of Kisumu.” Some observers fear more “political violence.”

To keep the email to a manageable size, the national news summary is available on the website.

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TO: THE SECRETARY AND SENIOR STAFF
DATE: THURSDAY, AUGUST 10, 2017 5:00 AM EDT

TODAY'S EDITION

Leading DHS News
Trump-backed Immigration Bill Draws Significant Support; Poll (WT)..............................5
Where Americans Stand On Immigration (CBSNEWS).................................................5
Dianne Feinstein: Trump’s New Immigration Policy Is Nativist (FORTUNE)......................6
Cal Thomas: An Immigration Plan That’s Finally Based On Common Sense (FOX)............6
Trump’s Immigration Vision Isn’t The Reagan Way (WP)..............................................7
Rachel Marsden Column: Trump’s Immigration Reforms Would Empower The Individual (RCHTD).............................................................9
What You Should Know About Legal Immigration In The U.S. (MYAJC).........................9

Border Wall
White House Pitched For Wall Money — And No Shutdown (POLITICO).........................9
Democrats Threaten Gov’t Shutdown To Block Border Wall (BREITBART)........................11
South Texas Representatives Question Trump Plan To Build Border Wall Through South Texas Refuge (SAEXPNWS)..............................................11

Border Security
CBP Sets Biometric Tech At More Airports (FCW) .........................................................12
Mexican Man Deported In 2011 Is Arrested At Arizona Border (AP).................................12

Immigration Policy
Audio: ICE, Homeland Security Outreach Program Ignites Concern Over Patient Information (SCPR).................................................................13
Texas Loses Bid To Head Off Anti-sanctuary City Law Challenge (WT).............................13
Judge Tosses Texas Request To Declare Anti-sanctuary Law Constitutional (HUFFPOST)....14
Federal Judge Tosses Paxton’s Preemptive SB4 Lawsuit (HC)...........................................15

Trump’s Immigration Policy Raises Old Fears For Congress’s Children Of Immigrants (WP).......15
Politicians Rally To Ensure Obama-Era Program Isn’t Dismantled (DENP)..........................18
Trump Was Right To Let Dreamers Stay; Congress Should, Too (DENP)............................18
Sen. Grassley Wants Immigration Files Of House IT Leakers (TWNHALL)..........................19
Chicago Sues Trump Administration Over Sanctuary City Crackdown (NTLRVW)...............19
Judge Andrew Napolitano: The Truth About Sanctuary Cities And The Rule Of Law (FOX) .20
Newt Gingrich: Rahm Emanuel Is The Renegade Mayor Of A Renegade City (FOX) ............21
Sanctuary Cities Vs. Hideouts (WT)...............................................................................22
How Chicago Could Beat Trump In Court (VICE)..................................................................23
Sanctuary Cities & Federalism: Conservatives Shouldn’t Commandeer Local Law Enforcement (NTLRVW).................................................................24
Safety, Profiling Concerns Swirl Over Immigrant Detainer Bill (BERKE).........................25
‘I Can Have You Killed’: Afghan Woman Fears Husband After US Denies Asylum (GUARD) ..26
After Long Wait For Asylum, Somali Reunites With Brother In Nebraska (SDUT).............27
Newspaper Gives Warning About ICE Program (CALLER).............................................28
New Mexico County To Keep ‘immigrant Friendly’ Policy (AP).........................................28
College Park Postpones Decision On Allowing Noncitizens To Vote (WP).........................29
Lawyer Says R.I. Case Establishes Landmarks In Immigration Battles (WESTSUN)............30
Judge Blocks Law Requiring Birth Certificates To Marry (AP)..........................................30
Why Latinos Are Leaving Some Southern Counties (AP)................................................30
Does It Make Sense To Target ‘Criminal’ Undocumented Immigrants? (NSWK)..................32
Threatened By Trump, But United By Football (CHIT)......................................................33
U.S. Firms Wary Of Hiring Foreign Tech Workers (MERCON) ...........................................34

Immigration Enforcement
Illegal Immigration: ICE Raids Sweep Up Non-Targets (TIME) ............................................35
Deportation Slowdown (POLITICO) .................................................................35
ICE In San Diego On Pace To Deport Fewer People Than Last Year, Most Without A Criminal Record (SDUT) .................................................................38
Deportation Orders Jump 31 Percent Under President Trump (FOX) .....................................39
ICE Agents Target Sex Offenders On Long Island, Including Hampton Bays And East Hampton (EASTHAMP) .................................................................39
Justice Department ‘Too Busy With Litigation’ To Denaturalize Illegal Immigrants Who Wrongly Received Citizenship (WASHEX) .................................................40
Connecticut Father Speaks About The Decision To Take Sanctuary In Church (WRTCYTV) ...........41
Yuba City Indian Immigrant With No Criminal Record Detained By ICE For Deportation (SACBEE) .................................................................41
Yuba City Father Detained By Immigration Authorities Is Free, But Has Three-Months To Self-Deport To India (SACBEE) .................................................................43
Ann Arbor Restaurant Refused Kitchen Entry To ICE Agents, Owner Says (MLIVE) .......................43
Deportation Order Splits Oakland Family And Highlights Shift Under Trump (SFC) .........................44
ICE Raids Dunbar Mexican Restaurant (HUNTNW) .............................................................45
West Haven Undocumented Immigrant Released From ICE Detention (NHR) ............................45
SoCal ACLU Says Minors Shouldn’t Go Before Immigration Judge Without Lawyer (KABCTV) ....46

Criminal Investigations
SWAT Team OK After Suspected Fentanyl Exposure During Raid (AP) .......................................47
18 SWAT Officers Hospitalized After Possible Exposure To Fentanyl During Raid (CBSNEWS) ....47
5 Firearms, $650,000 In Cash Seized At Puerto Rico Airport (AP) ..............................................47
Laredo Man Pleads Guilty To Role In Immigrants’ Kidnapping (DMN) ........................................48
Canadian Man Sentenced To 6 Months For Human Smuggling Ring (AP) ....................................48

Aviation Security
Maryland To Offer TSA PreCheck, Maritime ID Services At Six MVA Locations (BSUN) .................48
TSA PreCheck Mobile Enrollment Center Rolls Into Syracuse To Ease Travel Delays (SYPS) ........48
ISIS Airmail: The Bomb Shipped From Turkey To Australia (WSJ) ...........................................49

Secret Service
Clarification: Trump-Flight Restrictions Story (AP) ..............................................................49

Emergency Response
Hurricane Season In Atlantic Expected To Be ‘Above-normal,’ With 2 To 5 ‘Major Storms,’ Forecasters Say (FOX) .................................................................50
‘Heed The Warnings.’ This Hurricane Season Is Looking Worse Than Usual (TIME) ..................50
NOAA Issues Updated Hurricane Season Outlook (WEARTV) ..............................................51
NOAA Changes Official Outlook For Hurricane Season (BRVLH) ...........................................51
NOAA Pushes Hurricane Numbers Up (KATCTV) .............................................................52
Take Time To Be Prepared (SUFFOLK) ................................................................................52
Extremely Active’ 2017 Hurricane Season: Updated Maryland Forecast (TOWSPTC) ..................53
NOAA Predicts Greater Chance Of Above-normal Hurricane Season (WWLTV) .......................54
NOAA Releases Bleak Update On Hurricane Season, Now Forecast To Be Most Active Since 2010 (TAMPATIM) .................................................................54
Forecasters Boost Number Of Hurricanes Expected This Season (NSDY) ....................................55
Atlantic Hurricane Season Could Be Busiest Since 2010 (CNN) ................................................56
Trump Approves Disaster Assistance For New Hampshire (USNEWS) .....................................57
Questions For Rep. Mike Rogers’ Town Hall (ANNSTR) ..........................................................57

Coast Guard
Coast Guard Rescues Navy Pilot After Crash Off Florida Keys (AP) ...........................................58

Cyber News
Danny Toler To Retire As DHS Deputy Assistant Secretary For Cyber, Communications (EXECGY) .................................................................58
Russia Is Continuing Its Cyberattack On America Right Now (MOJO) ........................................59
Hackers Looking To Shut Down Factories For Pay (AP) ..........................................................60
Malware Encoded In DNA Can Hack Gene-Sequencing Software (WIRED) ................................61
SEC Finds Lax Self-Enforcement Of Cyber Policies While Noting Overall Progress By Brokers (INSCYBER) .................................................................62
AnchorFree Disputes Privacy Risk Claims Against Hotspot Shield VPN (EWEK) .........................62
Critics Say Vote Fraud Panel Could Create Target For Hackers (AP) ........................................63
U.S. CISO Grant Schneider Gets Second Role As As National Security Council’s Cyber Director (FEDSCOOP) .................................................................64
Another Federal CIO Leaves. Here's Who Remains. (NEXTGOV) .................. 65
Hackers Allegedly Tried To Trick HBO With Altered Document (CNET) .................. 65
Password Expert Says He Was Wrong: Numbers, Capital Letters And Symbols Are Useless (USAT) .................. 66

Other DHS News
Trump Is 'Really Interested' In Coal Payments (BLOOM) .................. 66
Trump Is 'Really Interested' In Appalachian Coal Payments, West Virginia Gov. Jim Justice Says (BLOOM) .................. 67
As Washington Debates How To Counter Terrorism, Minnesota Groups Press Ahead (MINNST) .................. 68
Now You Can Delay Getting New Federally Approved SC ID, But You Shouldn't (SCSTATE) .................. 69
Sawmill Fire Inquiry Is Turned Over To U.S. Attorney's Office (AZDLY) .................. 70
Mom Says DHS Agent Pointed Gun At Her On I-15 (KGTTVT) .................. 71

Global Media
Qatar Waives Visas For 80 Nationalities Amid Gulf Boycott (REU) .................. 72
Canada To Set Up Border Camp As Number Of Asylum Seekers Swells (REU) .................. 72
Canadian Army Builds 500-Person Border Camp As Asylum-Seeker Numbers Rise (GUARD) .................. 72
Canadian Army Enlisted To Build Shelter For Asylum Seekers In Quebec (GLOBMAIL) .................. 73
Troops Set Up Tents At Border; Old Royal Vic To Shelter Asylum Seekers (CTVNEWS) .................. 73
Canada, In Fact, Removed Special Status For Haitians Long Before The U.S. (EDMONSUN) .................. 74
Up To 50 Migrants 'Deliberately Drowned' Off Yemen, UN Says (AP) .................. 75

Terrorism Investigations
Miami-Dade's Anti-terrorism Squad Coming To Metrorail, County Buildings (MH) .................. 76
Car Rams Into Soldiers In Paris Suburb, Suspect Arrested After Manhunt (REU) .................. 76
Man Ambushes French Soldiers In Car Attack, Later Arrested (AP) .................. 77
Man In Jewish Community Bomb Threats Allegedly Sold Services On Dark Web (NBCNEWS) .................. 78
Ellison: Trump's Failure To Mark Minnesota Mosque Bombing An 'Outrage' (HILL) .................. 78
Ellison Calls On Trump To Condemn Minnesota Mosque Bombing (AP) .................. 79
Seriously: Denmark Promotes 'Hug A Jihadi' Program To Combat Radicalization (TWNHALL) .................. 79

National Security News
Trump's Threat To North Korea Contrasts With Calm Reassurances Of Other Administration Officials (WP) .................. 80
Trump's Threat To North Korea Was Improvised (NYT) .................. 81
Trump Chose 'Fire And Fury' Warning For North Korea: White House (WT) .................. 82
Trump Goes With His Gut To Shake Up Strategy Toward North Korea (BLOOM) .................. 82
Trump Aides Downplaying His North Korea Threat As 'Impromptu' (POLITICO) .................. 83
President Donald Trump's Blunt North Korea Talk Raises Fears Of Nuclear War (MCT) .................. 85
Trump's 'Fire And Fury' Threat Raises Alarm In Asia (NYT) .................. 86
With 'Fire And Fury,' Trump Revives Fears About His Possession Of Nuclear Codes (WP) .................. 87
Trumpian Fury On North Korea (WSJ) .................. 89
Donald Trump And Kim Jong Un, Stop Breathing Fire (USAT) .................. 89
Trump Boasts U.S. Nuclear Arsenal Is 'More Powerful Than Ever' (WSJ) .................. 90
Fears Of Missiles, And Words (NYT) .................. 90
Once Again, Trump Has Done All He Can To Divide Us (WP) .................. 91
Trump Sparks Debate Over War Resolution For North Korea (HILL) .................. 91
Humphrey Says Trump 'Seriously Sick,' 'Dangerous,' Should Be Removed From Office (WMURTV) .................. 93
Former N.H. Senator Wants Commission To Determine Trump's Mental Health (BOSGLOBE) .................. 94
In Trump's North Korea Warnings, His Military School Classmates Hear Echoes Of The 1962 Cuban Missile Crisis (WP) .................. 94
JFK Rose To The Nuclear Challenge. Can Trump? (WP) .................. 95
Trump Makes False Claims About U.S. Nuclear Arsenal (LAT) .................. 96
U.S. Is Overhauling Its Nuclear Arsenal (WSJ) .................. 97
Trump Claims Undue Credit For Revamping Nuclear Arsenal (NYT) .................. 97
Trump Warns N. Korea: U.S. Nuclear Arsenal Is 'More Powerful Than Ever Before' (WP) .................. 98
Trump's Nuclear Weapons Arsenal Isn't Any Different Than Obama's (BLOOM) .................. 100
Trump's Claim That U.S. Nuclear Arsenal Is 'Now Far Stronger And More Powerful' (WP) .................. 100
Gorka Blames Clinton And Obama For NK (CALLER) .................. 101
Investors Seek Safety As North Korea Tension Escalates; Global Stocks End Off Lows (REU) 101
Trump’s War Talk Blamed For Stock Market Drop (WT) .................................................. 101
What If The President Ordering A Nuclear Attack Isn’t Sane? A Major Lost His Job For Asking. (WP) ................................................................. 102
As Tillerson Tries To Assuage Americans’ Fear, Trump Highlights U.S. Nuclear Arsenal (WP). 103
Mattis Warns North Korea That Its Actions ‘Will Continue To Be Grossly Overmatched’ By The U.S. (WP) ...................................................... 104
Mattis: North Korea Aggression Would Lead To ‘End Of Its Regime And The Destruction Of Its People’ (WT) .................................................. 104
Mattis Warns North Korea Of ‘ Destruction Of Its People’ (HILL) ........................................ 105
Mattis Warns Kim Jong Un: Don’t Continue Threats That Would Force Regime Change (TWNHALL) ................................................................. 106
Trump, Mattis Warnings To North Korea Backed By Aging But Potent Nukes (USAT) ............ 106
Trump Touts Nuke Strength As Tillerson Urges Calm On NKorea (AP) ................................. 107
Tillerson Seeks To Calm Tension In Asia After Trump’s Korea Remarks (BLOOM) ................ 108
Rex Tillerson, James Mattis Back Up Donald Trump’s Message To North Korea (WT) ............ 110
War With North Korea Not Imminent, Officials Say, But U.S. Would Still Win (NYT) ............ 111
To Tame North Korea, Secretary Of State Rex Tillerson Must Master Washington (USAT) .... 112
The Trump Cleanup Patrol Just Had Its Biggest Job Yet (WP) ................................................ 113
Trump Administration ‘Singing From The Same Hymn Book’ On North Korea: State Dept. (NYPOST) ................................................................. 114
State Department Scolds Reporters For ‘Obsessing’ Over North Korea (WASHEX) ............... 115
Even In North Korea Crisis, Retired General John Kelly Is An Apolitical Force In A White House Divided By Ideology (WP) .................................................. 115
North Korea Will Develop Guam Strike Plan By Mid-August: KCNA (REU) ......................... 117
NKorea Dismisses Trump’s Threat, Warns Of ‘Absolute Force’ (AP) ......................................... 117
North Korea Calls Trump’s Warming A ‘Load Of Nonsense’ (REU) ...................................... 118
North Korea Threatens To Turn U.S. Mainland Into A ‘Theater Of Nuclear War’ (LAT) ........ 118
North Korea Threatens To Surround Guam With An ‘Enveloping Fire’ (WSJ) ....................... 118
North Korea ‘Examining’ Missile Launch toward Guam (USAT) ............................................ 118
North Korea Says It Might Fire Missiles Into Waters Near Guam (NYT) ............................... 119
North Korea Sets Mid-August Deadline For Attacking Guam (NYPOST) ............................. 120
Tiny Pacific Island Finds Itself In The Crosshairs Of North Korea. Why Guam? (LAT) .......... 120
Guam’s Worries Grow As Tensions Rise Between US, North Korea (AP) ............................. 121
Lack Of Real-world Testing Raises Doubts On U.S. Missile Defenses (REU) ......................... 122
North Korea Frees Canadian Pastor Sentenced To Life Of Hard Labor (NYT) .......................... 122
Two Months Into Saudi-Led Boycott, Tiny Qatar Goes On The Offensive (WP) ..................... 123
Taliban Leader Feared Pakistan Before He Was Killed (NYT) ............................................... 124
Exclusive: U.S. Envoy To U.N. Will Go To Vienna To Review Iran Nuclear Activities – U.S. Official (REU) ................................................................. 125
Putin’s Visit To Breakaway Georgian Region ‘Inappropriate’: U.S. (REU) ............................... 126
Russia Wants Innovation, But It’s Arresting Its Innovators (NYT) ....................................... 126
U.S. Sanctions 8 More Venezuelans Tied To Maduro (MCT) ............................................... 127
US Oil Industry Pushes Back On Sanctions Against Venezuela (AP) .................................... 129
US Expels 2 Cuban Diplomats After Incidents In Cuba (MH) ................................................. 130
US Embassy Employees In Cuba Possibly Subject To ‘Acoustic Attack’ (CNN) ..................... 131
U.S. Says Two Cuban Diplomats Expelled After ‘Incidents’ In Havana (REU) ....................... 131
U.S. Expelled Two Cuban Diplomats After Embassy Employees In Cuba Developed Unexplained Ailments (WP) ...................................................... 131
Netanyahu Accuses Israeli Left, Media Of Trying To Oust Him (REU) ..................................... 132
Kenya’s President Takes Strong Lead In Election Count As Opposition Claims Results Hacked (WP) ................................................................. 132
National News
Trump Aide Blames Mitch McConnell For ‘Excuses’ On Failing To Repeal Obamacare (USAT) .... 133
President Trump Hits Back At McConnell: You’ve Had Seven Years To Repeal Obamacare And Failed (TWNHALL) ...................................................... 134
Trump Hits McConnell For Senate Crash Of Obama Health Repeal (AP) ............................. 134
Mitch McConnell’s ‘Excessive Expectations’ Comment Draws Trump’s Ire (NYT) ................... 135
Trump, McConnell Talked On Phone Before Public Shaming Over ‘Excessive Expectations’ Comment: Report (WASHEX) ........................................ 136
Trump Criticizes McConnell For Failure To Advance Health-Law Reform (WSJ)..........................136
Trump Bridles At Criticism From GOP Senate Leader McConnell, Fires Back (LAT).............136
Donald Trump Just Picked A Dumb Fight With Mitch McConnell (CNN).................................137
President Trump Berates Majority Leader Mitch McConnell In Twitter Tirade (WT)...............137
Donald Trump Fires Back At Mitch McConnell For ‘Excessive Expectations’ Comment (BREITBART).................................138
Even On Break, A Congress Weary Of Trump Gets No Respite From Him (NYT)..................138
White House Aide Piles On McConnell Criticism (CQRC).......................................................139
McConnell, Trump Point Fingers (HILL)......................................................................................139
Trump Attacks McConnell Over ‘Excessive Expectations’ Remark (BLOOM).........................141
White House Social Media Director Fires Back At McConnell (POLITICO)..............................141
Trump Pushes Back On McConnell’s Assertion He Has ‘Excessive Expectations’ For Congress (POLITICO)...........................................142
Hannity Slams McConnell As Spineless Hours After Vowing Not To Start ‘petty Political Disagreements’ (POLITICO)............................142
Trump Administration Shifts Tone On Obamacare, Signals Openness To Bipartisan ‘Fix’ (LAT) 143
Why The GOP Might Kill The Filibuster After All (WP)..............................................................143
Wisconsin Sen. Ron Johnson Suggests John McCain’s Health May Have Affected His Obamacare Vote (USAT)..............................................144
Sen. Ron Johnson Apologizes For Suggesting John McCain’s Brain Tumor Played Role In Health Care Vote (WT)........................145
Bipartisan Health Policy Coalition Urges Congress To Strengthen The ACA (WP)..............145
Trump’s Hiring Freeze Falls Flat With Government Reformists (WT)........................................146
Trump Friend Tom Barrack Said To Be In Talks To Become Ambassador To Mexico (POLITICO)148
Manafort’s Home Searched As Part Of Mueller Inquiry (NYT)..............................................148

FBI Agents Searched Former Trump Campaign Chair’s Home (AP)......................................148
FBI Searches Home Of Paul Manafort, Former Trump Campaign Chairman (USAT)..............149
FBI Raided Home Of Paul Manafort In Russia Probe (WSJ)....................................................149
FBI Conducted Predawn Raid Of Former Trump Campaign Chairman Manafort’s Home (WP)149
The FBI Raided Manafort’s Home (TWNHALL)............150
Manafort FBI Raid: Questions For Mueller (NTRVW).................................................................150
FBI Raided Former Trump Campaign Manager’s Home In Russia Probe (REU)......................151
FBI Raids Home Of Former Trump Campaign Chairman Manafort (WT)..............................151
FBI Raided Manafort’s Virginia Home In Russia Probe (POLITICO)........................................152
FBI Agents Raided Manafort’s Home In July (HILL).................................................................153
Feds Sought Cooperation From Manafort’s Son-in-law (POLITICO).........................................153
Fusion GPS Turns Over Documents To Senate Panel (CALLER)............................................154
Watchdog Files FEC Complaint Of DNC Work With Ukraine (HILL)........................................155
Russian Surveillance Plane Creates Buzz In Washington (AP)............................................156
Russian Spy Plane Trolls Trump With Flight Over D.C., New Jersey (POLITICO).......................156
Transgender Service Members Sue Trump Over Military Ban (MCT).......................................157
Transgender Military Personnel Sue Trump Over Service Ban (REU)......................................158
5 Transgender Service Members Sue Trump Over Military Ban (NYT)....................................158
Ex-Sheriff Joe Arpaio: I’d Take A Pardon From President Trump (USAT)..............................159
Anti-immigration Firebrand Joe Arpaio Hasn’t Said Whether He’ll Seek A Pardon From His Ally In The White House (AP)..............160
The Sea Level Did, In Fact, Rise Faster In The Southeast U.S. (NYT).......................................160
Baltimore Slow To Pick Up Pieces Amid Police Scandals And Surging Violence (NYT).........162

LEADING DHS NEWS

Trump-backed Immigration Bill Draws Significant Support: Poll
By Stephen Dinan
Washington Times, August 9, 2017

Americans generally favor a more selective legal immigration system that would reward those who speak English and those who bring desired skills to the U.S., according to a new poll released Wednesday that could boost the new immigration bill President Trump is backing.

The Morning Consult/Politico poll found 62 percent support for giving would-be immigrants who can speak English a leg up, and found 61 percent support for creating a point-based system to select new employer-based immigrants.
Some 54 percent also said they want the government to weigh an immigrant’s need for taxpayer assistance in deciding whether to admit someone.

Cutting the actual total number of legal immigrants from 1.1 million a year to about 500,000 a year is more controversial, with a plurality of 48 percent supporting it and 39 percent opposing it.

Those are all parts of a new bill introduced by GOP Sens. Tom Cotton of Arkansas and David Perdue of Georgia, known as the RAISE Act. Mr. Trump embraced the bill at a White House ceremony last week.

Democrats and immigrant-rights groups have blasted the new bill, saying it betrays American values on immigration by tightening the screens. Voters, though, seem to generally side with the bill’s authors.

The bill would severely limit family chain migration from the expansive current system, which allows immigrants to sponsor parents, brothers, sisters and adult children. Under the bill, just immediate families of spouses and young children could be sponsored.

The legislation would also impose a point system to shape the pool of new work-based visas, giving higher ratings to newcomers who bring skills the government deems beneficial to the economy.

The new bill would also nix the diversity visa lottery that gives away some 50,000 visas a year based on chance.

According to the new poll, voters generally are supportive of legal immigration, with two-thirds of respondents saying they “strengthen our country because of their hard work and talents.” Just 20 percent said legal immigrants were a drain on the U.S.

But when it comes details, voters are less unified. When asked if the U.S. was letting in too many, too few, or the right amount of immigrants in various categories, there was no clear majority for any of the positions.

Where Americans Stand On Immigration

By Jennifer De Pinto

CBS News, August 9, 2017

From “60 Minutes” Return to Newtown: 4 years later Producer: “Stories don’t just go away after we finish” CDC “quarantines” its own equipment. Architect Peter Marino calls his tattooed biker look “a decoy Why art is the center of Peter Marino’s universe

Immigration was one of the topics covered in the latest CBS News Poll – here’s a closer look at those findings. There is division among the American public on some of the components of recently unveiled proposals for legal immigration endorsed by President Trump, but most remain opposed to a border wall.

Forty-six percent of Americans prefer the U.S. give priority to immigrants based on education, job skills and work experience, while 44 percent think those with family members here should be given priority.

When the CBS News poll last asked this question in 2013, nearly six in 10 thought priority should be given based on education and work skills.

Indicative of how opinions are often shaped by partisanship these days, this shift in opinion is largely due to changing views among Democrats (and independents). Now, more than half of Democrats (54 percent) think family members should have priority but four years ago a majority (57 percent) thought entry in the U.S. should be based mostly on education and work skills. Republicans’ views have held steady with most saying preference should be based on education and work skills.

Americans are less supportive of requiring legal immigrants to speak English when they arrive in the U.S. More than half oppose (55 percent) such a requirement. Older Americans are likely than those who are young.

Overall, Americans feel legal immigration into the U.S. should be kept at the level it is (43 percent), rather than increased (23 percent) or decreased (30 percent). Republicans are more likely than Democrats and independents to want legal immigration decreased.

As for the President, Mr. Trump gets negative marks on his handling of the issue of immigration – 57 percent disapprove.

Most Americans continue to oppose a wall along the southern border of the U.S. to help stop illegal immigration, although seven in 10 Republicans favor it.

And even if the wall is built, 85 percent think the U.S. will foot the bill, up six points from January. Only one in 10 think Mexico will pay.
Those who support the border wall also don’t think Mexico will pay for it – 70 percent say it will be the U.S. Just 23 percent believe Mexico would end up paying.

**Dianne Feinstein: Trump’s New Immigration Policy Is Nativist**

By Dianne Feinstein

*Fortune*, August 9, 2017

The Republican immigration bill unveiled last week—the RAISE Act—betrays our country’s values. It’s a thinly veiled attempt to make it nearly impossible for all but the wealthiest, most privileged people to immigrate to the U.S., barring families from reuniting and discounting employers’ input on the workers they need to be successful.

The bill’s supporters describe it as a move toward merit-based immigration, but the devil is in the details. The bill makes crystal clear that these wholesale changes to our immigration system are designed to appeal to the most nativist elements of Trump’s political base and keep immigrants out.

Under the bill, immigrants earn points by meeting strict criteria set by the federal government. If applicants earn enough points, they are eligible to apply to be included in a pool of immigrants seeking a green card. The criteria place arbitrary preferences on applicants aged 26 to 30, those with advanced degrees in STEM fields, and importantly, those who can buy extra points by making various financial investments.

One of the few workarounds for those who don’t meet these qualifications is winning an individual Olympic medal; medals in team sports don’t pass muster.

Many families who have achieved the American dream would never have been allowed to come to our country under this proposal. They include the founders of Fortune 500 companies, Trump’s ancestors, and even my own family.

At age 14, my paternal grandfather fled Poland to escape the pogroms that killed tens of thousands of European Jews. He worked full-time for a cobbler in Boston, making his way to California and eventually starting his own business in Taft—the Goldman Oil Supply Company. His son Leon graduated from UC Berkeley and eventually worked his way up to become the head of surgery at San Francisco General Hospital.

My mother emigrated from Russia as a young child. She couldn’t speak English and had no education. Her father died at age 32, leaving the family destitute. An uncle, who worked as a carpenter, supported the family.

Both my grandfather and mother would have been turned away under the Trump-backed proposal because, in his view, they had nothing to offer. That’s not what this country is all about.

In addition to closing the door on immigrants who this administration doesn’t consider to be qualified, the bill eliminates green cards that permit families to lawfully be together. For instance, U.S. citizens would be prohibited from reuniting with their children over the age of 18. That flies in the face of our country’s rich history of immigrant families supporting each other as they work to build a better future.

There’s also no doubt that making family reunification all but impossible would only encourage illegal immigration—the very issue Trump claims to want to address.

The good news is that many Republican senators have made clear their opposition to this mean-spirited proposal. The only solution to our broken immigration system is comprehensive reform that respects our history as a nation of immigrants.

Dianne Feinstein is the senior U.S. senator from California.

**Cal Thomas: An Immigration Plan That’s Finally Based On Common Sense**

By Cal Thomas

*Fox News*, August 9, 2017

“Sound practical judgment that is independent of specialized knowledge, training, or the like; normal native intelligence.” — Dictionary.com’s definition of common sense.

Sometimes what used to be called “common sense” can seem radical in Washington, which is used to practicing senseless policies and funding programs that don’t work.

Immigration is a perfect example. Everyone says the system is broken. There have been no substantive policy changes since the ‘60s, but until last week few had put forth a sensible and credible plan for fixing what ails it.

Thanks to Senators Tom Cotton (R-Ark.) and David Perdue (R-Ga.), we now have a plan worthy of serious consideration, even implementation.

No nation can maintain its character without controlling its borders.
Last week, they introduced legislation that, according to USA Today, that would “overturn the rules for becoming an American citizen and cut in half the number allowed in.”

There are three keys to their proposal. The first is that people seeking to immigrate to America must possess skills qualifying them for a job, or have a job waiting so they would not become part of our bloated welfare and dependency culture.

The second key concerns numbers and the goal of eliminating chain migration. Despite counter arguments based on the Emma Lazarus poem about the world sending America its “tired and poor,” poems are not the Constitution, or the law, otherwise Emily Dickinson might have become president. Poems are about sentiment. The right immigration policy is about survival.

No nation can maintain its character without controlling its borders. Think of a simple analogy. If I fill a glass with water and then pour milk into the glass, the more milk I pour, the more water is displaced. That’s the United States, absent a sound and sane immigration policy.

Key number three is language. It isn’t difficult for immigrants to learn enough English to function in America. I meet them in Washington and everywhere I travel. Here’s the official government position for becoming a citizen: “To become a naturalized U.S. citizen, you must pass the naturalization test. At your naturalization interview, you will be required to answer questions about your application and background. You will also take an English and civics test unless you qualify for an exemption or waiver.”

Under current policy, non-citizens don’t have to take an English test if they are 50 years old, or older, and have lived in the U.S. as permanent residents for at least 20 years. If someone has lived in America for 20 years and still can’t speak English, doesn’t that suggest a problem?

The Cotton-Perdue measure would also eliminate the Green Card Lottery, which, in an effort to add diversity to the country, grants 50,000 green cards each year to countries that don’t normally send many immigrants to the U.S.

Anyone who thinks immigration is a partisan issue should take note, as the Center for Immigration Studies has done, of a similar plan proposed in the mid-’90s by Rep. Barbara Jordan (D-Texas), who as chair of the U.S. Commission on Immigration Reform, advocated for increased restrictions on immigration. Her effort was squashed by a combination of the corporate right (which wants cheap labor) and the cultural left (which wants more votes for Democrats). The common sense of these reforms remains.

President Trump says he will sign a bill containing the Cotton-Perdue language, but as with so much else in dysfunctional Washington, its success will depend on whether Congress has any common sense left to do something that is transparently necessary and will benefit the country.

After the debacle over health insurance, raising the debt ceiling (more debt), suggestions that tax reform may have to wait until after a budget is passed (more spending) and a new poll showing public approval of Congress at just 10 percent, no one should be optimistic.

Cal Thomas is America’s most widely syndicated op-ed columnist. His latest book is “What Works: Common Sense Solutions for a Stronger America”. Readers may email Cal Thomas at tcaeditors@tribune.com.

Trump’s Immigration Vision Isn’t The Reagan Way

By Marc A. Thiessen
Washington Post, August 9, 2017

It was not that long ago that a Republican presidential candidate vowed that “we will make America great again.” His name was Ronald Reagan, and he made that promise to restore American greatness at the most appropriate place he could imagine: in the shadow of the Statue of Liberty.

It is worth recalling Reagan’s words that day, as we debate the Trump administration’s proposal to cut legal immigration in half.

The Statue of Liberty has at its base a poem, “The New Colossus,” which exhorts the world: “Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore.” Asked recently whether the White House immigration proposal was consistent with those words, Trump adviser Stephen Miller dismissed the significance of the poem, declaring it “was added later [and] is not actually part of the original Statue of Liberty.”

Perhaps, but for Reagan its words were central to his vision of American greatness.

In that address in 1980, Reagan embraced the poem, declaring, “It is fitting that…”
beside the waters of New York harbor, with the eyes of Miss Liberty on our gathering and ... the words of the poet whose lines are inscribed at her feet. ... Through this ‘Golden Door,’ under the gaze of that ‘Mother of Exiles,’ have come millions of men and women, who first stepped foot on American soil right there, on Ellis Island, so close to the Statue of Liberty. ... They helped to build that magnificent city across the river. They spread across the land building other cities and towns and incredibly productive farms. ... They brought with them courage, ambition and the values of family, neighborhood, work, peace and freedom."

Notice he made no mention of advanced degrees. Reagan did not buy into the zero-sum economics behind the Trump immigration proposal, which holds that American-born workers are being displaced by low-skilled immigrants, who are taking their jobs and reducing their wages. He believed that immigrants, both skilled and unskilled, were critical to unleashing economic growth that would lead to greater prosperity for all. Reagan rejected "Jimmy Carter's view of ... [an] ever-shrinking economic pie with smaller pieces for each of us" and promised, "We can have a bigger pie with bigger slices for everyone. ... We can make that dream that brought so many of us or our parents and grandparents to this land live once more."

Indeed, the academic research on immigration and jobs tends to support Reagan's view. A 2010 study by Giovanni Peri, a professor at University of California at Davis, found that "When the economy is growing, new immigration creates jobs in sufficient numbers to leave native employment unharmed, even in the relatively short run and even for less-educated native workers." Indeed, Peri found that in the long run, immigration "unambiguously improves employment, productivity and income" for the native-born and immigrants alike.

Studies do show that high-skilled immigration boosts native-born Americans' jobs and wages the most — so increasing the number of visas to attract such skilled workers makes sense. But, as Pia M. Orrenius of the Federal Reserve Bank of Dallas and Madeline Zavodny of Agnes Scott College point out, "less-skilled immigrants make a vital economic contribution in that they have very high employment rates and fill jobs that few Americans want while providing services that many Americans demand."

The Wall Street Journal editorial board notes that "employers in a myriad of industries including construction, agriculture and hospitality are facing a severe labor shortage" and points out that the Labor Department's most recent JOLTS report (Job Openings and Labor Turnover Survey) shows there were 6.2 million unfilled job openings at the end of June. Reducing the supply of foreign-born workers in the midst of a labor shortage could slow economic growth, which would result in fewer jobs for native-born workers and increase incentives for illegal immigration.

It is said that some Republicans seem to have given up on the Reagan idea of a growing pie with bigger slices for all. They should heed Reagan's vision for unleashing American greatness. "I want, more than anything I've ever wanted, to have an administration that will ... let millions of people know that Miss Liberty still 'Lifts her lamp beside the golden door.' We will ... carry on the building of an American economy that once again holds forth real opportunity for all, we shall continue to be a symbol of freedom and guardian of the eternal values that so inspired those who came to this port of entry. Let us pledge to each other, with this Great Lady looking on, that we can, and so help us God, we will make America great again."

That was the original conservative vision for making America great again.

Rachel Marsden Column: Trump's Immigration Reforms Would Empower The Individual

By Rachel Marsden
Richmond (VA) Times-Dispatch, August 9, 2017

Immigration policy is like dating policy: It sets boundaries for how one expects to be treated. Western countries have been in an unspoken competition to come across as the least uptight about immigration. Meanwhile, countries that take a hard-line approach to immigration are viewed like a controlling boyfriend rather than someone who simply refuses to buy into the idea of an open relationship with the rest of the world.

Maybe it was inevitable that someone who’s immune to peer pressure would decide to put his foot down on the subject. That person is U.S. President Donald Trump, whose administration announced planned immigration reforms last week that have already prompted whining.
Much of the outrage has been directed toward Trump’s support of a bill to implement a meritocratic, points-based immigration system that favors professional skills rather than family relations. (Canada and Australia already have such systems, but they’re seemingly immune to criticism simply because those nations seem pretty chill.) Some of the points awarded in the new system would be based on salary level, rewarding foreign nationals who have been offered high-paying jobs in the United States — an attempt to reverse the cheap imported labor trend that has done so much harm to the U.S. economy.

Essentially, former Miss Universe pageant owner Trump wants to favor perfect 10s with his immigration reforms. This was destined to get some folks riled up, particularly in an era when rewarding the pursuit of excellence is considered anti-democratic at best and bigoted at worst.

At a press conference to announce the reforms, CNN senior White House correspondent Jim Acosta recited part of the poem inscribed on the Statue of Liberty: “Give me your tired, your poor, your huddled masses yearning to breathe free.”

“It doesn’t say anything about speaking English or being able to be a computer programmer,” Acosta said.

Acosta has confused sensible immigration policy with a barfly’s late-night dating strategy. While in politically correct company, most people will talk about how everyone is equal and beautiful, and blah, blah, blah, but let’s face it: Most people don’t take just anyone home. Neither should America.

At least Trump’s “perfect 10” immigrant-recruitment strategy favors talent over eveningwear. Trump wants to eliminate the shallow, skin-deep Diversity Visa lottery program and supports a Senate bill seeking to do just that. A strictly talent- and merit-based system means applicants with desire, dedication and determination, as proven by their effort to meet the high standards required for immigration, will be rewarded. “Potential” doesn’t count, nor should it. To understand why, just consider all the guys you knew in high school who boasted of their “potential” to play pro football.

I’m a “chronic immigrant” myself (to both the U.S. and Europe), and I’ve always immigrated in professional categories that require mountains of paperwork to justify one’s skills, abilities and revenues. When you have to jump through so many hoops, it can be frustrating to encounter people in your adopted country who did nothing more than marry a native citizen (or who had the good fortune to come from a country with a high immigration quota) to gain their visa or residency status.

The version of immigration that Acosta gleaned from the inscription on the Statue of Liberty, while poetic, doesn’t reflect reality. Worldwide immigration isn’t always blind and has long been discriminatory, favoring certain groups over others. A points-based meritocracy puts more power into the hands of the individual applicant, regardless of race or origin.

Taken a step further, meritocratic immigration allows people to play the globalization game to their own benefit, providing freedom to the individual. When countries drop their immigration barriers in order to compete with one another for foreign talent, immigrants can move around as they please, choosing the countries that deliver the greatest personal benefit. The ideal outcome would be for a large group of such individuals to become powerful enough to influence policy decisions that favor individual freedoms over the whims of special interest groups.

What are the odds that powerful lobbying groups will condone government policies that empower individuals to opt out of the traditional rat race, control their own destiny, and live and work on their own terms anywhere in the world that they choose?

If a U.S. president takes steps to empower immigrants to support themselves independently, it’s inevitable that there will be pushback from those who thrive on the dependency of immigrants. That’s exactly what we’re witnessing right now.

Rachel Marsden is a columnist, political strategist and former Fox News host based in Paris. Contact her through her website at www.rachelmarsden.com.

What You Should Know About Legal Immigration In The U.S.

By Saurabh Datar

Atlanta Journal-Constitution, August 9, 2017

President Trump has backed U.S. Sen. David Perdue’s bill to cut legal immigration by half, saying it would “reduce poverty, increase wages and save taxpayers billions and billions of dollars.”
However, data shows that employment-based immigration is a very small percentage of immigrants who follow this path. Families — parents, children and spouses — are the primary beneficiaries of legal immigration.

According to the latest report by the Department of Homeland Security, the United States issued lawful permanent residencies, referred to as green cards, to more than 1.05 million people in 2015.

Almost 65 percent of these were sponsored by families — U.S. citizens who wanted their parents, children or spouses to come live with them in the United States. Nearly one in five green cards were allotted to parents and children of citizens.

The legislation, called the Reforming American Immigration for a Strong Economy (RAISE) Act, eliminates the clause allowing citizens to sponsor green cards for their parents, only allowing them if they are sick and dependent.

Employment-based petitions were 14 percent of the total number of people who were granted lawful permanent residency in the U.S. in 2015.

The bill also seeks to eliminate the diversity visas, an annual lottery where foreign citizens with at least a high school degree can apply to become a permanent resident of the U.S. These visas comprised just 4.6 percent of the total permanent residencies granted by the federal government in 2015.

**BORDER WALL**

White House Pitches Deal For Wall Money — And No Shutdown

The proposal would allow for more spending on domestic programs, but Democrats aren’t biting so far.

By Seung Min Kim, Rachael Bade and John Bresnahan

*Politico*, August 9, 2017

The White House is pushing a deal on Capitol Hill to head off a government shutdown that would lift strict spending caps long opposed by Democrats in exchange for money for President Donald Trump's border wall with Mexico, multiple sources said.

Marc Short, the White House's director of legislative affairs, met with top staffers from both parties on the Senate Appropriations Committee last week to make a hard sell for the proposal, the sources said.

Short — who said the border funding would be used for a “double fence” — stressed that the White House is insisting on a down payment for construction this fall. Short also lobbied for a big budget increase for the Pentagon, another priority for Trump.

The government runs out of money after Sept. 30. Without a spending deal, federal agencies will be forced to close until an agreement is reached. Democrats have vowed to oppose funding for a border wall, making it probably the biggest threat to an early October closure.

The White House is offering Democrats more funding for their own pet projects in return for allowing construction to move ahead on a barrier along the U.S.-Mexico border — though perhaps not the “big, beautiful wall” with solar panels that Trump has long promised.

The border wall has also become a more valuable prize politically for Trump since the collapse of the Obamacare repeal effort. Trump and GOP leaders are aiming to pass tax reform legislation this fall but face big obstacles — making the border wall even more important for the White House.

Yet there still seems little chance of getting sign-off from Congress. Democrats show no sign of yielding on the issue. They have already blocked the project once: During negotiations over a government spending package last spring, the White House dropped similar demands for wall funding after Democrats balked.

Trump and Office of Management and Budget Director Mick Mulvaney have since said they won't cave this time — even if it means shutting down the government. Indeed, lawmakers and aides in both parties are dreading the looming showdown, as a White House desperate for legislative wins makes a major push for a wall that Democrats hate.

"It's just the wrong message; we don't want to build a wall around the United States," said Sen. Jeanne Shaheen (D-N.H.), who sits on the Senate Appropriations Committee and called the border wall a "non-starter."

"It's difficult for me to see that proposal going anywhere," Sen. Dianne Feinstein (D-Calif.) added. "A lot of people don't want the additional border wall."
The timing of Short’s meeting with Senate Appropriations staffers — a full two months before the government would shut down — suggests the White House is aware of just how difficult it will be to secure border funding. White House officials appear to be trying to give themselves as much time as possible to strike a deal.

The White House did not return a request for comment. But GOP insiders on Capitol Hill expect negotiations could drag out well beyond Sept. 30. Senior GOP and Democratic aides believe a two- or three-month patch that continues spending at 2017 levels is likely, in order to buy more time.

Before leaving for August recess, House Republicans made the first move on a wall, passing a security funding bill that included Trump’s $1.6 billion request for roughly 70 miles of new barriers on the southern border.

The House bill also increased the Defense Department budget by more than $70 billion above current spending caps set in law. All but five House Democrats opposed the measure.

Such a bill, however, is doomed in the Senate, where 60 votes — meaning eight Democrats — are needed to pass any spending agreement. Beyond their opposition to the wall funding, Democrats typically require any military spending boosts to be matched by domestic increases.

Republican and Democratic congressional aides have predicted for months that both sides will come together on a spending agreement to raise spending caps for the Pentagon as well as for nondefense domestic programs.

Congress passed such a framework several years ago under the lead of then-House Budget Committee Chairman Paul Ryan (R-Wis.) and Sen. Patty Murray (D-Wash.).

The question this time is whether Trump can get his wall money as part of any agreement.

Some Republicans are more optimistic than others. White House officials appear to believe it’s a battle that’s worth fighting. And congressional conservatives, including those in the House Freedom Caucus, strongly agree, even suggesting they would back a government shutdown to secure wall funding.

After being forced to drop his request for wall money last spring, Trump also tweeted that “our country needs a good ‘shutdown’ in September” to secure the campaign promises he ran on.

Hill GOP leaders, however, are eager to avoid a shutdown, fearful the public would blame Republicans and that the party could suffer heavy losses in the 2018 midterm elections. They already worry that Trump’s slumping approval ratings will cost them at the polls next year.

Still, some Republicans are hopeful that if the White House can sell the border barrier as a “fence” instead of a wall, perhaps some Democrats will be more receptive. Technically, the House wall funding package would not finance a massive brick-and-mortar structure, as Trump promised on the campaign trail, but rather, double fencing and levies.

“Look, there are places where the wall makes sense, and there are places where the wall doesn’t make sense and there are better options,” said Sen. Jon Tester (D-Mont.), who represents a state that Trump carried by 20 points in the election. “So I’ll just take a look at it and see.”

But it’s unlikely that the White House will find eight Democratic senators to go along, even if it means more money for domestic programs.

“I do know for a fact that every [Democrat] considers wall funding to be a poison pill,” said Sen. Tammy Baldwin (D-Wis.), who is up for reelection next year.

Murray, the Democrat who negotiated the 2013 budget pact, said she would oppose the terms that the White House is floating.

“He promised during the campaign he was going to build a wall paid for by Mexico,” Murray said. “Until I see that promise, it’s going nowhere.”

Jennifer Scholtes and Elana Schor contributed to this report.

Democrats Threaten Gov’t Shutdown To Block Border Wall

By Neil Munro

Breitbart, August 9, 2017

Democrats are threatening to shutter many government agencies on October 1 unless President Donald Trump gives up his popular campaign promise to build the border wall against Mexico, according to Politico.

In response, Trump’s deputies are offering political compromises to Democrats, including a rise in domestic spending, says Politico:

The White House is pushing a deal on Capitol Hill to head off a government shutdown that would lift strict spending caps long opposed by Democrats in exchange for money for
President Donald Trump’s border wall with Mexico, multiple sources said.

Marc Short, the White House’s director of legislative affairs, met with top staffers from both parties on the Senate Appropriations Committee last week to make a hard sell for the proposal, the sources said.

Short — who said the border funding would be used for a “double fence” — stressed that the White House is insisting on a down payment for construction this fall. Short also lobbied for a big budget increase for the Pentagon, another priority for Trump.

If Democrats block the spending plan, many government agencies will have to send their employees home. But national security agencies, and various aid programs, such as the Social Security program, would keep operating.

Trump’s pending request for an October funding package of $1.6 billion would help build roughly 62 miles of border wall. In May, Democrats — aided by a passive GOP leadership — blocked a 2017 funding package that would have helped quickly build 42 miles of wall.

Led by Sen. Chuck Schumer, Democrats are hoping to block any wall construction, so protecting the northward flow of government-dependent workers to Democratic-run cities, and also breaking Trump’s 2016 primary campaign promise.

But Democratic politicians are also being squeezed between their radical base and popular opinion, which favors Trump’s immigration reform plans. For example, Politico reported that Sen. Tammy Baldwin is opposing the border fence. “I do know for a fact that every [Democrat] considers wall funding to be a poison pill,” she told Politico.

But a recent poll shows that Trump’s immigration reform gets overwhelming support in Wisconsin where Baldwin must faced the voters in 2018. The June poll of 1,000 likely midterm voters was conducted for NumbersUSA, which favors Trump’s merit immigration reform. For example, the poll asked:

Do you strongly support, somewhat support, somewhat oppose or strongly oppose setting up rules to ensure that businesses give first preference for jobs to American workers and legal immigrants already in this country before businesses can ask for new immigrant workers?

The proposal won 53 percent strong support, and only 6 percent strong opposition, said NumbersUSA.

The NumbersUSA group also polled in Montana, where Democratic Sen. Jon Tester is also up for election in 2018. He suggested to Politico that he could support Trump’s double-layer fence, saying: “There are places where the wall makes sense, and there are places where the wall doesn’t make sense and there are better options … I’ll just take a look at it and see.”

Eight additional Democratic Senators are up for election in 2018 in states where Trump won.

In 2014, Schumer and Democrats lost 10 Senate seats after trying to push through the so-called “Gang of Eight” cheap-labor and amnesty bill.

Under pre-Trump policies, the federal government annually imports 1 million legal immigrants into the United States, just as 4 million young Americans turn 18.

The federal government also awards roughly 1.5 million temporary work permits to foreigners, grants temporary work visas to roughly 500,000 new contract workers, such as H-1B workers, and also largely ignores the resident population of eight million employed illegal immigrants.

The current annual flood of foreign labor spikes profits and Wall Street values by cutting salaries for manual and skilled labor offered by blue-collar and white-collar employees. It also drives up real estate prices, widens wealth-gaps, reduces high-tech investment, increases state and local tax burdens, hurts kids’ schools and college education, and sidelines at least 5 million marginalized Americans and their families.

**South Texas Representatives Question Trump Plan To Build Border Wall Through South Texas Refuge**

By Kelsey Bradshaw

San Antonio Express-News, August 9, 2017

The likelihood that President Trump’s proposed border wall would rip through a wildlife refuge on Texas’ southern border has prompted questions from six congressmen.

U.S. Rep. Joaquin Castro, D-San Antonio, was among six Texas lawmakers who signed a letter to acting U.S. Homeland Secretary Elaine Duke regarding the Santa Ana Wildlife Refuge, which sits in the middle of the proposed border wall route, according to news archives.
The others were: Vicente Gonzalez, D-McAllen; Beto O’Rourke, D-El Paso, Filemon Vela, D-Brownsville, Henry Cuellar, D-Laredo, and Lloyd Doggett, D-Austin.

The lawmakers, in the Aug. 4 letter, asked Duke if the department plans to construct a wall at the refuge, which sits Southeast of McAllen along the Texas-Mexico border.

“A wall at the refuge could do serious environmental and economic damage, and the American public deserves transparency for what could be billions of taxpayers’ dollars spent on a wall along the U.S.-Mexico Border,” reads the letter.

According to the refuge’s website, birds, butterflies and “many other species not found anywhere else in the United States beyond deep South Texas,” can be found at the wildlife asylum.

**BORDER SECURITY**

**CBP Sets Biometric Tech At More Airports**

By Mark Rockwell

*Federal Computer Week*, August 9, 2017

After years of searching for ways to implement a biometric entry/exit system to verify the identities of foreign travelers moving through U.S. airports, Customs and Border Protection has rolled out the technology at five major U.S. airports since June.

The latest deployments of the technology came in twin Aug. 8 statements announcing the agency had installed facial recognition biometric exit technology at Houston’s William P. Hobby International and at Las Vegas’ McCarran International Airport.

CBP said it will use the technology at McCarran to screen a single daily flight from the U.S. to Guadalajara, Mexico, and for selected flights out of Hobby International.

The two airports join Dulles International outside Washington, D.C., Bush Intercontinental Airport in Houston, and O’Hare International Airport in Chicago in the CBP’s summertime deployment campaign.

All five deployments, said the agency, build on an initial June 2016 facial recognition pilot at Hartsfield-Jackson Atlanta International Airport.

The summertime initiative follows what John Wagner, CBP deputy executive assistant commissioner, described in a May Capitol Hill hearing as a breakthrough. The Department of Homeland Security has been searching for a solution to effectively track visa overstay since the capability was first suggested by the 9/11 Commission years ago.

“We figured out a better way to position the data we already have on travelers to make the inspection process a lot more efficient. In non-technical terms, we moved the biometrics of the traveler expected to be on a departing flight out of the DHS [Office of Biometric Identity Management] database and into its own temporary secure database until we encounter the person,” he told the panel.

The new process, he said, has been used at Hartsfield-Jackson, taking photos of passengers and matching them against the temporary database. Wagner said in May that tens of thousands of people had been processed with the system in the 10 months it had been working. Accuracy has been in the “high 90th percentile,” he said. Wagner also said the agency planned to push the technology out to more airports over the summer.

The CBP solution uses airlines’ flight manifest to build a flight-specific photo gallery using photographs from the travel document travelers provided to the airline. The agency then compares a live photo from the facial recognition technology against the document photo in the gallery to ensure the traveler is the true bearer of the document. If the photo captured at boarding is matched to a U.S. passport, the traveler – having been confirmed as a U.S. citizen – is automatically determined to be out of scope for biometric exit purposes and the photo is discarded after a short period of time.

CBP said it is also working on other fronts with biometric solutions. Delta and JetBlue are collaborating with CBP to integrate facial recognition technology as part of the boarding process.

Additionally, CBP said Delta is testing eGates at John F. Kennedy International Airport in New York City and Hartsfield-Jackson International Airport.

In a July 28 statement, Delta said it plans incorporate biometric boarding later this year as part of a three-month pilot project at Hartsfield-Jackson to improve its passengers’ boarding experience there.
The airline said the biometric boarding technology it is using in the trial will be based on a pilot project underway at Ronald Reagan International Airport in Washington, D.C., that allows passengers to use their fingerprints as their boarding pass.

**Mexican Man Deported In 2011 Is Arrested At Arizona Border**

Associated Press, August 9, 2017

A Mexican man deported in 2011 after being convicted in Georgia of making harassing telephone calls has been arrested in southern Arizona.

Border Patrol officials say 28-year-old Fernando Alberto Santoyo-Martinez now faces federal criminal charges for re-entry.

Agents in the Tucson Sector arrested the alleged gang member Sunday east of Douglas for illegally entering the United States.

They say Santoyo-Martinez was convicted for the harassing calls in Clayton County, Georgia and has multiple gang-related tattoos on his body.

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**IMMIGRATION POLICY**

**Audio: ICE, Homeland Security Outreach Program Ignores Concern Over Patient Information**

Southern California Public Radio, August 9, 2017

A U.S. Department of Homeland Security and Immigration and Customs Enforcement program that aims to build partnerships with local organizations such as hospitals and medical clinics has set off alarms in communities on high alert in the wake of President Trump’s immigration crackdown.

The Critical Infrastructure Outreach Program was launched in Orange County last November with the stated purpose of helping DHS investigators identify criminal activity and “develop potential sources of information.”

But when ICE officials visited Mission Hospital in Mission Viejo in February to promote the program, they were turned away, leaving hospital administrators and immigration advocates concerned about the approach.

“ICE officials were asked to leave immediately because it was determined that there was no need for them to be here from a medical care perspective and a hospital is a place for medical care and anybody in the community is free to use that,” said Deb Franko, the hospital’s executive director of communications.

According to ICE policy, hospitals are considered “sensitive locations” along with schools, places of worship and political demonstrations. The locations are typically off-limits for ICE searches, interviews, arrests and surveillance unless a supervisor has approved the action and other strict conditions have been met.

The visit to Mission Hospital did not involve an enforcement action, but it was nonetheless concerning for the hospital, Franko said.

“We do not want any impression that there’s any activity going on on campus that takes away from our goal of medical care in a safe environment for the community,” she said. “So we always want the hospital to be a place where all are welcome who have a medical need to seek care on our campus without any fear or hesitation.”

Franko also said patients have privacy rights and “rights for their personal origin not to be disclosed.”

Information about patients is protected under the Health Insurance Portability and Accountability Act of 1996 or HIPAA. The federal medical privacy law prohibits disclosure of medical records unless, for example, there is a court subpoena. In such cases, a patient has the right to object to the release of their information.

If ICE were to seek information on whether patients were living in the U.S. illegally, it’s unlikely that hospitals would have that information, according to Martin Gallegos, senior vice president of health policy and communications with the Hospital Association of Southern California.

“Hospitals do not ask patients immigration status during the intake for admission,” he said. The association also knows of no instances where ICE officials visited hospitals looking for information about residents.

Nonetheless, Apolonio Morales, the political director of the advocacy group Coalition for Humane Immigrant Rights of Los Angeles, said just the presence of ICE on the grounds of
hospitals and medical clinics could discourage immigrants from seeking care.

"It still sends a message to the folks that may have family members that are undocumented that are visiting this hospital, or that may be undocument themselves, that this is not an institution that is a safe institution for them," he said.

California Chief Justice Tani Cantil-Sakauye raised similar concerns about the presence of ICE agents in state courthouses. In March, the chief justice wrote to U.S. Attorney General Jeff Sessions and then-Homeland Security Secretary John F. Kelly asking they stop federal agents from "stalking courthouses" to make arrests of immigrants living in the country illegally.

Legal advocates said at the time that some immigrants may avoid the court and local public safety agencies if they thought they might be picked up by ICE. Courthouses are not considered "sensitive locations" under ICE policy.

ICE spokeswoman Virginia Kice said the aim of Homeland Security outreach effort is to partner with "prominent entities in the public and private sectors to identify and defuse potential threats before they materialize into real-world incidents."

Kice said that statistics on how often ICE officials go into hospitals and clinics were not readily available.

**Texas Loses Bid To Head Off Anti-sanctuary City Law Challenge**

By Stephen Dinan

*Washington Times*, August 9, 2017

A federal court on Wednesday tossed out Texas’s attempt for a preemptive legal defense of the state’s new anti-sanctuary city law, shifting the battleground to yet another federal court.

Hours after Gov. Greg Abbott signed the anti-sanctuary law, SB 4, Attorney General Ken Paxton went to a court and asked for a preliminary ruling that it was constitutional. But U.S. District Judge Sam Sparks in Austin rejected that move, saying courts aren’t in the business of giving advisory opinions.

Instead, the battle over the state law will be fought out another federal court in San Antonio, where a number of cities are battling to preserve their sanctuary policies in the face of the new law, which is slated to go into effect Sept. 1.

Mr. Paxton had tried to get the entire legal battle shifted to Judge Sparks in Austin, but the new ruling ends that effort.

“The health, safety, and welfare of Texans is not negotiable. We’re disappointed with the court’s ruling and look forward to pressing our winning arguments in the San Antonio cases and beyond (if necessary) on this undoubtedly constitutional law,” the attorney general said in a statement.

Judge Sparks was appointed to the bench by President George H.W. Bush, while Judge Orlando Garcia, who now becomes the key jurist, was appointed by President Clinton.

SB 4 requires local law enforcement agencies to cooperate with federal deportation officers, including sharing information and helping transfer deportable immigrants into federal custody.

The law is the most aggressive one in the country, and comes at a time when President Trump is forcing a national conversation about sanctuaries. He’s threatened to withhold federal funding and his top deportation official has even hinted at using existing anti-smuggling laws to charge sanctuary city leaders with criminal offenses.

Undaunted, a number of jurisdictions have moved to embrace sanctuary policies, hoping to shield illegal immigrants within their boundaries from deportation.

Though policies vary widely, they generally attempt to thwart either the reporting of illegal immigrants to federal authorities, or prohibit detaining or turning over aliens sought by deportation officers.

**Judge Tosses Texas Request To Declare Anti-Sanctuary Law Constitutional**

By Roque Planas

*Huffington Post*, August 9, 2017

The state’s lawsuit seeking preemptive court approval for a new law cracking down on immigration was dismissed on Wednesday, handing a victory to critics trying to overturn the measure.

The ruling by U.S. District Judge Sam Sparks ends an attempt by Texas Attorney General Ken Paxton (R) to head off legal challenges filed by several cities against Senate Bill 4, a Republican-backed measure that would criminalize so-called sanctuary policies.
Paxton filed the lawsuit hours after Texas Gov. Greg Abbott signed SB 4 into law, partly in an attempt to steer the inevitable legal challenges to what he suspected might be a more sympathetic venue. Sparks’ order, dated Tuesday but filed Wednesday, said Texas lacked standing to bring the lawsuit.

“The State’s own argument underscores its deficiencies,” the judge wrote. “Because SB 4 does not take effect until September 1, 2017, it is impossible for Defendants to take any action that would violate the not-yet-effective law. The mere fact that a municipal policy was instituted before a law was signed, or that it remains in place prior to the law taking effect, does not equate to a violation of the law.”

Austin City Councilman Greg Casar — who has supported his county’s policy of limiting its cooperation with Immigration and Customs Enforcement detainers — applauded the decision in a tweet, describing Paxton’s lawsuit as “frivolous.”

Paxton bemoaned the ruling in a statement, but said he’d continue to defend the new law.

“We were first to file a lawsuit concerning SB 4, filed this case in the only proper court, and moved quickly to consolidate other lawsuits against SB 4 in Austin,” Paxton said. “The health, safety, and welfare of Texans is not negotiable. We’re disappointed with the court’s ruling and look forward to pressing our winning arguments in the San Antonio cases and beyond (if necessary) on this undoubtedly constitutional law.”

The challenges against the contentious state immigration crackdown will proceed in federal court in San Antonio. More than a half-dozen local governments — including those of Austin, El Cenizo, Houston and El Paso — accuse state lawmakers of forcing them to adopt policies that violate the Constitution.

The term “sanctuary city,” which some jurisdictions reject, generally refers to those that limit cooperation with deportation efforts in some way, or to those that instruct police not to ask suspects about immigration status. Proponents of the policies argue they improve public safety by making immigrants less fearful of local law enforcement. Local officials that limit cooperation with ICE also point out that some federal judges have ruled that holding people solely on an ICE request without a warrant is unconstitutional.

But SB 4 would make it illegal for local authorities to refuse requests to hand over undocumented immigrants in their custody to federal immigration agents. Officials who adopt such sanctuary policies would face the possibility of up to a year in prison, if the law goes into effect. The measure also allows Texas police to ask the immigration status of anyone they stop — a provision that drew comparisons to Arizona’s 2010 state immigration crackdown bill, which was largely gutted by the U.S. Supreme Court.

The Texas immigration law is scheduled to go into effect on Sept. 1. But the spate of legal challenges may cause a delay.

All of the challenges to SB 4 have been consolidated into one case before U.S. District Judge Orlando Garcia in San Antonio. He held a hearing in June, but has yet to rule.

But earlier, in a separate case, Garcia decided that an undocumented immigrant’s Fourth Amendment right against illegal search and seizure was violated when he was held in a Bexar County jail on behalf of ICE. That ruling suggests the judge may be receptive to SB 4’s challengers.

The cities suing the state also argue that Texas doesn’t have the authority to come up with new immigration laws and penalties on its own, since only the federal government can regulate immigration.

The Trump administration has made a mission of stamping out sanctuary policies nationwide, with limited success. A federal judge temporarily blocked President Donald Trump’s executive order threatening federal funds for “sanctuary cities,” ruling it likely unconstitutional.

Attorney General Jeff Sessions has continued to threaten cities and counties with loss of law enforcement funding if they decline to fully cooperate with ICE, sometimes making misleading comments about the policies, federal law and academic studies.

On Monday, the city of Chicago sued the Trump administration to prevent it from withholding funds based on policies regarding immigrants and ICE. Sessions warned in a statement afterward that the “administration will not simply give away grant dollars to cities governments that proudly violate the rule of law and protect criminal aliens at the expense of public safety.”
Federal Judge Tosses Paxton’s Preemptive SB4 Lawsuit
By Andrea Zelinski
Houston Chronicle, August 9, 2017
A U.S. District judge dismissed Texas Attorney General Ken Paxton’s preemptive lawsuit against the city of Austin Wednesday, saying it would not engage in “hypothetical legal questions” to declare Texas’ anti-sanctuary city” law constitutional.

U.S. District Judge Sam Sparks, of the Western District of Texas in Austin, said in a ruling filed Wednesday every government faces the threat that someone could challenge the constitutional validity of a law.

To allow those governments to preemptively ask the courts to weigh in “would be to ‘open a Pandora’s box and invite every local government to seek a court’s judicial blessing’ on a law prior to it taking effect,” he said in his ruling, which he signed Tuesday.

State lawmakers passed Senate Bill 4 in the regular legislative session that would punish sheriffs and police chiefs with jail time if they refuse to cooperate with federal detainer requests to hold documents believed to be undocumented. The law also allows law enforcement to question an individual’s legal status at routine stops.

Story continues below...

Paxton, a Republican, filed the complaint in federal court one day after Gov. Greg Abbott, a fellow Republican, signed the bill into law.

A separate case filed in federal court in San Antonio by the Mexican American Legal Defense and Educational Fund – and backed by several large cities, including Houston – challenging the constitutionality of the law. The judge has yet to rule whether to let the law go into effect Sept. 1.

“The health, safety, and welfare of Texans is not negotiable,” Paxton said in a statement. “We’re disappointed with the court’s ruling and look forward to pressing our winning arguments in the San Antonio cases and beyond (if necessary) on this undoubtedly unconstitutional law.”

Trump’s Immigration Policy Raises Old Fears For Congress’s Children Of Immigrants
By Elise Viebeck
Washington Post, August 9, 2017
This story has been optimized for offline reading on our apps. For a richer experience, you can find the full version of this story here. An Internet connection is required. Click here to read this story in Spanish.

For many Hispanic members of Congress, President Trump’s immigration policies serve as both an agenda to be opposed and a throwback to their personal experiences.

Many of the record number of Hispanic lawmakers this year — 45, from both parties — are first-generation Americans whose parents came to the United States from places such as Mexico and Cuba, as low-skilled workers, some speaking only Spanish.

For some of them, Trump’s immigration crackdown raises old fears from their childhoods growing up in the United States with parents from somewhere else.

Their families could be affected if parts of Trump’s policies become law — Rep. Henry Cuellar (D) is from the border town of Laredo, Tex., which could be impacted by a border wall between the United States and Mexico. Others, such as Rep. Grace F. Napolitano (D-Calif.), were often targeted for questioning by immigration officers as children. Napolitano said she carried her birth certificate in her back pocket because those encounters were so frequent.

Those lawmakers whose parents did not speak English might not have been able to enter the country under a recent proposal to slash legal immigration from two Republican senators whom Trump threw his weight behind.

The Washington Post sat down with five Hispanic members of the House who have at least one parent who immigrated to the United States. The lawmakers spoke candidly about their experiences as first-generation Americans, their encounters with immigration officials and their parents’ paths toward assimilation.

Rep. Henry Cuellar (D-Tex.)
Cuellar, 61, was born in Laredo, Tex., to a father from Guerrero, Tamaulipas, Mexico, and a mother from Zapata, Tex. He is among the most academically credentialed members of Congress, with a bachelor’s degree from Georgetown University and three graduate degrees from Texas A&M International University and the University of Texas at Austin. He worked as a lawyer, professor and state politician before his election to the House in 2004.

Growing up, Henry Cuellar couldn’t
understand why his father didn’t want to become a U.S. citizen.

Martín Cuellar was born just across the Mexican border from Laredo, Tex., in Guerrero, Tamaulipas. He had spent years crisscrossing the American West with his U.S.-born wife, Odilia, seeking farm work in states as far away as Utah and Idaho. Henry spent some of his earliest years in a red wagon at their side, moving slowly up and down the rows of crops.

The couple eventually settled down and raised a large family in Laredo. But even though he had earned legal residency, Martín was still not interested in becoming a citizen.

“My father said: ‘I was born a Mexican. I’m going to die a Mexican,’” Henry Cuellar said in a recent interview. “As I grew up, I gathered what my father was saying. Giving up the mantle of your country is a hard thing to do, and my father did not want to give up Mexico.”

Laredo, then and now almost completely Spanish-speaking, was a comfortable place for the growing family. There was virtually no discrimination or friction with immigration officials, Cuellar said, and from their house, all 10 family members could easily drive across the border to visit relatives in Guerrero.

The contrast was stark. “They had dirt streets,” Cuellar said. “My grandmother had a house with dirt floors . . . . She would water the floor before we got there so there would be no dust.”

Cuellar and several of his siblings have achieved notable success. He holds three graduate degrees, making him one of the most academically credentialed members of the House, and served as Texas secretary of state before he came to Capitol Hill in 2005. A brother is a sheriff and a sister is a municipal judge.

This is perhaps what eventually caused their father to change his mind about becoming a citizen.

“One day, he said, ‘This country has been very good to my kids,’ ” Cuellar said. “I want to become a U.S. citizen, and that’s my way of saying thank you.”

Cuellar’s father was naturalized on Oct. 8, 1993.

Rep. Carlos Curbelo (R-Fla.)

Curbelo, 37, was born in Miami to parents from Havana and Matanzas, Cuba. He earned a bachelor’s degree and a master’s degree from the University of Miami, and worked as a public-relations executive, Senate staff member and school board member before he was elected to the House in 2014.

Two decades had passed since their families left Cuba, but when it came to their son, Carlos and Teresita Curbelo were clear about one thing: He must have a Cuban upbringing.

They raised the younger Carlos in the city of Hialeah, the most highly concentrated Cuban community in the United States. He enrolled at Belen Jesuit Preparatory School, an all-boys academy that was founded in Havana in 1854 and attended by Fidel Castro before it moved into exile. After school, young Carlos spent considerable time with his grandmother and her sister, absorbing their stories and attitudes. His family members were less assimilated than those of his friends, he said.

“I grew up with that Cuban culture but then with this reverence, and I would say adoration, for the United States,” Curbelo said in a recent interview. “The culture was Cuban, but the patriotism was decidedly American.”

The environment came with unique pressures. “Maybe it’s true of all immigrant families, but there is this paranoia that you have to succeed. It’s fear of loss, right?” he said.

Curbelo’s father was part of the anti-Castro resistance, motivated in part by the imprisonment of young Carlos’s grandfather, a career military officer who was released later when he developed Parkinson’s disease. When the Bay of Pigs invasion failed, the elder Carlos left for the United States, where he struggled to find work in Miami and to eat when he moved for a time to New Orleans.

“He experienced hunger, legitimate hunger there. When he got a job as a busboy, he took leftovers from people’s plates to eat,” Curbelo said.

The family was haunted by stories of the grandfather’s experience in prison, where the guards would simulate executions and watch the frightened captives soil themselves.

“The greatest thing in the world, ‘a gift from God’ — those are the kinds of descriptions I became accustomed to hearing about the United States,” Curbelo said.

Rep. Grace F. Napolitano (D-Calif.)

Napolitano, 80, was born Graciela Flores in Brownsville, Tex., to a mother from Ciudad
Victoria, Tamaulipas, Mexico, and a father of Mexican heritage from north Texas. She is a high school graduate, and worked as a secretary, city council member, mayor and California state assemblywoman before her election to the House in 1998.

If it was Sunday morning, young Graciela Flores knew to expect a knock at the apartment door.

Visits from immigration officers were part of the routine living in Brownsville, Tex., right along the U.S.-Mexico border, at least in her neighborhood. And no matter how many times it happened, it was important to be prepared.

Her parents were divorced, and sometimes, her mother would be asleep, exhausted from working multiple jobs, when the officers came. Graciela and her brother were citizens, born in Brownsville. Their mother had a green card. But every time, the officers still asked for proof.

That young woman is now Grace F. Napolitano, an 18-year member of the House. Amid the increase in immigration arrests, she recalls her own encounters with Immigration and Naturalization Service agents in the streets of Brownsville.

“I learned early on that I had to carry my birth certificate with me,” Napolitano said in a recent interview. “Wherever I went, it was in my back pocket.”

Napolitano left Texas for east Los Angeles at age 18. The newlywed drove across the deserts of New Mexico and Arizona with her husband and their infant daughter. Once, the staff at a restaurant refused to rinse the baby’s bottle and fill it with water when her husband asked — an experience of discrimination Napolitano says she remembers vividly.

“Some people’s minds are set against any changes. Different people, different cultures, different ideas — they’re against it,” she said. “Why did they refuse us? Who knows. You take it in stride. You don’t battle it.”

Rep. Ileana Ros-Lehtinen (R-Fla.)

Ros-Lehtinen, 64, was born Ileana Ros y Adato in Havana. She earned a bachelor’s degree and a master’s degree from Florida International University, and a doctorate in education from the University of Miami. She worked as a teacher, school principal and state politician before she was elected to the House in 1989.

For young Ileana Ros y Adato, Fidel Castro’s regime in Cuba was supposed to blow over quickly, like a tropical afternoon storm.

So the 8-year-old departed Havana for Miami in August 1960 without fear. She, her mother and her brother had round-trip tickets on Pan-American. They took only a small overnight bag. Her father was still in Havana, fighting Castro as a coordinator for the Christian Democratic Movement. She thought her father’s side would win, Castro would be gone and they would go back soon.

More than five decades later, not only did Ileana Ros-Lehtinen never go back, but she is now about to retire after spending nearly 36 years establishing herself as one of the best-known Cuban Americans in U.S. politics.

Under the tutelage of her late father, a prominent Cuba historian and anti-Castro activist, Ros-Lehtinen became the first Hispanic woman elected to Congress, in 1989. She is a political centrist, although strongly opposed to the Cuban regime, and readily criticizes President Trump, steering clear of Miami during his recent visit to announce a more confrontational approach to Cuba policy.

In a recent interview, Ros-Lehtinen described her early memories of the United States as a wash of Technicolour dreamscapes: classic cars tooling around Miami’s Little Havana, lavish desserts from the beach hotel where her mother worked, the thrill of a first Halloween.

Her Pan-Am flight from Havana to Miami had been full of celebration. Some passengers kissed the tarmac upon arrival. But her mother quietly cried.

“We never felt the pangs of what the anxiety was all about,” Ros-Lehtinen said. “My brother and I thought, ‘What a great country this is.’ It was like a motion picture before our eyes.”

Rep. Juan Vargas (D-Calif.)

Vargas, 56, was born in National City, Calif., to parents from Jalisco, Mexico. He earned a bachelor’s degree from the University of San Diego, a master’s degree from Fordham University and a JD from Harvard Law School. He worked as a city councilman and a state politician before his election to the House in 2012.

Juan Vargas was a kid the first time he saw an immigration raid.

It took place at a plant nursery near his home in the San Diego suburb of National City. In his
memory, an immigration officer discovered a family living without papers and was “literally ripping the mother away from the child.”

“As a kid, I was horrified,” Vargas said in a recent interview. “The child is screaming. The mother is screaming. I’m like, ‘What the hell is going on?’ I thought police were supposed to help. It was traumatizing, really.”

Vargas had been raised to trust the police by his father and mother, an illiterate laborer and wealthy cosmopolitan, who forged an unlikely marriage through the bonds of their Catholic faith and the rigor of raising 10 children in poverty on a chicken farm.

“My mother would always bang it into our heads how lucky we were to be American citizens,” he said. “God gave you this special gift, she’d say. ‘Most people in the world would want to be American citizens. You happened to have been born American citizens.’”

Vargas’s parents, both from the state of Jalisco, Mexico, met at a Catholic parish near San Diego. His father first came to California as a 17-year-old guest farmworker. His mother, whose relatives owned large properties in the state, had come to learn English.

Once married — over her family’s objections — the two set up house in a shack on the chicken farm where Vargas’s father worked. Both were legal residents of the United States.

“We were extremely, extremely poor,” Vargas said. “I saw this one picture where my brothers and I are in underwear with no shoes. I must have been 11. I asked my mom about it. She said, ‘Because you only had a couple of pairs of pants, you couldn’t get them dirty, so you just wore your underwear. And we couldn’t afford to buy you guys shoes.’”

Despite occasional slurs from his peers — including “dirty Mexican” and “wetback” — Vargas was elected homecoming king his senior year in high school, becoming the first Latino to hold the title.

Later, he spent five years on the path to becoming a Jesuit priest before deciding it was not his calling. He says he never asked parishioners about their immigration status. “That was up to Jesus, not me,” he said.

**Politicians Rally To Ensure Obama-Era Program Isn’t Dismantled**

*By Jesse Paul*

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**Denver Post, August 9, 2017**

Three of Colorado’s top Democratic political leaders on Wednesday rallied on behalf of 17,000 immigrant children in the state who could face deportation because of possibly forthcoming legal challenges to an Obama-era immigration program.

“This is an economic issue for us,” said Lt. Gov. Donna Lynne. “It impacts all of us as citizens.”

Lynne joined U.S. Rep. Jared Polis and Denver Mayor Michael Hancock at a Denver news conference touting the contributions of Deferred Action for Childhood Arrivals recipients in Colorado, saying they are slated to contribute an estimated $857 million over the next decade to the state’s economy.

Texas Attorney General Ken Paxton, along with a group of other attorneys general, have threatened to sue the U.S. if DACA is not rescinded by the Trump administration by Sept. 5. The speakers on Wednesday say they fear U.S. Attorney General Jeff Sessions wouldn’t defend the program in court, effectively killing it.

In April, Trump said DACA recipients — who were brought to the U.S. unlawfully as kids — could “rest easy” because they were not targets for deportation, despite his campaign rhetoric to the contrary. So far the policy, created by former President Barack Obama in 2012, has not been changed.

In June, however, the Trump administration rescinded a similar Obama-era program that, had it been enacted, could have saved from deportation as many as 22,000 Denver-area parents living in the U.S. illegally. That stoked fears about DACA’s future.

“We’ll see if the president is true to his word in the coming weeks,” said Polis, who is working on federal legislation to protect DACA recipients.

Mayor Hancock, whose administration has been battling against federal immigration officials, said any steps to dismantle DACA would have a “detrimental impact on the city of Denver.”

“This DACA effort embodies everything this nation stands for,” he added. “And we as conscientious individuals must ask ourselves the question: Why would anyone target these vulnerable, hardworking, dedicated people in our cities across this nation?”
Trump Was Right To Let Dreamers Stay; Congress Should, Too

*Denver Post*, August 9, 2017

President Donald Trump has done the right thing for the hundreds of thousands of America’s undocumented youth who willingly came out of the shadows to receive Obama-era deportation protections. Now it’s critical that Congress follow suit.

Trump pledged early in his tenure as president not to revoke the temporary deferred deportation or legal work status these childhood arrivals obtained under President Barack Obama’s executive order beginning in 2012. Trump has stayed true to that promise. His administration has issued new or renewed 200,000 deferred action applications since he has been in office.

But Trump is about to be put in a political squeeze by 10 Republican attorneys general who are threatening to file suit challenging the constitutionality of Obama’s order — unless Trump revokes the order by Sept. 5. Such a legal challenge would have to be defended by Attorney General Jeff Sessions, who would be an unlikely champion for the cause.

Now Congress has the urgent opportunity to follow the president’s lead and do the right thing for almost 750,000 Dreamers — named after the DREAM Act — who are in limbo as they wait to see whether they will be punished for willingly giving the federal government their information in exchange for a chance to pursue the American dream.

U.S. Rep. Jared Polis, D-Colo., and Mike Coffman, R-Colo., are among the bipartisan group working on bills that could extend Obama’s Deferred Action for Childhood Arrivals (DACA) for several years. On Wednesday, Polis joined other top Democrats from Colorado in calling for a reprieve for this generation of kids who arrived in the United States illegally through no fault of their own.

What that reprieve looks like will take compromise, but Congress must act quickly.

Under DACA, the Department of Homeland Security verifies and vets applicants under the age of 36 who came to the United States before they had turned 16, have lived in the U.S. continuously for five years, are in school or have recently graduated and have not been convicted of a felony, significant misdemeanor or three or more misdemeanors.

The legal status is only good for two years and must be renewed.

The idea behind several bills in Congress is to extend DACA protections so these Dreamers don’t face the insecurity and uncertainty that plagues them now.

The conflict is whether to grant this narrow segment of the undocumented population permanent legal status. We unequivocally think Congress should. Still, granting that status would create obvious political challenges for many Republicans, so we hope Democrats are willing to compromise on this issue to provide relief.

Rep. Carlos Curbelo, R-Fla., has introduced the Recognizing American Children Act that would give DACA recipients a five-year reprieve from deportation. It can be extended for five years under strict education, military service or employment conditions. Permanent residence is also possible after five years. Coffman is also a co-sponsor on Curbelo’s bill.

This bill strikes us as a good compromise, predicated upon the child arriving in the United States before 2010, a move that prevents incentivizing people to come here illegally or overstay their visas with the promise that their children can get legal status after waiting in the shadows for a certain amount of time.

Such a fix addresses the reality that millions have come here illegally with children, many of whom have worked hard in school and often worked through college with the ultimate goal of leading productive lives as Americans. They did right by American expectations. America should return them the favor.

To send a letter to the editor about this article, submit online or check out our guidelines for how to submit by email or mail.

**Sen. Grassley Wants Immigration Files Of House IT Leakers**

*By Cortney O’Brien*

*Townhall*, August 9, 2017

House Democrats have a scandal on their hands — although the mainstream media doesn’t seem too interested in it. Imran Awan was a congressional IT specialist for several Democratic members of the House of Representatives, including former DNC Chair Debbie Wasserman Schultz. He was arrested at Dulles International
airport a few weeks ago after authorities
discovered he was guilty of bank fraud. He was
attempting to board a flight to Pakistan.

Several congress members fired Awan after
learning of his misdeeds, but Wasserman Schultz
kept him on her staff.

She recently admitted that she let him keep
his job because she thought he was the victim of
religious profiling.

While The New York Times refers to the
situation as an “overblown Washington story,”
Wall Street Journal contributor Kimberly Strassel
explained why this is “The Scandal That Matters.”

Because based on what we already know,
the Awan story is—at the very least—a tale of
massive government incompetence that
seemingly allowed a family of accused swindlers
to bilk federal taxpayers out of millions and even
put national secrets at risk. In a more accountable
world, House Democrats would be forced to step
down.

Senate Judiciary Committee Chairman
Chuck Grassley (R-IA) is under the same
impression. He is now demanding the immigration
files of the IT leakers, writing the following letter to
Homeland Security Acting Secretary Elaine Duke.

Grassley expects an answer by August 18.

Chicago Sues Trump Administration
Over Sanctuary City Crackdown

By Alexandra DeSanctis
National Review, August 9, 2017

The city of Chicago has plenty of problems.
Its latest? The Justice Department plans to deny it
law-enforcement grants over its government’s
refusal to enforce federal immigration law. In
response, Mayor Rahm Emanuel has filed a
lawsuit against the Trump administration.

Under Attorney General Jeff Sessions, the
Justice Department has taken vigorous steps to
punish so-called sanctuary cities. These are
jurisdictions across the country, including
Chicago, that have instituted a formal policy of
protecting illegal immigrants — including those
convicted of violent crimes — from federal law-
enforcement agents.

By tying compliance with immigration law to
the federal block grants they receive, Sessions
has forced sanctuary cities such as Chicago to
choose between a vital source of funding and their
dedication to progressive immigration policies.
Chicago is just the first city to sue the
administration over the block grants, but Emanuel
believes it won’t be the last.

The Justice Department’s new compliance
requirements are specifically related to the money
doled out by its Edward Byrne Memorial Justice
Assistance Grant program — Byrne-JAG grants,
for short — which funds miscellaneous spending
for state and local law-enforcement agencies.
States can apply for these funds each year, but
they must agree to follow the compliance
requirements attached to the program.

“With one hand, these cities accept federal
money for the costs of incarcerating criminal
illegal aliens, for example,” Jessica Vaughan, the
director of policy studies at the Center for
Immigration Studies, told

National Review last fall. “But then with the
other hand, they unlock the door and let those
criminal aliens out of the jail cells.”

Given the Supreme Court’s ruling in Printz v.
United States, which held that state law-
enforcement officers can’t be compelled to
administer federal law, Chicago has the right to
decline to enforce federal immigration statutes.
But that isn’t a limitless right. For one thing, the
city can’t obstruct federal efforts to enforce
immigration law within its borders. More
importantly, the city doesn’t have a right to receive
grants for law-enforcement purposes if it refuses
to enforce federal law.

Chicago’s suit argues that the Supreme
Court’s 2012 ruling in NFIB v. Sebelius precludes
the Justice Department from tying federal funding
to law enforcement in this way, but the Court’s
1987 ruling in South Dakota v. Dole paints a
different picture. In it, the Court upheld the
constitutionality of a statute that withheld federal
funds from states that did not raise the drinking
age to conform with federal law. Sessions is using
a similar strategy: Allow cities to declare
themselves sanctuaries, but use the common
tactic of financial coercion to pressure them into
changing their minds.

The city government intends to use $3.2
million in Byrne-JAG grants to purchase a fleet of
new police vehicles. “Chicago will not be
blackmailed into changing our values, and we are
and will remain a welcoming city,” Emanuel said.
“The federal government should be working with
cities to provide necessary resources to improve
public safety, not concocting new schemes to
reduce our crime-fighting resources.”
But Sessions has argued that Chicago — along with other sanctuary jurisdictions — is not, in fact, using the crime-fighting resources that are being provided to by the federal government. The city may need new police vehicles, but the city’s law enforcement cannot accept money for a task it is unwilling to perform. In fact, Chicago remains one of the nation’s top violators of federal law.

Last year, Texas Republican John Culberson, who chairs the House Appropriations Subcommittee on Commerce, Justice, and Science, insisted that the U.S. inspector general conduct a survey of all the country’s sanctuary jurisdictions. The final report identified the city of Chicago and Cook County, where it is located, as two of the top ten worst violators of federal immigration law, most notably because they restrict or in some cases prohibit local cooperation with federal immigration authorities.

“Their days of taking federal money are over. If you want federal money, follow federal law,” Culberson told National Review at the time. “It’s simple. This is Mayor Rahm Emanuel’s choice. This is Bill de Blasio’s choice.”

With Sessions installed at the Justice Department, Culberson may get his wish. This lawsuit shows that Emanuel remains intent upon both flagrantly ignoring federal law and continuing to collect federal cash. He shouldn’t be allowed to get away with it.

**Judge Andrew Napolitano: The Truth About Sanctuary Cities And The Rule Of Law**

By Andrew P. Napolitano

Fox News, August 10, 2017

Earlier this week, the Trump Department of Justice told the mayor of Chicago that it would cease funding grants to the Chicago Police Department that had been approved in the Obama administration because Chicago city officials were not cooperating with federal immigration officials.

The DOJ contended that Chicago officials were contributing to lawlessness by refusing to inform the feds of the whereabouts of undocumented foreign-born people, thereby creating what the feds derisively call a “sanctuary city,” and Chicago officials have argued that their police officers and clerical folks are not obligated to work for the feds.

Who is correct?

The concept of a sanctuary city does not mean it is a place where federal law is unenforced by the feds. Rather, it is a place where local authorities have elected not to spend their tax dollars helping the feds to enforce federal law. The term “sanctuary city” is not a legal term but a political one. The Trump administration has used the term to characterize the governments of towns and cities that have created safe havens for those who have overstayed their visas by refusing to tell the feds who these folks are and where they can be found.

Can local authorities refuse to help the feds enforce federal law? In a word, yes. There is no legal obligation on the part of local authorities to help the feds with manpower or resources or data to enforce federal law within the jurisdiction of those local authorities.

During the Clinton administration, when Congress passed legislation that directed local law enforcement to enforce a federal gun registration scheme, the Supreme Court invalidated the statute. It ruled that the feds cannot commandeer local and state officials and compel them to enforce federal laws; the feds can enforce their own laws.

The federal compulsion, the court held, violated the Guarantee Clause of the Constitution, which guarantees a representative form of government in every state. If the feds could enter a state and nullify the will of elected state officials not to spend state tax dollars, that would unconstitutionally impair representative government in those states.

Can the feds withhold federal funds from cities that refuse to cooperate in the enforcement of federal law? Yes and no. In the post-World War II era, Congress began purchasing state compliance with its wishes in areas that the Constitution did not permit it to regulate. Stated differently, since Congress can spend money on any matter it wishes, as long as it is arguably for the general welfare, but it cannot regulate for the general welfare, it has used its power of the purse as a way around the constitutional limitations on its regulatory powers.

This is legalized bribery of the states.

In the Reagan administration, Congress offered hundreds of millions of dollars to the states
to repave federal highways if the states lowered their maximum speed limits to 55 miles per hour. South Dakota objected. Its government wanted the federal cash for the highway repaving but did not want to lower its speed limits.

The Supreme Court ruled in favor of the feds. It held that South Dakota is free to reject federal dollars, but if it accepts them, it must accept the strings that accompany them, as long as those strings are clearly spelled out before the cash flows and rationally related to the expenditure of the federal funds. Because repaving highways and the maximum speeds that vehicles would travel on them were rationally related, South Dakota had to choose between its cherished liberal speed limits and federal cash. No surprise, it chose the cash.

Now back to sanctuary cities. When the Obama administration offered Chicago and other cities cash to purchase new police communication equipment, it attached strings to those offers — but compliance with federal immigration authorities was not among them. Chicago’s complaints about DOJ threats are constitutionally sound because federal strings can be imposed only by Congress and they cannot be imposed retroactively.

Thus, federal funds awarded in the Obama administration without the string of cooperation with immigration authorities attached may not be interfered with by the Trump administration. If the feds do withhold committed funds that lack a cooperation condition attached, a court will invalidate that withholding.

Is the refusal to cooperate with the feds a form of nullification? In a word, yes. Federal law is superior to local law in areas that are primarily or exclusively federal, and immigration is unambiguously federal. Yet having pockets throughout the country without local cooperation with the feds fosters what the courts have called “laboratories of democracy.”

Stated differently, if the local government in Manhattan or Chicago or Seattle aggressively protects undocumented immigrants who live there in return for the purchasing power and cultural diversity that immigrants bring, that may relieve social and legal pressure on governments elsewhere and will be a social experiment — a laboratory of democracy — worthy of cultural and political scrutiny and perhaps even indifference when it comes to the feds.

Many Trump supporters see in the president a champion who will rid the country of those they see as unlawfully here, and they also see in liberal big-city mayors politicians pandering to interest groups. But there is a rich history to federalism, and there are two sides to its coin. The rich history is that of state and local resistance to the tyranny of the majority in Washington — a resistance as old as the country itself. The refusal of Massachusetts authorities to cooperate with the feds in the enforcement of the federal Fugitive Slave Act comes to mind.

The other side of the coin is unthinkable to my conservative brethren. If Hillary Clinton had been elected president along with a Democratic Congress and it had offered state and local governments federal funds with strings attached requiring cities to make abortions available on demand, they all would be whistling a very different and very federalism-based tune.

Andrew P. Napolitano, a former judge of the Superior Court of New Jersey, is the senior judicial analyst at Fox News Channel.

Newt Gingrich: Rahm Emanuel Is The Renegade Mayor Of A Renegade City

By Newt Gingrich

Fox News, August 9, 2017

Chicago Mayor Rahm Emanuel’s decision to sue the Department of Justice because it’s asking the Chicago Police Department to obey the law perfectly illustrates the dangerous disdain the modern Left has for normal Americans.

On July 25, Attorney General Jeff Sessions asked all cities, states, and territories applying for a very specific federal law enforcement grant to adhere to three new, very reasonable measures: To openly communicate with the Department of Homeland Security; to allow DHS officers to meet with locally-held prisoners who live in the country illegally and have been arrested for non-immigration related crimes; and to give the Department 48 hours’ notice before releasing such prisoners.

These are fairly simple, practical, common sense requirements — which the vast majority of cities and states gladly meet. Of course, federal, state, and local agencies should talk to and work with one another to enforce our laws. Federal agents shouldn’t be expected to consult a crystal ball to track down and deport people here illegally who are committing crimes — especially since local
police know better than anyone about criminal aliens operating in their communities.

Yet, Mayor Emanuel is defending Chicago’s so-called sanctuary status, claiming that these requirements, “sow fear in local immigrant communities and ultimately make the people of Chicago less safe.”

Mayor Emanuel would like us to believe that he is concerned about the safety of his citizens, but his lawsuit is nothing more than a political charade. He is literally welcoming more criminals to the streets of Chicago.

Really? Chicago – where 4,331 people were shot and 762 were killed last year – will be less safe? Who exactly does the Mayor think will be made safer if local police let criminal noncitizens back on the streets instead of cooperating with federal authorities to deport them?

I agree with Hispanic 100 Spokesman Steve Cortes, who says cities like Chicago deserve a different title. Cortes made the case on “Fox & Friends” last week saying, “it’s not sanctuary for the victims of these crimes, it’s not sanction for the cops who have to deal with known criminals... I’d rather call them renegade cities.”

Cortes did not stop there though. After calling Chicago “the most dangerous city, in the Western world,” he pointed out that Emanuel is a renegade mayor, as well.

“Instead of worrying about protecting the children of Chicago, he’s worried about protecting known criminal illegal immigrants — that’s a renegade action,” Cortes said.

Chicago is not alone. The Washington Times reported in March there were nearly 500 states, cities, counties, or other jurisdictions across the country that refuse to cooperate with federal immigration officials.

Was only accounts for about two percent of all cities, counties and states, but this is a big problem because these renegade jurisdictions potentially serve as safe havens for dangerous international crime gangs, such as MS-13, that endanger all our communities.

These gangs pose significant threat to American citizens. As I explain in my #1 New York Times best-selling book “Understanding Trump,” according to the Drug Enforcement Administration’s 2015 National Drug Threat Assessment the most dangerous and significant drivers of drug-related crime in the United States are multinational cartels from Mexico.

The DEA reported that the foundation of these cartels is the network of people who run the drug trade infrastructure inside U.S. borders. Specifically, the DEA said, “Actual members of Mexican TCOs are usually sent to important U.S. hub cities to manage stash houses containing drug shipments and bulk cash drug proceeds.”

Now, if you led an international drug cartel, would you set up shop in a city where your undocumented gang members would be deported upon arrest or one like Chicago, where local police looked the other way once you made bail?

Mayor Emanuel would like us to believe that he is concerned about the safety of his citizens, but his lawsuit is nothing more than a political charade. He is literally welcoming more criminals to the streets of Chicago.

In his response to the lawsuit, Attorney General Sessions struck exactly the right tone.

“They have demonstrated an open hostility to enforcing laws designed to protect law enforcement — Federal, state, and local — and reduce crime, and instead have adopted an official policy of protecting criminal aliens who prey on their own residents... No amount of federal taxpayer dollars will help a city that refuses to help its own residents,” Sessions said.

Hopefully, the other renegade states, cities, and counties in our nation will heed the Attorney General’s warning and leave their renegade ways behind them.

Newt Gingrich is a Fox News contributor. A Republican, he was speaker of the United States House of Representatives from 1995 to 1999. Follow him on Twitter @NewtGingrich. His latest book is “Understanding Trump.”

Sanctuary Cities Vs. Hideouts

The harboring of illegals evokes the lawlessness of the Wild West

By Cal Thomas
Washington Times, August 9, 2017

In biblical times, a sanctuary city was a place where someone who had committed unintentional manslaughter could find refuge from “the avenger of blood.” If the offender left the sanctuary city, he could be set upon by a relative of the dead person and killed. No sanctuary was available to anyone who committed murder with malice aforethought.

Modern sanctuary cities are less reflective of their ancient namesakes and more like the hideouts established by train robbers and cattle rustlers during the days of the Wild West, as the
current sanctuary city movement shields men and women who have broken federal law to reach the United States.

Threats by the Trump administration to hold back federal money from cities that harbor illegal immigrants show some promise. In July, Attorney General Jeff Sessions announced new immigration compliance requirements for federal grant programs, including mandates that state and local entities must allow federal immigration access to detention facilities and provide 48 hours’ notice before authorities release an illegal immigrant wanted by federal authorities. If states comply, they get the grants. If they do not, they get nothing.

Miami-Dade County in Florida and Clark County in Nevada have changed their minds about harboring lawbreakers. The Department of Justice has sent letters to both counties certifying that they are now in compliance with the law and are now cleared for federal grants.

Other sanctuary cities are not so cooperative. Chicago Mayor Rahm Emanuel has filed a lawsuit against the Department of Justice for threatening to withhold federal funds earmarked for local law enforcement. Given the shooting gallery Chicago has become, it’s difficult to see how more money will improve safety, especially on the city’s South Side, where an average weekend of violence often produces more casualties than in Afghanistan.

In Washington, where today’s “principled stand” can quickly be forgotten, Democrats have changed their view about an immigration plan they consistently supported for a decade. Democrats in Congress previously favored a policy that would have established a points system for selecting legal immigrants. Now that President Trump favors such a system, based on merit, Democrats suddenly oppose it. For such a U-turn the word “hypocrisy” was invented, but the left doesn’t care. They are about votes and winning elections, not actually fixing an immigration system everyone agrees is broken and needs repair.

Under regulations concerning cities of refuge established in the Book of Numbers (35:25) and the code of the Levitical priesthood, once an individual had claimed asylum, he had to be taken from the city to stand trial. If he was found innocent, he was returned under guard to the city in which he had claimed asylum. When the high priest died, the person could return to his property.

That is a far cry from what modern mayors and governors want for their illegal immigrants. For them there is to be no arrest, no charge and no trial. Some Maryland jurisdictions are talking about adding more localities to those that already allow undocumented immigrants to vote in local elections. It won’t be long before there are demands that they be allowed to vote in federal elections, which appears to be the objective of many Democrats who want and need the votes. They’d likely get them too, once undocumented immigrants become dependent on government programs.

Name a federal law you could get away with breaking. Could you find “sanctuary” away from the government’s long arm?

The lawsuit by Chicago’s mayor will likely reach the Supreme Court. That is what makes the elevation of Neil Gorsuch to that high bench so critical.


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How Chicago Could Beat Trump In Court

Vice, August 9, 2017

For months, Donald Trump has been fueling panic about Chicago’s crime rate, repeatedly threatening to use his power as president to “send in” federal troops to deal with the scourge of homicides plaguing the city.

On Monday, Chicago made its own power move.

The city filed a federal lawsuit against the Trump administration in an effort to stop the Department of Justice, led by Trump’s frenemy Jeff Sessions, from punishing Chicago for its status as a so-called “sanctuary city.” In defending the lawsuit on CNN, Mayor Rahm Emanuel stressed that forcing his city to choose between its values and the police department’s community policing philosophy is “a false choice” that “undermines our actual safety agenda.” Going after Trump and Sessions over policing is also likely a welcome change for Emanuel, who has
drawn harsh fire for Chicago’s police brutality and persistently high violent crime.

The lawsuit centers on a federal grant, the Edward Byrne Memorial Justice Assistance Grant—or Byrne JAG—used by state, city and tribal governments to support law enforcement. In July, Sessions—a longtime foe of undocumented people—took his first real step to crack down on sanctuary cities when he announced that he would be imposing new conditions on localities that want to receive cash from the Byrne JAG.

Chicago’s lawsuit alleges that these new conditions—which empower the feds to interrogate arrestees at local jail facilities, and require local law enforcement officials to detain individuals longer than justified by probable cause—are “unauthorized and unconstitutional.” Meanwhile, the city received $2.3 million from the Byrne JAG last year.

Desus and Mero have their own take on the president’s weird fondness for threatening Chicago:

While Sessions has already responded to Chicago’s legal challenge by saying that the Windy City “has chosen deliberately and intentionally to adopt a policy that obstructs this country’s lawful immigration system,” a number of legal experts have argued the lawsuit’s central claims actually rest on sturdy shoulders. George Mason Law School professor Ilya Somin told me that while it’s not unusual to see a presidential administration attempt to finagle grant conditions, he’s “not aware of a case as blatant as this one where the executive branch just seems to make up conditions on its own, and doesn’t even have a minimally plausible argument that they were included in the bill Congress passed.”

Likewise, Phil Torrey, an attorney focused on the intersection of criminal and immigration law at the Harvard Immigration and Refugee Clinical Program, thinks Chicago’s suit has some real muscle. Here’s what he had to say about the latest major lawsuit against the Trump administration, and how this saga might play out from here.

VICE: What do you make of Chicago’s new lawsuit? Is it viable?

Phil Torrey: I think Chicago feels like they’ve been backed into a corner as they anticipate potentially losing JAG funding. They make a number of claims—on statutory and constitutional grounds—and I’d say both have a good deal of merit.

What are some of the stronger claims?

Well there are a few. One is Chicago’s spending clause claim: Basically what the city is saying is that the executive agency responsible for administering these federal grants cannot impose additional restrictions on those funds without congressional approval. And in this instance, Congress hasn’t given any authority to the DOJ to impose the kinds of restrictions Sessions is advocating for. I think that’s a pretty clear, straightforward argument.

I also think the city of Chicago and other municipalities are currently in compliance with federal law, specifically Section 1373 [a federal statute that bars local governments from restricting the sharing of immigration status information with ICE agents]. If you look closely at their “sanctuary” policies, you’ll see they don’t have rules that restrict the sharing of this information. I think the DOJ is incorrectly construing those policies to claim cities are running afoul of the law.

But if Chicago is arguing the DOJ needs congressional approval to condition federal funds, couldn’t the GOP-controlled Congress just go ahead and do that, and effectively render the lawsuit moot?

Yes, Congress could attempt to pass some legislation that would further restrict JAG funding, but that hasn’t been done yet. There could be other constitutional challenges to that kind of statute, but as it stands, that specific enabling language to allow the DOJ to pass new restrictions has not been approved.

One complicating factor is that the Byrne JAG is related to public safety, and Congress can’t impose its will on municipalities in a way that would force them to implement new public safety measures. Constitutionally, public safety is completely within the purview of a city or county or state, and Congress could arguably be overstepping its authority if it passes legislation that forces these localities to do something that they believe harms their public safety.

Do you think other local governments will follow Chicago’s lead, as some reports suggest they are considering?

You’ve got city, county, and state law enforcement officials all serving different roles within the realm of public safety, and some of
these new conditions placed on the Bryne JAG funding affect those players in different ways. You could definitely imagine multiple levels of local government filing claims—either in conjunction with Chicago or separately against the DOJ.

Can’t the administration argue—with some merit—that the federal government has broad discretion over immigration policy?

This is actually being framed more as a public safety issue than an immigration enforcement issue. And when you’re operating within the realm of public safety, then states and localities have full constitutional authority to enact and enforce policies that they see fit. Municipalities are saying, “Wait a minute—public safety is our realm to operate in. You can go ahead and enforce immigration laws. Do what you need to do, but don’t come in here and tell us how to do public safety.”

As this case winds its way through the courts, what should we be looking out for next?

Hundreds of municipalities have decided that the best way to police their communities is by separating their public safety enforcement from immigration enforcement. If we move to entangle them, it may have a chilling effect that could really harm community systems.

I think this case illustrates that the administration is putting a target on states, counties, and municipalities that have these types of [community policing] policies—considering them somehow against federal law. Essentially what the DOJ is doing is saying, “We’re going to substitute your own views on what’s best for your communities with our views.”

You effectively have a federal government attempting to force municipalities to change their policies, which is actually contrary to how you’d expect a traditional Republican, conservative government to act. Normally you’d expect to see conservatives favoring local autonomy and disfavoring federal overreach. That’s not what’s happening.

This interview has been lightly edited and condensed for clarity.

**Sanctuary Cities & Federalism: Conservatives Shouldn’t Commandeer Local Law Enforcement**

By Robert VerBruggen

*National Review*, August 9, 2017

A lot of conservatives have been supportive of Attorney General Jeff Sessions’s attempt to strip certain federal funds from sanctuary cities, which Chicago has challenged in a lawsuit. I am no fan of sanctuary cities, but I am not a fan of this approach, either. Not only is there a credible case that what Sessions is doing is illegal, but more important, it involves a tactic that conservatives should reject wholesale.

I won’t go too deep into the legal weeds here, but over at the Volokh Conspiracy, Ilya Somin has offered a decent argument that this effort violates existing law. Limits to federal funds must be explicitly spelled out by Congress so that states and localities can choose whether to take the money with full knowledge of the strings attached; the executive branch can’t just add more strings on its own. And even if Somin is wrong to see this as a general constitutional principle, Chicago notes that the specific statute at issue here does not grant such discretion to the executive. In addition, the federal government can’t “commandeer” state and local law-enforcement resources.

And even if this is legal, it’s wrong. If the federal government wants to reimburse states for specific costs associated with enforcing federal law, that’s one thing. But it’s quite another for the federal government to go beyond that, using federal grants as leverage to get state and local governments to do what it wants. The textbook example here, of course, was the 1984 law demanding states raise their drinking ages to 21 or lose 5 percent of their federal highway funding.

The knee-jerk rejoinder is that if states don’t want the strings, they shouldn’t accept the money. But take a simpler view here: that of an individual American citizen. The federal government is taking his money through taxes and refusing to give it back unless his (supposedly sovereign) state enacts the right policies. That’s extortion, it’s a tyranny of the federal majority over dissenting state and local governments, and it’s a gross violation of federalism. And the more federal money gushes into the states — the feds currently provide nearly a third of state budgets — the more state and local policymaking is held hostage to the federal government’s whims.

State and local governments should happily help the federal government enforce immigration law. But they should also have every right to
refuse to without losing federal funds that are available to those who choose otherwise.

**Safety, Profiling Concerns Swirl Over Immigrant Detainer Bill**

By Colin A. Young

Pittsfield (MA) Berkshire Eagle, August 9, 2017

Civil liberties and immigrant rights activists converged on the State House this week to voice their displeasure with Gov. Charlie Baker’s proposal to allow state and local police to cooperate, in some cases, with federal immigration detainer requests, with some activists going as far as to label the policy racist.

The Massachusetts chapter of the American Civil Liberties Union and Centro Presente, an East Boston-based immigrant rights organization, each protested Baker’s bill this week outside the State House with charged language, with some activists holding signs referencing the Ku Klux Klan.

“Unfortunately, our Governor Baker has proposed a bill that will increase racial profiling of immigrant workers and their families in Massachusetts, and we can’t allow racist practices that are being spread by (President Donald) Trump to make their way into state policies,” Natalicia Tracy, executive director of the Brazilian Worker Center, said in a statement. “Governor Baker’s Detention Bill is racist at its core and it will impact hard working immigrant families who have been living, working and paying taxes here for decades and who are part of the fabric of our society.”

The bill (H 3870) Baker filed last week would allow state and local police to honor requests from Immigration and Customs Enforcement to detain individuals already in state custody on criminal charges or for sentences related to past violent crimes.

The legislation would allow – but does not require – police to honor a written request from ICE to hold an individual for up to 12 hours if that person has engaged in or is suspected of terrorism, has been convicted of a crime involving a street gang, has been convicted of a non-immigration related felony or certain state crimes like domestic violence, sexual abuse or human trafficking.

“The administration was pleased to propose legislation to allow the State Police to honor specific detainer requests for violent and dangerous criminals, convicted of crimes like murder and rape, and provide local officials with the flexibility they need to set policies appropriate to keep their communities safe,” Baker spokesman Brendan Moss told the News Service in an email.

In a statement, Public Safety Secretary Daniel Bennett said the proposal would not allow police to enforce federal immigration law, as has been proposed by Rep. James Lyons.

“Any detention authorized by this bill would be limited to aliens already independently in state custody because of new state criminal charges or sentences,” Bennett said in the statement. “This bill does not empower state or local police to proactively arrest people for immigration law violations; it would allow police to detain a person who is a threat to public safety for a limited period of time if that person were about to be released and the federal authorities were unable to immediately take the person into their custody.”

Detaining anyone for longer than 12 hours at ICE’s request would be subject to judicial review under the governor’s bill. The bill was sent to the Joint Committee on the Judiciary but a hearing has not yet been scheduled.

Gabriel Camacho, the immigration programs coordinator for the American Friends Service Committee, said that since President Donald Trump took office ICE has not shown the same level of discretion in making contact with people who have violated immigration laws. Now, he said, the agency seems to cast a much wider net with less concern about who other than the intended target might be affected.

“There’s a lot of what’s called collateral damage,” Camacho said at Tuesday’s ACLU rally. “ICE will go over and try to find somebody but in the meantime, they would just pick up anybody in the neighborhood.”

On Tuesday, the U.S. Department of Justice’s Executive Office of Immigration Review released statistics showing immigration judges issued 49,983 removal orders for people illegally in the country between Feb. 1 and July 31 this year. During the same period last year, there were 39,113 removal orders issued.

In making the announcement Tuesday, the DOJ noted that Trump has “mobilized” more than 100 existing immigration judges to Department of Homeland Security detention facilities across the country and that more than 90 percent of these
cases have resulted in orders requiring aliens to depart or be removed from the country. DOJ has hired 54 additional immigration judges since Trump took office, the department said.

Baker’s proposal came a week after the Supreme Judicial Court ruled in an unsigned opinion that state law does not allow Massachusetts law enforcement to hold defendants at the request of the federal government for immigration violations if the state or local authorities have no other legal reason to keep the person in custody.

The practice Baker is seeking to codify in state law of honoring certain ICE detainer requests had been in effect for a year before the SJC’s July 24 Lunn v. Commonwealth decision. That case was brought by a Cambodian refugee who was held by the Boston Municipal Court at the request of ICE after charges of unarmed robbery had been dismissed.

Two of the House’s more progressive members — Reps. Denise Provost of Somerville and Mike Connolly of Cambridge — joined Centro Presente on Wednesday to rail against Baker’s bill and pledge to do whatever they can to prevent it from becoming law. Rep. Carmine Gentile and Democratic gubernatorial candidate Setti Warren attended Tuesday’s rally.

“These bills, of course, have been filed, they’ll be turned over to committee for a hearing, but between now and then I think we can all make it politically impossible to overturn Lunn,” Provost said. “I think we can make these bills politically dead on arrival. So let’s do that.”

Connolly called it “absolutely inconceivable and unacceptable” for Massachusetts to backtrack on the Lunn decision, which he called “a real breakthrough for us who have been supporting the Safe Communities Act.”

Both events outside the State House this week included calls for the Legislature to pass the so-called Safe Communities Act, which would prevent state and local police from enforcing immigration law or detaining someone solely at the request of ICE for a civil immigration violation. Baker opposes the Safe Communities Act because he believes decisions about whether and how to cooperate with ICE should be made at the local level. While many Democrats in the Legislature support the Safe Communities Act, Democratic legislative leaders have not made it a priority seven months into the two-year session.

If you’d like to leave a comment (or a tip or a question) about this story with the editors, please email us. We also welcome letters to the editor for publication; you can do that by filling out our letters form and submitting it to the newsroom.

‘I Can Have You Killed’: Afghan Woman Fears Husband After US Denies Asylum

By Sune Engel Rasmussen
The Guardian (UK), August 9, 2017

When Shakila Zareen learned that her husband planned to kill her, she fled to her mother’s house.

A few hours later, she was alone in the living room when her husband and two other men scaled the compound walls. As they came through the door, Zareen turned to see her husband aim a hunting gun at her and pull the trigger.

She woke up in a hospital the next morning after miraculously surviving the shooting and a gruelling seven-hour drive to Kabul. She traced her fingers over her bandaged face and realized that half of it was missing. Someone told her she had miscarried; she hadn’t even known she was pregnant. She was 16 years old.

It was late 2012, and Zareen’s life was shattered. Alerted to her ordeal, the Indian government flew her to Delhi and paid for nine reconstructive surgeries over three years. The UN granted her refugee status, and referred her for resettlement to the US.

In 2016, the US government conditionally approved that application. Zareen, now 21, started to hope that she would be able to rebuild her life, far away from her abusive husband.

But a year later, on 23 June, US Citizen and Immigration Services notified Zareen she was ineligible for resettlement. The reason, the letter said, was “a matter of discretion for security-related reasons”.

“I couldn’t believe it. I cried all the way home. Everybody in the street stared at me. The message made me so sick I had to go to hospital,” Zareen told the Guardian.

When the US and its allies invaded Afghanistan in 2001, it claimed the advancement of women’s rights as a central pillar of its mission. But cases like Zareen’s demonstrate that progress remains largely in the abstract. Legal justice and protection for female victims exists on paper, but often not in practice.
The government has not been able to provide safe environments for women, not in the home, in the street or at work,” said Fawzia Koofi, an Afghan lawmaker.

Zareen’s asylum request was denied after the introduction of new US immigration policies under Donald Trump – but previous governments may have rejected her too. “Security-related” reasons for rejecting applicants are rarely disclosed.

However, the Trump administration’s incoherent policies, including a 50,000-person cap on refugee admissions – compared with 110,000 under Obama – will block even more Afghan women like Zareen from reaching the US.

Admissions reached the 50,000 cap in July, leaving eligible only refugees with “bona fide” relationships to the US.

“Since this administration got into office, it has completely slowed down – if not stopped – any progress in cases with Afghans trying to gain asylum in the US,” said Kimberley Motley, an American attorney working in Afghanistan.

Koofi said: “There needs to be a balance between military and civilian efforts. I don’t think women’s rights are a priority for our international friends anymore.”

Zareen’s ordeal began in early 2012 when her brother-in-law – a young strongman in the country’s northern Baghlan province – came to visit the family with a 20-man entourage.

He forced Zareen to marry a friend of his who was 14 years her senior. Her family was powerless to stop the wedding: her father was bedridden from illness and died two weeks after the ceremony.

“He couldn’t protect us,” said Shirin, Zareen’s mother.

The abuse began immediately. Zareen says she was raped on their wedding night, and from then on her husband would beat and torment her.

“I was very scared of him. He hurt me during sex,” she said. “It was almost every day. Sometimes he would tie my hands.”

Her husband had powerful friends. Her brother-in-law was a local community liaison to the government, but both men also assisted the Taliban, Zareen said. A local parliamentarian, Haji Ashaullah, confirmed the allegation.

Paradoxically, the men’s ties with the Taliban might have hurt Zareen’s asylum claim. Refugee officials, not authorised to speak to media, said even tenuous connections with people labelled as insurgents can sink an asylum request, even if the insurgents are the very people the refugee is fleeing from.

Zareen and her husband later moved north to Mazar-i-Sharif. One day, after a particularly horrific thrashing, she sought help from police. She told them about the beatings – and her husband and brother-in-law’s links to the Taliban.

A commander brushed her off, saying: “He is your husband. He didn’t cut off your nose or ear, he just beat you. It happens,” Zareen remembered.

Not only did the police not protect Zareen, but someone informed the two men of her visit. In turn, Zareen’s sister tipped her off that her life was in danger. Hours later, she was shot in the face.

Zareen’s husband ignored multiple interview requests from the Guardian. In combative interviews, Zareen’s brother-in-law denied all allegations and claimed she had shot herself.

Asked about the allegations, he responded: “Do you know who I am?”

Following the shooting, Zareen’s husband was held in jail for 10 months, but was then released.

According to Motley, Afghanistan’s criminal courts often impose shockingly low penalties for crimes against women, charging attempted-murder suspects only with battery.

Nearly four years after the shooting, speaking from her apartment in India alongside her mother, Zareen said the asylum rejection had left her bereft and unsafe.

“It’s very easy for them to come to India,” she said of tormentors. “They threatened me that India is only a step away, and that they can find and kill me any time.”

Zareen believes her well-connected husband could still carry out the threats, and she spends most of her time inside the apartment. He still calls her.

In recordings of a phone call heard by the Guardian, Zareen’s brother-in-law threatens her and her mother in obscene language, as well as her brothers back in Afghanistan.

He has called Zareen’s mother, too.

“He told me: ‘I can kill your son, and when you come back for the funeral, I can have you and Shakila killed’,” Shirin said.
After Long Wait For Asylum, Somali Reunites With Brother In Nebraska

By Kate Morrissey
San Diego Union-Tribune, August 8, 2017

Mohamed Hassan was tortured in his home country of Somalia because he loves to dance and sing Michael Jackson songs.

He fled to Brazil, and followed a migrant route to the U.S. border that is more than 7,000 miles long. When he made it to Otay Mesa's port of entry, he asked for asylum. He spent the next 14 months detained in Imperial County before an immigration judge granted his request.

Hassan sang part of Jackson's “Billie Jean” in court to help prove that his story was true.

When he found out in March that he would be allowed to reunite with his brother in Iowa, his eyes filled with tears of joy.

"You can't imagine. When you are detained, you feel that you're not free," Hassan said over the phone this week through a friend translating for him. "When they said, 'You're free right now. You can go wherever you need,' I felt so happy for that day."

Holding asylum seekers in detention while their cases are pending has been a controversial issue for several years.

Some say asylum seekers should be released after they pass preliminary interviews where they have to show that they have a legitimate fear of returning to their home countries. They argue that those who qualify for asylum have already experienced trauma and that holding them in detention can exacerbate the lingering mental effects of those experiences.

Others say that too many people who do not have legitimate asylum cases are trying to get into the U.S. by claiming they’re afraid to go home. They argue that national security would be jeopardized by allowing asylum seekers out of detention before they’ve won their cases.

Hassan’s attorney Elizabeth Lopez said that since his case, she’s seen an uptick in cases for asylum seekers from African countries who are detained in the Imperial County facility that held Hassan. In addition to Somalis, she has noticed more Eritreans and Senegalese.

Under President Donald Trump, immigration courts are prioritizing cases for people in detention facilities. The number of cases processed between February and July is up 14.5 percent from the same time frame last year, according to the Department of Justice.

Hassan is now working five to six days a week at a meat plant in South Sioux City, Nebraska.

He sends money to his sisters, who are in a refugee camp in Zambia. He wants to bring them to the U.S.

His work is tough manual labor, he said, and involves butchering cows from 3 p.m. to midnight. He’s been in Nebraska for a month and is already experiencing shoulder pain and hand pain from the work.

He’s worried that staying at that job for too long will make it more difficult for him to dance, one of the great passions of his life. In Somalia, he sang and danced at weddings as a career, and he hopes to return to that once he is more settled.

He registered for a class to begin learning English, but it hasn’t started yet. He’s also getting used to customs and devices that Americans take for granted, like stoplights and ATM machines.

He plans to save enough money to buy a car and then return to Iowa to be with his family and work toward his goal of dancing and singing professionally in the U.S.

Hassan’s brother came to Iowa as a refugee after living in Ethiopia and Libya.

Al-Shabaab, a terrorist organization aligned with Al-Qaeda, banned music and other leisure activities in the parts of Somalia under its control. Members of the group jailed and tortured Hassan, he said, and he and his siblings fled for their lives. In the process, they were separated.

After his brother told him about life in the U.S., Hassan decided to make the dangerous trek to the U.S. border where he asked for protection in January 2016 at the Otay Mesa port of entry.

Though he had a hearing with an immigration judge in mid-January 2017, the judge didn’t make a decision until March.

His brother bought Hassan a bus ticket after Hassan’s release. After a three-day trip to Des Moines, Hassan saw his brother again for the first time since they’d escaped their home.

Hassan said they stayed up all night talking. Neither one could calm down enough to sleep.

His brother is engaged to be married, and now that Hassan has asylum, he will be able to attend the ceremony in January.

“That was one of my dreams,” he said.
Newspaper Gives Warning About ICE Program

Daily Caller, August 9, 2017

El Salvadoran newspaper La Prensa warned illegal immigrants in an article Tuesday not to go to the 18 states where police agencies are able to enforce immigration law.

Immigration and Customs Enforcement has expanded the use of the 287(g) program under President Trump. The 60 agencies in 18 states that participate in the program assist in the arrest and removal of illegal immigrants.

La Prensa’s article read, “If you’re in the U.S. or know someone who is living in these conditions, this information will interest you.” (RELATED: Feds Increase Partnerships With Local Law Enforcement To Arrest Illegals)

The piece went on to list 18 Texas law enforcement agencies that recently signed 287(g) agreements and linked readers to a list of all the jurisdictions that are participating in the program. (RELATED: El Salvador Follows Mexico’s Lead And Gives Illegals Advice On How To Avoid Deportation)

Here is the list of places illegal immigrants have been told to avoid:

New Mexico County To Keep ‘immigrant Friendly’ Policy

Associated Press, August 9, 2017

New Mexico commissioners have decided to keep a policy declaring Bernalillo County an immigrant-friendly community despite threats from U.S. Justice Department to defund so-called sanctuary cities.

Bernalillo is New Mexico’s most populous county and includes the city of Albuquerque. The county’s Board of Commissioners passed the immigrant-friendly resolution in March as a symbolic gesture, and to prevent county dollars and personnel from being used to investigate anyone’s immigration status or arrest individuals based on their immigration status, unless required to do so by law.

Commissioner Wayne Johnson proposed repealing the resolution and granting the Department of Justice access to county-operated detention facilities. At the meeting, Johnson affirmed that the measure was in response to the federal government’s requirement to access the county’s detention center for participation in its Partnership Program, which provides cities like Albuquerque millions of dollars in federal assistance, and had nothing to do with immigrants.

“There’s nothing in this resolution that directs or implies that the Bernalillo County Sheriff’s Department should in any way be enforcing federal immigration law,” he said. “Everything in this resolution puts the burden on the Department of Homeland Security and on Immigration and Customs.”

Only Johnson voted in favor of the proposal Tuesday night.

Albuquerque City Councilor Rey Garduno saw Johnson’s move as a way to gain attention as the commissioner running to be Albuquerque mayor.

“Shame on you. Shame on you for grabbing headlines to see if you can get elected,” he said, as the crowd erupted in applause. “Shame on those who take refuge on scoundrelness. You will pay your dues. I promise you.”

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College Park Postpones Decision On Allowing Noncitizens To Vote

By Rachel Chason
Washington Post, August 9, 2017

The city of College Park, the Washington suburb that is home to the University of Maryland’s flagship campus, postponed a vote Tuesday on whether to extend municipal voting rights to noncitizens while it weighs whether to hold a referendum and let voters decide.

The City Council had been expected to vote on whether noncitizens would be allowed to participate in the city’s November election but opted to wait until its Sept. 12 meeting to decide.

The measure comes as leaders in some of Prince George’s County’s more liberal-leaning jurisdictions and in neighboring Montgomery County struggle to create policies that protect undocumented immigrants without getting in the crosshairs of the Trump administration.

Trump has threatened to withhold federal funding from cities and towns that refuse to cooperate with immigration authorities. And discussions surrounding undocumented immigrants and immigration increasingly are creating friction in many communities.
On Tuesday, Prince George’s police were asked to attend the meeting in College Park after council members received harassing calls and emails from people angry about the amendment, Mayor Patrick Wojahn said.

Police spokeswoman Jennifer Donelan said the department’s homeland security office is investigating the threats.

No threats were made during Tuesday’s meeting, but it was clear the community is divided on the issue.

Larry Provost, a 38-year-old veteran who served one tour in Iraq and two in Afghanistan, was among several residents who spoke at the meeting against College Park’s proposed charter amendment, saying it “threatens to dilute the meaning of citizenship in our country.”

“I feel it’s very disrespectful to immigrants and people who work hard to come into this country,” said Provost, whose 15-year-old son, Konstantin, became an American citizen 10 days ago, nearly a year after he was adopted from Latvia.

College Park would be the third city in Prince George’s County — and the largest — to allow green-card holders, undocumented immigrants and student-visa holders to vote in municipal elections, following Hyattsville and Mount Rainier.

In Montgomery County, Takoma Park, Barnesville, Garrett Park, Glen Echo, Martin’s Additions and Somerset have also expanded voting rights to noncitizens.

About 20 percent of College Park’s 32,275 residents are foreign-born, according to data from the U.S. Census Bureau. The University of Maryland campus, with more than 27,000 undergraduates, has about 3,600 international students.

Olivia Delaplaine, a junior studying government and Arabic at U-Md., told the council that she supports the amendment because she wants her friends and professors — who she said have a variety of immigration statuses — to have a voice in the community.

“These are people who live here and who are affected by decisions this council makes,” said Delaplaine, who grew up in Bethesda. She said it is especially important for local government leaders to act now because of the “hatred at the national level” being directed toward immigrants.

Maryland’s General Assembly this year fiercely debated a bill, known as the Trust Act, that would have limited police cooperation with federal immigration enforcement efforts. The bill — which U.S. Attorney General Jeff Sessions said would make Maryland “more at risk for violence” — faltered in the state Senate, fueling tension between Maryland progressives and the Democratic establishment.

“This is a difficult time on the national stage, so this amendment sends a strong message that College Park celebrates its diversity,” said Julio Murillo, a policy analyst at the immigration advocacy organization CASA de Maryland, which has pushed the state and individual jurisdictions to affirm protections for undocumented immigrants.

Wojahn and the council proposed noncitizen voting by introducing the amendment to the city’s charter on June 13.

The amendment would allow the city clerk to keep a list of registered voters separate from the one maintained by the Prince George’s County Board of Elections, which must comply with Maryland’s voter registration qualifications — one of which is U.S. citizenship.

To vote, noncitizens would have to be College Park residents, at least 18 on or before the date of the next city election, and not registered to vote in another jurisdiction. They would not be eligible if they are serving a prison sentence for a felony, are under guardianship for a mental disability and unable to communicate a desire to vote, or if they have been convicted of buying or selling votes.

The majority of College Park residents who wrote to the council about the amendment after a July 11 public hearing opposed expanding voting rights, according to correspondence included in the agenda for Tuesday’s meeting.

But the impact of expanding voting rights in local elections to non-U.S. citizens has been minimal, according to a letter signed by advocacy groups including Hyattsville Area Residents for Progress, Showing Up for Racial Justice and Takoma Park Mobilization.

In Hyattsville, 33 city-only voters registered for the local elections in May — the first since the amendment passed in December — and only 12 actually voted, according to the letter. In Mount Rainier, only 20 non-U.S. citizens registered to vote.

**Lawyer Says R.I. Case Establishes Landmarks In Immigration Battles**
Westerly (RI) Sun, August 9, 2017

The federal government has settled a lawsuit brought by a naturalized American citizen who a federal judge determined was held on an immigration detainer because of her Hispanic last name and Guatemalan place of birth, in violation of her constitutional rights.

Under the agreement, the government agreed to pay Ada Morales $35,000 and issued assurances that federal databases have been updated to ensure she won't be detained again, according to Cody Wofsy, a staff attorney at the American Civil Liberties Union.

“The decisions in this case have become real landmarks in the battles over immigration detainers and sanctuary policies around the country. And that wouldn’t have happened if it hadn’t been for Ms. Morales’s bravery in standing up and saying this is wrong,” Wofsy said on Tuesday.

The lawsuit was filed in Rhode Island in 2012. The federal government was dismissed from the case last week after reaching a settlement agreement. A spokesman for the U.S. Department of Justice declined to comment on the settlement.

Morales had also sued the state over her detention. Those claims were dismissed, but she could appeal.

Morales, who became a naturalized citizen in 1995, was arrested by Rhode Island State Police in a benefits fraud case in 2009. After her initial appearance in court, she was held in custody for a little over 24 hours based on a detainer issued by U.S. Immigration and Customs Enforcement.

She was strip-searched and spent what she described as the worst night of her life at the state prison, according to a January decision by U.S. District Judge Jack McConnell.

In that decision, the judge pointed out it was the second time Morales had been held on an immigration detainer. He found that two employees of Immigration and Customs Enforcement had violated Morales’ Fourth Amendment rights against unreasonable searches and seizures.

“This 24-hour illegal detention revealed dysfunction of a constitutional proportion at both the state and federal levels and a unilateral refusal to take responsibility for the fact that a United States citizen lost her liberty due to a baseless immigration detainer through no fault of her own,” McConnell wrote.

Wofsy said Morales felt vindicated by the settlement.

“I think that the most important thing has always been bringing some of these very problematic practices to light,” he said.

Judge Blocks Law Requiring Birth Certificates To Marry

By Michael Kunzelman
Associated Press, August 9, 2017

A federal judge has permanently blocked a Louisiana law that prevented foreign-born U.S. citizens from getting married if they couldn’t produce a birth certificate.

U.S. District Judge Ivan Lemelle’s ruling resolves a lawsuit Lafayette resident Viet Anh Vo filed last year after he and his U.S.-born fiancee had their application for a marriage license rejected two weeks before their wedding.

The permanent injunction benefits anyone whom the 2016 law prevented from obtaining a marriage license.

The judge initially blocked enforcement of the statute in March, pending Tuesday’s final ruling. Lawmakers responded in June by allowing marriage license applicants who can’t produce a birth certificate to get a judicial waiver. But Lemelle said that new law, which took effect on Aug. 1, preserved other unconstitutional provisions, such as passport and visa requirements, that apply only to foreign-born citizens.

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Why Latinos Are Leaving Some Southern Counties

Associated Press, August 9, 2017

Hispanic immigrants here remember June 9, 2011, the day House Bill 56 became law.

“People got scared,” said Noel Mendoza, who came here from Mexico about 17 years ago.

“They thought they were going to get rounded up and put in jail.” Friends in the tight-knit community disappeared overnight, leaving homes full of furniture and cars in driveways, Mendoza and other residents said.

The law, intended to “stem and reverse the flow of illegal aliens into Alabama,” made it a
crime to be an undocumented immigrant, or to transport, hire or rent housing to one. Experts and community leaders say it’s the main reason there are fewer Hispanics here than there used to be.

In most places in the South, the Hispanic population has been growing in recent years. But there are a few spots in the region where the Latino population has been shrinking.

The biggest drop came here in Barbour County, about 80 miles southeast of Montgomery, where 21 percent of the 1,387 Hispanic residents in 2010 were gone by 2016, according to a Stateline analysis of U.S. Census estimates.

In all, 34 large U.S. counties have seen their Hispanic populations decrease since 2010, and 20 of them are in the South, including five each in Alabama and Georgia and three in Mississippi. Almost half of the 330 counties where the Hispanic population grew by 25 percent or more also are in the South.

Outside the South, New Mexico and Colorado dominate the list of counties where the Hispanic population declined. Those were traditionally Hispanic counties in northern New Mexico and eastern Colorado, according to a Pew Research Center study, and people are leaving in search of more economic opportunity. (The Pew Charitable Trusts funds the Pew Research Center and Stateline.)

The reasons for the scattered losses in the South may be similar to the perfect storm that hit Barbour County in 2011: a tough immigration law, including a provision requiring employers to screen workers’ legal status using the federal E-Verify program, and a Hispanic community that included many undocumented immigrants who were not well organized or able to defend themselves.

Laws aimed at illegal immigrants were enacted around the same time in Alabama, Georgia and South Carolina.

“Alabama’s was the most far-reaching, and as a result many people just disappeared,” said Naomi Tsu, who has worked on legal challenges to state immigration laws in Southern states for the Southern Poverty Law Center (SPLC).

A federal court struck down much of Alabama’s law in 2012, including requirements that schools check the immigration status of students and parents, and bans on rentals to undocumented immigrants. The court also threw out a provision that made illegal immigration a state crime, punishable by 30 days in jail and a $100 fine, and gave state and local police the power to request a green card from anybody as proof of legal status.

Many of the other counties where the Hispanic population declined share similar characteristics with Barbour County, Tsu said, including largely undocumented immigrant populations and employers such as poultry processing plants and sawmills that require hard work for relatively low wages.

“The businesses that hire most of the people started asking for papers and they couldn’t produce them,” Mendoza said. “They went back to Mexico or sometimes California or New York, where they help Hispanics.”

In most cities in the South, the Hispanic population has been increasing. But some urban areas have also seen decreases.

Near Atlanta, DeKalb County’s Hispanic population dropped 7 percent. Ted Terry, the mayor of Clarkston, said refugees with legal work status, mostly from Asia and Africa, now work in poultry processing jobs held by Mexican immigrants before the state’s E-Verify law took effect in 2011.

But nearby in Gwinnett County, the Hispanic population grew 17 percent and the county just elected its third Hispanic state representative, Brenda Lopez of Norcross.

Soon after Pedro “Pete” Marin, a state representative from Duluth, was first elected in 2002, an ethics complaint was filed against him, charging that he was an agent of the Mexican government.

“I defended myself. I went to the ethics board and I said, ‘Hey, first of all I’m from Puerto Rico and second, I’ve never been to Mexico,’ ” he said.

Today, immigrants feel welcome in Gwinnett because it’s become very diverse, he said, with Asian immigrants from Vietnam and Korea joining Hispanic immigrants, mostly from Mexico and Central America.

But Marin, who spoke out against the E-Verify law, knows it’s not like that everywhere in the state. “Georgia needs immigrant labor to keep the economy growing,” he said. “Where are they going to come from?”

Georgia’s Chatham County, which includes Savannah, saw Hispanic growth dwindle a few years ago. Attendance fell at Hispanic outreach programs at the Savannah YMCA and its director
complained that many Latinos were moving to “friendlier places.”

“People didn’t like the way they were treated and they started moving out,” said Alfonso Ribot, president of the Metropolitan Savannah Hispanic Chamber of Commerce.

Some of his members lost hundreds of employees overnight in fast-food and other service jobs, because the E-Verify law took effect and some immigrants started moving away.

Hispanic growth dropped from almost 1,100 in 2011 to less than 200 in 2013, but then bounced back to more than 600 in 2016. The county borders Jasper County, S.C., and Evans County, Ga., which both lost Hispanic population between 2010 and 2016.

The turnaround in Chatham County came as Hispanic entrepreneurs, often U.S. citizens from Puerto Rico or legal immigrants from Cuba and South America, flowed north from Florida in search of opportunity, starting businesses and hiring people, Ribot said.

In Barbour County, where the workforce is aging and school enrollment is declining rapidly, officials have tried to reassure immigrants that they’re welcome.

“I’m glad they’re here. They’re hard workers,” said Eufaula Mayor Jack Tibbs, admitting that he hadn’t noticed the community much before the law took effect, except for seeing soccer games on community fields or people at the post office sending money orders home.

An exodus of young Hispanic families could help explain a school board report that said hundreds of babies born in Barbour County in 2006 never enrolled in public school in 2012.

The U.S. Department of Justice investigated whether the Alabama law violated the rights of all children to attend school without discrimination, as part of the lawsuit that overturned parts of the law. Statewide about 13 percent of Hispanic students withdrew from school in the months following the law, according to the investigation.

The SPLC got as many as 1,000 calls a week from immigrant parents in Alabama seeking advice about their children after the law passed, Tsu said.

“It was absolutely heartbreaking because they all had the same question,” Tsu said. “These were mothers asking how they could set up guardianship for their children if they were suddenly deported.”

Holy Redeemer Catholic Church in Eufaula draws about 75 people to a monthly Spanish-language Mass, using missals emblazoned with an image of the Virgin of Guadalupe, Mexico’s patron saint. In 2011, Father David Shoemaker said, “We lost about half the people in a matter of two weeks. But it’s been stable since then.”

Once the more frightening parts of the Alabama law were struck down, some people returned, but not many, residents said.

An equipment operator from Chiapas, Mexico, said he thought of leaving with his wife and two young sons.

“We decided to stay. As long as you follow the law, you’re OK,” the man said, as his wife shopped for Mexican chayote squash at a local market and his sons nibbled frozen fruit bars known as paletas.

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**Does It Make Sense To Target ‘Criminal’ Undocumented Immigrants?**

By César Cuauhtémoc García Hernández

*Newsweek*, August 9, 2017

In a welcome bipartisan moment, Senators Richard Durbin and Lindsey Graham introduced a revamped version of the Dream Act, a long-stalled proposal to grant legal status to young immigrants brought here as children.

Like earlier versions, the Dream Act’s latest iteration would not help youth who have committed a variety of crimes.

Though a White House official said that the president is unlikely to support it, immigrants’ rights groups applauded Durbin and Graham and launched campaigns to pressure more legislators to follow suit.

A day later, news broke that immigration officials are planning raids against teenagers suspected of gang membership. Immigrants’ rights groups yelled in protest.

Despite the starkly different reactions, the Dream Act of 2017 and anti-gang immigration raids reflect the same faulty assumption: that some immigrants are good and some are bad and that it is possible to neatly distinguish between the two.

This is not a new division. President Obama famously claimed that his administration’s
immigration enforcement actions target “Felons, not families. Criminals, not children. Gang members, not a mom who’s working hard to provide for her kids.”

President Trump and Attorney General Sessions have repeatedly harped about the dangers of transnational gangs and claimed that their immigration policies are making the nation safer.

State and local officials frequently adopt a similar position. Even in liberal strongholds, Democrats frequently push pro-migrant legislation that leaves out immigrants who have encountered the criminal justice system.

California’s governor recently signed a budget that includes money for immigration defense attorneys, but excludes people convicted of certain crimes.

New York’s Mayor Bill de Blasio is in a heated fight to keep city funds from helping people convicted of 170 crimes avoid deportation.

Denver’s city council is considering legislation that would keep city employees from notifying ICE when a migrant is about to be released from jail, unless ICE agents claim the migrant was convicted of certain crimes or was involved in a gang.

These policies or proposals all use criminal activity to sort immigrants. Doing that without mistakes is impossible.

At times, ICE has pegged a United States citizen as an immigrant. Detention and deportation follows.

In other instances, gang databases have included children and teenagers whose worst offense is that they live in a poor neighborhood and are not white. Deciding whether to deport someone based on error-prone data ought to sit uncomfortably.

Even with accurate information, however, attempts to divide immigrants into desirable and undesirable categories based on criminal activity ignores problems with the criminal justice system. The deaths of Sandra Bland, Trayvon Martin, and many others illustrate the deep-seated racism that continues to plague law enforcement.

Stacking immigration law decisions on top of a criminal justice system that is infected with racial bias means that deportation based on criminal activity will also turn on discriminatory policing. Immigration statistics bear this out.

There is no evidence that Black immigrants commit more crime than other immigrants, but in 2013 76 percent of black immigrants were removed on criminal grounds compared to 45 percent for all immigrants.

Under President Trump, the Justice Department has renewed its commitment to harsh policing practices of the 1980s and 1990s that are likely to increase the racially discriminatory impact of the criminal justice system. Tying immigration law to those flawed tactics means it is almost certain to follow.

Single-minded focus on an immigrant’s criminal past also rings of hypocrisy.

Legislators are no strangers to criminality. Last year, Philadelphia’s longtime Congressman Chaka Fattah was convicted of federal racketeering charges and sentenced to ten years in prison.

In May, Greg Gianforte body slammed a man in public the day before he was elected to Congress. He later pleaded guilty to assault.

Dennis Hastert, the longest-serving Republican Speaker of the House of Representatives, is still serving a sentence tied to hush payments he made to a teenage student he sexually abused.

If these people were not United States citizens, they too would be the undesirable criminals that immigration policies frequently demonize.

Instead of tired refrains about dangerous criminals, we would do well to think of immigrants as the members of our communities that they are. Like all of us, immigrants are not perfect. They are just flawed, fallible, complicated people.

It is time to stop holding them to a higher standard.

César Cuauhtémoc García Hernández is an assistant professor of law at the University of Denver and publisher of the blog crimigration.com.

**Threatened By Trump, But United By Football**

By Laura Bonilla
Chicago Tribune, August 9, 2017

New York’s most unlikely football league meets every Saturday in the Bronx.

Its players are minors who arrived from Central America without their parents, with no documents or money. They made the dangerous
journey here with one goal in mind: to escape the violence and poverty of their homelands.

Now, the 50 or so members of the “Union” league face deportation.

Football acts as sort of collective therapy for them, a place to briefly forget the tragedies of the past and the new threats they face from the administration of President Donald Trump.

“When you’re playing football, you are not thinking of your immigration case, or people who want to hurt you back home, or that a judge may deport you,” said Elvis Garcia Callejas, who is both coach and counsellor to the young players.

“You’re going after the ball, your main goal is to win, play as a team and just have fun.”

Garcia Callejas, 27, founded the league in 2014, when a record of almost 70,000 minors flooded across the Rio Grande into the United States without their parents.

Kids again

Garcia Callejas is a migration counsellor for Catholic Charities. He arrived unaccompanied in the United States when he was just 15, dodging border guards in El Paso, Texas to make it.

He is also a huge football fan – his office is adorned with the banners of his favorite teams, Barcelona and Paris Saint-Germain.

He visits detention centers to interview recently arrived minors from Central America and determine if they qualify for any kind of protection.

When he founded the Union league, he had just three boys from Honduras on board, and used trash cans as goalposts.

Now he has more than 50 boys from across Central America and the league is backed by the South Bronx United club, which has included the league in a number of its social programs.

“The kids that we work with have to grow up very fast,” he said. “But on the football pitch, they can be kids again.”

Since 2014, more than 200,000 unaccompanied teenagers and children have arrived in the United States from Mexico and Central America, according to the US Border Patrol.

Teofilo Chavez is a promising 17-year-old player who dreams of going pro. He was 14 when he left Corozal, on Honduras’ Caribbean coast, to stay with his aunt and uncle in the Bronx.

“These are the first friends I made in this country – this friendship will last forever,” he said.

A broken system

Although the US government does not provide them with an attorney, the teenagers must fight in court to stay here. Most depend upon help provided by lawyers doing pro bono work.

Thanks to his lawyer Jodi Ziesemer, who is handling around 700 cases of unaccompanied Central American minors for Catholic Charities, Teofilo is close to obtaining the green card that will allow him to stay.

But around 60 percent of unaccompanied minors have to go before a judge and prosecutor on their own, with no lawyer and often without even speaking English, a situation Ziesemer calls “ridiculous” and a symptom that “the system is broken.”

“These kids are fleeing horrific situations, abuse, they are fleeing death threats,” she said, noting that the situation has only deteriorated since Trump became president on the back of promises to deport millions of undocumented migrants.

The president has also linked these minors with the rise of the dangerous street gang MS-13, which he has vowed to eradicate.

“Things have taken a dramatic turn since the Trump administration in terms of how cooperative the government is in resolving these cases,” Ziesemer said.

“Before this government, attorneys were much more cooperative in not actively fighting to deport kids that were very young, or in therapy, or had medical issues,” she said.

Looking for a future

Teofilo is the youngest of five brothers. After his mother died when he was two, he was raised by his grandmother. But when she died, he was left practically alone.

At 14, he and a brother travelled to the Rio Grande on the roof of a Mexican cargo train nicknamed “The Beast” for the number of migrants who die or are maimed on it.

On the banks of the river, the brothers said a quick goodbye to each other “so that we wouldn’t cry. I swam across with a bag of clothes tied to my wrist.”

Now Teofilo is finishing high school but cannot forget Honduras. He closes his eyes as he recalls what he misses most: “The sunshine, the beach, coconuts, my friends, my grandmother, my father, the plantations near my house.”

The youngest player in the league is 15-year-
old Yefri, who arrived three months ago from Guatemala with his 11-year-old brother.

"I came looking for a future, because in my country there isn’t one," Yefri said shyly after a match. He does not have a lawyer yet and was reluctant to give his surname.

He still has scars on his head from the gang members who tried to recruit him. He now lives with his mother, whom he had not seen for nine years but who now attends all his matches, clapping and cheering wildly on the sidelines.

"These boys have all had similar experiences, they understand each other and help each other out," she said. "It really is a union, it’s a beautiful thing."

U.S. Firms Wary Of Hiring Foreign Tech Workers

By Queenie Wong
San Jose (CA) Mercury News, August 9, 2017

U.S. companies are thinking twice about hiring foreign tech workers amid uncertainty about immigration policies from the Trump administration, according to data released Wednesday by job searching site Hired.

The number of interview requests from U.S. companies to foreign tech workers dropped by 60 percent between the second and fourth quarter of 2016. Interest in hiring foreign tech workers ticked back up after the presidential election, but it was still down 37 percent in the second quarter of 2017 compared to the same period last year.

Foreign tech workers were also less interested in applying to U.S. jobs after the presidential election. From the third and fourth quarter of 2016, the rate at which foreign workers accepted interview requests from U.S. firms dropped by 4 percentage points.

Hired said the decline was “likely the result of uncertainty around immigration policies” following the presidential election.

"It’s clear that the U.S. remains an attractive place to work for tech talent from around the world,” wrote Lindsey Scott, who heads Hired’s communication team, in a blog post about the study. “What’s less clear is whether we’ll be able to welcome them to work among us."

Hired, which has nearly 10,000 participating companies and 1.5 million job seekers, said it examined more than 175,000 interview requests and job offers from the past year.

The findings didn’t surprise the Silicon Valley Leadership Group, a public policy trade association that represents hundreds of employers in the region.

"You have an administration that’s still evolving its immigration policy, and as a result, it’s creating an environment where immigrants with tech talent very well might be incentivized to go other places," said Peter Leroe-Muñoz, vice-president of technology and innovation policy for the Silicon Valley Leadership Group.

Companies need to continue to be forceful and public advocates for increasing the number of H-1B visas, but also promoting immigration reform, he said.

"I think the potential employees who are overseas need to see that the leaders of innovation in our country and the economy are working on bringing them and making this a more inviting place," Leroe-Muñoz said.

Tech companies, including in Silicon Valley, have clashed with the Trump administration over its immigration policies.

They’ve spoken out against the president’s executive order that barred visitors from six Muslim-majority countries. The Supreme Court, though, allowed parts of the ban to move forward.

The Trump administration also recently delayed a “startup visa” program that allowed immigrants to stay in the United States while they grow their companies.

And while the tech industry wants to bring in more foreign workers through the H-1B visa program, Trump signed an executive order in April to ensure that companies use the visa to hire the “the most-skilled or highest-paid” applicants.

Hired, which surveyed 362 tech workers nationwide, found that 55 percent agreed that there is not enough tech talent in the United States given the demand, but nearly half also don’t think the current structure of the H-1B visa program is working.

The tech workers surveyed were from the San Francisco Bay Area, Austin, Seattle, Chicago, Denver, Boston, New York, Los Angeles, Washington, D.C., and San Diego, Hired told SiliconBeat.

Since the election, 40 percent of the workers also considered relocating to another location. Canada was the top choice, followed by Germany, Asia and Australia.
Peter Boogaard, communications director at FWD.us, a tech-backed immigration lobbying group, said that anecdotally he’s heard from international entrepreneurs and students wary of coming to the United States.

The solution, he said, isn’t to roll back legal immigration.

“Let’s reform the system so that we can attract the best and brightest talent,” he said, “and continue to be a place where internet entrepreneurs want to come and build and grow businesses.”

**IMMIGRATION ENFORCEMENT**

**Illegal Immigration: ICE Raids Sweep Up Non-Targets**

By Tessa Berenson

*TIME*. August 9, 2017

More undocumented immigrants are being swept up in immigration raids targeting their friends, neighbors and coworkers.

Under the Trump Administration’s new enforcement priorities, Immigration and Customs Enforcement agents are instructed to detain and deport anyone who is in the country illegally, which means even so-called “non-targets” may end up in custody after a raid.

“The biggest change is under the previous Administration, there were a lot of individuals that were not considered amenable to arrest that now, since the change in Administration, our director has said there are not going to be any classes or categories of removable aliens that are exempt,” says ICE spokeswoman Danielle Bennett.

In a four-day operation at the end of July, ICE arrested 650 people. Of those, 457 weren’t targets of the raid. In other words, a full 70% of the immigrants swept up in this operation were simply in the wrong place at the wrong time.

Andrew Nietor, an immigration lawyer based in San Diego, said that under the Obama Administration, many of these people would have never ended up in deportation proceedings, because they weren’t seen as a priority. The focus then was on people who had aggravated felony convictions or who were recidivists. That’s changed.

“I know that a lot of my colleagues are getting clients who literally are pastors, or people that qualify for DACA but they just happened to be visiting a family member when ICE was there, so they just got swept up,” he said.

ICE doesn’t track data over time of how many non-targets are apprehended in raids, so it’s hard to say how dramatic the change is.

But data on deportees who didn’t have criminal records show only a minor increase. In fiscal year 2016, non-criminals made up 42% of removals. Under the Trump Administration, that proportion has so far increased slightly. According to data provided to *TIME* by ICE, which is not considered final until the end-of-year report, 44% of removals haven’t had criminal records so far in fiscal year 2017.

“It’s basically a push through a lot of different ways to try to deport as many people as possible without regard to whether or not they’re a public safety threat,” says Kate Voigt, associate director of government relations at the American Immigration Lawyers Association. (It’s worth noting that overall deportation levels are actually lagging behind the rate of President Obama’s tenure, despite Trump’s promise of a crackdown.)

Bennett said ICE agents won’t always arrest non-targets if they find them during a raid; if there are children present, for example, or other extenuating circumstances that the agents decide mean they shouldn’t take the others into custody. But she says the new priorities give the agents the much-needed freedom to make these determinations on their own.

“I think that our agency now feels that we can make arrests. They’re in compliance with federal law, there aren’t the restrictions,” she said. “It allows more flexibility for the officers to make decisions from their personal dealings with the person.”

But some immigration advocates worry that loosening restrictions won’t be a good thing.

“Now I think there’s a question of well, what was the prevailing attitude if there’s suddenly this almost equal fulfillment of being able to do whatever you want without consequence or oversight?” says Avideh Moussavian, senior policy attorney at the National Immigration Law Center. “If that’s the culture of the agency, now it’s allowed to go forth unfettered by rules or regulations or guidance or parameters, that is obviously a massive cause for alarm for people who are not just lawyers, but everyone who is interacting on a daily basis with immigrant community members.”
Deportation Slowdown
By Ted Hesson
Politico, August 9, 2017

DEPORTATION SLOWDOWN: “The U.S. is deporting people more slowly than during the Obama administration despite President Donald Trump’s vast immigration crackdown, according to new data from U.S. Immigration and Customs Enforcement,” reports POLITICO’s Ted Hesson.

“From Feb. 1 to June 30, ICE officials removed 84,473 people — a rate of roughly 16,900 people per month,” Hesson writes. “If deportations continue at the same clip until the fiscal year ends Sept. 30, federal immigration officials will have removed fewer people than they did during even the slowest years of Barack Obama’s presidency.”

A few key factors have put a drag on the federal government’s deportation machinery. “First, the number of people caught trying to cross the U.S.-Mexico border has dropped precipitously under Trump, an indication that his hard-line enforcement has scared people away,” writes Hesson. “Another factor is the immigration courts, which face a backlog of more than 610,000 cases, according to the Transactional Records Access Clearinghouse at Syracuse University.”

Dana Marks, president of the National Association of Immigration Judges, told Morning Shift in an email that other factors can slow down the pace of removals. For instance, the Trump administration has sent judges to border courts to speed up case processing. Marks said her union has pointed out that “when a judge is pulled out of her home court,” it can slow down the time it takes for a case to reach a final hearing. More here.

GOOD MORNING! It’s Wednesday, Aug. 9, and this is Morning Shift, POLITICO’s daily tipsheet on employment and immigration policy. Send tips, exclusives, and suggestions to thesson@politic0.com, ilkulgren@politic0.com, mlevine@politic0.com and tonah@politic0.com. Follow us on Twitter at @tedhess0n, @marianna_levine, @IanKulgren and @TimothyNoah1.

REMOVAL ORDERS INCREASE: In separate news, the Justice Department said Tuesday that removal orders issued by immigration judges had increased by 28 percent during the first six months of the Trump administration. That means the judges are ordering more people deported in recent months — not that it’s necessarily happening. From the Washington Post’s Maria Sacchetti: “Officials did not say how many of the orders were issued in absentia, meaning to immigrants who did not attend their hearings and therefore could not immediately be deported.” More from the Washington Post here.

OREGON GOV SIGNS SCHEDULING LAW: Oregon Gov. Kate Brown (D) signed the state’s new scheduling law on Tuesday, a first of its kind in the nation. The measure requires retail, hospitality and food services businesses with more than 500 employees to provide a “good faith estimate” of hours and on-call shifts at the time of hire. The same companies will need to give their employees a written schedule a week in advance beginning in July 2018 and two weeks in advance starting in July 2020.

The law also includes what’s known as “predictability pay,” which requires employers to pay for half of hours not worked when an unplanned schedule change causes an employee to lose hours. When an employee works more than 30 minutes beyond a scheduled shift, the employer will be required to add one hour more to the worker’s pay. The bill’s provisions will not begin to go into effect until July 2018 and beyond. Read the measure here.

KC PASSES HIGHER MINIMUM WAGE: From Dianne Stafford of the Kansas City Star: “Kansas City voters on Tuesday overwhelmingly supported a measure to raise the city’s minimum wage above Missouri’s, but the immediate effect is symbolic because the state legislature has passed a law barring cities from setting their own wage floors.” More here.

FEW OPTIONS FOR FIRED GOOGLE WORKER: James Damore, the Google employee who was fired after writing a memo that attributed the gender gap in tech to genetic differences between men and women, has few options for legal recourse, Josh Eidelson, Jordyn Holman and Andrew Harris report in Bloomberg. On Monday, Damore said that he was “exploring all possible legal remedies” and filed a complaint with the National Labor Relations Board.

Bloomberg spoke with Wilma Liebman, who chaired the National Labor Relations Board under President Barack Obama. “Damore could argue to the labor board that by firing him for his memo, Google violated the federal law that protects collective action by employees,” the trio wrote.
citing Liebman. “To prevail, he’d have to show that his letter was related to workplace conditions, that it was designed to instigate collective action among his co-workers, and that it wasn’t so defamatory or offensive as to forfeit legal protection.” More here.

GOOGLE FACES POSSIBLE SEXISM SUIT: “More than 60 current and former Google employees are considering bringing a class-action lawsuit alleging sexism and pay disparities against women, as the technology giant wrestles with a deepening crisis over alleged discrimination,” Sam Levin writes in the Guardian. “James Finberg, the civil rights attorney working on the possible legal action on behalf of the female employees, told the Guardian they contend they have earned less than men at Google despite equal qualifications and comparable positions.” More here.

THE GIG IS UP: Gig-economy companies like Uber and Instacart are facing more pressure to improve benefits as the labor market improves, Kelsey Gee reports in The Wall Street Journal. For example, Uber now includes in-app tipping; created a new insurance plan to cover on-the-job; and said that it will develop a program to help drivers “take on full-time roles.” Signing bonuses are also becoming more common. “Postmates, an on-demand delivery service, offers bonuses ranging from $50 to $500. Bonuses for new Uber drivers recently hit $1,000 in San Francisco; for Lyft, it was $800. Drivers get referral bonuses, too.” More here.

GRADUATING FROM ... WALMART? For the past 17 months, the “Walmart Academy” has aimed to put workers on a path to prosperity. But, as Michael Corkery writes in The New York Times, it’s unclear whether the program is enough to elevate workers to the middle class, or whether it just gives them a marginal bump within the company. “Even with more skills, many retail workers may never be able to earn what factory workers made in places like Fulton [N.Y.], a faded manufacturing hub near Syracuse,” Corkery writes.

“Walmart was once considered to be a pariah of rural America, vilified by some — especially people who shopped elsewhere — for wiping out local businesses by selling cheap goods made in China,” Corkery writes. “Now, Walmart is rebranding itself as a company focused on the needs of its workers and the fate of small towns and hardscrabble cities.” But some worker advocates, including the National Employment Law Project, say that such training is no substitute for higher wages. More here.

UPS SETTLES EEOC LAWSUIT: The shipping giant UPS announced yesterday that it would pay $2 million to 88 current and former employees to settle a lawsuit with the Equal Employment Opportunity Commission, which accused UPS of failing to provide disabled employees with reasonable accommodations to perform their duties. The EEOC said that UPS had a rigid leave policy in which employees were fired after a year, with little or no discussion. That, the commission determined, is a violation of the Americans with Disabilities Act because the company never gave employees a chance to seek additional accommodations for their disabilities.

In addition, UPS agreed to update its disability policies, conduct internal training and give the EEOC updates on every employee accommodation request for the next three years. In an email, a UPS spokesman said the settlement aimed to “avoid continuing litigation ... regarding accommodation under the Americans with Disabilities Act.” But he seemed to rebut the idea that the company had violated the ADA in the first place, adding: “The settlement recognizes that UPS has a robust ADA accommodation in place, along with one of the more generous and flexible leave policies in corporate America.” More here.

WORKERS AND JOBS, BUT NO CHEMISTRY: The United States had 6.2 million job openings in June, according to the Bureau of Labor Statistics. At the same time, there are 7 million unemployed Americans, as The Washington Post’s Heather Long notes. Why can’t we get these crazy kids together and call it a match?

“Sadly, it’s not that easy,” Long writes. “There are two fundamental problems with the job market today: Businesses complain they can’t find qualified workers to fill the jobs, and workers complain they aren’t getting paid enough.” Some business owners say the applicants available don’t have the necessary qualifications, don’t want to do the work or have issues with drug use. From Long: “Too many workers these days show up drunk or high on weed, managers say. Or they refuse to work late or on weekends.”

But here’s the flip side: employers could raise wages. “It’s telling that 5 of the 10 jobs the U.S.
government projects will grow the fastest over the next decade pay less than $25,000 a year,” Long writes. “The jobs have titles such as personal care aide, home health aide and food preparer. It’s a vicious cycle: Companies don’t pay enough. Then they complain workers aren’t dedicated and loyal.” More here.

FARMERS TURN TO GUEST WORKERS: Farmers have increasingly turned to a guest worker program to fill agricultural jobs, The Wall Street Journal’s Robbie Whelan reports. The tight labor market and Trump’s immigration crackdown have sparked a renewed interest in the H-2A visa program, which has seen a 20 percent increase in worker certifications through the Labor Department from Oct. 1-June 30 compared with the same period a year earlier. The majority of the workers are coming from Mexico, the Journal reports.

“American farmers for several years have voiced concerns about labor shortages, often paired with complaints about the H-2A visa program, which many see as overly bureaucratic, costly and time-consuming,” Whelan writes. “The program requires employers to pay for food, housing and transportation for seasonal guest workers.” Still, those concerns seem to be taking a backseat for some employers desperate for workers and willing to jump through a few hoops.

The view from Mexico: The Mexico City-based Center for Migrant Rights said more guest workers heading to the U.S. have complained of fraud in the past year. “Some employers garnish wages to cover the cost of transporting and housing workers, or discriminate against workers based on age or gender,” the Journal reports. “Some recruiters charge fees to workers for scheduling visa interviews and arranging job contracts with U.S. companies, which is illegal under both U.S. and Mexican law.” More here.

GROWTH ON THE HORIZON: “The U.S. is set for steady economic growth, while the U.K. and Russia appear to be headed for slowdowns, according to leading indicators released Tuesday by the Organization for Economic Cooperation and Development,” Paul Hannon writes in The Wall Street Journal. “The leading indicator for the U.S. was unchanged at 99.7 for the third straight month, signaling that its growth outlook has steadied, albeit at a weaker rate than normal.” More here.

COTTON, PERDUE PITCH IMMIGRATION REHAUL: Sens. Tom Cotton (R-Ark.) and David Perdue (R-Ga.) penned an op-ed in USA Today on Tuesday that urges support for their Raise Act S. 1720 (115), which would cut legal immigration levels in half over a decade. The bill also seeks to shift legal immigration to a point system that values English language skills, education and salary, among other criteria, to gain access to permanent residency. The senators called the proposed changes “pro-worker, pro-growth and proven to work,” but most economist would disagree with that take, as POLITICO’s Timothy Noah and Marianne LeVine wrote last week. Economists, they wrote, “tend to worry not about there being too much immigration, but rather not enough.” Read the op-ed here and more from Noah and LeVine here.

HIGH DEMAND FOR LOWER-SKILLED: The argument that lower-skilled immigrants take jobs “misses many things,” Eduardo Porter writes in The New York Times. “[It misses] that less-skilled immigrants are also consumers of American-made goods and services; that their cheap labor raises economic output and also reduces prices,” he writes. “[It misses the fact that] their children tend to have substantially more skills. In fact, the children of immigrants contribute more to state fiscal coffers than do other native-born Americans, according to a report by the National Academies.” More here.

COFFEE BREAK
—“State Department’s No. 2 tries to buck up staff morale ahead of reorganization,” from POLITICO
—“Dozens of women are being moved to a private detention center that’s been called ‘hell,’” from BuzzFeed
—“Far from Boston, faded industrial hub grasps for growth,” from The Wall Street Journal
—“Public works funding falls as infrastructure deteriorates,” from The New York Times
THAT’S ALL FOR MORNING SHIFT.
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ICE In San Diego On Pace To Deport Fewer People Than Last Year, Most Without A Criminal Record
San Diego Union-Tribune, August 9, 2017
Immigration and Customs Enforcement in San Diego is on pace to deport fewer people this
year than last, most of them unauthorized immigrants without a criminal record.

As of June 30, ICE has deported 16,599 people from San Diego and Imperial counties, according to a summary of removals provided by the agency.

Last year, ICE deported 23,719 individuals from the San Diego and Imperial region. With three months left before the federal fiscal year ends on Sept. 30, it seems likely the agency will end up removing fewer total unauthorized immigrants than last year.

Despite President Trump’s campaign rhetoric of cracking down on immigration violators by targeting “bad hombres” and gang members, most people being removed by ICE in San Diego don’t have criminal records.

ICE deported 6,818 unauthorized immigrants with criminal records in the U.S. through June 30. During the same period, 9,781 individuals without a criminal conviction in the U.S. were deported.

The data reflect the new immigration enforcement regimen put in place under Trump and Atty. Gen. Jeff Sessions, which makes any unauthorized immigrant in the country a target for deportation — not just those with criminal records or who are deemed threats to public safety.

Under the Obama administration, people who were in the country illegally but had not committed serious crimes were not a priority for removal. Instead Obama’s ICE was told to target serious criminal offenders, leaving otherwise law-abiding unauthorized immigrants alone.

That changed in a Jan. 25 executive order from Trump laying out the new rules. While still emphasizing removing people with serious criminal convictions, the order also expanded the pool of people subject to deportation to include those convicted of minor crimes, people who were simply charged with a crime, and those who had prior removal orders from an immigration judge but had ignored them and continued to live in the country.

Lauren Mack, ICE spokeswoman in San Diego, said in a statement that the deportation figures reflect the agency’s new priorities.

“ICE conducts targeted immigration enforcement in compliance with federal law and agency policy,” she said in an email. “However, as ICE Acting Director Thomas Homan has made clear, ICE does not exempt classes or categories of removable aliens from potential enforcement.

“All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States.”

San Diego immigration lawyer Esther Valdes said she has seen the change in priorities in her law practice. It’s not uncommon for ICE to go to a home or workplace to pick up one person they have targeted because of a criminal record — and come out with several unauthorized immigrants with no criminal convictions but still subject to deportation.

“We’re seeing these clusters of people being picked up, not just one or two,” she said.

Peter K. Nunez, a former U.S. Attorney in San Diego and board member for the Center of Immigration Studies, said the deportation numbers are not surprising.

“The Obama administration made it clear that if you were a non-criminal, you had nothing to fear,” he said. “What Trump and Sessions made clear is while they’ll continue to prioritize criminal aliens, it’s not to the exclusion of other people who were subject to deportation.”

The rise in non-criminal deportations in San Diego runs counter to emerging national trends since Trump’s inauguration. In April, CNN cited ICE national data that showed 30,00 convicted criminals and 23,000 non-criminals deported since January.

Historically, ICE deports more criminals annually than non-criminals, but that has varied in San Diego over the years. In 2014 and 2015, more people with criminal convictions were deported than non-criminals, but the opposite was true in 2013.

**Deportation Orders Jump 31 Percent Under President Trump**

By William Lajeunesse

*Fox News*, August 9, 2017

Deportation orders have jumped 31 percent this year compared to last year, according to numbers released by the Justice Department.

The numbers, released Tuesday, are an indication President Trump is carrying out his pledge to get tough on illegal immigrants.

From February 1 to the end of July, there were 57,069 illegal immigrants who were either deported or left voluntarily. That’s a 31 percent increase from the same time period last year,
when there were 43,595 deportations or self-deportations.

TRUMP SCRAPS OBAMA POLICY THAT PROTECTED IMMIGRANT PARENTS FROM DEPORTATION

At the same time, those allowed to stay in the U.S. declined by 21 percent, the figures showed.

The Justice Department also touted that under Trump, the notoriously backlogged immigration court system—which sometimes had people wait years for a hearing—was returning to the “rule of law.”

The president has vowed to speed deportations and cut down on the growing backlog of cases. He issued an executive order in January calling for a national crackdown. After Trump issued the order, the Justice Department dispatched dozens of immigration judges to detention centers across the country and hired an additional 54 judges. The agency said it has continued to hire more immigration judges each month.

UNDER TRUMP, OLD DEPORTATION ORDERS GET NEW LIFE

“I think they’re going to again proclaim Donald Trump to be the deporter in chief of the United States,” said Andrew “Art” Arthur, a former immigration judge, “when in reality this is simply a return to the way immigration law was enforced for decades.” Related Image

In the previous administration, President Barack Obama granted sanctuary to some 2,400 men, women and children a month if they had not committed a violent crime.

But that’s not the case under Trump. Last week, he deported two high school students back to El Salvador. Business owners, community leaders and even students in the country illegally are now being told to leave the country.

“His administration has shut the door on that,” said Nick Katz, a lawyer for the immigration advocacy CASA de Maryland, “[it] decided to detain them and deport them.”

Thomas Homan, acting director of Immigration and Customs Enforcement, said all the administration is doing is fixing a system that has long been broken.

“We’re fixing the policy. People will still get due process,” Homan said recently. “They will still get to see a judge if they want to see a judge.” Related Image

Trump’s deportation rhetoric seems to have deterred Central American immigrants from seeking asylum, a status many previously enjoyed. But that’s changing, according to law enforcement sources, as the arrests in the Rio Grande Valley have increased from 100 a day to 400.

Homeland Security says that all across the border, arrests in July jumped to 18,198, a slight increase from June, when there were 16,087 arrests.

Experts say the numbers show Trump was serious when he vowed to crack down on illegal immigration.

“This is exactly the sort of enforcement President Trump has promised and these numbers bare out the effectiveness of the policies that he has put into place thus far,” Arthur said, “to round up, to identify and remove individuals... who are unlawfully present in the United States.”

ICE Agents Target Sex Offenders On Long Island, Including Hampton Bays And East Hampton

By Greg Wehner
East Hampton (NY) Press, August 9, 2017

A total of 32 convicted sexual predators said to be living on Long Island without documentation were arrested by enforcement and removal officers with U.S. Immigration and Customs Enforcement during a 10-day sting called “Operation Sex Offender Alien Removal,” or “SOAR,” which ended last Thursday, August 3.

Among the convicted sexual predators were 12 registered sex offenders, one of whom was living in East Hampton.

The 45-year-old citizen of Trinidad and Tobago previously had been convicted of third-degree rape of a victim incapable of consent, and was sentenced to five years of probation, according to a press release from ICE.

The man, who was not identified by ICE by name, was arrested in East Hampton and will remain in ICE custody pending removal proceedings.

ICE officers also made arrests in Hampton Bays, along with other areas in Suffolk County, including Yaphank, Riverhead, Islip and Brentwood. They also arrested individuals in Nassau County.

ICE officials did not provide any details about the individual or individuals detained from
Hampton Bays and did not specify if any other people were detained from East Hampton.

Those arrested were nationals from the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, India, Mexico, Peru, and Trinidad and Tobago.

Officers targeted undocumented individuals who had been convicted of acting in a manner to injure a child, assault, third-degree attempted rape, burglary, attempted sexual abuse, criminal sex act, endangering the welfare of a child, endangering the welfare of a physically disabled person, forcible touching, promoting a sexual performance by a child, public lewdness, rape, reckless endangerment, forcible compulsion, and sexual abuse.

All foreign nationals who were arrested will be processed for deportation, according to the ICE press release, which added that anyone who had an outstanding order of deportation who returned to the United States illegally after being deported will be subject to immediate removal. Everyone else is either waiting to face an immigration judge or awaiting travel arrangements for removal.

"ICE’s continuing commitment to making our communities safer is underscored by operations like this one targeting sexual offenders," Thomas R. Decker, the field office director for New York, said in a prepared statement. "These actions focus our resources on the most egregious criminals and promote public safety in the communities in which we live and work."

Justice Department ‘Too Busy With Litigation’ To Denaturalize Illegal Immigrants Who Wrongly Received Citizenship

By Gabby Morrongiello
Washington Examiner, August 9, 2017

Justice Department attorneys are preparing to file several complaints against unauthorized immigrants who obtained U.S. citizenship after being ordered for removal, a process that has stalled for months while the agency has been forced to address lawsuits challenging the Trump administration’s immigration crackdown.

The Department of Homeland Security’s inspector general revealed last September that more than 1,000 immigrants residing in the U.S. were erroneously granted citizenship after applying with different names or birthdates. The stunning error was partly due to the government’s failure to maintain updated fingerprint records.

President Trump blasted the revelation at the time, telling supporters at a campaign rally last fall, "we made them citizens and they were getting ready for deportation."

"Can't have it," Trump said.

Only three individuals, however, who were recommended to the Justice Department for denaturalization proceedings have since been stripped of their citizenship status. And all three cases were litigated during the final months of Barack Obama’s presidency.

"There are literally zero resources available to file affirmative litigation right now," a source close to the Justice Department told the Washington Examiner. "They’re too busy with litigation coming in from folks challenging different initiatives."

The Justice Department has received nine referrals for civil denaturalization proceedings from U.S. Citizenship and Immigration Services since Trump took office — seven of which were received between July and August, according to a department spokesperson.

"Zero have been filed to date," the spokesperson said, adding that the top law enforcement agency takes "this issue very seriously and will continue reviewing such referrals to ensure that the rule of law is enforced."

An onerous process, revoking one’s citizenship requires that the government prove an individual fraudulently procured their citizenship status or deliberately deceived federal officials during the naturalization process. Cases meeting one or both of those requirements are subsequently referred to the Justice Department for civil or criminal proceedings.

Federal officials rarely faced more than two dozen revocation cases annually until 1997, when the Clinton administration sought to denaturalize nearly 5,000 immigrants who had wrongly obtained U.S. citizenship during the former president’s first term. Processing each revocation could take anywhere between a couple days to months, a Justice Department spokeswoman had said at the time.

Following its internal audit last September, DHS ordered a team to review every "case of possible fraud and where digital fingerprint records were not available at the time of the naturalization adjudication."
Of the 1,929 cases reviewed, approximately 1,600 "are being considered for referral for denaturalization proceedings," DHS spokeswoman Gillian Christensen said. Such referrals are then reviewed by government lawyers and filed in federal court by a local U.S. attorney or the Justice Department’s Office of Immigration Litigation (OIL).

Identifying individuals with criminal records has been a priority for the review team as they are the likeliest to pose a threat to national security and need to be denaturalized and deported more quickly, Christensen said.

"Every case is so individual, so not only are we identifying cases but also then prioritizing which ones we should go through first," she noted.

A former top DOJ official slammed the administration for failing to move more quickly to identify and denaturalize criminal illegal immigrants who improperly procured citizenship. The official described that task as OIL’s “highest priority” in the waning months of the Obama administration.

"If there have been nine referrals so far and none have been filed, that, in my view, is unacceptable," the official said, adding that delays in adjudication “incentivize this type of behavior.”

"Either it's been deprioritized consciously or unconsciously because there have been so many cases filed around the country challenging the travel ban, diversity visas, funding restrictions for sanctuary cities, and the use of immigration enforcement," the source continued. "Once you start publicizing that [Justice Department officials] aren’t prioritizing this, it will only get worse."

One DOJ official said the agency could hire more hands now that the Trump administration’s hiring freeze has been lifted, even though the Office of Immigration Litigation had previously been exempt from the order.

David Martin, who served as general counsel of the now-defunct U.S. Immigration and Naturalization Service during the Clinton years, said without additional resources it could take "many, many months or even more than a year to see these cases through from start to finish."

A Meriden father who sought sanctuary in a New Haven church when he was supposed to be deported Tuesday to Ecuador said he does not want to be separated from his children and is prepared to stay as long as he has the support of his family in the decision.

Marco Reyes, a father of three and the family’s sole provider, learned in July when he reported to U.S. Immigration and Customs Enforcement, as scheduled, that he would have to leave behind the life he built in Meriden and head back to Ecuador by Aug. 8.

Instead, Reyes took sanctuary at the First and Summerfield United Methodist Church in New Haven with his family members.

U.S. Customs and Immigration officials said that a federal immigration judge issued a final order of removal for Reyes in 2009 and Reyes was granted a stay of removal to allow him to pursue legal options in his immigration proceedings but has since exhausted his legal options.

Reyes explained that he came to the U.S. in 1997 because he wanted to build a better life for his family. He did that by working a construction job as he and his wife raised their three children. He said he has no criminal record.

Reyes has been living in Connecticut with his wife and children since 1997 and the problem came in 2007 when the family was vacationing and accidentally crossed into Canada.

Federal immigration authorities apprehended Reyes as they tried to return and supporters said he has been checking in with ICE since 2016.

"I am very honest in this country. Very, very honest. I pay my taxes, I pay everything. So I don’t understand. Why me?" Reyes said.

Reyes said that it is frustrating to be stuck at the church because he cannot provide for his family, but that all the support he has received from the community has been a blessing. Senator Richard Blumenthal has called on ICE to reconsider the order, saying the move is a result of the Trump administration’s "cruel and inhumane immigration policies."

His 12-year-old daughter Adriana, who is staying at the church with her father, said she hated the thought of being separated and wished that President Donald Trump would consider what deportation does to families.

"He should think about all those families that their families are getting destroyed, separated——
maybe they won’t get to see them for — maybe forever,” she said.

She also asked that people who wanted her father to leave stop and think about that the situation really means, and how they would feel if it were them.

“You don’t like when you’re separated from your family. You never want to go through that,” she said.

Shawn Neudauer, ICE spokesman for the New England area said that Reyes is now considered an ICE fugitive for refusing to comply with the removal order and will be arrested when encountered. It is ICE’s policy not to apprehend people in sensitive locations like churches unless there are pressing circumstances.

“A federal immigration judge’s orders cannot be ignored. ICE and the courts can delay acting on an order to ensure all applicable legal processes and possible benefits are followed and/or reviewed, which occurred in this case. However, after these legal options are exhausted, ICE must still carry out the judge’s order in the absence of any other mitigating factors,” Neudauer said in a statement.

Reyes is not the first Connecticut resident to seek refuge in a church while fighting deportation.

Nury Chavarria, a mother of four, who left Guatemala in 1993, when she was 19, sought sanctuary at Iglesia De Dios Pentecostal Church in New Haven, and has since been granted a stay that will allow her to remain in the country.

Yuba City Indian Immigrant With No Criminal Record Detained By ICE For Deportation

Sacramento (CA) Bee, August 9, 2017

Every few months for the past four years, Baljit “Bali” Singh has made a required check-in with federal immigration authorities to let the government know where to find him and to assure immigration agents he was leading a respectable life, despite being undocumented.

Until recently, it was a routine meeting and Singh wasn’t especially fearful of being deported, said his wife, Kate Singh.

“This time he was really nervous about going in, and sure enough, he did not come home,” she said.

During his Aug. 1 appointment in downtown Sacramento, Singh was detained by Immigration and Customs Enforcement, or ICE, and held at Rio Cosumnes Correctional Center for a week. Late Tuesday, he was released with an ankle bracelet and hard news.

He has three months to put his affairs in order, say goodbye to his wife and two preschool-age sons and leave the country. He may not be able to return for up to 10 years.

Singh has no criminal record and has worked for the same employer for nine years managing gas stations, said Kate Singh. But his detention and imminent deportation don’t surprise his lawyer, Elias Shamieh, who said he is seeing a surge in noncriminals being targeted for immigration enforcement under new guidelines from the Trump administration.

ICE spokesman James Schwab said he was unable to immediately provide details of Singh’s case, but would have information available in coming days.

Between Jan. 22 and April 29 of this year, ICE agents arrested 41,898 individuals nationwide, a 38 percent jump over the same period in 2016, the agency reported. About 25 percent of those apprehended had no criminal convictions, an increase of 150 percent.

In the area overseen by the agency’s San Francisco office, the number of ICE arrests actually fell from 2,006 during that same period last year to 1,796 this year – but included a larger percentage of people without criminal records, said an ICE official who was not authorized to speak on the record.

“There is more than enough work for ICE to do going after criminals,” said U.S. Rep. John Garamendi, D-Walnut Grove, who represents the largely agricultural district Singh lives in. “The targeting of men and women, mothers and fathers, and in some cases younger teenagers, who have committed no crime, who are productive members of their community, is just wrong. Deportation is simply not going to be a solution and what is being carried out now is detrimental to families and communities.”

Garamendi’s office asked ICE for a delay in Singh’s deportation. Garamendi said that comprehensive immigration reform that allows a pathway to citizenship for those in the country is needed.

ICE contends that increased enforcement increases public safety.

“ICE Enforcement and Removal Operations officers identify, arrest, and remove aliens who
present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts,” said David Jennings, ICE field office director for enforcement removal operations in San Francisco, in a recent statement. “Operations ... that target and arrest convicted criminals and other immigration fugitives make our communities safer for everyone.”

Singh crossed into the United States from Mexico illegally in 2005, said Kate Singh. Originally from Chak Des Raj, a small village in northern India with a population of just more than 1,000, Singh applied for political asylum as a Sikh, claiming religious persecution, said Shamieh. His case went all the way to the 9th U.S. Circuit Court of Appeals, but he ultimately lost and a final deportation order was issued.

In 2010, prior to that order, the Singh’s met in Fort Bragg, where Baljit managed a Circle K gas station. Kate Singh would come in to get coffee before walking her dog on the beach.

An Irish-Italian with a fiery stoicism, Kate Singh said she was impressed with Baljit’s calm and kindness. He would give money and coffee to those in need and put water out for the squirrels in summer.

An Indian immigrant “wasn’t on my list of dream men,” said Kate Singh, an author and blogger. “He’s a good person. He’s very solid and grounded and patient and quiet.”

The two married in 2011 and had their first son, Arjun, a year later. Twenty months after that, their second son, Sammy, was born. Kate Singh said during those years, they spent “tens of thousands” of dollars on immigration attorneys trying to fix Baljit’s status. Singh also continued regular contact with immigration authorities. Kate Singh said those agents told her not to worry because her husband wasn’t a priority for deportation. But they understood he might have to leave the United States in order to get legal status — they just hoped to put it off until the kids were older.

“They wanted to him to go back and come back legally. But here’s the problem ... if he goes back, I have to spend years petitioning,” said Kate Singh. “He could be there for up to 10 years. So that’s what’s scary. So we were kind of trying to put things off until the kids were older. There’s never really a good time. You don’t want to miss the baby years. These are their precious years.”

Last year, Baljit Singh’s boss asked him to help renovate a station in Yuba City. Singh commuted from south Natomas to Yuba City until May, when the couple bought a run-down house on a side street a few blocks from the gas station and fixed it up in a six-week frenzy of home improvement. They painted the outside light blue and just inside a new white picket fence, they planted a pomegranate tree to match the one in Baljit’s yard in Chak Des Raj.

He had just finished painting the kitchen a cheery yellow and building planter boxes in the backyard in the days before his detention.

When Kate Singh got the call from Shamieh on Tuesday afternoon that Baljit would be home that day, she started screaming, he said. But it’s uncertain how long her husband will be able to stay with his family.

“I have some hope, but under the circumstances, it may be challenging,” said Shamieh.

Yuba City Father Detained By Immigration Authorities Is Free, But Has Three-Months To Self-Deport To India

Sacramento (CA) Bee, August 9, 2017

A day after being released by federal immigration authorities on Tuesday, Yuba City resident Baljit Singh ran his dogs along the river, played with his sons and started thinking about what may be his last three months in America.

Singh, 39, was detained by Immigration and Customs Enforcement, or ICE, in Sacramento during a required check-in with federal authorities on Aug. 1. After being held for a week at Rio Cosumnes Correctional Center near Elk Grove, he was granted a three-month reprieve to get his affairs in order and make arrangements to leave the country.

Singh, from India, is undocumented and has been fighting for legal status for more than 12 years after crossing the border illegally from Mexico in 2005. His immigration case went to the 9th Circuit Court of Appeals, where Singh said he ultimately lost a bid for political asylum in 2016. He has a final order for deportation issued against him.

ICE spokeswoman Lori Haley said Singh was granted 90 days “to afford him time to get his
personal affairs in order and make preparations for his departure."

Haley there have been 5,208 immigration arrests in an area that stretches from Bakersfield to the Oregon border, from Oct. 1, 2016 through June 30, 2017.

Nationally, ICE agents arrested 41,898 individuals between Jan. 22 and April 29 of this year, a 38 percent jump over the same period in 2016, the agency reported. About 25 percent of those apprehended had no criminal convictions, an increase of 150 percent.

U.S. Rep. John Garamendi, D-Walnut Grove, has asked ICE for a delay in Singh’s deportation. "There is more than enough work for ICE to do going after criminals," he said.

ICE says greater enforcement increases public safety, and the agency is now detaining those without criminal histories – a practice less common in the final years of the Obama administration.

"While ICE continues to prioritize its enforcement resources to focus on individuals who pose a threat to national security, public safety and border security, the agency’s Acting Director has made it clear that ICE will not exempt classes or categories of removable aliens from potential enforcement," said Haley in a statement.

“This administration is committed to the rule of law and to enforcing the laws established by Congress. When we fail to enforce those laws, what message are we sending to the millions of people who respect that process and are waiting outside the U.S. now for visas that will enable them to enter the country lawfully?"

Singh has being done ICE check-ins for years, but said immigration authorities told him that "it’s now a new administration so now everything is changed," he said.

Singh said he has no criminal record. His wife, Kate Singh, is a U.S. citizen. The couple married in 2011 and have two young sons, ages 5 and 3. Baljit Singh has worked for the same employer on and off for nine years, managing and running gas stations. The couple moved to Yuba City earlier this year to be near the gas station he was currently working at. They bought a fixer house for $135,000, said Kate Singh, and renovated it themselves in a six-week frenzy.

Baljit Singh said he wanted to get the house ready for his family before his August immigration appointment because he felt that things might not go well for him.

"I have fear, fear all the time," said Singh.

When he checked in at the downtown Sacramento office, Singh said he knew something was different. Normally, the immigration authorities take people in batches of about 10, he said. He waited while others were called. Eventually, an agent took him to the back alone and told him he was being detained because of his undocumented status.

"I was crying," he said. "It’s like the worst happened."

He was taken to the Elk Grove detention facility, where he was placed in a barracks-style room with about four dozen other noncriminal detainees, Singh said. They rose at 5 a.m., had one hour of exercise daily and mostly watched Spanish-language television to pass the time.

"I call it the other hell you see on earth," Singh said of his time in detention. "You are cut from everything, your family, your whole world."

Haley said that "Singh’s immigration case has undergone exhaustive review at multiple levels of the Department of Justice’s immigration court system ... Additionally, Mr. Singh had his case reviewed multiple times before the United States Court of Appeals. The courts have consistently held that Mr. Singh does not have a legal basis to remain in the U.S. and his court-issued removal order became final in January 2016."

Singh said he will fight to stay in the United States, despite what his lawyer Elias Shamieh described as a "challenging" case.

"I’m going to fight for my family, my kids, for everything," he said. "It’s my responsibility to take care of them."

Ann Arbor Restaurant Refused Kitchen Entry To ICE Agents, Owner Says

MLive (MI), August 9, 2017

The owners of Cafe Zola said they turned away two immigration agents who stopped at the Ann Arbor restaurant the afternoon of Wednesday, Aug. 9 to look for an unnamed person.

Owner Alan Zakalik said two agents with U.S. Immigration and Customs Enforcement walked into the restaurant at 112 W. Washington Street around 2 p.m. and asked about an individual, but did not divulge the name.
Zakalik was not at the restaurant at the time, but said his wife, Hediyre Batu, declined to let the agents walk through the kitchen and search for the individual in question.

Ann Arbor restaurant says ICE agents ate breakfast, then detained 3 workers

"I was not around when they came in but they did speak to my wife, and she refused them entry," Zakalik said. "They wanted to go through the kitchen."

The agents then left the property, he said.

"It was not busy when they came, it was kind of toward the end of the lunch hour so the restaurant was slow, more quiet," Zakalik said.

Batu deferred questions to her husband.

The two have owned Cafe Zola for 21 years, and Zakalik said immigration agents have never been in the restaurant before.

When Zakalik arrived at the restaurant, he talked to some of the customers who had witnessed the quick visit but said most of the people in the restaurant did not notice the immigration agents at the door.

He added the agents were in uniforms emblazoned with "POLICE" on the back and were carrying guns.

"They looked pretty equipped," Zakalik said. "These few people who did notice, they didn't like the intimidation factor when people come in with guns."

Khalid Walls, spokesman for the U.S. Immigration and Customs Enforcement, issued a statement by email following the incident.

"Today's enforcement operations are a part of routine, daily targeted operations conducted by ICE in this region and around the country every day, targeting criminal aliens and other immigration violators," Walls said. "No arrests were made."

Less than three months ago, ICE agents walked into another Ann Arbor restaurant and asked about one individual before eventually detaining 3 people.

Restaurant owner Sava Leicaj told The Ann Arbor News after the arrests that ICE agents ate at the restaurant, 216 S. State Street, about 11:30 a.m. Wednesday, May 24 before entering the kitchen area to look for an employee.

Additional raids have taken place across Michigan and resulted in multiple detentions and community protests.

Deportation Order Splits Oakland Family And Highlights Shift Under Trump

By Hamed Aleaziz

San Francisco Chronicle, August 9, 2017

Although President Trump ran on a platform of rounding up and deporting "bad hombres," Oakland nurse Maria Mendoza-Sanchez knew that she and her husband — who each lack legal status — would not be protected by their clean records.

"I knew that not only our future but the life of many immigrants was going to change completely," said the mother of four as she recalled the night of the election. "I knew this is going to be a totally different story now."

Nearly seven months later, her fears have been realized.

On May 23, immigration officials told the couple they had three months to make arrangements to leave for the Mexican homeland in which they last set foot 23 years ago. On Tuesday, they will reluctantly split up their family, flying to Mexico with their 12-year-old son to start a new life, while leaving their three older daughters — who are 16, 21 and 23 — behind in the U.S.

In the past, Mendoza-Sanchez’s background likely would have spared her from deportation. She’s the mother of three native-born U.S. citizens and one recipient of the government’s Deferred Action for Childhood Arrivals program. She owns a home in Oakland, has no criminal record, and works as a nurse in the cardiology and oncology wing of Highland Hospital.

"It’s supposed to be that if you assimilate to the culture of the country, you pay taxes, you work, you graduate college, you have a better chance," she said. "It was supposed to be, but I did all that and I’m still in this situation. I just don’t understand."

The family’s case, experts said, is one of many that highlights the major shifts under way since Trump took office and made nearly every immigrant in the country without documentation a priority for removal. Since February, more than 57,000 people have been ordered to leave the country — a nearly 31 percent increase over the same time period in 2016 under President Barack Obama.

"It just shows that there’s an absence of priorities for deportation from the present
administration — it’s just totally random and they’re including some really good people like the Mendoza-Sanchez family,” said Carl Shusterman, an attorney representing the couple.

Virginia Kice, a spokeswoman for U.S. Immigration and Customs Enforcement, known as ICE, said Wednesday that over the last 15 years the couple’s case went through an exhaustive review by the immigration court system.

“The courts have consistently held that neither of these individuals has a legal basis to remain in the U.S.,” Kice said.

She noted that while ICE continues to prioritize people believed to pose safety risks, the agency’s acting director has said ICE will not exempt people from enforcement.

“This administration is committed to the rule of law and to enforcing the laws established by Congress,” she said. “When we fail to enforce those laws, what message are we sending to the millions of people who respect that process and are waiting outside the U.S. now for visas that will enable them to enter the country lawfully?”

For years, however, immigrants with strong ties in the country, like Mendoza-Sanchez and her husband, were granted stays of deportation orders while ICE focused resources on people with felony convictions and gang or terrorism ties, said Heather Prendergast, chair of the ICE liaison committee for the American Immigration Lawyers Association.

Denying those stays, she said, is a simple way for the administration to boost deportations without expending resources.

“This is a very easy group of people to go after,” Prendergast said. “If these sorts of cases are being denied, then who gets to stay here, and who is safe? Arguably it is no one.”

The couple’s immigration saga began when they sneaked into the country in the early 1990s. In the early 2000s, they began an exhaustive effort to legalize their status by applying for asylum, and later they applied for green cards through the immigration courts — a nearly decadelong process that included a series of court dates and multiple appeals. They were denied in 2012.

Beginning in 2013, they were granted a pair of one-year stays before immigration officials, in 2015, informed them they didn’t need stays because they were low priorities for deportation, Mendoza-Sanchez said.

In the meantime, Mendoza-Sanchez obtained her nursing degree and began working at Highland Hospital. Her husband, Eusebio Sanchez, is a truck driver, and the two have seen two of their daughters earn admission to UC Santa Cruz.

After being told in May that they had to leave the country, Mendoza-Sanchez and Sanchez went into planning mode. They picked up extra work hours and shifts in a bid to save as much money as possible for their three daughters who would be left behind.

The mother said she told her children, “This is not up to me. These things are pretty much out of my control. There’s nothing I can do. I’ve done everything. You be very strong.”

Staying behind are 21-year-old Melin, who has one more year of undergraduate work to complete, as well as Vianney, 23, and Elizabeth, a 16-year-old who is going to be a junior in high school.

Vianney, a DACA recipient, will become Elizabeth’s legal guardian and the two will stay in the family home together until their other sister joins them. She’s ready for the task but has concerns.

“I’m not exactly sure how to go about raising her because I’m not her mother,” the 23-year-old said Wednesday at their home, as her mother sat near her crying silently.

While Elizabeth promised to help clean the house to support her older sister, she said the prospect of her parents leaving during her high school years is daunting.

“I always thought that my mom would be here during high school and if I had problems I could talk to her, but she’s not going to be here for that,” the teenager said, wiping away tears as she held her mother’s hand.

She described how Mendoza-Sanchez hired tutors and worked with her when she struggled academically a few years ago.

“She helped me get to where I am now,” she said. Referring to supporters of increased immigration enforcement, she said, “I just want them to imagine — what if it was their family that was going through this? How would they feel?”

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ICE Raids Dunbar Mexican Restaurant
Huntington News Network, August 9, 2017
Six men were arrested August 3 at the Los Agaves Mexican Restaurant in Dunbar, WV. According to a press release:

"U.S. Immigration and Customs Enforcement (ICE) continues to focus its enforcement resources on individuals who pose a threat to national security, public safety and border security. ICE conducts targeted immigration enforcement in compliance with federal law and agency policy. However, as ICE Acting Director Thomas Homan has made clear, ICE does not exempt classes or categories of removable aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States.

ICE officers conducted a targeted enforcement action on Thursday, August 3, at the Los Agaves Mexican Restaurant at 1001 Dunbar Ave Dunbar, WV 25064. 6 men were arrested. All were employed at the restaurant. They will remain in ICE custody pending removal proceedings."

West Haven Undocumented Immigrant Released From ICE Detention

New Haven (CT) Register, August 9, 2017

Mynor Espinoza, a West Haven father of four, was able to post bond Wednesday after he was detained for more than two months following his visit to immigration officials on behalf of his young son.

Advocates have accused Immigration and Customs Enforcement officials of using Espinoza’s son as “bait,” “luring” him to ICE offices in Hartford where they then detained Espinoza and transported him to jail in Massachusetts.

ICE has responded that they have to check anyone they come into contact with, whether that is in their office or elsewhere.

On June 5, Espinoza appeared at the ICE offices with his 9-year-old son, Anthony Espinoza, who had come here last September from Guatemala as an unaccompanied minor.

The child, after being stopped at the border, was later released to his father’s custody. Under that arrangement, Espinoza was responsible for seeing that his son appeared at interviews and appointments arranged by ICE.

Espinoza, 31, had successfully re-entered the U.S. with his six-months-pregnant wife in June 2009 and had not been detected until he showed up in the ICE office eight years later in June of this year.

ICE said when they realized that Espinoza had been stopped at the border and returned to Guatemala in April 2009, they had to arrest him at the time of this second encounter.

Espinoza was released Wednesday afternoon from detention after his $8,000 bond, set by Immigration Judge Michael W. Straus, was paid.

His attorney, Yazzmin Rodriguez, said she was happy with the results of Wednesday’s hearing.

“There is sufficient evidence that we submitted into the record to show he has a viable form of relief,” she said.

Rodriguez has applied for “withholding of removal” for her client, which is a tougher standard of proof than asylum to remain in this country. She advised persons in circumstances similar to Espinoza’s to not enter a federal building without consulting with an attorney.

Rodriguez said when other clients have received similar call-in letters from ICE, she has attended the hearing with the child instead of the guardians.

She said the agreement with the office of refugee resettlement, on behalf of the child, is that the guardian has to make sure the minor answers an appearance request, but they do not have to physically be there.

Rodriguez continued to question Espinoza’s detention

“If you are asking a sponsor to take care of this child and provide for his physical needs, his education and moral well being and then you have a parent in detention — how does that work? It doesn’t,” the attorney said.

The ICE prosecutor asked Espinoza in court Wednesday why he had not sought asylum when he first came to the U.S.

“The truth is I was never familiar with the process and I have dedicated myself to caring for my wife and my children,” Espinoza testified through a court translator.

He told the court he has had consistent employment since coming here to support his family. His wife, Dulce Ramirez, also works at two restaurants.
Their children, Ashley Espinoza, 8; Jazmin Espinoza, 6; and Melanie Espinoza, 2, as well as their step-brother, Anthony Espinoza, 9, were in court Wednesday.

“When my mom was driving all the way here, my head hurt. I was scared. I was going to cry,” Ashley said of her ride to the courthouse. She said that went away when she realized she would see her father later in the day.

Anthony said he was crying when his father was taken into detention.

Dulce Ramirez said ICE called her and said he had to be picked up within an hour or he would be turned over to a “center.”

Shawn Neudauer, spokesman for ICE New England, said he wasn’t familiar with the specifics of the Espinoza case, but generally when a child is left with ICE, they will contact a family member.

If someone can’t come and get them, ICE will contact the local police or the state’s child protective services agency.

Anthony said, through a translator, that he was scared and crying when his father was taken into detention.

As for the U.S., he called it “beautiful,” and said he likes playing with his sisters.

SoCal ACLU Says Minors Shouldn’t Go Before Immigration Judge Without Lawyer

KABC-TV Los Angeles, August 9, 2017

The American Civil Liberties Union says a teenager’s deportation case exemplifies why undocumented minors should not go before an immigration judge without legal representation.

“He came here fleeing violence sought asylum and he couldn’t afford a lawyer,” said Ahilan Arulanandham, the legal director for the ACLU’s Southern California office.

The teen, only identified as C.J.L.G., was not granted asylum.

“I don’t think there’s any way that would have happened if he had a lawyer,” said Arulanandham.

Arulanandham made a case on behalf of C.J.L.G. and other minors before the Ninth Circuit Court of Appeals.

“The very basic important questions in his case like the nature of the violence he suffered or the fact that he was abandoned by his father never came out in the hearing because he never knew to say those things,” said Arulanandham.

The government argued proper questions were asked and suggested evidence could have been presented during an appeal when the minor did have an attorney, adding there are available resources.

“The remedy would have been for C.J.L.G.’s attorney before to have shown the board what evidence was not in the hearing below and we don’t have that here,” said Department of Justice attorney Kiley Kane.

The DOJ attorney said removal proceedings have a “grand infrastructure of pro-bono resources.”

“C.J.L.G.’s case is a really great example of why it’s not enough. If you can get a pro-bono lawyer, that’s great. But in his case, there wasn’t one available,” said Arulanandham.

Judge David Faber raised the question of the financial responsibility. “Shouldn’t it be up to Congress and not the court to decide?” asked Faber.

The court also considered the question of a court-appointed attorney in some cases, while Judge Consuleo Callahan pointed out the significance of making the government responsible for appointing an attorney for minors who could not obtain legal counsel.

“Do you concede that we would be the first to boldly go there?” asked Callahan in court.

“How bold it is I guess is for you to decide, your honor,” replied Arulanandham.

It’s unclear when the court could rule on the matter.

CRIMINAL INVESTIGATIONS

SWAT Team OK After Suspected Fentanyl Exposure During Raid

Associated Press, August 9, 2017

Eighteen members of a SWAT team are OK after they were exposed to a deadly chemical during a raid early Wednesday, Pittsburgh police said.

As the SWAT team entered the West End home, a table covered with powered drugs was overturned, sending what authorities believed to be a dangerous synthetic opioid called fentanyl wafting into the air, according to a criminal complaint.

As the drugs became airborne, a number of the officers began to report the dizzying and numbing side effects associated with an opioid
overdose. The SWAT team was later medically cleared at a hospital and a hazmat team was called in to deal with the large amount of opioids.

Four people who were arrested at the home were charged with intent to distribute fentanyl, the powerful synthetic painkiller that can be deadly if inhaled or absorbed through the skin. A criminal complaint says authorities found baggies and other drug packaging materials in the home.

Acting U.S. Attorney Soo Song said the operation was a raid of three homes in an ongoing drug investigation that involves various federal law enforcement agencies, including U.S. Immigration and Customs Enforcement and U.S. Homeland Security officials. Song said in a statement that Wednesday's incident underscores the danger of fentanyl exposure in law enforcement.

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18 SWAT Officers Hospitalized After Possible Exposure To Fentanyl During Raid

CBS News, August 9, 2017

From "60 Minutes" Return to Newtown: 4 years later Producer: "Stories don't just go away after we finish" CDC "quarantines" its own equipment Architect Peter Marino calls his tattooed biker look "a decoy" Why art is the center of Peter Marino’s universe

More than a dozen SWAT team officers were hospitalized Wednesday after agents raided a home in the West End, CBS Pittsburgh reports.

Around 6 a.m., several agencies began executing federal search warrants at three homes. At one of the locations, SWAT team members were exposed to an unknown airborne chemical substance. The U.S. Attorney’s Office believes the chemical substance may have been fentanyl.

Eighteen SWAT officers were taken to UPMC Mercy Hospital after the exposure caused them to become dizzy and suffer numbness. All have since been medically cleared.

The agencies involved in the raid included U.S. Immigration and Customs Enforcement, Homeland Security, Pittsburgh police, Pittsburgh SWAT and state police.

Several people were arrested in the drug raids. Authorities say charges will be filed in the U.S. District Court for Pittsburgh.

5 Firearms, $850,000 In Cash Seized At Puerto Rico Airport

Associated Press, August 9, 2017

Federal authorities have seized more than $850,000 in cash and five firearms at an airport in Puerto Rico’s capital.

U.S. Customs and Border Protection said Wednesday that its officers seized the items during a routine inspection of a private plane bound for Punta Cana in the Dominican Republic.

Authorities say the money and firearms were hidden inside paint buckets and a suitcase belonging to one of two passengers aboard. The passenger identified as David Diaz from the U.S. was arrested and faces charges including bulk cash smuggling. His state and hometown were not immediately known.

Officials say the seizure occurred at the Isla Grande airport in San Juan.

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Laredo Man Pleads Guilty To Role In Immigrants' Kidnapping

By Liz Farmer

Dallas Morning News, August 9, 2017

A Laredo man pleaded guilty to his role in the kidnapping of several unauthorized immigrants last year who were reportedly assaulted during the smuggling incident.

Jesus Osorio, 43, admitted to conspiracy to harbor and transport unauthorized immigrants Monday during his arraignment hearing, according to the Department of Justice.

Eight Mexican citizens who’d arranged to be smuggled into the U.S. were held against their will once they were brought over the border. They were then reportedly beaten, forced to get undressed and ordered to contact their families to get ransom for their release, according to the Department of Justice.

On July 5, 2016, authorities found them. One of the unauthorized immigrants was seriously injured and required hospitalization.

Before they were discovered, they stayed at a residence in Laredo for two weeks before Osorio transported them to a stash house, where they were later kidnapped, an investigation revealed.

Three people from Laredo then allegedly held them at the second location and assaulted them.
The men, 20-year-old Angel Alexis Diaz, 42-year-old Jose Israel Diaz and 42-year-old Julio Osorio pleaded guilty in September to conspiracy to kidnap illegal aliens.

Immigration and Customs Enforcement’s Homeland Security Investigations conducted the investigation with the assistance of the Laredo Police Department and U.S. Border Patrol.

The sentencing for Osorio is set for Jan. 2. He faces up to 20 years in federal prison and a possible $250,000 maximum fine.

**Canadian Man Sentenced To 6 Months For Human Smuggling Ring**

*Associated Press*, August 9, 2017

A U.S. federal court has sentenced a Canadian man to six months in prison for his part in a human smuggling operation.

Victory Omoruyi pleaded guilty in May to transport of illegal alien. Authorities say he helped move nine Nigerian citizens and asylum seekers to the Canadian border from North Dakota on April 14.

Omoruyi’s attorney, David Dusek, asked for a sentence of time served. U.S. District Judge Ralph Erickson said during Wednesday’s sentencing hearing in Fargo that Omoruyi deserves prison time because it was a for-profit scheme to unlawfully move people across the border.

After sentencing, Dusek said he tried to get Omoruyi a lighter sentence so he could return to Canada. Dusek had no further comment.

Omoruyi’s wife, Michelle Omoruyi, is facing human smuggling charges in Canada.

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**AVIATION SECURITY**

**Maryland To Offer TSA PreCheck, Maritime ID Services At Six MVA Locations**

By Colin Campbell

*Baltimore Sun*, August 9, 2017

The Maryland Motor Vehicle Administration will begin offering TSA PreCheck and Transportation Worker Identification Credential applications at six of its locations by the end of the year, officials announced Wednesday.

The services allow U.S. citizens to apply for expedited airport security screenings and credentials to access secure areas at U.S. maritime facilities for people who work in such areas.

The first three “IdentoGO” centers, manufactured by Massachusetts-based MorphoTrust USA, are available at the MVA’s offices in Annapolis, Waldorf and Salisbury. The next three will open later this year in Glen Burnie, Frederick and Gaithersburg.

The equipment has been paid for by the Transportation Security Administration, and it came at no cost to the state, according to MVA spokesman Eric Payne.

A TSA Pre-Check requires fingerprinting and other information, and costs an $85 application fee.

A Transportation Worker Identification Credential requires an applicant to provide fingerprints and biographical information, have their photograph taken and pass a security threat assessment conducted by the Transportation Security Administration.

“Offering our Maryland customers easy access to enroll in TWIC and TSA PreCheck is part of our commitment to make services our customers want as convenient and accessible as possible,” said MDOT MVA Administrator Christine Nizer.

**TSA PreCheck Mobile Enrollment Center Rolls Into Syracuse To Ease Travel Delays**

By Mark Weiner

*Syracuse (NY) Post-Standard*, August 9, 2017

Central New Yorkers who want to avoid long lines at airport security checkpoints will have a new option this week to enroll in a TSA program that gives travelers expedited clearance.

The company that manages enrollment in the U.S. Transportation Security Administration’s PreCheck program will sign up travelers in a mobile enrollment center inside an RV that arrived in East Syracuse on Tuesday.

Appointments are encouraged but not necessary to visit the enrollment center-on-wheels in the parking lot of the Keller Williams real estate office, 5701 Enterprise Parkway, East Syracuse.

The RV will be open from 9 a.m. to noon, and 1 p.m. to 5 p.m. Wednesday and Thursday, and 9 a.m. to noon on Friday, according to a
spokeswoman for IdentoGO, the company that manages enrollment for the TSA.

Syracuse was the last major city in New York state to receive a permanent TSA PreCheck enrollment center, which opened in November 2015 at Hancock International Airport.

The enrollment center on the first level of Terminal A at the airport initially required travelers to make appointments through the TSA website, but walk-ins are now accepted, said Lisa Farbstein, a TSA spokeswoman in Washington.

To enroll in the TSA PreCheck program, travelers are required to appear in person at one of the enrollment centers. Each applicant is charged an $85 fee for a five-year membership, fingerprinted and asked to supply proof of citizenship.

Those travelers accepted into the program are permitted to use designated priority lanes at airport security checkpoints. Those lanes generally allow travelers to pass through without taking off their shoes, light jackets and belts, or removing laptop computers or liquids and gels from carry-on bags.

About 5 million people have enrolled in the PreCheck program since it began.

ISIS Airmail: The Bomb Shipped From Turkey To Australia

In the end, the plot failed. But it leaves plenty of questions—and shows where to tighten security.

By Ahmet S. Yayla

Wall Street Journal, August 9, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

SECRET SERVICE

Clarification: Trump-Flight Restrictions Story

Associated Press, August 9, 2017

In a story Aug. 8, The Associated Press reported on flight restrictions near President Donald Trump’s properties during visits to Florida and New Jersey. The story should have noted that similar flight restrictions for presidential visits have been in place for decades, and were expanded after the 9/11 attacks, affecting local airports during visits from Presidents Barack Obama and George W. Bush.

A clarified version of the story is below:

Thor Solberg’s business is down — practically nonexistent — at a time when it’s usually way up, and he has President Donald Trump to thank for it.

Solberg’s is one of two small airports in western New Jersey that are essentially closed down because of federal aviation regulations because they are within 10 miles (16 kilometers) of where Trump is spending 17 days this month at his Bedminster country club. More than a dozen other airports also face restrictions.

This is high season for small airports that cater to amateur fliers and business clients. But at Solberg-Hunterdon Airport, which averages about 100 combined takeoffs and landings per day, a handful of planes sat idle Monday. Normally 70 to 80 planes would be paying to be housed there and paying for fuel and flight training time, Solberg said.

“Twenty percent of our annual business is affected by the president’s visits in the summertime because that’s how much of our business takes place on the weekends in the summertime,” Solberg said.

Small airports and aviation-related businesses near Trump’s properties in Florida and New Jersey have lost out on hundreds of thousands of dollars in business already this year. And they have no recourse other than to appeal to the Secret Service, which oversees presidential security.

The temporary closure rules are not unique to Trump’s vacations. Similar flight restrictions for presidential visits have been in place for decades, and were expanded after the 9/11 attacks, affecting local airports during visits from Presidents Barack Obama and George W. Bush.

Several members of New Jersey’s congressional delegation sent a letter to the Secret Service in June urging it to consider allowing the airports near Trump’s residence to use a system similar to one in place near Washington, D.C., that allows properly screened pilots to fly to and from airports in a security-sensitive area.

So far, there has been no response. Republican Rep. Leonard Lance said Monday. A Secret Service spokeswoman didn’t return an email seeking comment.

“We want New Jersey to be treated as, apparently, Maryland is treated,” Lance said. “I’m
hopeful the Secret Service will examine the situation based on past precedents.”

An appeal to the Secret Service also proved unsuccessful for the owners of a small Florida airport that lies within the no-fly zone near Trump's Mar-a-Lago resort. In March, the Secret Service told the tenants of Lantana Airport that aircraft couldn’t take off from the facility, which is about 6 miles (10 kilometers) southwest of Mar-a-Lago. The 28 businesses at the airport include a flight school and banner operation. They said they were losing thousands of dollars each time Trump visited.

Jonathan Miller, the contractor who operates the airport, told The Associated Press earlier this year that a helicopter company opted to move elsewhere rather than deal with the airport closures, taking an estimated $440,000 in annual rent and fuel payments with it.

Michelle Edwards, office manager at Palm Beach Flight Training at Lantana, said it was especially stressful in the spring when Trump’s visits closed the airport for three straight weekends, usually with about two days' notice.

“We have customers, their first question when they call is, ‘Am I even going to be able to train there because of President Trump coming down so much?” Edwards said. “So, we have customers leaving, going elsewhere and not even starting with us because they’re nervous about President Trump coming in.”

Solberg echoed Edwards’ concerns about the potentially long-lasting effects of the disruption.

“It’s not just the current revenue that’s a problem,” he said, noting the airport is losing “tens of thousands of dollars this month. “It’s the fact that we’re unable to get continuous new business because we’re unable to provide potential customers with a service that they can rely on.”

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EMERGENCY RESPONSE

Hurricane Season In Atlantic Expected To Be ‘Above-normal,’ With 2 To 5 ‘Major Storms,’ Forecasters Say

By Travis Fedschun

Fox News, August 9, 2017

A robust start to the Atlantic hurricane season shows no signs of slowing down, forecasters said Wednesday.

The National Oceanic and Atmospheric Administration’s updated hurricane forecast now predicts 14 to 19 named storms as part of an “above-normal” season, an increase from projections in May of 11 to 17, with five to nine hurricanes.

Two to five hurricanes are expected to be “major,” with sustained winds of at least 111 mph, an increase from May’s prediction of 2 to 4.

“We’re now entering the peak of the season when the bulk of the storms usually form,” Gerry Bell, lead seasonal hurricane forecaster at NOAA’s Climate Prediction Center, said in a statement. “The wind and air patterns in the area of the tropical Atlantic and Caribbean where many storms develop are very conducive to an above-normal season. This is in part because the chance of an El Nino forming, which tends to prevent storms from strengthening, has dropped significantly from May.”

In just the first nine weeks of this season, there have already been six named storms — nearly half the number of storms during an average six-month season — and double the number of storms that would typically form by early August.

Two of those storms, Cindy and Emily, struck the U.S. coast in June and July.

“Today’s updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge,” FEMA Administrator Brock Long said. “As we enter the height of hurricane season, it’s important for everyone to know who issues evacuation orders in their community, heed the warnings, update their insurance and have a preparedness plan.”

An average Atlantic hurricane season, which runs from June 1 to November 30, produces 12 named storms, of which six become hurricanes, including three major hurricanes, according to the NOAA.

Forecasters at the National Hurricane Center said Tropical Storm Franklin was nearing hurricane strength Wednesday as it approached Mexico’s central Gulf coast, which would make it the first Atlantic hurricane of the season.

‘Heed The Warnings.’ This Hurricane Season Is Looking Worse Than Usual
By Justin Worland

TIME, August 9, 2017

National storm forecasters ratcheted up their prediction for a strong hurricane season Wednesday, estimating as many as five major Atlantic hurricanes. The update comes just as the season is reaching its period of peak activity.

Forecasters from the National Oceanic and Atmospheric Administration (NOAA) cited a flurry of early season storms, wind and air patterns and high sea-surface temperatures in the Atlantic among the reasons for the heightened forecast. There have been six named Atlantic storms so far this season, double the average number. NOAA now says there is a 60% chance of an above-normal season, compared to the 45% chance the agency predicted in May.

Forecasters cannot predict how many, or if any, of the storms will make landfall. But they warned coastal residents in the Southern U.S. to prepare nonetheless. “Today’s updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge,” said FEMA Administrator Brock Long in a press release. “Heed the warnings . . . and have a preparedness plan.”

The U.S. Atlantic coast has experienced a hurricane drought of sorts in recent years. No major hurricane—a Category 3 storm or stronger with sustained winds of at least 111 miles per hour—has made landfall in the U.S. since 2005. But other tropical storms, like Sandy, have caused significant damage despite being relatively weak thanks to flooding caused by storm surge, a phenomenon wherein wind conditions raise sea levels and push water ashore.

**NOAA Issues Updated Hurricane Season Outlook**

WEAR-TV Mobile (AL), August 9, 2017

Today, NOAA issued the scheduled update for its 2017 hurricane season outlook. Forecasters are now predicting a higher likelihood of an above-normal season, and they increased the predicted number of named storms and major hurricanes. The season has the potential to be extremely active, and could be the most active since 2010.

Forecasters now say there is a 60-percent chance of an above-normal season (compared to the May prediction of 45 percent chance), with 14-19 named storms (increased from the May predicted range of 11-17) and 2-5 major hurricanes (increased from the May predicted range of 2-4). A prediction for 5-9 hurricanes remains unchanged from the initial May outlook.

“We’re now entering the peak of the season when the bulk of the storms usually form,” said Gerry Bell, Ph.D., lead seasonal hurricane forecaster at NOAA’s Climate Prediction Center. “The wind and air patterns in the area of the tropical Atlantic and the Caribbean where many storms develop are very conducive to an above-normal season. This is in part because the chance of an El Nino forming, which tends to prevent storms from strengthening, has dropped significantly from May.”

Bell noted other factors that point to an above-normal season include warmer waters across the tropical Atlantic than models previously predicted and higher predicted activity from available models.

In just the first nine weeks of this season there have been six named storms, which is half the number of storms during an average six-month season and double the number of storms that would typically form by early August. An average Atlantic hurricane season, which runs from June 1-November 30, produces 12 named storms, of which six become hurricanes, including three major hurricanes.

“Today’s updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge,” said FEMA Administrator Brock Long. “As we enter the height of hurricane season, it’s important for everyone to know who issues evacuation orders in their community, heed the warnings, update their insurance and have a preparedness plan.”

The updated outlook is based on the current and evolving atmospheric and oceanic conditions, the most recent model predictions, and pre-and early-season storm activity. The numbers announced today include the season activity to-date. The Atlantic basin has seen six named storms (Arlene in April; Bret and Cindy in June; Don and Emily in July; and Franklin in August). Two of these storms, Cindy and Emily, struck the United States. Cindy made landfall on June 22 at the Louisiana-Texas border and caused heavy rain, inland flooding and multiple tornado outbreaks. Emily made landfall on July 31 in Anna Maria Island, Florida. Franklin is predicted to make landfall in Mexico overnight as a hurricane.
Today's update also decreases the chance of a near-normal season from 35 percent to 30 percent, and a below-normal season from 20 percent to only 10 percent from the initial outlook issued in May.

As we move into the peak of hurricane season, when hurricanes are most frequent and at their strongest, NOAA urges coastal residents to make sure they have their hurricane preparedness plans in place and to monitor the latest forecasts.

NOAA Changes Official Outlook For Hurricane Season
By Laura B. Martinez
Brownsville (TX) Herald, August 9, 2017
It only takes one.

This is what meteorologists at the National Weather Service in Brownsville want residents to remember as we approach the peak of the hurricane season, especially with the National Oceanic and Atmospheric Administration revising its 2017 Atlantic Hurricane Season outlook.

On Wednesday, NOAA updated its outlook, and forecasters are now predicting a higher likelihood of an above-normal season.

Forecasters now say there is a 60 percent chance of an above-normal season, compared to their May prediction of a 45 percent chance.

They also increased the predicted number of named storms and major hurricanes. Wednesday's updated forecast states there is a chance of 14-19 named storms, 5-6 hurricanes and 2-5 major hurricanes.

Forecasters say the season has the potential to be extremely active and could be the most active since 2010.

"We're now entering the peak of the season, when the bulk of the storms usually form," said Gerry Bell, Ph.D., lead seasonal hurricane forecaster at NOAA's ClimatePredictionCenter. "The wind and air patterns in the area of the tropical Atlantic and Caribbean where many storms develop are very conducive to an above-normal season. This is in part because the chance of an El Nino forming, which tends to prevent storms from strengthening, has dropped significantly from May."

Local meteorologists want to remind residents that it only takes one hurricane to bring destruction to the area.

"Yes, it's slightly above normal and we could see more activity in the Atlantic basin this year, but the main point to get across is that it only takes one" hurricane to cause havoc, said Chris Birchfield, a meteorologist with the National Weather Service in Brownsville.

Birchfield said that during hurricane season, residents should know if they live in a flood zone or evacuation zone, review their insurance policies, and have plenty of food, water and supplies on hand if they have to shelter in place.

"We don't want people to focus so much on the number of storms (being forecast), we've had systems affect our area in a below-normal year. Those people affected, it doesn't matter whether it was a below-normal or above-normal year," Birchfield said.

The Atlantic basin already has seen six named storms this year: Arlene in April; Bret and Cindy in June; Don and Emily in July; and Franklin which became the first official hurricane of the season and was expected to make landfall Wednesday night in Mexico.

Hurricane season runs from June 1 through Nov. 30.

Bell said other factors playing into an above-normal season include warmer waters in the Atlantic than models previously advised and higher predicted activity from available models.

Officials say that during the first nine weeks of the hurricane season there have been six named storms, which is half the number of storms during an average six-month season and double the number of storms that would typically form by early August.

According to NOAA, an average Atlantic hurricane season produces 12 named storms, of which six become hurricanes, including three major hurricanes.

Emergency management officials are reminding coastal residents to know their county’s evacuation plans, heed the warnings, update their insurance and have a preparedness plan.

"(Wednesday's) updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge," FEMA Administrator Brock Long said.

NOAA Pushes Hurricane Numbers Up
By Dave Baker
KATC-TV Lafayette (LA), August 9, 2017
NOAA issued their scheduled update for its 2017 hurricane season outlook. Forecasters are
now predicting that an above-normal season is more likely, and they’ve increased their predicted number of named storms and major hurricanes. The season has the potential to be extremely active, and could be the most active since 2010.

Forecasters now say there is a 60 percent chance of an above-normal season, with 14-19 named storms and 2-5 major hurricanes. A prediction for 5 to 9 hurricanes remains unchanged from the initial May outlook.

“We’re now entering the peak of the season when the bulk of the storms usually form,” says Gerry Bell, Ph.D., lead seasonal hurricane forecaster at NOAA’s Climate Prediction Center. “The wind and air patterns in the area of the tropical Atlantic and Caribbean where many storms develop are very conducive to an above-normal season. This is in part because the chance of an El Nino forming, which tends to prevent storms from strengthening, has dropped significantly from May.”

So far, the first nine weeks of this season have brought six named storms, half the number of storms during an average six-month season and double the number of storms that would typically form by early August. An average Atlantic hurricane season, produces 12 named storms, six of those hurricanes, including three major hurricanes.

“Today’s updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge,” said FEMA Administrator Brock Long. “As we enter the height of hurricane season, it’s important for everyone to know who issues evacuation orders in their community, heed the warnings, update their insurance and have a preparedness plan.”

As we move into the peak of hurricane season, when hurricanes are most frequent and at their strongest, NOAA urges coastal residents to make sure they have their hurricane preparedness plans in place and to monitor the latest forecasts.

**Take Time To Be Prepared**

_Suffolk (VA) News Herald_, August 9, 2017

With Tropical Storm Franklin churning in the Gulf of Mexico, the National Oceanographic and Atmospheric Administration has amended its forecast for the Atlantic hurricane season.

As we move into mid-August, the height of the hurricane season is still ahead of us, but NOAA already has assigned names to six tropical storms during the course of just nine weeks. Forecasters warned on Wednesday that the unusual level of activity is a harbinger of a season that will likely bring even more Atlantic storms.

In fact, NOAA forecasters are now saying there is a 60-percent chance of an above-normal season, elevated from a 45-percent chance that was predicted in May. And they now expect 14 to 19 named storms (compared to a range of 11-17, predicted in May) and two to five major hurricanes (compared to 2-4).

A forecast is not a storm, of course, and the weather will do what the weather will do, with no regard for even the most studious of predictions.

Nonetheless, NOAA’s forecasters are the closest thing we have to an actual window into the future, and their weather predictions should not be taken lightly. If NOAA says we’re going to have what would be the busiest hurricane season since 2010, then perhaps we should take heed and do whatever we can to minimize the risk. And since we cannot change the weather, reducing our hurricane-related risk means changing our own behavior, modifying both the way we prepare for hurricanes and the way we respond to them when they hit.

“Today’s updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge,” said FEMA Administrator Brock Long. “As we enter the height of hurricane season, it’s important for everyone to know who issues evacuation orders in their community, heed the warnings, update their insurance and have a preparedness plan.”

That’s good advice, and it’s advice that seems pretty obvious. Unfortunately, for too many people — even for many of those who live in hurricane-prone areas like Hampton Roads — it’s advice that sometimes goes unheeded. Years without a hurricane tend to encourage an unfortunate complacency.

Don’t be complacent. Take the warnings seriously. Pay attention to the forecasts. And, most important, make plans for how you will protect your life, your family’s lives and your property.

A good place to start is vaemergency.gov, where you can find checklists for preparing emergency supplies kits, suggestions for family communications, evacuation plans and other valuable information that will help you prepare for any disaster, not just hurricanes.
Take the time to be prepared.

‘Extremely Active’ 2017 Hurricane Season: Updated Maryland Forecast
By Deb Belt
Towson (MD) Patch, August 9, 2017
TAMPA, FL — Brace yourselves, Marylanders: With the peak of the 2017 Atlantic hurricane season just days away from starting, forecasters at the National Oceanic and Atmospheric Administration have upped their predictions for an above-normal number of storms. Back in May, NOAA forecast a 45 percent chance of an above-normal season. On Wednesday, that number rose to a 60 percent chance.

“The season has the potential to be extremely active, and could be the most active since 2010,” NOAA warned in issuing its revised forecast. That season gave birth to such named storms as Hurricane Alex, Tropical Storm Hermine and Hurricane Danielle. All told, there were 19 named storms, according to NOAA records. (SIGN UP: Get Patch’s daily newsletter and real-time news alerts, or like us on Facebook. Or, if you have an iPhone, download the free Patch app.)

NOAA forecasters say there is a strong chance for 14 to 19 named storms to crop up this season. This is compared with the projection of 11 to 17 issued in May. Of those storms, two to five of them are expected to be major hurricanes, which is an increase from May’s projection of two to four. Major hurricanes are those that have maximum sustained winds of at least 111 mph. The estimate of five to nine hurricanes in total issued in May remains unchanged, forecasters say.

NOAA’s upgraded predictions arrived Wednesday as forecasters were keeping an eye on the season’s sixth-named storm. Tropical Storm Franklin was located off the coast of Mexico as of Wednesday morning. It is expected to reach hurricane status before making landfall.

Meanwhile, forecasters are also monitoring an area of disturbed weather in the Atlantic Ocean that has given a 40 percent chance of developing more over the next five days. As of Wednesday morning, that storm system was on a path that might take it in the direction of South or North Carolina. Should that storm gain enough steam to earn a name, it will be called Gert.

“We’re now entering the peak of the season when the bulk of the storms usually form,” Gerry Bell, Ph.D., lead seasonal hurricane forecaster at NOAA’s Climate Prediction Center, said in announcing the updated predictions. “The wind and air patterns in the area of the tropical Atlantic and Caribbean where many storms develop are very conducive to an above-normal season. This is in part because the chance of an El Nino forming, which tends to prevent storms from strengthening, has dropped significantly from May.”

Like the Annapolis Patch Facebook page below, then continue reading the story.

Warmer-than-predicted water in the tropical Atlantic Ocean also prompted the adjusted forecast.

The Atlantic hurricane season runs from June 1 to Nov. 30 each year. Average seasons produce about 12 named storms, of which six become hurricanes. Three of the hurricanes are generally deemed major.

“Today’s updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge,” said FEMA Administrator Brock Long. “As we enter the height of hurricane season, it’s important for everyone to know who issues evacuation orders in their community, heed the warnings, update their insurance and have a preparedness plan.”

About The Peak Of Hurricane Season
Forecasters call the period between mid-August and mid-October the “season within the season.” This eight-week period “is often the most active and dangerous time for tropical cyclone activity,” according to the National Oceanic and Atmospheric Administration.

The peak period is historically responsible for major spikes in tropical weather activity, NOAA said. In fact, it accounts for roughly 78 percent of all tropical storm days on record. It is also the period when 87 percent of the category 1 and 2 hurricane days on record occurred. In addition, this period is responsible for “a whopping 96 percent of the major (category 3, 4 and 5) hurricane days.”

So, what makes this eight-week stretch so special?

“Tropical waves are coming off of the coast of Africa roughly every three days, and the very early and late parts of the year provide additional types of potential seedlings,” NOAA’s website explains.
Other environmental conditions during the peak tend to be more conducive for storm development, as well. The factors that align during the peak period include wind, temperature and moisture. Wind shear that might rip disturbances apart in May, for example, tend to weaken by late August, NOAA said.

“This minimum in the shear combines with favorable thermodynamics – ocean temperatures in the deep tropics that increase with each day of summer sun, warmer air temperatures, and increasing atmospheric moisture,” NOAA explained. “When the dynamics and thermodynamics are in sync, as they often are from mid-August through early October, disturbances like African tropical waves can easily strengthen.”

The conditions gradually become less ripe for development in mid-October when increased wind shear tends to reappear and water and air temperatures cool.

Maryland Hurricane History

Maryland has been spared “the big one” on most occasions, but for roughly 60 years, named hurricanes have battered our water-oriented state, altering our lifestyles and our history.

Hurricanes Connie and Diane pounded Maryland in October 1955. Just days apart in their torture on the East Coast, the storms caused widespread flooding. Connie essentially came right up the Bay.

Meanwhile, Diane came on land near the Carolina border and turned east to pass over northern Maryland before going back out to sea. More recently, Hurricane Sandy in October of 2012 made landfall just north of the upper Chesapeake Bay region, and destroyed the Ocean City fishing pier. From there it went on to devastate oceanfront areas of New Jersey and New York.

Hurricane Isabel in September of 2003 dealt a massive blow to Anne Arundel County and caused historic damage to downtown Annapolis. The storm struck the Mid-Atlantic region between Sept. 18-19, 2003. With 500 miles of shoreline, Anne Arundel County was among the hardest hit counties in the state. A total of 15 local businesses and more than 570 homes were declared uninhabitable from major flood damage, according to the report. There were approximately 100 structural collapses throughout the county.

The City Dock area in Annapolis became a giant swimming pool. Local residents kayaked and canoed through the streets, Patch reported later.

Residents readying for the upcoming season can get tips and advice on the federal government’s Ready.gov website.

To read the full 2017 Atlantic hurricane season prediction report, visit CSU online. To keep up with potential storm activity, bookmark the National Hurricane Center’s website. For local weather and severe weather alerts, visit the National Weather Service online.

NOAA Predicts Greater Chance Of Above-normal Hurricane Season

WWL-TV New Orleans, August 9, 2017

NEW ORLEANS, LA. – Forecasters with the NOAA issued an update to its 2017 hurricane season outlook Wednesday, predicting a higher likelihood for an above-normal season.

The new forecasts increased the predicted number of named storms and major hurricanes, saying that the 2017 hurricane season could be the most active since 2010.

The NOAA reports that there is a 60 percent chance for an above-normal season. That is a 15 percent increase compared to the prediction released in May. The updated August forecast predicts 14-19 named storms (an increase from 11-17) and 2-5 major hurricanes (an increase from 2-4). A prediction of 5-9 hurricanes remains unchanged from the May report.

“We’re now entering the peak of the season when the bulk of storms usually form,” lead seasonal hurricane forecaster Gerry Bell, Ph.D., said.

Bell says factors including warmer waters across the tropical Atlantic Ocean and higher predicted activity points to an above-normal season.

“Today’s updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge,” FEMA Administrator Brock Long said.

The Atlantic basin has seen six named storms this year, two of which made landfall in the United States.

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NOAA Releases Bleak Update On Hurricane Season, Now Forecast To Be Most Active Since 2010
By Josh Solomon And Samantha Putterman

*Tampa Bay (FL) Times*, August 9, 2017

The National Oceanic and Atmospheric Administration is now predicting an above-average hurricane season driven in part by warmer-than-normal water temperatures in the Atlantic Ocean.

The agency’s updated 2017 Atlantic forecast, released Wednesday, should stand as a warning for coastal residents as we enter the most active period for hurricane development, forecasters said.

“Today’s updated outlook underscores the need for everyone to know their true vulnerabilities to storms and storm surge,” said Brock Long, administrator of the Federal Emergency Management Agency. “As we enter the height of hurricane season, it’s important for everyone to know who issues evacuation orders in their community, heed the warnings, update their insurance and have a preparedness plan.”

Forecasters now say there’s a 60 percent chance of an above-normal season, “with the possibility now that it could be extremely active,” said Gerry Bell, the lead seasonal hurricane forecaster at NOAA’s Climate Prediction Center, which published the report. There is only a 30 percent chance for an average season and a 10 percent chance for a below-average season.

Those numbers are up from NOAA’s May prediction of a 45 percent chance for an above-average season. Wednesday’s forecast said it’s likely there will be 14 to 19 named storms, with five to nine hurricanes and two to five major hurricanes this season, which runs through Nov. 30. It factors in the six named storms we’ve already seen this year, including Hurricane Franklin, which grew from a tropical storm to a hurricane on Wednesday while bearing down on the Mexican gulf coast.

A major hurricane is a Category 3 or stronger, with wind speeds of at least 111 m.p.h.

In May, NOAA predicted 11 to 17 named storms, with two to four major hurricanes. Its forecast of five to nine hurricanes remains unchanged since May.

The season, meteorologists say, has the potential to be the most active since 2010. An average season comprises 12 named storms, with six hurricanes, three of them major, according to NOAA.

Several factors have combined to make the tropical Atlantic conducive to hurricane development, said Bell, with NOAA’s Climate Prediction Center. One is that El Niño, the phenomenon of warmer-than-normal water in the tropical Pacific Ocean, didn’t materialize. That warmer water creates high-altitude winds above the tropical Atlantic, which contributes to wind shear that helps to keep thunderstorms from coalescing into cyclones.

Another factor, Bell said, is that the water in the tropical Atlantic Ocean is one to two degrees Fahrenheit warmer than normal, because the surface winds across that part of the ocean have been weak. Strong winds will churn water near the surface, said Phil Klotzbach, a climate research scientist at Colorado State University, which puts out its own hurricane seasonal outlooks. That churn results in cooler surface water. When the winds are weaker, he said, the top layer of water bakes in the sun.

The warm water doesn’t just fuel hurricanes, Klotzbach said. It also lowers the air pressure over the water, making the atmosphere more unstable, which gives cyclones more opportunities for development. Also, he said, warmer water often contributes to more moist air, which is better for cyclones than drier air.

Klotzbach’s most recent seasonal outlook, released Aug. 4, is similar to NOAA’s, predicting 16 named storms, eight hurricanes and three major hurricanes.

He said the six storms we’ve already seen — twice the average for this time of year — doesn’t play a great role in forecasting the rest of the season. Most of those storms were weak and marginal, he said, and didn’t contribute much to the expected seasonal total of accumulated cyclone energy, a measure that combines both the strength and duration of storms.

But Bell said what those storms indicate is that the conditions in the Atlantic hurricane basin for storm development are already set entering the peak of the season.

“The wind and air patterns in the area of the tropical Atlantic and Caribbean where many storms develop are very conducive to an above-normal season,” Bell wrote in the news release.

Klotzbach said climate change likely hasn’t played a role in the active seasons we’ve seen this year and last, in which Florida was hit by its first hurricane in 11 years. It’s difficult, he said, to
try to pinpoint climate change’s effect on storms amid all the noise created by more influential weather factors, such as El Niño.

In general, Klotzbach said, science suggests climate change could actually decrease the frequency of hurricanes, but increase their intensity. But it depends how the planet, which warms unevenly, grows hotter.

“What really matters for tropical cyclones is how the Atlantic warms relative to the rest of the globe,” he said.

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Forecasters Boost Number Of Hurricanes Expected This Season
By Patricia Kitchen
Newsday (NY), August 9, 2017

As the peak season for Atlantic hurricanes rolls in, the National Oceanic and Atmospheric Administration on Wednesday indicated higher likelihood for above-normal activity and increased the number of expected named storms and major hurricanes.

Forecasters now predict two to five major hurricanes this season characterized as Category 3 or above. They are calling for a total of 14 to 19 named storms, five to nine of them becoming hurricanes. Those numbers include six named storms already this year.

On Wednesday, Franklin became the first Atlantic hurricane of the season as it moved toward Mexico’s Gulf Coast.

NOAA’s new figures reflect an increase from the May outlook for two to four major hurricanes and 11 to 17 named storms, with the number of hurricanes overall remaining the same.

In its updated outlook, NOAA said the season had “the potential to be extremely active,” possibly vying with 2010, which saw 19 named storms, 12 of them hurricanes and five of them major.

“Wind and air patterns in the area of the tropical Atlantic and Caribbean where many storms develop are very conducive to an above-normal season,” according to Gerry Bell, lead seasonal hurricane forecaster at NOAA’s Climate Prediction Center. That’s as chances have dropped significantly for the formation of El Niño, a weather pattern that makes it difficult for storms to develop.

Peak season for activity has historically been from mid-August through October, NOAA said. The six named storms this year represent twice the number of named storms that ordinarily would form by early August, Bell said during a media call.

While the climate center’s seasonal hurricane forecasters make long-range calls on expected activity, they do not predict if or where storms might make landfall, Bell said, as that’s dependent on shorter-term weather conditions.

The traditional Atlantic season runs from June 1 through Nov. 30, with this year’s Tropical Storm Arlene jumping the gun and forming in April.

A dozen named storms — with six becoming hurricanes and three of those major — is considered an average season, NOAA said.

Also active was the 2012 season, which saw 19 named storms, with 10 becoming hurricanes.

That included Sandy, which reached category 3 hurricane level, morphed into a post-tropical storm of “tremendous size,” which “drove a catastrophic storm surge into the New Jersey and New York coastlines,” as described in a National Hurricane Center report.

Since Sandy made landfall in New Jersey on Oct. 29, 2012, Long Beach, one of the areas severely impacted, has been rebuilding and investing tens of millions of dollars in upgrading infrastructure, said Long Beach City Manager Jack Schnirman.

“We’re certainly more prepared now than we were before,” he said, but until all projects are completed, “we remain more vulnerable than we would like to be.”

Should this season see a tropical storm heading this way, he said, “we’ll prepare for the worst and hope for the best.”

Atlantic Hurricane Season Could Be Busiest Since 2010
By Brandon Miller
CNN, August 9, 2017

Unseasonably warm ocean temperatures and a no-show from El Niño will contribute to what may be the busiest Atlantic hurricane season in seven years, the National Oceanic and Atmospheric Administration announced on Wednesday.

NOAA estimates the ocean will see 14 to 19 named tropical systems this year, up from the 11-
they had predicted in a previous outlook released in May.

"The season has the potential to be extremely active, and could be the most active since 2010," NOAA said on Wednesday.

The 2017 hurricane season officially began June 1 and ends November 30.

Though NOAA’s outlook still calls for 5 to 9 hurricanes, the latest update increases the number of likely major hurricanes by one, to 5.

Hurricane Franklin, located in the southern Gulf of Mexico’s Bay of Campeche, is the season’s first hurricane and will move into Mexico early on Thursday.

NOAA’s upgraded outlook agrees with last week’s update from Colorado State University.

CSU predicts 16 named storms – including the five that have already occurred – with eight becoming hurricanes and three reaching major hurricane status (winds above 111 mph).

Peak season

"This season has had a running start," according to Ben Friedman, acting NOAA administrator. Tropical Storm Arlene formed briefly in April in the north-central Atlantic. An extremely rare occurrence, Arlene was just the second named storm on record for the month of April.

Since then the season has remained above average with respect to the number of storms, with six named storms by August 6. On average, the sixth named storm does not occur for another month, around September 8.

Even though the calendar says we are over one-third of the way through the hurricane season, we are just getting into its busiest part. In fact, over 75% of the named storms come during the peak months of August, September, and October.

"We're now entering the peak of the season when the bulk of the storms usually form," said Gerry Bell, lead seasonal hurricane forecaster at NOAA’s Climate Prediction Center.

"The wind and air patterns in the area of the tropical Atlantic and Caribbean, where many storms develop, are very conducive to an above-normal season," Bell said.

As if on cue, the tropical Atlantic has been heating up this week, with Franklin churning in the southern Gulf of Mexico and another area of potential development farther out in the ocean.

Franklin has already prompted hurricane warnings for parts of Mexico’s east coast as the system will move into the Mexican state of Veracruz late Wednesday into early Thursday.

The National Hurricane Center currently gives the system a 40% chance of developing, and forecast models show it could approach the eastern United States coastline later this weekend. It is still too early to say for sure if the system, which would be named Gert if it develops, would curve back out to sea before reaching the US coast.

The El Niño effect

Forecasts made earlier this year were predicting "slightly below-average activity." These forecast were made in April and May, when a weak to moderate El Niño was forecast to develop during the peak of hurricane season.

"The chance of an El Niño forming, which tends to prevent storms from strengthening, has dropped significantly from May," Bell said.

El Niño is a naturally occurring phenomenon characterized by warmer than normal water in the eastern Pacific equatorial region. While El Niño occurs in the Pacific Ocean, it has widespread impact on the global climate. One of its effects is increased wind shear across the tropical Atlantic, which creates hostile conditions for tropical storm development.

With a lack of El Niño taking shape, Colorado State forecasters say there’s a 62% chance of a major hurricane making landfall in the United States this season. The average risk is 52%.

Due for a major hurricane?

Amazingly, the US has not experienced landfall of a major hurricane – a Category 3 or higher, with sustained winds of 111 mph and higher – since Hurricane Wilma in 2005.

"The odds of going 11 years without a major hurricane landfall in the US is around 1 in 2,000," said Phil Klotzbach, a hurricane research scientist at Colorado State University.

Are we prepared for a major hurricane?

"Roughly 25% of major hurricanes that form in the Atlantic make a US landfall," he added. "We have had 31 major hurricanes since Wilma in 2005. The odds of having 31 major hurricanes form in the Atlantic with zero landfalls would be around 1 in 7,500."

That streak nearly ended last year with Hurricane Matthew.

After several quieter seasons, 2016 was above normal, as expected, with 15 named storms, seven hurricanes and four major
hurricanes. Hurricane Matthew had the greatest impact, with its center passing just offshore of eastern Florida and Georgia as a major hurricane before making landfall in South Carolina as a Category 1 storm and bringing historic flooding to North Carolina.

There was also Hurricane Hermine, which became the first hurricane to make landfall in Florida in 11 years, the state’s longest hurricane-free streak.

“There is a potential for a lot of Atlantic storm activity this year. We cannot stop hurricanes, but again, we can prepare for them,” said Friedman.

CNN Meteorologist’s Taylor Ward and Judson Jones contributed to this report.

Trump Approves Disaster Assistance For New Hampshire

U.S. News & World Report, August 9, 2017
CONCORD, N.H. (AP) — President Donald Trump on Wednesday issued a major disaster declaration for New Hampshire and will provide federal emergency assistance following severe storms that hit the state last month.

The storms dropped more than an inch of rain per hour. About 60 roads were damaged, about a dozen homes were surrounded by water and about 600 people evacuated from campgrounds. Most of the damage was in Grafton County.

New Hampshire authorities say initial damage assessments from last weekend’s storms and flooding are in excess of $11.5 million.

In a statement on Wednesday, Trump ordered federal assistance to supplement state and local recovery efforts on a cost-sharing basis for emergency work and the repair and replacement of damaged facilities in Grafton County. The statement did not say how much assistance would be provided.

“Through this major disaster declaration, those most heavily impacted by the storm can have access to federal support for response efforts,” Gov. Chris Sununu, a Republican, said Wednesday. “I thank President Trump for his timely response to my request.”

Democratic Sen. Maggie Hassan urged the Trump administration to distribute the funding as quickly as possible so that those living in affected communities “have the resources they need to fully recover from this emergency.”

Homeland Security and Emergency Management Director Perry Plummer said officials will be contacting emergency management directors in Grafton County to provide meeting dates, information about the application process, and to assist with applications.

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Questions For Rep. Mike Rogers’ Town Hall

Anniston (AL) Star, August 9, 2017
U.S. Rep. Mike Rogers, R-Saks, will field questions Thursday at a pair of town hall meetings, one in Auburn in the morning and the other in Oxford in the afternoon. Here are a few questions we hope he will answer:

– In early May, you voted for the American Health Care Act. Health care experts say that if it became law Alabama’s rural health-care providers would be placed under tremendous financial pressure, forcing some to shut their doors. Also, young children who depend on Medicaid would see services reduced. After initially celebrating the bill’s passage in the House, President Donald Trump labeled it “mean.”

The question: You’ve repeatedly said Obamacare needs to be replaced, but is the best Congress can do is pass a substitute that strains the health-care infrastructure in Alabama and other states?

– You are sponsoring a bill — American Sovereignty Restoration Act of 2017 — to take the United States out of the United Nations. Such a notion has long existed on the fringes of American political thought. Even its most prominent opponent, Sen. Barry Goldwater, R-Ariz., said on the 1964 presidential campaign trail, “We must stay in the United Nations, but we must improve it.”

The question: If passed, what do you suggest would take the place of the United Nations and its offshoots like the International Atomic Energy Agency, the World Health Organization, the World Bank and International Monetary Fund?

– A scientific study recently published in Science magazine found climate change will hit the South’s economy hardest. What legislation would you support to reverse the impact of man-made climate change?
For months, questions have enveloped the Center for Domestic Preparedness at McCielland regarding safety of trainees and employees who may have been unwittingly exposed to live agent and using incorrect protective masks.

Last December, a bipartisan group of the House Homeland Security Committee demanded answers in a letter to the director of the Federal Emergency Management Agency, Craig Fugate. You are a member of that committee, yet you did not co-sign the letter — despite the fact that you are the congressman who represents the CDP’s district.

Why didn’t you co-sign that letter? Shouldn’t you be the leading House voice on CDP matters?

- You have strongly proposed that the U.S. military form a “Space Corps” that would allow the United States to stay ahead of China and Russia in matters involving space travel, exploration and defense. The White House and some at the Pentagon have opposed that idea.

Why is this matter so important to you, and how can you persuade voters in Alabama’s 3rd congressional district to care about it?

- You have endorsed Mo Brooks in Alabama’s upcoming election for the U.S. Senate — which puts you on opposite sides with President Trump and the National Rifle Association, who have endorsed Luther Strange, and former Alabama Gov. Fob James, who is backing Roy Moore.

Why are you supporting Brooks?

COAST GUARD

Coast Guard Rescues Navy Pilot After Crash Off Florida Keys

Associated Press, August 9, 2017

The U.S. Coast Guard has rescued a Navy jet pilot off the Florida Keys.

A Coast Guard news release says they received a report Wednesday afternoon that a Navy F-5N jet pilot was in the water 20 miles southeast of Key West and needed assistance.

The Coast Guard says a helicopter and airplane were diverted to the area, and the helicopter crew spotted the pilot’s emergency smoke signal. Rescuers hoisted the pilot up to the helicopter.

A Navy news release says the F-5N Tiger II tactical fighter aircraft was conducting training operations when the pilot ejected, and the jet crashed into the ocean.

The pilot was taken to a Keys hospital in good condition.

The crash remains under investigation.

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CYBER NEWS

Danny Toler To Retire As DHS Deputy Assistant Secretary For Cyber, Communications

By Jane Edwards

ExecutiveGov, August 9, 2017

Danny Toler, deputy assistant secretary at the Department of Homeland Security’s cybersecurity and communications office, will retire by the end of August after nearly four decades in government service, Federal News Radio reported Tuesday.

Jeanette Manfra will take over as assistant secretary at the cyber and communications office on a full-time basis, Toler said in an email obtained by the station.

He joined DHS in 2012 as deputy chief of federal network resilience and became director for network security deployment in 2014 before assuming the role of deputy assistant secretary at the cyber office in 2016.

Prior to DHS, he spent 13 years at the State Department where he held the roles of division chief of network engineering and design and director of the enterprise network management office.

He worked at the now defunct U.S. Information Agency for seven years as branch chief for networks.

Russia Is Continuing Its Cyberattack On America Right Now

By Bill Buzenberg

Mother Jones, August 9, 2017

President Donald Trump trashed the Russia investigation once again last week at a rally in West Virginia, saying that “there were no Russians in our campaign” and denouncing “a total fabrication” to enthralled supporters. “Have you seen any Russians in West Virginia or Ohio or Pennsylvania?” he asked mockingly. “Are there any Russians here tonight? Any Russians?”
There may well have been, for anyone in the crowd scrolling through a smartphone.

As Trump spoke, Russian-linked social-media networks were busy attacking Trump’s national security adviser, Gen. H.R. McMaster, using the same type of digital operations that the Kremlin deployed against the 2016 presidential election. Russian-linked Twitter accounts had for days been piling onto a growing campaign by the so-called alt-right to purge Trump’s national security adviser—who is viewed by some of the president’s base as a “globalist tool” and a threat to their hardline nationalist agenda. Meanwhile, recent content from Russian state media RT and Sputnik has included stories such as “What’s Behind Trump’s Striking Back at Washington’s ‘Russophobes’”—a piece that went on at length about McMaster “falling out of favor with Trump.”

Some of Russia’s digital efforts to continue to disrupt and influence US politics are now more in the open, thanks to “Hamilton 68,” a new dashboard tracing Russian-linked information warfare on Twitter. A project of the nonpartisan Alliance for Securing Democracy, Hamilton tracks 600 accounts in real time, analyzing “a network of accounts linked to and participating in Russian influence campaigns,” according to the site. “Here’s what #Putin wants Americans talking about.”

The dashboard tracker shows that #FireMcMaster became a top trending hashtag on their global list last week. As the New York Times reported Friday, the #FireMcMaster hashtag was tweeted more than 50,000 times in the previous 48 hours. “Echoing the drumbeat were social media organs tied to the Russian government,” the Times said. The dashboard also shows that each day the Russian-led effort delivered some 20,000 to 25,000 tweets.

“Here’s what #Putin wants Americans talking about,” tweeted former FBI agent Clint Watts, one of the cyber warfare experts behind the project.

How did the campaign start? Hamilton 68 engineer J.M. Berger told Mother Jones, “It appears that the #FireMcMaster hashtag campaign may have originated on Reddit, and users there took it to Twitter and directed it to prominent alt-right figures until it began to trend. At some point in this process, the Russian influence networks picked up on it and began to amplify it as well.”

“The Knives are Coming Out for H.R. McMaster,” is the way Business Insider described the spreading alt-right campaign on Friday, amid a fresh round of McMaster-bashing stories from Breitbart News and others. “Allies of White House chief strategist Steve Bannon intensified their battle against national security adviser H.R. McMaster this week as McMaster began asserting more control over the National Security Council and fired officials appointed by his immediate predecessor, Michael Flynn.”

The Russians likely were happier when Flynn was running the NSC for Trump and cultivating friendly ties with departing Russian Ambassador Sergei Kislyak, who appears to be no fan of Hamilton 68. According to a story in Sputnik on Saturday, Kislyak said he was “surprised” by the effort. “A tool after tool is being created to counter RT and Sputnik that have become regarded as almost a threat of a hybrid invasion in many countries,” he said.

The Kremlin’s M.O. is also to work the active fault lines in US politics. Faced with the rising social-media campaign against his national security adviser, Trump late last week sought to tamp down speculation of an imminent firing: “General McMaster and I are working very well together,” he said in a statement to the New York Times. “He is a good man and very pro-Israel. I am grateful for the work he continues to do serving our country.”

Meanwhile, another campaign picked up by the Russians this week has been a surge in the use of the #ResignPaulRyan hashtag, again echoing pressure from the nationalist base against the speaker of the House to be more compliant with Trump’s agenda. Other trending topics highlighted by the tracker include Russian-linked promotion of Trump TV, a new “real news” video series produced in Trump Tower that the Washington Post says “feels a lot like real propaganda—or state TV.”

Though the provenance of the war on McMaster may ultimately remain murky, the bottom line is that the alt-right (whose current rallying cries include “bring back Michael Flynn”) and the Russians are both engaged in an active campaign to get rid of the current national security adviser. But even if that doesn’t come to pass, the political intrigue and infighting involved contributes to the Trump administration’s turmoil, in part by exacerbating uncertainty among US allies about
American leadership on national security matters. That is in Russia’s keen interest, and they will keep at it—even as Trump, as he did again on Monday, keeps calling the whole thing a hoax.

Hackers Looking To Shut Down Factories For Pay
By Emery Dalesio
Associated Press, August 9, 2017
The malware entered the North Carolina transmission plant’s computer network via email last August, just as the criminals wanted, spreading like a virus and threatening to lock up the production line until the company paid a ransom.

AW North Carolina stood to lose $270,000 in revenue, plus wages for idled employees, for every hour the factory wasn’t shipping its crucial auto parts to nine Toyota car and truck plants across North America, said John Peterson, the plant’s information technology manager.

The company is just one of a growing number being hit by cyber-criminals looking for a payday.

While online thieves have long targeted banks for digital holdups, today’s just-in-time manufacturing sector is climbing toward the top of hackers’ hit lists.

Production lines that integrate computer-imaging, barcode scanners and measuring tolerances to a hair’s width at multiple points are more vulnerable to malevolent outsiders.

“These people who try to hack into your network know you have a set schedule. And they know hours are meaningful to what you’re doing,” Peterson said in an interview. “There’s only a day and a half of inventory in the entire supply chain. And so if we don’t make our product in time, that means Toyota doesn’t make their product in time, which means they don’t have a car to sell on the lot that next day. It’s that tight.”

He said that creates pressure on manufacturers to make the criminals go away by paying the sums demanded.

“They may not know what that number is, but they know it’s not zero. So what is that number? Where do you flinch?”

Last August at the 2,200-worker Durham transmission factory, the computer virus coursed through the plant’s network, flooding machines with data and stopping production for about four hours, Peterson said.

Data on some laptops was lost, but the malware was blocked by a firewall when it tried to exit the plant’s network and put the hackers’ lock on the plant’s computer network.

The plant was hit again in April, this time by different crooks using new malware designed to hold data or devices hostage to force a ransom payment, Peterson said. The virus was contained before affecting production, and no ransom was paid to either group, he said.

Manufacturers, government and financial firms are now the top targets globally for illicit intrusions by criminals, foreign espionage agencies and others up to no good, according to a report this spring by NTT Security.

A survey of nearly 3,000 corporate cybersecurity executives in 13 countries last year by Cisco Systems Inc. found about one out of four manufacturing organizations reported cyberattacks that cost them money in the previous 12 months.

Since 2015, U.S. manufacturers considered “critical” to the economy and to normal modern life, like makers of autos and aviation parts, have been the main targets of cyberattacks—outstripping energy, communications and other critical infrastructure, according to Department of Homeland Security incident response data. The numbers may be imprecise because companies in key industries often don’t report attacks for fear of diminished public perception.

But attacks demanding ransom against all U.S. institutions are spiraling higher. The FBI’s Internet Crime Complaint Center received 2,673 ransomware reports in the year ending last September—nearly double from 2014.

While manufacturers are increasingly prey to these cyber-stickups, it may just be because criminals are playing the odds and striking as many enterprises of all types as they can across a targeted region, said John Miller, who heads a team at cybersecurity firm FireEye that tracks money-driven online threats.

Attackers “aren’t necessarily going after manufacturing to the exclusion of other sectors or with a preference above other sectors. It’s more that, ‘OK, we’re going to try to infect everybody in this country that we can,’” Miller said.

One high-profile example came in May and June, when auto manufacturers including Renault shut down production after they were swept up in
the worldwide onslaught of the WannaCry ransomware virus.

But attackers also are increasingly injecting ways to remotely control the robots and other automated systems that control production inside targeted factories.

The threat of computer code tailored to hit specific targets has been around since researchers in 2010 discovered Stuxnet, malware apparently designed to sabotage Iran's nuclear program by causing centrifuge machines to spin out of control. Stuxnet is widely believed to be a covert American and Israeli creation, but neither country has officially acknowledged a role in the attack.

Malicious software that attacked Ukraine's electricity grid last December was built to remotely sabotage circuit breakers, switches and protection relays, researchers said.

Cyberattacks that reach into industrial control systems have doubled in the past two years in the U.S. to nearly four dozen so far in the federal fiscal year that ends in September, outstripping last year's total, according to DHS data.

"I think the emerging threat you're going to see in the future now is really custom ransomware that's going to be targeted more toward individual companies," said Neil Hershfield, the acting director of the DHS team that handles emergency response to cyberattacks on industrial control systems.

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**Malware Encoded In DNA Can Hack Gene-Sequencing Software**

By Andy Greenberg

*Wired*, August 10, 2017

When biologists synthesize DNA, they take pains not to create or spread a dangerous stretch of genetic code that could be used to create a toxin or, worse, an infectious disease. But one group of bio-hackers has demonstrated how DNA can carry a less expected threat—one designed to infect not humans or animals but computers.

In new research they plan to present at the USENIX Security conference on Thursday, a group of researchers from the University of Washington has shown for the first time that it's possible to encode malicious software into physical strands of DNA, so that when a gene sequencer analyzes it the resulting data becomes a program that corrupts gene-sequencing software and takes control of the underlying computer. While that attack is far from practical for any real spy or criminal, it's one the researchers argue could become more likely over time, as DNA sequencing becomes more commonplace, powerful, and performed by third-party services on sensitive computer systems. And, perhaps more to the point for the cybersecurity community, it also represents an impressive, sci-fi feat of sheer hacker ingenuity.

"We know that if an adversary has control over the data a computer is processing, it can potentially take over that computer," says Tadayoshi Kohno, the University of Washington computer science professor who led the project, comparing the technique to traditional hacker attacks that package malicious code in web pages or an email attachment. "That means when you're looking at the security of computational biology systems, you're not only thinking about the network connectivity and the USB drive and the user at the keyboard but also the information stored in the DNA they're sequencing. It's about considering a different class of threat." A Sci-Fi Hack

For now, that threat remains more of a plot point in a Michael Crichton novel than one that should concern computational biologists. But as genetic sequencing is increasingly handled by centralized services—often run by university labs that own the expensive gene sequencing equipment—that DNA-borne malware trick becomes ever so slightly more realistic. Especially given that the DNA samples come from outside sources, which may be difficult to properly vet.

If hackers did pull off the trick, the researchers say they could potentially gain access to valuable intellectual property, or possibly taint genetic analysis like criminal DNA testing. Companies could even potentially place malicious code in the DNA of genetically modified products, as a way to protect trade secrets, the researchers suggest. "There are a lot of interesting—or threatening—may be a better word—applications of this coming in the future," says Peter Ney, a researcher on the project.

Regardless of any practical reason for the research, however, the notion of building a computer attack—known as an "exploit"—with nothing but the information stored in a strand of
DNA represented an epic hacker challenge for the University of Washington team. The researchers started by writing a well-known exploit called a “buffer overflow,” designed to fill the space in a computer’s memory meant for a certain piece of data and then spill out into another part of the memory to plant its own malicious commands.

But encoding that attack in actual DNA proved harder than they first imagined. DNA sequencers work by mixing DNA with chemicals that bind differently to DNA’s basic units of code—the chemical bases A, T, G, and C—and each emit a different color of light, captured in a photo of the DNA molecules. To speed up the processing, the images of millions of bases are split up into thousands of chunks and analyzed in parallel. So all the data that comprised their attack had to fit into just a few hundred of those bases, to increase the likelihood it would remain intact throughout the sequencer’s parallel processing.

When the researchers sent their carefully crafted attack to the DNA synthesis service Integrated DNA Technologies in the form of As, Ts, Gs, and Cs, they found that DNA has other physical restrictions too. For their DNA sample to remain stable, they had to maintain a certain ratio of Gs and Cs to As and Ts, because the natural stability of DNA depends on a regular proportion of A-T and G-C pairs. And while a buffer overflow often involves using the same strings of data repeatedly, doing so in this case caused the DNA strand to fold in on itself. All of that meant the group had to repeatedly rewrite their exploit code to find a form that could also survive as actual DNA, which the synthesis service would ultimately send them in a finger-sized plastic vial in the mail.

The result, finally, was a piece of attack software that could survive the translation from physical DNA to the digital format, known as FASTQ, that’s used to store the DNA sequence. And when that FASTQ file is compressed with a common compression program known as fqzcomp—FASTQ files are often compressed because they can stretch to gigabytes of text—it hacks that compression software with its buffer overflow exploit, breaking out of the program and into the memory of the computer running the software to run its own arbitrary commands. A Far-Off Threat

Even then, the attack was fully translated only about 37 percent of the time, since the sequencer’s parallel processing often cut it short or—another hazard of writing code in a physical object—the program decoded it backward. (A strand of DNA can be sequenced in either direction, but code is meant to be read in only one. The researchers suggest in their paper that future, improved versions of the attack might be crafted as a palindrome.)

Despite that tortuous, unreliable process, the researchers admit, they also had to take some serious shortcuts in their proof-of-concept that verge on cheating. Rather than exploit an existing vulnerability in the fqzcomp program, as real-world hackers do, they modified the program’s open-source code to insert their own flaw allowing the buffer overflow. But aside from writing that DNA attack code to exploit their artificially vulnerable version of fqzcomp, the researchers also performed a survey of common DNA sequencing software and found three actual buffer overflow vulnerabilities in common programs. “A lot of this software wasn’t written with security in mind,” Ney says. That shows, the researchers say, that a future hacker might be able to pull off the attack in a more realistic setting, particularly as more powerful gene sequencers start analyzing larger chunks of data that could better preserve an exploit’s code.

Needless to say, any possible DNA-based hacking is years away. Illumina, the leading maker of gene-sequencing equipment, said as much in a statement responding to the University of Washington paper. “This is interesting research about potential long-term risks. We agree with the premise of the study that this does not pose an imminent threat and is not a typical cyber security capability,” writes Jason Callahan, the company’s chief information security officer “We are vigilant and routinely evaluate the safeguards in place for our software and instruments. We welcome any studies that create a dialogue around a broad future framework and guidelines to ensure security and privacy in DNA synthesis, sequencing, and processing.”

But hacking aside, the use of DNA for handling computer information is slowly becoming a reality, says Seth Shipman, one of member of a Harvard team that recently encoded a video in a DNA sample. (Shipman is married to WIRED senior writer Emily Dreyfuss.) That storage method, while mostly theoretical for now, could someday allow data to be kept for hundreds of years, thanks to DNA’s ability to maintain its...
structure far longer than magnetic encoding in flash memory or on a hard drive. And if DNA-based computer storage is coming, DNA-based computer attacks may not be so farfetched, he says.

“I read this paper with a smile on my face, because I think it’s clever,” Shipman says. “Is it something we should start screening for now? I doubt it.” But he adds that, with an age of DNA-based data possibly on the horizon, the ability to plant malicious code in DNA is more than a hacker parlor trick.

“Somewhere down the line, when more information is stored in DNA and it’s being input and sequenced constantly,” Shipman says, “we’ll be glad we started thinking about these things.”

SEC Finds Lax Self-Enforcement Of Cyber Policies While Noting Overall Progress By Brokers
By Rick Weber
*Inside Cybersecurity*, August 9, 2017

The Securities and Exchange Commission staff says investment firms and brokers are falling short in enforcing their own cybersecurity policies and practices, while noting overall progress by the investment industry in meeting persistent cyber threats.

“Among the 75 firms examined, the staff noted an overall improvement in firms’ awareness of cyber-related risks and the implementation of certain cyber security practices” since the last published review in 2014, according to the SEC’s “Observations From Cybersecurity Examinations” issued Monday.

“In general,…

AnchorFree Disputes Privacy Risk Claims Against Hotspot Shield VPN
By Sean Michael Kerner
*eWeek*, August 9, 2017

A Virtual Private Network (VPN) is a technology that is intended to help keep user information encrypted and private. According to a complaint filed by the Center of Democracy and Technology (CDT), AnchorFree’s Hotspot Shield VPN is not properly securing its users and is unfairly sharing user information.

The CDT made its claims in a 13-page complaint filed with the U.S Federal Trade Commission (FTC) and alleges that AnchorFree is engaged in unfair and deceptive trade practices. AnchorFree denies the allegations.

“Among other concerns, the complaint details the ways in which Hotspot Shield’s marketing claims around privacy and security directly contradict its actual practices and policies – the description of the Hotspot Shield app in Google’s Play Store announces, Your privacy and security are guaranteed!, while CDT’s investigation found the opposite,” Michelle De Mooy, Director, Privacy and Data Project at CDT wrote in a blog post.

The CDT, working with the developers of Carnegie Mellon University’s (CMU) Mobile App Compliance System, claim that they found multiple instances where Hotspot Shield shared sensitive data with third-party advertising networks. Additionally the CDT alleges that Hotspot Shield injects JavaScript code that is used for advertising and tracking purposes. CDT also alleges that the security of Hotspot Shield isn’t complete as mobile carrier information is not transmitted over an encrypted SSL/TLS connection.

AnchorFree’s Hotspot Shield provides both free and paid VPN services to consumers. In an email statement sent by the company to eWEEK, AnchorFree said that it is a recognized leader in consumer online privacy and internet freedom.

“Our Hotspot Shield application is trusted by more than 500 million users, who rely on it to secure access to all of the world’s information,” AnchorFree stated. “We strongly believe in online consumer privacy.”

AnchorFree also rejected the CDT’s allegations, noting that the information Hotspot Shield users provide to AnchorFree is never associated with their online activities when they are using Hotspot Shield. AnchorFree also stated that it does not store user IP addresses and it protects user personally identifiable information from both third parties and from AnchorFree.

“The recent claims to the contrary made by a non-profit advocacy group, the Center for Democracy and Technology, are unfounded,” AnchorFree stated. “While we commend the CDT for their dedication to protecting users’ privacy, we were surprised by these allegations and dismayed that the CDT did not contact us to discuss their concerns.”

While CDT has filed a complaint with the FTC, it’s not yet publicly known what, if any action or investigation the FTC might take. According to
the FTC’s media resources information web page, all FTC investigations are non-public.

“If a company itself announces that it is the subject of an FTC investigation, we can confirm that fact,” the FTC states. “However, we can’t discuss complaints about specific companies or the status of ongoing investigations.”

At the recent Black Hat USA security conference, FTC Commissioner Terrell McSweeney provided conference attendees with an overview of how her agency handles complaints against cyber-security products. McSweeney explained that marketers of cybersecurity products are subject to the same truth-in-advertising laws as all other advertisers. Those laws aim to protect American consumers from what the FTC refers to as unfair and deceptive practises.

McSweeney explained that one element of deception is an omission of facts or a practise that is likely to mislead the consumer. She told Black Hat USA attendees that cyber-security vendors should make sure that marketing materials do not imply or leave the impression of something that is not true, from the perspective of a reasonable consumer.

For its part, AnchorFree wants to be clear about what it is doing.

“AnchorFree prides itself on being transparent about its data practices and would be happy to engage in a discussion to clarify the facts and better understand the nature of the CDT’s concerns,” the company stated. “We are reaching out to appropriate groups and remain committed to defending the privacy and internet freedom of all our users.”

Sean Michael Kerner is a senior editor at eWEEK and InternetNews.com. Follow him on Twitter @TechJournalist.

Critics Say Vote Fraud Panel Could Create Target For Hackers

By Geoff Mulvihill
Associated Press, August 9, 2017

CHERRY HILL, N.J. (AP) — Officials from both major political parties had a consistent answer last year when asked about the security of voting systems: U.S. elections are so decentralized that it would be impossible for hackers to manipulate ballot counts or voter rolls on a wide scale.

But the voter fraud commission established by President Donald Trump could take away that one bit of security.

The commission has requested information on voters from every state and recently won a federal court challenge to push ahead with the collection, keeping it in one place.

By compiling a national list of registered voters, the federal government could provide one-stop shopping for hackers and hostile foreign governments seeking to wreak havoc with elections, critics say.

“Coordinating a national voter registration system located in the White House is akin to handing a zip drive to Russia,” said Kentucky Secretary of State Alison Lundergan Grimes, a Democrat who has refused to send data to the commission.

Trump, a Republican, appointed the commission, led by Vice President Mike Pence, to examine integrity of the voting system, including practices that “could lead to improper voter registrations and improper voting.” The president has asserted repeatedly and without evidence that several million fraudulent votes were cast in last year’s election. Voting experts say that there is not widespread election fraud in the U.S. But Russian meddling in the 2016 campaign and Russian attempts to meddle with state election systems have raised concerns about U.S. election security.

In June, commission Vice Chairman Kris Kobach, the Republican secretary of state in Kansas, asked state election officials for information about registered voters. The request included details such as driver’s license and partial Social Security numbers — if they’re considered public in the states. Several officials interpreted the request as saying that all the data would be made available publicly; the commission has since said that individual voters’ information would be kept private.

Fourteen states plus the District of Columbia say they won’t hand over the information, according to a tally by The Associated Press. Those that are complying have said that not everything on the commission’s checklist could be shared under their state laws. Social Security numbers are widely off limits; in several states, birthdates and political party registrations are, too.

The IRS, the Social Security Administration, banks and internet companies, among other entities, have far more information about many
citizens. Political parties and other organizations have access to some voter registration information, though that permission often comes with restrictions on how they can use it and how widely they can share it.

Still, security experts and fair election advocates say that any records stored on computers are susceptible to attacks.

"It's creating more security vulnerabilities in our election system that don't seem to be necessary," said Barbara Simons, president of Verified Voting, an organization that advocates for transparent, accurate and verifiable elections.

Still, Bruce Schneier, the chief technology officer at the online security firm IBM Resilient, said hacking into a federal database can't affect voters' information in their home states. He said having a copy of data that's already on a federal hard drive "doesn't make it that much worse, assuming the federal government isn't idiotic about it."

A massive database of the U.S. Office of Personnel Management was hacked in 2015, compromising the personnel records of millions of federal employees as well as the security clearance information for many of them, which included personal information about their friends and relatives. The hack compromised the information of up to 21 million people. U.S. officials have said there were attempts by Russians to hack into election systems in 21 states. The FBI has confirmed intrusions into voter registration databases in Arizona and Illinois.

Louisiana Secretary of State Tom Schedler, a Republican, said last month that "the release of private information creates a tremendous breach of trust with voters who work hard to protect themselves against identity fraud." But in a statement this week, the Republican said he is not deeply worried about how the data the state is sharing will be guarded. "Because this data is public information, we have limited concerns regarding sharing it with the commission in terms of how it is housed," he said.

Andrew Appel, a Princeton University computer science professor who studies voting technology, said a new federal voter information database probably would not allow a hacker to manipulate data to make it look like some eligible voters are ineligible. "If someone hacked their database, they could come to believe things that aren't true," Appel said.

Commission spokesman Marc Lotter said states will send the data through a secure connection and it will be encrypted and kept on a White House system "designed to handle sensitive information."

Appel said states have all made some efforts to protect their own voter registration data from hacks. "At least initially," he said, "the president's commission didn't seem to have in place any organized way to secure this data."

In Maine, Secretary of State Matthew Dunlap, a Democrat who is a member of Trump's voting commission, is not handing over the information.

Dunlap said the information the commission is getting from other states "isn't wicked intimate" and may be too sparse to identify ineligible registered voters. Another commission member, Indiana Secretary of State Connie Lawson, said in a statement that the commission is aware of limitations of the data. But Lawson, a Republican, said the commission's work using the information could help find ways to help states improve the "quality and integrity" of their voter rolls.

But it could still be hacked, Dunlap said.

"The best way to protect people's private information," Dunlap said, "is not to have it in the first place."

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U.S. CISO Grant Schneider Gets Second Role As As National Security Council's Cyber Director

FedScoop, August 9, 2017

Acting U.S. CISO Grant Schneider is taking on a second role within the White House as a senior director for cybersecurity at the National Security Council.

An administration official told CyberScoop's Shaun Waterman that Schneider will take over one of the "recently vacated senior director positions within the cybersecurity directorate on the NSC led by Rob Joyce."

Schneider is officially the U.S. deputy CISO, but he has been acting as U.S. CISO since Gregory Touhill departed in mid-January.

"In order to increase synergy and alignment of national and federal cybersecurity strategy, policy, and guidance," Schneider will continue to do the CISO job at the Office of Management and Budget, the official added. "He will continue to
lead and manage the federal CISO team at OMB as well as the ‘homeland’ portfolio within the NSC Cybersecurity Directorate.” That homeland position was most recently filled in an acting capacity by another holdover from the Obama administration, Heather King, who left along with her colleague Cheryl Davis at the end of July.

The administration official said that dual hatting Schneider would improve federal cybersecurity in three ways: “Overall defensive posture of federal and critical infrastructure cybersecurity; ability to leverage [U.S. intelligence agencies] to support Federal cybersecurity; [and] incident response.”

Another Federal CIO Leaves. Here’s Who Remains.

By Mohana Ravindranath
Nextgov, August 9, 2017

The Office of Personnel Management’s chief information officer is stepping down after about a year on the job, an agency spokesperson confirmed.

Dave DeVries, whose last day is in early September, joined OPM from the Pentagon where he was principal deputy chief information officer. The agency has not shared plans for his replacement.

The news comes shortly after President Donald Trump’s pick for Homeland Security Department’s CIO Richard Starapolli stepped down after about three months on the job. A DHS official confirmed to Nextgov that Starapolli’s resignation takes effect Sept. 1 and Deputy Chief Information Officer Stephen Rice will step in as acting CIO—one of many across CFO agencies.

The White House also has yet to fill the federal CIO spot with a permanent appointee—Deputy Federal CIO Margie Graves is acting in that role—and some agencies have placed other top tech leaders in acting roles until permanent replacements are found.

Acting CIOs

Commerce Department: Rod Turk took over as acting chief information officer after political appointee Steven Cooper left the position January 2017.

Defense Department: John Zangardi, formerly the Pentagon’s principal deputy CIO, took over March 1 from Terry Halvorsen, who resigned in February after serving in that role officially since 2015.

Health and Human Services Department: Beth Killoran is acting CIO, a spokesperson confirmed.

Veterans Affairs Department: Rob Thomas is acting assistant secretary and CIO, and a replacement hasn’t been announced, a spokesperson confirmed.

Interior Department: Though Sylvia Burns served in the role for years, a spokesperson said she is acting chief information officer and was formerly division chief for portfolio management at that department.

Environmental Protection Agency: Steven Fine is taking on the role Ann Dunkin left when she took on that position for the County of Santa Clara, the agency confirmed.

Transportation Department: CIO.gov lists Kristin Baldwin as DOT’s acting chief information officer. She was formerly associate CIO for Business Technology Alignment & Governance.

National Science Foundation: CIO.gov lists Dorothy Aronson in that spot. She is also acting director of the Division of Information Systems within NSF’s Office of Information and Resource Management, that site says. She replaced Amy Northcutt, who died in May, FCW reported.

Treasury Department: Eric Olson, formerly deputy CIO, has taken over as acting to replace Sonny Baghowalai, who had served in that role since 2014, Federal News Radio reported.

Permanent CIOs

Energy Department: Max Everett was appointed CIO in July 2017.

Justice Department: Joe Klimavicz, formerly DOJ’s deputy assistant attorney general, has served as CIO since 2014.

Small Business Administration: Maria Roa took that position in Oct. 2016, having formerly served as the Transportation Department’s chief technology officer.

U.S. Agency for International Development: Jay Mahanand has served in that role since 2014, a spokesperson confirmed.

Social Security Administration: Rajiv Mathur assumed the position in June and also serves as deputy commissioner for systems.

State Department: Frontis Wiggins’s appointment to that post started in July 2016.

Labor Department: Gundeep Ahluwalia joined Labor in 2016 as deputy CIO and as CIO since October 2016.
Nuclear Regulatory Commission: David Nelson has served in this role for about a year, an agency spokesperson confirmed.

Agriculture Department: Jonathan Alboom took that spot in 2015, filling the spot left vacant by Cheryl Cook, who retired that year. He was formerly CIO at the Food and Nutrition Service.

Education Department: The department lists Jason Gray, who took the CIO spot in May, as its current CIO. He was formerly associate CIO at the Transportation Department.

Housing and Urban Development: Johnson Joy was named to that spot in June, Meritalk reported. He was previously head of J3 Global, a cybersecurity company, according to that report.

Hackers Allegedly Tried To Trick HBO With Altered Document

By Alfred Ng
CNET News, August 9, 2017

With HBO’s hack, it’s becoming harder to separate fact from fiction.

The company was hit in a massive cyberattack, which the thieves claimed took six months of planning. Information slowly started to trickle out last month as the hackers threatened to release unaired episodes of “Game of Thrones,” “Ballers” and “Barry,” as well as documents with financial records and internal operations.

Hacks against media companies are becoming the latest trend for cybercriminals, who are lured by their weak security and massive payouts. The hackers see value in popular TV shows and the measures that media companies will take to prevent them from being spoiled for legions of fans. HBO’s hackers pointed out that “Game of Thrones” spent $5 million for advertising, and wanted a cut.

On Monday night, the cybercrooks posted a script for an episode of “Game of Thrones,” along with a demand: pay up, or have more of your secrets leaked.

One of those secrets was a contacts list that appeared to belong to HBO Chairman and CEO Richard Pleper, the hackers threatened. But a person familiar with the investigation confirmed to CNET that the document is most likely forged. Variety first reported the phony file on Tuesday night.

The file, named “Richard Contact list.txt,” has email addresses from thousands of HBO and Time Warner staffers, but was renamed from its original version, “Vivianne Contact list,” the source said. The contacts and the document are real, but the file appears to have been doctored to look like it was the CEO’s contact list instead of another executive’s.

HBO declined to comment beyond the statement it released on Monday, in which the company said it had no “reason to believe that our e-mail system as a whole has been compromised.”

If the contacts document is altered, it calls into question the other 1.5 terabytes of data the hackers claim to have. They’ve released scripts and episodes to show HBO that it’s a legitimate threat, but the doctored file could mean even more documents are forged.

It’s unclear how many of the released documents have been altered.

HBO said Monday the investigation is ongoing and it’s working with cybersecurity companies and law enforcement.

The Smartest Stuff: Innovators are thinking up new ways to make you, and the things around you, smarter. Here’s what they’re up to.

iHate: CNET looks at how intolerance is taking over the internet.

Password Expert Says He Was Wrong: Numbers, Capital Letters And Symbols Are Useless

By Ashley May
USA Today, August 9, 2017

The man behind the 2003 report responsible for many current password guidelines says the advice is wrong.

Bill Burr, the author of an 8-page publication released by the National Institute of Standards and Technology, told The Wall Street Journal his previous advice of creating passwords with special characters, mixed-case letters and numbers won’t deter hackers. In fact, he told the journal, the paper wasn’t based on any real-world password data, but rather a paper written in the 1980s.


The problem is that federal agencies, businesses and institutions took the paper seriously—very seriously. The report turned into password protocol. Today, even though Burr’s report was updated in June, we are still prompted
to change our password every 90 days using at least one capital letter, symbol and number.

These combinations aren’t secure, mainly because people choose predictable combinations.

The advice about frequently changing a password has been criticized since the report. A 2010 study by the University of North Carolina at Chapel Hill showed that updating passwords often can actually help hackers identify a pattern. Another study from Carleton University said frequent changes are more inconvenient than helpful.

The better solution could be to simply use a password with four random words, because the number of letters can be more difficult to hack than a small combination of letters and special characters, the Journal reports.

Finally, a good reason to ignore those password prompts and come up with one we can actually remember.

**OTHER DHS NEWS**

*Trump Is ‘Really Interested’ In Coal Payments*

By Tim Loh

*Bloomberg News*, August 9, 2017

West Virginia Governor Jim Justice said Donald Trump is “really interested” in his plan to prop up Appalachian mining by giving federal money to power plants that burn the region’s coal.

Justice, a coal and real estate mogul elected governor last year as a Democrat, announced at a West Virginia rally alongside President Trump last week that he’s becoming a Republican. Justice has recently spent a “goodly amount of time” meeting one-on-one with Trump and has liked the feedback to his pro-coal proposal. The plan calls for the Department of Homeland Security to send $15 to eastern U.S. utilities for every ton of Appalachia coal they burn.

“He’s really interested. He likes the idea,” Justice said in a phone interview on Wednesday when asked about Trump’s reaction. “Naturally, he’s trying to vet the whole process. It’s a complicated idea.”

In Justice’s eyes, the coal payments will be necessary because Trump’s moves to roll back regulations on the Appalachian coal industry won’t be enough to preserve it. The Appalachian coal sector has been shrinking for years as companies are forced to spend more money to access harder-to-reach seams of the fossil fuel. Meanwhile, competitors in regions including the Illinois Basin and Powder River Basin of Wyoming and Montana have much thicker coal seams that are cheaper to get to.

Critics say such a proposal would be expensive and misguided. U.S. power plants burned at least 110 million short tons of Appalachian coal in 2016, according to Andrew Cosgrove, an analyst at Bloomberg Intelligence. A payment of $15 for each of those tons would cost at least $1.65 billion.

Justice said he’s discussed the plan with, among others, Department of Energy Secretary Rick Perry, Vice President Mike Pence and Jared Kushner, Trump’s senior adviser and son-in-law.

Asked whether Trump is considering Justice’s plan to prop up the coal industry, White House spokeswoman Kelly Love said there’s nothing to announce at this time. Too Reliant

While Appalachian coal production is up this year, if there’s another “downtick” it’ll cause another spate of bankruptcies, mine closures and layoffs that could be impossible to recover from, Justice said.

At the heart of his pitch, Justice argues that the country is becoming too reliant on natural gas for power and it’s not enough to supplement that with coal from the Midwest and West.

Justice rejects the notion that his plan amounts to a “bailout” or “subsidy” for Appalachian coal. Rather, it’s a matter of national security, he said, because terrorists could easily blow up important gas pipelines or derail freight trains shipping coal to the east, leaving large swathes of the country lacking power-plant fuel. ‘Absolute Chaos’

“Can you imagine what would happen if we lost the power in the east for a month, or two months, or three months?” Justice said. “It would be like a nuclear blast went off. You would lose hundreds of thousands of people. It would be just absolute chaos beyond belief.”

Justice insisted that renewables could one day be the primary source of U.S. electricity generation, but says he’s not sure whether that’ll come in 10, 20 or 30 years.

“This may very well be a temporary fix, a temporary security blanket,” he said. “But today we don’t have the renewables in place. And today, we cannot lose our eastern coal fields.”
While it’s legitimate to worry about the reliability of the U.S. power grid, the decline of the coal industry isn’t raising much of a threat at a time of cheap and abundant gas and fast-growing wind and solar power, said Jason Bordoff, director of Columbia University’s Center on Global Energy Policy.

It’s “unfortunate and irresponsible” to float a policy idea like this, Bordoff said, when U.S. and global forces are causing a structural decline in the Appalachian coal sector and communities need to diversify the local economy.

Trump Is ‘Really Interested’ In Appalachian Coal Payments, West Virginia Gov. Jim Justice Says

By Tim Loh
Bloomberg News, August 10, 2017

West Virginia Gov. Jim Justice said President Donald Trump is “really interested” in his plan to prop up Appalachian mining by giving federal money to power plants that burn the region’s coal.<br><br>
Mr. Justice, a coal and real estate mogul elected governor last year as a Democrat, announced at a West Virginia rally alongside Mr. Trump last week that he’s becoming a Republican. Mr. Justice has recently spent a “goodly amount of time” meeting one on one with Mr. Trump and has liked the feedback to his pro-coal proposal.<br><br>The plan calls for the Department of Homeland Security to send $15 to eastern U.S. utilities for every ton of Appalachia coal they burn.<br><br>“He’s really interested. He likes the idea,” Mr. Justice said in a phone interview Wednesday when asked about Mr. Trump’s reaction. “Naturally, he’s trying to vet the whole process. It’s a complicated idea.”<br><br>In Mr. Justice’s eyes, the coal payments will be necessary because Mr. Trump’s moves to roll back regulations on the Appalachian coal industry won’t be enough to preserve it. The Appalachian coal sector has been shrinking for years as companies are forced to spend more money to access harder-to-reach seams of the fossil fuel. Meanwhile, competitors in regions including the Illinois Basin and Powder River Basin of Wyoming and Montana have much thicker coal seams that are cheaper to get to.<br><br>Critics say such a proposal would be expensive and misguided. U.S. power plants burned at least 110 million short tons of Appalachian coal in 2016, according to Andrew Cosgrove, an analyst at Bloomberg Intelligence. A payment of $15 for each of those tons would cost at least $1.65 billion.<br><br>Mr. Justice said he’s discussed the plan with, among others, Department of Energy Secretary Rick Perry, Vice President Mike Pence and Jared Kushner, Mr. Trump’s senior adviser and son-in-law.<br><br>Asked whether Mr. Trump is considering Mr. Justice’s plan to prop up the coal industry, White House spokeswoman Kelly Love said there’s nothing to announce at this time.<br><br>While Appalachian coal production is up this year, if there’s another “downtick” it’ll cause another spate of bankruptcies, mine closures and layoffs that could be impossible to recover from, Mr. Justice said.<br><br>At the heart of his pitch, Mr. Justice argues that the country is becoming too reliant on natural gas for power and it’s not enough to supplement that with coal from the Midwest and West.<br><br>Mr. Justice rejects the notion that his plan amounts to a “bailout” or “subsidy” for Appalachian coal. Rather, it’s a matter of national security, he said, because terrorists could easily blow up important gas pipelines or derail freight trains shipping coal to the east, leaving large swaths of the country lacking power-plant fuel.<br><br>“Can you imagine what would happen if we lost the power in the east for a month, or two months, or three months?” Mr. Justice said. “It would be like a nuclear blast went off. You would lose hundreds of thousands of people. It would be just absolute chaos beyond belief.”<br><br>Mr. Justice insisted that renewables could one day be the primary source of U.S. electricity generation, but says he’s not sure whether that’ll come in 10, 20 or 30 years.<br><br>“This may very well be a temporary fix, a temporary security blanket,” he said. “But today we don’t have the renewables in place. And today, we cannot lose our eastern coal fields.”<br><br>While it’s legitimate to worry about the reliability of the U.S. power grid, the decline of the coal industry isn’t raising much of a threat at a time of cheap and abundant gas and fast-growing wind and solar power, said Jason Bordoff, director
As Washington Debates How To Counter Terrorism, Minnesota Groups Press Ahead

By Stephen Montemayor
Minneapolis Star Tribune, August 9, 2017

Domestic efforts to curb homegrown terrorism are under fresh scrutiny from the Trump administration and Congress, placing Minneapolis at the center of a new national debate over whether they are working — or should even continue.

Early signals from Washington point to a greater emphasis on law enforcement, with some elected officials saying the federal government should use its core anti-extremism program to expand intelligence gathering in immigrant and refugee communities.

At a recent hearing of the U.S. House Oversight Committee, Chairman Ron DeSantis, R-Fla., singled out Minneapolis’ Somali community and called the city “ground zero for terrorist recruitment.”

DeSantis, who visited Minnesota last December, railed against existing federal policy for not properly focusing on “radical Islamic extremism.”

But that philosophy has outraged a number of community leaders who work directly with Somali and Muslim youth. In the Twin Cities, some local groups have already backed away from Countering Violent Extremism (CVE), a $10 million grant program administered by the Department of Homeland Security. Minneapolis’ Ka Joog, a Somali nonprofit, rejected a nearly $500,000 grant after President Trump signed his controversial travel ban last winter. Another local nonprofit, Youthprise, vowed to avoid money “from sources focused on the anti-radicalization of Somali youth,” citing “heightened community concerns.”

Some terrorism researchers have echoed those concerns. The House hearing perpetuated the false notion that Muslims present a singular terrorist threat,” according to the Brennan Center for Justice at New York University School of Law. Scholars there cited research showing that nearly three-quarters of all deadly terror attacks since 9/11 were authored by far-right domestic extremists — a question raised again by Saturday’s bombing at the Dar Al Farooq Islamic Center in Bloomington.

One result of this clash is that CVE now enjoys few “built-in advocates,” said Seamus Hughes, deputy director of George Washington University’s Program on Extremism.

“On one side of the political spectrum … CVE is seen as thought policing and stigmatizing,” Hughes testified at the July 27 hearing. “On the other side, it is considered too soft.”

One beneficiary of the administration’s approach is the Hennepin County Sheriff’s Office. It missed the cut when CVE grants were first announced in January, but will now receive $347,600 for “terrorism prevention training and engagement.”

In a recent interview, Hennepin County Sheriff Rich Stanek said he welcomed the new administration’s aim at “securitizing” CVE.

“Law enforcement has a role to play in community outreach,” Stanek said. “Even at a traffic stop, a relationship is being built. And that’s securitizing. The Trump administration saw it for what it is.”

Stanek said the new CVE funds, announced in June, will allow his office to add up to four community liaison workers and convene more public meetings with East African mothers to discuss youth recruitment by overseas terror groups.

Minnesota had an early start in confronting terror recruitment, after nearly two dozen local Somalis sought to join the extremist group Al-Shabab between 2007 and 2009. The crisis resurfaced in 2014, when young Minnesota men began leaving for Syria to fight for the Islamic State of Iraq and Syria. Nine were stopped and convicted last year on federal charges.

“The difference was this time around we actually knew who was going,” Stanek said. “The community had an outlet to tell us who was going.”

After those episodes, Minneapolis was chosen as one of three pilot cities for a federal counter-extremism program that ended last year. The pilot, dubbed “Building Community
Resilience here, emphasized social services for the area’s Somali community.

A Minneapolis nonprofit called Youthprise was tapped to administer the funds, which included $216,000 contributed by the U.S. attorney’s office.

That participation of the federal office that leads criminal prosecutions, however, drew protests from some Minneapolis community groups. A flier distributed last year faulted participating groups and called the project “surveillance and entrapment.”

Saciido Shaie saw the tensions firsthand. Her Minneapolis nonprofit, the Ummah Project, used CVE funding to train Somali youths as peer mediators through a restorative justice course “shaped by Somali and Islamic teachings and practices.”

Shaie knows some Twin Cities Somali and Islamic leaders want nothing to do with federal law enforcement, but she believes her group’s work plays a valuable role by helping the state’s young Muslims confront and resolve conflict.

“I didn’t apply for that money because I believed kids were radicalized,” Shaie said. “I [applled] for that money because kids need ways to deal with everyday issues.”

Leaderless?

Minneapolis’ Heartland Democracy is one of the few non-police CVE grantees to survive the Trump administration’s review; it received the full $423,340 it requested. In 2015, Heartland Democracy became the first organization to engage in a mentoring program, working with a defendant in the ISIS recruitment case, Abdullahi Yusuf.

“We put into our proposal that we believe the best way to prevent violence is to engage with young people and families around day-to-day issues,” said Mary McKinley, the group’s executive director.

But even as Homeland Security finally disburses the grants, the CVE program faces new uncertainty. The official who led the agency’s efforts, George Selim, resigned recently; together with a Trump proposal to slash all federal CVE funding, his departure throws into question who will assess the grant projects.

Youthprise has continued with its work, awarding funding this year for 30 projects, while expanding outstate, using state and private funds. But that hasn’t stopped groups like the Young Muslim Collective, led by Twin Cities college students, from insisting that local nonprofits atone for having partnered with the feds.

“It is good that they’re turning away from it, but they also need to reconcile with what happened in the past,” said Ayan Arraweelo at an April panel her group convened.

Youthprise President Wokie Weah said the nonprofit knew it was tackling a controversial subject but believed it was worth the risk. She said she felt comfortable taking federal money “because I think I was very clear in what the intentions were. But if that was misinterpreted by any young person, that I regret.”

Other Twin Cities leaders are forging ahead in the private sector. Andrew Luger, the U.S. Attorney and leader of the Minneapolis pilot before he was asked to step down by the Trump administration, has announced plans to build a network of nongovernmental groups working to counter extremism.

Deqa Hussen, whose son Abdirizak Warsame was one of nine young men caught trying to join ISIS, has continued working with a national group that recently introduced the first private hot line to address questions about suspected extremism. She also works locally with the nonprofit Voice of East African Women, which has helped lead community meetings with Stanek.

Meanwhile, Stanek sees no contradiction in a law enforcement agency building community outreach, and he’s optimistic about what he considers to be “a marked shift in philosophies” on CVE since Trump’s election.

“Why should terror prevention be any different from what we’ve been doing?” he said. “There isn’t some special program. ... It’s community outreach.”

Now You Can Delay Getting New Federally Approved SC ID, But You Shouldn’t

By Jeff Wilkinson
Columbia (SC) State, August 9, 2017

South Carolinians should be able to use their current driver’s licenses to board commercial airplanes, access Fort Jackson and other military bases, or enter federal buildings for another three years, said Kevin Shwedo, executive director of the S.C. Department of Motor Vehicles.

That’s because the state is expected to finally meet new federal requirements for driver’s
licenses by March. If state officials meet that timeline, they believe the Department of Homeland Security will accept all current S.C. driver’s licenses through Sept. 30, 2020, for boarding commercial airlines and entering federal installations.

The state has faced several deadlines during the last several years to upgrade its driver’s licenses to comply with federal ID requirements, called REAL ID. The requirements are intended to improve security at federal installations and airports, but South Carolina officials — led by the Legislature — had refused to comply because of concerns about the federal government overreaching its authority.

Because of the foot-dragging, the federal government had threatened to no longer accept South Carolina driver’s licenses for boarding planes or entering military facilities or federal buildings. Instead, a federal passport or other federal ID would have been required. The latest deadline to comply is Oct. 10, but Shwedo believes it will be extended through at least March.

Shwedo said the state will begin issuing driver’s licenses that meet the federal standards by March. If it does, the federal government likely will agree to accept current, valid driver’s licenses for another three years even if the licenses are not REAL ID compliant, he said.

“I truly believe we will be fully compliant right after the first of the year,” Shwedo said.

However, REAL ID-compliant driver’s licenses will be required beginning Oct. 1, 2020, to enter military installations, federal buildings or board commercial aircraft.

To obtain a compliant ID, a resident must provide all of the following documents:

- Two documents showing a current South Carolina address, such as a pay stub and a recent water bill.
- Proof of U.S. citizenship, identity and date of birth, such as a birth certificate or valid passport.
- Proof of Social Security number, such as a Social Security card or a W-2 Form.
- If applicable, documents supporting a legal name change, such as a marriage license, divorce decree or court order. A valid passport can be submitted instead of these name-change documents.

Nearly a million South Carolinians have already provided this information to the DMV. Since November 2010, the DMV has required the documents for people receiving a new driver’s license, beginner’s permit or identification card. Also, anyone who moved into the state and received a driver’s license after November 2010 should have already provided the documents.

However, anyone who renewed their license — or changed their name or address — probably will have to provide the information.

Since May 15, 2017, more than 37,000 South Carolinians have provided the documents to the DMV to become REAL ID ready, said DMV director of communications Lauren Phillips.

Shwedo said those who provide the documents early will avoid long lines later, as they can apply for a REAL ID-compliant driver’s license online and receive it by mail. Estimates are that when the deadline for receiving a compliant license gets closer, lines could be as long as 6.5 hours.

“It will save a lot of time,” Shwedo said.

However those seeking commercial driver’s licenses or state identification cards will still have to go to a DMV branch.

To confirm whether the agency has the proper documents from you, call 803-896-5000. The documents can be submitted at any DMV branch,

Sawmill Fire Inquiry Is Turned Over To U.S. Attorney’s Office

Arizona Daily Star; August 8, 2017

The U.S. Attorney’s Office has taken over the investigation of last spring’s Sawmill Fire, raising the possibility of some kind of legal action against the Border Patrol agent who told authorities he accidentally started it while off-duty.

But the parent federal agency that employs the agent is standing firm on its refusal to release information about the agent, including his salary, job title and employment status.

The U.S. Forest Service finished its work last week investigating the fire, which burned more than 70 square miles last spring on land owned by three state and federal agencies.

“That is our chain of command,” to turn the case over to the U.S. Attorney’s Office at this point, said Coronado National Forest Supervisor Kerwin Dewberry. “All of the information related to
the case has been turned over to the U.S. attorney.”

Although the fire started on state land north of the Santa Rita Mountains, the feds have been leading the investigation ever since because federal property was damaged in the blaze, Dewberry said.

Dennis Dickey, an off-duty Border Patrol agent, has admitted to investigators that he accidentally triggered the fire through his use of an exploding target containing a compound known as Tannerite. Dewberry and U.S. attorney’s spokesman Cosme Lopez would not comment on specifics of the case since the investigation is ongoing.

The fire started on the state-owned Santa Rita Experimental Range that’s used to test sustainable grazing methods. It later spread to Forest Service land to the east before reaching the Bureau of Land Management-owned Las Cienegas National Conservation Area. It cost about $7.3 million to contain the fire.

No buildings were burned and no people were injured in the blaze, which began in late April and lasted more than a week. But hundreds of homeowners were warned they may have to evacuate their homes and dozens of homes were evacuated for a time. Parts of Arizona 83, the scenic drive from Interstate 10 to Sonoita, which separates the Santa Ritas from Las Cienegas, were also closed for a time during the fire.

C.J. Karamargin, district director for U.S. Rep. Martha McSally, R-Arizona, said the Forest Service couldn’t provide him with a timeline for the investigation when he called last week.

“When you have a fire that consumes 47,000 acres and costs more than $7 million to contain, there is obviously going to be a degree of public interest in the investigation,” he said. “That investigation, however, needs to be as thorough, accurate and detailed as possible.”

Attorney Sean Chapman, who represents Dickey, didn’t return phone calls seeking comment.

The U.S. Customs and Border Protection agency, which oversees the Border Patrol, last week upheld its earlier decision not to give the Star information about Dickey’s salary, his tenure with the Border Patrol or his employment status during the ongoing investigation. It turned down an appeal by the Star of that decision, which also barred release of investigative reports on the blaze through the federal Freedom of Information Act.

The agency cited an exemption to the act that it says justifies withholding records or information kept for law-enforcement purposes.

“There is an ongoing investigation involving the activities of a government agency,” wrote Shari Suzuki, chief of the agency’s FOIA appeals, policy and litigation branch, in an Aug. 4 letter to the Star. “The premature release of evidence or the scope and direction of the investigation could interfere with the integrity of the investigation; i.e., it could interfere with the government’s ability to make accurate factual and legal determinations.”

Release of these records could lead to inappropriate disclosure of evidence, witnesses including government employees and prospective testimony, Suzuki wrote.

Suzuki’s comments drew sharp criticism from the nonprofit Reporters Committee for Freedom of the Press, which filed the appeal for the Star, and David Cuillier, director of the University of Arizona’s School of Journalism.

The Forest Service and the Arizona State Land Department also have refused to discuss this case. The state agency did provide a set of public records on the fire in response to a records request.

Adam Marshall, an attorney for the reporters’ committee, said he’s frustrated and disappointed at the agency’s stance.

“It’s not clear at all why some of the information that you requested, including the title and salary of the employee, would interfere with the investigation. That’s just silly,” Marshall said Tuesday. “They don’t explain how release of that information would interfere with any law-enforcement activity.”

The agency discusses a lot of past court cases on similar issues, but doesn’t offer a convincing explanation as to why the records the Star sought can be withheld, said Marshall.

“Under FOIA, it’s the government that has the burden of showing that records are exempt. The burden is not on requesters to show they have the right to them,” Marshall said. “They’re frankly not taking into account the great public interest that there is in finding out what happened here.”

It’s outrageous that the agency would withhold such basic information as an employee’s salary or job title, Cuillier added.
“These basic facts are routinely provided by any city, school district, or state agency, and taxpayers are entitled to it — it’s their money at work here,” he said.

If the agency has information about the investigation whose release could be damaging, the agency should simply black out those facts, explain the harm and release the rest, Cuillier said.

“People want to know how a public employee caused a serious fire that cost taxpayers a lot of money. What does the Border Patrol have to hide?” he said.

Because the enforcement case remains open, the agency isn’t in a position to provide more information, said Roger Maier, a CBP spokesman in Washington, D.C.

Mom Says DHS Agent Pointed Gun At Her On I-15
By Bree Steffen
KGTV-TV San Diego, August 10, 2017
An Escondido mom says she had a gun pointed at her while driving on I-15 North with her son in the backseat.

Felicia Ocampo says she was coming back from a camping trip with her two-year-old son Cohen when someone started tailgating her around Mira Mesa Boulevard. She says a silver Ford Fusion came up fast behind her and tried to box her in with other traffic so she tried to speed up to get away.

“He comes up behind me and it’s like he almost hit the back of my car so I kind of like put on my brakes like ‘Hey get back,’” she said. “He was looking at me, he was driving towards me and that’s when he came over right next to my car and that’s when I flipped him off.”

She claims that’s when things turned deadly.

“He said ‘Pull the f*** over or I’m going to shoot you,” Ocampo said. “I see him put on this black Kevlar vest. So I’m like ‘Ok, is he a cop?’”

Ocampo said she pulled over because she was afraid he was going to shoot her car and hurt her son. She said it didn’t get better once they were both pulled over.

“He said if I don’t shut my mouth, then he was going to put his gun in my mouth and shut it for me,” she said. “What are you doing? You’re scaring the crap out of me, you’re trying to drive me off the road, what is going on?” and he was like ‘You’re driving 90 miles per hour.’ And I said

‘Yeah I’m driving 90 miles per hour to get away from you because you’re crazy and you’re scaring me.’ I’m like ‘What are you doing?’ so then he’s like ‘License and insurance right now’ and I’m like ‘Ok.’”

Ocampo said his demeanor changed when he noticed her son sleeping in the backseat.

“He comes back out to the car and he says ‘It’s your lucky day. My sirens and my lights aren’t working and I don’t have any tickets in my vehicle,’” Ocampo said. “And then he said ‘I apologize’ and I said ‘Well I’m sorry too I don’t even know what happened.’ And then he smiled at me and he walked away.”

The California Highway Patrol says they are investigating the incident, and confirm to 10News that the other driver works for Homeland Security.

Ocampo says her car has a flat tire from driving over debris on the side of the road, and that another driver witnessed the exchange but she doesn’t know who they are. She also says the man kept her driver’s license.

“That gun was pointed at me and then he told me he was going to put it in my mouth,” she said. “I’m a mess.”

The Department of Homeland Security did not immediately return calls or messages from 10News.

GLOBAL MEDIA
Qatar Waives Visas For 80 Nationalities Amid Gulf Boycott
Reuters, August 9, 2017
Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Canada To Set Up Border Camp As Number Of Asylum Seekers Swells
By Allison Lampert
Reuters, August 9, 2017
Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Canadian Army Builds 500-Person Border Camp As Asylum-Seeker Numbers Rise
By Ashifa Kassam
The Guardian (UK), August 9, 2017
The Canadian military has been deployed to build a 500-person camp at a remote location at the border as authorities grapple with a growing number of asylum seekers crossing into Canada by foot from the United States.

On Wednesday, nearly 100 soldiers were sent to Saint-Bernard-de-Lacolle — just across the border from Champlain, New York — to erect heated tents to temporarily house as many as 500 people, the armed forces said in a statement. The site has become a popular crossing spot in recent months, with hundreds of people a day making the easy trip over a shallow ditch that connects both countries.

Since the start of the year, the numbers of asylum seekers entering Canada from the US has risen sharply. More than 4,000 of them — many of them driven by fears of Donald Trump’s crackdown on migrants — have entered Canada at remote, unguarded locations along the border.

By doing so, they aim to skirt a 2004 agreement between Canada and the US that forces most migrants to apply for asylum in the first country in which they arrive.

Recent months have seen the province of Quebec become a major entry point. As many as 250 migrants a day have arrived in Montreal in recent weeks, adding to the more than 3,300 asylum seekers who crossed into the province in the first six months of the year.

Authorities have responded by opening additional welcome centres. After hundreds of beds were set up last week in the city’s Olympic Stadium, officials opened similar sites in a former convent, as well as a decommissioned hospital. Asylum seekers will likely only spend a few weeks in the centres before being moved into longer-term housing while they wait for their claims to be heard.

At Saint-Bernard-de-Lacolle, the Royal Canadian Mounted Police have set up temporary facilities where migrants are screened and processed.

About 700 asylum seekers are at the site, and wait times for processing have swelled to two or three days, the Canadian border agency told the CBC. The delays mean migrants have been forced to wait in an area with no beds, just benches and chairs.

The camp — consisting of modular tent shelters with floors, lighting and heating — aims to rectify this. Military personnel will not participate in security matters, the armed forces said, and most of the soldiers will return to their home bases once the camp is built. Those who remain on site will be tasked with maintaining Canadian forces equipment.

Most of those crossing into Canada in recent days are Haitians who have been living in the US for years, according to Canadian officials. In May, the Trump administration threatened to pull the plug on a longstanding humanitarian program, potentially exposing as many as 58,000 Haitians to deportation.

John Kelly, the then homeland security secretary, eventually allowed for a six-month extension to the program, which gives Haitians in the US temporary protected status (TPS) as their country recovers from a series of disasters including the 2010 earthquake, a cholera epidemic and Hurricane Matthew. But Kelly warned those granted TPS not to assume it would be renewed again.

"This six-month extension should allow Haitian TPS recipients living in the United States time to attain travel documents and make other necessary arrangements for their ultimate departure from the United States, and should also provide the Haitian government with the time it needs to prepare for the future repatriation of all current TPS recipients," Kelly said in a statement.

Worried Haitians in the US — many of them spurred by misinformation regarding the ease of obtaining residency in Canada — began crossing the border in increased numbers this month, hoping to obtain refugee status in Canada.

The Canadian immigration ministry responded to the rumours on its Facebook page last week, noting that messages posted online suggesting Canada is inviting people to seek refugee status are incorrect. In 2016, refugee status was granted to roughly 50% of Haitians whose claims were considered, up slightly from the 40% success rate of applicants in 2015, according to Canada’s Immigration and Refugee Board.

The Trudeau government ended its own TPS designation for Haitians last year, inviting its 3,200 holders to apply for residency on humanitarian and compassionate grounds. Many have since applied for permanent residency but advocacy groups have warned that some have been deported to Haiti.
Canadian Army Enlisted To Build Shelter For Asylum Seekers In Quebec
By Les Perreux
Globe and Mail (CAN), August 9, 2017

Canadian soldiers have built a small tent village in Quebec to relieve pressure on a Border Services outpost jammed with asylum seekers who got into the country from the United States.

About 100 Canadian Armed Forces personnel put finishing touches on the camp Wednesday evening, installing generators, lights, heating and wooden floors in 25 large tents that can house about 500 people altogether. The tents are only for brief stays while asylum seekers wait for initial processing.

But they present a fresh symbol of how a recent wave of border-crossers have taxed the Canadian border and immigration systems in Quebec.

Last month, the border crossing at Saint-Bernard-de-Lacolle, about 60 kilometres south of Montreal, was running near capacity as it processed up to 150 asylum seekers every day. That number is now reaching between 400 to 600 on many days, according to Jean-Pierre Fortin, national president of the Customs and Immigration Union, meaning a backlog is building as many arrivals once processed in a few hours now must now wait a few days.

The federal government has said all necessary resources are being sent to Quebec to meet the demand. The Canada Border Services Agency did not respond to specific questions about resources on Wednesday. Mr. Fortin said 15 to 20 border agents have been brought in from across the country to bolster the Lacolle roster of about 90 agents who operate the post 24 hours a day, seven days a week.

Agents are also working all the overtime they can handle, Mr. Fortin said, but there are other logistical hurdles to processing more people.

“It’s not just a matter of human resources; we don’t have enough computers,” he said. “The building in Lacolle was not built to handle 500 people.”

Mr. Fortin, who is in regular contact with agents and visited this week, said the Lacolle office ordered 900 breakfasts Tuesday from a catering company to feed people waiting at the post and others coming in from the Roxham Road informal crossing where most of the asylum seekers have walked into Canada.

Military officials stressed they were asked to build the tent village by civilian authorities and that they would play no role in security or law enforcement tasks. “Once the task is completed, we believe on Thursday, the majority of our personnel will go back to base,” military spokesman Major Yves Desbiens said. “A few individuals will stay behind to maintain our equipment. We won’t be doing security rounds or logistical support.”

The federal government brought in the army after a request from the province.

Once the border crossers are processed at Lacolle, they will leave the tent village and take a chartered bus to Montreal. Officials there said Wednesday they are housing 2,620 people at the usual YMCA dormitory and several temporary sites including Olympic Stadium. The officials announced a mothballed hospital, the Royal Victoria, will be used to house hundreds more asylum claimants.

Francine Dupuis of Montreal’s refugee settlement agency said 1,650 asylum seekers were received in July, nearly 10 times the number one year earlier. “The situation is under control, but obviously it’s highly unusual,” Ms. Dupuis said. “But it’s not the first big spike of this kind we’ve seen.”

Quebec saw an increase in asylum claimants travelling from the United States in the winter with the election of U.S. President Donald Trump, who promised a crackdown on immigration and tried to ban travel from some Muslim-majority countries. In May, his administration said special status that allowed 58,000 Haitians to stay in the country would end in January, triggering the latest surge.

Mr. Fortin said his union suggested to Ottawa that the entire asylum processing operation should be moved to a military base in Saint-Jean-sur-Richelieu, where sufficient housing and infrastructure is in place and “computers could presumably be plugged in.” He said the federal government has not answered.

Troops Set Up Tents At Border; Old Royal Vic To Shelter Asylum Seekers
CTV News (CAN), August 9, 2017

Canadians soldiers are being deployed to St-Bernard-de-Lacolle to erect tents for asylum
seekers attempting to enter Canada from the United States.

Almost 100 troops will be used to set up the camp site, which will consist of “modular tent shelters with lighting and heating and may temporarily accommodate close to 500 people,” Department of National Defence spokesperson Evan Koronewski told CTV Montreal in an email.

“The Canadian Armed Forces is aware of the difficult situation that is requiring significant resources of Canada Border Services Agency, the Royal Canadian Mounted Police and other partners in the area of St-Bernard-de-Lacolle,” said Koronewski.

“Assistance from the Canadian Armed Forces was requested to support the civilian authorities of the Government of Canada to temporarily accommodate asylum seekers at the border. With roughly 250 asylum seekers arriving in Montreal from the United States every day, more facilities are being opened to house them.”

On site, Major Yves Debruyns said soldiers are setting up two dozen tents.

“You’ll be able to see approximately 25 large military tents here, which will all be equipped with lighting and electricity for heating, and there will also be hard flooring,” said Desbiens.

Upon completing setup of the site the majority of the soldiers will return to their base, with the exception of a few who will remain to maintain CAF equipment.

Lieutenant Charlotte Raymond said soldiers are used to helping people overseas.

“It’s rewarding to help out people here,” said Raymond. “I feel that we’re having an impact in our community.”

According to Koronewski, the troops will play no role in providing security or law enforcement.

Former Royal Victoria Hospital transformed

On Wednesday, public health officials announced the former site of the Royal Victoria Hospital will be transformed into a shelter with 300 to 320 beds to help house the 2,620 refugee claimants now staying in Montreal.

“We’ve discussed with the authorities of the MUHC and they’re quite prepared to manage these 300 places, which will be a relief for us,” said Montreal health authority director Francine Dupuis.

“It’s quite complicated to manage these sites. You have to make sure they have three meals a day, that they’re safe, they have a shower and toilets. We take care of the children, some women are pregnant. It’s quite something.”

On Monday, officials announced the Residence Notre-Dame de la Providence, a former home for nuns, would be opened as another shelter for the asylum seekers. The residence will be able to house roughly 300 people.

As many as 900 refugee claimants have been given beds in the Olympic Stadium.

Other locations are being scouted just in case.

“We have to think in advance I agree and we also have to push on these people getting a more permanent place to go,” said Dupuis.

Many of those who have arrived are originally from Haiti and fear being sent back to that country should U.S. President Donald Trump end a program that granted them temporary protected status following the massive 2010 earthquake that devastated Haiti.

A similar program implemented by Canada was revoked last year.

Looking for work

One of those asylum seekers is Adline Tidas.

She was living in Fort Lauderdale, Florida, and says she paid for a work permit which never arrived.

“There’s nothing you can do. Just every time we wake up we say ‘God, what can we do?’” said Tidas.

With no help and no prospects in the U.S., she has come to Canada in hopes of getting permission to work.

“I don’t come to Canada like I expect the government can help me for all my life. I came because I know I can work, I can go to school. I have a lot of opportunity. If they give me, I can make it,” said Tidas.

Because of the unexpected influx of border crossers the time needed for the basic background check performed by immigration officials has grown from a few days to a few months.

So far 174 people have been given permission to leave Montreal and travel to other provinces, or to find another residence in Quebec.

Canada, In Fact, Removed Special Status For Haitians Long Before The U.S.

By Candice Malcolm
Edmonton (CAN) Sun, August 9, 2017

A deliberate misinformation campaign over social media is being blamed for the recent flood of Haitians illegally crossing into Canada.

Messages sent throughout the Haitian community in the U.S. reportedly told recipients that Canada was automatically accepting all Haitians. This supposed “WhatsApp hoax” even told them that Canada was paying the bill for all costs.

No wonder so many aspiring refugees have arrived on our doorstep in recent days.

But that’s not the only false information being spread when it comes to the migrant crisis on our southern border.

Another theme being perpetuated through the media in Canada is that Donald Trump is to blame for this crisis. Trump mused about suspending the Temporary Protected Status (TPS) for Haitians in the United States, thus prompting the sudden mad-dash to Canada.

But what many don’t realize is that Canada had its own temporary program for displaced Haitians — except we wound ours down two years ago.

Far from being obtuse and provocative, Trump is merely following Canada’s lead.

Following the devastating earthquake that struck the Caribbean nation in 2010, wealthy countries like Canada and the U.S. created special humanitarian programs to help.

Alongside hundreds of millions in aid and disaster relief funding, both countries created unique immigration rules for displaced Haitians.

The U.S.’s Temporary Protected Status program has allowed approximately 60,000 Haitians to remain in the U.S., as the title would suggest, temporarily — until Haiti was able to rebuild enough for them to return home.

Likewise, Canada introduced a “temporary suspension of removals” program and a special visa for those who qualify on “humanitarian and compassionate grounds.”

Under Canada’s program, any Haitian that met our health and national security standards could apply for permanent residency through this visa.

Canada halted deportations back to Haiti — even for serious and dangerous criminals — and told Haitians they could come “without risk of being removed from Canada.”

Similar to the U.S. program, this was a temporary program.

On Dec. 1, 2014, the Government of Canada released a public notice stating it was winding down this program.

“In acknowledgement of the improved conditions in Haiti,” the notice read, “the Government of Canada (has) lifted the temporary suspension of removals.”

The government eventually gave Haitians an extra year-and-a-half to apply for residency in Canada, but the program was fully rolled back in August 2016 — under the watch of Prime Minister Justin Trudeau.

After a thorough review of country conditions, the government decided that Haiti was stable and safe enough to suspend the program.

At the time, news reports stated that approximately 3,200 Haitian nationals could be deported from Canada as the result of the program ending.

Immigration experts say that many of them have since been sent back.

And yet, when it comes to Haitians now coming into Canada, the Trudeau government is rolling out the red carpet and allowing misleading information to spread.

Instead of telling all asylum seekers from Haiti that they will very likely be deported, the Trudeau government is setting up impromptu welcome stations along the border and shuttling asylum claimants to Montreal — a self-styled sanctuary city.

But Canada routinely rejects most asylum claims filed by Haitians. In the first half of 2015, the last year data is available, the acceptance rate for asylum claimants from Haiti was only 38%.

Rather than clarifying misinformation about our immigration laws, Trudeau is reinforcing these myths. His government’s welcome wagon is misleading Haitian migrants and giving them false hope about their future in Canada.

Up To 50 Migrants ‘Deliberately Drowned’ Off Yemen, UN Says

Associated Press, August 9, 2017

JOHANNESBURG — Up to 50 migrants from Somalia and Ethiopia were “deliberately drowned” when a smuggler forced them into the sea off Yemen’s coast, the U.N. migration agency said Wednesday, calling the drownings “shocking and inhumane.”
International Organization for Migration staffers found the shallow graves of 29 of the migrants on a beach in Shabwa during a routine patrol, the agency’s statement said. The dead were buried by those who survived. At least 22 migrants remained missing, the IOM said. The passengers’ average age was around 16, the agency said.

The narrow waters between the Horn of Africa and Yemen have been a popular migration route despite Yemen’s ongoing conflict. Migrants try to make their way to the oil-rich Gulf countries.

The smuggler forced more than 120 migrants into the sea Wednesday morning as they approached Yemen’s coast, the IOM statement said.

“The survivors told our colleagues on the beach that the smuggler pushed them to the sea when he saw some ‘authority types’ near the coast,” said Laurent de Boeck, the IOM’s chief of mission in Yemen. “They also told us that the smuggler has already returned to Somalia to continue his business and pick up more migrants to bring to Yemen on the same route.”

IOM staffers provided aid for 27 surviving migrants who remained on the beach, while other migrants left.

De Boeck called the suffering of migrants on the route enormous, especially during the current windy season on the Indian Ocean. “Too many young people pay smugglers with the false hope of a better future,” he said.

The IOM says about 55,000 migrants have left Horn of Africa nations for Yemen since January, with most from Somalia and Ethiopia. A third of them are estimated to be women.

Despite the fighting in Yemen, African migrants continue to arrive in the war-torn country where there is no central authority to prevent them from traveling onward. The migrants are vulnerable to abuse by armed trafficking rings, many of them believed to be connected to the armed groups involved in the war.

The conflict itself is a deadly risk. In March, Somalia’s government blamed the Saudi-led coalition fighting in Yemen for an attack on a boat that killed at least 42 Somali refugees off Yemen’s coast.

Some Somalis are desperate to avoid years of chaos at home with attacks by homegrown extremist group al-Shabab and deadly drought. Some Ethiopians have left home after months of deadly anti-government protests and a 10-month state of emergency.

More than 111,500 migrants landed on Yemen’s shores last year, up from around 100,000 the year before, according to the Regional Mixed Migration Secretariat, a grouping of international agencies that monitors migration in the area.

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TERRORISM INVESTIGATIONS

Miami-Dade’s Anti-terrorism Squad Coming To Metrorail, County Buildings

By Douglas Hanks
Miami Herald, August 9, 2017

Miami-Dade has a new tactic for fighting terrorism: deploying police with rifles, gas masks and riot helmets to well-traveled public places, including Metrorail stations, County Hall and courthouses.

Members of the new “Rapid Deployment Force-Counter Terrorism” can travel in an armored vehicle that’s equipped with an overhead turret and slots for firing rifles. It was parked in the public square in front of the Stephen Clark government center in downtown Miami on Monday while the County Commission was inside for an emergency meeting to approve a resolution condemning Venezuela’s President Nicolás Maduro.

A police spokesman said the unit is there to be noticed, with the deployment designed to remind would-be terrorists and others that Miami-Dade can respond aggressively to threats. “We’re trying to avoid someone thinking they can go out there and try something,” said Lt. Juan Villalba Jr., a spokesman for the county police department. We’re “deploying them throughout Miami-Dade County to showcase our presence and readiness should there be anybody out there that’s trying to plan some type of harm to our residents or our visitors.”

Civil-liberties advocates see the display of force as an affront to efforts at smoothing relations between police and the public.

“Utilizing weaponry that’s appropriate in war time, we think, creates a barrier and tensions between the community and the police force,” said
Jeanne Baker, chair of the police-practices committee for the Miami chapter of the American Civil Liberties Union, “We have a very well-established policy and commitment to the non-militarization of local police forces.”

Miami-Dade police on Wednesday released a draft memo outlining the program, which adds a “counter-terrorism initiative” to the unit that’s already at the ready for protests, riots and other disturbances.

“The threat of terrorism, both international and domestic, remains a major concern locally,” read the Aug. 8 memo from Edgardo Caneva, a major in the county’s Special Patrol Bureau. “There’s a need for a police unit “to respond to both pre-planned and spontaneous incidents tied to or related to potential terrorist activity.”

Miami-Dade already deploys officers with military rifles to the Clark Center (also known as County Hall), Miami International Airport and to large events. A police video of the recent El Clasico soccer match at Hard Rock Stadium shows Miami-Dade officers with both riot helmets and riot shields entering the stadium, while another stands guard in front of the stadium with an assault rifle over his shoulder.

The memo, dated the day after Miami-Dade announced the launch of the program by press release, describes the rifle, helmets and other equipment as a way to “distinguish” the anti-terrorism squad during deployment. Villalba said an increasing number of officers take to the streets with the same kind of rifles, and that riot gear is standard issue for squad cars. He said the main difference for the new squad is its members will be carrying holstered gas masks.

The Monday announcement certainly anticipated the public noticing a difference between everyday police officers patrolling county facilities and members of the counter-terrorism squad. Villalba said that while the armored vehicle was parked in front of County Hall, members of the squad were sent to court facilities and Metrorail stations that day.

“Members of the community should not be alarmed and/or assume that any credible threat to Miami-Dade has been received,” the release said. “These random deployments will be ongoing and complement our efforts to thwart those that may wish to do us harm...”

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Car Rams Into Soldiers In Paris Suburb, Suspect Arrested After Manhunt

By Richard Lough And Benoit Tessier

Reuters, August 9, 2017

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

Man Ambushes French Soldiers In Car Attack, Later Arrested

By Angela Charlton And Raphael Satter

Associated Press, August 9, 2017

LEVALLOIS-PERRET, France (AP) – A man rammed his car into a group of soldiers near Paris, injuring six of them, and then was cornered by police in a highway manhunt – the latest in what’s become a disturbingly familiar pattern of attacks targeting French security forces.

It’s unclear what motivated the driver, who was hospitalized with bullet wounds after the calculated morning ambush and an hours-long police chase. Authorities said he deliberately accelerated his BMW into a cluster of soldiers in what prosecutors are investigating as a potential terrorist attack.

President Emmanuel Macron went to Twitter to express his “congratulations to the forces of order that apprehended the perpetrator of the attack,” and also to urge continued vigilance across the country.

Macron’s government painted the incident in the suburb of Levallois-Perret as proof of the need to approve a new security law that critics contend infringes on liberties and would put France in a permanent state of emergency.

Wednesday’s attack caused no deaths and hurt no civilians, but still set nerves on edge: It was the seventh attempted attack on security forces guarding France this year alone. While others have targeted prominent sites like the Eiffel Tower, Wednesday’s attack hit the leafy, relatively affluent suburb of Levallois-Perret that is home to France’s main intelligence service, the DGSI, and its counterterrorism service.

“We know it was a deliberate act,” Interior Minister Gerard Collomb said. Defense Minister Florence Parly called it a reminder that extra security measures imposed in recent years are “more necessary than ever.”

On a quiet summer morning, the suspect was seen waiting in a black BMW in a cul-de-sac near
the Levallois city hall and a building used as a staging point for soldiers in France’s operation to protect prominent sites, according to two police officials, who like others connected to the case weren’t authorized to be publicly named because of the ongoing police operation.

A group of soldiers emerged from the building to board vehicles for a new shift when the car sped up and rammed into them, its force hurling the soldiers against their van, one of the officials said. Collomb said the car first approached slowly then sped up about five meters (yards) from its target.

A nearby resident described hearing an ear-piercing scream of pain, then soldiers chasing after the fleeing car.

Authorities checked video surveillance of the area and police fanned out and stopped numerous cars as they searched for the attacker.

Then, on the A16 highway near the English Channel port of Calais, police stopped what Prime Minister Edouard Philippe called the “principal suspect.” Images of the arrest scene showed emergency vehicles surrounding a black BMW with a damaged windshield, on a cordoned-off highway in the midst of verdant fields.

Police officers opened fire during the arrest to subdue the man, and the suspect was injured along with an officer hit by a stray police bullet, a judicial official said.

The suspect was hospitalized, the official said, but his condition wasn’t immediately clear.

One police official said the suspect may be an illegal North African immigrant in his 30s, while another said he was an Algerian with French residency papers. The government and prosecutors would not release information about his identity.

Heavily armed, masked police searched a building believed linked to the attacker in the Paris suburb of Bezons on Wednesday night.

The defense minister said she received “reassuring” news about the condition of the injured soldiers, and that their lives aren’t in danger.

The soldiers were from the 35th infantry regiment and served in Operation Sentinel, created to guard prominent French sites after a string of deadly Islamic extremist attacks in 2015.

A witness to the car attack, Nadia LeProhon, was startled by a loud crash outside her building and rushed outside her seventh-floor window to see two soldiers on the ground. Other soldiers ran after a speeding car, shouting “After him! Follow that car!”

“I’ll never forget that scream – a scream of pain and distress,” she told The Associated Press.

Resident Jean-Claude Veillant said he saw two uniformed soldiers on the ground. “It was horrible,” he said, adding that both soldiers appeared to be in bad shape and one of them was unconscious.

The street is normally protected by retractable posts that are removed when vehicles move in and out, so the driver must have known exactly when to strike, Veillant said. “They must’ve really planned this,” he said.

Counterterrorism prosecutors opened an investigation on potential charges of attempted murder of security forces in connection with a terrorist enterprise, the Paris prosecutor’s office said.

Philippe, the prime minister, said that despite a sustained “high threat” against France, the government is sticking to plans to lift a 21-month state of emergency.

Speaking to lawmakers, he insisted that a new bill enshrining permanent counterterrorism measures would be enough to replace the state of emergency, imposed after deadly Islamic extremist attacks in November 2015. The bill is currently under parliamentary debate, ahead of an expected end to the state of emergency on Nov. 1.

Macron discussed the attack at a security meeting Wednesday and at a weekly Cabinet meeting.

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Man In Jewish Community Bomb Threats Allegedly Sold Services On Dark Web

NBC News, August 9, 2017

The Israeli-American man accused of masterminding more than 200 bomb threats and hoax phone calls to Jewish community centers and schools — setting off a wave of panic in the U.S. and across the world — allegedly offered his services on the “dark web” for a fee.

A newly unsealed FBI search warrant lays out how 19-year-old Michael Ron David Kadar, who was arrested by Israeli police in March,
attempted to lure customers on the black market site AlphaBay with an ad entitled, “School Email Bomb Threat Service.”

“I email bomb threats to schools on your requests. If you feel you need someone to do this job for you then this service is for you,” Kadar posted in March under the username “Darknet_Legend,” according to the FBI affidavit.

AlphaBay, which is part of the counterfeit “dark web,” was shut down last month, when Attorney General Jeff Sessions called it “one of the most important criminal investigations of the year.” The site was blamed for allowing the sale of illicit items, including weapons and drugs, and used bitcoins and other crypto-currencies for transactions.

Kadar in his post wrote that he could also frame someone as part of his service, but there was “no guarantee that the police will question or arrest the framed person,” the affidavit said.

A price list started at $30 for an emailed bomb threat to a school and went up to $90 for multiple schools plus the framing option, the FBI said.

It appears at least one person in California used the service. After searching through AlphaBay, prosecutors said they found a potential co-conspirator who may still be charged.

In a screen grab from video, Michael Ron David Kadar covers his face with a sweatshirt following his first appearance in court in Rishon Lezion, Israel, on March 23, 2017. NBC News file

The affidavit also gives examples of the threats.

The FBI said six administrators at Rancho Cotati High School in Rohnert Park, California, received email threats in March claiming bombs were planted at the school and that the sender had “assault rifles and Machine pistols.”

The next day, Kadar’s username received a review on AlphaBay by someone who was happy with the service, according to the affidavit. “Amazing on time and on target. We got evacuated and got the day cut short,” the review reportedly said.

Kadar, who has dual Israeli-American citizenship, was indicted by Israeli prosecutors and charged by the U.S. Justice Department in connection with threatening communications. Authorities have tied him to threats, hoaxes and extortion attempts to more than 2,000 Jewish community centers, schools, airlines, police stations and other institutions spanning more than two years.

In the U.S., Jewish centers and synagogues in New York, Chicago, St. Louis, Florida and elsewhere reported menacing calls and emails warning of violence — prompting outcry by Jewish leaders for law enforcement to find the culprit. Threats were also reportedly received in Australia and New Zealand.

Kadar’s mother previously told NBC News that her son is autistic and was diagnosed with a brain tumor that effects his cognitive functions.

As part of a six-month investigation that eventually led them to Kadar, Israeli police said he was able to use “advanced camouflage technologies” when contacting other countries so that he couldn’t be traced and he kept meticulous records on his computer. U.S. law enforcement said he made the threatening calls from his bedroom.

The latest court filings were first noted by Seamus Hughes, the deputy director of the Program on Extremism at George Washington University.

**Ellison: Trump’s Failure To Mark Minnesota Mosque Bombing An ‘Outrage’**

By Rebecca Savransky

The Hill, August 9, 2017

Rep. Keith Ellison (D-Minn.) went after President Trump on Wednesday for failing to condemn the recent bombing of a mosque in Minnesota.

“The President’s failure to condemn the terrorist attack on the Bloomington Islamic Center is an outrage,” Ellison, the deputy chairman of the Democratic National Committee (DNC), said, according to Bloomberg News.

“It suggests that his oath to protect and defend the Constitution of the United States, including the right to equal protection under the law, only extends to people who meet certain racial and religious criteria.”

An improvised explosive device was responsible for the blast at Bloomington’s Dar Al-Farooq Islamic Center, the FBI said Saturday.

No one was injured in the attack that caused damage to the imam’s office.

Minnesota Gov. Mark Dayton (D) on Sunday said the bombing was “an act of terrorism.” He and other officials visited the site on Sunday.
“What a terrible, dastardly, cowardly act was committed,” Dayton said, calling it a hate crime.
“Anything I can do to put a stop to it, I would gladly do.”

The Dar Al-Farooq Islamic Center’s executive director told BuzzFeed News on Monday that Trump should come see what happened at the center.
“He is the president of this country, and this happened to us. He has to come here and at least express his feelings and say this is bad,” Mohamed Omar told the news outlet.
Trump has yet to comment on the attack.

Ellison Calls On Trump To Condemn Minnesota Mosque Bombing
Associated Press, August 9, 2017
Democratic National Committee deputy chairman and Minnesota Rep. Keith Ellison on Wednesday called it “an outrage” that President Donald Trump has not condemned the weekend bombing of a Minnesota mosque as a terrorist attack.
The explosion at Dar Al-Farooq Islamic Center in Bloomington happened early Saturday just before morning prayers and caused extensive damages to the imam’s office but did not injure anyone. The FBI is investigating.
Ellison represents the Minneapolis area—though not the site of the explosion—and is the nation’s first Muslim elected to Congress. He issued a statement through the national Democratic Party Wednesday joining the chorus of Muslim organizations and Democrats calling on Trump to label the bombing as a terrorist attack.
“The President’s failure to condemn the terrorist attack on the Bloomington Islamic Center is an outrage. It suggests that his oath to protect and defend the Constitution of the United States, including the right to equal protection under the law, only extends to people who meet certain racial and religious criteria,” Ellison said.
Democratic Gov. Mark Dayton visited the mosque Sunday and called the bombing a "wretched" terrorist act. Islamic leaders in Minnesota and nationwide have said they’re waiting for the president to say something similar.
But Trump adviser Sebastian Gorka said during a Tuesday interview on MSNBC that the White House would withhold comment until the investigation is complete, suggesting that it may have been a hoax orchestrated "by the left."

Ellison also called on Trump to condemn Gorka’s comments.
The Minneapolis FBI office has shared little information about its investigation, including whether it has identified any suspects. In a statement Monday afternoon, Special Agent in Charge Rick Thornton called it a “terrible crime” and vowed to focus every available resource on the case until it’s solved.
The Dar Al-Farooq mosque primarily serves Somalis in the Minneapolis area. Minnesota is home to the largest Somali community outside of east Africa with an estimated 57,000 people, according to the most recent census estimates.

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Seriously: Denmark Promotes ‘Hug A Jihadi’ Program To Combat Radicalization
By Leah Barkoukis
Townhall, August 9, 2017
Denmark has a new idea for how to de-radicalize jihadists and put an end to terror attacks: kindness.
That’s right—in Aarhus, Denmark, police set up a program that’s being referred to as “hug a jihadi” to change the hearts and minds of would-be terrorists.
The authorities envision accomplishing this by engaging the potential Islamic extremists and treating them with kindness instead of as criminals and outcasts.
“Dateline” reporter Evan Williams spoke with a man using the alias Jamal, who said he was so disenfranchised and angry with society he was considering leaving Denmark and becoming a terrorist.
“In my mind, I was like, ‘They treated me as a terrorist. If they want a terrorist, they will get a terrorist,’” he said.

When he began speaking with someone from the “hug a jihadi” program, he began to open up about the unique difficulties of being a Muslim in Denmark.
Williams said that’s when Jamal began to reconsider his views.
“All it took was someone to reach out and offer empathy and understanding,” Williams wrote.
(Fox News Insider)
According to Williams’s report, the “isolation” immigrants feel, “trapped between two worlds,” is a recipe for disaster for young Muslims.

Jamal’s mentor told Williams the key to success in the program is patience.

“It takes a long time to be radicalised, but it also takes a long time to be deradicalised. It’s because they don’t feel like, ‘I’m a part of this society,’” the mentor said.

While Williams claims the effort has been “remarkably effective” so far, it seems unlikely other countries will be emulating the program anytime soon.

NATIONAL SECURITY NEWS

Trump’s Threat To North Korea Contrasts With Calm Reassurances Of Other Administration Officials

By Philip Rucker And Karen DeYoung
Washington Post, August 9, 2017

BRIDGEWATER, N.J. — President Trump’s bellicose threat to North Korea that its nuclear provocations would be met with “fire and fury” was spontaneous, neither scripted nor formally vetted by his top advisers, according to officials with knowledge of the matter.

But as Pyongyang intensified its confrontation with Washington in recent days, Trump discussed with Chief of Staff John F. Kelly and other advisers a strategy to escalate his rhetoric and deliver a more aggressive and overt challenge to North Korea’s leader, Kim Jong Un, said two senior White House officials. The message Trump delivered Tuesday afternoon “was unexpected, but it wasn’t surprising,” one of the officials said.

As lawmakers and experts reacted with alarm and exasperation to a presidential statement they viewed as dangerously inflammatory because it painted a picture of possible nuclear strikes, senior administration officials Wednesday followed Trump’s message with contradictory statements of their own.

Secretary of State Rex Tillerson and Defense Secretary Jim Mattis spoke with calming sobriety, seeking to maintain pressure on North Korea but reassure Americans and U.S. allies that the nations were not on the brink of nuclear conflict.

Tillerson, during a refueling stop in Guam as he returned from an extended trip to East Asia, said that “the American people should sleep well at night.” He defended Trump’s forceful warning to North Korea to stop threatening the United States but attempted to dismiss concerns that Guam is in any imminent danger from Pyongyang’s missiles.

“What the president is doing is sending a strong message to North Korea in language that Kim Jong Un would understand, because he doesn’t seem to understand diplomatic language,” Tillerson said in an interview with two pool reporters.

Mattis said the United States and its allies around the world are prepared to defend their countries from any attack, and he called on North Korea to “cease any consideration of actions that would lead to the end of its regime and the destruction of its people.”

“While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth,” Mattis said. “The DPRK regime’s actions will continue to be grossly overmatched by ours and would lose any arms race or conflict it initiates.”

Meanwhile, one of Trump’s favored spokesmen, White House adviser Sebastian Gorka, ratcheted up the brinkmanship with North Korea, saying in a television interview Wednesday morning that the situation “is analogous to the Cuban missile crisis.”

Appearing on “Fox & Friends,” the Trump-friendly morning show on Fox News Channel that the president often watches, Gorka said: “We are not just a superpower. We were a superpower. We are now a hyperpower. Nobody in the world, especially not North Korea, comes close to challenging our military capabilities, whether they’re conventional, whether they’re nuclear or whether they’re Special Forces.”

Gorka continued with a direct threat to the North Koreans: “So this message is very clear: Don’t test this White House, Pyongyang.”

Trump made similar comments Wednesday morning on Twitter, asserting that the U.S. nuclear arsenal is “far stronger and more powerful than ever before.” The president added, “Hopefully we will never have to use this power, but there will never be a time that we are not the most powerful nation in the world!”

On a working vacation at his private golf club in Bedminster, N.J., Trump has been receiving regular intelligence briefings from his national
security team, and he has held meetings with Kelly and other advisers about the threat from North Korea.

Trump made clear to Kelly that he wanted to adopt a more aggressive tone with North Korea, according to several senior White House officials.

Sarah Huckabee Sanders, the White House press secretary, told reporters Wednesday afternoon: “General Kelly and others on the NSC team were well aware of the tone of the statement of the president prior to delivery. The words were his own. The tone and strength of the message were discussed beforehand. They were clear the president was going to respond to North Korea’s threats following the sanctions with a strong message in no uncertain terms.”

During a briefing on the opioid crisis Tuesday, Trump responded to a question from the press corps about North Korea’s nuclear provocations and said they would be “met with fire and fury and frankly power, the likes of which this world has never seen before.”

A senior White House official voiced frustration that Trump’s use of the phrase “fire and fury” had been interpreted as a depiction of nuclear strikes. This official, who requested anonymity to speak candidly about a sensitive matter, said Trump’s words should not necessarily be taken literally.

“People on TV who know nothing about North Korea are claiming this is nuclear escalation,” this official said. “ ‘Fire and fury’ doesn’t always mean nuclear. It can mean any number of things. It is as if people see him [Trump] as an unhinged madman.”

Asked whether Trump came up with the phrase “fire and fury” on his own, this official replied, “Absolutely.”

Tillerson, who has spent the past several days in East Asia building support for new economic sanctions approved Sunday by the U.N. Security Council, has until now taken the lead role on North Korea policy.

The State Department, and White House officials in Washington, appeared taken aback by Trump’s remarks, which sent policy in a direction sharply different from the measured diplomacy Tillerson has been pursuing.

Just hours before the president spoke Tuesday, a senior administration official involved in the policy described it as twofold, with an offer for direct U.S. negotiations with Pyongyang undergirded by possible further escalation in sanctions.

While there has been no direct contact between Pyongyang and Washington since North Korea’s most recent missile tests, “if the North Koreans were ready to talk on terms that we would consider acceptable, it wouldn’t be hard for them to find us,” said the official, who spoke on the condition of anonymity to comment on closed-door policymaking.

The current crisis began to escalate last month, when North Korea launched two tests of intercontinental ballistic missiles capable of reaching U.S. shores. After the Security Council passed the U.S.-drafted sanctions resolution Sunday — in a unanimous vote that included China and Russia — Pyongyang responded with threatening statements. Although they were not substantially unlike previous tirades from Pyongyang, they apparently provoked Trump to retaliate in kind.

DeYoung reported from Washington. Carol Morello at Andersen Air Force Base in Guam contributed to this report.

**Trump’s Threat To North Korea Was Improvised**

By Peter Baker And Glenn Thrush

*New York Times*, August 9, 2017

BRIDGEWATER, N.J. — President Trump delivered his “fire and fury” threat to North Korea on Tuesday with arms folded, jaw set and eyes flitting on what appeared to be a single page of talking points set before him on the conference table at his New Jersey golf resort.

The piece of paper, as it turned out, was a fact sheet on the opioid crisis he had come to talk about, and his ominous warning to Pyongyang was entirely improvised, according to several people with direct knowledge of what unfolded. In discussions with advisers beforehand, he had not run the specific language by them, though he had talked over possible responses in a general way.

The inflammatory words quickly escalated the confrontation with North Korea to a new, alarming level and were followed shortly by a new threat from North Korea to obliterate an American air base on Guam. In the hours since, the president’s advisers have sought to calm the situation, with Secretary of State Rex W. Tillerson assuring Americans that they “should sleep at night” without worrying about an imminent war.
But the president’s ad-libbed threat reflected an evolving and still unsettled approach to one of the most dangerous hot spots in the world as Mr. Trump and his team debate diplomatic, economic and military options.

The president’s aides are divided on North Korea, as on other issues, with national security veterans like Defense Secretary Jim Mattis and Lt. Gen. H.R. McMaster, the national security adviser, on one side and Stephen K. Bannon, the president’s chief strategist, and his allies on the other.

While General McMaster and others consider North Korea a pre- eminent threat that requires a tough response, Mr. Bannon and others in the nationalist wing argue that it is really just a subset of the administration’s conflict with China and that Mr. Trump should not give more prominence to an unstable rogue operator like Kim Jong-un, North Korea’s leader.

Mr. Bannon’s allies in the alt-right media and activist groups have been waging a ferocious public attack against General McMaster, characterizing him as soft on issues like Iran, Israel and terrorism and promoting a hashtag #FireMcMaster. They are angry that General McMaster has pushed out several hard-liners associated with Mr. Bannon from the National Security Council staff. Mr. Trump came to General McMaster’s defense last week with a statement expressing confidence in him.

But in the North Korea debate, like a similar one over Afghanistan, Mr. Bannon has been arguing against what his side considers the excessively militant approach of the “war party” of General McMaster. While Mr. Bannon has his own channel to the president, he has been shut out of most formal discussions of North Korea by the national security team.

Neither camp advocated language like “fire and fury,” according to the people involved. Among those taken by surprise, they said, was John F. Kelly, the retired four-star Marine general who has just taken over as White House chief of staff and has been with the president at his golf club in Bedminster, N.J., for his working vacation.

The president had been told about a Washington Post story on North Korea’s progress in miniaturizing nuclear warheads so that they could fit on top of a ballistic missile, and was in a bellicose mood, according to a person who spoke with him before he made the statement. His team assumed that he would be asked about North Korea during a scheduled media appearance tied to his opioid meeting, but Mr. Trump had not mentioned his comment during a conference call beforehand that focused on North Korea.

“North Korea best not make any more threats to the United States,” Mr. Trump told reporters in remarks aired on television and broadcast around the globe. “They will be met with fire and fury like the world has never seen.”

But according to his advisers, Mr. Trump has used that phrase repeatedly in private discussions about North Korea. The president had been frustrated that the media had not given more attention to his success in winning a unanimous vote by the United Nations Security Council to impose more sanctions on North Korea.

“General Kelly and others on the N.S.C. team were well aware of the tone of the statement of the president prior to delivery. The words were his own,” Sarah Huckabee Sanders, the White House press secretary, said on Wednesday afternoon. “The tone and strength of the message were discussed beforehand. They were clear the president was going to respond to North Korea’s threats following the sanctions with a strong message in no uncertain terms.”

After making his public statement, Mr. Trump headed into an hourlong meeting on opioids, but his national security team huddled to figure out how to proceed. Mr. Tillerson became the obvious choice to calm the waters, which he did during a refueling stop in Guam, the same island threatened by North Korea.

“I think Americans should sleep well at night, have no concerns about this particular rhetoric of the last few days,” Mr. Tillerson told reporters. He added: “Nothing I have seen and nothing I know of would indicate that situation has dramatically changed in the last 24 hours.”

In effect, Mr. Trump and Mr. Tillerson became something of a good-cop-bad-cop combination — but that was more of an after-the-fact improvisation by the president’s team than an intentional strategy.

Still, other aides did not back off the sharp language.

“He’s saying don’t test America and don’t test Donald J. Trump,” Sebastian K. Gorka, a hard-line adviser, told Fox News on Wednesday. “We are not just the superpower. We were a superpower, we are now a hyper-power. Nobody in the world,
especially not North Korea comes close to challenging our military capabilities.”

**Trump Chose ‘Fire And Fury’ Warning For North Korea: White House**

By Dave Boyer

*Washington Times*, August 9, 2017

President Trump’s advisers were “well aware” that he planned to deliver a strong message about North Korea’s nuclear weapons program, but Mr. Trump chose the specific language warning that Pyongyang faced “fire and fury” from the U.S., the White House said Wednesday.

White House press secretary Sarah Huckabee Sanders said new presidential chief of staff John F. Kelly and others on Mr. Trump’s national-security team “were well aware of the tone of the statement of the president prior to delivery” on Tuesday.

“...the words were his own,” she said. “The tone and strength of the message were discussed beforehand. They [Gen. Kelly and others] were clear the president was going to respond to North Korea’s threats following the sanctions with a strong message in no uncertain terms.”

Mr. Trump said Tuesday that North Korea would face “fire and fury like the world has never seen” if it doesn’t scale back its nuclear weapons program. His warlike warning caused consternation among some, including House Democratic Leader Nancy Pelosi of California.

“His saber-rattling and provocative, impulsive rhetoric erode our credibility and weaken our ability to reach a peaceful resolution to this crisis, and must immediately end,” she said of Mr. Trump.

**Trump Goes With His Gut To Shake Up Strategy Toward North Korea**

By Bill Faries And Naifeesa Syeed

*Bloomberg News*, August 9, 2017

President Donald Trump is turning to one of the few non-military tools at his disposal to confront the escalating threats posed by North Korea: his instinct for verbal combat.

Frustrated with decades of unsuccessful U.S. efforts to rein in North Korea’s nuclear weapons program, Trump fired back at the isolated regime with a bluntness that surprised both markets and governments, seemingly to take his own Cabinet officers and aides by surprise. Even Secretary of State Rex Tillerson, in the middle of a tour of Southeast Asia to discuss North Korea with allies, wasn’t consulted in advance, his spokeswoman said.

The tone of Trump’s comments Tuesday—promising “fire and fury” if North Korea keeps threatening the U.S. — appeared to come right out of Kim Jong Un’s playbook for over-the-top taunts. White House aides said the unsuccessful policies of previous administrations are forcing the president to re-think U.S. strategy.

“Across the board we’ve inherited a failed approach to a lot of foreign policy, foreign wars and just our approach to engagement with the world has to be completely rethought,” Trump adviser Stephen Miller said Wednesday in a British radio interview. “That’s what this president campaigned on, and that’s what he’s doing.”

‘Very Clear’

North Korea, not surprisingly, pushed back. The country’s state-run media called Trump’s comments “a load of nonsense” and said “only absolute force can work on him.” The Thursday statement added that the North Korean military continues to “seriously examine” a plan to fire missiles targeted at the waters off Guam, where the U.S. has a military installation.

Yet the shift in tone from Trump won some international support, with Matthew Rycroft, the U.K.’s ambassador to the United Nations, saying it was just one component of a broader effort to pressure the North Korean regime.

“The U.S. has been very clear about its position,” Rycroft told reporters in New York on Wednesday. “We call on the Pyongyang regime to listen to that clarity, to act on that clarity and halt its nuclear program, halt its intercontinental ballistic missile program.”

Trump adviser Miller suggested one intended audience for Trump’s blunt rhetoric may have been China, which the president has repeatedly demanded should do more to rein in its neighbor and trading partner.

“One of the most important things that you’ve seen is the president being so clear so publicly about China’s responsibilities in this regard,” Miller said. “But the frankness of the president’s comments, the straightforwardness of his comments broadcast publicly about his expectations in that area, again, represent a new approach to how we’re handling the issue.”

**Mattis on Options**
Defense Secretary Jim Mattis, traveling to the U.S. west coast on Wednesday, echoed Trump's threats, saying "of course" military options are available to use against Kim's regime, which earlier threatened to make the U.S. "pay dearly" for its actions.

"The DPRK should cease any consideration of actions that would lead to the end of its regime and the destruction of its people," Mattis said in a statement, using an acronym for North Korea. "While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth."

Asked whether Trump's lack of consultation with key national security aides suggested division in the administration, State Department spokeswoman Heather Nauert said it didn't.

"The United States is on the same page," Nauert said. "Whether it's the White House, the State Department, the Department of Defense, we are speaking with one voice." Referring to new UN sanctions targeting North Korean exports, Nauert added, "the world is in fact speaking with one voice."

Yet Trump's choice of words — most previous presidents sought to ignore Kim's verbal threats — generated more criticism than praise from foreign policy experts in both parties. They said thatices saying they had moved the U.S. closer to a nuclear conflict, with no clear plan on how to diffuse the situation. And it surprised many for coming so soon after he lavished praise on the UN Security Council for approving fresh sanctions on the isolated regime over the weekend.

'Fiery Belligerence'

"The erratic and fiery belligerence of his statements and tweets do little to diffuse the situation and threaten to make a bad situation worse," Representative Adam Schiff, the top Democrat on the House Intelligence Committee, said on Wednesday. "He should let Secretaries Tillerson and Mattis, and UN Ambassador Haley do their jobs without taking actions that hamper their efforts."

Senator John McCain of Arizona, the Republican chairman of the Senate Armed Services Committee, said he wasn't sure Trump was ready to act on his words. McCain was one of the harshest critics of former President Barack Obama for failing to enforce his own "red line" against chemical weapons use by Syria's president in 2015.

"The escalation in the war of words between the two sides is concerning because it greatly increases the risk of miscalculation and potential conflict," when the administration should be finding ways to deescalate tensions, said Kingston Reif, director for disarmament and threat reduction policy for the Arms Control Association.

Some analysts said Trump compounded the issue by following up his criticism with a warning that in his first seven months he's already built a stronger and more powerful nuclear arsenal. That process, which was initiated by Obama, is expected to take as long as 30 years and cost $1 trillion. It's barely under way.

"The North Koreans are smart enough to realize that it could not have been achieved in the few months that he's been in office," said James Person, a North Korea analyst at the Wilson Center in Washington. "It's not going to get the North Koreans to think twice or cry uncle and return to the negotiating table. I don't think the North Koreans are taking it seriously."

— With assistance by Kambiz Foroohar, Jennifer Epstein, and Anthony Capaccio

Trump Aides Downplaying His North Korea Threat As 'Impromptu'

The president's advisers are warning against reading too much into his 'fire and fury' talk against North Korea.

By Josh Dawsey And Louis Nelson

Politico, August 9, 2017

President Donald Trump's promise that North Korea would face "fire and fury" if it keeps threatening the United States may be causing alarm around the world, but his aides are warning against reading too much into the combative talk.

One White House official described Trump's comments on Tuesday as "impromptu," said other senior officials weren't briefed on the language in advance, and described the president as simply being irritated by Pyongyang's nuclear tests and belligerent talk.

"I think he just wanted to show North Korea he was tired of it," this official said.

In private, Trump has asked extensive questions about North Korea but has not shown any move toward an immediate action, the aides and advisers said. He has closely followed news
coverage of North Korean leader Kim Jong Un and disliked his rhetoric after the sanctions, one person who spoke to Trump said.

Trump, the White House official said, was presented at his golf course on Tuesday with a new batch of information on North Korea a few hours before his controversial comments.

The episode encapsulates the Trump era so far: An impatient president prone to exaggeration and unfamiliar with the subtleties of diplomacy fires off bellicose comments; his Cabinet secretaries and advisers scramble to mitigate the damage; and ultimately, allies and adversaries are left struggling with what to believe.

On Wednesday, Trump faced criticism from around the world, especially in Asia, which has watched North Korea’s nuclear progress with trepidation. The latest reports indicate that Pyongyang has reached the stage where it can miniaturize a nuclear weapon to place on a ballistic missile that could reach the U.S. mainland.

New Zealand’s prime minister, Bill English, said Trump’s comments “are not helpful in an environment that is very tense,” according to media reports. The Chinese Foreign Ministry released a statement urging parties to avoid “escalating the situation with words or actions.”

North Korea responded to Trump’s warnings by saying it would, if attacked, strike U.S. military forces in Guam. Trump, via Twitter, shot back Wednesday morning that America’s nuclear arsenal “is now far stronger and more powerful than ever before.”

Secretary of State Rex Tillerson, who was traveling in Asia and, by scheduling coincidence, made a stop in Guam, went into clean-up mode — an increasingly familiar posture for him. The secretary downplayed the threat from Pyongyang and said Americans should “sleep well at night.” He also cast Trump’s comments as an attempt to break through to North Korea’s leadership, which itself frequently uses bombastic rhetoric.

“I have no concerns about this particular rhetoric of the last few days. I think the president again, as commander in chief, I think he felt it necessary to issue a very strong statement directly to North Korea,” Tillerson told reporters aboard his plane.

Defense Secretary James Mattis followed up on Wednesday with a statement that included harsher language but still stopped short of Trump’s rhetoric.

North Korea, also known as the Democratic People’s Republic of Korea, or DPRK, “must choose to stop isolating itself and stand down its pursuit of nuclear weapons. The DPRK should cease any consideration of actions that would lead to the end of its regime and the destruction of its people,” Mattis said.

State Department spokeswoman Heather Nauert downplayed questions about the varying tones in the statements from Trump and his Cabinet secretaries. “We are all singing from the same hymn book,” Nauert said during a briefing with reporters.

Inside the White House, Trump’s language on Tuesday was not taken “too seriously,” one White House adviser said.

Senior aides milled about the Eisenhower Executive Office Building on Tuesday afternoon, with one group singing “Happy Birthday” on the second floor. “There was no sense of panic,” a senior White House official said.

White House press secretary Sarah Huckabee Sanders on Wednesday pushed back against the idea that Trump surprised chief of staff John Kelly and other aides with his “fire and fury” statement.

“Gen. Kelly and others on the NSC team were well aware of the tone of the statement of the president prior to delivery. The words were his own. The tone and strength of the message were discussed beforehand,” Sanders told reporters. Kelly and other aides “were clear the president was going to respond to North Korea’s threats following the sanctions with a strong message in no uncertain terms.”

Beyond the Trump bubble, observers and analysts said the president needs to be careful about what he says, especially when dealing with an isolated regime in Pyongyang that is, in many ways, paranoid about the rest of the world.

The fear among experts isn’t that North Korea will launch an unprovoked nuclear strike on the United States, because the regime there knows that the United States would retaliate in a manner that would topple it. The fear is that some sort of miscalculation or misunderstanding could lead to an unintended clash.

“I sure hope @POTUS can distinguish between reality TV and reality. There are millions of lives at stake here,” tweeted David Axelrod,
who previously advised former President Barack Obama.

Tim O’Brien, a Trump biographer, said that Trump’s stark “fire and fury” phrase may not be typical foreign policy speak, but that it is true to his showmanship style.

“It seemed to me, for some time, he’d been thinking about flashy and incendiary ways to describe military confrontation,” he said. “I think he’s been thinking about that phrase for some time and was waiting for the opportunity to use it.”

Upon handing over the Oval Office to Trump, Obama warned him that North Korea’s nuclear program was a top threat. And while the roots of the North Korean challenge date back well before even Obama, Trump owns it for now. In a show of his level of interest, Trump was personally involved in a terse statement issued by Tillerson earlier this year about North Korea, according to a senior administration official. “North Korea launched yet another intermediate range ballistic missile. The United States has spoken enough about North Korea. We have no further comment,” the statement from April read.

Trump has repeatedly asked aides since then, “What the hell is wrong with this guy?,” in the words of one of the aides, referring to Kim. Two weekends ago, Trump showed fury at China over Twitter after a North Korean missile launch, startling his aides.

Despite his engagement with the North Korea issue, Trump is not necessarily winning over any critics. According to a new MorningConsult/Politico poll, taken before Trump’s “fire and fury” comments Tuesday, 62 percent of Americans think relations between the United States and North Korea have gotten worse under Trump — an unwelcome sign for a man who cares strongly about his poll standings.

Nabih Toosi and Steven Shepard contributed to this report.

**President Donald Trump’s Blunt North Korea Talk Raises Fears Of Nuclear War**

By Anita Kumar And Lesley Clark

McClatchy, August 9, 2017

They’ve been worried about President Donald Trump going off script for months. And now members of Congress are worried that his blunt and provocative warning to North Korea could lead to war.

Trump, using what a White House official described as his own words during impromptu remarks, threatened he would unleash “fire and fury” on the rogue nation if North Korean leader Kim Jong Un attacked the United States. He later followed it up with a tweet about America’s stronger and more powerful nuclear arsenal.

“His bombastic rhetoric really inflamed a very...dangerous situation,” Rep. John Garamendi, D-Calif. said in an interview. “Kim Jong Un is unpredictable and then we have a very unpredictable bellicose president. The two is a very dangerous mixture.”

Rep. Emanuel Cleaver, D-Mo., said in an interview that a constituent at a luncheon told him she was rattled by Trump’s talk. “She was scared by the language being used by the president of our country,” Cleaver said. “It is not helpful. We don’t need to be stirring up anxiety.”

It’s not just Democrats who are alarmed. Across the nation, lawmakers on a month-long recess were surprised by Trump’s reaction to news reports that Pyongyang had successfully produced a miniaturized nuclear warhead and was considering a plan to fire missiles at Guam. Even some fellow Republicans criticized the president’s language.

“It’s kind of the classic Trump in that he overstates things,” Sen. John McCain, R-Az. told Arizona radio station KTAR.

No one should think that a conflict with North Korea will be a quick little glorious war, or be tempted by false hopes that North Korea’s nuclear program can be destroyed with a single antiseptic surgical strike.

Sen. Ben Cardin, D-Md.

McCain said he would prefer that Trump take former President Theodore Roosevelt’s advice to speak softly, but carry a big stick. Such warnings, he said, are better delivered in private. Other presidents, such as Ronald Reagan, he said “would have picked up the phone and called the Chinese and said I’m dead serious.”

Trump’s remarks come as Americans increasingly see North Korea’s nuclear ambitions as a top threat. A survey by the Chicago Council on Global Affairs found North Korea’s nuclear program drew the largest spike of any potential threat facing the United States over the past year. Three-quarters of Americans — or 75 percent —
place North Korea’s nuclear program among the top threats, up 15 percentage points since 2016.

Many lawmakers called on Trump to pursue diplomacy, working with other nations including Russia and China, to enforce new United Nations sanctions against North Korea. But they could do little if he decided to use military force.

Lawmakers in both parties said after he launched missiles in Syria, Trump needed to go before Congress to seek war powers if he intended further U.S. military action in the country. But issuing such an authorization has been a challenge for years between the White House and Congress.

Congress is now considering new authorization for action against terror groups, although the Trump administration last week told members that it has sufficient legal authority to use military force against the Islamic State in Iraq and Syria based on a 2001 law that was approved shortly after the Sept. 11 attacks.

“We need fewer fiery words and bombastic tweets from the president and his cable TV surrogates, and more effort to work with our international partners to expand missile defense and deterrence and put forward a strategy to roll back North Korea’s nuclear and ballistic missile programs,” said Sen. Mark Warner, D-Va., vice chairman of the Senate Intelligence Committee.

But some Republicans defended Trump’s language.

“This isn’t about Donald Trump. It’s about North Korea,” Sen. Jim Risch, R-Idaho said in an interview. “Donald Trump is notorious for saying exactly what’s on his mind and he did and the people in Pyongyang need to listen to it very carefully.”

Risch said people need to understand that Trump is a “different chief executive.”

“When he says that he’s not going to allow North Korea to deliver a nuclear weapon ... he means it,” Risch said. “He’s pulled the trigger twice since he’s been in office.”

This is how North Korea talks so why not give it a shot to say, ‘you are going to bury the United States in fire and fury? Hey, we got some fire and fury for you, too, if you want to play that game.”

Rep. Adam Kinzinger, R-IL. on CNN

Secretary of State Rex Tillerson on Wednesday sought to allay fears of a military confrontation, saying the threat from North Korea had not changed.

“I think Americans should sleep well at night,” he told reporters aboard his aircraft as he traveled to Guam.

Lindsay Wise contributed reporting.

Trump’s ‘Fire And Fury’ Threat Raises Alarm In Asia

By Steven Lee Myers And Choe Sang-Hun

New York Times, August 9, 2017

BEIJING — President Trump’s threat to unleash “fire and fury” against North Korea sent a shudder through Asia on Wednesday, raising alarm among allies and adversaries and, to some observers, making the possibility of military conflict over the North’s nuclear program seem more real.

With North Korea responding that it would, if attacked, strike American military forces in Guam, analysts warned that the escalating statements increased the likelihood of war — perhaps one based on miscalculation, should one side’s fiery rhetoric be misread by the other.

Some played down Mr. Trump’s remark on Tuesday as simply a warning not to attack the United States, albeit one whose tone was more typical of North Korean propagandists than it was of past American presidents. Officials in South Korea and Japan said that while the situation was tense, it had not reached a crisis point.

Secretary of State Rex W. Tillerson played down any imminent threat from North Korea, saying on Wednesday, “I think Americans should sleep well at night, have no concerns about this particular rhetoric of the last few days.”

Still, some in the region said that the danger of war had not seemed as clear and present in decades. What was unthinkable just years ago no longer seems so, they said.

“We’re going to see a confrontation between the United States and North Korea that will be ferocious and strong and bloody,” said Cheng Xiaohui, an associate professor of international relations at Renmin University of China in Beijing. He called Mr. Trump’s language “explosive,” and said the threat and counterthreat had resulted in a new stage of confrontation.

Mr. Cheng said that he was also puzzled by the timing of Mr. Trump’s remark, just days after the United Nations Security Council imposed the toughest economic penalties yet on North Korea for its nuclear and missile programs. That unanimous vote, which overcame China’s
historical reluctance to harshly punish its ally, has been widely described as the Trump administration's greatest diplomatic accomplishment so far.

"Usually, the U.S. government is willing to give more time for a resolution, to see how the resolutions bite," Mr. Cheng said.

Across the region on Wednesday, analysts reacted with concern and even foreboding about the tone of Mr. Trump's comments, as well as about the unimpeded progress that North Korea appears to be making toward becoming a full-fledged nuclear power, able to strike the United States or other far-off adversaries.

While Mr. Trump's warning that North Korea, if it kept threatening the United States, would "be met with fire and fury like the world has never seen" clearly reflected growing American frustration over the North's advances, analysts said it was not clear that he had fully considered the implications of such strong language.

That, they said, raised questions about the administration's strategy, and about whether Mr. Trump recognized the price that some of America's staunchest allies, especially Japan and South Korea, could pay for carrying out his threat.

"Trump doesn't seem to understand what an alliance is, and doesn't seem to consider his ally when he says those things," said Lee Byong-chul, a senior fellow at the Institute for Peace and Cooperation in Seoul, the South Korean capital. "No American president has mentioned a military option so easily, so offhandedly as he has. He unnerves people in South Korea, few of whom want war in Korea."

Mr. Trump's warning followed a report that American intelligence agencies believe that North Korea has made a nuclear weapon that can fit on the tip of a ballistic missile. Such drastic advances have already led Japan and South Korea to consider deploying new, more powerful weapons to counter the threat, after decades of relying on American military might for strategic security.

Itsunori Onodera, Japan's new defense minister, said on Wednesday that Japan found it credible that North Korea had succeeded in miniaturizing a nuclear warhead, or that it would do so in the near future.

"At the very least, whether they have them now or will have them soon, it's reached a level where we have to monitor vigilantly," he said.

Officials in Asia and beyond have grown used to provocative musings by Mr. Trump, particularly on Twitter, and they tend to ignore them or to treat them as inaccurate reflections of American policy. But analysts saw his "fire and fury" remark as dangerous and unlikely to deter North Korea's leader, Kim Jong-un.

"We are used to painting North Korea as 'unpredictable,' but increasingly it is the U.S. that is introducing strategic unpredictability into a volatile dynamic," Euan Graham, an analyst at the Lowy Institute in Sydney, Australia, wrote in an email.

He added that Mr. Trump's warning would not have its desired effect because "the North Koreans have an ear for bluster."

Mr. Cheng of Renmin University said that North Korea's defiance in response to the Security Council's latest sanctions indicated that it had no intention of slowing its program. He said that nations across the region, including his own, needed to start preparing for the consequences of a conflict.

"We are in a very dangerous time, and China is going to need to take notice and prepare for the worst," he said.

China's Foreign Ministry, responding to an inquiry Wednesday about Mr. Trump's threat, restated its position that the North Korean nuclear issue should be resolved by political means and that "all relevant parties" should avoid "remarks and acts that may escalate the conflict."

The South Korean government sought on Wednesday to ease concern about the situation, saying that the North's recent posturing, including its threat to attack Guam, appeared to be aimed at tightening solidarity among its own population and causing its neighbors anxiety.

"The situation has become more serious on the Korean Peninsula," a senior official at the presidential Blue House told South Korean reporters, speaking in a briefing on the condition of anonymity. "But we don't think it has reached a crisis stage yet."

Also on Wednesday, Pyongyang released a Canadian pastor, the Rev. Lim Hyeon-Soo, who had been sentenced to a life of hard labor, perhaps in an effort to avoid the potential embarrassment of releasing a prisoner in ill health nearly two months after the death of another prisoner, Otto F. Warmbier, an American college student.
"North Korea appears to signal that it could be flexible amid this standoff with the international community," said Kim Yong-hyun, a professor of North Korean studies at Dongguk University in Seoul. He added that the freed pastor is Canadian, "so the North may find it easier to release him" than to be perceived as capitulating to a bellicose American president.

In Japan, a senior government official sought to frame Mr. Trump’s remark as an effort to warn Mr. Kim’s government that military action remained a possibility, even as the new sanctions begin going into effect.

"He’s saying that the United States is putting all options on the table," said the official, Chief Cabinet Secretary Yoshihide Suga. "Our government approves of that stance. It’s extremely important that the Japan-U. S. alliance further strengthens its ability to deter and respond."

Even so, Mr. Trump’s language resonated deeply in Japan, which commemorated on Wednesday the 72nd anniversary of an American atomic bomb being dropped on Nagasaki at the end of World War II, three days after using one on Hiroshima.

“The world has seen American fire and fury in Hiroshima and Nagasaki 72 years ago,” Kiichi Fujiwara, a professor of international politics at Tokyo University, wrote bitingly on Twitter. He added that for Mr. Trump to use such language was "reckless and unwise, even as an act of deterrence."

Tong Zhao, a nuclear policy expert at the Carnegie-Tsinghua Center for Global Policy in Beijing, said that China still believed that a deal to defuse tensions could be reached, with North Korea agreeing to suspend its nuclear and missile tests in exchange for a halt to joint American and South Korean military exercises. China has raised that possibility repeatedly.

"It’s already a fact on the ground that North Korea has a credible nuclear deterrence," he said. "The best we can do at the moment is to deter North Korea’s use of nuclear weapons and contain the growth of their nuclear and missile capabilities."

With ‘Fire And Fury,’ Trump Revives Fears About His Possession Of Nuclear Codes

By Marc Fisher And Jenna Johnson

Washington Post, August 9, 2017

As with most things Trump, the furor over the "fire and fury" has divided the nation in two — those who believe the president is a loose cannon, impulsively blurring whatever flits through his mind, and those who believe his inflammatory talk is a wily combination of politically savvy instincts and a gut-driven populism that simply aims to please.

When President Trump went off script Tuesday to deliver a startling threat to North Korea — "They will be met with fire and fury like the world has never seen" — it was as if the nation relived the most lurid themes of the 2016 campaign in one chilling moment.

Last fall, Hillary Clinton’s campaign used as one of its final weapons a TV ad featuring a longtime nuclear missile launch officer who warned against voting for Trump: "I prayed that call would never come. Self-control may be all that keeps these missiles from firing."

Then, quick-fire, a series of clips of Trump on the stump: "I would bomb the s--- out of them." "I want to be unpredictable." "I love war."

"The thought of Donald Trump with nuclear weapons scares me to death," Bruce Blair, the retired launch officer, says in the ad. "It should scare everyone."

It very nearly did: Voters made clear last fall that they trusted Clinton vastly more than Trump on the use of nuclear weapons — by 57 percent to 31 percent in a Fox News poll in October, for example.

But Trump voters often said that their reasons for supporting him outweighed their sense that he could be dangerously impulsive — and they repeatedly expressed confidence that the national security apparatus would keep him in check.

Now, facing a reality test of that theory, Americans are coming to conclusions both predictable and surprising.

Trump’s critics tend to view his "fire and fury" threat as evidence of a president gone over the edge.

"Trump is fulfilling expectations of someone who lashes out dangerously at real and perceived challengers," said Blair, who is now a research scholar at Princeton University. "He is raising the risk of a conflict that escalates to nuclear war. He has proven time and again to be . . . unable to apply a deft hand at diplomacy."
But the president’s defenders see him working from the gut, with admirable instincts to protect the nation and take pride in American power.

Fred Doucette, a longtime Trump supporter who is assistant majority leader in New Hampshire’s House of Representatives, watched Trump’s appearance Tuesday. He was disappointed Trump didn’t declare a national emergency on opioid abuse but was pleased to hear the president deliver a strong message to North Korea.

“The president spoke in a language that Kim Jong Un understands — and, personally, I think they should follow up on that and show them that we mean business,” said Doucette, 52, a Navy veteran and retired firefighter and paramedic. “I assume the president spoke with his generals and his Cabinet first.”

Secretary of State Rex Tillerson said the president’s remarks were no harbinger of imminent nuclear war but rather tough talk designed to send Kim a clear message. “Americans should sleep well at night,” Tillerson said.

Doucette said he does exactly that. “When the phone rings at 3 a.m., I want Donald Trump to be the president that answers that phone call,” he said. “I sleep well at night with President Trump, very well.”

Last fall, 10 former Air Force nuclear launch officers issued an open letter warning that Trump “should not be entrusted with the nuclear launch codes . . . He has shown himself time and again to be easily baited and quick to lash out, dismissive of expert consultation and ill-informed of even basic military and international affairs.”

But on Wednesday, those officers were no longer united in their view of Trump.

“The reaction to this is not wholly rational,” said one of the signatories, who spoke on the condition of anonymity because his employer had not authorized him to speak publicly. “A lot of people are caught up on Trump the character — and he is erratic — without thinking about whether there’s historical precedent for this kind of language. I’m actually a little relieved that Trump is crawling inside the North Koreans’ helmets. I would not have chosen those words, but he did put the fear of God into them.”

But another of the former “missileers” said Trump’s fiery rhetoric was evidence of exactly what he had warned about last fall. “He speaks impulsively, and he acts impulsively, and I don’t know what restraints there are on President Trump,” said Mark Lusky, a retired lawyer who served on a missile combat crew from 1972 to 1976. “He doesn’t know how to back down on anything.”

At the core of the anxiety over Trump’s remarks is the worry that the president made his threat without consideration of what might follow. The sheet of paper he held in his hand was about opioid abuse, not the conflict with North Korea. Yet the White House was quick to issue assurances that, as press secretary Sarah Huckabee Sanders said, although Trump’s “words were his own . . . the tone and strength of the message were discussed beforehand” by Chief of Staff John F. Kelly and members of the National Security Council.

Presidents don’t usually improvise comments on global crises. “What would be ‘normal’ in the Bush or Obama or Clinton administrations would be for the combination of strategic communications people and policy people — including the national security adviser — to develop, in consultation with the State Department and the Defense Department, a messaging strategy with top lines that they felt the president needed to emphasize,” said a senior diplomat who served in all three administrations.

To many Trump critics, the president’s remarks were of a piece with what seems like a casual attitude toward wielding the unfathomable power of the United States’ arsenal. On the campaign trail, he said that any Iranian vessels that “make gestures at our people . . . will be shot out of the water.” Trump, who attended a military academy as a teenager and repeatedly avoided the draft for the Vietnam War, had hoped to add tanks and heavy military equipment to his inaugural parade in January but was overruled.

Trump was dining with Chinese President Xi Jinping at Mar-a-Lago in early April when he authorized an airstrike on a Syrian airstrip. As he later described the moment, “We’re now having dessert. And we had the most beautiful piece of chocolate cake that you’ve ever seen, and President Xi was enjoying it. And I was given the message from the generals that the ships are locked and loaded, what do you do? And we made a determination to do it, so the missiles were on the way.”
The Clinton campaign ran ads focused on Trump as commander in chief throughout October, including one spot that showed Trump asking, “Why can’t we use nuclear weapons?”

“One of the great concerns voters had, particularly independent voters, was the threat of somebody that impulsive, that erratic, that unprepared, having control over the nuclear codes,” said Jim Margolis, the campaign’s media adviser.

Some of those voters acknowledged Trump’s erraticism yet voted for him anyway.

“There may have been a presumption that if elected, Trump would settle down, become more presidential, less crazy in his taunts, and that the cocoon of security advisers around him would keep him in check,” Margolis said. “Clearly, that presumption was wrong.”

Another anti-Trump spot, made by a super PAC run by former senator Bill Bradley (D-N.J.), targeted Ohio voters and evoked the famous 1964 “Daisy” ad for President Lyndon B. Johnson that capitalized on fears that his Republican challenger, Barry Goldwater, was too reckless to be trusted with nuclear weapons.

Bradley’s ad showed the mushroom cloud of an atomic bomb detonating, and it showed TV host Chris Matthews telling Trump that “nobody wants to hear” a presidential candidate talk about using nuclear weapons.

“Then why are we making them?” Trump replies.

Karen DeYoung contributed to this report.

**Trumpian Fury On North Korea**

**China needs to know that the threat of military action is real.**

*Wall Street Journal*, August 9, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

**Donald Trump And Kim Jong Un, Stop Breathing Fire**

*USA Today*, August 9, 2017

Americans could be forgiven for losing sleep this week over developments on the Korean Peninsula.

First came word of North Korea’s breakthrough in developing a nuclear weapon small enough to fit on top of a long-range missile that could potentially reach the U.S. mainland, a scenario displayed in endless cable news simulations.

Within hours, President Trump — arms folded in a staff meeting at his New Jersey country club — apparently ad-libbed a warning that North Korean threats would “be met with fire and fury like the world has never seen.”

Then the North Korean army said plans were in place for a nuclear “enveloping fire” around the U.S. territory of Guam, with its 160,000 people.

Whoa. Time for a deep breath.

Fiery rhetoric aside, it bears remembering that the United States and North Korea do not seek dominion over the other. America has no desire to invade that faraway land, and the Kim family dynasty has demonstrated during seven decades of rule that its overriding goal is survival, not world conquest.

The current leader, Kim Jong Un, is many things: murderous, ruthless, a despot clinging to power under the state-sponsored fiction that his country is under siege. There’s no indication, however, that he is suicidal. He lives the life of a god in Pyongyang and is undoubtedly aware it would all vaporize in a nuclear exchange with America.

Kim watched Iraq’s Saddam Hussein and Libya’s Moammar Gadhafi give up on nuclear arms only to lose their lives. To avoid their fate, Kim works toward a weapon that could threaten America, and Trump doesn’t want that to happen on his watch.

To deal with the threat, non-combat alternatives include:

Diplomacy. Secretary of State Rex Tillerson has offered the possibility of negotiations to ensure security for the North Korean regime in exchange for curbing its nuclear ambitions. As Tillerson made plain to Pyongyang last week, “We are not your enemy, we are not your threat.”

Deterrence. Even during the height of the Cold War, when Russia was threatening America with thousands of nuclear weapons, the doctrine of mutually assured destruction prevented a conflagration. Defense Secretary James Mattis invoked this concept Wednesday when he warned that North Korea’s actions could “lead to the end of its regime and the destruction of its people.”

Cyber sabotage. The United States could have surreptitious tools to disrupt and delay North Korea’s missile testing. These would include covert cyber and electronic interference programs.
Missile defense. Intermediate-missile defense systems have shown considerable success, and testing continues for batteries that can shoot down intercontinental ballistic missiles targeting the USA.

Sanctions. A recently signed bill punishes any foreign financial institution doing business with North Korean banks and gives Trump power to individually sanction any North Korean official. Last week, in a noteworthy achievement at the United Nations, the Trump administration won unanimous Security Council consent for even tougher sanctions that could cut North Korea’s annual export revenue by a third of $1 billion. China, which handles 85% of North Korea’s trade, would need to adhere, and that bears oversight. But Trump has an armory of secondary sanctions for Chinese businesses that violate the U.N. resolution.

All of these are ways to lessen the threat from North Korea without touching off a nuclear conflagration. In the meantime, “fire and fury” remarks are not helpful. That kind of brinkmanship can lead to lethal miscalculations.

The United States blundered into war in Iraq in 2003 after wrongly concluding that Saddam harbored weapons of mass destruction. The result was tens of thousands dead and the ascendancy of Iran in that region.

Even that outcome would pale in comparison with a nuclear war on the Korean Peninsula, where the result would be a humanitarian disaster of unimaginable proportions.

It shouldn’t have to end that way. America fares best when it acts with steely resolve, not out of fear.

**Trump Boasts U.S. Nuclear Arsenal Is ‘More Powerful Than Ever’**

President’s twitter comments follow North Korea’s threat that it was considering firing missiles at Guam

By Paul Sonne And Louise Radnofsky
Wall Street Journal, August 9, 2017
Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

**Fears Of Missiles, And Words**

New York Times, August 9, 2017

On some emotional level, one might be able to see why Donald Trump threatened to unleash “fire and fury” against North Korea if it endangered the United States. The North’s nuclear program is a growing menace, its warmongering tirades are unquestionably unnerving, and peaceful solutions to the threat it poses have been maddeningly elusive over many years and many American administrations.

But Mr. Trump is president of the United States, and if prudent, disciplined leadership was ever required, it is now. Rhetorically stomping his feet, as he did on Tuesday, is not just irresponsible; it is dangerous. He is no longer a businessman trying to browbeat someone into a deal. He commands the most powerful nuclear and conventional arsenal in the world, and any miscalculation could be catastrophic.

Even if Mr. Trump’s provocative remarks were part of a deliberate strategy for ratcheting up pressure on North Korea — and on China, which as the North’s main food and fuel supplier has more influence on it than any other nation — they would be at odds with the measured approach of his predecessors. This is a president with no prior government or military experience who has shown no clear grasp of complex strategic issues.

As The Times reported Wednesday, his inflammatory words were entirely improvised and took his closest associates by surprise. Intentionally or not, they echoed President Harry Truman’s 1945 pledge to inflict a “rain of ruin from the air” if Japan did not surrender after the first atomic bomb was dropped at Hiroshima, which made them seem even more ominous.

Mr. Trump and his aides must have anticipated that he would be asked by reporters about North Korea after the United Nations Security Council tightened sanctions on Saturday after the North’s latest missile tests. Why, then, didn’t his team of generals — John Kelly, the new chief of staff; Lt. Gen. H. R. McMaster, the national security adviser; and Jim Mattis, the defense secretary, who know well the perils of war — caution him about the role of nuclear weapons in national security strategy, about better ways to signal toughness and about the dangers of idle threats?

It is hard to believe that they would condone Mr. Trump’s risky approach, and on Wednesday, the damage control began. While Mr. Mattis reinforced his boss’s belligerent tone and expressed confidence that North Korea would “lose any arms race or conflict it initiates,” he more prudently focused on the North’s concrete
"actions" rather than on vague threats and voiced support for a diplomatic solution. Secretary of State Rex Tillerson said he saw no reason to believe that war was imminent. Meanwhile, some White House aides reportedly urged reporters not to read too much into the president’s remarks.

It may be too late for that. Mr. Trump’s words speak the loudest; the North Koreans have heard them and, in response, warned that they were examining plans to attack Guam, an American territory with a military base. Mr. Trump’s comments also heightened fears in the region and provided more fodder for hawks in South Korea and Japan who are pressuring their governments to beef up defenses or even develop their own nuclear weapons.

Since Truman, presidents have largely avoided the kind of militaristic threats issued by Mr. Trump because they feared such language could escalate a crisis. The Hiroshima and Nagasaki bombings chastened the world about the consequences of nuclear war to such an extent that firing another nuclear weapon has become, for most people, unthinkable. The Trump administration is now reviewing American nuclear policy and it’s anyone’s guess whether it will change.

Mr. Trump has again made himself the focus of attention, when it should be Kim Jong-un, the ruthless North Korean leader, and his accelerating nuclear program that, The Washington Post reported, may have succeeded in miniaturizing a warhead to fit on a missile and may have accumulated as many as 60 nuclear weapons. Mr. Trump’s threats have also diverted attention from a genuine accomplishment, the new Security Council sanctions.

Tougher sanctions, coupled with Mr. Tillerson’s continued efforts at a diplomatic solution, are the best path to a peaceful end to this conflict. That is what Mr. Trump should also be focused on. Engaging in a war of words with North Korea only makes it harder for both sides to de-escalate.

Once Again, Trump Has Done All He Can To Divide Us
By E.J. Dionne Jr.
Washington Post, August 9, 2017

If ever there were a foreign policy issue around which our nation should be united, it’s the nuclear threat from North Korea.

Many regimes deserve to be called “criminal,” but few more so than Kim Jong Un’s. Human Rights Watch calls North Korea “one of the most repressive authoritarian states in the world.” It seeks “fearful obedience by using public executions, arbitrary detention, and forced labor.”

The group points to a United Nations report documenting “systematic, widespread, and gross human rights violations” that include “murder, enslavement, torture, imprisonment, rape, forced abortion, and other sexual violence.”

North Korea’s actions constitute “crimes against humanity.” They entail “effectively enslaving hundreds of thousands of citizens, including children, in prison camps and other detention facilities” and involve “beatings and torture by guards, and forced labor in dangerous and sometimes deadly conditions.”

There is a savage madness to this government, and the prospect of its utterly unstable leader getting his hands on usable nuclear weapons is terrifying.

There is also a kind of tragic consensus among students of international relations that the United States lacks any obvious good options. Of course the United States has the military power to take on a small and economically miserable country, but the costs of such action could be enormous. They would likely fall first on South Korea, a loyal and prosperous U.S. ally. Seoul, its bustling capital, is home to some 10 million people and lies just 35 miles from the demilitarized zone that separates the two Koreas.

Confronting these horrifying realities, the vast majority of Americans, I suspect, would prefer to suspend our acrid politics in dealing with this issue and support President Trump if he pursued a tough — but serious and carefully orchestrated — policy. Trump may be given to hyperbolic (and often fact-free) attacks on those he perceives as enemies, but it’s hard to be hyperbolic where Kim is concerned. He’s about as scary and cruel as they come.

And this is where Trump’s temperamental unfitness for the office he occupies is disturbing for reasons that go far beyond party or ideology. There was nothing useful about his telling reporters at his golf club in Bedminster, N.J., on Tuesday: “North Korea best not make any more threats to the United States. They will be met with fire and fury . . . like the world has never seen.”
Sen. John McCain (R-Ariz.) is nobody’s idea of a dove, but he knew bombast when he saw it. “I take exception to the president’s comments because you got to be sure that you can do what you say you’re going to do,” McCain told a Phoenix radio station. “The great leaders I’ve seen, they don’t threaten unless they are ready to act and I’m not sure President Trump is ready to act.”

The implication of Trump’s statement was that he’d abandon decades of presidential restraint and be willing to use nuclear weapons. He ratcheted his threat upward on Wednesday (and confused matters at the same time) with a pair of conjoined tweets that read:

“My first order as President was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before . . .

“... Hopefully we will never have to use this power, but there will never be a time that we are not the most powerful nation in the world!”

Here, alas, is Trump in a nutshell: It’s all about him (as if he has radically changed our nuclear posture in just over six months in office) and base-pleasing swagger (we’ll always be No. 1). But nobody doubts our country’s military power. It’s wisdom the world is looking for.

In the meantime, our nation’s diplomats scramble to control the damage. Thus did Secretary of State Rex Tillerson explain to reporters on Wednesday: “What the president is doing is sending a strong message to North Korea in language that Kim Jong Un would understand, because he doesn’t seem to understand diplomatic language.”

But do we really want a U.S. president stooping to Kim’s rhetorical level?

Perhaps, following Richard Nixon’s “madman theory” of foreign relations, Trump hopes to use the menace of irrational action to scare Kim into backing down and to scare China into pushing him to do so. But it’s a high-risk game.

And at a moment when Americans would prefer to stand together and support Trump in the face of this grave peril, the president has, once again, done all he could to divide us — and to remind his critics why they find his approach so appalling.

By Scott Wong
The Hill, August 9, 2017
President Trump’s warning that North Korea could “face fire and fury like the world has never seen” has reignited a debate about whether the commander in chief needs congressional approval before launching a preemptive military strike.

So far, congressional leaders from both parties have been silent on the issue. They’re reluctant to tie Trump’s hands as Pyongyang threatens to bomb a specific target: the U.S. territory of Guam. They also recognize how unpopular and divisive a vote on a war resolution would be for lawmakers facing reelection next year.

But many rank-and-file Democrats, and a handful of Republicans, say Trump needs to come to Congress first and formally request an authorization for use of military force or AUMF, especially as he appears to threaten a nuclear attack.

“We know that the president is suggesting potential use of military force. ... This is a conversation that needs to take place,” Rep. Dan Kildee (D-Mich.) said Wednesday on CNN.

“The authority of Congress should be asserted, particularly in the case of this president where he seems to be somewhat erratic when it comes to what he suggests is American foreign policy.”

Sen. Dan Sullivan (R-Alaska), who serves on the Armed Services Committee and comes from a state that could be a top North Korean target, said “preemptive war” on the Korean peninsula “would require the authorization of Congress.”

“Article I of the U.S. Constitution is very clear about that,” Sullivan, an Afghanistan war veteran, said during an appearance Tuesday on Fox News.

Rep. Daniel Webster (R-Fla.) said he has not fully evaluated whether it would be legal or constitutional for Trump to strike first against North Korea.

“But I think it would be to the president’s advantage” to consult with Congress, Webster told The Hill. “It lets North Korea know we mean business.”

Of course, if nuclear-armed North Korea were to strike Guam, Alaska, Hawaii or any other U.S. targets, Trump would have the full power to respond on his own, lawmakers added.

Trump Sparks Debate Over War Resolution For North Korea
Still, some congressional Republicans argued that Trump would be free to act first without any congressional approval, so long as the military action against North Korea is not a long, drawn-out conflict like the Iraq and Afghanistan wars. The War Powers Act of 1973 gives the president the power to wage war for 60 days before an authorization from Congress is needed.

"No," replied one House Republican when asked if a new AUMF was required.

"In the short run, the president has the executive authority to take action," Rep. Dave Brat (R-Va.), a close Trump ally, told The Hill. "But in the medium- and long-term, the Congress absolutely needs to engage in world affairs and not abdicate from its duty like we have for the past decades."

"For decades, we have kicked the can on our foreign policy leadership and that neglect is precisely what has precipitated these current events," he added.

In the wake of the Sept. 11, 2001, attacks, Congress granted President George W. Bush authorization to wage a global war on terror; a year later, Congress passed another resolution authorizing military action in Iraq.

But Congress has largely shirked its war responsibilities in the years since. In 2013, congressional Republicans ignored a request by then-President Obama to authorize a military strike in Syria after President Bashar al-Assad attacked his people with chemical weapons.

Earlier this year, Trump launched strikes against Syria, arguing that he had the ability to do so under the 2001 military authorization. Congressional had little say in the matter.

In late June, the powerful Appropriations Committee unexpectedly passed an amendment by liberal Rep. Barbara Lee (D-Calif.) to repeal the 2001 authorization and require Congress to debate and vote on further military action. But GOP leaders stripped that provision from the final bill, preserving the status quo.

Both Rep. Ted Lieu (D-Calif.) and Sen. Ed Markey (D-Mass.) introduced companion bills this year that would bar Trump from launching a preemptive nuclear attack before Congress approves a declaration of war. But those bills have gone nowhere in the GOP-controlled House and Senate.

After a report Tuesday that North Korea had constructed a miniaturized nuclear warhead that could fit inside its missiles, Trump warned that any further threats from the Asian nation would be met with "fire, fury and frankly power, the likes of which this world has never seen before."

Hours later, North Korea’s state-run news agency responded with a blustery statement of its own: Pyongyang could launch strategic ballistic missiles against Guam, specifically a U.S. Air Force base where thousands of troops are stationed.

The back-and-forth continued on Wednesday, with Defense Secretary James Mattis calling on North Korea to halt any actions "that would lead to the end of its regime and the destruction of its people."

Trump adviser Sebastian Gorka said the U.S. is not just a superpower but a "hyper-power."

Lawmakers on both sides of the aisle are calling for a time out, urging the Trump administration to dial back its fiery rhetoric. While acknowledging that U.S. diplomatic options are limited, Kildee and others said Trump needs to do more to pressure China to stop trade with North Korea.

Both Speaker Paul Ryan (R-Wis.) and Senate Majority Leader Mitch McConnell (R-Ky.) have not commented on the North Korea situation. In a statement, House Minority Leader Nancy Pelosi (D-Calif.) steered clear of the AUMF issue but ripped Trump’s threats as "recklessly belligerent."

"His saber-rattling and provocative, impulsive rhetoric erode our credibility and weaken our ability to reach a peaceful resolution to this crisis, and must immediately end," she said.

During an appearance on CNN, Rep. Adam Kinzinger (R-Ill.), an Iraq and Afghanistan war veteran, dismissed Trump’s threats as "silly words" that he wouldn’t have used. But he also said the "hysteria" about those threats was overblown.

A more thoughtful address from Trump on his North Korean strategy would be helpful, Kinzinger said.

"I do think President Trump could do everybody a favor by giving that address laying out where they are right now, our plans for the future, making people feel safe but also understanding we have to pay attention to this," the congressman said.
Humphrey Says Trump ‘Seriously Sick,’ ‘Dangerous,’ Should Be Removed From Office

WMUR-TV Manchester (NH), August 9, 2017

Last year, the conservative Republican and Chichester resident called candidate Trump a “sociopath” with a “severe personality disorder.” Humphrey, a staunch “Never Trumper” who supported Ohio Gov. John Kasich in the 2016 GOP presidential nomination contest, unsuccessfully fought at the Republican National Convention as part of a “delegates unbound” movement to allow delegates to vote their consciences in an attempt to block the Trump nomination.

And when he tried unsuccessfully to raise a parliamentary point at the convention, he charged that he was “immediately drowned out by people I would refer to as brownshirts” – that is, Trump supporters.

Now, Humphrey is citing the president’s Tuesday promise to unleash “fire and fury” on North Korea if that nation continues its nuclear aggression. Humphrey says Trump is “sick of mind” and “dangerous” — and should be removed from office.

“President Trump’s threat to rain down ‘fire and fury’ on North Korea is like pouring gasoline on a fire,” Humphrey wrote Wednesday in a letter to U.S. Rep. Annie Kuster, which he shared first with WMUR.

“It’s crazy.”


Humphrey urged the members of the congressional delegation, all Democrats, to support H.R. 1987, which would establish an Oversight Commission on Presidential Capacity to determine whether the president is “mentally or physically unable to discharge the powers and duties of the office” of president and should be removed under 25th Amendment to the U.S. Constitution.

Section 4 of the 25th Amendment states: “Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.”

H.R. 1987 is sponsored by U.S. Rep. Jamie Raskin, D-Missouri, and has 27 House cosponsors. All cosponsors are Democrats – Kuster and Shea-Porter are not among them.

Shea-Porter spokeswoman Marjorie Connolly said the congresswoman’s office received the letter.

“The congresswoman agrees with Senator Humphrey that the Trump presidency has veered far off the rails,” Connolly said. “However, she believes creating a commission to pass judgment on the president’s mental health sets a potentially anti-democratic precedent. Having said that, she thinks Congress needs to put patriotism over politics as the investigations continue.”

Kuster spokesman Nick Brown said, “Congresswoman Kuster has concerns about the potential precedent set by H.R. 1987. She is alarmed by the policies and actions of Mr. Trump, and her top priority remains the safety of the American people.”

Shaheen and Hassan had no comment on the letter.

The four members of the congressional delegation on Tuesday were critical of Trump’s “fire and fury” comments calling them “dangerous,” “bellicose” and “chilling.”

A top Trump supporter, state Rep. Al Baldasaro, defended the president and questioned Humphrey’s mental stability.

“Gordon Humphrey should be in a nursing home,” Baldasaro told WMUR. “I think he has dementia. He’s losing it. He hates Trump, so this is nothing new.”

Humphrey, since his days as a senator from 1979-1990, has been known as blunt and outspoken, and he has not changed.

“Donald Trump is impaired by a seriously sick psyche,” Humphrey wrote to Kuster. “His sick mind and reckless conduct could consume the lives of millions. The threat of nuclear war is steeply on the rise.”

“You must not take comfort in the system of checks and balances,” he continued. “The president alone has the authority to launch nuclear weapons, the only restraint being the advice of senior advisers who might be present at the time of crisis, and Donald Trump has shown repeated contempt for informed and wise counsel.”
He is sick of mind, impetuous, arrogant, belligerent and dangerous.

"Donald Trump should be relieved of the powers of the presidency at the earliest date."

"Serious crises are bearing down on us," Humphrey wrote. "We cannot leave our national security and our families' safety in the hands of a president whose poor judgment, belligerence, vindictiveness and reckless impetuosity constitute an indictment of his mental health.

"Donald Trump is seriously sick. He is dangerous. As a citizen, a former U.S. Senator and 12-year member of the (Senate) Armed Services Committee, I urge you to act once. This is an emergency."

In an interview, Humphrey told WMUR, "The greatest concern I have always had about his instability was in connection with his role as commander-in-chief. There are constitutional checks and balances, but the president alone has the power to launch nuclear weapons. The only control is the advice of senior counsel and advisers and Trump is not someone who listens to advice."

"The United States in this situation should act with strength but it should be done in such a way as not to evoke irrationality," Humphrey said.

Baldasaro, a Marine veteran who co-chaired Trump's national campaign veterans coalition, countered, "The president put the fear of God into North Korea and tells it like it is. Gordon Humphrey needs to crawl back into his hole."

Baldasaro said Humphrey "got his feelings hurt because his candidate didn’t win. He needs to get his head out of his butt and focus on the fact that this guy (North Korean leader Kim Jong-un) wants to kill Americans."

"I’m glad we have a president to put them in their place, and I bet North Korea will back down because this is a sign of strength," Baldasaro said.

Former N.H. Senator Wants Commission To Determine Trump’s Mental Health

By James Pindell

Boston Globe, August 9, 2017

A former Republican US senator from New Hampshire is urging his state's Congressional delegation to pass legislation that would set up a commission to determine President Trump’s mental health. If Trump were found by this commission to be unwell he could be removed from office.

Gordon Humphrey sent letters to both of New Hampshire's US representatives and US senators, all Democrats, asking them to support HR 1987, the Oversight Commission on Presidential Capacity Act, which follows the language of the 25th Amendment and would allow for Trump to be removed from office if the commission the law creates finds him incompetent.

Humphrey described the brinkmanship of nuclear war with North Korea as the reason why the commission needs to be established.

"President Trump’s threat to rain down “fire and fury” on North Korea is like pouring gasoline on a fire. It’s crazy,” Humphrey said in a statement. "Donald Trump is impaired by a seriously sick psyche. His sick mind and reckless conduct could consume the lives of millions. The threat of nuclear war is steeply on the rise."

Humphrey represented New Hampshire in the US Senate from 1978 to 1990, during which time he was viewed as one of the body’s most conservative members. He has been one of the biggest Republican Trump critics in the country. He was a John Kasich delegate to the Republican National Convention last year, but eventually endorsed Hillary Clinton in the general election.

Given that Republicans control both the US House and US Senate it is unlikely that the bill Humphrey wants passed will go anywhere.

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In Trump’s North Korea Warnings, His Military School Classmates Hear Echoes Of The 1962 Cuban Missile Crisis

By Michael E. Miller

Washington Post, August 9, 2017

In the fall of 1962, cadets at New York Military Academy were consumed by a terrifying prospect: nuclear apocalypse.

Soviet ships had delivered nuclear weapons to Fidel Castro’s government, which was busy installing them on the island just 90 miles from the United States.

In their barracks at the military academy an hour north of New York City, cadets huddled around radios each night to learn if Armageddon was at hand. On Oct. 22, they listened intently as
President John F. Kennedy delivered a stern address on the rapidly spiraling crisis.

"It shall be the policy of this nation to regard any nuclear missile launched from Cuba against any nation in the Western Hemisphere as an attack by the Soviet Union on the United States, requiring a full retaliatory response upon the Soviet Union," Kennedy warned.

Among the cadets at the academy in that fraught, fear-filled autumn was a 16-year-old junior named Donald J. Trump.

Fifty-five years later, President Trump now finds himself facing a nuclear crisis of his own.

"North Korea best not make any more threats to the United States," Trump told reporters on Tuesday. "They will be met with fire and fury like the world has never seen."

Trump's comments echoed President Truman's warning to Japan two days after the bombing of Hiroshima that if the country didn't surrender, it faced "a rain of ruin from the air, the like of which has never been seen on this Earth."

But as a threat by an American president to another nuclear-armed state, Trump's warning is without precedent, experts say.

It has set off intense speculation over Trump's willingness to use America's nuclear arsenal, as well as questions about his temperament as president.

To Trump's former classmates, however, his blunt words reflect the influence not only of the military academy they attended but also the Cuban missile crisis they endured together.

"Here we were, we're basically teenagers, and we are believing that New York is very possibly about to get a hydrogen bomb dropped on it," recalled Peter Ticktin, a Florida attorney who was in Trump's 1964 graduating class. "We were basically thinking that this is the end."

New York Military Academy was founded in 1889 by Civil War veteran Charles Jefferson Wright. It boasts of its record whipping rebellious youths into shape. "Courageous and gallant men have passed through these portals," reads an inscription over the front door.

On top of such courses as math and English, students tackle military history and learn how to fire rifles and mortars.

Few instructors spoke about the situation with Cuba, even as November approached and the missile crisis deepened, cadets recalled.

But it was all the students could talk about, remembered Ticktin and two other former cadets reached by phone Wednesday.

"We were just listening to every piece on the radio," said George White, who at the time spelled his last name Witek. As they gathered in their rooms at night, some of the students nervously smoked contraband cigarettes. At one point, White accidentally sat on a smoldering cigarette, ruining his school uniform.

"It was intense," he said.

Adding to the fear was the expectation that cadets, particularly older students such as Trump, could be called upon in the case of nuclear war.

"We weren't just kids," said Ticktin. "We were kids who had M-1 [rifles]. We were kids in uniform."

"We knew they would use us to keep order," he added. "If we weren't all dead."

"Basically the thought was we were going to war," said Jack Serafin, a Florida businessman who was a freshman at the time of the Cuban missile crisis.

Tensions inside the barracks — and across America — built over the week after Kennedy's address until, on Oct. 28, Soviet Union leader Nikita Khrushchev announced on Soviet radio that the country would remove the nuclear weapons from Cuba.

"When the announcement was made that the Russian ships were turning back ... it was a sigh of relief," Ticktin recalled.

Ticktin, who is a Trump supporter and donor, said he saw parallels between Kennedy's handling of the Cuban missile crisis and Trump's response on Tuesday.

"We had a president who was deadly serious and threatening the most horrible possibilities, and that worked," he said. "In order for Kennedy to be effective, and for Khrushchev to believe that he meant what he said, he had to get the population of the United States to believe it as well. So we did."

"I'm not saying that Donald Trump now would do that for the purpose of scaring the other side to get a deal, but he's got to make sure that he's understood," he added. "He's in the same position as Kennedy."

Ticktin said he felt that Trump's warning was "appropriate."

"He's not doing it because he's angry or upset," he said. "This thing going on in Korea isn't
quite as imminent as what happened [in 1962] — people in New York aren't thinking, 'Oh my god, a bomb could fall on us at any moment' — but it could get to that."

White, however, felt like Trump had drawn the wrong lessons from their time at the military academy.

"The military school environment did teach the fear factor, the aggression factor, the don't-back-down factor. Absolutely," said White, who, unlike Trump, joined the Army after graduating and was stationed for a year in Korea.

He called Trump’s warning to North Korea “a pile of bull—t."

"At the military academy, [General Douglas] MacArthur was our model," White said. "Trump doesn’t even have MacArthur right. MacArthur wasn’t a warmonger. If it came to that, he would give them holy hell. But if there is no threat of war, don't threaten war."

**JFK Rose To The Nuclear Challenge. Can Trump?**

By Michael Dobbs

*Washington Post*, August 9, 2017

Michael Dobbs is the author of “One Minute to Midnight: Kennedy, Khrushchev, and Castro on the Brink of Nuclear War.”

Hearing President Trump threatening to bring “fire and fury” down on North Korea because of its nuclear defiance reminded me of an incident during the Cuban missile crisis. The State Department had gotten slightly ahead of the White House by mentioning the possibility of “further action” by Washington — and President John F. Kennedy was irate.

He called State Department spokesman Lincoln White to reprimand him personally and to stress the need to coordinate and calibrate all public statements. Otherwise, an already dangerous crisis could escalate uncontrollably. "We got to get this under control, Linc," he fumed. "You have to be goddamn careful!"

Studying the 1962 nuclear showdown for my book “One Minute to Midnight,” I concluded that the real risk of war arose not from the conscious designs of Kennedy, Nikita Khrushchev or even Fidel Castro. It stemmed from the possibility that the opposing sides could trigger a nuclear conflict that nobody wanted through miscommunication and freak accidents, which became increasingly likely at higher levels of military alert. The same is almost certainly true of the present crisis with North Korea.

The nightmare of an accidental nuclear war was very much on Kennedy’s mind during the “13 days” when the world came closer than ever before, or since, to blowing itself up. He had recently read a book by historian Barbara Tuchman, “The Guns of August,” that described how a previous generation of statesmen had blundered into World War I, with nobody really understanding why. Kennedy was determined to avoid a similar chain of unpredictable events involving atomic weapons.

For a student of the Cuban missile crisis, the fact that our current Twitter-happy commander in chief is surrounded by sensible, highly competent generals is only partly reassuring. The missile crisis showed that there are some decisions that only a president can make. There were times when JFK was in a minority of one in the Excomm, the committee set up to manage the crisis, in his willingness to compromise with Khrushchev. Only the president had the overarching sense of history to consider the interests of future generations of Americans, and ultimately all of humanity.

As is no doubt the case today, the generals assured Kennedy in October 1962 that the United States enjoyed overwhelming nuclear superiority over its adversary and could easily wipe the Soviet Union off the map. But this did not comfort the president, who asked the obvious question: How many Americans would die if just one Soviet missile landed on U.S. soil? The answer was 600,000.

"That’s the total number of casualties in the Civil War," JFK exploded. "And we haven't got over that in a hundred years." He later acknowledged that the 24 intermediate-range Soviet missiles in Cuba constituted “a substantial deterrent to me.”

Given the explosive rhetoric of North Korean leader Kim Jong Un, it is understandable that President Trump should be tempted to respond in kind. Classic game theory teaches us that you can gain an advantage over your opponent if you can convince him that you are madder than he is. In the game of chicken, with two cars heading for a frontal collision, the driver who swerves out of the way first loses.

During the Cuban missile crisis, the “crazy man” role was played to perfection by Castro, the
only leading actor who was seriously prepared to risk a nuclear war. Patrio o muerte — “fatherland or death” — was, after all, the slogan of the Cuban revolution. Assuming the role of madman has always been part of the arsenal of the weak against the strong, whether in the case of Cuba or North Korea or the Islamic State. It gives the weaker player an advantage it would not otherwise have.

Playing chicken is, however, a dangerous indulgence for the leader of a nuclear superpower. During the 1962 crisis, the two “rational” players — Kennedy and Khrushchev — ended up making common cause against the “madman” Castro. Despite everything that divided them, they had a sneaking sympathy for each other, an idea expressed most poignantly by Jackie Kennedy in a handwritten letter to the Soviet leader following her husband’s assassination.

“You and he were adversaries, but you were allied in a determination that the world should not be blown up,” she wrote Khrushchev. “The danger which troubled my husband was that war might be started not so much by the big men as by the little ones. While big men know the needs for self-control and restraint, little men are sometimes moved more by fear and pride.”

As President Trump girds for a possible nuclear confrontation with North Korea, we can only hope that he will prove to be a big man rather than a little one. Out-crazying Kim Jong Un is a scary proposition. Game theory also teaches us that, if neither driver swerves, everybody goes up in flames.

Trump Makes False Claims About U.S. Nuclear Arsenal
By W.J. Hennigan
Los Angeles Times, August 9, 2017

Hours after warning North Korea that it will meet “fire and fury like the world has never seen” if its leader, Kim Jong Un, continued to provoke the United States, President Trump said the U.S. nuclear arsenal is “stronger than ever before.”

“My first order as President was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before,” Trump tweeted Wednesday morning.

Parts of the president’s claims are false. He did not order the modernization of the nuclear arsenal. President Obama did that in 2014, despite calling for a “vision of and work for a world without nuclear weapons” just five years earlier.

The plan, expected to cost $400 billion through 2024, would upgrade nuclear weapon production facilities, refurbish warheads and build new submarines, bombers and ground-based missiles. It will likely cost more than $1 trillion over the next 30 years, according to outside estimates.

Because the sprawling nuclear force will take so long to rebuild, the arsenal is more or less at the same level of strength as it was when Trump took office seven months ago.

Trump did launch a top-to-bottom Nuclear Posture Review to determine what the role of nuclear weapons in U.S. security strategy should be, just like each of his recent predecessors did when they took office.

The review has not yet been completed, and it wasn’t Trump’s first order. The directive was issued a week after Trump took office, and was preceded by more than a dozen orders on other topics.

The U.S. nuclear weapons strategy rests on a triad of delivery systems — bombers, submarines and land-based missiles — developed early in the Cold War. The three legs of the triad were designed to ensure that even in a massive surprise attack, at least one leg would survive to deliver a retaliatory strike.

In addition to the review of the nuclear force, the White House has also proposed a $1.4-billion budget increase for the National Nuclear Security Administration, which oversees the nuclear weapons enterprise. That money has yet to be allocated.

It’s unclear what Trump meant when he said that the nuclear arsenal is stronger than before. The Times has written at length on the deteriorating state of various aspects of the nuclear force.

In addition, the U.S. military is limited in how many weapons can be deployed under the New Strategic Arms Reduction Treaty signed in 2010. That agreement requires Russia and the U.S. to reduce deployed intercontinental missiles to 700 and the overall number of warheads to 1,550, each by 2018.

Russia and the U.S. currently meet those limits, according to the latest data released by the State Department.
U.S. Is Overhauling Its Nuclear Arsenal

A $1 trillion revamp begun under Obama is under way as tensions rise with North Korea

By Paul Sonne
Wall Street Journal, August 9, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Trump Claims Undue Credit For Revamping Nuclear Arsenal

By Linda Qiu
New York Times, August 9, 2017

WASHINGTON — In an early-morning tweet Wednesday, President Trump claimed undue credit for revamping the nation’s nuclear arsenal, wrongly suggested tremendous progress had been made since he took office, and misrepresented the sequence and scope of his executive actions.

“My first order as President was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before,” he wrote on Twitter, after exchanging escalating statements with North Korea this week.

Efforts to modernize the nation’s nuclear arsenal — including intercontinental ballistic missiles, submarine-launched ballistic missiles, strategic bombers, warheads and infrastructure — began under President Barack Obama, and will span three decades at a cost of about a trillion dollars.

The size and strength of the United States’ nuclear arsenal remains virtually unchanged since Mr. Trump took office. Since January, when the United States had a stockpile of 4,018 warheads, “a small number of warheads are thought to have been retired for an estimated 4,000 remaining in the stockpile,” according to the Federation of Atomic Scientists. The Arms Control Association, a Washington-based group, has reported no change in its estimate since January.

Many of the modernized weapons will not be available for use until the 2020s or later. A July report from the Stockholm International Peace Research Institute notes that a new intercontinental ballistic missile is scheduled to replace the Minuteman III in 2028, a next-generation ballistic submarine is expected to supplant the Ohio class in 2031 and the successor to B-52 bombers will become available in the 2030s and 2040s.

There has been no significant change in nuclear modernization plans under Mr. Trump, said Todd Harrison, a defense analyst at the Center for Strategic and International Studies. “In fairness, there has not been time for such plans to have been prepared, reviewed and implemented, so this is not a surprise,” he said.

Mr. Trump’s “first order” refers to a Jan. 27 presidential memorandum ordering a new Nuclear Posture Review, characterized by the Pentagon as “legislatively mandated” and the basis of nuclear policy. While the review may recommend changes, as a 2010 review by Mr. Obama did, it has yet to be completed.

Eight other memorandums and four executive orders — including ones terminating the Trans-Pacific Partnership, approving the Keystone XL Pipeline, calling for the construction of a border wall and urging the repeal of the Affordable Care Act — preceded it.

Similarly, it is also premature for Mr. Trump to consider his proposed 11 percent increase to the National Nuclear Security Administration’s budget a fait accompli. Even if Congress passes Mr. Trump’s budget without changes, it does not apply until the beginning of the next fiscal year on Oct. 1.

Kingston Reif, who researches nuclear disarmament at the Arms Control Association, pointed out that the United States has long had powerful nuclear capabilities.

“The U.S. nuclear arsenal was second to none even before the ambitious upgrade project launched by the Obama administration,” Mr. Reif said.

AP FACT CHECK: Trump’s Unjustified Boast About US Nuke Power

By Lolita C. Baldor
Associated Press, August 9, 2017

WASHINGTON (AP) — President Donald Trump’s tweet Wednesday that America’s nuclear arsenal is “now stronger and more powerful than ever before” is debatable. His claim of the credit is entirely unjustified.

While the U.S. has daunting nuclear power, the Pentagon’s program has been beset with morale, training, discipline and resource problems. And the modernization effort that started under
former President Barack Obama hasn’t been altered by the Trump administration.

Here’s a look at Trump’s statements and how they hold up:

—

TRUMP: “My first order as President was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before.”

THE FACTS: Trump did order a new review of the U.S. nuclear posture, in an executive order in January. The order said the review should ensure America’s nuclear deterrent is robust, ready and tailored to address 21st century threats.

But the review isn’t complete. There have been no significant changes in America’s nuclear power as a result.

While Obama pledged billions of dollars to modernizing the arsenal, the program is in its early stages.

It is aimed at all three elements of the nuclear triad: Air Force bombers and Navy submarines capable of launching nuclear bombs and land-based intercontinental ballistic missiles.

Today’s force is largely the same as the one Trump inherited on Jan. 20. The primary difference is there are actually fewer ICBMs now after a planned reduction that was directed by Obama.

Trump also initially proposed a 2018 budget that would cut $340 million from missile defense programs intended to deter a potential strike by North Korea, Iran or other countries. Congress has been taking steps to safeguard some of that funding.

Trump’s statement about overall nuclear strength is debatable.

The Associated Press documented a range of problems in the Minuteman 3 missile force starting in 2013, including numerous morale, training, discipline and leadership shortfalls that have beset the nuclear force in recent years, especially among those who operate, maintain and protect the weapons.

The Air Force began implementing what it calls a “force improvement plan” to boost morale, increase resources and attempt to eliminate the stigma that had become attached to the nuclear missile career field, which many saw as a dead end and much less rewarding than being a pilot.

Last year, then-Defense Secretary Ash Carter announced that the Pentagon would invest $108 billion over the next five years, saying the department was committed to correcting decades of short-changing the nuclear force. The funding would be used to sustain and improve the force and for developing a new generation of weapons.

There also are questions about missile defense.

Some experts argue the current strategy for shooting down ICBM-range missiles, like those North Korea is trying to perfect, is overly expensive and inadequate. Instead of the silo-based interceptors being used, some argue a more fruitful approach would be to destroy or disable such missiles before they can be launched, possibly by cyberattack.

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Trump Warns N. Korea: U.S. Nuclear Arsenal Is ‘More Powerful Than Ever Before’

By John Wagner And Philip Rucker

Washington Post, August 9, 2017

BRIDGEWATER, N.J. — President Trump asserted Wednesday that under his tenure, the U.S. nuclear arsenal is “far stronger and more powerful than ever before,” making an inflated claim as he continued to ratchet up the heated rhetoric with North Korea.

Trump’s projection of U.S. nuclear strength comes during a moment of rhetorical brinkmanship between him and North Korea’s erratic leader, Kim Jong Un. Trump used extraordinarily chilling language for a U.S. president on Tuesday afternoon when he warned that North Korea’s nuclear provocations would be “met with fire and fury and frankly power, the likes of which this world has never seen before.”

Trump continued with the same tone in a pair of tweets he sent Wednesday morning from Bedminster, N.J., where he is on a working vacation at his private golf resort. Trump relayed that his “first order as President was to renovate and modernize our nuclear arsenal.”

“It is now far stronger and more powerful than ever before,” Trump wrote, adding that “hopefully we will never have to use this power.”
Trump’s suggestion, however, that the nuclear arsenal already has been modernized under his presidency is misleading at best, given the military is still operating under a course charted during the Obama administration and any additional modernization could take many years to implement.

“Nothing’s happened yet,” said Todd Harrison, director of Defense Budget Analysis at the nonpartisan Center for Strategic & International Studies in Washington. “Obviously, these changes take time. You can’t do much in seven or seven months.”

On Jan. 27, one week after his inauguration, Trump issued a congressionally mandated order directing the Defense Department to launch a Nuclear Posture Review, a major undertaking that will set his administration’s nuclear policy.

The Pentagon has said the review, which officially began in April, is expected to be completed by the end of the year.

The last such review was conducted in 2010 under the Obama administration. As a result of a deal struck with Republicans, the military developed a purchasing plan to update all three legs of the nuclear triad with modernized weapon systems.

Modernization efforts underway include new nuclear-capable submarines, bombers and intercontinental ballistic missiles. But those are not expected to be deployed until well into the 2020s — in some cases, after a two-term President Trump would have left office.

“Any decision that the president were to take now, or that he took in January, would take years to implement,” said Jon Wolfsthal, who served in the Obama administration as the National Security Council’s senior director for nonproliferation and arms control. “I’m very skeptical of the idea that Trump believes that he has modernized or adjusted our arsenal, because there have been no visible changes to it.”

Harrison said there are also modernization programs underway, launched during the Obama era, at the Department of Energy, which controls the U.S. nuclear arsenal.

But, he said: “Nothing has really changed in the nuclear arsenal that is available.”

In fact, the U.S. arsenal continues to shrink under the terms of the New START treaty signed with Russia that took effect in 2011.

In a statement Wednesday, Defense Secretary Jim Mattis emphasized the military’s current capabilities and readiness related to North Korea.

“President Trump was informed of the growing threat last December and on taking office his first orders to me emphasized the readiness of our ballistic missile defense and nuclear deterrent forces,” Mattis said. “While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth.”

Asked about Trump’s tweets on nuclear modernization, deputy White House press secretary Lindsay Walters pointed reporters in New Jersey to the order signed by Trump in January.

It directed the secretary of defense to initiate a review “to ensure that the United States nuclear deterrent is modern, robust, flexible, resilient, ready and appropriately tailored to deter 21st-century threats and reassure our allies.”

That alone does not amount to modernizing the nuclear arsenal, said Doug Wilson, a former assistant secretary of defense for public affairs in the Obama administration.

“If he’s been able to modernize the nuclear arsenal in the six months he’s been in office, he should have no trouble selling Brooklyn Bridges to anybody,” Wilson said. “To say ‘bingo, the nuclear arsenal is modernized’ is fiction.”

Meanwhile, White House adviser Sebastian Gorka said in a Wednesday morning television interview that the brinkmanship with North Korea “is analogous to the Cuban Missile Crisis.” Gorka, a deputy assistant to the president who works on the national security staff, warned, “Don’t test this White House.”

“He’s saying, ‘Don’t test America, and don’t test Donald J. Trump,’” Gorka said on “Fox & Friends,” the Trump-friendly morning show on Fox News Channel that the president often watches.

Gorka added: “We are not just a superpower. We were a superpower. We are now a hyperpower. Nobody in the world, especially not North Korea, comes close to challenging our military capabilities, whether they’re conventional, whether they’re nuclear, or whether they’re Special Forces. So this message is very clear: Don’t test this White House, Pyongyang.”
Gorka was asked about criticism of Trump’s rhetoric about “fire and fury,” including from Sen. John McCain (R-Ariz.), who on Tuesday night said it probably wasn’t helpful.

“It saddens me,” Gorka said. “We need to come together. And anybody, whether they’re a member of Congress, whether they’re a journalist, if you think that your party politics, your ideology, trumps the national security of America, that’s an indictment of you, and you need to look yourself in the mirror and ask yourself what’s more important: my political party or America. There’s only one correct answer.”

Earlier Wednesday, Trump retweeted links to two segments from “Fox & Friends” recounting his pledge to respond to continuing North Korea threats with “fire and fury,” as well as another about the United States moving two Air Force B-1B bombers to Guam, the U.S. territory that North Korea threatened Tuesday. In December, before taking office, Trump created consternation for many foreign policy experts with an assertion on Twitter that the country should “greatly strengthen and expand” its nuclear capability.

The next day, after his staff had tried to temper his comments, Trump doubled down, telling a television talk-show host that in an arms race against any competitor, the United States would “outmatch them at every pass.”

Wagner reported from Washington.

Trump’s Nuclear Weapons Arsenal Isn’t Any Different Than Obama’s

By Nafeesa Syeed

Bloomberg News, August 9, 2017

President Donald Trump says the U.S. nuclear arsenal has been beefed up since he took office in January. Not quite.

As the world digested the president’s remarks on Tuesday threatening to unleash “fire and fury” on North Korea, Trump said in a tweet Wednesday, “My first order as President was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before...”

Nuclear policy and military analysts say nothing of the sort has taken place, and the only plan in the works — initiated by former President Barack Obama — has a 30-year time line and an estimated $1 trillion cost. Most of that spending would come after 2022.

“Nothing has changed with our nuclear warheads or bombs in any significant way that makes them more powerful,” said Todd Harrison, a defense budget analyst with the Center for Strategic and International Studies. “There’s no real reflection in the budget, it’s just a continuation — they didn’t stop anything, they didn’t slow anything down and they also didn’t accelerate anything.”

The upgrades are driven by the age of systems such as the Minuteman III missiles, first deployed 40 years ago, and the fleet of 14 Ohio-class nuclear missile submarines, which already had their service lives extended to 42 years from 30 years. The Air Force last year chose Northrop Grumman Corp. to develop and build a new nuclear-capable bomber at a projected cost of $80 billion as a successor to the Eisenhower-era B-52.

Trump demonstrated his interest in the nuclear arsenal before taking office, tweeting in December that “the United States must greatly strengthen and expand its nuclear capability until such time as the world comes to its senses regarding nukes.”

But his fiscal 2018 budget proposal largely continues the nuclear modernization programs begun during his predecessor’s administration, and many of those programs are just getting off the ground.

“President Trump was informed of the growing threat last December, and on taking office his first orders to me emphasized the readiness of our ballistic missile defense and nuclear deterrent forces,” Defense Secretary Jim Mattis said in a statement Wednesday.

Trump’s own review to start thinking about how to upgrade the air-land-sea nuclear triad isn’t complete, much less the turning of wrenches to modernize it, according to a Senate Republican aide who requested anonymity because of the sensitivity of the issue. Executive Order

Trump signed an executive order in January directing the Pentagon to do a new nuclear posture review — a standard move for incoming administrations. The review started in April but isn’t expected to be completed until the end of the year, according to Kingston Reif, director for disarmament and threat reduction policy for the Arms Control Association. It could continue into 2018, and any decisions would take more time to implement, he said.

For now, at least, the arsenal is shrinking.
The New START treaty limits the U.S. to 1,550 strategic nuclear warheads deployed on 700 long-range delivery systems, including intercontinental ballistic missiles, submarine-launched ballistic missiles and bombers. Those treaties must be met by 2018.

“The size of our ICBM force has gone down under this administration,” not because of the president’s efforts, but because it was already under way, Harrison, the defense analyst, said. “It’s gotten smaller not larger.”

— With assistance by Jennifer Jacobs, and Anthony Capaccio

Trump’s Claim That U.S. Nuclear Arsenal Is ‘Now Far Stronger And More Powerful’

By Glenn Kessler

Washington Post, August 9, 2017

“My first order as President was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before.”

— President Trump, in a tweet, Aug. 9, 2017

As part of his saber-rattling with North Korea, President Trump made this claim about the U.S. nuclear arsenal. Readers wanted to know: Can the nuclear arsenal be modernized so quickly?

The Facts

In a word, no.

Let’s deconstruct the president’s statement.

He says this was his “first order” as president. He may be confused about this. In his first national security memorandum, issued seven days after he became president, Trump called for “rebuilding the U.S. Armed Forces.” The order included a call to “initiate a new Nuclear Posture Review to ensure that the United States nuclear deterrent is modern, robust, flexible, resilient, ready, and appropriately tailored to deter 21st-century threats and reassure our allies.”

So it was not his first order, but it was his first national security order.

A Nuclear Posture Review (NPR) is something that a new administration does when it takes power. The last one was completed in 2010, under Barack Obama, so it would make sense for Trump to order a new one.

But just because a president orders a study, it doesn’t mean everything changes right away. Indeed, the NPR is still being written and probably will not be completed at least until later this year, defense officials have said. Then the Pentagon has to implement the new policies — and Congress would have to approve a budget that reflected those new priorities.

“The nuclear arsenal is the same as it was the day before Inauguration Day,” said Daryl G. Kimball, executive director of the Arms Control Association. It consists of about 1,750 strategic nuclear warheads deployed on intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and strategic bombers and about 180 tactical nuclear weapons on European bases.

Obama had already launched a nuclear weapons modernization effort that the Congressional Budget Office estimates will cost $400 billion between 2015 and 2024 — and $1 trillion over 30 years. Kimball said Trump’s initial budget proposal for nuclear weapons was essentially a “cut and paste” of what Obama had proposed.

A key focus of an NPR is whether the United States is postured correctly for nuclear threats, and experts interviewed by Defense News believed enough had changed in the world since 2010 (such as Russia’s military intervention in Ukraine) to merit new approaches. But there is little expectation that the NPR would identify a need to divert from the modernization plan that Obama had crafted with military officials in his second term. The Pinocchio Test

Trump indeed gave an order to launch an NPR, but that is standard procedure for a new administration. But he’s kidding himself — or misleading Americans — that much has changed in the nuclear arsenal since he took office in January.

Given the expense, the long manufacturing times and the need for annual congressional appropriations, the timeline for nuclear modernization is decades, not days. We wavered between Three and Four Pinocchios, but ultimately tipped to Four, given how Trump tooted his horn inappropriately. Four Pinocchios

Gorka Blames Clinton And Obama For NK

Daily Caller, August 9, 2017

White House Deputy Assistant Sebastian Gorka blamed former Presidents Bill Clinton and Barack Obama for the rise of North Korea, and said the U.S. is now “paying the price of that appeasement of Pyongyang.”
After CBN anchor David Brody played a clip from 1999 showing President Donald Trump sounding the alarm on North Korea, Gorka praised Trump for his foresight and said during the Wednesday interview that "the president saw the price of appeasement which happened afterwards during the Clinton administration and then during the Obama administration, and today we are paying the price of that appeasement of Pyongyang."

"The message is clear: This president will take whatever measures necessary to protect this nation," Gorka said. "Dictatorships do not want what we want. They wish to destabilize the international system, and they wish to keep people enslaved."

Gorka also commented on the infighting within the White House and its coverage in the press, calling it "lazy journalism."

"It's the same kind of false palace intrigue we've seen from The New York Times, Washington Post, CNN and everybody else. They wish to posit camps inside this White House. They don't understand what this administration is, they don't support it," he said. "They wish to paint a picture of divisiveness, of chaos. It doesn't exist."

When asked who he thought was the source of recent White House leaks, Gorka responded, "I'm not going to get involved in the question of whose leaking because we have criminal referrals — already in front of the Department of Justice and the FBI. So let's let those good men and women come to the conclusions of those investigations, but the leaks will stop."

"You do not test President Donald Trump and you certainly don't test a four star marine general like General John F. Kelly," Gorka concluded.

The stock market continued to slide Wednesday after President Trump's saber-rattling at North Korea unsettled investors, according to analysts.

Mr. Trump's threatening rhetoric on North Korea "is almost entirely responsible for the pullback," said Randy Frederick, vice president of trading and derivatives for Charles Schwab.

But he said he wasn't too worried yet about the drop.

"It all depends on what happens next. So far there is really no panic out there," Mr. Frederick said.

Every major market index was down at midday. Meanwhile, the price of gold, a safe haven for nervous investors, climbed $16 or 1.28 percent to $1,278.70 per ounce at noon.

Mr. Frederick pointed to the S&P 500 as evidence of Mr. Trump's impact, noting it was less effected by the sell-off of Disney stock that helped drive down the Dow Jones Industrial Average. The S&P experienced a sharp decline that began Tuesday as soon as Mr. Trump issued an ultimatum to North Korea.

The president warned Pyongyang that any more threats would be met with "fire and fury like the world has never seen."

The tough talk came amid reports that North Korea had developed technology to miniaturize a nuclear warhead that could be placed in a intercontinental ballistic missile.

The stock market had been on a record run, raising for 10 consecutive days. The Dow Jones broke the 22,000 mark for the first time Aug. 2.

Mr. Trump made the booming stock market a chief measure of his success as president.

What If The President Ordering A Nuclear Attack Isn't Sane? A Major Lost His Job For Asking.

By Michael S. Rosenwald

Washington Post, August 9, 2017

Like any good student with a sensitive question, Harold Hering approached his teacher after class, out of earshot from his classmates.

"How can I know," he asked, "that an order I receive to launch my missiles came from a sane president?"

It was 1973. President Richard M. Nixon was seriously depressed about Watergate. Hering, an Air Force major who rescued downed pilots in Vietnam, was training to be a missileer — the guy
who turns the keys to commence nuclear Armageddon.

"I assumed there had to be some sort of checks and balances so that one man couldn't just on a whim order the launch of nuclear weapons," Hering, now 81, told Radiolab in a remarkable interview earlier this year.

Hering was wrong. And decades later, so is anyone who thinks President Trump, having recently threatened "fire and fury" for North Korea, can't order a nuclear attack anytime he darn well pleases, even from a fairway bunker on the golf course.

Just ask Hering.

Back in 1973, the drama that followed Hering's question did not, as he hoped, fundamentally alter the fate of the world, but it certainly reshaped his life. Forced to retire, Hering took up a career with a less dangerous set of keys: long-haul trucking.

His career blew up because he wouldn't stop questioning the launch protocol, even after a military judge gave him an opportunity. Ron Rosenbaum, in his book about nuclear war, "How the End Begins", referred to Hering's query as the "forbidden question," writing:

You might think such a question — the sanity of a president who gives a nuclear launch order — would require some extra scrutiny, but Major Hering's inconvenient query put a spotlight on the fact that the most horrific decision in history could be executed in less than fifteen minutes by one person with no time for second-guessing.

Hering just couldn't wrap his mind around that fact, especially after learning about the fail-safe protocols involved after the president gives the order — that two people, after each agreeing that the secret nuclear codes are correct, have to turn their own set of keys. Missileers even carry handguns in case the other guy goes mad.

But what about the president?

In a letter detailing his concerns, Hering explained his rational: "It would be required to assign blind faith values to my judgement of one man, the president, values which could ultimately include health, personality and political considerations. This just should not be."

Hering had sufficient reason to be troubled.

As Rosenbaum chillingly writes, Nixon during the mid-1970s was under close watch by advisers concerned that he "seemed to be losing control over his own mind." Defense secretary James Schlesinger issued a quiet decree that he be consulted if Nixon gave any "unusual orders."

Nukes were certainly on the president's mind. While meeting privately with congressmen at the height of the Watergate hearings, Nixon bragged that, "I could leave this room and in 25 minutes 70 million people would be dead."

Not good.

All these years later, Hering does not regret asking the forbidden question. After driving trucks, he became an addiction counselor to homeless people at the Salvation Army. He lives in Indiana. He still worries.

"It bothers me immensely that the only area there is not a check and balance is the one that could literally result in the end of the world," he told Radiolab. "That seems strange to me."

Later in the interview, Hering expanded on that, not mentioning Trump or North Korea.

"Goodness in human beings begs for a resolution of this," he said. "I just think that the need for that is at least as great now as it's ever been in the history of our republic."

The forbidden question, Hering pointed out, was not his alone.

"It was," he said, "for all of us."

As Tillerson Tries To Assuage Americans' Fear, Trump Highlights U.S. Nuclear Arsenal

By Carol Morello

Washington Post, August 9, 2017

ANDERSEN AIR FORCE BASE, Guam — Secretary of State Rex Tillerson on Wednesday defended President Trump's forceful warning to North Korea to stop threatening the United States, but attempted to dismiss concerns that Guam is in any imminent danger from Pyongyang's missiles.

"What the president is doing is sending a strong message to North Korea in language that Kim Jong Un would understand, because he doesn't seem to understand diplomatic language," Tillerson said in an interview with two pool reporters while flying from Malaysia to a scheduled refueling stop in Guam.

"I think the president just wanted to be clear to the North Korean regime that the U.S. has the unquestionable ability to defend itself, will defend itself and its allies, and I think it was important that he deliver that message to avoid any miscalculation on their part."
On Tuesday, Trump sharply ratcheted up rhetoric against North Korea, saying it would face "fire and fury" if it does not stop threatening the United States. Trump did not make clear whether he was responding to the latest bellicose remarks from North Korea or a report in The Washington Post that the North had successfully produced a miniaturized nuclear warhead capable of fitting inside its ballistic missiles.

Hours after Trump's comments, North Korea said it was preparing to send intermediate-range missiles near Guam, which is home to more than 160,000 U.S. citizens, including some 6,000 members of the armed forces. U.S. bombers have flown out of Guam on their way to joint exercises with South Korea and Japan over the Korean Peninsula.

Tillerson is returning home from Asia, where he continued his campaign to get more countries fully enforcing U.N. sanctions against North Korea over its ballistic missile and nuclear testing, with an ultimate aim of forcing it to the bargaining table.

During Tillerson's stop in Guam — which included brief meetings with some U.S. military personnel — Trump called attention to the might of the U.S. nuclear arsenal. In Twitter posts, Trump did not specifically mention North Korea, but the messages came as attention was focused on the confrontation with Pyongyang.

Trump asserted that U.S. nuclear power was "now far stronger and more powerful than ever" after his administration moved to "renovate and modernize" the arsenal.

"Hopefully we will never have to use this power, but there will never be a time that we are not the most powerful nation in the world," Trump wrote.

While Pyongyang has been making bombastic threats against the United States for some time, as the pace of its testing has accelerated its warnings have grown more specific and directed against the United States.

On Monday in Manila, where Tillerson was attending a regional security conference, North Korean Foreign Minister Ri Yong Ho issued a lengthy statement vowing that his country would never relinquish its nuclear weapons. Ri said the "nukes" would be used only against the United States, and he asserted that the entire U.S. mainland is within range of North Korean missiles.

Tillerson said Guam is in no more danger than anywhere else, adding that North Korea's threats naming the island as a target did not deter him from making a scheduled refueling stop here.

"Well, the North Korean missile capability can point at many directions," he said. "So Guam is not the only place that can be under threat. No, I never considered rerouting the trip back. And I do not believe that there is any imminent threat, in my own view."

Tillerson said North Korea's rhetoric shows that the campaign to turn Pyongyang's allies against it is working.

Russia and China, North Korea's main economic lifelines, both supported a new set of U.N. sanctions passed last weekend that could cut the country's revenue by a third. And the Association of Southeast Asian Nations approved a statement expressing "grave concern" over North Korea's actions.

In Washington, Defense Secretary Jim Mattis added to the competing messages of military resolve and diplomatic hope from the Trump administration. Mattis also emphasized the "unified voice" from the U.N. Security Council on North Korea.

"While our State Department is making every effort to resolve this global threat through diplomatic means," Mattis said in a statement, "it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth."

Tillerson said he knew of no significant changes in the last 24 hours that could speed a move to military action. Nor does he see any reason for a change in strategy. Diplomatic and economic isolation is working, he said, even if it could take a long time to materialize.

"I think in fact the pressure is starting to show," he said. "I think that's why the rhetoric coming out of Pyongyang has gotten louder and more threatening."

Tillerson also said Americans should not worry about the increasingly angry tone displayed in recent days.

"I think what the president was just reaffirming is that the United States has the capability to fully defend itself from any attack, and our allies, and we will do so," he said. "So the American people should sleep well at night."
Key U.S. allies, meanwhile, called for a greater push to open talks with North Korea. The spokeswoman for E.U. foreign policy chief Federica Mogherini said “a lasting peace and denuclearization of the Korean Peninsula must be achieved through peaceful means.”

“That excludes military action,” said the spokeswoman, Catherine Ray.

In New Zealand, Prime Minister Bill English called Trump’s comments “not helpful” in a standoff that was already “very tense.”

Brian Murphy and Dan Lamothe in Washington contributed to this report.

Mattis Warns North Korea That Its Actions ‘Will Continue To Be Grossly Overmatched’ By The U.S.

By Dan Lamothe
Washington Post, August 9, 2017

Defense Secretary Jim Mattis warned North Korea on Wednesday that its actions “will continue to be grossly overmatched by ours,” and that Pyongyang would lose any arms race or conflict that starts with the United States.

The comments came amid an escalating war of words between North Korea and President Trump, who used extraordinary rhetoric Tuesday afternoon by warning Pyongyang that continued threats would be “met with fire and fury and frankly power, the likes of which this world has never seen before.” North Korea responded by saying it is considering a preemptive missile strike against Guam, a U.S. island territory in the Pacific that is home to an Air Force base, Navy submarines armed with nuclear weapons and other military forces.

Mattis said in a statement that Trump was informed of the growing threat that North Korea poses in December before he took office, and ordered the Pentagon to emphasize ballistic missile defense and nuclear weapons that pose a deterrent to other countries using them.

“While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth,” Mattis said. He added that North Korea “should cease any consideration of actions that would lead to the end of its regime and the destruction of its people.”

But the defense secretary’s remarks were still notably more measured than the president’s. Mattis, rather than threatening to strike if North Korea continues to make threats, said that North Korea “would lose any arms race of conflict it initiates,” which adheres to a long-standing policy of attempting to deter North Korea with the promise of a swift, overwhelming response to any attack.

Mattis, who was traveling on the West Coast, released his statement after Trump continued to issue threats Wednesday morning. In a pair of tweets, the president said that his first order after taking office was to renovate and modernize the nuclear arsenal, and it is “now far stronger and more powerful than ever before.”

In reality, while the U.S. maintains more nuclear weapons than any other nation, most of them are decades old and the Pentagon is only beginning to embark on a years-long process to upgrade them.

In separate comments, Secretary of State Rex Tillerson attempted in an interview Wednesday to assuage fears about Trump’s rhetoric.

“What the president is doing is sending a strong message to North Korea in language that Kim Jong Un would understand, because he doesn’t seem to understand diplomatic language,” Tillerson said. “I think the president just wanted to be clear to the North Korean regime that the U.S. has the unquestionable ability to defend itself, will defend itself and its allies, and I think it was important that he deliver that message to avoid any miscalculation on their part.”

Mattis has warned that North Korea now poses the most urgent threat to U.S. peace and security, but also that any war with Pyongyang would include “probably the worst kind of fighting in most people’s lifetime,” citing the threat posed by hundreds of North Korean rocket launchers and artillery pieces aimed at Seoul.

The Pentagon has long preached strategic patience with North Korea, arguing that the United States must monitor the nation closely and have weapons that deter Pyongyang from military action. Retired Army Gen. Martin E. Dempsey, the Pentagon’s top general from October 2011 to September 2015, advocated staying on that path now.

“We control the clock,” he wrote. “Need steady, calculated, creative, inclusive leadership.”
Mattis: North Korea Aggression Would Lead To ‘End Of Its Regime And The Destruction Of Its People’

By Carlo Muñoz
Washington Times, August 9, 2017

Defense Secretary James Mattis on Wednesday said North Korea’s pursuit of a nuclear arsenal is taking the rogue regime down a path that will end with its destruction and that of its people, echoing the strong language coming from the Trump White House.

The former Marine Corps four-star general said the size and scope of the American military’s arsenal, both in conventional and nuclear capabilities, will leave North Korea “grossly overmatched” should war break out between Pyongyang and the U.S. on the peninsula.

North Korea’s nuclear ambitions “poses a threat to global security and stability... [and] should cease any consideration of actions that would lead to the end of its regime and the destruction of its people,” Mr. Mattis said in a statement.

His comments came after President Trump vowed to rain down “fire and fury” on the regime, should Pyongyang’s provocations continue.

Mr. Mattis also acknowledged the ongoing efforts by U.S. diplomats to ratchet back tensions between the Washington and the North. That said, “it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth,” Mr. Mattis said.

Pyongyang’s efforts to develop a nuclear-capable ballistic missile arsenal “will continue to be grossly overmatched by ours and would lose any arms race or conflict it initiates,” the Pentagon chief said, adding Washington and its allies in the Pacific “have the demonstrated capabilities and unquestionable commitment to defend ourselves from an attack.”

His comments come hours after regional reports claim that North Korean leader Kim Jong-un and his top military aides were openly considering a strike against U.S. forces in Guam. Those threats came on the back of recent reports by the Washington Post that Pyongyang had successfully deployed a nuclear warhead small enough to be deployed on its growing cache of long-range ballistic missiles.

Mattis Warns North Korea Of ‘Destruction Of Its People’

By Ellen Mitchell
The Hill, August 9, 2017

Defense Secretary James Mattis warned North Korea in stark terms on Wednesday that it faces devastation if it does not end its pursuit of nuclear weapons.

“The DPRK must choose to stop isolating itself and stand down its pursuit of nuclear weapons,” Mattis said in the statement, referring to North Korea.

“The DPRK should cease any consideration of actions that would lead to the end of its regime and the destruction of its people.”

The Mattis remarks appeared intended to take on a complicated task: They both reined in Trump’s comments, while matching the president’s bellicose tone, which the administration argues has proven effective.

Trump on Tuesday warned North Korea of “fire and fury” if it takes aggressive steps toward the United States, words that caught much of the word off guard and raised concerns about escalating tensions between the two countries.

White House press secretary Sarah Huckabee Sanders later said that Trump discussed the “tone and strength” of his message with senior national security advisors before his remarks, but “the words were his own.”

The Mattis statement was just as tough in tone with North Korea, but it indicated mere threats from Pyongyang, which are routinely made by that country’s government, would not lead to military action.

“The United States and our allies have the demonstrated capabilities and unquestionable commitment to defend ourselves from an attack,” he wrote.

“While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth. The DPRK regime’s actions will continue to be grossly overmatched by ours and would lose any arms race or conflict it initiates.”

Trump made his public comments at the outset of a Tuesday meeting on the opioid crisis hours after The Washington Post reported that Pyongyang had obtained the capability of creating
a nuclear warhead small enough to place on a missile.

His remarks indicated the United States could strike the isolated nation based solely on spoken or written threats.

"[North Korean leader Kim Jong Un] has been very threatening beyond a normal state, and as I said they will be met with fire, fury and frankly power, the likes of which this world has never seen before," Trump said at his golf club in Bedminster, N.J.

In two tweets on Wednesday, Trump said the U.S. nuclear arsenal "is now far stronger and more powerful than ever before.... Hopefully we will never have to use this power, but there will never be a time that we are not the most powerful nation in the world!"

Trump's remarks have come under criticism from members of both parties.

Senate Armed Services Committee Ranking Member Jack Reed (D-R.I.) said Wednesday that the "fire and fury" remark was not helpful in defusing the North Korea threat compared to "smart, steady leadership and stronger diplomatic ties with our key allies."

Secretary of State Rex Tillerson told reporters on Wednesday that Trump was seeking to send a "strong message" to North Korea that the United States was prepared to defend itself and its allies.

North Korea has responded to the remarks from the Trump administration with its own tough rhetoric. On Tuesday, it suggested it could launch an attack on Guam.

North Korea would have the capability to devastate much of South Korea in any military exchange with the United States. This knowledge has been a deterrent on any use of force against Pyongyang.

Mattis said Trump "was informed of the growing threat last December and on taking office his first orders to me emphasized the readiness of our ballistic missile defense and nuclear deterrent forces."

Mattis's full statement:

"The United States and our allies have the demonstrated capabilities and unquestionable commitment to defend ourselves from an attack. Kim Jong Un should take heed of the United Nations Security Council’s unified voice, and statements from governments the world over, who agree the DPRK poses a threat to global security and stability. The DPRK must choose to stop isolating itself and stand down its pursuit of nuclear weapons. The DPRK should cease any consideration of actions that would lead to the end of its regime and the destruction of its people."

"President Trump was informed of the growing threat last December and on taking office his first orders to me emphasized the readiness of our ballistic missile defense and nuclear deterrent forces. While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the..."
combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth. The DPRK regime's actions will continue to be grossly outmatched by ours and would lose any arms race or conflict it initiates," he continued.

Meanwhile, Secretary of State Rex Tillerson is traveling through Asia this week and stopped in Guam for fuel this morning.

"I think what the President was doing was sending a strong message to North Korea in language that Kim Jung Un would understand because he doesn't seem to understand diplomatic language," Tillerson told reporters. "I think the President just wanted to be clear to the North Korean regime that the US has an unquestionable ability to defend itself, will defend itself and its allies and I think it was important that he deliver that message to avoid any miscalculation on their part."

**Trump, Mattis Warnings To North Korea Backed By Aging But Potent Nukes**

By Tom Vanden Brook

[USA Today](https://www.usatoday.com), August 9, 2017

WASHINGTON — The U.S. nuclear arsenal of 6,800 warheads is plenty strong, to be sure.

Defense Secretary Jim Mattis, on Wednesday, underlined that, saying President Trump was informed of the growing threat from North Korea last December and has since stressed the need to enhance U.S. readiness. Mattis warned North Korea, which he referred to by its initials, that it would lose a nuclear showdown with the United States and its allies badly.

"While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on earth," Mattis said in a statement. "The DPRK regime's actions will continue to be grossly outmatched by ours and would lose any arms race or conflict it initiates.

"The DPRK should cease any consideration of actions that would lead to the end of its regime and the destruction of its people," Mattis said.

But is the U.S. nuclear arsenal, as Trump boasted in a tweet earlier on Wednesday "now far stronger and more powerful than ever before..."

Probably not.

And almost certainly not because, as he also tweeted, that his first order as president "was to renovate and modernize our nuclear arsenal."

First of all, it wasn't his first order — there were orders and memos on the Affordable Care Act and a hiring freeze, for example, that came before it, according to a USA TODAY database of his memos and orders.

More to the point, the renovations and modernization to the arsenal that he suggests were part of that order were put in motion by the Obama administration. Moreover, Trump's order of Jan. 27 to rebuild the armed forces directed Defense Secretary Jim Mattis "to ensure that the United States nuclear deterrent is modern, robust, flexible, resilient, ready, and appropriately tailored to deter 21st-century threats and reassure our allies."

That launched a review, not any new nuclear weapons programs. The review, typical for a new administration in the post-Cold War era, is ongoing and won't be completed for months.

Even more salient: bolstering the nuclear arsenal takes time usually measured in years and decades, not weeks and months, said Kingston Reif, director of Disarmament and Threat Reduction Policy at the Arms Control Association, a non-partisan think tank. New missiles, submarines and aircraft capable of delivering new nuclear warheads won't be put in silos, hit the water or cruise the sky until the mid-2020s, he said.

"The only thing he has done is order a nuclear policy review," Reif said. "It's ongoing. Nothing of actual substance has a chance of happening for years."

Then there's the question of cost.

The Congressional Budget Office in February put the price tag of nuclear modernization at $400 billion from now until 2026. The so-called nuclear triad, which candidate Trump struggled to describe on the campaign trail in 2016, consists of aircraft, missiles and submarines capable delivering nuclear weapons. It underpins U.S. strategy, deterring adversaries from attacking because they would be assured of obliteration.

The CBO noted that the Pentagon has not built new nuclear systems since the end of the Cold War, and that the weapons and means to deliver them are nearing the end of their expected
life spans. Almost all of them will have to be refurbished or replaced over the next 20 years.

The Obama administration started the current course toward modernization. Trump's first defense budget largely builds upon that, but won't be put in place until Oct. 1 at the earliest.

Last week, Air Force Gen. Paul Selva, vice chairman of the Joint Chiefs of Staff told an audience that nuclear forces account for 3.5% of the Pentagon's budget. The current course would consume 6% of the budget.

Those costs will have to be weighed against rebuilding conventional weapons and systems, like tanks, trucks and planes, that have been degraded by more than a decade of war in Afghanistan and Iraq.

Reif said he doubts Trump has made those calculations.

"While the bragging and saber rattling are not helpful, it's clear from his tweet that does not have a clue about upgrade and sustainment costs," Reif said. "The fact is the current plans are likely to face major affordability challenges."

**Trump Touts Nuke Strength As Tillerson Urges Calm On NKorea**

By Josh Lederman

* Associated Press, August 9, 2017

WASHINGTON (AP) – President Donald Trump declared the U.S. nuclear arsenal “far stronger and more powerful than ever before,” even as his top diplomat was working to calm the North Korea crisis and insisting there wasn’t “any imminent threat.”

In a series of early-morning tweets Wednesday, Trump reaffirmed his threat from a day earlier by reposting video of him warning that Pyongyang would be “met with fire and fury like the world has never seen” if it made more threats to the U.S. Then he said that his first order as president had been to “renovate and modernize” the U.S. nuclear arsenal.

"Hopefully we will never have to use this power, but there will never be a time that we are not the most powerful nation in the world!" Trump tweeted.

It wasn't immediately clear what evidence the president had, if any, to support his claim about the nuclear force.

Trump did issue an executive order in his first days in office calling for a review to ensure the U.S. nuclear deterrent is "modern, robust, flexible, resilient, ready" and appropriately tailored for 21st century threats. The White House has not detailed any findings from that evaluation. A modernization effort started by former President Barack Obama is in the early stages, but the force is essentially unchanged from the way Trump inherited it on Jan. 20.

Stephen Schwartz, an independent analyst of nuclear weapons issues, called the boast “patently absurd.” He wrote on Twitter that “literally nothing has happened in the last 201 days to increase the overall power of the US nuclear arsenal.”

Only hours before Trump's tweets, Secretary of State Rex Tillerson urged calm and said Americans should have “no concerns” despite the exchange of threats between the president and North Korea. Aboard his plane as he flew home from Asia, Tillerson insisted the developments didn’t suggest the U.S. was moving closer to a military option to dealing with the crisis.

"Americans should sleep well at night," Tillerson said. He added: "Nothing that I have seen and nothing that I know of would indicate that the situation has dramatically changed in the last 24 hours."

The mixed messages from Tillerson and Trump put the onus on the North Koreans to decide how to interpret the latest missives from the U.S.

In more tranquil terms than Trump, Tillerson sought to explain the thinking behind Trump's warning. He said the president was trying to send a strong and clear message to North Korea's leader so that there wouldn't be "any miscalculation."

"What the president is doing is sending a strong message to North Korea in language that Kim Jong Un can understand, because he doesn't seem to understand diplomatic language," Tillerson said. "I think the president just wanted to be clear to the North Korean regime on the U.S. unquestionable ability to defend itself." He said the U.S. "will defend itself and its allies."

The comments put Tillerson once again in the role of translating the president's aggressive rhetoric into more diplomatic terms, and of working to minimize the chances of public panic. In fact, Tillerson argued that North Korea's escalating threats indicated it was feeling the pressure from a successful U.S. strategy.

Tillerson spoke to reporters as he returned from Malaysia to Washington, stopping along the
way in Guam. Hours earlier, North Korea’s army had said in a statement it was exploring plans for attacking the tiny U.S. territory, which houses U.S. military bases and is a common refueling stop for U.S. government aircraft traversing the Pacific Ocean.

Tillerson said he never considered re-routing his trip from Malaysia so as to avoid stopping in Guam. Though he insisted there was no imminent threat, he noted that even if there were, “the North Korean missile capability can point in any directions, so Guam is not the only place that would be under threat.”

Though it’s extremely unlikely the North would risk annihilation by pre-emptively attacking American citizens, the escalating rhetoric has heightened concern that a miscalculation could spiral out of control and lead to military conflict – a concern especially acute in Guam, residents of the territory said.

At least one prominent lawmaker felt Trump wasn’t bluffing with his threat. Sen. Lindsey Graham, a Republican on the Armed Services Committee, told CBS “This Morning” that Trump had “basically drawn a red line” by saying Pyongyang can’t ever have a nuclear-tipped intercontinental ballistic missile capable of striking the U.S.

“He’s not going to let that happen,” Graham said. “He’s not going to contain the threat. He’s going to stop the threat.”

Tillerson, who spent the past days in Asia working the North Korea conflict, said he didn’t believe a new diplomatic strategy was needed. To the contrary, he said the latest threat from the North suggested the current strategy was working. After months of frustration over China’s reluctance to pressure Pyongyang economically, the U.S. on Saturday secured a unanimous U.N. Security Council vote to authorize sweeping new sanctions that target one-third of the North’s exports.

“The pressure is starting to show,” Tillerson said. “I think that’s why the rhetoric coming out of Pyongyang is beginning to become louder and more threatening. Whether we’ve got them backed into a corner or not is difficult to say, but diplomatically, you never like to have someone in a corner without a way for them to get out.”

To that end, Tillerson said there was still an off-ramp available to Pyongyang: A return to negotiations with the U.S., a step that Tillerson has previously said can happen only if Kim Jong Un’s government gives up its nuclear aspirations, starting with an extended pause in missile tests.

“Talks,” Tillerson said when asked if North Korea had a way out. “Talks, with the right expectation of what those talks will be about.”

AP National Security Writer Robert Burns and AP writer Catherine Lucey contributed to this report.

Reach Josh Lederman on Twitter at http://twitter.com/joshledermanAP
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Tillerson Seeks To Calm Tension In Asia After Trump’s Korea Remarks

By Daniel Ten Kate And Kambiz Foroozar
Bloomberg News, August 9, 2017

Secretary of State Rex Tillerson tried to ease concerns that the U.S. was heading toward a military confrontation with North Korea after President Donald Trump rattled global markets with his warning that he could unleash “fire and fury” against Kim Jong Un’s regime.

“Americans should sleep well at night, have no concerns about this particular rhetoric of the last few days,” Tillerson told reporters on his plane after a tour of Southeast Asia. Trump “felt it necessary to issue a very strong statement directed at North Korea,” he said.

Echoing Trump’s tone, Defense Secretary Jim Mattis said in a statement Wednesday that North Korea “should cease any consideration of actions that would lead to the end of its regime and the destruction of its people.”

Trump’s threat reverberated around the world, sparking a market sell-off and prompting a wave of criticism even from members of his own political party. Senator John McCain of Arizona, the Republican chairman of the Senate Armed Services Committee, said he wasn’t sure Trump was ready to act, while Senator Ben Cardin of Maryland, the top Democrat on the Senate Foreign Relations committee, said Trump’s language was counterproductive.
The president returned to Twitter on Wednesday morning with a posting that the U.S. nuclear arsenal is now far stronger and more powerful than ever before.” He added in a follow-up message that “hopefully we will never have to use this power, but there will never be a time that we are not the most powerful nation in the world!” “Wrong Direction”

“It’s not the way you should be conducting foreign policy,” Cardin said Wednesday on MSNBC’s “Morning Joe” program. “What the president is doing by making his own unilateral decisions that indicate that we’re ready to start a military confrontation – that’s just moving in the wrong direction.”

Markets retreated for a second day amid the heightened tensions. The S&P 500 Index lost 0.1 percent to 2,472.58 at 12:26 p.m. in New York, after declining 0.2 percent Tuesday, the largest decrease in almost five weeks. The Stoxx Europe 600 Index declined 0.7 percent, and the CBOE Volatility Index rose 3.8 percent to 11.40.

‘Pay Dearly’

Tillerson said the U.S. is engaged in a very active diplomatic effort to halt Kim’s pursuit of a nuclear weapon that could strike the U.S. mainland. He said North Korea should be looking for talks with the right expectation of what those talks will be about.

Trump’s threat to hit North Korea came as that nation – reacting to new United Nations sanctions against its nuclear program – warned the U.S. would “pay dearly” and said it was examining plans to fire a missile toward an American military base on Guam. The exchange followed a Washington Post report, citing a Defense Intelligence Agency analysis, that Pyongyang has successfully developed a nuclear warhead that will fit on its missiles.

While global powers and financial markets have long been accustomed to over-the-top rhetoric from North Korea, the U.S. has traditionally taken a more diplomatic stance. Trump’s suggestion that he might meet Kim’s threats with action startled markets and prompted a renewed focus on the narrowing list of options available.

Trump and his chief of staff, retired General John Kelly, were in constant contact with the White House national security team regarding North Korea before the president made his comments, Lindsay Walters, a White House spokeswoman told reporters in Bedminster, New Jersey, where Trump is vacationing.

But she and other administration aides declined to say whether the specific language used by Trump were part of those consultations or whether Tillerson and Mattis took part in the discussion.

Trump’s threats may be straining the credibility of his office. In the two nation’s most at risk in any armed confrontation between the U.S. and North Korea, officials largely brushed off Trump’s warning that he would unleash “fire and fury like the world has never seen.”

South Korea’s Yonhap News Agency cited an unidentified official at the presidential office in Seoul saying there’s no “imminent crisis.” A senior Japanese official, who asked not to be identified to discuss internal deliberations, said very few people in the government are taking Trump’s comments seriously. Seoul Vulnerable

But Trump’s comments and Kim’s threat to strike the U.S. mainland revived concerns in the region about the protection of the American nuclear umbrella. In the event of a military confrontation, it’s not likely that the U.S. would be able to immediately knock out all of North Korea’s capability, leaving the 10 million people in Seoul vulnerable to an artillery and rocket barrage.

“The prioritization of the American homeland and the security of the American homeland is upsetting a lot of understood truths: The idea that the U.S. would defend Seoul as if it were Los Angeles,” said John Park, director of the Korea Working Group at Harvard Kennedy School. “Now the view is, in order to protect the American homeland, collateral damage over there is acceptable.”

Senator Lindsey Graham said Wednesday that Trump’s rhetoric created a “red line” that made it clear that the U.S. would be willing to take action if North Korea didn’t pull back.

“This is not a language problem. This is a North Korean regime trying to get the capability to strike America,” the South Carolina Republican said on "CBS This Morning." “We’ve failed for 30 years. It’s time to try something new.”

In a statement on Wednesday, China urged all sides to avoid escalating tensions and to return to dialogue, a statement echoed by diplomats at the United Nations. UN Reaction

“This kind of rhetoric doesn’t help at all,” Sacha Sergio Llorenty Soliz, Bolivia’s ambassador
to the UN, told reporters in New York. “What has been said by President Trump and Kim Jung Un is really detrimental to purposes of the UN charter.”

Countries should focus on implementing the latest round of UN sanctions, which targeted about $1 billion in North Korean exports, Carl Skau, Sweden’s deputy UN ambassador, said.

“The resolution is not only about sanctions and putting pressure on the North Koreans,” Skau said. “It’s also about the importance of dialogue and the humanitarian aspect as well.”

North Korea’s reported progress on miniaturizing nuclear warheads – coupled with two test flights of intercontinental ballistic missiles in July – are raising pressure on Trump. Before taking office, he pledged to prevent North Korea from developing an ICBM: “It won’t happen,” he wrote on Twitter.

While Kim’s efforts to develop a missile capable of delivering a nuclear weapon to the continental U.S. face big technological hurdles, he has made significant progress. He still needs a rocket that can survive reentry and a guidance-and-control system capable of directing it to the U.S. without breaking up.

— With assistance from Toluse Olorunpia, Justin Sink, Isabel Reynolds, and Yuki Hagiwara

Rex Tillerson, James Mattis Back Up Donald Trump’s Message To North Korea

By Dave Boyer, Guy Taylor

*Washington Times*, August 9, 2017

The State and Defense departments provided backup Wednesday to President Trump’s threat a day earlier to rain down “fire and fury like the world has never seen” if North Korea did not curb its nuclear programs, but there was little sign Pyongyang was seeking to ease its threats against the U.S. and its allies in the region.

Secretary of State Rex W. Tillerson and Secretary of Defense James Mattis offered stern words for the North in the wake of reports that the regime of Kim Jong-un may have developed a nuclear device small enough to fit on a missile that could reach much of the U.S. homeland.

“What the president is doing is sending a strong message to North Korea in language that Kim Jong-un can understand,” Mr. Tillerson said. “The president just wanted to be clear to the North Korean regime.”

Mr. Mattis offered his own blunt message by urging North Korea to “stand down its pursuit of nuclear weapons” or face a U.S. response “that would lead to the end of its regime and the destruction of its people.”

North Korea’s initial response was to say it was updating plans targeting the “waters around Guam,” where the U.S. maintains a major military base. North Korean authorities also organized a large rally in Pyongyang on Wednesday as a show of defiance against tough economic sanctions approved Saturday by the U.N. Security Council.

Gen. Kim Rak-gyom, who heads North Korea’s rocket command, told state media early Thursday that Mr. Trump’s threat was “a load of nonsense” and that only absolute force could deter the American president.

Despite the biting rhetoric and criticism, however, there was a palpable lessening of the fears that a military clash on the Korean Peninsula was imminent. The response in South Korea and Japan, U.S. allies already within range of the North’s nuclear and conventional arsenal, was noticeably more muted.

There was also little sign of panic on the island of Guam, where the beaches and tourist hotels were reportedly full on Wednesday. Guam Gov. Eddie Baza Calvo recorded a YouTube video designed to try to allay any concerns residents might have, saying, “I want to reassure the people of Guam that currently there is no threat to our island or the Marianas.”

Mr. Tillerson said the president was justified because North Korea’s threatening rhetoric had “ratcheted up louder and louder” in response to growing international pressure over its nuclear and missile programs. He also noted he was passing through Guam on his way home from a regional summit in the Philippines and never considered altering his route because of Pyongyang’s threat.

“I do not believe that there is any imminent threat, in my own view,” Mr. Tillerson told reporters.

In a direct warning to Pyongyang not to escalate the situation, Mr. Mattis said the North Korean regime “would lose any arms race or conflict it initiates.”

The White House insisted that the president and his top security and diplomatic advisers were on the same page as the confrontation flared up.
Spokeswoman Sarah Huckabee Sanders said Mr. Trump’s advisers were not surprised by the sharpness of his tone Tuesday.

“The words were [Mr. Trump’s] own,” Mrs. Sanders said in a statement. “The tone and strength of the message were discussed beforehand.”

Lowering the tension

North Korea has conducted 14 missile tests this year, including two test firings of intercontinental ballistic missiles last month, potentially capable of reaching not just Guam but also the U.S. mainland.

But some analysts in Washington—including some foreign policy hawks—sought Wednesday to lower the hype and media hysteria surrounding the U.S.-North Korea tensions.

“There is no question that North Korea poses a major threat to its neighbors and can drag the United States and potentially China into a serious regional conflict,” longtime national security analyst Anthony H. Cordesman said in an assessment for the Center for Strategic and International Studies. “At the same time, no one should exaggerate the threat to the point of panic or make North Korea into some kind of towering threat.”

U.S. allies Japan and South Korea also appeared eager to downplay the threats from the Trump administration. South Korea’s Yonhap News Agency said the government in Seoul would continue to push for a peace deal with Pyongyang and maintained that the South Korean president’s office did not believe a crisis was imminent.

In Japan, government spokesman Yoshihide Suga spent more time answering questions on Wednesday about a dispute with the U.S. over the safety of its Osprey military aircraft than about North Korea, according to a report by Bloomberg News, which cited a senior Japanese official as saying few people in the government in Tokyo were taking Mr. Trump’s comments seriously.

Mr. Tillerson told reporters that mounting international pressure, including from China and Russia, will work to persuade the North Koreans to reconsider the current pathway they’re on and think about engaging in a dialogue.

“Americans should sleep well at night [and] have no concerns about this particular rhetoric of the last few days,” he said.

But the tough talk from Mr. Trump and his advisers has made Democrats nervous. Mark R. Warner, Virginia Democrat and vice chairman of the Senate Select Committee on Intelligence, urged the president to “think through all of our options.”

“Improvising our way into a shooting war on the Korean Peninsula without a plan puts us all at risk,” Mr. Warner said.

Mr. Trump and Mr. Mattis said Wednesday that upgrading the U.S. nuclear arsenal was a priority even before Mr. Trump took office and was made all the more urgent by the growing threat from North Korea.

“My first order as president was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before,” Mr. Trump said on Twitter. “Hopefully we will never have to use this power, but there will never be a time that we are not the most powerful nation in the world!”

The U.S. has embarked on a $1 trillion 30-year plan that was put into motion under President Obama to upgrade its nuclear warheads and delivery systems, including new ballistic missile submarines, land-based missiles and long-range stealth bombers.

The size and capabilities of North Korea’s nuclear arsenal aren’t known, although it’s believed that Pyongyang has enough weapons-grade nuclear material to build at least 10 bombs. North Korea says it has successfully tested five nuclear devices, and the DIA analysis completed late last month suggested that the North has far more nuclear devices than previously thought.

Mr. Mattis said Mr. Kim “should take heed of the U.N. Security Council’s unified voice, and statements from governments the world over [that] agree [North Korea] poses a threat to global security and stability.”

Some financial analysts also blamed the rising war of words between Washington and Pyongyang for a second day of losses in stock markets Wednesday after a string of record highs. The Dow Jones industrial average fell 36 points to close at 22,048 Wednesday.

Mr. Trump’s threatening rhetoric on North Korea “is almost entirely responsible for the pullback,” said Randy Frederick, vice president of trading and derivatives for Charles Schwab.

• Carlo Muñoz and S.A. Miller contributed to this article, which is based in part on wire service reports.
War With North Korea Not Imminent, Officials Say, But U.S. Would Still Win

By Peter Baker, Gardiner Harris And Eileen Sullivan

New York Times, August 9, 2017

A day after President Trump threatened North Korea with “fire and fury,” his top diplomat and defense chief sent a more nuanced message on Wednesday, reinforcing the capacity of the United States to win any war while reassuring Americans that they did not think it would come to that.

Secretary of State Rex W. Tillerson, returning from a trip to Asia, said he saw no reason to believe that war was imminent despite the heated exchange of warnings between Mr. Trump and Pyongyang, emphasizing instead the possibility of a diplomatic solution to the standoff over North Korea’s efforts to build long-range nuclear weapons.

“I think Americans should sleep well at night, have no concerns about this particular rhetoric of the last few days,” Mr. Tillerson said as his plane stopped on the way back to the United States to refuel in Guam, the very island that North Korea threatened to target with an attack. He added: “Nothing I have seen and nothing I know of would indicate that the situation has dramatically changed in the last 24 hours.”

Hours later, Defense Secretary Jim Mattis issued a written statement that, while not as colorful as Mr. Trump’s comments on Tuesday, repeated the suggestion that North Korea risked “the end of its regime and the destruction of its people” if it did not “stand down” from its pursuit of nuclear weapons.

“While our State Department is making every effort to resolve this global threat through diplomatic means, it must be noted that the combined allied militaries now possess the most precise, rehearsed and robust defensive and offensive capabilities on Earth,” Mr. Mattis said. Using the initials for the Democratic People’s Republic of Korea, he added: “The D.P.R.K. regime’s actions will continue to be grossly overmatched by ours and would lose any arms race or conflict it initiates.”

The two secretaries made their comments a day after Mr. Trump warned of “fire and fury like the world has never seen,” choosing language that neither had seen in advance. The stark words, evoking the horror of a nuclear exchange between the world’s most dominant superpower and the upstart outlaw nation, sent ripples throughout the United States and Asia.

Mr. Tillerson and Mr. Mattis were left with the task of ratcheting down some of the heat of the moment without undercutting the president. In the process, each emphasized different elements.

In speaking with reporters traveling with him, Mr. Tillerson said that the threats emanating in recent days from the North Korean government have come as a result of growing international condemnation and sanctions.

“What the president is doing is sending a strong message to North Korea in language that Kim Jong-un would understand, because he doesn’t seem to understand diplomatic language,” Mr. Tillerson said.

Mr. Tillerson continued: “I think the president just wanted to be clear to the North Korean regime that the U.S. has unquestionable ability to defend itself, will defend itself and its allies, and I think it was important that he deliver that message to avoid any miscalculation on their part.”

North Korea’s ballistic missile program has advanced remarkably during the Trump administration, with the regime testing two intercontinental ballistic missiles in recent weeks, prompting experts to warn that the nation now may have a missile capable of reaching the United States.

The Washington Post reported on Tuesday that American intelligence agencies had concluded that North Korea had miniaturized a warhead that could fit on top of one of its missiles. The Japanese government also said in an annual threat assessment on Tuesday that “it is possible that North Korea has already achieved the miniaturization of nuclear weapons and has acquired nuclear warheads.”

But experts said the main problem for North Korea is not miniaturization; the bombs are already judged small enough to fit on a ballistic missile, as a famous picture of Mr. Kim with an odd warhead resembling a disco ball seemed to make clear. The real test is whether a warhead can survive the intense heat of re-entry as it plunges through the atmosphere from space, a hurdle North Korea is not believed to have overcome.

Mr. Trump weighed in on Twitter Wednesday morning, promoting the strength of the United States nuclear arsenal, even though he has
previously called it obsolete. The president said because of steps he has taken during his administration, the arsenal is now “far stronger and more powerful than ever before.”

In fact, the modernization of the nuclear arsenal began under President Barack Obama, and while Mr. Trump has pledged to overhaul the nation’s collection of bombers, submarines and land-based missiles, no substantial changes have been made since he took office. Mr. Trump faces a decision on whether to continue the 30-year program initiated by Mr. Obama even as cost estimates have grown by an additional 20 percent, bringing the price tag to $1.2 trillion, according to an estimate by the Congressional Budget Office.

The White House’s proposed budget called for big increases in research and development for new weapons, but it does not yet grapple with the ultimate budget-busting cost of producing a new fleet of delivery vehicles.

At the urging of the Trump administration, the United Nations Security Council unanimously approved new sanctions against North Korea on Saturday, but even as China and Russia supported the measure, was unclear how hard they would work to enforce it. Some saw Mr. Trump’s message as aimed at providing an incentive to Beijing to do more to avoid war.

Mr. Mattis, in his statement, stressed the international solidarity against North Korea. “Kim Jong-un should take heed of the United Nations Security Council’s unified voice and statements from governments the world over, who agree the D.P.R.K. poses a threat to global security and stability. The D.P.R.K. must choose to stop isolating itself and stand down its pursuit of nuclear weapons.”

The Trump administration has sent mixed signals about whether it would entertain direct talks with the North Korean government, with Vice President Mike Pence saying no such talks are being considered, while Mr. Tillerson has said they could happen as long as the North Koreans demonstrate their sincerity by pausing their missile tests. How long such a pause needs to last he refused to say.

Mr. Tillerson emphasized that he is engaged in an ongoing diplomatic effort and that “our telephone lines remain open, certainly to China, Russia as well as our allies.”

Mr. Tillerson’s remarks came as he flew home from four days of talks in Asia, including meetings with his counterparts from Russia, China, South Korea and Japan at the Association of Southeast Asian Nations, or Asean, in Manila this year as well as talks in Bangkok and Kuala Lumpur.

The growing menace from North Korea was Mr. Tillerson’s top priority, although he also discussed China’s increasingly aggressive actions in the South China Sea as well as what the United States perceives as the growing threat of the Islamic State in Asia.

Mr. Tillerson said that his strategy of gradually increasing diplomatic and economic pressure on the North Korean government is working.

“I think in fact the pressure is starting to show,” he said. “I think that’s why the rhetoric coming out of Pyongyang has gotten louder and more threatening.”

But he added that “whether we’ve got them backed into a corner or not is difficult to say.

“But diplomatically you never like to have someone in a corner without a way for them to get out,” he said.

The way out for the North Koreans?

“Talks,” Mr. Tillerson said. “Talks with the right expectation of what those talks will be about.”

To Tame North Korea, Secretary Of State Rex Tillerson Must Master Washington

By Richard Wolf

USA Today, August 9, 2017

WASHINGTON — Rex Tillerson wants Americans to sleep well at night, even with a trigger-happy dictator in North Korea and a Twitter-tapping president at the White House threatening nuclear Armageddon.

But Tillerson’s task as the nation’s chief diplomat facing his first major international crisis is tougher than promoting sweet dreams. He must try to tamp down President Trump’s threat of “fire and fury” with an oilman’s background, a depleted senior staff, a threatened budget crunch and a power struggle with the White House.

Whether the secretary of State is up to the job — or whether he may even be contemplating a hasty exit, or “Rexit,” from Foggy Bottom — is one of the central questions facing Washington’s foreign policy cognoscenti as Tillerson completes his trek through southeast Asia.
"Don’t quit yet!" was the plea last month from Aaron David Miller, a former State Department diplomat in Republican and Democratic administrations. Now a vice president at the Woodrow Wilson International Center for Scholars, Miller says the White House needs to give Tillerson the flexibility to do his job.

"Trump hasn’t empowered him" over other administration officials, such as United Nations Ambassador Nikki Haley and White House adviser and Trump son-in-law Jared Kushner, Miller said. The president, he said, "has to literally restrain his own instincts when it comes to doing foreign policy on Twitter and let Tillerson be perceived as the repository of authority."

That didn’t happen this week, when Tillerson was seeking to enforce economic sanctions that could lure North Korea to the bargaining table while Trump was threatening "fire and fury like the world has never seen." Rather than part of a coordinated strategy, Trump’s words were improvised on the spot, The New York Times reported.

Nor did it happen last month, when Tillerson sought to mediate between Qatar and four Persian Gulf neighbors led by Saudi Arabia, even as Trump took the neighbors’ side and called Qatar "a funder of terrorism at a very high level."

Tillerson alluded to the cacophony at the time, telling reporters his new job "is a lot different than being CEO of Exxon, because I was the ultimate decision-maker. That always makes life easier."

Because any military solution to the North Korean nuclear buildup would be catastrophic in terms of loss of life, sanctions and diplomacy represent nearly everyone’s first choice. But while seeking to beef up the Pentagon, Trump has proposed a 30% cut at the State Department.

"The problem is that this administration, this president and even this secretary of State have downsized their commitment to the State Department," said Rep. Eliot Engel, ranking Democrat on the House Foreign Affairs Committee. "It just goes to show what happens when you don’t do diplomacy before you do everything else."

Now Tillerson faces several problems navigating Washington, much less North Korea:

- As has been the case in past administrations, the State Department is but one foreign policy power center. It competes with the Pentagon, National Security Council and others for the president’s attention. Under Trump, the problem is "multi-polar," Miller said.

- "I’ve never, ever seen anything like this," he said. "Tillerson needs to be in sync with the president, in word and in deed."

- The administration has been slower than its predecessors in filling senior jobs, and the State Department has been among the slowest, in part because of disputes with the White House.

- Only 24 of 131 jobs requiring Senate confirmation have been filled; most of those are ambassadors to individual countries. There still is no undersecretary for arms control, assistant secretary for East Asian and Pacific affairs, or ambassador to South Korea.

- "There just has not been sufficient prioritization in terms of filling these jobs," said Max Stier, president of the Partnership for Public Service. He said Tillerson’s effort to reorganize the department and cut the budget by 25%, as Trump has proposed, was like trying to "re-engineer the airplane while you’re flying it."

- Tillerson himself, chosen after Trump discarded more experienced prospects such as former Republican presidential nominee Mitt Romney and former Central Intelligence Agency director David Petraeus, came with no government experience from his job at Exxon Mobil.

Yet the State Department pushed back Wednesday against the argument that the administration’s North Korea strategy and rhetoric were discordant. Spokeswoman Heather Nauert said Trump is "on the same page" with both Foggy Bottom and the Pentagon, and that international pressure on Pyongyang "is working."

That echoed remarks by Tillerson himself during a refueling stop in Guam — the U.S. territory that North Korea, ironically, threatened to strike even as the secretary was heading there.

"We have a very active, ongoing diplomatic effort, most of which is behind the scenes, because that’s where diplomacy is most effective," he said. At the same time, he added, Trump "felt it necessary to issue a very strong statement directly to North Korea."

Tillerson said U.S. seeks dialogue with North Korea if it abandons nuclear program.

The Trump Cleanup Patrol Just Had Its Biggest Job Yet
By Dana Milbank
Washington Post, August 9, 2017
I had dreams of fire and fury like the world has never seen. But now I will sleep well, because Rex Tillerson told me I should.

There is no “imminent threat” from North Korea, the secretary of state said Wednesday. “The American people should sleep well at night.”

It was the latest and largest cleanup effort undertaken by President Trump’s aides since this administration took power. Their unorthodox message to an anxious nation and a panicky world: Don’t take seriously what the president of the United States says.

On Tuesday, Trump delivered remarks about North Korea — words we now know to have been off the cuff — that pushed the world toward a nuclear standoff last seen in the Cuban missile crisis: “North Korea best not make any more threats to the United States.” If it does make threats, the president said, “they will be met with fire and fury like the world has never seen.”

Many noted that the wording echoed Harry Truman’s warning at the time of the Hiroshima and Nagasaki bombings. But then came Tillerson, a former ExxonMobil chairman, to assure us that there is nothing to see. It has become a familiar exercise: walking back, cleaning up and outright contradicting crazy things uttered by the man with the nuclear codes.

Early on, Trump announced that he had undertaken “a military operation” to get “really bad dudes out of this country, and at a rate that nobody’s ever seen before.”

The U.S. military is rounding up immigrants? Mexican officials freaked out. Homeland Security Secretary John Kelly, now White House chief of staff, drew cleanup duty: “No — repeat, no — use of military force in immigration operations. None,” he said.

Trump, during his visit to Brussels, shocked allies and caught his aides by surprise when he struck from his speech to NATO the usual commitment to the alliance’s collective defense — this, after calling NATO “obsolete.” Days later, Vice President Pence reassured jittery allies: “Our commitment is unwavering. . . . An attack on one of us is an attack on all of us.”

Trump, appearing alongside Israeli Prime Minister Benjamin Netanyahu, upended the longstanding U.S. commitment to a “two-state” solution to the Israeli-Palestinian conflict. “I am looking at two-state, and one-state,” he said. Nikki Haley, U.S. ambassador to the United Nations, was put on walk-back patrol the next day. “We absolutely support a two-state solution,” she said.

The cleanup patrol has a domestic operation, too. When Trump, after a bipartisan budget deal was reached, tweeted the notion that “our country needs a good ‘shutdown’ in September,” White House budget director Mick Mulvaney was hustled out to contain the damage: “We’ve averted a shutdown. . . . That’s the story now, not what might happen in September.”

After Trump tweeted that “Obama had my ‘wires tapped’ in Trump Tower,” Sean Spicer, who was White House press secretary, famously explained that “the president used the word ‘wiretaps’ in quotes to mean, broadly, surveillance and other activities.”

And, when Trump attacked the “FAKE NEWS media,” which he proclaimed “the enemy of the American People,” Pence swabbed the decks, saying: “Rest assured, both the president and I strongly support a free and independent press.”

The cleanup patrol has a broad membership. Gary Cohn, director of the National Economic Council, took a turn after Trump declared: “The Germans are bad, very bad. See the millions of cars they sell in the U.S.? Terrible. We will stop this.”

Cohn said: “He said they’re very bad on trade but he doesn’t have a problem with Germany.” Cohn explained that Trump’s “dad is from Germany.”

Asian allies became restless after Trump, during the campaign, said Japan should protect itself from North Korea, or pay the United States for providing security. After taking office, he jettisoned the Trans-Pacific Partnership and told South Korean officials that it would be “appropriate if they pay” for a $1 billion U.S. missile defense system. This time, it was the duty of the national security adviser, H.R. McMaster, to reassure South Koreans that the United States would continue to pay.

And Defense Secretary Jim Mattis, as part of an extended cleanup tour in the region, announced: “Our commitment to the defense of the Republic of Korea and Japan, to include the employment of our most advanced capabilities, is ironclad.”

The Pentagon also had to reassure U.S. ally Qatar that Trump didn’t really mean it when he
called Qatar a sponsor of terrorism. The U.S. military, which has thousands of troops in Qatar, praised the country for its “enduring commitment to regional security.”

There have been other such cleanup actions, and there will inevitably be many more, as Trump’s advisers try to convey to the world a pervasive message: Rest assured, sleep well—and pay no attention to the president’s yammering.

Twitter: @Milbank

**Trump Administration ‘Singing From The Same Hymn Book’ On North Korea: State Dept.**

By Mark Moore

*New York Post*, August 9, 2017

The State Department spokeswoman said Wednesday the Trump administration is “singing from the same hymn book” in its reaction to North Korea’s continued threats to unleash a nuclear attack on the US mainland.

“The United States is on the same page. We are speaking with one voice,” said Heather Nauert during a press briefing on Wednesday.

She dismissed a suggestion that others in the White House weren’t fully behind President Trump’s vow to meet threats from President Kim Jong Un’s regime with “fire and fury” after Secretary of State Rex Tillerson assured Americans they should have “no concerns” and said there was no “imminent threat.”

“We are all singing from the same hymn book,” she said.

Asked whether the comments Trump made at his golf resort in Bedminster, N.J., were “alarming,” Nauert shot back.

“What is alarming: two ICBM tests in less than a month. Two nuclear tests that took place last year,” she said.

“It is a big deal what is going on,” she added. “It is a concern to the world, not just the United States. Those are alarming actions, they’re provocative actions on the part of North Korea.”

She also confirmed that Tillerson hadn’t spoken to Trump before his “fire and fury” comment on Tuesday, but spoke to him for an hour on Wednesday as he returned on his plane to Washington from a trip to Asia.

Nauert echoed Tillerson’s remarks that Trump was using language that Kim would understand.

“I think the president just wanted to be clear to the North Korean regime that the U.S. has the unquestionable ability to defend itself, will defend itself and its allies, and I think it was important that he deliver that message to avoid any miscalculation on their part,” he told reporters earlier on Wednesday.

Pointing to the severe economic sanctions against North Korea by the United Nations Security Council, she said the world is united against Kim’s government.

“This pressure campaign with North Korea is something we are all in agreement on,” she said.

She also said the US doesn’t have a problem with the North Korean people, “it is the regime itself.”

**State Department Scolds Reporters For ‘Obsessing’ Over North Korea**

By Joel Gehrke

*Washington Examiner*, August 9, 2017

The State Department scolded reporters on Wednesday for being too interested in the U.S. stance on North Korea, and for other behavior the department thought was unprofessional.

Secretary of State Rex Tillerson’s top representative to the press issued rebukes throughout the briefing, which also featured a discussion of hot-button foreign policy topics, starting with President Trump’s dramatic warning to North Korea.

“I know you all want to obsess over statements and all of that and want to make a lot of noise out of that, but what is important to keep in mind is that [following a diplomatic summit in the Philippines], we are all singing from the same hymnbook,” State Department spokeswoman Heather Nauert said Wednesday.

That comment rankled some reporters. “We’re not ‘obsessing’ about this,” replied Matt Lee of the Associated Press. “This is the president of the United States threatening a nuclear-armed country ... with ‘fire and fury’ the likes of which the world has never seen.’ I don’t think it’s obsessing to want to know, to have a further clarification of exactly what that means and whether or not it means that we’re preparing to send ‘fire and fury’ raining down on the North Korean regime.”

Nauert defended the use of the term. “I see a packed room of journalists here and normally there aren’t half as many as there are here today,” she said.
Other skirmishes were more managerial. “You’re in trouble with me,” she told a reporter from an Asian media outlet. “Misstating some things that we talked about right here at the podium.”

Another journalist received a more pointed rebuke. “You know I always call on you,” she told a foreign reporter who covers Israeli-Palestinian issues. “It seems that when you haven’t been called on in the past, you’ve chosen to vent that in public. Our reporters typically don’t do that.”

Even In North Korea Crisis, Retired General John Kelly Is An Apolitical Force In A White House Divided By Ideology

By Robert Costa And Philip Rucker

Washington Post, August 9, 2017

When John F. Kelly attended one of his first policy meetings last week, the other officials in attendance tried to suss out where the newly minted White House chief of staff stood on a debate roiling the Trump administration: taxes.

Would Kelly back a sweeping overhaul of the tax code, proposed by Treasury Secretary Steven Mnuchin and National Economic Council Director Gary Cohn? Would he sign off on raising tax rates on the wealthy, championed by chief strategist Stephen K. Bannon? Or would he favor a narrow tax cut, suggested by outside economic adviser Larry Kudlow?

Kelly gave no hints, leaving some to wonder whether the new West Wing boss had a personal preference at all. As aides struggled to get a read on the retired four-star Marine Corps general, Kelly quipped that his position on taxes was that he pays them — and that he hates paying them, according to three people familiar with the discussion.

In an administration that has split into factions and been ravaged by ideological warfare, Kelly has asserted himself as a rare apolitical force. So far, he has left no discernible imprint on the White House’s philosophy, yet he has assumed control of its governance, running operations and the policy process in a way that Trump advisers hope will lead to tangible results.

As President Trump has bluntly addressed North Korean threats, Kelly has been a constant by his side in Bedminster, N.J., keeping a low profile and serving as a neutral mediator more than a pacifier. He is one of a number of generals whom the president has come to rely on for national security guidance, along with Defense Secretary James N. Mattis and national security adviser H.R. McMaster.

Passing up opportunities to craft policies, Kelly has encouraged key players to argue their points, ensuring proposals are fully vetted and then presenting the options to the president. He has assiduously avoided being tagged as a stalking horse for Bannon and his wing of hard-line nationalists, the Pentagon or senior adviser Jared Kushner and his coterie of business-friendly centrists. Rather, he has cultivated personal relationships with each of the competing spheres of the White House and pledged a fair hearing for all.

“He has a vivid understanding that Trump is president and he’s not,” former House speaker Newt Gingrich said. “But within that framework, he’s going to work to make Trump effective on Trump’s terms, not on Kelly’s terms. . . . He won’t try to personally shift the balance in any direction. It’s about making all six sides, or all two sides, have a chance to make a case.”

The absence of partisan stripes makes Kelly, 67, unique among White House chiefs of staff. In recent history, most have been political animals — including Kelly’s predecessor, Reince Priebus, who was a Republican foot soldier as a teenager and rose to become the national party chairman.

Trump’s advisers cited Kelly’s aversion to taking sides in the battles that have consumed the GOP and the White House staff as an asset, believing that he cannot only tame West Wing infighting, but can also try to forge common ground with Democrats on Capitol Hill.

“Building and maintaining unit cohesion and command has been a statement of his career,” said Kellyanne Conway, counselor to the president. She described Kelly’s motivations for his new job as “his sense of honor, duty and country,” as opposed to enacting an ideological project.

Nonideological should not be misread as moderate, however. White House officials said Kelly sees his role as executing the president’s orders, not modulating them — and they were quick to point out that Kelly managed some of Trump’s most controversial priorities with stubborn determination, including immigration and border enforcement, as secretary of homeland security.
“Let’s remember, General Kelly executed the travel ban,” said one senior White House official, who spoke on the condition of anonymity to comment candidly. “It’s not like he walked away and said, ‘I’m a conscientious objector to the president’s agenda.’"

Kelly’s confidants say the general took the job in Trump’s White House out of a deep sense of patriotism — a belief that he could help this president and thus the country.

“He has a lot of credibility,” presidential historian Douglas Brinkley said. But, he added, “Trump better not double-cross him, because if he says, ‘I can’t work with this president’ and walks from the Oval Office, then everybody’s going to believe General Kelly. He’s very much like [ousted FBI director James B.] Comey. The integrity is so high.”

In his first few days on the job, Kelly made overtures to Senate Minority Leader Charles E. Schumer (D-N.Y.) and House Minority Leader Nancy Pelosi (D-Calif.), aiming to repair relationships with Democrats in the aftermath of a polarizing Republican health-care effort that remains stalled.

Kelly, who was the Marine commandant’s liaison officer to the House in the mid-1990s when he was a colonel, long ago established a reputation with lawmakers as a reliable presence who never revealed his politics.

“I think General Kelly being apolitical and having a military background is perhaps a positive at this particular passage in the White House and with this particular president,” said Thomas “Mack” McLarty, a White House chief of staff under President Bill Clinton. “They need to govern, and he’ll be heard and received.”

Trump, who campaigned promising to be a dealmaking president, is eager for his chief of staff to have an open dialogue with Democratic leaders and to try to build bipartisan coalitions this fall on tax policy and infrastructure spending, especially as tensions with recalcitrant Republicans rise, according to top White House officials, also speaking on the condition of anonymity to be candid.

As one of the officials put it, the political atmosphere under Kelly is a contrast to when the White House was led by Priebus, a GOP stalwart who “was trained to not work with Democrats and to see them as the enemy.” The general’s “job has been to develop consensus and negotiate solutions.”

Kelly, who tersely answers phone calls with his surname and signs his emails the same way, has taken care even in one-on-one exchanges to remain cagey about his point of view. He talks broadly about “what the president wants to do” or “what is good for the country,” according to people who have interacted with him.

Some Republican leaders have appreciated his sphinx-like mien but privately wondered whether it is sustainable, especially as the party’s base stews and the business community pleas for action. Eventually, Kelly may have to take sides to settle thorny issues that have lingered for weeks, such as confronting North Korea, U.S. policy in Afghanistan and the scope of Trump’s tax package, officials said.

For now, Kelly is not reining in Trump or his rhetoric. When the president on Tuesday warned of “fire and fury” if North Korea does stop threatening the U.S., it was Trump’s own wording, not the general’s, according to White House officials.

Kelly has confided to associates that he is aware that his approach can come across as simplistic or vague in the political vipers’ nest that is the Trump West Wing. But he has said that he is committed to avoiding taking sides.

“To be a successful chief, you shouldn’t be pushing an agenda,” said Chris Whipple, author of “The Gatekeepers,” a history of White House chiefs of staff. “One of the most important duties is to be the so-called honest broker of information. If you’re doing the job properly, you are by definition apolitical.”

Whipple drew a comparison to James A. Baker III, who as chief of staff to President Ronald Reagan, acted as a pragmatic enforcer in a White House in which hard-right, “Let Reagan be Reagan” ideologues sought to control the agenda. Yet Baker still had politics in his blood; he had directed President Gerald Ford’s 1976 presidential campaign and George H.W. Bush’s 1980 bid.

Kelly’s friends said he often notes that during his 45-year career in the Marines, he never talked politics at length and acted on his beliefs only by voting every two years. Kelly has not said for whom he voted last November.

When Kelly addressed White House staff last Friday, he strongly urged them to put aside their own philosophical ambitions or grievances. “We’re
here to serve the country, and you need to check
your personal opinions at the door, whatever they
might be," one official recalled of Kelly’s remarks.

“There’s a huge strain in the military services
that stays out of politics,” said Brinkley, a
professor at Rice University. “They don’t want an
‘R’ or a ‘D’ attached to their name. They’re all
about duty, honor, country. And I see Kelly as part
of this tradition. . . . You can’t tar and feather
General Kelly as being alternative right or a
conservative Trumpian.”

People who have worked with Kelly said they
have seen little trace of his worldview or leanings
over the years.

“John and I are very old friends. He used to
work with the House. He’s an American, period,”
Gingrich said, recounting their conversations
when he was speaker. “We didn’t talk politics back
then. We talked about ideas and how to solve
things — and Saddam Hussein.”

North Korea Will Develop Guam Strike
Plan By Mid-August: KCNA
By Christine Kim And Soyoung Kim
Reuter, August 9, 2017

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

NKorea Dismisses Trump’s Threat,
Wars Of ‘Absolute Force’
By Josh Lederman And Matthew Pennington
Associated Press, August 9, 2017

WASHINGTON (AP) — North Korea on
Wednesday officially dismissed President Donald
Trump’s threats of “fire and fury,” declaring the
American leader “bereft of reason” and warning
ominously, “Only absolute force can work on him.”

In a statement released on state media,
General Kim Rak Gyoum, who heads North
Korea’s rocket command, also said his country
was “about to take” military action near the U.S.
Pacific territory of Guam. He said the North would
finalize a plan by mid-August involving mid-range
missiles hitting waters 30 to 40 kilometers (19 to
25 miles) away from the island.

The plan will then go to the commander in
chief of North Korea’s nuclear force and “wait for
his order,” Kim said by KCNA as saying. He
called it a “historic enveloping fire at Guam.”

The statement only served to escalate
tensions even further in a week that has seen a
barrage of threats from both sides. While nuclear
confrontation still seems incredibly remote, the
comments have sparked deep unease in the
United States, Asia and beyond.

A day after evoking the use of overwhelming
U.S. military might, Trump touted America’s
atomic supremacy. He said his first order as
president was to “renovate and modernize” an
arsenal that is “now far stronger and more
powerful than ever before.”

It was a rare public flexing of America’s
nuclear might. And Trump’s boasting only added
to the confusion over his administration’s
approach to dealing with North Korea’s expanding
nuclear capabilities on a day when his top national
security aides wavered between messages of
alarm and reassurance.

If Trump’s goal with two days of tough talk
was to scare North Korea, Kim, the commander,
put that idea quickly to rest.

He called Trump’s rhetoric a “load of
nonsense” that was aggravating a grave situation.

“Sound dialogue is not possible with such a
guy bereft of reason and only absolute force can
work on him,” the KNCA report quoted him saying.

Kim said the Guam action would be “an
effective remedy for restraining the frantic moves
of the U.S. in the southern part of the Korean
peninsula and its vicinity.”

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North Korea Calls Trump’s Warning A
‘Load Of Nonsense’
By Doina Chiacu, Idrees Ali And Christine
Kim
Reuters, August 9, 2017

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

North Korea Threatens To Turn U.S.
Mainland Into A ‘Theater Of Nuclear
War’
By Jonathan Kaiman
Los Angeles Times, August 9, 2017
President Trump’s statement that North Korea will meet with “fire and fury” if it continues to threaten the U.S. sent a cascade of anger, anxiety and concern through Northeast Asia’s halls of power on Wednesday.

North Korea responded with vitriol. In a statement, its Korean People’s Army threatened to “turn the U.S. mainland into the theater of a nuclear war,” sending a strong signal that Pyongyang’s nuclear ambitions remain unchecked. A U.S. strike on North Korea missile nuclear targets would be “mercilessly repelled,” the statement continued.

Pyongyang also organized a giant rally on Wednesday against a strict round of sanctions passed by the U.N. Security Council over the weekend. Tens of thousands of people packed Kim Il Sung Square in downtown Pyongyang; pictures online show them waving propaganda placards, their fists in the air.

China responded with an exhortation to turn down the hostile rhetoric and pursue diplomatic solutions. “Unless there’s a return to reason and a full commitment to a practical and peaceful solution, such a hostile approach will do little but make things worse,” said a commentary on the state-run New China News Agency.

South Korea, meanwhile, has increasingly prioritized a buildup of its defense systems, raising the specter of a regional arms race. On Wednesday, South Korea’s newly elected, liberal president, Moon Jae-in, called for “complete defense reform at the level of a rebirth,” according to the South Korean news agency Yonhap. Japan is also mulling over a military buildup.

The three disparate reactions speak to the depth of the region’s political divides, and the unpredictability of the ongoing crisis.

Washington has been deeply uncomfortable with the idea of a nuclear-armed North Korea for decades. Yet President Trump has proved to be less predictable than his predecessors and more inclined toward violent rhetoric, raising the possibility of armed conflict.

North Korean ruler Kim Jong Un prizes his country’s nuclear and missile programs as crucial deterrents against the United States and points of national pride. “It is the instinct of the human being to protect himself or herself from the attack of brutes,” North Korea’s state-run Korean Central News Agency said in a commentary on Wednesday.

China, meanwhile, is invested in preserving the status quo; although Beijing is also uncomfortable with North Korea’s nuclear program, it’s equally worried that instability in Pyongyang would send a flood of North Korean refugees into Northeast China and perhaps result in a reunited Korea, friendly with the U.S., on its northeastern border.

“Pyongyang should suspend its ballistic missile and nuclear programs while Washington and Seoul suspend their joint military drills,” the New China News Agency commentary said.

**North Korea Threatens To Surround Guam With An ‘Enveloping Fire’**

Pyongyang issues unusually blunt warnings for a second day in a row; says ‘sound dialogue’ with Trump isn’t possible

By Jonathan Cheng
Washington Post, August 9, 2017

Full-text stories from the New China News Agency are available to Journal subscribers by clicking the link.

**North Korea ‘Examining’ Missile Launch Toward Guam**

By Mike James
USA Today, August 9, 2017

North Korea claimed Thursday that it is writing an attack plan to fire missiles toward Guam “to signal a crucial warning to the U.S.,” although the rogue nation said the plan won’t be ready until mid-August.

The latest threat comes amid rising tensions on the Korean peninsula and blustery rhetoric from President Trump, who has promised “fire and fury” on North Korea if it doesn’t abandon its missile program.

The North Korean military is “seriously examining the plan for an enveloping strike at Guam through simultaneous fire of four Hwasong-12 intermediate-range strategic ballistic rockets,” North Korea’s media reported.

It said the missiles will fly over Japan and land near Guam, a U.S. territory in the Pacific Ocean about 2,100 miles southeast of North Korea. The U.S. maintains large naval and air bases on the island.

The show of force would not happen immediately, according to Yonhap News Agency in South Korea. The North Korean military is in the midst of drafting a detailed plan that it will submit
to leader Kim Jong Un by mid-August, Yonhap reported.

North Korean media said the purpose of the missile launch will be “to interdict the enemy forces on major military bases on Guam and to signal a crucial warning to the U.S.”

Military leaders in North Korea took the opportunity of the world spotlight to make a few digs at Trump. In a statement, North Korean general Kim Rak Gyom, commander of the nation’s army, called Trump’s “fire and fury” speech “a load of nonsense.”

The Bubble: Trump and Kim Jong Un are an ‘axis of idiocy,’ liberals say

Gyom also called Trump “a guy bereft of reason . . . Only absolute force can work on him.”

Analysis: Trump mirrored North Korea’s own rhetoric with threat of ‘fire and fury.’ Can it be effective?

Among the U.S. military installations on Guam is the sprawling Andersen Air Force Base, as well as Naval Base Guam. The island’s positioning in the Pacific is considered a key strategic point for U.S. military planning and presence. At least 6,000 U.S. troops are stationed there.

The island is the USA’s most western territory. It is part of the Mariana Islands group, home to U.S. military installations, and it has been the launching point for historic attacks on Asia.

One of Guam’s neighbor islands in the Marianas, Tinian Island, was the launching point for the atomic bomb attacks against Hiroshima and Nagasaki in Japan at the end of World War II.

Tiny island of Guam is key U.S. military outpost now in North Korea’s cross hairs

North Korea Says It Might Fire Missiles Into Waters Near Guam

By Choe Sang-Hun

New York Times, August 9, 2017

SEUL, South Korea — North Korea said Thursday that it was drawing up plans to launch four intermediate-range ballistic missiles into waters near Guam in the Western Pacific to teach President Trump a lesson, a day after the president warned of “fire and fury” against the North if it persisted in threatening the United States.

If the North were to follow through on its threat to launch an “enveloping strike” in the vicinity of Guam, it would be the first time that a North Korean missile landed so close to an American territory. The North’s official Korean Central News Agency reported that, according to the plan, four of the country’s Hwasong-12 intermediate-range ballistic missiles would fly over the three southern Japanese prefectures of Shimane, Hiroshima and Koichi before hitting the ocean about 19 to 25 miles from the coast of Guam.

In addition to serving as a warning to the United States, the proposed missile firings would also be a challenge to Japan. Some of the North Korean missiles launched in recent months have fallen in waters near Japan, but none of them have actually flown over the country. The North has said it launched its previous test missiles at highly lofted angles so that they would not fly over Japan.

North Korea will fine-tune its launching plans by the middle of this month and wait for a final order from its leader, Kim Jong-un, the North’s official news agency said, citing Gen. Kim Rak-gyom, commander of the Strategic Force of the Korean People’s Army.

General Kim’s remarks came a day after Mr. Trump warned that North Korea would be met with “fire and fury, and frankly power the likes of which the world has never seen before” if it continued to expand its nuclear and missile programs. The North test fired two intercontinental ballistic missiles, or ICBMs, last month, demonstrating an ability to fire a missile that eventually could hit the continental United States with a nuclear payload.

“Sound dialogue” is not possible with someone “bereft of reason, and only absolute force can work on him,” General Kim said, accusing Mr. Trump of having spoken “a load of nonsense.” He said Mr. Trump, who he said was spending his time on the “golf links,” was failing to “grasp the ongoing grave situation.”

North Korea first mentioned its plans to fire missiles into the waters off Guam on Wednesday, three days after the United Nations Security Council adopted another set of tough sanctions that American officials said could deprive the North of as much as one-third of its total export revenues. General Kim, who is in charge of North Korean missile units, released more details of the missile plan early on Thursday.

He said the four Hwasong-12 missiles would fly 2,086 miles in 17 minutes and 45 seconds to
reach their target in the ocean near Guam, which would serve as an air base for American strategic bombers if war with North Korea were to break out. General Kim said he was disclosing the details of the plan to "give stronger confidence in certain victory and courage to the Korean people and help them witness the wretched plight of the U.S. imperialists."

In recent months, B-52 and B-1B bombers from Andersen Air Force Base in Guam have flown over the Korean Peninsula on flights that the North has denounced as exercises for launching a nuclear strike. North Korea said its Hwasong-12 missiles were designed to interdict such an attack from the American base in Guam.

The military option the Trump administration has threatened against North Korea could involve shooting down North Korean missiles over international waters, said Cheon Seong-whun, a visiting research fellow at the Asan Institute for Policy Studies in Seoul who served as a presidential secretary for security strategy until a few months ago. Any move more aggressive than that could lead to an armed clash with North Korea, analysts say.

**North Korea Sets Mid-August Deadline For Attacking Guam**

By Ruth Brown  
*New York Post*, August 9, 2017

The North Korean military is "awaiting orders" to unleash four missiles at military bases near Guam — because officials believe President Trump is too "bereft of reason" for negotiations, the country's state-run media reported Wednesday.

"The U.S. president at a [golf] links again let out a load of nonsense about 'fire and fury' failing to grasp the on-going grave situation," General Kim Rak Gyum said in a statement, referring to the president's inflammatory threats to the Hermit Kingdom on Tuesday.

"This is extremely getting on the nerves of the infuriated Hwasong artillerymen of the KSA."

"Sound dialogue is not possible with such a guy bereft of reason and only absolute force can work on him."

By mid-August, the military will have completed its plans to launch four Hwasong-12 rockets over Japan and 18 miles off the coast of Guam, the statement says.

It will then report back to the commander-in-chief of the North Korean nuclear force and wait for his order.

"We keep closely watching the speech and behavior of the U.S.,” it concludes.

**Tiny Pacific Island Finds Itself In The Crosshairs Of North Korea. Why Guam?**

By Laura King, Contact Reporter  
*Los Angeles Times*, August 9, 2017

After President Trump threatened nuclear-armed North Korea with "fire and fury" — and after Kim Jong Un's hermit kingdom replied with a bombastic warning aimed at a speck of U.S. territory in the vast western Pacific — many Americans got busy Googling "Guam."

To the outside world, the tropical island is perhaps best known as a bloody battleground in World War II.

In subsequent decades, Guam, the largest island in the Mariana chain, became an outsized bastion of U.S. military might in a remote but strategic region — a role that probably placed it in the gun sights of an erratic and often paranoid leadership in Pyongyang.

And at a distance of about 2,100 miles, Guam lies closer to North Korea than any other U.S. territory.

For the island's 160,000-plus inhabitants — who awoke Wednesday to news of the North Korean military's announcement that it was weighing operational plans for a ballistic-missile strike on Guam — it was a jolting switch from concerns like the local scuba-diving conditions, a bird population beset by invasive tree snakes and warnings of the ills of chewing betel nuts.

Native-born Guamanian citizens by birth, and the island's governor, Eddie Baza Calvo, took to YouTube early Wednesday to inform constituents that he had been assured by the White House that Guam would be defended as if it were the U.S. mainland should North Korea try to strike.

"This is not the time to panic," he told reporters. "There have been many statements out there that have been made by a very bellicose leader, but at this point there's been no change in the security situation here on Guam."

More reassurance came from Secretary of State Rex Tillerson, who arrived on a previously scheduled refueling hours after the latest North
Korean threat while en route home from diplomatic stops in Southeast Asia.

Declining to echo Trump's belligerent tone, he played down the prospect of any immediate concerns that Kim would lash out at the island and said Americans "should sleep well at night."

It wasn't the first time the island has been on the receiving end of Pyongyang's threats. There was similarly ominous talk from North Korea in 2013, making specific note that Guam's sprawling Andersen Air Force Base, among other Pacific territories, lay within target range.

Still, many residents were worried about the unpredictability of North Korea's leader, and by the warnings of "enveloping fire" emanating from Kim's capital.

"It's kind of scary, because we don't know what this guy is capable of," Rudy Matanane, the mayor of the town of Yigo, which lies close to Andersen, told the Pacific Daily News. "I hope our mother country does what's right for us."

For a place only about the size of Chicago, Guam is home to a good deal of heavy firepower, with the U.S. military presence taking up nearly one-third of its territory and some 7,000 troops stationed across the island.

In addition to Andersen, whose airborne arsenal includes B-52 bombers, military venues include Naval Base Guam, operating nuclear submarines and a U.S. Coast Guard station.

The 212-square-mile island, sometimes likened by military officials to a permanent aircraft carrier, is also shielded from ballistic missiles — at least in theory — by the Terminal High Altitude Area Defense, or THAAD, similar to the one the U.S. is in the process of deploying, controversially, in South Korea.

Not unusually for a small, contained territory with a large military presence, there are occasional tensions between Guam's civilian population and what can seem an overweening outside power. But the big U.S. deployment, together with tourism, is the island's economic lifeline, and Guam residents join the military in disproportionately large numbers.

Though tiny, Guam has witnessed some dramatic historical upheaval. Portuguese explorer Ferdinand Magellan, on his way around the world at the behest of the Spanish king, arrived in 1521, setting the stage for three centuries of Spanish colonial rule, the remnants of which can be seen in a scattering of landmark forts, palaces and churches.

As was the case in so many colonial outposts, contact with Western powers came at a terrible cost to the island's indigenous people. Smallpox burned a hellish path through the native Chamorro population, punctuated by natural disasters like typhoons and earthquakes. But Chamarros remain the largest ethnic group in Guam today, and have managed to keep their native language alive, using it alongside English.

Ceded to the United States at the close of the 19th century, Guam and its people fell captive to the Japanese soon after the Pearl Harbor attack in Hawaii in 1941, enduring more than two years of nightmarish occupation. Five years after the war's end, the island became an unincorporated U.S. territory, by act of Congress.

Guam's residents can't vote in U.S. presidential elections, giving rise to some tart social-media commentary about how they did not elect Trump.

The territory's nonvoting congressional delegate, Democrat Madeleine Z. Bordallo, put out a statement urging the president to show "steady leadership" in dealing with North Korea.

Guam's Worries Grow As Tensions Rise Between US, North Korea

By Grace Garces Bordallo And Cathy Bussewitz

Associated Press, August 9, 2017

HAGATNA, Guam (AP) - Residents of the tiny Pacific island of Guam say they're afraid of being caught in the middle of escalating tensions between the U.S. and North Korea after Pyongyang announced it was examining plans for attacking the strategically important U.S. territory.

Though local officials downplayed any threat and Secretary of State Rex Tillerson was unflustered as he headed to Guam to refuel on his trip back to Washington from Malaysia, people who live and work on the island said they could no longer shrug off the idea of being a potential target. Guam serves as a launching pad for the U.S. military.

"I'm a little worried, a little panicked. Is this really going to happen?" said Cecil Chugrad, a 37-year-old bus driver for a tour bus company in Guam. "If it's just me, I don't mind, but I have to worry about my son. I feel like moving (out of Guam) now."
About 163,000 people live on the island that spans only about 12 miles (19 kilometers) at its widest. They are used to the threats from North Korea. But advances in the country’s nuclear program paired with fiery rhetoric from President Donald Trump has raised the already high animosity and heightened worries that a miscalculation might spark conflict between the nuclear-armed nations.

Reports suggested North Korea mastered a technological hurdle needed to strike the U.S. with a nuclear missile. The advances were detailed in an official Japanese assessment and later a Washington Post story that cited U.S. intelligence officials and a confidential Defense Intelligence Agency report.

In response, Trump on Tuesday threatened the communist country “with fire and fury.” On Wednesday, the North Korean army said in a statement that it was studying a plan to create an "enveloping fire" in areas around Guam with medium- to long-range ballistic missiles.

On his flight back to Washington, Tillerson said he never considered re-routing the trip to avoid refueling in Guam.

“I do not believe that there is any imminent threat,” Tillerson told reporters aboard the plane. “What we’re hopeful is that this pressure campaign (including sanctions), which the entire world now has joined us in, and with the engagement of China and Russia, two of North Korea’s closest neighbors – that they can begin to persuade the regime that they needed to reconsider the current pathway they’re on and think about engaging in a dialogue about a different future.”

While it is extremely unlikely that Pyongyang would risk the assured annihilation of its revered leadership with a pre-emptive attack on U.S. citizens, some residents of Guam are concerned.

“If anything happens, we all got to be ready, be prepared, and pray to God that it doesn’t happen,” Daisy Mendiola, 56, said after finishing lunch with her family at a restaurant near Hagatna. “Everyone’s afraid, because we’re dealing with powers that’s beyond us.”

Other residents are worried about the political atmosphere and the government’s ability to find a peaceful solution.

Todd Thompson, a lawyer who lives on Guam, said he laughed off past threats because he “figured cooler heads in Washington would prevail, and it was just an idle threat.”

“But I have to say, I’m not laughing now,” Thompson said. “My concern is that things have changed in Washington, and who knows what’s going to happen?”

His brother Mitch Thompson, who also lives on Guam, added he believes “a lot of people have no confidence that the White House will do the right thing under the circumstances.”

However, the brothers say they haven’t seen anyone panicking or stocking up on supplies.

“I think people are just stunned and really don’t know what to think,” Todd Thompson said.

Guam is about 2,100 miles (3,380 kilometers) southeast of Pyongyang and 3,800 miles (6,115 kilometers) west of Honolulu in the Pacific Ocean. For years, North Korea has claimed Guam is within its missiles’ striking distance, making furious statements each time when the U.S. flew powerful bombers from the island’s air base to the Korean Peninsula.

In August last year, the North’s Foreign Ministry warned that all U.S. military bases in the Pacific including Guam would “face ruin in the face of all-out and substantial attack” by the North’s military. In the spring of 2013, state media cited leader Kim Jong Un as having ordered his military to prepare plans on launching strikes on U.S. military bases in Guam, Hawaii and South Korea as well as the American mainland.

Guam is armed with the U.S. Army’s defense system known as Terminal High Altitude Area Defense, or THAAD, which can intercept missiles.

Similar threats in 2013 led Guam’s U.S. Congresswoman Madeleine Z. Bordallo to advocate for the THAAD system, she said in a statement Wednesday.

“North Korea’s most recent threat to target Guam is dangerous and it further heightens tensions in our region,” Bordallo said. “While we have heard threats like this in the past, I take them very seriously.”

Guam’s Homeland Security Adviser George Charfauros urged calm and said defenses are in place for such threats.

“An attack or threat to Guam is a threat or attack on the United States,” said Guam Gov. Eddie Calvo, who said he spoke with White House officials Monday morning. “They have said that America will be defended.”
A travel agent on Guam said they haven’t had a surge of customers seeking to book flights off the island.

“It’s not bad at all, no chaos,” said Mariah Sablan, who works for Golden Dragon Travel Inc. “It’s just like a regular business day.”

Bussewitz reported from Honolulu. Associated Press writer Mark Thiessen in Anchorage and AP foreign affairs reporter Josh Lederman contributed to this story.

This story has been corrected to show that the North Korean announcement came Wednesday in Guam due to the international date line.

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Lack Of Real-world Testing Raises Doubts On U.S. Missile Defenses
By Mike Stone
Reuters, August 9, 2017
Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

North Korea Frees Canadian Pastor Sentenced To Life Of Hard Labor
By Choe Sang-Hun
New York Times, August 9, 2017
SEUL, South Korea — A Canadian pastor who had been sentenced to hard labor for life in North Korea was released on humanitarian grounds on Wednesday, the North’s official media said.

The Rev. Lim Hyeon-soo, a South Korea-born pastor of the Light Korean Presbyterian Church in Toronto, received his penalty in December 2015, when North Korea’s Supreme Court convicted him of carrying out “subversive plots” and committing “activities against” the country, like harming the dignity of the supreme leadership of Kim Jong-un.

Mr. Lim was released on Wednesday, when the same court decided to free him on sick bail, the North’s official Korean Central News Agency said. The agency’s one-sentence dispatch gave no further detail.

The release of Mr. Lim came two months after an American college student, Otto F. Warmbier, died shortly after he was freed from North Korea while in a coma. Mr. Warmbier, 22, was serving a sentence of 15 years of hard labor for trying to steal a political poster from a Pyongyang hotel.

His death angered many Americans and eventually convinced the State Department to ban Americans from visiting North Korea.

Mr. Lim, who had visited North Korea more than 100 times on what his church called humanitarian missions, lost contact with his congregation after entering the country in early 2015. A tearful Mr. Lim later appeared in a government-arranged news conference in Pyongyang and confessed to plotting to overthrow the North Korean leadership by undermining the “worship” of Kim Jong-un.

His church had supported a nursing home, a nursery and an orphanage in North Korea since it began a mission there in 1996, when the country was in the grip of a famine that killed thousands of people.

Mr. Lim said during his news conference that the bags of food he had donated across North Korea had carried the sign of the cross and phrases from the Bible. North Korean prosecutors also accused him of helping “lure and abduct” North Korean citizens, calling them defectors.

North Korea, which zealously tries to shield its citizens from outside influences, has detained several foreign missionaries in recent years, calling them spies or agents of subversive ideas.

Kenneth Bae, a Korean-American missionary sentenced to 15 years of hard labor for trying to establish a secret proselytizing network, was freed in 2014, after the United States government sent its director of national intelligence, James R. Clapper Jr., to North Korea.

During his detention or trial, Mr. Lim’s family members were not allowed to visit him, and appealed repeatedly to North Korea to free him.

Two Months Into Saudi-Led Boycott, Tiny Qatar Goes On The Offensive
By Sudarsan Raghavan
Washington Post, August 9, 2017
The tiny nation of Qatar is defiantly weathering a boycott by four of its neighbors in a
The countries have blocked Al Jazeera's website and shut down its offices; Israel over the weekend announced its intention to close down the network's offices and ban its journalists. Qatari officials dismissed the demands as "neither actionable or reasonable."

Instead, Qatar, one of the top producers of natural gas, has sought to diversify its economy and wean itself off its dependence on its Gulf neighbors for food and other supplies. Food from Saudi Arabia and the UAE that once filled supermarkets in Qatar has been replaced by products from Turkey and Iran. One businessman has started importing 4,000 cows to produce milk.

Last week, Qatar inked a $262 million deal to bring one of soccer's most well-known stars, Neymar, to the Paris Saint-Germain team, Qatar's most prominent sports asset. The astronomical sum was widely seen as a good investment ahead of the 2020 World Cup, which Qatar is scheduled to host, as well as a public relations boost.

Qatar also unveiled a draft law last week that would allow some foreigners to acquire permanent residency. For the first time, they will have access to free health care and government-run education, and will be able to own land and operate some businesses without a Qatari partner, according to the country's state-run news agency.

If enacted, such rights would be unprecedented in the Persian Gulf. Countries rely heavily on a foreign workforce but rarely grant foreigners citizenship or privileges afforded to their nationals. Foreigners make up nearly 90 percent of Qatar's population of 2.7 million.

The draft law also gives permanent residency to the children of Qatari mothers and non-Qatari fathers. Under current laws in Qatar and other Gulf countries, children take the citizenship of their father.

The measure is widely seen as a way for Qatar to thwart the economic blockade by providing incentives for its workforce to stay while attracting more investors and companies to choose Doha, its capital, as a regional business hub.

"One reason is they fear they can lose a significant number of people, especially foreign workers, because of the crisis," said Anthony Cordesman, a Middle East analyst at the Center for International and Strategic Studies. "The other side is that they are sending a signal to the West,
and to others outside, that Qatar is more modern and more willing to seek reform.”

Qatar has also aggressively fought the boycott by filing complaints with the United Nations Security Council and the World Trade Organization. It has urged the International Civil Aviation Organization, the U.N. aviation body, to look into whether Saudi Arabia and its allies violated an air travel treaty by banning Qatari flights from their airspace.

Qatar also is strengthening its ties with the West to counter the loss of its former Gulf allies. Last week, it announced the $6 billion purchase of seven Italian warships, and in June it purchased $12 billion worth of F-15 fighter jets from the United States.

And over the weekend, Turkey and Qatar staged joint military exercises, the latest sign of their burgeoning alliance. In June, Turkey greenlighted a plan to send several thousand troops to a Turkish base in Qatar, ostensibly to support anti-terrorism efforts. Shutting down that base is one of the demands of the anti-Qatar bloc to lift the blockade.

As the crisis drags on, U.S. officials are increasingly concerned the diplomatic row could hamper efforts to fight the Islamic State in Iraq and Syria. All sides are part of the U.S.-allied coalition fighting the militants.

“The longer this goes on, the harder it is, even if you get an agreement, to get anyone to trust anybody,” Cordesman said.

**Taliban Leader Feared Pakistan Before He Was Killed**

By Carlotta Gall and Ruhullah Khapatwak

*New York Times*, August 9, 2017

KANDAHAR, Afghanistan — In the hours before he was killed in an American drone strike, Mullah Akhtar Muhammad Mansour, then the Taliban leader, knew something was wrong.

He was on his way home from a secret visit to Iran in May 2016, driving across a remote stretch of southwestern Pakistan, when he called his brother and relatives to prepare them for his death.

“He knew something was happening,” a former Taliban commander, who is close to Mullah Mansour’s inner circle, said in an interview. “That’s why he was telling his family members what to do and to stay united.”

It is rare for a Taliban commander to sit for an interview, but this one spoke on the condition that his name or location not be made public, because he had recently defected from the insurgents’ ranks and his life was under threat.

His account offered previously unreported insights into the final hours of Mullah Mansour’s life, and why and how he was killed, revealing a dangerously widening rift with his Pakistani sponsors.

The account was complemented and supported in interviews with two senior Afghan officials who have conducted their own investigations into the Taliban leader’s death — Haji Agha Lalai, presidential adviser and deputy governor of Kandahar; and Gen. Abdul Raziq, the police chief of Kandahar Province.

More than a year after the event, Afghans on both sides of the war and a growing number of Western security analysts say that Pakistan most likely engineered Mullah Mansour’s death to remove a Taliban leader it no longer trusted.

“Pakistan was making very strong demands,” the former commander said. “Mansour was saying you cannot force me on everything. I am running the insurgency, doing the fighting and taking casualties and you cannot force us.”

After Mullah Mansour’s death, Mawlawi Haibatullah Akhundzada, an Islamic cleric with no military experience, was selected as leader of the Taliban. Yet Afghanistan has seen little reprieve with his death, as hard-liners within the movement took over and redoubled their offensive to take power.

There is little chance of anyone speaking out, the former commander said. “Ninety percent of the Taliban blame the Pakistanis,” he said. “But they cannot say anything. They are scared.”

Mullah Mansour had been intent on expanding his sources of support as he prepared an ambitious offensive across eight provinces in Afghanistan last year, they said.

He relied on Pakistan’s Intelligence Service and donors from Arab Gulf states, as well as Afghan drug lords, for the main financing of the Taliban, but he was also seeking weapons and other support from Iran, and even Russia. He met officials from both countries on his last visit to Iran.

Mullah Mansour’s outreach to Iran was also aimed at getting the Taliban out from under Pakistan’s thumb, according to his former associate and Afghan officials, so he could
maneuver to run the war, but also negotiate peace, on his own terms. That was where his differences with Pakistan had grown sharpest.

Mullah Mansour had resisted orders from Pakistan’s intelligence agency, the ISI, to destroy infrastructure—schools, bridges and roads—to increase the cost of the war for the Afghan government. He opposed the promotion of Pakistan’s hard-line protegé Sirajuddin Haqqani to be his deputy, and he had dodged Pakistan’s demands to push its agenda in negotiations.

Critically, he wanted to devolve more power to regional Taliban commanders, allowing them to raise their own funds and make their own decisions, in order to own the Afghan nationalist cause and loosen Pakistan’s control over the insurgency.

Others with close knowledge of the Taliban, including the former Taliban finance minister and peace mediator Agha Jan Motasim, said that Mullah Mansour was ready to negotiate and had sent top representatives to successive meetings in Pakistan.

While on his way to Iran, Mullah Mansour had stopped in the Girdi Jungle refugee camp, a hub of Taliban activity in Pakistan, where he called on Taliban commanders and elders to gather for a meeting.

"Ten days before he was killed he sent messages to villages and to commanders asking them to share their views on peace talks," said General Raziq, the police chief of Kandahar Province, a fierce opponent of the Taliban, who knows the movement well.

He says that Mullah Mansour was looking for new protectors as his disagreements with Pakistan were growing.

"There were reports that he may have wanted to escape," General Raziq said. "We knew one month before that Mansour was ready to make peace."

General Raziq also said Mullah Mansour feared assassination by Pakistan. "He told his relatives that 'relations with Pakistan were very bad and they might kill me.'"

The day he was killed, Mullah Mansour was alone.

The trip to and from Iran was one he had taken before. He always traveled on a Pakistani passport, under a fake name, with the full knowledge of Pakistani intelligence.

His fake identity, Muhammad Wali, was known in intelligence circles, according to a former Afghan intelligence chief, who did not want to be identified while discussing sensitive aspects of relations with neighboring countries.

This time, however, unusually, when Mullah Mansour reached the Pakistani side of the border with Iran, 300 extra guards were posted at the crossing and along the highway. Mullah Mansour was detained inside the border post.

He emerged after two hours, and climbed into a taxi about 9 a.m. for the eight-hour drive to Quetta. Traveling alone in an ordinary taxi was typical of the Taliban leader: low-profile, but at the same time casually confident in a familiar terrain.

The Taliban had freedom of movement in the border regions with the tacit agreement of Pakistani security forces, the former Taliban commander explained. Anyone armed with a Kalashnikov, or just a walkie-talkie, could pass where ordinary civilians could not, he said.

But his reception at the border had worried Mullah Mansour.

He called his brother and spoke to him and family members for 45 minutes, the former Taliban commander said. He also called a close friend in Quetta and asked him to go around to his brother's house with a message to expect guests that night.

He was doing what is known in Islamic Law as "wasiyat," passing on his last wishes and taking leave.

"He was very worried about his safety," said Mr. Lalai, the Afghan presidential adviser, who also knew of the long telephone call. "He had a conversation with his family and he gave last instructions to educate his children, on his money, most of the talk was instructions in the case of his death."

Six hours into the journey, near the small town of Ahmad Wal, where the road runs just 20 miles from the Afghan border, Hellfire missiles fired by an American drone tore into the car, first hitting the front and then striking the body.

Workers farming watermelons nearby rushed to the burning wreck and shoveled dirt on the flames but could not save the men inside, General Raziq said.

Members of Pakistan’s Frontier Corps arrived suspiciously fast.

"His car was followed," said General Raziq, who conducted his own investigation into the
strike. "The Frontier Corps were following him, and within five minutes of him being hit they reached him, with the media."

The Pakistani police showed journalists Mullah Mansour's passport, undamaged, beside the charred wreck. Afghan officials and Western security analysts say it was most likely planted there after the blast since everything else was burned beyond recognition.

For many in the Taliban, Mullah Mansour's death represented a devastating betrayal by their longtime patron and sponsor, Pakistan, that has split and demoralized the ranks.

About two dozen senior commanders from Mullah Mansour's Pashtun tribe have defected to the Afghan government or moved into Afghanistan in fear of further retribution from Pakistan.

The Taliban commander compared the strike with Pakistan's detention of senior Taliban commanders who dared to reach out to the Kabul government, like Mullah Abdul Ghani Baradar, who was detained in a joint United States-Pakistani raid in 2010. American officials welcomed his detention but later it emerged that he had been supporting peace overtures with Kabul.

The strike against Mullah Mansour was the first time a top Afghan Taliban leader had been killed inside Pakistan, which has provided a sanctuary for Taliban leaders throughout their 16-year insurgency against Afghanistan.

At the time, President Barack Obama and other American officials and diplomats expressed satisfaction.

"He was a prime target for the Americans and the Afghan government," General Raziq said. "He was a terrorist."

**Exclusive: U.S. Envoy To U.N. Will Go To Vienna To Review Iran Nuclear Activities – U.S. Official**

By Michelle Nichols

 Reuters, August 9, 2017

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

**Putin’s Visit To Breakaway Georgian Region ‘Inappropriate’: U.S**

 Reuters, August 9, 2017

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Russia Wants Innovation, But It’s Arresting Its Innovators

By Andrew Higgins

New York Times, August 9, 2017

AKADEMGORODOK, Russia — Dmitri Trubitsyn is a young physicist-entrepreneur with a patriotic reputation, seen in this part of Siberia as an exemplar of the talents, dedication and enterprise that President Vladimir V. Putin has hailed as vital for Russia’s future economic health.

Yet Mr. Trubitsyn faces up to eight years in jail after a recent raid on his home and office here in Akademgorodok, a Soviet-era sanctuary of scientific research that was supposed to showcase how Mr. Putin’s Russia can harness its abundance of talent to create a modern economy.

A court last Thursday extended Mr. Trubitsyn’s house arrest until at least October, which bars him from leaving his apartment or communicating with anyone other than his immediate family. Mr. Trubitsyn, 36, whose company, Tion, manufactures high-tech air-purification systems for homes and hospitals, is accused of risking the lives of hospital patients, and trying to lift profits, by upgrading the purifiers so they would consume less electricity.

Most important, he is accused of doing this without state regulators certifying the changes.

It is a case that highlights the tensions between Mr. Putin’s aspirations for a dynamic private sector and his determination to enhance the powers of Russia’s security apparatus. Using a 2014 law meant to protect Russians from counterfeit medicine, investigators from the Federal Security Service, the post-Soviet KGB, and other agencies have accused Mr. Trubitsyn of leading a criminal conspiracy to, essentially, innovate too fast and too freely.

The situation has outraged fellow scientists, would-be entrepreneurs and others in Akademgorodok, a freethinking settlement of broad avenues, forested pathways and 35 Soviet-era research institutes near the Siberian city of Novosibirsk. They see it as the Russian government undermining its own stated economic goal — to nurture enterprises that harness Russian brain power instead of sucking oil, gas and minerals out of the ground.
More than 5,000 people have signed a petition appealing to Mr. Putin to stop "this shameful example of forceful pressure on a law-abiding business." Mr. Trubitsyn and his company "are, without exaggeration, the pride of Akademgorodok," it said. "They are a strong symbol of a prospering Russia in which real technological business can develop to world standards."

Aleksei Okunev of Novosibirsk State University in Akademgorodok, who has worked closely with Mr. Trubitsyn's company, called the situation "incomprehensible." He added, "We have very few success stories in Russia, and this explains why."

Mr. Putin did not respond, but in a statement, his business ombudsman, Boris Titov, called Mr. Trubitsyn "a young, energetic representative of the innovation sector, the development of which is most needed for a modern Russia."

But Mr. Titov has made similar statements before, to little effect. Despite official state support for innovation under Mr. Putin, the growing power of Russia's security services and rampant official corruption frequently push in the opposite direction.

The first sign of the storm approaching Akademgorodok came early in 2016, when Mr. Trubitsyn and his colleagues began hearing that their competitors were telling hospitals that Tion's air purifiers were dangerous and were being investigated by Roszdravnadzor, a state agency that regulates medical equipment.

State television then broadcast a report accusing the company of jeopardizing the health of hospital patients. State hospitals began removing Tion devices.

"For years we were praised as a success story and then all these strange things suddenly started happening," said Mikhail Amelkin, Tion's chief technical officer.

Mr. Amelkin said the company was approached by the regulatory agency and said that it had changed its design and removed a supplementary filtering device that laboratory tests had shown was redundant and wasted electricity. The company then amended its registration documents and thought the matter was over, Mr. Amelkin said. But armed police officers showed up in June to arrest Mr. Trubitsyn and search for evidence of what later court documents described as a "conspiracy" to produce counterfeit medical supplies. (No co-conspirators have been named, but a conspiracy charge allows prosecutors to seek more jail time.)

Natalia Pinus, Akademgorodok's elected representative to the regional council, is one of many local residents who see Mr. Trubitsyn's troubles as the fault of unscrupulous operators able to manipulate law-enforcement agencies to wipe out competitors.

"This is not just about a single company," she said, but "whether you can conduct honest business in Russia or whether that is impossible."

Police raids and arrests figure prominently in many Russian business struggles, particularly those involving assets like oil, over which the state has steadily reasserted control under Mr. Putin. Private companies that clash with Rosneft, Russia's state-owned energy giant, for example, often face criminal investigation.

The decline in global oil prices has, however, also meant less money is available for siphoning by venal officials. That has turned even relatively small companies into attractive targets by the police and the courts operating in partnership with business.

Anton Latkin, a computer programmer who has known Mr. Trubitsyn since boyhood science clubs, said Tion had fallen prey to attack by government officials who "don't understand anything about physics, don't understand anything about chemistry and don't understand anything about biology."

Mr. Amelkin, Tion's chief technical officer, said he and his staff had been unable to figure out who or what was behind the investigation. "If you try to find out who is responsible for anything in this system, you will only find an echo in the cave," he said, adding that the Russian state "is not a single organism with one brain" but a sprawling mass of separate and often competing fiefs.

Mr. Putin has been a forceful advocate of ending Russia's long record as an economic also-ran in all spheres other than oil and gas, repeatedly hailing Russia's technical and scientific prowess as an asset on which it can build a vibrant and diversified economy.

Last month, at a meeting of his Council for Strategic Development, Mr. Putin again lectured officials on the need to move Russia's faltering economy — now smaller than that of Italy and 11 other countries — beyond its reliance on natural
resources. “We need a breakthrough, and we must ensure it,” he said.

Mr. Trubitsyn’s troubles, though, may help explain why such a breakthrough has proved so elusive: The Russian state, which is Mr. Putin’s main vehicle for his plans for the nation’s resurgence, often stifles growth.

A bureaucracy empowered by a steady erosion of democratic checks and balances can often smother new ideas. Grand state-directed projects to promote innovation — like Skolkovo, a Moscow-area technology park set up by Kremlin fiat as Russia’s answer to Silicon Valley — have mostly fallen flat.

Mr. Trubitsyn’s company began in such a state-funded park, one of a dozen such zones set up across Russia after Mr. Putin visited India’s tech hub in Bangalore in 2005. Mr. Putin so enthusiastic about what he saw in Bangalore that he stopped in Akademgorodok on his way back to Moscow to talk with scientists and officials about how Russia could copy India’s example.

Dmitri Verkhoved, a mathematician who was appointed to run the operation, said Tion was “one of our first-startups,” opening in 2006, and had proved that innovative Russian companies can compete on the global market.

The objective, he added, was “to show that you can do business and make money here in Russia and don’t need to go abroad.” One of the few Russian companies outside the energy sector that export to China, Tion grew steadily to employ 250 people in Akademgorodok, Moscow, China and Kazakhstan by 2017. It has tributes from government-linked bodies, including being named Innovation Company of the Year by a Siberian forum in 2012.

(Mr. Verkhoved is entangled in a separate dispute and was fired in January as director of the Akademgorodok technopark.)

Irina Travina, the founder of a software start-up and head of the local technology-business association, said Akademgorodok was “the best place in Russia,” with “outstanding schools, low crime and a high concentration of very smart people.”

But she said Mr. Trubitsyn’s arrest had delivered a grave blow to the community’s sense of security.

“In principle, anyone can fall into this situation,” Ms. Travina said, praising Mr. Trubitsyn as a patriot because he had not moved abroad and had invested time and money in science education for local children. “It can happen to anybody,” she added. “Everyone has some sort of skeleton in their closet. Maybe nothing big, but they can always find something to throw you in jail for.”

U.S. Sanctions 8 More Venezuelans Tied To Maduro

By Patricia Mazzei
McClatchy, August 9, 2017

Eight more Venezuelans tied to President Nicolás Maduro’s government, including the brother of the late President Hugo Chávez, were hit Wednesday with U.S. financial sanctions over their involvement with the South American country’s newly inaugurated legislative superbody, which the international community has decried as the start of a dictatorship.

The Trump administration will freeze U.S. assets, ban U.S. travel and prohibit Americans from doing business with the newly sanctioned Venezuelans, who are current and former government members and a leader of Maduro’s security forces, which the U.S. has accused of violently repressing dissent.

The eight people are: Adán Chávez, brother of the late president and former governor of the state of Barinas; Francisco Ameliach, governor of the state of Carabobo and leader of the United Socialist Party of Venezuela (PSUV); Tania D’Amelio Cardiet, member of the National Electoral Council; Hermann Escarrá, constitutional attorney and constituent assembly delegate; Erika Farías, minister for urban agriculture; Bladimir Lugo Armas, colonel with the Bolivarian National Guard and head of legislative palace security accused of being involved in “several acts of violence” against opposition lawmakers in parliament; Carmen Meléndez Rivas, constituent assembly delegate; Ramón Darío Vivas Velasco, constituent assembly delegate and PSUV leader.

They will join Maduro, Vice President Tareck El Aissami and 20 other current and former members of the Venezuelan government, military and judiciary who have been sanctioned as the oil-rich country’s democracy crumbles. The pace of sanctions has quickened after four months of deadly street unrest following an economic collapse that resulted in widespread food and medicine shortages.
“President Maduro swore in this illegitimate constituent assembly to further entrench his dictatorship, and continues to tighten his grip on the country,” Treasury Secretary Steven Mnuchin said in a statement. “This regime’s disregard of the will of the Venezuelan people is unacceptable, and the United States will stand with them in opposition to tyranny until Venezuela is restored to a peaceful and prosperous democracy.”

At least one of the latest Venezuelans to be sanctioned, Escarrá, has owned South Florida properties. So have members of his immediate family.

Escarrá’s daughter, Oasis Escarrá Muñoz, paid $650,000 for a two-bedroom Miami condo overlooking Biscayne Bay in 2015. Miami-Dade County property records show. No mortgage was recorded with the purchase.

In 1996, Escarrá and his wife, Oasis Lis de Muñoz, bought a Pompano Beach country club condo for $82,000. Court records show the unit was later foreclosed on and sold. The couple also bought a single-family home in Coconut Creek for $244,000 in 1999, selling it at a slight mark-up three years later.

The Escarrá family also started several Florida corporations, including a now-defunct organic juice business.

No penalties targeting Venezuela’s crucial oil industry appear imminent, though other economic sanctions are still possible.

“I support the president sanctioning these corrupt Maduro regime officials,” said U.S. Sen. Marco Rubio, a Florida Republican who has pushed for further penalties against Venezuela. “The time has now come for the president to act on his promise to impose significant economic sanctions on the illegitimate Maduro dictatorship.”

The White House has been pleased with so far with the effect of its existing individual sanctions, intended to fracture Maduro’s socialist party circle, and has been focused on garnering international support for additional actions.

“It’s hurting them where it hurts the most: their pockets,” Carlos Díaz-Rosillo, White House director of policy and interagency coordination, told the Miami Herald in a recent interview. “The menu of options that we have includes other types of sanctions, but what we use really depends on what the government of Venezuela does.”

Countries in Latin America and Europe have joined the U.S. in condemning the new assembly, which was elected July 30 under suspected massive fraud. On Tuesday, 17 countries, including Argentina, Brazil, Canada, Chile and Mexico, met on an emergency basis in Lima and formally condemned the “breakdown of democratic order,” saying they would not recognize any actions taken by the “illegitimate” constituent assembly.

“What we have in Venezuela is a dictatorship,” Peruvian Foreign Affairs Minister Ricardo Luna said, adding that some countries might take individual actions against Venezuela.

Colombian President Juan Manuel Santos used similar language.

“A dictatorship is getting under way,” Santos said in a Colombian TV interview. “They’re doing away with democracy.”

The U.S. and its allies have maintained Venezuela’s rightful legislature is the opposition-held parliament. The new assembly held session in parliament’s chambers Tuesday and passed a decree declaring its decisions will supersede those of any other branch of government.

“This is the beginning of our response” against assembly delegates, a senior White House official said Wednesday. The official called Tuesday’s Lima Declaration “a critical and almost historic moment for the region to come together.”

“We see this as a multilateral effort,” the official said, though no other country has imposed sanctions.

In a parallel meeting Tuesday of the regional ALBA bloc, comprising Venezuela’s leftist Latin American allies such as Bolivia, Cuba, Ecuador and Nicaragua, Maduro continued his defiance, calling out the U.S. and other countries for what he characterized as right-wing “imperialism.”

“These extremist forces intend to impose a policy of aggression, of threats, against all of Latin America and the Caribbean,” he said. “Here is Venezuela, which will never give in.”

The assembly, tasked with rewriting the country’s constitution, was installed Friday. It began wielding its virtually unlimited powers Saturday, dismissing the country’s chief prosecutor, who was investigating the government for election fraud, corruption and human-rights abuses. The Treasury Department cited attorney general Luisa Ortega’s ouster as one of the actions prompting its latest sanctions.

On Tuesday, the United Nations human rights office, which denounced excessive force
used by Maduro’s security forces to suppress dissent, called on the government to protect the ousted attorney general.

Also Tuesday, the Venezuelan Supreme Court handed down a 15-month jail sentence to opposition Mayor Ramón Muchacho of Chacao for allowing anti-government protestors to block roads. Muchacho, who has been in hiding since June, is the fourth opposition mayor recently convicted by the court, whose eight constitutional justices were sanctioned by the U.S. in May.

The Trump administration had threatened to sanction all 545 assembly delegates. But many are lowly socialist party members, including students, with no public profile to speak of. Still unsanctioned are the biggest names in the assembly, including President Delcy Rodríguez, top deputies Aristóbulo Istúriz and Isaías Rodríguez, powerful delegate Diosdado Cabello and delegate Cilia Flores, who is Maduro’s wife. The White House declined to comment as to why.

The U.S. has said its list of potential future Venezuelan sanction targets is long, but picking names, and verifying their birth dates and other key identifying information, takes time — and the U.S. wants to deploy sanctions strategically. Going after the oil industry is considered a measure of last resort.

On Sunday, armed men dressed in camouflage looted a Venezuelan military base in the middle of the night, clashing with security forces and leaving two dead. A manhunt is under way for some who fled with a cache of weapons.

McClatchy White House correspondent Franco Ordoñez contributed to this report from Washington.

**US Oil Industry Pushes Back On Sanctions Against Venezuela**

By Joshua Goodman And Alexandra Olson

Associated Press, August 9, 2017

CARACAS, Venezuela (AP) — The Trump administration’s decision on Wednesday to slap sanctions on eight members of Venezuela’s all-powerful constitutional assembly brings to 30 the number of government loyalists targeted for human rights abuses and violations of democratic norms since anti-government protests began in April.

But even as the list of targeted individuals grows longer, promised economic sanctions have yet to materialize amid an outcry by the U.S. oil industry that a potential ban on petroleum imports from Venezuela — the third-largest supplier to the U.S. — would hurt U.S. jobs and drive up gas costs.

The sanctions announced Wednesday focused on current or former Venezuelan government officials accused by the U.S. of supporting President Nicolás Maduro’s creation of a special assembly charged with rewriting Venezuela’s constitution — a move the U.S. says is an attempt by Maduro to shore up his grip on power.

Since its election last month, the 545-member assembly has declared itself superior to all other government institutions and ousted Venezuela’s chief prosecutor, a vocal critic of Maduro.

The U.S. Treasury Department took the unusual step of sanctioning Maduro himself last month, freezing any assets he may have in the U.S. and blocking Americans from doing business with him.

The newest additions on Wednesday include Adan Chavez, the older brother of Hugo Chavez, who is credited with introducing the late president to Marxist ideology in the 1970s, and a national guard colonel lionized by the government after he physically shoved congress President Julio Borges during a heated exchange caught on video.

Former Foreign Minister Delcy Rodríguez, who is leading the assembly but has so far escaped being sanctioned, said the latest U.S. action seeks to “spread fear” among delegates and please government opponents she described as “criminals” and “unpatriotic.”

While most Venezuelan officials wear U.S. sanctions as a badge of honor — and are frequently rewarded with promotions as a result — Maduro faces a far greater threat if Trump follows through on economic sanctions against the OPEC nation.

For all of Maduro’s anti-capitalist rhetoric, Venezuela, which sits atop the world’s largest oil reserves, remains highly dependent on oil exports to the U.S., especially for importing food and medicine — items in short supply as crude prices have fallen and triple-digit inflation wreaks havoc on the economy.

The Trump administration warned last month that it would take “strong and swift economic
actions" against Maduro if he went ahead with plans to seat the constitutional assembly.

But since the election last month, no such action has materialized, leading some of Maduro’s opponents to wonder whether the U.S. president has lost his nerve.

The prospect of an import ban has alarmed U.S. oil companies that rely on Venezuelan crude.

Nine companies, including Chevron, Valero, Citgo and Phillips 66, currently process Venezuelan crude in more than 20 U.S. refineries, most of them located along the Gulf Coast, according to data from the U.S. Energy Information Administration. Many of these refineries are designed for the type of heavy crude that Venezuela exports and replacing those supplies would be disruptive and costly.

An influential industry group whose members include the nine companies has written two letters to Trump warning there is no guarantee that other key sources of U.S. heavy crude imports—Canada, Mexico and Colombia—could provide enough additional supply to replace the Venezuelan oil. Many refineries would likely turn to Saudi Arabia but the higher costs associated with such a shift “could significantly impact fuel costs for U.S. consumers,” according to the letter by the American Fuel & Petrochemicals Manufacturers.

“We want to make sure that we don’t have the unintended consequence of doing more harm to U.S. refineries than the Maduro regime,” said Chet Thompson, the CEO of the group, which represents 95 percent of the U.S. refining sector.

He added that he is hopeful his lobbying is gaining traction.

“We think we’ve come a long way from early July when these sanctions were first being kicked around. ... We think folks are a lot smarter on this issue than they used to be,” he said. “We certainly have not received any commitments or promises as far as what they are going to do. But we have done our job.”

The oil industry is finding allies in the U.S. Congress, particularly among lawmakers from the Gulf states.

Six Republican congressmen from three of the states that process Venezuela’s heavy crude—Texas, Mississippi and Louisiana—recently wrote a letter to Trump warning that banning Venezuelan oil imports would do more harm than good. While applauding the president for his efforts to counter “the disturbing decline of democracy” in Venezuela, the lawmakers, led by Rep. Randy Weber of Texas, said that it could jeopardize 525,000 refining-related jobs along the Gulf Coast.

“We fear that potential sanctions will harm the U.S. economy, impair the global competitiveness of our energy business and raise costs to consumers,” according to the July 28 letter, a copy of which was provided to The Associated Press by a senior Venezuelan official and whose authenticity was confirmed by one of the signatories, Rep. Clay Higgins of Louisiana.

Some Senate Republicans could soon join the chorus. Sen. Bill Cassidy, a Louisiana Republican who sits on the Senate Committee on Energy and Natural Resources, is preparing a letter to Trump raising similar concerns about the impact on the U.S. fuel market, according to his spokesman, John Cummings, who said the senator is rounding up signatories.

Energy analysts, however, have been more circumspect about the effect on global markets and prices at the pump. A recent analysis by Wells Fargo Securities concluded that one impact would be to raise foreign heavy crude prices by about $3.50 a barrel. However, the ban would not affect demand for gasoline or reduce the overall supply of crude on the global market, as Venezuela would likely redirect its shipments to countries in Asia and elsewhere, albeit at a painful discount.

“We do not believe there would be significant impact on retail prices to U.S. consumers given that the net availability of worldwide crude oil volumes would be unchanged,” the Wells Fargo report said.

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US Expels 2 Cuban Diplomats After Incidents In Cuba

By Matthew Lee And Michael Weissenstein
Miami Herald, August 9, 2017
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The two-year-old U.S. diplomatic relationship with Cuba was roiled Wednesday by what U.S. officials believe was a string of bizarre incidents that left a group of American diplomats in Havana.
with severe hearing loss attributed to a covert sonic device.

In the fall of 2016, a series of U.S. diplomats began suffering unexplained losses of hearing, according to officials with knowledge of the investigation into the case. Several of the diplomats were recent arrivals at the embassy, which reopened in 2015 as part of former President Barack Obama’s reestablishment of diplomatic relations with Cuba.

Some of the diplomat’s symptoms were so severe that they were forced to cancel their tours early and return to the United States, officials said. After months of investigation, U.S. officials concluded that the diplomats had been exposed to an advanced device that operated outside the range of audible sound and had been deployed either inside or outside their residences. It was not immediately clear if the device was a weapon used in a deliberate attack, or had some other purpose.

The U.S. retaliated by expelling two Cuban diplomats from their embassy in Washington on May 23, State Department spokeswoman Heather Nauert said.

U.S. officials told The Associated Press that about five diplomats, several with spouses, had been affected and that no children had been involved. The FBI and Diplomatic Security Service are investigating.

Cuba employs a state security apparatus that keeps untold numbers of people under surveillance and U.S. diplomats are among the most closely monitored people on the island. Like virtually all foreign diplomats in Cuba, the victims of the incidents lived in housing owned and maintained by the Cuban government.

However, officials familiar with the probe said that investigators were looking into the possibilities that the incidents were carried out by a third country such as Russia, possibly operating without the knowledge of Cuba’s formal chain of command.

The U.S. officials weren’t authorized to discuss the investigation publicly and spoke on condition of anonymity. Cuban officials declined to comment on the incident.

Nauert said that investigators did not yet have a definitive explanation for the incidents but stressed they take them “very seriously,” as shown by the Cuban diplomats’ expulsions.

“We requested their departure as a reciprocal measure since some U.S. personnel’s assignments in Havana had to be curtailed due to these incidents,” she said. “Under the Vienna Convention, Cuba has an obligation to take measures to protect diplomats.”

Nauert said the department had reminded Cuba of its international obligation to protect foreign diplomats.

U.S. diplomats in Cuba said they suffered occasional harassment for years after the restoration of limited ties with the communist government in the 1970s, harassment reciprocated by U.S. agents against Cuban diplomats in Washington. The use of sonic devices to intentionally harm diplomats would be unprecedented.

**US Embassy Employees In Cuba Possibly Subject To ‘Acoustic Attack’**

By Elise Labott, Patrick Oppmann And Laura Koran

CNN, August 9, 2017

(CNN) The US believes several State Department employees at the US embassy in Havana were subjected to an “acoustic attack” using sonic devices that left at least two with such serious health problems they needed to be brought back to the US for treatment, several senior State Department officials told CNN.

One official said the employees could have suffered permanent hearing loss as a result.

The employees affected were not at the same place at the same time, but suffered a variety of physical symptoms since late 2016 which resembled concussions.

The State Department raised the incidents with the Cuban government over the course of several months and sent medical personnel to Havana, but have not been able to determine exactly what happened.

“It can be quite serious,” one official told CNN. “We have worked with the Cubans to try and find out what is going on. They insist they don’t know, but it has been very worrying and troublesome.”

The FBI is now looking into the matter, the officials said.

“It’s very strange,” one official said.

State Department spokeswoman Heather Nauert on Wednesday said that “some US government personnel” working at the US
embassy in Havana, Cuba on official duty reported some incidents that were causing "physical symptoms." But she could not elaborate on the nature or cause of the incidents.

"Because there are a variety of symptoms, there could be a variety of sources," one US official said. "That is why we are being very careful here with what we say. There is a lot we still don't know."

For years US diplomats in Havana complained that they suffered harassment from Cuban officials and frequently had their homes and cars broken into. But diplomats said that after the US and Cuba restored full diplomatic ties in 2015, the campaign of harassment stopped.

Some of those affected chose to return to the US, said Nauert, prompting the administration to expel two Cuban diplomats from the embassy in Washington in May.

"The Cuban government has a responsibility and an obligation under the Geneva convention to protect our diplomats," Nauert told reporters, "so that is part of the reason why this is such a major concern of ours."

"We felt like we needed to respond to the Cubans and remind them of their responsibility under the Vienna convention," one of the officials said. The officials were not declared "persona non-grata" and may be allowed to return back to the United States if the matter is resolved.

Those affected were State Department employees, Nauert said, and no American civilians were affected. The State Department is taking these incidents "very seriously," she added, and is working to determine the cause and impact of the incidents.

A Cuban government official denied any Cuban involvement in the mistreatment of US diplomats in Cuba, and said the expulsion of Cuban diplomats was an "overreaction."

U.S. Expelled Two Cuban Diplomats After 'Incidents' In Havana

Washington Post, August 9, 2017

The U.S. government expelled two Cuban diplomats in May, after Americans working at the U.S. Embassy in Havana suffered unexplained physical ailments, the State Department said Thursday.

A small number of Americans began reporting symptoms at the end of 2016, and a few either were removed for medical treatment in the United States or asked to leave, State Department officials said Thursday.

Spokeswoman Heather Nauert linked "incidents which have caused a variety of physical symptoms" to the decision to expel two Cubans, but she did not directly blame the Cuban government for harming the Americans.

"We don't have any definitive answers about the source or the cause," of symptoms she characterized as not life-threatening.

The FBI is conducting an investigation of the illnesses or symptoms reported by the State Department employees over several months. Further U.S. action could follow if that investigation points to Cuban government targeting of U.S. employees, officials said.

The State Department said the Cuban government has assured Washington that it is also investigating.

Harassment of U.S. diplomats in Cuba is common, and predates former president Barack Obama's 2014 diplomatic opening to Cuba and the advent of a full-fledged U.S. embassy there.

"The Cuban government has a responsibility and an obligation," to protect U.S. diplomats, Nauert said. "That is part of the reason why this is such a major concern of ours, why we take this so seriously."

The State Department separately said in a statement that it had "reminded the Cuban government of its obligations under the Vienna Convention to protect our diplomats."

The State Department would not provide further information on the kinds of symptoms reported, and would not give a precise number of Americans who left Cuba as a result. The two expulsions are considered reciprocal, however, suggesting that the number of Americans who left their posts is close to two.

"Initially, when they'd started reporting what I will just call symptoms, it took time to figure out what it was, and this is still ongoing," Nauert said. "We're monitoring it. We provide medical care and
concern to those who believe that they have been affected by it.”

It was not clear why the expulsions were not made public by either country in May. President Trump announced the following month that he would roll back parts of the Obama opening, calling it “a bad deal.”

“Effective immediately, I am canceling the last administration’s completely one-sided deal with Cuba,” Trump said June 16.

He spoke in Miami, before an audience packed with members of South Florida’s Cuban American community who had opposed Obama’s normalization of relations with the communist government of President Raúl Castro.

The expulsions and the illnesses were first reported by CBS Radio News.

The details of Trump’s new policy are not yet clear. Trump ordered the Treasury and Commerce departments to draw up regulations, but White House officials said that actual changes would be months away.

Trump’s moves were opposed by U.S. business leaders and by both Democrats and Republicans in Congress.

Cuba’s government called Trump’s moves a “setback” in relations, and warned that “any strategy aimed at changing Cuba’s political, economic and social systems, whether through pressure or coercion, or employing more subtle methods, will be doomed to failure.”

Trump did not announce any change to the status of the U.S. Embassy in Havana, which replaced a smaller office that did not carry the same diplomatic status. Cuba’s small mission in Washington was also upgraded to an embassy.

Netanyahu Accuses Israeli Left, Media Of Trying To Oust Him

By Rami Amichay
Reuters, August 9, 2017

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

Kenya’s President Takes Strong Lead In Election Count As Opposition Claims Results Hacked

By Kevin Sieff
Washington Post, August 9, 2017

NAIROBI — Kenyan President Uhuru Kenyatta took what appeared to be an unassailable lead Wednesday in his bid for reelection, even as his opponent called the results fraudulent, raising fears of political violence after a bitterly contested race.

With 93 percent of votes counted, Kenyatta led with about 54 percent, far ahead of opposition leader Raila Odinga at about 45 percent, according to the Independent Electoral and Boundaries Commission.

But the morning after Tuesday’s elections, Odinga called the outcome “a complete fraud,” outlining an elaborate hacking scheme that he said dramatically manipulated the results. According to Odinga, a hacker used the login information of a top election official, Chris Msando, who was mysteriously murdered last month, to enter the country’s electoral database.

He told his supporters not to accept the outcome. Sporadic, mostly small-scale demonstrations popped up in the capital, Nairobi, and in parts of western Kenya, and police fired tear gas to break up at least one protest in the city of Kisumu.

The hacker, Odinga claimed, “took control of the entire network” and dramatically altered the results.

The electoral commission said it was not prepared to dismiss Odinga’s claim outright. It also emphasized that the results released so far were provisional. Final results that could be released any time in the next seven days would offer more substantiation, the commission said.

But election officials did not explain how the near-complete results already released online could differ dramatically from a more formal tally. Amid the confusion, less popular presidential candidates accepted the results as accurate and conceded to Kenyatta.

“We shall go into that and find out whether or not those claims are true,” Wafula Chebukati, the head of the electoral commission, said of Odinga’s claim at a news conference.

Chebukati said the commission is calling for original voting materials “for purposes of knowing and verifying before we do the final announcement.”

Odinga, a former prime minister, has run unsuccessfully for president three times before. In both 2007 and 2013, he alleged that the results were rigged. In 2007, the country was engulfed by post-election ethnic violence that left about 1,400 people dead.
Kenya has become one of Africa’s strongest economies and is considered by many as a pillar of stability in a fragile region. But its politics are still dominated by tribal loyalty, and elections bring with them the fear of violence.

Ahead of Tuesday’s vote, businesses were shuttered and many people left the capital for less-volatile parts of the countryside. Msando’s death last month — and signs that he had been tortured — sent a shock wave through the country before the election.

The vote itself was peaceful and seemingly smooth, with millions of people lining up across the country and few major problems at polling stations, according to international election monitors.

At a news conference, Odinga urged his supporters to remain calm, even as he told them “not to accept these results.”

His running mate, Kalonzo Musyoka, added obliquely: “There may come a time when we need to call you into action.”

Officials from Kenyatta’s party urged Odinga to accept the results.

“Only one campaign could emerge victorious. We appeal to NASA [Odinga’s party] to stop calling results fraudulent,” Raphael Tuju, secretary general of Kenyatta’s Jubilee Party, told reporters. Tuju added that the results were not yet official.

When asked at a news conference how he knew about the hacking of the election database, Odinga said he could not reveal his source.

Many businesses were closed in some of Kenya’s major cities, including Nairobi and Kisumu, with residents remaining indoors, glued to radios and televisions. In Mathare, one of Nairobi’s largest slums, Odinga supporters took to the streets Wednesday morning, but retreated after a unit of police officers arrived.

“Every time we vote in Kenya, our votes are stolen,” said Akal Nicholas, a resident of Mathare and an Odinga supporter. “We can’t keep allowing this to happen. We have to do something.”

Rael Ombuor in Nairobi contributed to this report.

**NATIONAL NEWS**

**Trump Aide Blames Mitch McConnell For ‘Excuses’ On Failing To Repeal Obamacare**

By Eliza Collins
President Trump Hits Back At McConnell: You’ve Had Seven Years To Repeal Obamacare And Failed

By Katie Pavlich
Townhall, August 9, 2017

Lawmakers are back in their home states after leaving Washington D.C. for August recess last week.

During a town hall style meeting Tuesday night, Majority Leader Mitch McConnell argued President Trump has an unreasonable expectation of how long it takes for the democratic process to work on Capitol Hill.

“Our new president, of course, has not been in this line of work before. And I think had excessive expectations about how quickly things happen in the Democratic process,” McConnell said.

That comment didn’t sit well with the president, who fired back on Twitter.

President Trump has been lamenting the failure by Republicans to repeal Obamacare for months. A last ditch effort failed in the Senate two weeks ago after Arizona Senator John McCain surprisingly voted against a bill that would have allowed the issue to move forward.

The White House has been urging lawmakers to take up the issue of Obamacare repeal and replace after the August recess, in addition to focusing on comprehensive tax reform.

Trump Hits McConnell For Senate Crash Of Obama Health Repeal

By Alan Fram
Associated Press, August 9, 2017

WASHINGTON (AP) — President Donald Trump scolded his own party’s Senate leader on Wednesday for the crash of the Republican drive to repeal and rewrite the Obama health care law, using Twitter to demand of Majority Leader Mitch McConnell, “Why not done?”

Trump fired back at the Kentucky Republican for telling a home-state audience this week that the president had “not been in this line of work before, and I think had excessive expectations about how quickly things happen in the democratic process.”

The exchange came less than two weeks after Senate rejection of the GOP effort to scuttle President Barack Obama’s health care law, probably McConnell’s most jolting defeat as leader and Trump’s worst legislative loss. The House approved its version in May, but its Senate failure — thanks to defecting GOP senators — marked the collapse of the party’s attempt to deliver on vows to erase Obama’s statute it’s showcased since the law’s 2010 enactment.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so,” Trump tweeted. “After 7 years of hearing Repeal & Replace, why not done?”

Trump had repeatedly used Twitter to pressure McConnell to find the votes to approve the health care bill, even saying hours after its failure that GOP senators “look like fools.”

But his tweet Wednesday was an unusually personal reproach of the 33-year Senate veteran, who is deeply respected by GOP lawmakers.

Trump will need him to guide the next major Republican priority, a tax system overhaul, through the chamber. And he might be a useful White House ally as investigations progress into collusion between Russia and Trump’s presidential campaign.

For his part, McConnell’s statement was surprising because he is typically among the capital’s most guarded politicians. When it comes to criticizing Trump, he’s seldom gone further than saying he wishes he would stop tweeting, and often refused to chime in when Trump made widely condemned comments during last year’s campaign.

McConnell told the Rotary Club of Florence, Kentucky, on Monday that people think Congress is underperforming partly because “artificial deadlines, unrelated to the reality of the complexity of legislating, may not have been fully understood.”

He added that 52 is “a challenging number,” a reference to the GOP’s scant 52-48 Senate majority. “You saw that on full display a couple of weeks ago,” when McConnell failed to muster a majority to push three different Republican health care plans through the chamber.

McConnell’s Kentucky remarks also drew a tweet from Dan Scavino Jr., the White House social media director.

“More excuses,” wrote Scavino, one of Trump’s more outspoken loyalists.

@SenateMajLdr must have needed another 4 years – in addition to the 7 years – to repeal and replace Obamacare.”

Also joining the fray was Fox News Host Sean Hannity, a close Trump ally.
Mitch McConnell’s ‘Excessive Expectations’ Comment Draws Trump’s Ire

By Matt Flegenheimer

New York Times, August 9, 2017

President Trump lashed out on Wednesday at the Senate majority leader, Mitch McConnell, Republican of Kentucky, who suggested this week that the president harbored “excessive expectations” about the pace of congressional progress.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so,” Mr. Trump wrote on Twitter on Wednesday afternoon, as he and lawmakers took time away from Washington during the August recess. “After 7 years of hearing Repeal & Replace, why not done?”

The executive scolding followed the president’s bitter disappointment with the Senate’s failure to dismantle the Affordable Care Act last month — and supplied perhaps the most potent evidence yet that Mr. Trump, seething over the lack of major achievements in his first year, will not hesitate to train fire on his allies.

His message echoed the criticisms in recent days from many conservative news media figures and activists, who blame Mr. McConnell for failing to corral the necessary 51 votes to keep the repeal effort alive.

Yet by antagonizing Mr. McConnell, the president’s often inscrutable Senate partner in conservative policy making, Mr. Trump risks upending an already fraught relationship with lawmakers who have joined him in this shotgun marriage of unified Republican government.

Mr. McConnell’s office sought to play down any animosity, noting that Mr. McConnell also hopes to proceed on a repeal of the Affordable Care Act, despite the setbacks.

“The leader has spoken repeatedly about the path forward regarding Obamacare repeal on the Senate floor, at media availabilities multiple times and in Kentucky,” his spokeswoman, Antonia Ferrier, said in an email. “If he has any new statements, I’ll be sure to pass them along.”

Mr. McConnell’s initial remarks were pointed, but hardly scorching. Speaking at a gathering in Kentucky this week, Mr. McConnell mounted a defense of the chamber’s work, arguing that complicated legislation takes time.
"Part of the reason I think that the story line is that we haven’t done much is because, in part, the president and others have set these early timelines about things need to be done by a certain point," the senator said. "Our new president, of course, has not been in this line of work before. And I think he had excessive expectations about how quickly things happen in the democratic process."

Though he has generally been a loyal steward of the president’s agenda, Mr. McConnell has tweaked him at times this year, including several pointed dismissals of Mr. Trump’s calls to do away with the legislative filibuster.

Mr. McConnell has also repeatedly encouraged the president to tweet less.

On Wednesday, Republicans in Washington were reminded why, particularly as the party seeks to confront tax policy, a debt ceiling deadline and perhaps a revived health care repeal push when lawmakers return next month.

"Attacking the Senate majority leader of your own party is utterly incomprehensible and completely wrongheaded," said Michael Steel, a Republican strategist who has served as an aide to the former House speaker, John A. Boehner, and the Republican presidential candidate Jeb Bush. "There is no positive result for the president or his agenda in these attacks."

It is unclear how Mr. McConnell’s remarks, made on Monday at a Rotary Club event, hit the president’s radar. As recently as Tuesday evening, Mr. Trump was deploying his Twitter account for a cause Mr. McConnell cherishes, endorsing Senator Luther Strange, Republican of Alabama, a week before his Republican primary in a special election. Mr. McConnell has been seeking to boost Mr. Strange, who took office after Mr. Trump named Jeff Sessions as his attorney general.

By Wednesday morning, Dan Scavino Jr., Mr. Trump’s director of social media, had seized on a video of Mr. McConnell’s comments posted by Fox Business Network.

"More excuses," he wrote. "@SenateMajLdr must have needed another 4 years — in addition to the 7 years — to repeal and replace Obamacare."

Less than five hours later, Mr. Trump weighed in.

Trump, McConnell Talked On Phone Before Public Shaming Over ‘Excessive Expectations’ Comment: Report

By Leah Jessen
Washington Examiner, August 9, 2017

President Trump and Senate Majority Leader Mitch McConnell had a phone call before getting into a public tussle over the repeal of Obamacare, The New York Times reported Wednesday.

Earlier in the week McConnell, R-Ky., complained about artificial deadlines, lamenting about “excessive expectations.”

It was after those comments grabbed headlines that Trump reportedly spoke by phone with McConnell and expressed his disappointment with the Republican leader, The New York Times reported, citing unnamed person familiar with the call. Trump was described as being animated while on the call and urged McConnell to continue efforts to pass healthcare reform legislation.

After the call, Trump took to Twitter to publicly shame McConnell about the GOP-controlled Senate’s failure last month to pass legislation that aims to dismantle Obamacare.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so. After 7 years of hearing ‘Repeal & Replace, why not done?’” Trump tweeted Wednesday.

McConnell made the comments earlier in the week while in his home state of Kentucky during the first week of the August recess.

“Part of the reason I think that the storyline is that we haven’t done much is because, in part, the president and others have set these early time lines about things need to be done by a certain point,” McConnell said while in Kentucky.

McConnell added: “Our new president, of course, has not been in this line of work before. And I think he had excessive expectations about how quickly things happen in the democratic process.”

At the end of July, the Senate failed to pass a measure that would ultimately lead to the repeal and replacement of parts of former President Barack Obama’s signature healthcare law, which is also known as the Affordable Care Act. Republicans have long sought take apart the law.

McConnell has said the failed Obamacare repeal effort was “disappointing.”

“Whatever we tried to accomplish for the American people was the right thing for the
country," McConnell stated on July 28. “I regret that our efforts were simply not enough this time,” he said.

**Trump Criticizes McConnell For Failure To Advance Health-Law Reform**

Remarks were after the Senate leader critiqued the ‘artificial deadlines’ set by the president

By Byron Tau

*Wall Street Journal*, August 9, 2017

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

**Trump Bridles At Criticism From GOP Senate Leader McConnell, Fires Back**

By Noah Bierman

*Los Angeles Times*, August 9, 2017

President Trump hit back in an escalating fight with Senate Majority Leader Mitch McConnell on Wednesday over who is to blame for the Republican Party’s failure to repeal Obamacare.

“After 7 years of hearing Repeal & Replace, why not done?” Trump tweeted at McConnell (R-Ky.).

McConnell has served in the Senate all seven years that Republicans have campaigned on repealing Obamacare, while Trump came to office for the first time this year.

The newest Trump tweet was in response to McConnell’s comment to an audience in his home state Monday that Trump had raised expectations unrealistically, in large part because of his inexperience with legislating.

“Our new president has of course not been in this line of work before,” he said at a local Rotary club in Florence, Ky. “And I think had excessive expectations about how quickly things happen in the democratic process.”

Trump pointed to those remarks in his tweet.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so,” he wrote, before asking “Why not done?”

Republicans remain concerned about political fallout from their core voters, many of whom may be angered by the failure to repeal the healthcare law.

The public nature of the intra-party fight is unusual. While relations between presidents and congressional leaders, even from their own party, are often tense, frustrations seldom break out into the open.

But Trump has been increasingly frustrated with what he sees as a lack of support from Republicans in Congress, while lawmakers have grown increasingly concerned that Trump’s low standing in the polls and lack of legislative accomplishments could hurt them politically.

Dan Scavino, Trump’s social media director, earlier in the day had accused McConnell of making “excuses.”

Sarah Huckabee Sanders, Trump’s press secretary, had attempted to minimize that response, saying in an email that Scavino was responding from his personal account, rather than in his official capacity, “and I’m not going to comment on his personal Twitter account.”

**Donald Trump Just Picked A Dumb Fight With Mitch McConnell**

By Chris Cillizza

*CNN*, August 9, 2017

(CNN)Even as the Trump White House continues to calibrate the right response to the news that North Korea may have miniaturized a nuclear weapon, President Donald Trump started a very public fight with the most powerful Republican in the Senate.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so,” Trump tweeted Wednesday afternoon. “After 7 years of hearing Repeal & Replace, why not done?”

That Trump tweet came just hours after this one from White House social media director — and Trump confidant — Dan Scavino Jr.: “More excuses. @SenateMajLdr must have needed another 4 years — in addition to the 7 years — to repeal and replace Obamacare...”

Scavino added a link to his tweet of a video of Senate Majority Leader Mitch McConnell speaking at an event in Kentucky on Tuesday — which is what started this all up.

“Our new President, of course, has not been in this line of work before,” said McConnell, according to a local CNN affiliate, which covered the event. “I think he had excessive expectations about how quickly things happen in the democratic process.”

McConnell’s criticism — Trump is a newbie in politics and doesn’t totally get that things move incrementally even in the best of times — seems
relatively mild especially compared to Scavino’s response. It’s also a criticism that plenty of Democrats leveled at then-President Barack Obama in the early days of his presidency.

The simple fact is that McConnell was always skeptical that there were 50 votes for any sort of health care overhaul. It’s why he tried to fast-track the legislation before the July 4 congressional recess so he could move on to tax reform, where he’s said there’s more opportunity for a win.

But, even after McConnell was forced to delay that vote, he continued to push for passage of some sort of health care bill – ultimately coming up a single vote short. It was a swing and miss to be sure, but not, as far as I can tell, as a result of anything McConnell left on the field – which is the clear implication in Trump and Scavino’s tweets.

Beyond the overreaction, what baffles me is whether Trump did this in a fit of pique or whether there was some sort of intentionality or strategy behind it. For the life of me, I can’t figure that one out.

Remember that for everything that Trump wants going forward – tax reform, funding for the border wall, maybe even another shot at health care – he needs McConnell. Badly. And despite the health care setback, McConnell still inspires considerable loyalty among his colleagues.

Picking a fight with someone: a) you need to get things done and b) people look up to, seems to me to be the essence of playing dumb politics. Maybe Trump (and Scavino) have some sort of grand plan here I don’t see. Always possible! But from where I sit, this was a needless fight to pick that could have decidedly negative consequences on the Trump’s agenda in the future.

Donald Trump Fires Back At Mitch McConnell For ‘Excessive Expectations’ Comment

By Charlie Spiering
Breitbart, August 9, 2017

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so,” Trump wrote on Twitter. “After 7 years of hearing Repeal & Replace, why not done?”

Mr. McConnell this week told a Rotary Club in Kentucky that the president came into office with outsized beliefs about what Congress could do, and said it was likely because Mr. Trump was new to national politics.

But Trump defenders say the problem isn’t the president, but rather congressional Republicans’ inability to work out issues.

Mr. McConnell has been at the helm of the Senate GOP for a decade, but most of that time was spent as minority leader, where he was successful in blunting Democrats’ agenda. As majority leader, however, he’s struggled to build majorities to pass big-ticket GOP items.

Mr. McConnell told a Kentucky audience that Mr. Trump had helped fuel unrealistic expectations about what Congress could accomplish by setting “early timelines.” The GOP leader said it was “extremely irritating” to be labeled a failed Congress.

While the House has passed bills on a number of Mr. Trump’s priorities, including stiff new immigration enforcement and repealing Obamacare, the Senate has been unable to follow through. Some legislation is likely to be blocked by Democrats, but even the Obamacare repeal — which could have passed with only GOP support — failed to clear.

Early Wednesday Mr. Trump’s top social media aide, Dan Scavino Jr., said Mr. McConnell’s complaints about the president as a political novice were “more excuses.”

President Trump Berates Majority Leader Mitch McConnell In Twitter Tirade

By Stephen Dinan
Washington Times, August 9, 2017

President Trump delivered a Twitter spanking to the Senate’s top Republican Wednesday, questioning why he was unable to wrangle an Obamacare repeal bill.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so,” Mr. Trump said in an afternoon tweet from his New Jersey vacation. “After 7 years of hearing Repeal & Replace, why not done?”
artificial deadlines — unrelated to the reality of the complexity of legislating — may not have been fully understood.”

Trump and his supporters were disgusted with Republican senators after they left for August vacation after failing to repeal or replace Obamacare.

White House social media director Dan Scavino also expressed his anger at McConnell.

“More excuses,” he wrote, ridiculing that McConnell “must have needed another 4 years — in addition to the 7 years — to repeal and replace Obamacare.”

**Even On Break, A Congress Weary Of Trump Gets No Respite From Him**

By Matt Flegenheimer

*New York Times*, August 9, 2017

WASHINGTON — Washington needs a vacation from itself.

“Doing nothing is exhausting,” said Jason Chaffetz, the former Republican congressman from Utah, whose head start began with a surprise resignation in June.

Yet for those who remain in Congress — and across the city’s motley roster of aides, journalists, consultants and lobbyists — the collective exhaling over this August recess has been complicated, as ever, by President Trump.

No commander in chief in recent memory has rendered elected officials more vacation-ready. Nor has any exacted a greater psychic toll on them once they got away.

The result has been a recess on edge, with daily prayers to the swamp gods that the president refrain from any sudden movements that would upset the hard-won quiet.

“Under this presidency, every hour feels like a day. Every day feels like a week. Every week feels like a month,” said Representative Hakeem Jeffries, Democrat of New York. “Both the American people and the Congress do need a mental health break.”

It has indeed been a particularly long seventwelfths of a year, by any measure except math. Tweets have been tweeted. Resisters are resisting. Bills have rarely become laws, but the journey has been taxing.

Of course, the first rule of a Washington vacation is that it must not be labeled a vacation.

“Meetings and calls!” Mr. Trump posted on Twitter from his club in Bedminster, N.J., over the weekend, describing his getaway plans as he began a 17-day out-of-town residency. A social media spy soon spotted him in a golf cart.

Among members of Congress, “district work period” is the preferred euphemism, though many do spend much of their month visiting with constituents.

Already, Mr. Trump has found ways to encroach.

It is clear by now that Twitter cannot be left unmonitored. Even workaday cable news appearances run the risk of rousing the First Viewer, especially if adverse weather upends executive tee times in New Jersey.

On Monday morning, with conditions soggy in Bedminster, Senator Richard Blumenthal, Democrat of Connecticut, spoke with CNN about investigations into Mr. Trump and his team.

A short while later, an aide reached the senator with an update: The president was at it again.

“Interesting to watch Senator Richard Blumenthal of Connecticut talking about hoax Russian collusion when he was a phony Vietnam con artist!” Mr. Trump wrote. Before joining the Senate, Mr. Blumenthal made misleading remarks about having “served in Vietnam” when in fact he served in a Marine Reserve unit in Washington.

Mr. Trump himself received five deferments from the draft, including one for bad feet.

Asked hours later how his recess was going, Mr. Blumenthal drew a long breath.

“Well,” he said by phone. “It feels like it’s barely begun.” He added that he was on the way to visit a veterans’ health center.

For Republicans, the break has delivered a different kind of angst after a failed health care repeal effort in the Senate. Most have chosen to avoid the types of raucous town hall settings that could provoke confrontations with voters.

But at least they are home.

Initially, Senator Mitch McConnell, Republican of Kentucky and the majority leader, said that the chamber would remain in session until midmonth. Mr. Trump himself had insisted that lawmakers stay in town until the health care impasse was resolved.

By last Thursday, three days into August, bipartisan consensus reigned inside the Capitol in the case of Washington v. Anywhere Else.

Sensing the prospect of mass exodus, lawmakers swiftly passed important legislation to
finance the Food and Drug Administration, approved dozens of presidential nominees and set off on their "state work period."

No votes, no caucus meetings, no reporters lurking around every corner of their workplace.

No shoes, no shirt, no problem.

Except, well.

"It's hard for me to say that they shouldn't be there right now," said Jason Pye, the vice president of legislative affairs at FreedomWorks, a conservative advocacy group, echoing a widespread view among activists angry with the output of a Republican-led Congress. "There's not a lot of sympathy there at all, especially on the Senate side."

At the same time, lawmakers have grown defensive, perhaps justifiably, at the suggestion that their time at home is not productive.

Representative Beto O'Rourke, Democrat of Texas, said that while he was spending the recess campaigning to unseat Senator Ted Cruz next year, he would "much rather be at work."

Representative Dan Donovan, Republican of New York, said members were "just working in a different place."

"A lot of people say, 'Oh, Congress is on vacation for five weeks,' " Mr. Donovan said, describing a recess that has already included constituent meetings and an effort to change toll policy on the Verrazano-Narrows Bridge, and which will soon feature a speech in Norway sponsored by the Aspen Institute. "It's not a vacation."

Those who have left this life behind seem disinclined to turn back.

Mr. Chaffetz, who joined Fox News as a contributor upon leaving office, said he had quit in part because he grew weary of stalled progress on signature policies.

"I didn't leave because I got tired of winning," he said, though not before detailing his post-congressional ventures: "I've been to Hawaii, going to Africa, reintroduced myself to my family. It's been great."

He will not be there in September, when the tussles over tax policy boil over, when the debt ceiling deadline is nigh. He will probably not miss it.

And already by Tuesday evening, lawmakers had been compelled to snap to attention once more. Mr. Trump told reporters at his golf club that he would unleash "fire and fury" against North Korea if it endangered the United States.

Instantly, staff members strained to catch up, hustling in their home offices. Statements were prepared in their bosses' names. The city stirred, grudgingly.

Washington had not been sleeping. It was just resting its eyes. And it was time, like it or not, for meetings and calls.

White House Aide Piles On McConnell Criticism

By Niels Lesniowski
Roll Call, August 9, 2017

Senate Majority Leader Mitch McConnell continues to face a conservative backlash from comments he made earlier this week back home in Kentucky seeking to temper expectations about what Congress can and cannot achieve.

Following comments Tuesday by Fox News personality Sean Hannity excoriating the Kentucky Republican, Senior White House aide Dan Scavino Jr., used his personal Twitter account to lash out at McConnell Wednesday morning.

McConnell had told an audience at home in Kentucky that there had been some "excessive expectations" set by President Donald Trump about how quickly Congress could move his agenda.

"More excuses. @SenateMajLdr must have needed another 4 years — in addition to the 7 years — to repeal and replace Obamacare," Scavino tweeted.

McConnell told guests at a Rotary Club event in Kentucky on Monday, "I think that the story line is that we haven't done much is because, in part the president and others have set these early timelines about things need to be done by a certain point."

McConnell said he found Congress's reputation as a snailish chamber that hasn't accomplished anything "extremely irritating." Trump's lack of insider understanding in politics led him — and his base — to believe key agenda items would get squared away more quickly than they have been, McConnell said.

"Our new president, of course, has not been in this line of work before," McConnell said. "And I think he had excessive expectations about how quickly things happen in the democratic process.

"YOU are a WEAK, SPINELESS leader who
does not keep his word,” the Fox News commentator tweeted at McConnell.

“You need to Retire,” Hannity said.

Griffin Connolly contributed to this story.

**McConnell, Trump Point Fingers**

By Jordain Carney

*The Hill*, August 9, 2017

President Trump and Senate Majority Leader Mitch McConnell (R-Ky.) are publicly criticizing

one another as Republicans point fingers over why they’ve struggled to score political wins.

The public shots between the GOP president and Senate leader follow growing conservative
criticism of McConnell, who has become a target for two right-wing candidates in the Alabama
Senate race.

Conservatives suspicious of McConnell have used his failure to win a victory on ObamaCare
repeal against him.

And they’ve found an ally, at least temporarily, in Trump.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so,” the
president fired back on Twitter Wednesday. “After 7 years of hearing Repeal & Replace, why not
done?”

Trump was responding to McConnell’s remarks in Kentucky that the president’s
“excessive expectations” were partly to blame for the perception that Republicans hadn’t
accomplished anything.

“Our new president has of course not been in this line of work before. And I think had excessive
expectations about how quickly things happen in the democratic process,” McConnell said during a
Rotary Club event.

He added that were “artificial deadlines” on how long it took to pass a bill that were “unrelated to
the reality of the complexity of legislating.” Instead, he hopes GOP voters will wait until the end of 2018, when the 115th Congress wraps up, to judge their accomplishments.

Despite having the first unified GOP government in more than a decade, Republicans have struggled to score significant legislative wins.

Sen. Lindsey Graham (R-S.C.), who frequently criticizes Trump, suggested that on ObamaCare, at least, the president has a point.

“I like Mitch but for eight years we’ve been saying we’re going to repeal and replace ObamaCare, it’s not like we made this up over night,” Graham, who laughed after listening to

McConnell’s comments, told Fox News’s Brian Kilmeade on Wednesday.

He added that “there’s no way to sugar coat this. The Republican Party promised for eight
years to repeal and replace ObamaCare” and that so far they’ve failed.

Wednesday’s war of words isn’t the first time tensions between Trump and McConnell have bubbled to the surface.

After Republicans failed to pass their “skinny” repeal proposal in a dramatic middle of the night
vote, Trump publicly pressured Republicans to re-litigate the fight, despite not having the votes to
win, and for McConnell to get rid of the legislative filibuster.

McConnell, while not completely closing the door on ObamaCare repeal, has acknowledged he doesn’t currently see a path forward. And asked about Trump’s push to go nuclear, McConnell noted there aren’t the votes to changes the rules “as I’ve said repeatedly to the president.”

The two men are in many ways a study of opposites.

Trump, a brash former businessman with no political experience, is known to thrive on conflict and uses Twitter to weigh in on any topic at any hour—frequently to the surprise of GOP lawmakers.

McConnell, who has been working his way up the Senate’s ranks for decades, is known for his rigid message discipline and close-to-the-vest political strategy.

He frequently sidesteps Trump’s tweets, except to say the president should tweet less, and has suggested he thinks there are few differences between the start of the Trump administration and the start of a hypothetical Rubio or Jeb Bush White House.

A spokesman for McConnell declined to weigh in Wednesday on the president’s tweet, noting the majority leader has spoken about his views on healthcare.

McConnell, who has a reputation as a dealmaker, has been a frequent target of conservatives over the years.

Prominent right-wing pundits and a top White House aide seized on McConnell’s comments, suggesting they think he is trying to pass on the blame over inability to pass a bill repealing and replacing ObamaCare.
“More excuses. [McConnell] must have needed another 4 years — in addition to the 7 years — to repeal and replace Obamacare,” Dan Scavino Jr., a senior White House aide, wrote on his personal Twitter account hours before Trump weighed in.

Scavino followed up with a subsequent tweet to “drain the swamp”—a Trump campaign slogan targeting the Washington establishment.

Conservative radio host Mark Levin, playing a recording of McConnell’s comments, called the Kentucky Republican a “failure” and a “dummy.”

“It’s not a matter of setting early time lines. ...You’re the Republican leader, you have 52, you couldn’t get 51. That’s your failure as the so-called leader of the Republicans in the Senate,” he said.

Fox News host Sean Hannity also piled on, calling McConnell “weak” and “spineless” and urging the 75-year-old senator to retire.

Spokesmen for McConnell didn’t respond to questions about the pushback.

But the majority leader is no stranger to conservative criticism.

In 2014 the Senate Conservatives Fund ran ads against McConnell, including one accusing him of “trying to bully and intimidate conservatives.” In 2015, Sen. Ted Cruz (R-Texas) accused McConnell of being a liar during a fiery floor speech.

The setback on the healthcare bill didn’t imperil McConnell’s status as the Senate GOP leader. Republicans have voiced frustration about the closed-door process but stopped well short of questioning McConnell’s ability to lead the caucus.

But the conservative backlash, and fight with Trump, comes as Republicans are facing several nasty primary fights pitting McConnell-backed incumbents against challengers who identify with the president’s wing of the party.

It’s Alabama where McConnell’s presence has loomed largest.

Rep. Mo Brooks (R-Ala.) said after the failed ObamaCare repeal vote that McConnell should resign.

And Roy Moore, the former Alabama Supreme Court chief justice leading the field in polls, accused the Kentucky Republican in a new ad of running a “D.C. slime machine.”

McConnell has pledged that he and his allies will play in GOP primaries in an effort to stop a repeat of 2010 and 2012, when some weak candidates defeated rivals from the GOP establishment in party primaries only to lose general elections.

“We intend to play in primaries if there’s a clear choice between someone who can win in November and someone who can’t,” McConnell told reporters earlier this year.

McConnell is backing Sen. Luther Strange (R-Ala.), who was named earlier this year to fill the seat left vacant by Attorney General Jeff Sessions. His effort got a boost on Tuesday when Trump offered an endorsement of Strange via Twitter.

But that momentum is being temporarily overshadowed by the latest scuffle between McConnell and Trump, with Strange’s competitors seizing on the infighting.

“I agree, Mr. President. Expecting McConnell & Strange to keep campaign promises is not ‘excessive,’ “ Brooks said on Twitter, retweeting Trump and adding the hashtag “Ditch Mitch.”

Jordan Fabian contributed.

Trump Attacks McConnell Over ‘Excessive Expectations’ Remark

By Sahil Kapur And Laura Litvan

Bloomberg News, August 9, 2017

President Donald Trump unleashed a Twitter attack on Senate Majority Leader Mitch McConnell Wednesday for suggesting the president is a political novice who expects faster action from fellow Republicans who control Congress than they can deliver.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so. After 7 years of hearing Repeal & Replace, why not done?” Trump wrote on Twitter, referring to the Senate’s failure to pass a stripped-down version of a GOP Obamacare repeal last month.

McConnell had said Monday in his home state of Kentucky that one reason some people believe Congress hasn’t done much yet “is because, in part, the president and others have set these early timelines about — things need to be done by a certain point.”

“Our new president, of course, has not been in this line of work before, and I think he had excessive expectations about how quickly things happen in the democratic process,” said McConnell.

The back-and-forth highlights the starkly different governing styles of Trump and the Senate Republican leader. The president’s
freewheeling and off-the-cuff actions contrast with McConnell’s rigorously disciplined method of leading the Senate. Though McConnell has largely refrained from criticizing Trump, he has on occasion critiqued the president’s use of Twitter as unhelpful to GOP lawmakers’ effort to stay on message in pursing their priorities.

McConnell’s remark also prompted a rebuke Wednesday from Dan Scavino, the White House social media director. “More excuses,” Scavino wrote on Twitter. “@SenateMajLdr must have needed another 4 years – in addition to the 7 years – to repeal and replace Obamacare....”

McConnell spokesman David Popp said in an email the majority leader has already spoken about the path forward on Obamacare repeal and had no further comment.

The clash follows weeks of mismatched strategy and building tension between Trump and McConnell before the collapse late last month of the GOP’s drive to replace Obamacare.

Shortly before a week-long July 4 recess, Trump tweeted that Republicans should simply repeal the Affordable Care Act rather than replace it – just as McConnell was seeking to reel in wayward conservatives to a broad rewrite of the health law. Later, as McConnell’s GOP-only rewrite was losing support, Trump invited Republican senators to the White House and urged them to continue. Finally, McConnell brought a bare-bones repeal to the Senate floor and it failed by one vote.

**White House Social Media Director Fires Back At McConnell**

By Negassi Tesfamichael  
**Politico, August 9, 2017**

Following a stalled agenda for President Donald Trump and his GOP-controlled Congress, the White House is pushing the blame on Capitol Hill.

“More excuses,” White House social media director Dan Scavino wrote on Twitter Wednesday morning, responding to comments made in Kentucky earlier this week by Senate Majority Leader Mitch McConnell. “@SenateMajLdr must have needed another 4 years – in addition to the 7 years – to repeal and replace Obamacare....”

McConnell, whose Senate failed to pass a “skinny” repeal of the Affordable Care Act, sunk a seven-year effort by Republicans which drove their campaigns and messaging strategy.

McConnell, speaking in Florence, Ky, on Monday, said the Trump White House has set unrealistic timelines and expectations for getting legislation to the president’s desk.

“Part of the reason I think that the storyline is that we haven’t done much is because, in part the president and others have set these early timelines about things need to be done by a certain point,” McConnell said.

Trump, a former real estate mogul, did not have a realistic idea of how governing actually works in Washington, McConnell said.

“Our new president has of course not been in this line of work before, and I think that excessive expectations about how quickly things happen in the democratic process,” McConnell said.

Congress returns to town in September, and will move toward tax reform, another legislative item that will be tricky to pass before the end of the year.

**Trump Pushes Back On McConnell’s Assertion He Has ‘Excessive Expectations’ For Congress**

By Nolan D. McCaskill  
**Politico, August 9, 2017**

President Donald Trump on Wednesday rejected Senate Majority Leader Mitch McConnell’s assertion that the president had "excessive expectations" on health care and asked why the Senate still hasn’t repealed and replaced Obamacare.

"Senator Mitch McConnell said I had 'excessive expectations,' but I don't think so,” the president tweeted Wednesday afternoon. "After 7 years of hearing Repeal & Replace, why not done?"

McConnell told the Rotary Club in Florence, Kentucky, on Monday that he found the public perception that Congress hasn’t accomplished anything “extremely irritating.” He attributed that perception, in part, to "the president and others" who “have set these early timelines” for legislation such as undoing the 2010 law that is President Barack Obama’s signature achievement.

“Our new president, of course, has not been in this line of work before and I think had excessive expectations about how quickly things happen in the democratic process,” McConnell (R-Ky.) added.

His comments drew a rebuke from White House communications director Dan Scavino,
who tweeted Wednesday: “More excuses. @SenateMajLdr must have needed another 4 years — in addition to the 7 years — to repeal and replace Obamacare.”

Sen. Lindsey Graham, a frequent Trump critic, also came to the president’s defense, calling it “ridiculous” for McConnell to blame Trump’s impatience and inexperience for the public sense that Congress hasn’t done much.

“It’s like being hit by a slow-moving bus in Kansas. You see the bus coming,” the South Carolina Republican told Fox News’ Brian Kilmeade in a radio interview. “The bottom line is we didn’t fail because we didn’t have enough time. We failed because we were not ready to solve the problem, and we didn’t have the right idea.”

McConnell has so far failed to bring forward a bill to repeal Obamacare or to repeal and replace it in a manner that could garner enough support from his Republican caucus to advance. The Senate left town for a monthlong recess last week after falling short of its years-long pledge. The chamber plans to focus on tax reform and other issues such as the debt ceiling when lawmakers return in September.

Graham, however, said he intends to continue pushing for a health care overhaul by introducing a bill with Sen. Bill Cassidy (R-La.).

“I like Mitch, but for eight years we’ve been saying we’re going to repeal and replace Obamacare. It’s not like we made this up overnight,” Graham said. “There is no way to sugarcoat this: The Republican Party promised for eight years to repeal and replace Obamacare. We failed, and if we give up, shame on us.”

Hannity Slams McConnell As Spineless Hours After Vowing Not To Start ‘petty Political Disagreements’

By Rebecca Morin

Politico, August 9, 2017

Fox News host Sean Hannity called Republican Senate Majority Leader Mitch McConnell “weak” and “spineless” hours after vowing to stop “all petty political disagreements” in light of new threats from North Korea.

“. @SenateMajLdr No Senator, YOU are a WEAK, SPINELESS leader who does not keep his word and you need to RETIRE!” Hannity wrote on Twitter in a post dated 5:30 a.m. Wednesday. He appears to have sent but deleted the same tweet at around 11 p.m. Tuesday, about eight hours after he had vowed to avoid political disagreements for 12 hours.

Hannity’s tweet also linked to a report on ABC News, but which one is unclear because the link was broken. A report about McConnell venting that President Donald Trump has “excessive expectations” for legislative priorities was featured on the homepage, however.

Nearly 14 hours before Hannity bashed McConnell, the Fox News host vowed to stop “petty political disagreements.”

“In light of dangerous NKorea threat, I’m stopping all petty political disagreements for at least next 12 hours. Let’s see what others do.” Hannity tweeted at 3:11 p.m. on Tuesday.

His comment came after it was revealed that North Korea produced a miniature nuclear bomb small enough to fit on an intercontinental ballistic missile. Trump has said that North Korea would be met with “fire and fury like the world has never seen” if the threats continued.

Trump Administration Shifts Tone On Obamacare, Signals Openness To Bipartisan ‘Fix’

By Noah Bierman, Contact Reporter

Los Angeles Times, August 9, 2017

The Trump administration, thwarted in several attempts to repeal the Affordable Care Act, notably shifted tone Wednesday, opening the door for a bipartisan plan to “fix” the law.

The change came even as a fight escalated between President Trump and Senate Majority Leader Mitch McConnell (R-Ky.) over who is to blame for the Republican Party’s failure to repeal Obamacare.

“Both folks in the House and the Senate, on both sides of the aisle frankly, have said that Obamacare doesn’t work, and it needs to be either repealed or fixed,” Health and Human Services Secretary Tom Price said on the Fox News program “Fox & Friends.” “So the onus is on Congress,” he said.

Talk of fixing the law is new for most Republicans. Price and President Trump have long focused only on repealing or replacing it.

The Republican-controlled Congress, despite seven years of campaign promises, has been unable to come up with a repeal plan that can pass both chambers. And Democrats, who see the law as a signature accomplishment for both
Obama and their party, have been unwilling to participate in a repeal effort.

Both sides agree that changes are needed to stabilize insurance markets. Large insurers have pulled out of several markets, leaving some consumers with few or no plans from which to choose.

White House Press Secretary Sarah Huckabee Sanders did not back away from Price’s wording when asked whether the administration is serious about a plan to fix the law, rather than repeal it.

“We are always looking for best ways to improve and fix the broken Obamacare system,” she said in an email.

A spokeswoman for Price, Alleigh Marre, said Price, in his interview, “was characterizing the position of folks in Congress from both sides of the aisle who recognize Obamacare is failing.” She did not provide details of which fixes Price would find acceptable.

The shift comes soon after lawmakers intensified their own bipartisan efforts. Last week, Senate Health Committee Chairman Lamar Alexander (R-Tenn.) and Sen. Patty Murray (D-Wash.), the committee’s senior Democrat, announced plans to begin working on legislation to stabilize the markets.

Industry officials have said a fix could include at least four components:

Pledging to continue government assistance that the law offers to low- and middle-income consumers to help offset co-payments and deductibles.

Creating a better reinsurance system to protect insurers from big losses in the event they get an unexpected glut of unhealthy and expensive patients.

Increasing outreach and marketing to persuade younger and healthier people to buy insurance, thereby balancing out expensive claims from older and less healthy customers.

Creating new plans or incentives to lure more insurers to sell plans in rural areas.

Even as talk of bipartisanship increases, Republicans remain concerned about political fallout from their core voters, many of whom may be angered by the failure to repeal the existing law.

Tension over that problem prompted the recent infighting between McConnell and the administration.

McConnell told an audience in his home state Monday that Trump had raised expectations unrealistically, in large part because of his inexperience with legislating.

“Our new president has, of course, not been in this line of work before,” McConnell said at a Rotary Club in Florence, Ky. “And I think he had excessive expectations about how quickly things happen in the democratic process.”

That elicited a response from Trump, who used his Twitter account during his 17-day stay at his New Jersey golf course to fire back.

“Senator Mitch McConnell said I had ‘excessive expectations,’ but I don’t think so,” he wrote. “After 7 years of hearing Repeal & Replace, why not done?”

The public nature of the intra-party fight is unusual. While relations between presidents and congressional leaders from the same party may often be tense, conflicts seldom break out into the open.

But Trump has been increasingly frustrated with what he sees as a lack of support from Republicans in Congress, while lawmakers have grown more concerned that Trump’s low standing in the polls and lack of legislative accomplishments could hurt them politically.

**Why The GOP Might Kill The Filibuster After All**

By Charles Lane

*Washington Post*, August 9, 2017

As if Senate Majority Leader Mitch McConnell (R-Ky.) weren’t miserable enough over his failure to repeal and replace Obamacare, President Trump has been badgering him on Twitter about eliminating the 60-vote Senate filibuster.

According to Trump, this procedural relic was to blame for stalling his legislative agenda in Congress: “Republicans in the Senate will NEVER win if they don’t go to a 51 vote majority NOW. They look like fools and are just wasting time.....”

As is often the case, Trump did not entirely grasp the relevant nuances: McConnell tried to pass an Obamacare repeal under a special “reconciliation” rule requiring just 50 votes plus Vice President Pence’s, but couldn’t even muster that many due to defections in his own caucus. The majority leader thus seemed understandably exasperated with the president Wednesday, citing his “excessive expectations.”
And, of course, McConnell shows no signs of agreeing to the rule change Trump impatiently favors.

Still, there is a reasonable case to be made that it would be in the GOP’s interest to do what Trump says — if not immediately, then certainly if the Republicans manage to overcome Trump’s declining approval numbers and do well in the 2018 midterm elections.

GOP senators have made two main arguments against such a power grab: It would be bad for the Senate, and hence the country, to convert the “world’s greatest deliberative body” into the plaything of shifting majorities. And it would be unwise for the Republicans to risk a rule change that the Democrats could turn to their advantage by regaining control of the chamber, possibly in as little as two years.

However, the second of those two arguments may be getting less compelling for the GOP: It’s eminently foreseeable that not only the gerrymandered House but also the Senate will remain in GOP hands for at least the next half-decade — and maybe longer.

This is due not only to the fact that the 2018 Senate electoral map favors Republicans, in that they only have to defend eight of the 33 seats at stake, while 25 Democrats are up for reelection, 10 in states Trump carried in 2016.

Even more striking is the developing and seemingly durable GOP edge in rural states, which have two Senate seats each just like the heavily populated coastal states that Democrats dominate.

Republican Trump carried 26 states (that’s 52 senators’ worth) with a share of the vote at least five percentage points larger than his national vote percentage, according to an analysis by Dave Wasserman of the Cook Political Report.

By contrast to these deep-red strongholds, there are only 14 states (with 28 senators) in which Democrat Hillary Clinton beat her national share by at least five points. Wasserman counts 10 remaining “swing” states (20 senators).

Overall, the statistical “pro-GOP bias” of Senate races is at its highest level since the direct election of senators became the law of the land in 1913, Wasserman notes. And the 2020 map looks only slightly less favorable to the GOP than the 2018 one.

The temptation to do away with the legislative filibuster could therefore prove irresistible if 2018 produces another GOP majority of fewer than 60 votes, especially if Republicans also retain the House.

Certainly Trump might see a once-in-a-generation opportunity to transform a whole host of policies — taxes, spending, regulation, immigration — in ways Democrats could not reverse until that far-off day when they manage to capture both houses of Congress and the executive branch.

To be sure, this scenario depends on a long series of assumptions, the most important of which is that public dissatisfaction with Trump, or some Trump-triggered crisis, doesn’t drag the whole GOP down to defeat in the midterms.

It would also depend on McConnell’s willingness to repudiate declarations of high principle he and other members of his caucus have made, seemingly sincerely, to the effect that the filibuster protects minority rights and fosters compromise. Democrats certainly made that easier for him by eliminating the 60-vote threshold for judicial and executive branch nominations when they were last in the majority.

Then the decision would come down to what McConnell’s gut tells him about the state of national politics and the likelihood of a Democratic comeback in Washington.

By nature, McConnell is “not optimistic,” Sen. Bill Cassidy (R-La.) recently told U.S. News & World Report. “He’s not as much as he’s a poker player.”

For the majority leader, abandoning the filibuster could be the ultimate partisan gamble — high risk, but also, under the right circumstances, high reward.

Wisconsin Sen. Ron Johnson Suggests John McCain’s Health May Have Affected His Obamacare Vote

By Craig Gilbert
USA Today, August 9, 2017

Republican Sen. Ron Johnson of Wisconsin suggested in a radio interview that colleague John McCain’s cancer and the very late hour might have played a role in McCain’s dramatic and decisive vote last month against a GOP bill to roll back Obamacare.

Johnson was asked on “Chicago’s Morning Answer” Tuesday about the vote McCain took that effectively ended a Republican push this summer to repeal Obamacare.
"I am not going to speak for John McCain. You know, he has a brain tumor right now. That vote occurred at 1:30 in the morning. Some of that might have factored in," Johnson said on AM-560 in Chicago in comments first reported Wednesday by CNN.

"Really?" asked co-host Amy Jacobson, referring to McCain’s surgery for a blood clot and subsequent flight to Washington for the late July Senate health care debate. It was McCain’s surgery that revealed the presence of brain cancer.

"You really think that that played a factor in his judgment call?" she asked Johnson.

"Again, I don’t know exactly what — we really thought that — again I don’t want to speak for any senator," said Johnson. "I really thought John was going to vote yes to send that to conference at 10:30 at night. By about 1 or 1:30 (in the morning), he voted no. You’d really have to talk to John about what was on his mind."

McCain spokeswoman Julie Tarallo responded Wednesday:

"It is bizarre and deeply unfortunate that Senator Johnson would question the judgment of a colleague and friend. Senator McCain has been very open and clear about the reasons for his vote."

Johnson issued a statement of his own Wednesday afternoon expressing regret over his comments about McCain’s vote:

"I’m disappointed I didn’t more eloquently express my sympathy for what Sen. McCain is going through. I have nothing but respect for him and the vote came at the end of a long day for everyone."

Watch: Senate members gasp, applaud as McCain votes no on ‘skinny repeal’

More: Can Arizona’s John McCain and Jeff Flake change the Senate?

Johnson had joined fellow Republicans McCain and Lindsey Graham of South Carolina at a news conference late in the debate to discuss the "skinny repeal," which represented the GOP leadership’s last attempt to get an Obamacare repeal bill through the Senate.

The bill was not a presented to Republicans as a solution, but simply a vehicle to get to a conference with the House GOP to negotiate a final health care measure. Johnson, McCain and Graham asked for assurances from House Speaker Paul Ryan, R-Wis., that the House would not simply vote to pass the "skinny repeal" bill, and Ryan promised to hold a conference to work out a new bill.

Graham and Johnson subsequently voted yes on the bill, but McCain said Ryan’s comments offered no guarantees that "skinny repeal" would not be passed by the House at some future date.

Taking questions on a Facebook Live appearance Wednesday, McCain reiterated his concerns about the health care bill he voted against:

"Let’s go through the normal legislative process ... not having something done behind closed doors by quote ‘skinny repeal’ — what does skinny repeal mean, by the way?" said McCain, who argued that whatever came out of a conference with the House would leave senators with only a "yes" or "no" choice to accept the negotiated bill.

He said he voted no in the hopes of bringing new legislation back through committee and the regular law-making process.

McCain also said of his own health: "My treatment is going fine, (I'm) feeling fine. This is a rough disease, let’s be very honest ... I have to beat it."

The senator added:

"To my Democrat friends and some of my Republican friends, I’m coming back."

**Sen. Ron Johnson Apologizes For Suggesting John McCain’s Brain Tumor Played Role In Health Care Vote**

By Jessica Chasmar

*Washington Times*, August 9, 2017

Republican Sen. Ron Johnson has apologized for suggesting earlier Wednesday that Sen. John’s McCain’s battle with brain cancer may have played a factor in his late-night vote against the so-called “skinny” Obamacare repeal.

"He has a brain tumor right now — that vote occurred at 1:30 in the morning," the Wisconsin Republican said on AM560 "Chicago's Morning Answer," CNN reported.

"Some of that might have factored in," he added.

"Really?" one of the radio hosts asked incredulously. "You really think that played a factor in his judgment call?"

"Again, I don’t want to speak for any senator," Mr. Johnson responded. "I really thought John was
going to vote ‘yes’ and send that to conference at 10:30 at night and by about 1:00, 1:30, he voted no. So you’d have to talk to John about what was on his mind.”

A spokesman for Mr. McCain said it was “bizarre and deeply unfortunate” that Mr. Johnson would question a “colleague and friend’s” judgment.

“Senator McCain has been very open and clear about the reasons for his vote,” Mr. McCain’s spokesman said in a statement.

Mr. Johnson apologized for his wording in a statement Wednesday afternoon.

“I’m disappointed I didn’t more eloquently express my sympathy for what Sen. McCain is going through,” he said, CNN reported. “I have nothing but respect for him and the vote came at the end of a long day for everyone.”

Mr. McCain was diagnosed last month with a primary glioblastoma, a very aggressive type of brain tumor, following surgery to remove a blood clot above his left eye. His surprise vote on July 28, less than a week after his diagnosis, effectively killed Republican legislation on a “skinny repeal” of Obamacare.

The coalition says the government must continue strong incentives for Americans to carry health insurance — either through the ACA’s unpopular individual mandate or other methods — to promote both individual responsibility and stable insurance pools with enough healthy customers to balance out the cost of covering people who need expensive care. And it says the government must quickly bring health plans to about two dozen counties that now lack any insurer willing to participate in the ACA marketplaces for 2018.

The four-page consensus document is the product of eight months of discussions among an ideologically eclectic group of nine health-care experts based at think tanks, universities and advocacy groups — some of whom have held senior policy roles over the years in the federal government or presidential campaigns.

In a phone call with reporters Wednesday, the group’s members said their agreement is not complete. But the areas of common ground make clear the extent to which President Trump’s views on the government’s role in health care deviate from those of respected voices on both the left and the right.

Since assuming office in January, Trump has derided the ACA, making statements that insurers and others say are destabilizing the insurance marketplaces created under the law for people who cannot get affordable coverage through a job. Most vividly in recent weeks, the president repeatedly has threatened to end the cost-sharing sharing subsidies — currently about $7 billion — paid to marketplace insurers on behalf of several million lower-income Americans to help them afford their health plans’ premiums and other out-of-pocket charges.

The coalition says the funding for those subsidies should be ensured by Congress.

In another contrast with the coalition’s view, the Trump administration’s Health and Human Services Department has been sending out weekly maps of the U.S. counties lacking marketplace health plans for the coming year. They are issued as evidence of the law’s failures without suggestions for how to improve access to coverage in those areas. The coalition, on the other hand, says that the administration and Congress must find ways to fill in those bare counties; as one possible way to fill such coverage holes, it suggests that any insurer that
wants to sell health policies to federal employees in such counties must also offer at least one health plan in the ACA marketplace.

In addition, the coalition urges the government to continue its activities to help coach consumers on how to enroll in coverage. In late January, administration officials canceled some advertising and other outreach activities in the final days of the last enrollment period, and they have not said how they will approach the next period, beginning Nov. 1.

The document says that Congress should renew the funding for the Children’s Health Insurance Program, a 20-year-old type of government insurance for children of the working poor with incomes slightly too high for Medicaid. CHIP’s funding is scheduled to run out at the end of next month, unless Congress renews it. The budget proposed by the White House in the spring did not include money anticipating that renewal, and the president has not spoken about his intentions for CHIP.

In releasing the common-ground statement, the coalition’s founders, Gail Wilensky, a Republican who is a senior fellow at Project Hope, and Ron Pollack, chairman emeritus of the liberal consumer-health lobby Families USA, said they began talking at a time when it appeared that the GOP-controlled Congress would pass a repeal of the ACA without spelling out what would come afterward.

With the Republican attempt to refashion health-care law having stalled, “we are trying to model bipartisanship so incremental steps can be taken,” Pollack said. He and other coalition members said they intend to present their consensus idea as a blueprint to members of Congress, including Sens. Lamar Alexander (R-Tenn.) and Patty Murray (D-Wash.), the chairman and ranking minority member of the Senate’s Health Committee, which is planning a bipartisan hearing on health care next month.

 Asked whether the Trump administration is signaling any receptivity to the coalition’s approach, coalition member Lanhee Chen, a research fellow at Stanford University’s Hoover Institution said: “We are just getting started on that front.”

**Trump’s Hiring Freeze Falls Flat With Government Reformists**

By S.A. Miller

*Washington Times*, August 9, 2017

President Trump’s hiring freeze helped cut the size of federal government by about 9,000 employees in his first six months in office, but that is just a drop in the bucket of a workforce of more than 2.8 million, and the administration has ended the freeze to fill mission-critical positions at agencies.

Mr. Trump ordered the hiring freeze on his first day in office and embarked on the most ambitious agenda to shrink government since Ronald Reagan. His early success, although modest, is a testament to the president’s tenacity and to the daunting task he has undertaken.

Reagan also imposed a hiring freeze on his first day in office, but the federal workforce grew by more than 100,000 employees by the time he left office eight years later.

In December, President Obama’s last full month in office, the federal government had more than 2.819 million employees. Mr. Trump cut the payroll to 2.810 million as of the end of July, according to the most recent employment report by the Bureau of Labor Statistics.

The numbers include active-duty military, which make up about half of the federal workforce. That makes the reductions more noteworthy because the Pentagon has embarked on a drive to hire 6,000 more recruits this year as part of Mr. Trump’s military buildup.

Still, hiring freezes have few fans in government reform circles.

“Hiring freezes are terrible ways to reduce the workforce — or to accomplish anything else that’s important. It’s a clumsy tool suited better for sending messages than for making policy changes,” said Donald F. Kettl, a public administration scholar at the University of Maryland.

“The real chance for big changes in the workforce will come with the budget,” he said. “That debate is being teed up. We will get a first look with the budget battles to come in the next two months.”

When the president’s budget director, Mick Mulvaney, announced the partial lifting of the freeze in early April, the federal workforce was headed toward a low point of 2.806 million full-time employees. The rolls swelled by about 5,000 workers by the end of May, according to the bureau’s data.
The original freeze never applied across the board. Mr. Trump excluded the military and positions deemed vital to public safety and national security.

In lifting the freeze, Mr. Mulvaney said, the administration opted for a “more surgical plan” to cut the workforce.

Since then, all agencies have complied with Mr. Trump’s April memorandum ordering them to submit workforce reduction plans. The plans are being reviewed and integrated into the president’s 2019 budget, White House officials said.

“We continue to move forward with governmentwide reform efforts, and agencies are actively working to right-size and align human capital resources to achieve proper and appropriate agency functions in the most efficient and effective manner,” the official said.

The 2018 budget gave a glimpse of the direction the Trump administration is heading. It called for eliminating 24,000 full-time employees across 17 agencies.

One of the largest cuts was to the Environmental Protection Agency, which would have shed 3,800 jobs, or 24 percent of its workforce. Another was the Interior Department with 4,100 jobs cut, or 6.3 percent of its employees.

Other departments — including the Pentagon, Homeland Security and Veterans Affairs — would have workforce boosts.

“The budget they came out with made a lot of sense and would have been a positive step. It’s a shame the House and Senate haven’t given it attention,” said Rick Manning, president of the nonpartisan Americans for Limited Government.

Chris Edwards, director of tax policy at the libertarian Cato Institute and author of “Downsizing the Federal Government,” said Mr. Trump will need cooperation from Congress to significantly shrink the federal workforce.

Cooperation from Congress, however, has been a scarce commodity for the Trump White House.

“To push Congress, reform-minded Cabinet secretaries and the [White House Office of Management and Budget] should be putting efforts into studies and data releases that highlight the failures of federal programs and excesses in the bureaucracy,” he said. “One concern, however, is that so many high-level agency positions have not been filled with political appointees yet in order to drive reforms.”

He noted that a recent agriculture policy debate was driven by a 2006 Commerce Department study that outlined how sugar regulations were damaging the U.S. economy.

“It was influential, and I’ve seen it cited many times,” said Mr. Edwards. “So while it waits for congressional actions on reforms, Trump appointees in federal agencies should be pushing for more studies, data and transparency that support the case for reforms of federal programs and policies.”

A study by the Bipartisan Policy Center confirmed the Trump administration’s slow pace at filling critical federal agency management jobs. The 50 Senate-confirmable positions identified by the center were outside the hiring freeze.

While Senate Democrats have succeeded in slow-walking Mr. Trump’s nominees to confirmation, the president also has lagged behind his predecessors in the pace of nominations. At the same point in their first terms — the 200-day mark — Presidents George W. Bush and Barack Obama had nominated people for more than 75 percent of the critical positions, compared with 57 percent so far for Mr. Trump, the study found.

“You have to have your political appointees in place to make sure the agencies do what you say,” said Mr. Manning of Americans for Limited Government. “It is still like turning a battleship. But without your political appointees in place, there is no one turning the rudder.”

**Trump Friend Tom Barrack Said To Be In Talks To Become Ambassador To Mexico**

By Josh Dawsey

**Politico, August 9, 2017**

Tom Barrack, a real estate investor and a close friend of President Donald Trump’s, is in talks to become ambassador to Mexico, according to three White House officials and advisers familiar with the matter.

The high-profile post — one of the most important in Trump’s orbit, given his tense relationship with the country and his crackdown on immigration along the border — has been the subject of intense talks within the administration, these people said.
Barrack, a gregarious billionaire, is the front-runner for the position but has expressed some concerns about taking it, one of the White House officials said. It is unclear whether he will end up accepting, “but it is his if he wants it,” one of these people said.

A White House spokeswoman said on Wednesday that the administration had “nothing to announce at this time.”

One White House official said it would be complicated for Barrack to sell all of his assets, while another person familiar with the talks said he would like to have more sway over South America and “really try to set some wider policy.”

Barrack is known for encouraging Trump to think more globally, several White House aides said, and to avoid governing in a manner that appeals only to his base — a strategy favored by some of his advisers.

Unlike some outside friends who Trump speaks to, one of these people said, the president “usually leaves his conversations with Barrack on the right track.”

Trump seemed to highlight the possibility in a recent Wall Street Journal interview when he was asked about the position. In the transcript of the interview, he asked the reporters whether they liked Barrack.

“Call him up, tell him I’m giving it to him,” Trump says to laughter.

Eliana Johnson contributed to this report.

Manafort’s Home Searched As Part Of Mueller Inquiry

By Michael S. Schmidt And Adam Goldman
New York Times, August 9, 2017

WASHINGTON — Investigators for the special counsel, Robert S. Mueller III, recently searched the Northern Virginia home of President Trump’s former campaign manager, Paul Manafort, for tax documents and foreign banking records, a sign that the inquiry into Mr. Manafort has broadened, according to a person familiar with the matter.

The search was carried out at Mr. Manafort’s Alexandria, Va., home shortly after Mr. Manafort met with investigators for the Senate Intelligence Committee on July 25. In that meeting, Mr. Manafort answered questions and provided investigators with notes from a 2016 meeting between Trump campaign officials and Russians claiming to have damaging information on Hillary Clinton.

Mr. Manafort’s spokesman confirmed that an F.B.I. raid had been carried out.

“Mr. Manafort has consistently cooperated with law enforcement and other serious inquiries and did so on this occasion as well,” said Jason Maloni, a spokesman for Mr. Manafort. News of the search warrant was first reported on Wednesday by The Washington Post.

Until now, it was only known that Mr. Manafort was under investigation for his business dealings with his son-in-law, his role in the 2016 meeting between Trump campaign officials and the Russians and whether his work for the Ukranian government violated the Foreign Agents Registration Act.

The government rarely prosecutes cases related to the Foreign Agents Registration Act, and Mr. Manafort’s consulting firm retroactively filed forms with the Justice Department last month to be in compliance with the act.

But the search warrant for the tax and foreign banking records suggests that investigators are looking at criminal charges related to the federal Bank Secrecy Act, which requires Americans to report their foreign banking accounts.

FBI Agents Searched Former Trump Campaign Chair’s Home

Associated Press, August 9, 2017

WASHINGTON (AP) — FBI agents served a search warrant at the home of Paul Manafort, President Donald Trump’s former campaign chairman, Manafort’s spokesman said Wednesday.

Spokesman Jason Maloni says that Manafort cooperated with the agents as he has “consistently” done.

Manafort has been a subject of a longstanding FBI investigation into his dealings in Ukraine and work for that country’s former president, Viktor Yanukovych. Special Counsel Robert Mueller is also investigating Manafort as part of his probe into Russia’s meddling in the 2016 election and any possible collusion with Trump associates.

Manafort has denied any wrongdoing. He has also cooperated with congressional committees investigating the election interference. Manafort has turned over documents to the intelligence and
judiciary committees in the Senate. Manafort led the Trump campaign for several months.

The FBI search was first reported Wednesday by The Washington Post, which said it occurred July 26.

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FBI Searches Home Of Paul Manafort, Former Trump Campaign Chairman
By Kevin Johnson And Jessica Estepa
USA Today, August 9, 2017

WASHINGTON — The FBI searched the home of President Trump’s former campaign chairman Paul Manafort in July as part of the ongoing investigation into Russian interference in last year’s election.

Manafort spokesman Jason Maloni confirmed on Wednesday that agents had searched the home of the former campaign chairman.

“FBI agents executed a search warrant at one of Mr. Manafort’s residences,” Maloni said. “Mr. Manafort has consistently cooperated with law enforcement and other serious inquiries and did so on this occasion as well.”

Seems like special counsel Robert Mueller is moving ahead with the investigation of possible ties between Russia and the Trump campaign with the impaneling of a grand jury. Veuve’s Maria Mercedes Galuppo (@mariamgaluppo) has more. Buzz60

The raid, first reported by the Washington Post, targeted documents and other materials as part of special counsel Robert Mueller’s probe into possible collusion between Trump associates and Russians who sought to influence the presidential election.

Mueller’s office declined to comment on the raid.

The pre-dawn raid took place at Manafort’s Virginia home July 26, the day after Manafort provided testimony before the Senate Intelligence Committee in a closed session.

Manafort had been scheduled to appear before the Senate Judiciary Committee on the day of the raid before striking a deal to avoid that appearance.

Documents seized during the raid included information Manafort had already provided to the congressional committees, the Post reported.

FBI Raided Home Of Paul Manafort In Russia Probe

Federal agents raided Virginia home of former Trump campaign chairman to obtain documents and other material
By Del Quentin Wilber And Brett Forrest
Wall Street Journal, August 9, 2017

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FBI Conducted Predawn Raid Of Former Trump Campaign Chairman Manafort’s Home
By Carol D. Leonnig, Tom Hamburger And Rosalind S. Helderman
Washington Post, August 9, 2017

FBI agents raided the Alexandria home of President Trump’s former campaign chairman late last month, using a search warrant to seize documents and other materials, according to people familiar with the special counsel investigation into Russian meddling in the 2016 election.

Federal agents appeared at Paul Manafort’s home without advance warning in the predawn hours of July 26, the day after he met voluntarily with the staff for the Senate Intelligence Committee.

The search warrant was wide-ranging and FBI agents working with special counsel Robert S. Mueller III departed the home with various records. Jason Maloni, a spokesman for Manafort, confirmed that agents executed a warrant at one of the political consultant’s homes and that Manafort cooperated with the search.

Manafort has been voluntarily producing documents to congressional committees investigating Russia’s interference in the 2016 presidential election. The search warrant indicates investigators may have argued to a federal judge they had reason to believe Manafort could not be trusted to turn over all records in response to a grand jury subpoena.

It could also have been intended to send a message to President Trump’s former campaign chairman that he should not expect gentle treatment or legal courtesies from Mueller’s team.

The documents included materials Manafort had already provided to Congress, said people familiar with the search.
“If the FBI wanted the documents, they could just ask [Manafort] and he would have turned them over,” said one adviser close to the White House.

Josh Stueve, spokesman for Mueller, declined to comment, as did Reginald Brown, an attorney for Manafort.

“Mr. Manafort has consistently cooperated with law enforcement and other serious inquiries and did so on this occasion as well,” said Maloni, the spokesman for Manafort.

Mueller has increased legal pressure on Manafort, consolidating under his authority a series of unrelated investigations into various aspects of Manafort’s professional and personal life.

Manafort’s allies fear that Mueller hopes to build a case against Manafort unrelated to the 2016 campaign, in hopes that the former campaign operative would provide information against others in Trump’s inner circle in exchange for lessening his own legal exposure.

The significance of the records seized from Manafort’s apartment is unclear.

Manafort has provided documents to both the Senate Judiciary Committee and the Senate and House intelligence committees. The documents are said to include notes Manafort took while attending a meeting with Donald Trump Jr. and a Russian lawyer at Trump Tower in June 2016.

Emails show Trump Jr. took the meeting and invited Manafort after he was promised the lawyer would deliver damaging information about Hillary Clinton as part of a Russian government effort to assist his father’s campaign.

Philip Rucker, Matt Zapotosky and Julie Tate contributed to this report.

The FBI Raided Manafort’s Home

By Cortney O’Brien

Townhall, August 9, 2017

The FBI raided former Trump campaign manager Paul Manafort’s house a few weeks ago, meaning that the investigation into his business ties has become more serious. The raid was part of the investigation led by special counsel Robert Mueller into possible collusion between the Trump campaign and the Kremlin.

The New York Times has the report.

Until now, it was only known that Mr. Manafort was under investigation for his business dealings with his son-in-law, his role in the 2016 meeting between Trump campaign officials and the Russians and whether his work for the Ukrainian government violated the Foreign Agents Registration Act.

Manafort’s spokesman confirmed the house call.

“FBI agents executed a search warrant at one of Mr. Manafort’s residences. Mr. Manafort has consistently cooperated with law enforcement and other serious inquiries and did so on this occasion as well.”

The pre-dawn FBI raid on Manafort’s home in Alexandria, VA took place soon after Manafort met with the Senate Intelligence Committee on July 25 to discuss a meeting Donald Trump Jr. had with a Russian lawyer during last year’s presidential campaign. Trump Jr. had apparently been under the impression the lawyer had damaging information on his dad’s opponent Hillary Clinton, yet all they ended up talking about was adoption.

Manafort also handed over 400 pages of documents to the committee, while the Trump campaign at large produced 20,000 pages last week.

Despite all of the investigations, no evidence has yet surfaced to suggest Trump colluded with Russia to win the 2016 election.

He has dismissed the special counsel probe as a “witch hunt.”

Manafort FBI Raid: Questions For Mueller

By Andrew C. McCarthy

National Review, August 9, 2017

Here’s the thing to bear in mind about the Washington Post’s report that Special Counsel Robert Mueller had the FBI execute a search warrant against former Trump campaign chairman Paul Manafort in late July: Prosecutors don’t do pre-dawn raids on the home of a cooperating witness.

Manafort has publicly projected cooperation. Of course, we can’t know how cooperative he has actually been. The public has been kept in the dark about what is being investigated, and Mueller and the congressional committees are doing most of their work behind closed doors.

Nevertheless, Manafort did voluntarily testify before the Senate intelligence committee on July 25. It is not a coincidence, I suspect, that the very next morning, in the pre-dawn hours, the FBI showed up at his Alexandria, Va., home with a
search warrant. Notwithstanding that Manafort had reportedly been voluntarily producing documents to congressional committees that are probing Russia’s interference in the 2016 election, the FBI conducted what the Post describes as a “wide-ranging” search for documents. Apparently, the bureau seized voluminous records and other materials.

There are two possible rationales for a search warrant under the circumstances. First, the legitimate rationale: Investigators in good faith believed Manafort, who is either a subject of or witness in their investigation, was likely to destroy rather than surrender relevant evidence. Second, the brass-knuckles rationale: The prosecutor is attempting to intimidate the witness or subject — to say nothing of others who are similarly situated — into volunteering everything he may know of an incriminating nature about people the prosecutor is targeting.

In Monday’s column, I took issue with Deputy Attorney General Rod Rosenstein’s claim (in a Fox News interview on Sunday) that the Mueller investigation is not a fishing expedition. The DAG insists the probe has a finite scope related to Russia’s 2016 election meddling. I counter that there are no real limits on Mueller because (a) Rosenstein failed to follow federal regulations that require him to outline specific crimes the special counsel is authorized to investigate, and (b) the so-called Russia investigation is a counterintelligence investigation, which is really just an information-gathering exercise targeting a foreign power — meaning: Mueller could claim that anything, no matter how tangentially germane to possible explanations of Putin’s motives, is a legitimate focus of his investigation.

Now, a search warrant is issued in a criminal investigation only if a judge finds probable cause that a crime has been committed and that evidence of this crime will be found in the place to be searched. The warrant is granted on the basis of an affidavit — usually drafted by the prosecutor and sworn to by an FBI agent — which tells the court exactly what crimes the agents are investigating and describes for the court the evidence supporting the claim that there is probable cause. Moreover, if agents wish to execute a warrant before 6 a.m., they must show good cause as to why this should be permitted. Generally, the explanation involves danger that evidence will be destroyed, or that agents will be at risk, if people inside the location are awake and alert when the agents knock on the door.

A standard federal search-warrant form is available online here. Note that, in addition to a description of the location to be searched, it also requires a precise description of the evidence that the investigators expect to find in the location, based on their probable-cause showing. It also indicates whether good cause has been established to execute the warrant outside of daytime hours (i.e., before 6 a.m.). For what crimes did the Manafort search warrant authorize agents to seize evidence?

I wonder if Deputy Attorney General Rosenstein, to whom Mueller reports, would be willing to outline for the public the crimes for which the Manafort search warrant authorized agents to seize evidence. This would go some of the way toward filling in the gap Rosenstein left by ignoring the regulation requiring a factual description of the criminal investigation he has authorized the special counsel to conduct. It would also give us some insight about whether the investigation is tightly related to Russia’s meddling in the 2016 election, as Rosenstein has intimated, or is more like a fishing expedition.

Moreover, in light of the fact that Manafort has ostensibly been cooperating with congressional committees, and that Mueller has a grand jury that would have enabled him to compel Manafort to surrender evidence by subpoena, I wonder if the Justice Department would shed some light on (a) why it was thought necessary to conduct a raid on Manafort’s home and (b) whether the special counsel and the FBI sought permission to conduct the search before 6 a.m. (i.e., in what the Post reports as the predawn hours).

Finally, I wonder whether the deputy attorney general or the special counsel would inform the public whether the president of the United States is a suspect in a criminal investigation.

**FBI Raided Former Trump Campaign Manager’s Home In Russia Probe**

By Sarah N. Lynch And Patricia Zengerle

*Reuters*, August 9, 2017

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.
Mr. Manafort’s work on behalf of a Ukrainian political party had come under scrutiny during the course of the Trump campaign, with authorities questioning his compliance with the Foreign Agent Registration Act, which requires individuals who act as agents of foreign governments to disclose that information to the Justice Department.

Mr. Manafort's consulting firm retroactively filed FARA forms earlier this year disclosing that the company had received $17 million between 2012 and 2014 for work on behalf of a Ukrainian political party.

George Hartmann, a spokesman for the Senate Judiciary Committee, said Mr. Manafort turned over 400 pages of documents to the committee — including his FARA filing.

The committee also received 20,000 pages of records from the Trump campaign, and 250 pages of records from the president's eldest son.

Mr. Hartmann said the committee's staff was still reviewing the records, the bulk of which were received on Aug. 2, to sort through what information had been turned over.

The Senate Judiciary Committee still plans to interview Mr. Manafort later this summer, though Mr. Hartmann said the interview is expected to take place behind closed doors.

FBI Raided Manafort’s Virginia Home In Russia Probe

Manafort's lawyers have said he is cooperating with congressional probes and special counsel Robert Mueller, but the FBI raid indicates that Mueller's office may not believe it is getting full cooperation.

By Darren Samuelsohn, Josh Dawsey And Austin Wright

Politico, August 9, 2017

FBI agents raided the residence of former Donald Trump campaign chairman Paul Manafort last month, and he also has turned over hundreds of pages of documents to congressional investigators, as probes ramp up into the president's campaign and Russia's role in the 2016 election.

The pre-dawn raid on July 26 at the Alexandria, Virginia, home roused Manafort, who was in town to appear before Congress, according to a person familiar with the situation. Agents took reams of material from his home.

"FBI agents executed a search warrant at one of Mr. Manafort's residences. Mr. Manafort..."
has consistently cooperated with law enforcement and other serious inquiries and did so on this occasion as well,” said Jason Maloni, a spokesman for the former Trump campaign chairman.

Manafort is also under scrutiny from congressional investigators, and he has turned over 400 pages of documents to the Senate Judiciary Committee, a committee spokesman said Wednesday, including information on his foreign lobbying work.

The longtime Republican campaign operative and lobbyist has also provided information to the Senate Intelligence Committee about a meeting he attended at Trump Tower last year with a Russian lawyer. The meeting was originally billed as a chance to receive damaging information about Hillary Clinton.

Manafort’s lawyers have said he is cooperating with congressional probes and special counsel Robert Mueller, but the FBI raid, first reported Wednesday by The Washington Post, indicates that Mueller’s office may not believe it is getting full cooperation, according to several former federal prosecutors and attorneys involved in the Russia probe.

Mueller spokesman Joshua Stueva declined to comment on the raid.

“It is a big deal,” former Justice Department prosecutor Peter Zeidenberg said. “Prosecutors do not take aggressive steps like this with subjects who the government feels are being open and cooperative. And they also do not do this to ‘send a message.’ They do it because they think there is evidence to be found and that if they do not act aggressively, it could be destroyed.”

Duke Law School professor Samuel Buell, a former federal prosecutor, said a search warrant would be needed only if Mueller doubted Manafort would comply with document requests or a subpoena.

“Of course it confirms, beyond doubt, serious, criminal investigative focus on Manafort,” Buell said.

Another former federal prosecutor, Renato Mariotti, said the FBI’s search warrant likely goes into detail on what information federal authorities were permitted to seize from Manafort’s home. He said Manafort should have received a copy of the document during the raid, and if one becomes public it will open a large “window into what the FBI is investigating.”

A Washington-based defense lawyer with a client caught in the Russia probe said Mueller may also want to turn Manafort into a cooperative witness, something the former campaign manager’s representatives had previously said wasn’t happening.

“Manafort is on many levels a key subject of the investigation and someone who might be leveraged to share information about others,” the white-collar attorney said.

The Justice Department gave Mueller significant authority upon his appointment in May as special counsel to examine “any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump.” That mandate included picking up on previous FBI work examining Manafort, who served as chairman of Trump’s campaign starting in March 2016 before moving into the role of campaign manager that June.

According to The Associated Press, Manafort was actually under FBI scrutiny starting in early 2014 — more than a year before Trump announced his presidential bid — when federal officials started looking into Manafort’s lobbying work on behalf of pro-Kremlin officials in Ukraine.

Manafort is only one prong of a Mueller probe that is examining a wide range of issues related to the 2016 election, including the use of Kremlin-linked social media bots to influence American voters on Trump’s behalf; the hacks into email accounts of the Democratic National Committee and Clinton’s campaign chairman, John Podesta; and Trump’s decision in May to fire FBI Director James Comey.

Mueller has a team of 16 attorneys working on the investigation, and he’s also using a grand jury in Washington to present evidence, question witnesses and issue subpoenas for business and financial records.

Congress is also moving ahead on its examinations into the Trump campaign’s ties with Russia. The Senate Intelligence Committee was aiming to interview nearly 90 witnesses before it broke for the August recess, and Chairman Richard Burr (R-N.C.) has said he is trying to finish his investigation by the end of 2017. The Senate Judiciary Committee, meanwhile, has received documents from the Trump campaign and Trump’s eldest son, Donald Trump Jr., who organized the meeting last year with the Moscow-connected lawyer who offered dirt on Clinton.
Trump's campaign has turned over about 20,000 pages of documents to the Senate Judiciary panel, the committee's spokesman said. Trump Jr. has provided about 250 pages. ABC News first reported on the documents given to the Senate panel.

The committee spokesman said Glenn Simpson, founder of the firm Fusion GPS, which commissioned a dossier of unsubstantiated allegations about Trump during the campaign, has yet to provide the panel any documents.

**FBI Agents Raided Manafort’s Home In July**

By Rebecca Savransky

*The Hill*, August 9, 2017

FBI agents late last month conducted a raid at the home of Paul Manafort, President Trump's former campaign manager.

The agents had a search warrant to seize materials from Manafort's residence in Alexandria, Va., according to The Washington Post, citing people familiar with special counsel Robert Mueller's investigation into Russian meddling in the 2016 presidential election.

The raid took place early on July 26.

In a statement to ABC News, a spokesperson for Manafort confirmed the raid had taken place and said Manafort has been cooperating.

"FBI agents executed a search warrant at one of Mr. Manafort’s residences," the spokesperson said. "Mr. Manafort has consistently cooperated with law enforcement and other serious inquiries and did so on this occasion as well."

Federal agents arrived at Manafort’s home without warning and departed with records, according to the Post.

The raid happened the day after Manafort had a meeting with staff for the Senate Intelligence Committee, which is also investigating Russia.

An adviser close to the White House told the Post if the FBI wanted the documents, they “could just ask [Manafort] and he would have turned them over.”

Manafort had previously given documents voluntarily to the congressional committees investigating Russia’s election meddling, including possible collusion with members of Trump’s campaign.

A veteran lobbyist who has represented a pro-Russian party in Ukraine, Manafort has come under intense scrutiny in the investigation into Russian election meddling.

Manafort was on hand for a meeting last year at Trump Tower with a Russian lawyer who promised damaging information about then-Democratic presidential nominee Hillary Clinton. Donald Trump Jr. released emails last month detailing how that meeting was arranged, but says the meeting was actually about Russian adoption policy.

Mueller's investigation into Manafort and other Trump associates appears to have accelerated in recent weeks. He has impaneled a grand jury in Washington, D.C., that can issue subpoenas and indictments, should he decide to pursue criminal charges.

This story was updated at 10:27 a.m.

**Feds Sought Cooperation From Manafort’s Son-in-law**

The former Trump campaign chairman is the focus of inquiries into his business dealings as well as Russian meddling in the 2016 election.

By Josh Dawsey And Darren Samuelsohn

*Politico*, August 9, 2017

Federal investigators sought cooperation from Paul Manafort’s son-in-law in an effort to increase pressure on President Donald Trump’s former campaign chairman, according to three people familiar with the probe.

Investigators approached Jeffrey Yohai, who has partnered in business deals with Manafort, earlier this summer, setting off “real waves” in Manafort’s orbit, one of these people said. Another of these people said investigators are trying to get “into Manafort’s head.”

Manafort, who is a focus of the broad federal and congressional investigations into Russian meddling in the 2016 presidential campaign, is also under investigation for his business and real estate transactions, including some that involve Yohai.

That probe has accelerated in recent weeks, according to one of the people familiar with it.

FBI agents conducted an early morning raid last month on Manafort’s home in Alexandria, Virginia, rousing him from sleep and seizing reams of material.
Manafort has not been accused of any wrongdoing.

It is unclear if investigators have secured cooperation from Yohai, who also hasn’t been accused of wrongdoing. A lawyer for Yohai didn’t respond to a request for comment.

A Manafort spokesman declined to comment. A spokesman for special counsel Robert Mueller also declined to comment.

Manafort’s team has repeatedly pushed back on suggestions he’s cooperating with federal investigators. “Paul’s been forthcoming, but he’s not a cooperating witness and any suggestion to that effect is silly,” Manafort spokesman Jason Maloni said in a July interview when asked about concerns from former colleagues that Manafort had turned against the Trump team.

People close to Manafort reiterated Wednesday that he has no plans to become a cooperating witness.

Another high profile Trump associate touched by the Russia probe has suggested he’s willing to talk with federal investigators. Michael Flynn, Trump’s first national security adviser, asked for an immunity deal in March in which he’d testify to Congress. A lawyer for Flynn declined to comment on the Mueller probe.

Mueller’s targeting of both Manafort and his son-in-law over potential criminal wrongdoing is a familiar tactic in white-collar cases, commonly called “climbing the ladder.”

“Manafort is — on many levels — a key subject of the investigation and someone who might be leveraged to share information about others,” said one Washington-based white-collar attorney who is representing a client involved in the Russia probe.

The approach involves finding a suspected crime — false statements on tax returns or loan applications, for example — and then offering leniency on prosecution in exchange for cooperation. “They always start with the people on the low end of the ladder and try to get information on someone high up on the ladder,” said William Jeffress, a white-collar attorney who represented Vice President Dick Cheney’s chief of staff, I. Lewis “Scooter” Libby, in the President George W. Bush-era Valerie Plame leak investigation.

Mueller would clearly have jurisdiction over any real estate dealings between Yohai, Manafort and Russians, Jeffress said. In addition, he could press Yohai for details on what he knows about Manafort’s role in the campaign.

Renato Mariotti, a former federal prosecutor, said cooperating witnesses are “often very significant to make your case” when it gets to trial.

“They can provide direct evidence of what the defendant said or did,” he said. “That’s usually far more compelling to a jury than just looking at documents.”

Mariotti also brushed aside comments by Manafort associates who insist the former Trump campaign manager has nothing about Trump that would matter to investigators. “I wouldn’t take much from it,” he said. “I’d take it with a grain of salt.”

He noted a number of potential politicians under investigation who have been less than candid with their public statements: perhaps most notably President Bill Clinton, who insisted that he didn’t carry on a sexual affair with White House intern Monica Lewinsky.

“That’s very often the case that people involved in wrongdoing aren’t candid with even their closest friends and associates and family because they don’t want to disappoint the people they’re closest to,” Mariotti said. “Sometimes they’re not even candid to their own lawyers.”

Daniel Lippman contributed to this report.

**Fusion GPS Turns Over Documents To Senate Pan**

*Daily Caller*, August 9, 2017

A date for that meeting has not been set.

Fusion GPS, the opposition research firm behind the Trump dossier, turned over thousands of pages of documents to the Senate Judiciary Committee late Wednesday, The Daily Caller is told.

But the documents do not appear to be what the committee was hoping that Fusion GPS and its founder, Glenn Simpson, would provide.

“The committee is reviewing the production received late this afternoon from Mr. Simpson, but virtually all of the documents appear to be merely news clippings rather than records of Fusion’s substantive communications,” George Hartmann, a spokesman for the Senate Judiciary Committee, told TheDC.

The paltry document production escalates the standoff between Fusion GPS and the Judiciary Committee, which is chaired by Iowa Sen. Chuck Grassley.

After Simpson declined an invitation to testify before the committee last month, Grassley issued
a subpoena to compel him to appear. But the subpoena was withdrawn after Simpson, a former Wall Street Journal reporter, said he would voluntarily meet in a closed session with committee staff.

A date for that meeting has not been set.

Last month, the committee requested records from Fusion GPS, the Trump campaign, Donald Trump Jr. and former campaign chairman Paul Manafort as part of its investigation into Russian meddling in the election.

The Trump campaign gave the committee 20,000 pages of records last week while Trump Jr. and Manafort produced 250 pages and 400 pages of records, respectively.

The committee is one of three congressional panels investigating Russia-related matters, including the dossier and the June 9, 2016 Trump Tower meeting held between Trump Jr. and a Russian attorney linked to Fusion GPS.

In its request to Fusion, the Judiciary Committee asked for contracts that the firm signed for its work on the dossier.

Fusion was initially hired to investigate Trump in Sept. 2015 by an unidentified Republican donor who opposed the real estate mogul. After Trump ascended to the GOP nomination, the donor dropped the project. But Fusion soon found a Democratic ally of Hillary Clinton’s — also still unidentified — to continue the research. Fusion hired Christopher Steele, a former MI6 agent, to conduct the investigation.

Fusion and Steele’s firm, Orbis Business Intelligence, have worked together on various projects since 2010.

The committee also asked Fusion to produce contracts and communications regarding its work against the Magnitsky Act, a sanctions law opposed by the Russian government.

Natalia Veselnitskaya, the Russian lawyer who attended the Trump Tower meeting, was involved in the same lobbying campaign. Veselnitskaya represents Denis Katsiy, the chairman of Prevezon Holdings.

Fusion GPS was working for BakerHostetler, a law firm that was also representing Katsiy and Prevezon.

Veselnitskaya was accompanied to the Trump Tower meeting by Rinat Akhmetshin, a former Soviet military officer who works in the same line of business as Fusion GPS, providing political and business research for shadowy clients.

Russian lawyer Natalia Veselnitskaya speaks during an interview in Moscow, Russia November 8, 2016. Picture taken November 8, 2016. REUTERS/Kommersant Photo/Yury Martyanov

The Judiciary Committee is also inquiring whether Fusion and Akhmetshin have done business together in the past.

The strange overlap between Fusion GPS, the dossier, and the Trump Tower meeting has piqued Grassley’s interest. He has sought to find out who exactly was paying Fusion GPS for all of its projects.

Grassley is interested in the dossier because of its importance to the FBI’s collusion investigation.

The bureau has reportedly used information from the dossier as part of the basis for its probe. The dossier was reportedly used to obtain a Foreign Intelligence Surveillance Court warrant against former Trump campaign adviser Carter Page.

Page, an energy consultant, is named in the dossier as one of the Trump campaign’s liaisons to the Kremlin. Page has dismissed the claims. He refers to Steele’s document as “the dodgy dossier.”

Grassley has also questioned the FBI over whether it paid Steele to investigate Trump. FBI agents reportedly made an informal agreement with Steele in October to pay the former spy $50,000 to continue his investigation. That payment was reportedly never made.

**Watchdog Files FEC Complaint Of DNC Work With Ukraine**

By Jonathan Easley

The Hill, August 9, 2017

A watchdog group will file a complaint with the Federal Election Commission on Wednesday alleging that the Democratic National Committee (DNC) violated federal law by soliciting opposition research on the Trump campaign from a foreign government.

The conservative group Foundation for Accountability & Civic Trust (FACT), launched in 2014 by former U.S. attorney Matthew Whitaker, will allege that political operative Alexandra Chalupa, in her capacity as a DNC consultant, improperly sought intelligence on President
Trump’s former campaign chairman, Paul Manafort, from Ukrainian officials.

“Federal law and Commission regulations prohibit any person from knowingly soliciting, accepting or receiving contributions or donations of money or other things of value from a foreign national,” the complaint reads.

FACT alleges that Chalupa violated the ban by “knowingly soliciting” a “valuable in-kind contribution in the form of opposition research and information on a Trump campaign official from a foreign national on behalf of the Democratic National Committee.”

The complaint is based on an investigation by Politico, which found that Chalupa “met with top officials in the Ukrainian Embassy in Washington in an effort to expose ties between Trump, top campaign aide Paul Manafort and Russia.”

Chalupa “developed a network of sources in Kiev and Washington, including investigative journalists, government officials and private intelligence operatives,” according to Politico, and “occasionally shared her findings with officials from the DNC.”

Chalupa was a minorities outreach coordinator at the DNC. Officials say she was freelancing and not representing the DNC in her efforts to gather information on Manafort.

“The White House has been pushing this narrative to distract from the Trump campaign’s willingness to work with a hostile foreign government to interfere in our election. No one is buying it,” Adrienne Watson, a spokesperson for the DNC, said in a statement.

“The Trump campaign embraced an offer from a hostile foreign government to interfere in our election. Trump and some of his family watched for months as the Kremlin attacked our democracy, and did nothing but encourage and celebrate their efforts. The FBI is investigating whether the Trump campaign was involved in these efforts.”

A New York Times story on Manafort’s work for a pro-Russia group in the Ukraine contributed to him being forced out of the campaign.

Manafort is now the focus of a special counsel investigation into Russian meddling in the 2016 election. Manafort is cooperating with House and Senate investigators on the matter, but the Washington Post reported Wednesday that the FBI raided his home a day after he met with the Senate Intelligence Committee.

The FACT complaint is part of an effort by conservatives to push back on allegations that Trump officials had improper contacts with Russians during the 2016 campaign.

Last year, Trump’s son, Donald Trump Jr., met with a Russian lawyer and a Russian-American lobbyist, believing they had campaign dirt on Democrat Hillary Clinton.

Manafort was also at the meeting, as was Trump’s son-in-law, Jared Kushner.

All of the parties involved have said the offer of information was a gambit to land the meeting and that the Russian lawyer instead pitched the Trump campaign officials on changes to a law that sanctions Russians for human rights violations.

Trump’s critics have said the meeting is evidence that campaign officials were eager to collude with the Russians, even if that effort failed in this instance.

Ironically, the FACT complaint cites several reports from liberal media outlets, including ThinkProgress, in which experts claimed that Trump Jr. violated campaign laws by seeking an in-kind contribution from a foreign national in the form of opposition research.

FACT is now turning that allegation on the DNC.

“Federal law and commission regulations prohibit any person from knowingly soliciting, accepting, or receiving contributions or donations of money or other things of value from a foreign national,” the complaint says.

Several watchdog groups have filed the same complaint against Trump Jr. FACT says that it took much of the language for its complaint from those complaints.

—This report was updated at 12:20 p.m.

Russian Surveillance Plane Creates Buzz In Washington

By Deb Reichmann

Associated Press, August 9, 2017

WASHINGTON (AP) – A low-flying Russian airplane created a buzz in the nation’s capital on Wednesday, but it turns out the surveillance flight over the Capitol, Pentagon and other sites was cleared by the U.S. government under a long-standing global treaty.

The flight, which was filmed by The Associated Press, was permitted under the Open Skies Treaty.
Russia and the United States are signatories to the treaty, which allows unarmed observation flights over the entire territory of all 34 member nations. The flights are intended to foster transparency about military activity, reduce mistrust or misunderstandings and help monitor arms control and other agreements.

Dan Gaffney, a spokesman for the Pentagon, said he could not confirm the path of the plane until its mission was over. “A typical mission has several segments (flights) taking place over a few days,” Gaffney said.

But the U.S. Capitol Police issued a heads-up, saying an “authorized low-altitude aircraft” would enter restricted airspace over the Capitol between 11 a.m. and 3 p.m. “The aircraft will be large and may fly directly over the U.S. Capitol,” the statement said. “This flight will be monitored by the U.S. Capitol Police command center and other federal government agencies.”

Since the treaty entered into force in 2002, there have been more than 1,200 Open Skies flights. According to the Pentagon, the overflights are conducted by unarmed observation aircraft equipped with certain types of film and sensors that are certified under the treaty.

The Pentagon says that before the flights, each state is given the flight plan of the mission and an escort team flies aboard the aircraft to make sure it complies with the treaty. After each flight, the host nation gets a copy of any imagery taken by the observation aircraft.

Senior U.S. intelligence and military officials have expressed concern that Russia is taking advantage of technological advances to violate the spirit of the treaty.

Steve Rademaker, former assistant secretary of state for the bureau of arms control and the bureau of international security and nonproliferation, told Congress in past hearings that Russia complies with the Open Skies Treaty, but has adopted measures that are inconsistent with the spirit of the accord.

The treaty, for instance, obligates each member to make all of its territory available for aerial observation, yet Rademaker said Russia has imposed restrictions on surveillance over Moscow and Chechnya and near Abkhazia and South Ossetia, two breakaway regions of Georgia now under Russian control.

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**Russian Spy Plane Trolls Trump With Flight Over D.C., New Jersey**

By Kathryn A. Wolfe And Bryan Bender

*Politico*, August 9, 2017

A Russian military spy plane cruised the skies over Washington and New Jersey on Wednesday — in a perfectly legal bit of aerial reconnaissance that nonetheless appeared to be an attempt to troll President Donald Trump.

A 1992 agreement known as the Treaty on Open Skies allows each country to conduct surveillance flights over the other’s territory, something the U.S. and Russia have done a combined 165 times over the past 15 years, according to the State Department.

But Russia’s choice of targets this go-round have a decidedly Trumpian flavor, taking the spy plane over Trump’s current hometown of Washington, D.C., and past Bedminster, N.J., where the president is vacationing at one of his golf clubs, according to a flight-tracking website monitored by POLITICO.

“I don’t know of any military facilities there,” remarked a Pentagon official, who confirmed the mission.

On Wednesday, the plane also flew at low altitude over Dayton, Ohio, near Wright-Patterson Air Force Base, before vanishing from a live flight-tracking website in the afternoon. It later resumed its flight, crossing back over the D.C. area and Philadelphia before zigzagging over New Jersey.

The Russian air force’s Tupolev Tu-154M — similar to a medium-sized airliner — appeared to have left Moscow early Wednesday and flown through Reykjavik, Iceland, before entering U.S. airspace around Virginia’s Chincoteague Island. The plane then made several passes around the D.C. metro area for about an hour at lunchtime.

It also veered into Virginia, West Virginia and Pennsylvania, often at low altitudes.

“The missions happen on a semi-routine basis,” said the Pentagon official, explaining that the Russians gave the required notice of at least 72 hours and that the mission has American personnel on board as observers.
The official could not publicly discuss the flight plans or the duration of the mission, though they commonly last at least several days.

The Russian air force flight appears to be the 10th so far this year.

“They usually come in and they list out what locations they want to fly over,” the official said. “We put together the flight plan and with a few exceptions — safety-wise or weather-wise — they are allowed to fly over pretty much the entire territory.”

“It is very controlled and very proscribed,” he added, including “when they are allowed to take sensor readings.”

The flight came at a tense time in U.S.-Russian relations, and on a day when jitters were especially high because of nuclear brinkmanship between Trump and North Korean leaders.

But the Russian spy flight was, in fact, fairly routine, flown under the auspices of the Treaty on Open Skies, signed by the United States, Canada, Russia and dozens of other countries. The arrangement is intended to help promote openness among nations and their militaries.

Transgender Service Members Sue Trump Over Military Ban

By Vera Bergengruen

McClatchy, August 9, 2017

Five transgender service members serving on active duty sued President Donald Trump on Wednesday over his directive to ban them from the U.S. military.

It is the first legal action against the president’s policy change, which he announced in a series of tweets on July 26. The unnamed service members, who are referred to as “Jane Doe,” are serving in the Air Force, Army and the Coast Guard. Some have served as long as two decades, including tours in Iraq and Afghanistan.

The lawsuit, filed by the National Center for Lesbian Rights and GLBTQ Legal Advocates & Defenders, argues that reversing the Pentagon’s current policy is unconstitutional and denies transgender service members equal protection and due process. Transgender troops have been allowed to serve openly since June 2016.

“Nothing like this has ever happened before,” Shannon Minter, a transgender legal expert and NCLR’s legal director, told McClatchy. “This is not normal for a president to treat active service members this way. It’s unprecedented in the history of the military for a group to be embraced and included, and then purged.”

Nobody should be treated that way, especially people who have made the military the center of their lives.

Shannon Minter, NCLR Legal Director

The policy has yet to be formally implemented, but the White House says it is working with the Defense Department on guidance.

“We have very serious reason to believe that they are moving forward with this new policy,” Minter said, arguing that transgender advocates can’t take a “wait-and-see” approach.

“These service members came out, relying on the (Pentagon’s) policy and now they have just been blindsided,” he said. “They are facing immediate choices about training, reenlistment, healthcare and their families. How are they supposed to make these choices given the drastic uncertainties now hanging over their heads?”

The service members’ attorneys are asking a federal court in Washington, D.C., to immediately block any change to the current policy.

There are between 1,320 and 6,630 active duty transgender individuals currently in the military, about 0.05 percent of the total active force, according to a Rand Corporation analysis. Other studies put that number as high as 15,000.

“Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail,” Trump said in his tweeted announcement.

The military countered that until it receives official guidance from the White House “there will be no modifications to the current policy.”

“In the meantime, we will continue to treat all of our personnel with respect,” Gen. Joseph Dunford, the chairman of the Joint Chiefs of Staff, said last month.

After commissioning an extensive study on how it would affect the military, the Defense Department under former President Barack Obama lifted the ban on transgender troops serving openly last year. The study concluded that letting transgender people serve openly would have a “minimal impact” on both military readiness and healthcare costs.

“I was very relieved and came out as transgender to my commanding officers, who were supportive,” said one of the plaintiffs in the
lawsuit. “My experience has been positive and I am prouder than ever to continue to serve. The military has been my life, but now I’m worried about my family’s future.”

The Pentagon did not immediately respond to a request for comment.

Trump’s directive was criticized by 56 retired U.S. generals and admirals last week, who argued that the ban “would cause significant disruptions, deprive the military of mission-critical talent, and compromise the integrity of transgender troops.”

**Transgender Military Personnel Sue Trump Over Service Ban**

By Daniel Trotta

*Reuters*, August 9, 2017

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

**5 Transgender Service Members Sue Trump Over Military Ban**

By Charlie Savage

*New York Times*, August 9, 2017

WASHINGTON — Five transgender people serving in the United States military sued President Trump and top Pentagon officials on Wednesday, asking that transgender troops be allowed to stay in the military.

The lawsuit was filed in response to Mr. Trump’s ban abruptly announced last month on Twitter.

The plaintiffs filed the lawsuit under pseudonyms — “Jane Doe” Nos. 1-5 — in the United States District Court for the District of Columbia. The case was organized by two rights groups, the National Center for Lesbian Rights and GLBTQ Legal Advocates & Defenders, or GLAAD.

Other rights groups — like Lambda, Outserve and the American Civil Liberties Union — have also said they are preparing lawsuits but are holding off until the Trump administration takes a step to put the ban into effect, such as issuing formal guidance to the military or beginning the process of changing military rules.

But Shannon Minter, the legal director for the National Center for Lesbian Rights, said he believed the case was already ripe for a lawsuit because active transgender service members — such as those deciding whether to re-enlist — were already being harmed by the uncertainty created by Mr. Trump’s statements on Twitter.

“It is critical to act now because the harms are happening now,” Mr. Minter said. “These service members deserve to know where they stand.”

A 2014 study by the Williams Institute at the University of California, Los Angeles, estimated that about 8,800 transgender people were serving on active duty, with thousands more in the National Guard and reserve; a 2016 study by the RAND Corporation estimated that there were about 2,450 such active-duty troops.

In 2016, the Obama administration, after extensive study, lifted a prior ban on transgender troops. That permitted transgender members currently serving to come out openly; openly transgender people are set to be allowed to join the military starting next year.

But on July 26, without warning, Mr. Trump stated on Twitter that the government “will not accept or allow transgender individuals to serve in any capacity in the U.S. Military.” The announcement caught the military off guard, and there was no plan for what to do about those now serving openly.

Gen. Joseph F. Dunford Jr., the chairman of the Joint Chiefs of Staff, responded to Mr. Trump’s Twitter statements by saying the current policy about who was allowed to serve had not changed and would remain in place until the White House sent the Defense Department new rules and Jim Mattis, the defense secretary, issued new guidelines.

“In the meantime, we will continue to treat all of our personnel with respect,” General Dunford said in a letter to the military service chiefs.

On Aug. 4, The Blade, a newspaper for lesbian, gay, bisexual and transgender people, reported, citing unnamed sources, that a policy guidance for reinstating the ban had been approved by the White House counsel’s office and by Mr. Trump and was expected to be delivered to Mr. Mattis.

Mr. Minter said that based on that report, “We wanted to move as quickly as possible to nip that in the bud.” The lawsuit’s complaint stated that “upon information and belief, the White House turned that decision into official guidance, approved by the White House counsel’s office, to be communicated to the Department of Defense.”
Still, as of Wednesday, the White House had yet to send any specific policy directive to the Pentagon, said Lt. Col. Paul Haverstick, a military spokesman. He said General Dunford’s statement from two weeks ago remained in effect.

“There is no change,” he said. “We are still waiting for more guidance from the White House.”

The lawsuit complaint argued that banning transgender people from serving in the military would be unconstitutional discrimination, violating their rights to equal protection and due process. It also argued that the Pentagon could not end people’s military careers for coming out openly as transgender because they did so in relying on the Pentagon itself saying they would be permitted to serve.

Colonel Haverstick said the military was “aware of the lawsuit; however, we are not able to comment due to the pending litigation.”

Other rights groups preparing similar legal challenges said on Wednesday that they were still holding off. Among them are both Outserve and Lambda, which have said they are recruiting plaintiffs for a joint lawsuit when the matter is ripe, a legal term meaning the facts of a case have developed enough for a decision.

“We have not yet filed suit, although we stand ready to do so,” Jon Davidson, the Lambda legal director, said on Wednesday. “We have been awaiting confirmation that the White House has transmitted a final guidance, directive or other instructions to the Department of Defense, which, to the best of our knowledge, has not yet occurred.”

James D. Esseks, director of the American Civil Liberties Union’s Lesbian Gay Bisexual Transgender & HIV Project, said that his group was also holding back, but noted that it had sent a letter to the White House asking it to preserve all documents related to the matter in anticipation of future litigation.

Even if the administration has not yet transformed Mr. Trump’s Twitter announcement into policy, it remains possible that it will do so by the time a judge has to decide whether the new lawsuit is ripe for adjudication or should be dismissed, experts said.

Regardless, Mr. Minter expressed confidence that the suit had not been filed too quickly. He noted that defending against the case would force the White House to talk about the status of plans to reinstate the ban, and he argued that there was “no downside” to a strategy of moving ahead now.

“I don’t think we will get dismissed on ripeness because people are being harmed now,” he said. “But if we do, we will be right back as soon as there is any additional movement.”

**Ex-Sheriff Joe Arpaio: I’d Take A Pardon From President Trump**

By Megan Cassidy

**USA Today, August 9, 2017**

PHOENIX — Former Sheriff Joe Arpaio says he would welcome a presidential pardon for his criminal contempt conviction, although he concedes he’s not aware of whether his political ally has been briefed on his legal woes.

“Whatever the president wants me to do, I would support him,” Arpaio told The Arizona Republic by phone Wednesday. “If he needs help with anything, of course I’m going to help him.”

But Arpaio said he wouldn’t be the one to make the call.

“I’m not going to ask him,” Arpaio said. “I think, I believe he may not even know about this, which will become a different story in a couple days, with a bigger, much bigger picture than just me.”

Arpaio was one of the earliest and most vocal champions of Trump during the presidential campaign, and he introduced Trump at Arizona rallies. The former Maricopa County sheriff also stumped for his political ally across the country, traveling to Cleveland last year to speak at the Republican National Convention and to Washington, D.C., in January for his inauguration.

The two share hard-line stances on illegal immigration and seem to have a warm personal relationship, as well. In a December interview with the Republic, Arpaio fondly recounted how Trump personally called to check in when he heard Arpaio’s wife, Ava, had cancer.

A recent story on the conservative blog Infowars quotes Arpaio asking, “Where is President Trump in this case?” But in the interview with the Republic, Arpaio stressed that it was others, not him, who were asking this very question.

“The reason I think a lot of this is being talked about is that many, many people around the country are saying, ‘Trump should pardon,’” Arpaio said. “I have not called him on this issue. I’m sure I could. ... I’m with him, pardon no
pardon, and not asking him. Although, as I said, many other people are asking him.”

When asked whether the two had spoken since Trump’s inauguration, Arpaio demurred.
“I’m not going to answer that,” he said. “If I did, I’m very careful, I don’t go around bragging.”

Speculation of a presidential pardon has trailed Arpaio’s case since Trump’s surprise victory in November. To date, the White House has remained silent on the issue.

Still, the possibility is seen as a threat to civil-rights advocates like Lydia Guzman, who viewed Arpaio’s conviction as a long-overdue comeuppance.

“I have not called (Trump) on this issue. I’m sure I could. ... I’m with him, pardon no pardon, and not asking him.” Joe Arpaio

“This isn’t just someone who is asking a random ask,” Guzman said. “Arpaio was there for Trump in his campaign. He rallied for him, so this is a very real (possibility) that a lot of folks, my colleagues and I, are concerned with.”

Guzman said she and other activists have been monitoring the matter closely.

“I hope that he doesn’t do this,” she said. “If he does, that would mean that he would have a total disregard for the judicial system.”

Last week, U.S. District Judge Susan Bolton issued a ruling that found Arpaio had disregarded another federal judge’s order intended to stamp out Arpaio’s signature immigration patrols.

The December 2011 order was issued amid a long-running racial-profiling case against the agency. The federal judge for the underlying suit, G. Murray Snow, in May 2013 found that Arpaio’s deputies had unlawfully targeted Latinos during their patrols and ordered sweeping reforms for the office.

By late 2014, allegations emerged that Arpaio had defied the 2011 order and was still detaining individuals believed to be living in the U.S. illegally but weren’t suspected of a crime.

The matter would go on to generate two separate legal proceedings: a civil-contempt case that was argued in 2015 and a criminal-contempt case that went to trial in June. Arpaio was found in both civil and criminal contempt.

Defense attorneys acknowledged the violations, but said they were unintentional and therefore didn’t meet the standard for criminal contempt.

Arpaio, 85, could face up to six months in jail for the criminal conviction. His attorneys are planning to appeal the ruling based on the evidence Bolton cited in her ruling and the fact that Arpaio was denied a jury trial. Defendants who face a sentence of six months or less typically have no constitutional right to a jury trial.

Anti-immigration Firebrand Joe Arpaio Hasn’t Said Whether He’ll Seek A Pardon From His Ally In The White House

Associated Press, August 9, 2017

Former Arizona Sheriff Joe Arpaio brushed off his recent criminal conviction in federal court as a “petty crime” and has not said he would seek a pardon from President Trump, despite the pair regularly sharing the stage at political rallies during the 2016 campaign.

In an interview with the Associated Press, the former sheriff of Maricopa County, Ariz., said he was astonished he was found guilty of a crime last week after more than 50 years in law enforcement.

“S-U-R-P-R-I-S-E,” Arpaio said of his conviction on a misdemeanor for defying a court order to stop traffic patrols that targeted immigrants.

He said he won’t rule out running for office again and remains steadfast in his support of Trump.

“I was with him since Day One, and I am with him until the end. I don’t ask him for anything. He can throw me into the swamp and cover me up in garbage, and I’d still support him,” Arpaio said.

The former lawman known for launching immigration crackdowns is set to be sentenced on Oct. 5. The 85-year-old faces up to six months in jail, though attorneys who have followed the case doubt someone his age would be incarcerated.

It has been speculated that Arpaio would seek a pardon from his ally in the White House to have his legal troubles erased. His criminal attorneys have declined to say whether they were seeking relief from the president on Arpaio’s behalf.

While the former sheriff told the AP that he’s fighting his legal battles without Trump’s help, Phoenix news station KTVK-TV reported that Arpaio said during an interview he wanted to know why the president wasn’t rescuing him.
“Somebody ought to ask the president where is he,” Arpaio told the station.

Arpaio ardently supported Trump during the presidential campaign. Trump has invoked Arpaio’s name in his calls for tougher immigration enforcement and used some of the same immigration rhetoric and advocated for tactics that made the longtime Phoenix-area lawman a national name a decade earlier.

He appeared for Trump at rallies in Iowa, Nevada and Arizona, including a huge gathering in the affluent Phoenix suburb where the sheriff lives. Arpaio also gave a speech at the Republican National Convention in which he said Trump would prevent immigrants from sneaking into the country.

Trump defeated Democrat Hillary Clinton in Arizona by 3 1/2 percentage points.

Arpaio’s attorneys have vowed to appeal the verdict in his case, and the former sheriff said he isn’t surrendering. He said the worst legal trouble he had faced were two parking tickets.

“Here I am at the end of my career sitting at a defense table in a contempt-of-court case,” Arpaio said.

He took solace in the fact his conviction isn’t a felony.

“It’s only a misdemeanor. You can run for anything you want with a misdemeanor. It’s a petty crime,” Arpaio said.

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The Sea Level Did, In Fact, Rise Faster In The Southeast U.S.

By Justin Gillis

New York Times, August 9, 2017

For people in the southeastern United States, and especially in Florida, who feel that annoying tidal flooding has sneaked up on them in recent years, it turns out to be true. And scientists have a new explanation.

In a paper published online Wednesday, University of Florida researchers calculated that from 2011 to 2015, the sea level along the American coastline south of Cape Hatteras rose six times faster than the long-term rate of global increase.

“I said, ‘That’s crazy!’” Andrea Dutton, one of the researchers, recalled saying when a colleague first showed her the figures. “You must have done something wrong!”

But it was correct. During that period of rapid increase, many people in Miami Beach, Fort Lauderdale and other coastal communities started to notice unusual “sunny-day flooding,” a foot or two of salt water inundating their streets at high tide for no apparent reason.

In the paper, published in the journal Geophysical Research Letters, the scientists proposed a mechanism to explain the rapid increase: Two large-scale atmospheric patterns had intersected to push up the water off the Southeast coast, causing a “hot spot” of sea-level rise.

This new mechanism, if it holds up to scientific scrutiny, might ultimately give researchers the ability to predict tidal flooding more accurately and warn communities what to expect months in advance.

William V. Sweet, a sea-level researcher at the National Oceanic and Atmospheric Administration who was not involved in the new work, pointed out that the long-term trend in sea level was a relentless increase, but that much is unknown about the variations that can occur over short periods. “The more we can understand what’s causing those, the more we can be prepared for the next influx of tidal flooding events,” Dr. Sweet said.

Many people think the ocean works something like a bathtub, with sea level being the same all the way around. In reality, the ocean is lumpy, with winds, currents and other factors pushing water around to produce substantial variations in sea level from place to place.

Worldwide, the average level of the ocean is rising at a rate of about a foot per century, a consequence of the warming of the planet caused by the human release of greenhouse gases like carbon dioxide.

The excess heat trapped by those gases accumulates primarily in the ocean, and the seawater expands as it warms. Land ice is also melting into the sea because of the planetary warming, contributing to the rise, which appears to be accelerating over time.

But within that long-term trend, sea level in particular regions can sometimes rise more rapidly or more slowly than the global average. It can even fall for a few months or years.
In previous research, scientists had noticed big jumps that tended to occur either north or south of Cape Hatteras, on the North Carolina coast. For instance, a notable jump occurred along hundreds of miles of shoreline north of Cape Hatteras in 2009 and 2010, followed by a sharp increase south of the cape from 2011 to 2015.

The increase in the Southeast was the largest sudden jump there since the late 1940s, the scientists found. It amounted to about three-quarters of an inch of sea-level rise, which may not sound like much but equates to billions of extra gallons of water just off the coast. That water inundates streets and lawns when the tides and winds conspire to push it inland.

Cape Hatteras is geographically significant. The Gulf Stream, a swift current carrying especially warm water from the Gulf of Mexico toward the North Atlantic, runs close to the coast for hundreds of miles. But when it passes Cape Hatteras, it veers off into the deeper ocean. That had led scientists to suggest that changes in the Gulf Stream might account for some of the rapid variations in sea level.

But now, three University of Florida scientists — Dr. Dutton, Arnoldo Valle-Levinson, and Jonathan B. Martin — suggest that the Gulf Stream was not the primary culprit in the 2011 to 2015 rise.

Instead, they found that two large atmospheric patterns most likely accounted for the hot spot off the Southeast coast: the El Niño cycle and the North Atlantic Oscillation, which is a shift in atmospheric pressure over the ocean that can have large effects on the winds blowing toward the American coast.

The paper suggests that the two sometimes interact in a way that causes water to pile up. The work confirms and extends two earlier papers, including one published in 2015 by a group led by Gerard D. McCarthy of Britain’s National Oceanography Center in Liverpool.

The new work is based on strong correlations, going back decades, between particular atmospheric patterns and the high sea levels.

Dr. Sweet, critiquing the paper, said he felt that the correlations were indeed suggestive, but he found the paper somewhat weak in explaining the exact mechanisms by which the atmospheric shifts may be causing water to bunch up. “It’s a little bit short, I think, in terms of physical understanding,” he said.

Dr. Valle-Levinson, one of the authors, acknowledged this point. “How the system is working is not crystal clear to us yet,” he said.

Still, the paper is likely to open up new research about why sea-level hot spots seem to wander up and down the American coastline. The paper indicates the Southeast may now see some relief — even if sea level does not fall, which several of the scientists described as unlikely, the pace of the increase may slow for a while.

But communities that have already started to experience severe tidal flooding, like Miami Beach, should not relax their guard, the scientists warned. These towns can expect continued rising seas over the long term, even if the rise occurs in a stepwise fashion.

“Even if it does get a little better for a while,” Dr. Dutton said, “that should be a period that people use to their advantage, to prepare for the next hot spot.”

Baltimore Slow To Pick Up Pieces Amid Police Scandals And Surging Violence

By Richard Pérez-Peña And Sheryl Gay Stolberg

New York Times, August 9, 2017

BALTIMORE — The pop-pop of gunfire echoed through the Druid Heights neighborhood several times on Saturday, but a volunteer cleanup crew barely reacted to the familiar sound. Instead, the volunteers noted what was missing: In the hours they spent clearing waist-high weeds and broken glass from a vacant lot, they saw no sign of the police.

They would have liked to have seen a patrol car roll by, but they were also well aware of recent reminders of the mistrust many Baltimore residents have of the police. In the last three weeks, videos became public that appeared to show officers planting drugs in two separate incidents, prosecutors were forced to drop dozens of cases that relied on the testimony of officers in those videos, and two detectives pleaded guilty to federal racketeering charges.

“People want the police to do their job and make the community safe, but then when the police show up, people are afraid of what they’re going to do,” said Darlene Cain, one of the volunteers and the president of a local advocacy
group, Mothers on the Move. She knows those conflicted feelings better than most people; nine years ago, her son was killed in a confrontation with Baltimore officers.

Since Freddie Gray died in April 2015 from injuries suffered in police custody, this city has endured noting, the failed prosecution of six officers charged in Mr. Gray’s death, a surge in violent crime, and a jump in drug overdose deaths. A lacerating Justice Department report documented systematic racial bias and abuse by the Baltimore Police Department, drawing we-told-you-so’s from the city’s black majority.

City officials have made vow after vow to change, including agreeing to a consent decree with the Justice Department to overhaul the way the police operate. The former mayor fired the police commissioner and appointed a new one, Kevin Davis, who has made changes like equipping officers with body cameras, imposing mandatory 12-hour shifts to increase staffing, and eliminating plainclothes units in hopes that uniforms would promote better behavior.

On Wednesday, Mayor Catherine E. Pugh announced new anti-violence measures, including increasing street patrols by moving officers out of clerical and administrative posts, improving the analysis of crime data and supplying the police with equipment that other cities take for granted, like data terminals in patrol cars. But she said improvement will also the help of “people whose ears are on the ground.”

“We know that we’ve got to drive these numbers down, but we also recognize that we can’t do this work by ourselves,” said Ms. Pugh, who took office in December.

So far, residents like Yolanda Savoy, who lives in the rowhouse next to the lot cleared by Ms. Cain and the volunteers, see no sign of improvement — either in police conduct or in crime-fighting. “I don’t expect too much, honestly,” she said.

Ms. Savoy, 37, does not let her children play outside — not since her daughter Jezell, then 8, was shot in the foot last year by a stray bullet. The man suspected of shooting her was fatally shot two months later.

“There’s been a lot of talk of reform but serious reform hasn’t actually started yet,” said Kirsten Gettys Downs, chief of the city’s public defender’s office. “Instead what is happening is people are getting caught up on the problems.”

Even activists who are sharply critical of the police say to give it time. The department is still adjusting to the body cameras first issued last year; the consent decree was not finalized by a federal judge until April; and a court-appointed independent monitor for the Police Department has not been named yet.

Baltimore is on pace for a record-high homicide rate this year — roughly double the rate per 100,000 people in Chicago, a city often described as plagued by violence. A three-day Baltimore Ceasefire organized by community groups ended on Sunday with two homicides — an improvement on the city’s recent average of almost one per day.

“The violence makes reform so much harder, but we have to try to make it work before we say it can’t work,” said Ray Kelly, co-director of No Boundaries Coalition, a community advocacy group in west-central Baltimore. “There’s a mix of feelings here, between guarded hope, and despair that nothing’s going to change.”

The recent videos recorded by body cameras actually represent a step forward, because they capture actions that would previously have remained secret, said City Councilman Brandon M. Scott, chairman of the public safety committee.

“They are doing exactly what we wanted them to do, which is to hold people accountable.”

Sgt. Bob Cherry, former president of Fraternal Order of Police Lodge 3, which represents Baltimore officers, said body cameras were “something that our guys are buying into, more than they thought they would.” He cautioned against making too much of the videos, arguing that the officers had forgotten to turn their cameras on before finding the drugs, and then turned the cameras on and re-enacted the drug discoveries.

“If the camera goes off and then comes back on, it raises doubts,” Mr. Davis said at a recent news conference. “We don’t want to raise any doubts, because I’m convinced that the defendants we are arresting, the people we are arresting for drugs and guns, are people we need to be arresting.”

The videos are still under investigation, he added, and until that process is complete, “it’s irresponsible to jump to a conclusion that these officers were engaged in criminal misconduct.”

There is widespread agreement that the Baltimore police have become less aggressive
since Mr. Gray’s death. That has put the city at the heart of a national debate about the Ferguson effect, the theory that more intense scrutiny and criticism — like the upheaval in Ferguson, Mo. after the police shooting of Michael Brown in 2014 — has made officers more cautious.

Arrests here dropped sharply even as violence rose; this year, arrests are running more than 40 percent below the rate three years ago. But there is disagreement about what lies behind the numbers, and whether it is good or bad — or both.

The police make far fewer of the low-level stops, searches and arrests that black residents, in particular, described as a kind of organized abuse, and the consent decree formalizes limits on those stops. “That’s most of the decline — the nuisance arrests,” said William H. Murphy, Jr., a prominent lawyer who represented Mr. Gray’s family.

But some critics suspect that officers have intentionally shirked crime-fighting in order to undermine changes. “It’s almost like they’re allowing anarchy to happen,” Mr. Kelly said.

Several officers, who refused to speak on the record, denied that, but said they feared that the police being less aggressive on more minor offenses would lead to higher crime. Several studies on that question from around the country have been inconclusive, and in Baltimore, “no one can say with any confidence” why violence has worsened, or how it is linked to the drop in arrests, said Stephen L. Morgan, a professor of sociology at Johns Hopkins University who studies the issue.

The activists who have spent years demanding that the police here change say they understand the pessimism, but refuse to give in to it.

“This is just the beginning right now,” Ms. Cain said. “I can’t give up. That’s not allowed.”
Good Afternoon,

Please find today’s Daily Activity Report attached.

Thank you,

Office of the Executive Secretariat
U.S. Immigration and Customs Enforcement
(202) 736-1111
Unclass: (CTR)
OCT 25 2007

MEMORANDUM FOR: Field Office Directors
Deputy Field-Office Doctors

FROM: Gary Mead,
Assistant Director, Management

SUBJECT: Travel Document Requests for Nationals of Haiti and Ethiopia

Purpose

The purpose of this memorandum is to ensure the timely issuance of travel documents for nationals of Haiti and Ethiopia.

Discussion

Pursuant to agreements made with the Government of Haiti and the Embassy of Ethiopia, all travel document requests for nationals of those countries are to be sent directly to the Travel Document Unit (TDU) at Headquarters Detention and Removal Operations (HQDRO).

The Embassy of Ethiopia has agreed to render a decision on all travel document requests within 30 days of receipt of the request. If the Embassy requires additional information or a telephonic interview, HQDRO TDU will coordinate with the Field Office to obtain the necessary information or schedule the interview.

The Government of Haiti agreed to accept 50 criminal and non-criminal Haitian nationals via the Justice Prisoner and Alien Transportation System (JPATS) every two weeks. The Government of Haiti has requested three weeks to review travel document requests in advance of the scheduled removal via JPATS. Therefore, all travel document requests for Haitian nationals must be sent to HQDRO TDU as soon as an order becomes final and barring any impediments to removal. HQDRO TDU will forward the requests to the Government of Haiti at least three weeks in advance of the scheduled JPATS flight.

Attached are checklists to use as a guide for submitting travel document requests for Haitian and Ethiopian final order cases. Please send travel document requests to: DHS/ICE/DRO, Attention Vicente Carlos, Travel Document Unit, 8011 Street NW, Washington, D.C. 20536.

Questions regarding this memorandum should be directed to Vicente Carlos at (202) 732-2573 or by email at vicente.carlos@dhs.gov.

Attachments: (2)
| **ETHIOPIAN Request for Document procedures at HQS TDU, (30 to 45 days to issue)**
| **Request for a Travel Document Check Off List, Revised 08/2007** |
| Do Not Wait for 75th Day of Custody |
| DO NOT SEND PRESENTATION TO EMBASSY or CONSULATE, SEND IT TO HQS TDU ASAP |

2 copies of TD request, stapled separately.

**Each copy of the 2 TD Request must have the following below:**

| Photos | 1 set of 4 passport photos stapled to front of presentation. Photos must be verifiable. Unrecognizable photos; eyes shut, tilted head, printed on paper, etc. |
| Finger Prints | 1 copy of fingerprints, FD-249 (no originals, prints must be verifiable) |
| I 217 | Completed Form I-217 from ENFORCE. Obtain Info from any of the following: Alien, A file, DACS, CIS, CLAIMS, ATS-P, AutoTrack/CP International, NCIC, ISRS, etc. (complete relative names, addresses and telephone numbers). Do not attach "Law Enforcement Only" forms (I 213, 1) |
| Cover Letter | Standard cover letter for TD request. If alien is a criminal, (Do not send Certificates of Convictions) write the criminal history on this page (crime, date, sentence, court), case DO's/IEA's full name/telephone # and Full name of |
| Foreign Docs. | All copies of Ethiopian proof of citizenship. Any from the following: A file, DOS CCD1 record in memo form due to security/3rd Agency Rule, Documents from Relatives, CIS 9102 for other A files, results from INTERPOL POC2, recovered foreign docs from previous Jails (check NCIC record), lead from TECs SQPQ, Check CIS and get info and docs on parents A files (if A files at NRC, send request to NRCINFO, NRC on your outlook address and request scanned copies of all foreign docs.) If no proof exists, complete all forms in detail: Google the Embassy web address, print out forms for renewal of passport or application for emergency travel document and have the alien fill this out completely and submit this with your presentation. |
| Court Orders | IJ Order (must be able to read removed to Ethiopia), For BIA Order: copy from bioinquiry, for Judicial Reviews or Stipulation Orders; 1st page of court jurisdiction and last page of removal conclusion extracted from either PACER or the Court Order in the A file. Redact any Orders submitted: Asylum, CAT, and Withholding must be eliminated with a dark marker (do not send multiple |
| Charging Docs | NTA, OSC, Reinstatement, Stipulation Order, Admin Order, etc. |

**Procedures once a TD has been submitted to HQ:**

Approximately 30 days after HQ receives your presentation, either an Interview will be requested (if you lack proof of Ethiopian citizenship) or your case will be adjudicated (If you have proof of Ethiopian birth). If a TD will be issued: HQ TDU will contact the field Case Officer to send a $20.00 money order (paid to the Embassy of Ethiopia) to HQ TDU (tracking # must be e mailed to Vicente Carlos). If your alien is claiming Eritrea citizenship, he/she will have to present proof of documentation. If proof exists, field Case Officer must submit TD request through standard procedures via local Consulate or Embassy for Eritrea, (do not send Eritrea cases to HQ TDU unless beyond the 75th day of custody and assistance is needed). If alien is claiming Eritrea

---

2. E-mail: USNCB.Interpol.Washington@usdoj.gov, Tel: 202-616-3900, Fax: 202-616-8400, Mail: 1301 NY Avenue, 3rd
3. [http://usembassy.state.gov/](http://usembassy.state.gov/) Query ICE Attaché through Directory, sometimes under DHS or CBP
**HAITIAN JPATS OPERATION, (50 seats every 2 weeks)**

Request for a Travel Document Check Off List, Revised 08/2007

Do Not Wait for 75th Day of Custody, once a Final Order (no appeals, stays, medical, etc) has been issued, send presentations ASAP to HQ TDU HQS TDU reviews your presentation and the TDs will be sent to the Haitian govt for approval to be removed. This process will take approximately 3-4 weeks.

- You must make 3 copies of TD request, **stapled** separately.
- Attach 1 set of 4 photos to one TD copy only (not for the other 2 copies)

**Each copy of the 3 TD requests, must have the following below:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finger Prints</td>
<td>1 copy of finger prints (no originals, print outs must be verifiable)</td>
</tr>
<tr>
<td>Fiche</td>
<td>Fiche Signalétique de Déporté, must be <strong>typed</strong> or written (legible). If alien refuses to sign, write &quot;Refused to Sign&quot;. Illegible fiches will be returned.</td>
</tr>
<tr>
<td>I-217</td>
<td>Completed Form I-217 from ENFORCE. Obtain Info from alien. A file, DACS, CIS, Information from Relatives, CLAIMS, NCIC, ATS-P, ISRS, Autotrack International, etc.</td>
</tr>
<tr>
<td>Cover Letter</td>
<td>Standard <strong>cover letter</strong> for TD request. If alien is a criminal: write the criminal history on this page (crime, date, sentence, court). Case DO’s /IEA’s full name and telephone # and full name of SDDO. (Do not attach certificate of convictions).</td>
</tr>
<tr>
<td>Foreign Docs.</td>
<td>All copies of Haitian proof of citizenship from any of the following resources: A file, DOS CCD1 record in memo form (due to 3rd agency rule, documents from Relatives, results from INTERPOL POC2, results from ICE Attaché POC3, recovered documents from previous Jails(local, state, federal). If a valid unexpired passport exists, attach a copy to the TD request, the physical passport stays with the JPATS D-folder that follows the alien. If no proof exists, complete I-217 in detail.</td>
</tr>
<tr>
<td>Court Orders</td>
<td>If Order (must be able to read removed to Haiti). For BIA Order: copy from bia inquiry, for Judicial Reviews or Stipulation Orders: 1st page of court jurisdiction and last page of removal conclusion extracted from either PACER or the Court Order in the A file. <strong>Redact any Orders submitted:</strong> Asylum, CAT, and Withholding must be eliminated with a dark marker (do not send multiple court transcripts).</td>
</tr>
<tr>
<td>Charging Doc.</td>
<td>NTA, OSC, Reinstatement, Stipulation Order, Admin Order, etc.</td>
</tr>
</tbody>
</table>

**Any Medical Issues?**

- Yes
- No

Questions: contact Vicente Carlos at (202) 369-2171 or email: Vicente.Carlos@dhs.gov

Floor, Washington D.C. 20005

---

http://10.49.38.73/bia-inquiry/

http://pacer.psc.uscourts.gov/ if you don’t have access, see your Training Officer or Deputy Chief Counsel
Reevaluating the Custody Status of Haitian Nationals

On January 12, 2010, a 7.0 magnitude earthquake in Haiti resulted in the loss of many lives and significant damage to infrastructure. As a result, on January 13, 2010, ICE temporarily suspended all removals to Haiti. On January 15, 2010, Secretary Napolitano announced the designation of Temporary Protected Status (TPS) for Haitian nationals who were in the United States as of January 12, 2010.

ICE will detain and pursue removal of Haitian nationals who arrive after January 12, 2010, and lack lawful status. In addition, ICE will reevaluate the custody status of Haitian nationals who are likely eligible for TPS and resume removals of Haitian nationals who are ineligible for TPS—recognizing the need to work closely with the Government of Haiti and likelihood of logistical impediments in the near term. In the event the logistical impediments remain for an extended period, additional guidance will be issued.

I. Reevaluating the Custody Status of Haitian Nationals

As of January 11, 2010, 528 Haitian nationals were in ICE custody, including 124 criminal aliens and 36 non-criminal aliens with final orders and 294 criminals and 74 non-criminal aliens not subject to a final order and in some form of proceeding. Additional information about the population of Haitian nationals in detention follows in Appendix A. In light of the possibility of TPS for some Haitians currently in our custody, field offices must review the cases in their area of responsibility and consider whether release is appropriate.

As a general matter, Haitian nationals who are not precluded from qualifying for TPS as a result of criminal convictions or other factors should be released from custody, absent a national security risk, history of human rights violations, danger to the community, gang affiliation, medical or mental health conditions affecting the viability of release, and any other such relevant factors. Similarly, Haitian nationals who appear to be eligible for TPS should not be supervised pursuant to the Alternatives to Detention (ATD) program. In addition, non-detained, non-criminal, and non-dangerous Haitian nationals who appear to be eligible for TPS and are currently supervised on forms of ATD should no longer be supervised through the ATD program. However, officers shall take steps to ensure awareness of the addresses and intended residences of all Haitian nationals granted TPS in order to enforce any final orders of removal when the TPS period expires.

Given the operational impediments to releasing all TPS-eligible Haitian nationals at once, ICE will prioritize the release of Haitian nationals in the first category below, followed by Haitian nationals in the second and third categories.

1During August and September of 2008, Hurricanes Gustav and Ike struck Haiti. Following those hurricanes, removals to Haiti slowed substantially and almost exclusively involved Haitians with criminal convictions.
1. Non-criminal Haitian nationals who are subject to final orders of removal—with priority to those with the longest length of stay in ICE custody, to include those cases still in the statutory “removal period.” However, any individuals in this category who have been found either inadmissible under section 212(a)(3)(B) of the Immigration and Nationality Act (INA) or deportable under INA § 237(a)(4)(B) shall not be released under this guidance.

2. Non-criminal Haitian nationals who are not subject to final orders of removal—with priority to those with the longest length of stay in ICE custody. However, any individuals subject to mandatory detention under INA § 236(c) for having committed but not convicted of certain offenses should not be released pursuant to this guidance. Additionally, cases described in INA §§ 212(a)(3) and 237 (a)(4) shall not be released under this guidance.

3. Haitian nationals with criminal convictions that do not render them statutorily ineligible for TPS. However, any individuals subject to mandatory detention under INA § 236(c) for having committed but not convicted of certain offenses should not be released pursuant to this guidance. Additionally, cases described in INA §§ 212(a)(3) and 237 (a)(4) shall not be released under this guidance.

The review of cases of all Haitian nationals in custody shall be completed within two weeks. DRO and the Office of Chief Counsel (OCC) must work together to assess whether Haitian nationals in custody are statutorily eligible for TPS and for release. In the event logistical impediments prevent the removal of detained Haitians who are not eligible for TPS, the field will receive additional guidance.

This policy and statement of priorities and the decisions made as a result are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

II. Detention and Removal of Haitian Nationals who Arrive in the United States after January 12, 2010

ICE will detain and pursue the removal of any Haitian nationals who arrive in the United States after January 12, 2010, without lawful authority to enter or remain in the United States.

III. Detention and Removal of Haitian Nationals Ineligible for TPS

ICE will continue to detain and remove Haitian nationals who are ineligible for TPS—recognizing the need to work closely with the Government of Haiti and likelihood of logistical impediments in the near term. If these impediments remain, additional guidance will be issued. DRO and OCC must work closely together on all post-order custody reviews.
Appendix A: Information about the Current Detained Population of Haitian Nationals

The following tables provide information about the population of Haitian nationals in ICE custody as of January 11, 2010.

### Current Population of Detained Criminal and Non-Criminal Haitian Nationals
(broken down by DRO field office and final orders status)

<table>
<thead>
<tr>
<th>Currently Detained Field Office</th>
<th>Non Final Order Criminal</th>
<th>Non Criminal</th>
<th>Total</th>
<th>Final Order Criminal</th>
<th>Non Criminal</th>
<th>Total</th>
<th>Total Criminal</th>
<th>Non Criminal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlanta</td>
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<td>13</td>
<td></td>
<td>8</td>
<td>1</td>
<td>9</td>
<td>21</td>
<td>1</td>
<td>22</td>
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<tr>
<td>Baltimore</td>
<td>1</td>
<td>1</td>
<td></td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>3</td>
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<td>Boston</td>
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<td>5</td>
<td>15</td>
<td>32</td>
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</tr>
<tr>
<td>Buffalo</td>
<td>7</td>
<td>2</td>
<td>9</td>
<td>4</td>
<td>2</td>
<td>6</td>
<td>11</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td>Chicago</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Dallas</td>
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<td>3</td>
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<td>5</td>
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<td>6</td>
<td>0</td>
<td>6</td>
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<td>El Paso</td>
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<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
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<td>Houston</td>
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<td>6</td>
<td>6</td>
<td></td>
<td>6</td>
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<tr>
<td>Miami</td>
<td>114</td>
<td>22</td>
<td>136</td>
<td>50</td>
<td>12</td>
<td>62</td>
<td>164</td>
<td>34</td>
<td>198</td>
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<td>New Orleans</td>
<td>20</td>
<td>1</td>
<td>21</td>
<td>7</td>
<td>7</td>
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<td>New York City</td>
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<td>35</td>
<td>4</td>
<td>39</td>
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<tr>
<td>Newark</td>
<td>23</td>
<td>4</td>
<td>27</td>
<td>6</td>
<td>5</td>
<td>11</td>
<td>29</td>
<td>9</td>
<td>38</td>
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<tr>
<td>Philadelphia</td>
<td>17</td>
<td>3</td>
<td>20</td>
<td>11</td>
<td>1</td>
<td>12</td>
<td>28</td>
<td>4</td>
<td>32</td>
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<tr>
<td>Phoenix</td>
<td>5</td>
<td>1</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td>7</td>
<td>7</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Salt Lake City</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>San Antonio</td>
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<td>21</td>
<td>47</td>
<td>3</td>
<td>6</td>
<td>9</td>
<td>29</td>
<td>27</td>
<td>56</td>
</tr>
<tr>
<td>San Diego</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>St. Paul</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Washington</td>
<td>5</td>
<td>1</td>
<td>6</td>
<td>2</td>
<td></td>
<td></td>
<td>7</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>294</strong></td>
<td><strong>74</strong></td>
<td><strong>368</strong></td>
<td><strong>124</strong></td>
<td><strong>36</strong></td>
<td><strong>160</strong></td>
<td><strong>418</strong></td>
<td><strong>110</strong></td>
<td><strong>528</strong></td>
</tr>
</tbody>
</table>

As per IIDS January 11, 2010
Detained Criminal Haitian Nationals
(broken down by type of crime, final orders status and length of stay):

<table>
<thead>
<tr>
<th>Haitian Criminal Breakdown</th>
<th>Non Final Order</th>
<th>Final Order</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-90 days</td>
<td>90-180 days</td>
<td>180+</td>
</tr>
<tr>
<td>Homicide</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Assault</td>
<td>16</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>Sex Assault</td>
<td>3</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Sex Offense</td>
<td>5</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Robbery</td>
<td>18</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Weapons Offense</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Escape</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Dangerous Drugs</td>
<td>63</td>
<td>43</td>
<td>28</td>
</tr>
<tr>
<td>Burglary</td>
<td>4</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Family Offenses</td>
<td>2</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Threat</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Smuggling Aliens</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Obstruct Police</td>
<td>1</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Obstruction of Justice</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Larceny</td>
<td>11</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Stolen Property</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Stolen Vehicle</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Invasion of Privacy</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>ForgerLy</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Fraudulant Activity</td>
<td>8</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Public Peace</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Traffic Offense</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>140</td>
<td>91</td>
<td>63</td>
</tr>
</tbody>
</table>

As per IIDS January 11, 2010
MEMORANDUM FOR: Thomas Homan
Executive Assistant Director

THROUGH: Philip T. Miller
Deputy Executive Associate Director

FROM: Marlen Piñeiro
Assistant Director, Removal

SUBJECT: Proposal to Rescind the Policy for Resumed Removals to Haiti
Issued on April 1, 2011

Purpose

Background

[b](b)
Proposal to Rescind the Policy for Resumed Removals to Haiti Issued on April 1, 2011
Page 4

Approve ___________________________ Disapprove ___________________________

Modify ___________________________ Needs more discussion ___________________________
From: [b](b)(7)(C)
Sent: 8 Nov 2017 14:20:12 -0500
To: Short, Tracy; Davis, Mike P; McLane, Jo Ann; Padilla, Kenneth; Perez, Nelson (OPLA); Davidson, Michael J; Anderson, Sandra D; Lundgren, Karen E; Guzman, Nicole G; Loiacono, Adam V; Cheng, Wen-Ting
Cc: [b](b)(6);[b](b)(7)(C)
Subject: FOR SES AWARENESS - 91192 - AS1BB TPS Strategy Meeting Haiti
Attachments: Haiti TPS Strategy Meeting- S1-S2 BM- OD ERO OPLA.docx

Good afternoon, SES Team:

This task is due as soon as practicable today, and SES clearance was originally required. As there are no SES available, Exec Sec has requested standard clearance.

BACKGROUND:
OPLA was asked to review the attached update to Acting Secretary Duke's briefing book regarding the Haiti TPS Strategy Meeting.

Recommended closing:

Sincerely,

[Redacted]

Associate Legal Advisor
Executive Communications Unit
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street SW,
Washington, DC 20536
Office: (202)-732-[b](b)(6);[b](b)(7)
Good afternoon, SES Team:

This task is due as soon as practicable today, and SES clearance was originally required. As there are no SES available, Exec Sec has requested standard clearance.

BACKGROUND:
OPLA was asked to review the attached update to Acting Secretary Duke’s briefing book regarding the Haiti TPS Strategy Meeting.

Components
OD provided comments and edits.
HSI provided no comments or edits.
ERO provided comments and edits.

Divisions
EROLOD provided edits.
ECU merged the documents and provided a technical edit.

The document should be uploaded to OESIMS.

Recommended closing:
OPLA reviewed for legal sufficiency and provides the attached document with a technical comment and edits for consideration. For questions regarding substantive legal issues, please contact EROLD Section Chief. OPLA’s closing response is cleared by:

Respectfully,

[Redacted]

Associate Legal Advisor • Executive Communications Unit
Office of the Principal Legal Advisor • U.S. Immigration and Customs Enforcement
500 12th Street SW • Washington, DC 20536
Office: (202) 732 8710 • Cell: (202) 897 8710

** Warning *** Attorney/Client Privilege *** Attorney Work Product ***
This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, retransmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

From: iceopstasking@sp.ice.dhs.gov [mailto:iceopstasking@sp.ice.dhs.gov]
Sent: Tuesday, November 07, 2017 6:24 PM
To: [Redacted] OPLA
Tasking: [Redacted]
Subject: New task from HQEXOPS: 91192 - R&C - AS1BB - TPS Strategy Meeting FOLDERID 91192

Please do not reply to this e-mail. It is from an unmonitored system account. All action should occur within OESIMS.

Due Date:
11/8/2017 10:00:00 AM

Instructions:

ICE EXECUTIVE SECRETARY TASKINGS
Review & Comment
AS1BB - TPS Strategy Meeting
91192

Program-Level Clearance Required: SES

Tasking Assignments:

<table>
<thead>
<tr>
<th>Program Assignment</th>
<th>Program</th>
<th>Due Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Program</td>
<td>HSI Taskings</td>
<td>11/8/2017</td>
<td>NLT 10AM</td>
</tr>
<tr>
<td>Non-Lead Program</td>
<td>ERO Taskings</td>
<td>11/8/2017</td>
<td>NLT</td>
</tr>
</tbody>
</table>
- OES is not responsible for coordinating or consolidating Program Office responses.
- The lead program office must reconcile all ICE intra-agency comments and/or questions prior to closing their task bar.

**Instructions:**

- Please review the attached document and provide edits/comments via track changes.
- Pay close attention to the proper use of acronyms and that ICE is the overall stated agency response.
- Any Law Enforcement Sensitive information provided must be labeled correctly.
- Program offices are required to review and edit all responses prior to submission.
- Immediately contact ICE Taskings if you believe a program with equities has been inadvertently overlooked.

Failure to complete any of the above requirements will result in a re-task.

Thank you,

[signature]

Taskings Assistant
Executive Secretary Tasking
Office of the Director
U.S. Immigration and Customs Enforcement
(202) 732-[redacted]
Unclass [redacted]

Original Message:

---

This message is part of an automated workflow, please do not change the text in the subject line
when responding or forwarding the message.

Folder Subject: 91192 - R&C - AS1BB - TPS Strategy Meeting
Folder Originator: DHS
Due Date: 11/8/2017 10:00:00 AM
Workflow ID: 197cca90-1c87-4799-9bd3-830360c7b241
Folder Location:

(D)
From: [Redacted]
Sent: 9 Nov 2017 07:45:39 -0500
To: Davis, Mike P
Subject: RE: Haiti Repats

Sorry, should have asked this earlier. Do you want someone from ERO there for the discussion?

Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 [Redacted]
Iphone: 202-50 [Redacted]

--- ATTORNEY/CLIENT PRIVILEGE --- ATTORNEY WORK PRODUCT ---

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From: [Redacted]
Sent: Thursday, November 9, 2017 7:41 AM
To: Short, Tracy
Subject: RE: Haiti Repats

Of course. I will make sure I am available when Mike gets in.

Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732 [Redacted]
Iphone: 202-50 [Redacted]

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From: [Redacted]
Sent: Thursday, November 9, 2017 7:29 AM
To: Davis, Mike P
Subject: FW: Haiti Repats

Can we discuss this? Thanks.
FYI.

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-0(b)(7)(C)
(202) 904-M

From: Davis, Mike P
Sent: Wednesday, November 8, 2017 2:16 PM
To: Davis, Mike P
Subject: RE: Haiti Repats

Last night, ERO RIO provided updates on Haiti's cooperation with removals for a Haiti TPS task related to an upcoming DHS meeting. I've attached the draft document.

In summary, Haiti is currently cooperating with ICE on repatriations. Haiti accepts manifest removals which means that we do not need to get travel documents. The only outstanding issue with Haiti is that ICE would like them to take criminal and non-criminal aliens on the same plane. Currently, ICE charters separate planes for criminal and non-criminal Haitians.

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From: Davis, Mike P
Sent: Wednesday, November 8, 2017 1:37 PM
To: Davis, Mike P
Subject: Haiti Repats

Folks,
Can we please find out quickly from ERO what the ground truth is in terms of Haitian Govt cooperation with our removal efforts? Are they fully cooperative? Any problems? Living up to commitments made in the past, etc.?

Thank you!

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 736-1000
(202) 904-1000
From: Lundgren, Karen E
Sent: 9 May 2017 16:03:57 -0400
To: Short, Tracy; Davis, Mike P; McLane, Jo Ann; Padilla, Kenneth; Perez, Nelson (OPLA); Davidson, Michael J; Anderson, Sandra D; Guzman, Nicole G
CC: 
Subject: RE: FOR SES APPROVAL - 88149 - S1 Response to Senator Schumer Regarding Extension of TPS for Haitian Nationals

Cleared.

Karen E. Lundgren, Chief Counsel
U.S. Immigration and Customs Enforcement
Office of the Chief Counsel - Chicago
312.542.1234

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From: Lundgren, Karen E
Sent: Tuesday, May 09, 2017 2:31 PM
To: Davis, Mike P; Lundgren, Karen E
CC: 
Subject: FOR SES APPROVAL - 88149 - S1 Response to Senator Schumer Regarding Extension of TPS for Haitian Nationals

Good Afternoon SES Team,

This task is due as soon as practicable today, and SES approval is required.

Background:
OPLA was asked to review the response letter to Senator Schumer regarding extension of TPS for Haitian nationals.

Recommended closing:
From: iceopstasking@sp.ice.dhs.gov [mailto:iceopstasking@sp.ice.dhs.gov]
Sent: Monday, May 08, 2017 3:43 PM
To: OPLA Tasking [b](c)
Subject: New task from HQEXOPS: 88149 - R&C - S1 Response to Senator Schumer Regarding Extension of TPS for Haitian Nationals WF 1141577 FOLDERID 88149

Please do not reply to this e-mail. It is from an unmonitored system account. All action should occur within OESIMS.

Due Date:
5/9/2017 12:00:00 PM

Instructions:

ICE EXECUTIVE SECRETARY TASKINGS
Review & Comment
S1 Response to Senator Schumer Regarding Extension of TPS for Haitian Nationals WF 1141577 88149
Program-Level Clearance Required: SES

Tasking Assignments:

<table>
<thead>
<tr>
<th>Program Assignment</th>
<th>Program</th>
<th>Due Date</th>
<th>Time</th>
</tr>
</thead>
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<tr>
<td>Lead Program</td>
<td>HSI Taskings</td>
<td>5/9/2017</td>
<td>NLT 1PM</td>
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<td>ERO Taskings</td>
<td>5/9/2017</td>
<td>NLT 12PM</td>
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<td>OCR Taskings</td>
<td>5/9/2017</td>
<td>NLT 2PM</td>
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<td>5/9/2017</td>
<td>NLT 3PM</td>
</tr>
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</table>

- OES is not responsible for coordinating or consolidating Program Office responses.
- The lead program office must reconcile all ICE intra-agency comments and/or questions prior to closing their task bar.

**Instructions:**

**Background:**

Thank you,

(b)(5)

Taskings Assistant  
Executive Secretary Tasking  
Office of the Director  
U.S. Immigration and Customs Enforcement  
(202) 732

Unclass: [Redacted] @ice.dhs.gov

Original Message:

------------------------------------------------------------------
This message is part of an automated workflow, please do not change the text in the subject line when responding or forwarding the message.
From: Edge, Peter T
To: Homan, Thomas; Blank, Thomas; Albence, Matthew; Miller, Davis, Mike P
Subject: RE: ACTING SECRETARY ELAINE DUKE ANNOUNCEMENT ON TEMPORARY PROTECTED STATUS FOR HAITI

Thanks

Peter T. Edge

From: Blank, Thomas
Date: Monday, Nov 20, 2017, 10:47
To: Edge, Peter T
Subject: FW: ACTING SECRETARY ELAINE DUKE ANNOUNCEMENT ON TEMPORARY PROTECTED STATUS FOR HAITI

FYSA

From: DHS Press Office <pressoffice@messages.dhs.gov>
Date: Monday, Nov 20, 2017, 7:34 PM
To: 
Subject: ACTING SECRETARY ELAINE DUKE ANNOUNCEMENT ON TEMPORARY PROTECTED STATUS FOR HAITI

Press Office
U.S. Department of Homeland Security
That is a good step.

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From: Davis, Mike P
Date: Monday, Nov 20, 2017, 8:50 PM
To: 
Subject: FW: ACTING SECRETARY ELAINE DUKE ANNOUNCEMENT ON TEMPORARY PROTECTED STATUS FOR HAITI

FYSA.

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-0
(202) 904-
From: [redacted]
Sent: 21 Nov 2017 11:51:43 -0500
To: #ICE OPA ERO Issue Paper
Subject: OPA Issue: Outstanding Criminal Haitian Final Orders

ISSUE: Charlotte Cuthbertson from The Epoch Times wrote asking how many outstanding final orders of removal there are for criminal Haitian nationals. This question comes on the heels of the recent announcement that TPS will not be renewed for Haiti.

DEADLINE: 4pm Eastern Time TODAY

STATEMENT (Attributable to me as an ICE Spokesman): Upon termination, TPS beneficiaries revert back to the immigration status they had prior to receiving TPS, unless that prior status has since expired. Those here without lawful status at that point would then be subject to ICE enforcement priorities, which focus on criminal aliens, those with final orders of removal, and those who pose a threat to public safety or national security.

BACKGROUND (Attributable to ICE):

As of September 2nd, there were 1,570 non-detained criminal Haitians and 141 detained criminal Haitians with final orders of removal.

*Numbers pulled from WRD

Thank you,

[redacted]
Public Affairs Officer/Spokesperson
U.S. Immigration and Customs Enforcement (ICE)
202-732-8560 (desk)
202-646-8173 (cell)
Clear with edits for ERO.

V/r,

James Dobson
Staff Officer to the ERO EAD 619-571

ISSUE: Charlotte Cuthbertson from The Epoch Times wrote asking how many outstanding final orders of removal there are for criminal Haitian nationals. This question comes on the heels of the recent announcement that TPS will not be renewed for Haiti.

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BACKGROUND (Attributable to ICE):

*Numbers pulled from WRD

Thank you,

Public Affairs Officer/Spokesperson
U.S. Immigration and Customs Enforcement (ICE)
202-732 desk
202-641 cell
The Honorable Frederica Wilson  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Wilson:

Thank you for your October 5, 2016 letter to President Obama. Your letter was referred to the Department of Homeland Security (DHS) for response.

On November 20, 2014, Secretary Johnson directed the implementation of Department-wide civil enforcement priorities to better focus our limited interior enforcement resources where they matter most, including the removal of convicted criminals and threats to public safety. These priorities make clear that our limited resources for immigration enforcement will not be dedicated to the removal of those who have committed no serious crimes, have been in this country for years, and have families present in the United States. Under our new policy, these individuals are not priorities for removal.

The new enforcement priorities also focus on border security, namely the removal of those apprehended at the border while attempting to unlawfully enter, as well as those with final orders of removal issued on or after January 1, 2014. In these ways, DHS executes our law enforcement mission and continues to send the message that our borders are not open to illegal migration.

Following the tragic January 2010 earthquake in Haiti, U.S. Immigration and Customs Enforcement (ICE) temporarily ceased removing Haitian nationals from the United States. On September 22, 2016, Secretary Johnson directed ICE to remove Haitian nationals on a more regular basis, consistent with the practice for nationals from other nations. On November 3, 2016, DHS resumed repatriation flights with the assistance of the Government of Haiti.

Enhanced border security must be balanced with our responsibility to ensure that those seeking humanitarian protections are afforded the opportunity to do so, consistent with our laws and values. We are committed to that responsibility. Consistent with our immigration laws, individuals subject to expedited removal who express a fear of returning to Haiti will continue to be screened by a U.S. Citizenship and Immigration
The Honorable Frederica Wilson

Page 2

Services asylum officer to determine whether they possess a credible fear of persecution or torture upon returning to their home country. Those determined to have a credible fear will be referred to immigration court for removal proceedings where they may apply for asylum or other forms of relief.

Of note, Haitian nationals currently covered by Temporary Protected Status (TPS) are unaffected by this change in policy. Specifically, those Haitian nationals who have been continuously residing in the United States since January 12, 2011, and currently hold TPS may remain in the United States and are not subject to removal. These TPS beneficiaries also remain eligible for employment authorization. TPS for Haitian nationals has been extended through July 22, 2017.

DHS will continue to promote safe, orderly avenues for Haitian nationals seeking to immigrate to the United States, including through the Haitian Family Reunification Parole Program. DHS and the Department of State are working with the Government of Haiti to ensure removals occur in as humane and minimally intrusive a manner as possible.

Thank you again for your letter and your interest in this issue. A separate, identical letter will be sent to the representatives who co-signed your letter.

Sincerely,

Sarah R. Saldaña
Director
All,

This task was due by 11:30 AM yesterday and requires SES approval. It was delayed due to late responses from ERO and no response yet from OCR. OES instructed OPLA to proceed without OCR’s inputs since this is an SI priority task.

Respectfully,

[Redacted]

Associate Legal Advisor
Executive Communications Unit
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, D.C. 20536
(202) 386-1200 (office)
(202) 216-6325 (cell)
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From: iceopstasking@sp.ice.dhs.gov [mailto:iceopstasking@sp.ice.dhs.gov]
Sent: Thursday, December 01, 2016 9:27 AM
To: [b](6);[b](7)(C)
    OPLA Tasking (b)(6);(b)(7)(C)
Subject: New task from HQEXOPS: 85788 - R&C - Secretary’s Call with Representative Wilson FOLDERID 85788

Please do not reply to this e-mail. It is from an unmonitored system account. All action should occur within OESIMS.

Due Date:
12/1/2016 10:30:00 AM

Instructions:

**ICE EXECUTIVE SECRETARY TASKINGS**

**Review & Comment**

Secretary’s Call with Representative Wilson
85788

Program-Level Clearance Required: SES

**Tasking Assignments:**

<table>
<thead>
<tr>
<th>Program Assignment</th>
<th>Program</th>
<th>Due Date</th>
<th>Time</th>
</tr>
</thead>
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<td><strong>Lead Program</strong></td>
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<td><strong>12/1/2016</strong></td>
<td>NLT 10:30AM</td>
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<td>12/1/2016</td>
<td>NLT 11:30AM</td>
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- OES is not responsible for coordinating or consolidating Program Office responses.
- The lead program office must reconcile all ICE intra-agency comments and/or questions prior to closing their task bar.

**Instructions:**

- Review the attached documents and provide edits/comments via **track changes on incoming document #3098422**.
- **Pay close attention to the proper use of acronyms** and that ICE is the overall stated agency response.
- Any Law Enforcement Sensitive information provided must be labeled correctly.
- Program offices are required to review and edit all responses prior to submission.
- Immediately contact ICE Taskings if you believe a program with equities has been inadvertently overlooked.

Failure to complete any of the above requirements will result in a re-task.

**Background:**

Please see attachments #3098417 and #3098427 for background. The Secretary’s phone call from Congresswoman Wilson is scheduled for Tuesday, December 6, 2016.

Thank you,

---

**Unclass:** IICEexecSec2@ice.dhs.gov
**Original Message:**
This message is part of an automated workflow, please do not change the text in the subject line when responding or forwarding the message.
HAITIAN DETENTION AND REMOVALS

ISSUE:
Following the January 2010 earthquake in Haiti, U.S. Immigration and Customs Enforcement (ICE) temporarily ceased removing Haitian nationals, and granted temporary protected status (TPS) to Haitians already in the United States. On April 1, 2011, ICE announced the resumption of removals on a limited basis of Haitians with final orders of removal and a serious criminal conviction, or who posed a national security threat.

On September 22, 2016, Secretary Johnson announced the resumption of regular removals to Haiti based on the improvement of conditions in Haiti and a significant increase in Haitians attempting to enter the United States unlawfully at the Southwest border. TPS for Haitian nationals was extended through July 22, 2017.

On October 12, the Secretary issued a statement in light of Hurricane Matthew that although that policy had not changed, it would be temporarily suspended. That statement was reiterated on October 17, also adding the Department’s intention to resume removal flights as soon as possible.

Since October 12, ICE has received a number of inquiries from local and national outlets regarding the ongoing influx of Haitian nationals at the Southwest border, as well as their detention, and whether the suspension of removals to Haiti was still in place.

INTERNAL BACKGROUND:
ICE removed 30 criminal aliens to Haiti on October 25, 2016.

ICE plans to remove approximately 30 non-criminal aliens to Haiti on November 3, 2016.

PUBLIC AFFAIRS POSTURE:
Response to query only. No proactive media planned.

STATEMENT (attributable to ICE spokesperson):
As Secretary Johnson announced on September 22, ICE resumed on Thursday the regular removal of Haitians in accordance with the enforcement priorities in the Secretary’s November 2014 memorandum. As the Secretary’s memo outlines, U.S. Immigration and Customs Enforcement prioritizes the removal of national security threats, convicted felons, individuals convicted of significant or multiple misdemeanors, and individuals apprehended at or between ports of entry while attempting to unlawfully enter the United States.
Haitian nationals, like all individuals attempting to enter the United States, are inspected and processed to determine their eligibility for admission. As recent border crossers, these individuals are priorities for removal if they are not eligible for asylum or other protection under our laws. If an individual is deemed inadmissible, he or she may be ordered removed under a process known as Expedited Removal.

During the Expedited Removal process, an individual who expresses a fear of returning to his or her home country is screened by an asylum officer to determine if the fear is credible in line with the United States’ domestic and international obligations. An asylum officer’s negative determination may be appealed to an immigration judge. If the asylum officer or the immigration judge finds that the individual has a credible fear, the individual is referred for removal proceedings before the immigration court where he or she may apply for asylum. Individuals may be detained pending the conclusion of their administrative and judicial appeals. If it is established that an individual has no credible fear, he or she will be removed from the United States.

QUESTIONS AND ANSWERS (if asked):

How was it determined that Haiti was ready to receive these removals after Hurricane Matthew?
The U.S. Embassy in Port-au-Prince is active in the Haitian-led, international effort to rebuild the country following the devastating earthquake of January 12, 2010. To that end, the U.S. government team in Haiti is helping to strengthen governance and the rule of law, upgrade key infrastructure, ensure improved health care, and increase agricultural productivity and food security. Based on those efforts, and discussions with the U.S. Department of Homeland Security, it was determined that the situation had improved sufficiently to resume regular removals of Haitian nationals to Haiti. We would refer you to the U.S. Department of State for further details.

How many Haitians were removed on this week’s flight?
The November 3 flight removed 30 aliens to Haiti.

How many will be removed on future flights?
ERO – How many Haitians are currently removable – final order or ER?

Where are the Haitians in detention being held? How many are there?
ICE is unable to disclose these specifics, as this information is considered law enforcement sensitive. As of October 20, there were 2,849 Haitians in detention nationwide.
ERO – Can we please have an updated figure here?
I think my friend or family member has been detained. How can I confirm or contact them?
Friends and families of detainees may call 1-888-351-4024 (Monday – Friday, 8am to 8pm) or visit the Online Detainee Locator System at www.ice.gov/odls to determine where the locations of a specific individual.

Since Sept. 22, have any Haitians been removed to Haiti?
On October 25, ICE removed 30 criminal aliens to Haiti. On November 3, ICE removed an additional 30 aliens to Haiti.

I hear detention facilities in San Diego and elsewhere are full. What does ICE plan to do if Haitians and others continue to arrive?
As the agency responsible for management and oversight of the nation’s civil immigration detention system, ICE remains committed to providing a safe and humane environment for all those in its custody. ICE ensures that these residential centers operate in an open environment, which includes medical care, mental health care, play rooms, social workers, educational services, and access to legal counsel.

To accommodate various operational demands, U.S. Immigration and Customs Enforcement (ICE) routinely transfers detainees to detention facilities nationwide based on available resources and the needs of the agency.
The Honorable Jeh Johnson  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, DC 20528  

October 31, 2016  

Dear Secretary Johnson:  

As former Immigration Judges and Board of Immigration Appeals Members, we write to express our concern and disappointment at your decision to use the waning months of the administration to dramatically expand the numbers of men, women and children detained by U.S. Immigration and Customs Enforcement (ICE). The Wall Street Journal reports our nation will soon detain 45,000 individuals on a daily basis, in a sprawling network of immigration detention facilities largely operated by private prison companies and local jails.¹ On the basis of our experiences as immigration jurists, we know this expansion comes at the expense of basic rights and due process.  

Our immigration detention system already undermines the statutory right to counsel for immigrants in removal proceedings. Rapid expansion will only exacerbate this crisis.  

A shocking 86% of immigrants in detention are unable to obtain legal representation.² We have all presided over cases in which a young man or woman struggles, from detention and without a lawyer, to understand our complex maze of immigration laws and put forward a coherent legal defense to removal. The results are not surprising: immigrants in detention with lawyers are twice as likely to obtain relief as those proceeding without lawyers.³ As ICE scrambles to expand its bed space, with no concurrent expansion in funding for legal service provision, these already disturbing statistics will only worsen.  

Recommendations:  

• In recognition of the alarmingly low rates of representation in detention, decrease the numbers of those in detention in line with the recommendations set out below.  
• Do not enter into new contracts with facilities or renew existing contracts without a thorough assessment of the viability and proximity of access to legal services.  

Most recent arrivals on the southern border merit protection under our refugee laws, not incarceration. Detention unnecessarily traumatizes vulnerable populations.  

We have all borne witness to the testimony of the men, women and children fleeing violence across our southern border. Their histories of past trauma and their fear of return entitle them to  

² Ingrid Eagly and Steven Shafer, American Immigration Council, Access to Counsel in Immigration Court (Sept. 2016).  
³ Id.
protection from death, torture, rape, and other abuse at the hands of gangs, drug cartels, and corrupt governments in home countries where civil society has broken down. The vast majority are eligible for protection under the law and likely to secure relief if they are properly represented and able to cogently present and document their claims. Yet these individuals are prioritized for detention under your 2014 enforcement priorities. Previous estimates placed between 11,000 and 15,000 families and asylum seekers in ICE detention on any given day; these numbers will surely increase as overall numbers rise.

Although ICE detention is intended to be civil, these asylum seekers are jailed. With few exceptions, ICE detention facilities are jail-like facilities operated by private prison companies or local jails contracting with ICE. These facilities regularly receive passing marks in their inspections even as deaths in custody are determined to be attributable to sub-standard medical care. Sub-par detention conditions will only worsen, based on reports that DHS’s own officials are concerned that new detention space may not conform with the most recent detention standards or the requirements of the Prison Rape Elimination Act.

Senator Patrick Leahy, ranking member of the Senate Judiciary Committee, his colleagues, and many experts in the field of immigration and human rights law have recommended that you and the administration use available statutory Temporary Protected Status (“TPS”) to protect these vulnerable individuals. TPS would offer immediate protection while deferring the more complex questions of asylum and other types of more durable protection and removing most of these cases from the active dockets of our Immigration Courts. This would allow the restoration of at least some semblance of fairness and equitability to currently out of control court dockets. Unlike Immigration Court hearings involving asylum and other forms of protection, TPS claims can be adjudicated efficiently by U.S. Citizenship and Immigration Services. When necessary, de novo review of TPS in Immigration Court ordinarily takes a few minutes, rather than hours to complete.

Recommendations:

• End the detention of families, as recommended by ICE’s own Advisory Committee on Family Residential Centers.
• End the mass detention of asylum seekers. This can be accomplished by: 1) utilizing regular removal proceedings rather than the flawed expedited removal procedures that have been roundly criticized by the U.S. Commission on International Religious Freedom; and 2)

---

8 Barrett, "Record Immigrant Numbers," *supra* note 1.
properly implementing ICE’s 2009 Parole Directive.\textsuperscript{11}

- Grant TPS to individuals from the Northern Triangle and Haiti who have fled deteriorating conditions in their home countries.

**Immigration Judges should be permitted to make individualized assessments of the propriety of continued detention.**

Our detention system has moved far afield from the individualized assessments that are the hallmark of justice. As Immigration Judges, we are trained and experienced in assessing the individualized factors that determine whether an individual is a flight risk and/or poses a risk to the community.\textsuperscript{12} Our judgment is sound: in 2015, 86% of individuals released from custody on the basis of a bond set by the Immigration Court appeared at their subsequent hearings.\textsuperscript{13} Nonetheless, that same year only half of the tens of thousands of immigrants in detention received a bond hearing before an Immigration Judge.\textsuperscript{14} DHS’s overly aggressive use of expedited removal procedures and harsh interpretation of the federal detention statute has left Immigration Judges largely unable to do their job and assess whether detention is proper.

**Recommendations:**

- Follow the findings of numerous federal courts in interpreting the Immigration and Nationality Act – as the Constitution demands – to require individualized custody determinations of those deprived of their liberty for prolonged periods.\textsuperscript{15}
- Adopt a common sense interpretation of the mandatory detention statute that 1) allows individuals subject to section 236(c) of the Immigration and Nationality Act to be released on restrictive forms of custody short of detention such as electronic monitoring or house arrest; and 2) limits the scope of section 236(c) to those apprehended by ICE at the time of release from criminal custody on the basis of a serious criminal conviction.\textsuperscript{16}

***

Your agency oversees the detention and removal of hundreds of thousands of individuals each year. We have heard their stories. For some, removal is a death sentence. For others, detention results in U.S. citizen spouses and family members resorting to the public safety net. When making decisions regarding the deprivation of liberty and the permanent exile of individuals from our borders, due process must be paramount. The massive expansion of detention we witness today is fundamentally at odds with that imperative.

Thank you for your consideration of these issues. Please contact us via the Honorable Paul Wickham Schmidt at jennings12@aol.com.

\textsuperscript{13} TRACImmigration, *What Happens When Individuals are Released on Bond in Immigration Court Proceedings?* (Sept. 14, 2016).
\textsuperscript{14} Id.
\textsuperscript{15} See, e.g., *Lora v. Shamahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015), cert. granted Jennings v. Rodriguez, 15-1204 (June 20, 2016).
\textsuperscript{16} See *Shutting Down the Profiteers*, supra note 5.
Sincerely,

**Hon. Sarah Burr**  
Former Assistant Chief Immigration Judge  
Former Immigration Judge, New York  
Years of service 1994 – 2012

**Hon. Eliza Klein**  
Former Immigration Judge, Florida, Illinois, and Massachusetts  
Years of service 1994 – 2015

**Hon. Bruce J. Einhorn**  
Former Immigration Judge, California  
Years of service 1990 – 2007

**Hon. Pedro Miranda**  
Former Immigration Judge, Florida  
Years of service 1994 – 2011

**Hon. Christopher Grant**  
Former Assistant Chief Immigration Judge  
Former Immigration Judge, Virginia  
Years of service 1986 – 1996

**Hon. Lory Rosenberg,**  
Former Member, Board of Immigration Appeals  
Years of service 1995 – 2002

**Hon. Gilbert T. “Thad” Gembaucz**  
Former Immigration Judge, California  
Years of service 1996 – 2008

**Hon. Paul Wickham Schmidt**  
Former Chairman, Board of Immigration Appeals  
Former Immigration Judge, Virginia  
Years of service, 1995 - 2016

**Hon. John F. Gossart**  
Former President, National Association of Immigration Judges  
Former Immigration Judge, Maryland  
Years of service 1982 – 2013

**Hon. Bruce Solow**  
Former President, National Association of Immigration Judges  
Former Immigration Judge, Florida  
Years of service 1986 – 2011

**Hon. William Joyce**  
Former Immigration Judge, Massachusetts  
Years of service 1996 – 2002

**Hon. Gustavo D. Villageliu**  
Former Member, Board of Immigration Appeals  
Former Immigration Judge, Florida  
Dates of Service 1989 – 2003
The Honorable Paul Wickham Schmidt

(b)(5)
The Honorable Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson:

Tragically, Haiti is facing another humanitarian crisis in the aftermath of Hurricane Matthew. As you know, Haiti is still struggling to recover from the devastating 2010 earthquake and the subsequent Cholera epidemic, which was caused by improper sewage disposal by United Nations peacekeepers. While we applaud your recent announcement to temporarily suspend removal flights to Haiti, we write now to urge you to consider a broad range of options for immigration relief for Haitian nationals in the United States and abroad as Haiti continues to cope with both natural and manmade disasters.

The challenges Haiti has faced in recent years have been well-documented. The 2010 earthquake left an estimated 230,000 dead and 300,000 injured. Countless businesses were destroyed, and approximately 1.5 million Haitians were left homeless. For years after the earthquake, cholera and the actions of the United Nations caused direct, measurable harm to the people of Haiti. The cholera epidemic killed between 10,000-100,000 people and sickened at least 800,000 in the last five years. Hurricane Matthew has only increased the devastation in Haiti. The storm has already reportedly claimed the lives of over 1,000 Haitians and doctors warn of a renewed cholera crisis.¹ While Haitians have shown tremendous resilience, Hurricane Matthew has dealt a ravaging blow.

Humanitarian immigration relief, including the following options, should be one of many tools the United States deploys to help at this moment of urgent need:

- **Temporary Protected Status (TPS) for nationals of Haiti and other countries severely affected by Hurricane Matthew.** Under section 244(b)(1) of the Immigration and Nationality Act, the Secretary of Homeland Security may designate a foreign country for TPS due to an environmental disaster, such as earthquake or hurricane, or an epidemic. On January 21, 2010, the Secretary designated Haiti for TPS after the 7.0-magnitude earthquake that occurred on January 12, 2010. See Designation of Haiti for Temporary Protected Status, 75 FR 3476 (Jan. 21, 2010). TPS is meant to help individuals and nations facing exactly the type of emergency situation in Haiti following the 2010 earthquake and now Hurricane Matthew.

- **Expansion of the Haitian Family Reunification Parole (HFRP) Program.** The HFRP Program allows certain U.S. citizens and lawful permanent residents to apply for parole for

their family members in Haiti. If granted parole, these family members can come to the United States and obtain employment authorization before their immigrant visa priority dates become current. This program could be expanded to include those with pending family-based immigrant petitions or who filed such petition after Dec. 18, 2014 (the current cut-off date), as well as immediate relatives and other family members, similar to the expansion of the program for In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors – CAM). See DHS Press Release, “U.S. Expands Initiatives To Address Central American Migration Challenges” (July 26, 2016).

- **Suspension of Non-Criminal Removals.** Following the 2010 earthquake, U.S. Immigration and Customs Enforcement (ICE) temporarily ceased removing Haitian nationals. On April 1, 2011, ICE announced the resumption of removals on a limited basis for Haitians convicted of a serious crime, or who posed a national security threat. In a September 2016 announcement, DHS stated that “the situation in Haiti has improved sufficiently to permit the U.S. government to remove Haitian nationals on a more regular basis, consistent with the practice for nationals from other nations.” DHS Press Release, “Statement by Secretary Johnson Concerning His Directive to Resume Regular Removals to Haiti” (Sept. 22, 2016). What might have been true then, no longer is after Hurricane Matthew. Based on the same rationale that led ICE to cease removals for non-criminals in 2011, the Department should again temporarily discontinue regular removals in the aftermath of this most recent natural disaster.

Additionally, prior to September 2016, U.S. Customs and Border Protection had been paroling into the country Haitian nationals who arrived at U.S. ports of entry, possibly seeking asylum and other forms of protection. This policy was recently changed and Haitians now are being subject to expedited removal and detention. We urge you to reconsider this policy change in light of Hurricane Matthew. Non-criminal Haitians should not be subject to removal at this time, and, accordingly, they should not be subject to prolonged immigration detention. Furthermore, Haitians paroled into the United States and provided employment authorization will be able to remit funds to their families on the island to help begin and speed the rebuilding process.

Finally, we know that the immigration service regularly extends immigration relief, such as fee waivers, employment authorization for foreign students, and permitting late-filed extension and change of status requests, to individuals whose homelands have suffered a catastrophe. We thank you for this leadership and compassion.

We know that you share our deep concern for the plight of Haiti and its people, and urge you to consider humanitarian immigration relief in the aftermath of this powerful and devastating hurricane.

Sincerely,

[Signatures]

John Conyers, Jr. Maxine Waters Barbara Lee
Member of Congress Member of Congress Member of Congress
The Honorable John Conyers, Jr.
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Conyers:

(b)(5)
December 22, 2016

The Honorable Jeh Johnson
Secretary, Department of Homeland Security
Washington, DC 20528

RE: The halting of humanitarian parole for Haitians and their inevitable deportation

Dear Secretary Johnson,

My name is Assemblymember Rodneyse Bichotte (D-NY, Brooklyn, 42nd Assembly District), I write to you today, along with my colleagues State Senator Kevin Parker (D-NY, Brooklyn, 20th Senatorial District), and City Council Member Jumaane D. Williams (D-NY, Brooklyn, 45th City Council District). Together we represent districts, which contain a high concentration of Haitian residents. I, myself, am the first Haitian-American elected from New York City to be elected to the State legislature. We are writing you today because we have concerns about the decision by the Obama administration to resume deportations of Haitians that are at the U.S./Mexico border.

America has long been known as the land of opportunity, and a country that has opened its borders to immigrants. If we look at more recent immigrants, such as Cubans, there has long been a policy that once they arrive, if they make it to our shores, they are allowed to stay and granted refugee status. There were also Salvadorans and Guatemalans, which sought asylum in our country during the civil war in El Salvador, many to whom asylum was granted. Ultimately, legislation was put in place, the Nicaraguan Adjustment and Central Relief Act (1972), which allowed these groups to apply directly for a green card. In addition, the Obama administration has recently said it would accept 110,000 Syrian refugees. In light of these policies, it would appear, that these Haitian immigrants are being singled out.

Haiti has just experienced Hurricane Matthew, a category 4. This is the first major hurricane in over 50 years, and even though the eye of the storm has passed, the mudslides and continued rainfall following the hurricane were concerns for meteorologists. Forecasters after the hurricane predicted an additional 20 inches of rainfall in Haiti’s lower elevations and 40 inches in the mountains. Officials reported that almost 400 homes had been destroyed. Haitians have
posted pictures to social media documenting the wreckage and devastation during and after the storm.

In addition, although the world came to Haiti’s aid when she experienced her devastating earthquake, it was soon revealed that many of the non-governmental organizations that were entrusted to supply the aid exploited the situation there and left the people with close to nothing. On top of that because of a United Nations mission, Haiti's people have experienced a devastating cholera epidemic, whereby an estimated 750,000 Haitians have been affected, and thousands of Haitians have died painful deaths due to this disease. The United Nations has just admitted its part in this and has begun to address this travesty. Many Haitians, due to the earthquake, have had no choice but to seek a better life outside of their motherland, and many are now at the United States/Mexico border hoping to realize that dream.

On September 24th, the US Department of Homeland Security (DHS) abruptly halted humanitarian parole for Haitians arriving at our California border. The reason that was given for the change in course was that country conditions in Haiti had improved and that there was a need to deter more people from coming. The news came as a shock given that our own US State Department had issued travel warnings for Haiti, which is suffering from political and economic instability and is still recovering from natural and other disasters including a devastating earthquake followed by a hurricane followed by a cholera epidemic that has displaced or killed countless Haitians. The country has a new president. Contrary to what DHS has stated, the situation in Haiti has not improved it has worsened, warranting a humanitarian response, not harsh enforcement.

Perhaps one of the unintended consequences is the impact it is having on families – women and children have been separated from the husbands and fathers. This has impacted at least 50 families. Without an effort to rectify this situation, DHS’ forced separation of family members may mean that families are separated for a lifetime. Those who crossed through will be able to stay in a humanitarian status in the US. Those who were caught on the other side will be stuck in Mexico or detained if they approach the border under threat of deportation until Haiti is able to receive them back if it ever is. At a minimum, recognize that these families were separated when the US government abruptly changed its policy.

We are currently seeing what appears to be an unprecedented humanitarian crisis throughout the world. Like their peers these Haitian immigrants face a great deal of uncertainty if they
were to go back to their home country – political and economic instability, a cholera epidemic, and the fallout from the recent hurricane, not to mention that their biggest obstacle will likely be that the Haitian government will not accept them due to documentation issues. They will be completely without a country. We would like to urge the Obama Administration to please reconsider their recent actions and reverse their course to deport undocumented Haitian immigrants while there is still time.

Sincerely,

Rodneyse Bichotte
Member, NYS Assembly

Kevin Parker
NYS Senator

Jumaane D. Williams
Member, NYC Council
The Honorable Rodneyse Bichotte  
New York State Assembly  
Albany, NY 12248

Dear Assembly Member Bichotte:

(b)(5)
Sincerely,

Sarah R. Saldaña
Director
The Honorable Rodneyse Bichotte
New York State Assembly
Albany, NY 12248
Thank you again for your letter and interest in this important issue. State Senator Parker and New York City Councilmember Williams, who co-signed your letter, will receive separate, identical responses.

Sincerely,

Sarah R. Saldaña
Good Afternoon SES Team,

This task is due by 2:00 PM today, and it requires SES approval.

Background:
OPLA was asked to review a response to a letter from NY Assemblymember Rodneyse Bichotte to S1 urging the halting of Haitian deportations.

ERO drafted the response.

Divisions:
From: oesims@sp.ice.dhs.gov [mailto:oesims@sp.ice.dhs.gov]
Sent: Monday, January 09, 2017 4:19 PM
To: OPLA Tasking: [o(6)(b)(7)(C)]
Subject: New task from HQEKS: WF 1137076 New York Assemblmember Rodneyse Bichotte and Others Write to S1 Urging the Halting of Haitian Deportations FOLDERID 86181

Please do not reply to this e-mail. It is from an unmonitored system account. All action should occur within OESIMS.

Due Date:
1/10/2017 2:00:00 PM

Instructions:
OPLA: Please review the draft response and provide SES Clearance by 2pm 1/10.

Thank you,

Original Message:

------------------------------
This message is part of an automated workflow, please do not change the text in the subject line when responding or forwarding the message.

Folder Subject: WF 1137076 New York Assemblymember Rodneyse Bichotte and Others Write to S1 Urging the Halting of Haitian Deportations
Folder Originator: New York Assemblymember Rodneyse Bichotte
Due Date: 1/10/2017 2:00:00 PM
Workflow ID: 08420ac4-6b96-42de-a81c-13afbb4b727a
Folder Location: https://oesims.ice.dhs.gov/apps/oesims/_layouts/OESIMS2010/FullFolder.aspx?ID=86181
Task ID: 454215
Workflow Task ID: 81dfa4ca-5b6e-4723-b2d8-b037f6e702b1
Assignment ID: 4f2dac17-8742-458b-9ab8-57d3794291ec
Sorry, should have asked this earlier. Do you want someone from ERO there for the discussion?

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732  
Iphone: 202-50

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Of course. I will make sure I am available when Mike gets in.

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732  
Iphone: 202-50

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Can we discuss this? Thanks.
FYI.

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-7748
(202) 904-9201

From: Davis, Mike P
Sent: Wednesday, November 8, 2017 2:16 PM
To: Short, Tracy
Subject: FW: Haiti Repats

Last night, ERO RIO provided updates on Haiti’s cooperation with removals for a Haiti TPS task related to an upcoming DHS meeting. I’ve attached the draft document.

--- ATTORNEY/CLIENT PRIVILEGE --- ATTORNEY WORK PRODUCT ---
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From: Davis, Mike P
Sent: Wednesday, November 8, 2017 1:37 PM
To: Loiacono, Adam V
Subject: Haiti Repats

Folks,
Can we please find out quickly from ERO what the ground truth is in terms of Haitian Govt cooperation with our removal efforts? Are they fully cooperative? Any problems? Living up to commitments made in the past, etc.?

Thank you!

Michael P. Davis  
Executive Deputy Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
(202) 732-8288 (O)  
(202) 904-8077 (M)
RE: FOR SES APPROVAL - 91534 - DHS USCIS Rule for Review: TPS Haiti Termination

Good morning, SES Team:

This task is due at 12:00 p.m. today, and SES approval is required.

Background:
OPLA was asked to review the attached draft U.S. Citizenship and Immigration Services’ Notice of the termination of Haiti’s Temporary Protected Status designation.
Respectfully,

Associate Legal Advisor ♦ Executive Communications Unit
Office of the Principal Legal Advisor ♦ U.S. Immigration and Customs Enforcement
500 12th Street SW ♦ Washington, DC 20536
Office: (202) 732-5872 ♦ Cell: (202) 952-5872

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From: icehqopp@sp.ice.dhs.gov [mailto:icehqopp@sp.ice.dhs.gov]
Sent: Monday, December 04, 2017 10:48 AM
To: [b][b][b][b][b][b][b][b]
OPLA Tasking [b][b][b][b][b][b][b][b]
Subject: New task from HQOPP: DHS USCIS Rule for Review: TPS Haiti Termination FOLDERID 91534

Please do not reply to this e-mail. It is from an unmonitored system account. All action should occur within OESIMS.

Due Date: 12/6/2017 12:00:00 PM

Instructions:

OFFICE OF POLICY TASKINGS
Review & Comment

DHS USCIS Rule for Review: TPS Haiti Termination
91534
Program-Level Clearance Required:
SES

Tasking Assignments:
<table>
<thead>
<tr>
<th>Program Assignment</th>
<th>Program</th>
<th>Due Date</th>
<th>Time</th>
</tr>
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<tr>
<td>Lead Program</td>
<td>OPLA Taskings</td>
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<td>NLT 12:00PM</td>
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<td>ERO Taskings</td>
<td>12/5/2017</td>
<td>NLT COB</td>
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**Background:**

The designation of Haiti for Temporary Protected Status (TPS) is set to expire on January 22, 2018. After reviewing country conditions and consulting with the appropriate U.S. Government agencies, the Secretary of Homeland Security (Secretary) has determined that conditions in Haiti no longer support its designation for TPS and is therefore terminating the TPS designation of Haiti. To provide time for an orderly transition, this termination is effective on July 22, 2019, 18 months following the end of the current designation.

Nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) who have been granted TPS and wish to maintain their TPS and receive TPS-based Employment Authorization Documents (EAD) valid through July 22, 2019, must re-register for TPS in accordance with the procedures set forth in this Notice. After July 22, 2019, nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) who have been granted TPS under the Haiti designation will no longer have TPS.

**Reviewer Guidelines:**

Reviewers should follow the instructions with the following guidelines.
Please contact me with any questions related to this request.

ICE Office of Policy
202-732

This message is part of an automated workflow, please do not change the text in the subject line when responding or forwarding the message.
That is a good step.

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-
Iphone: 202-54-

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From: Davis, Mike P.
Date: Monday, Nov 20, 2017, 8:50 PM
To: Padilla, Kenneth; Davidson, Michael J; Loiacono, Adam V; Smith, Robert I
Subject: FW: ACTING SECRETARY ELAINE DUKE ANNOUNCEMENT ON TEMPORARY PROTECTED STATUS FOR HAITI

FYSA.

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-
(202) 904-
Oops. Monica beat me to it.

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732
Phone: 202-524

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From: Loiacono, Adam V
Date: Wednesday, Nov 08, 2017, 1:44 PM
To: [b](b)(7)(C)
Cc: Loiacono, Adam V
Subject: RE: Haiti Repats

Please get with ERO. Would be great to get back to him before 4.
Folks,

Can we please find out quickly from ERO what the ground truth is in terms of Haitian Govt cooperation with our removal efforts? Are they fully cooperative? Any problems? Living up to commitments made in the past, etc.?

Thank you!

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 736-1640
(202) 903-7760
Good afternoon, SES Team:

This task is due as soon as practicable today, and SES clearance was originally required. As there are no SES available, Exec Sec has requested standard clearance.

BACKGROUND:
OPLA was asked to review the attached update to Acting Secretary Duke's briefing book regarding the Haiti TPS Strategy Meeting.

Sincerely,

Associate Legal Advisor
Executive Communications Unit
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street SW,
Washington, DC 20536
Office: (202) 736-
Good afternoon, SES Team:

This task is due as soon as practicable today, and SES clearance was originally required. As there are no SES available, Exec Sec has requested standard clearance.

BACKGROUND:
OPLA was asked to review the attached update to Acting Secretary Duke’s briefing book regarding the Haiti TPS Strategy Meeting.
Respectfully,

Associate Legal Advisor • Executive Communications Unit
Office of the Principal Legal Advisor • U.S. Immigration and Customs Enforcement
500 12th Street SW • Washington, DC 20536
Office: (202) 736-9570 • Cell: (202) 897-0103

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From: iceostasking@sp.ice.dhs.gov [mailto:iceostasking@sp.ice.dhs.gov]
Sent: Tuesday, November 07, 2017 6:24 PM
To: Tasking
Subject: New task from HQEXOPS: 91192 - R&C - AS1BB - TPS Strategy Meeting FOLDERID 91192

Please do not reply to this e-mail. It is from an unmonitored system account. All action should occur within OESIMS.

Due Date:
11/8/2017 10:00:00 AM

Instructions:

ICE EXECUTIVE SECRETARY TASKINGS
Review & Comment
AS1BB - TPS Strategy Meeting
91192
Program-Level Clearance Required: SES

Tasking Assignments:

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<tr>
<th>Program Assignment</th>
<th>Program</th>
<th>Due Date</th>
<th>Time</th>
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<td>ERO Taskings</td>
<td>11/8/2017</td>
<td>NLT</td>
</tr>
</tbody>
</table>
- OES is not responsible for coordinating or consolidating Program Office responses.
- The lead program office must reconcile all ICE intra-agency comments and/or questions prior to closing their task bar.

**Instructions:**

[b][5]

Thank you,

[b][0][b][7][b][C]

Taskings Assistant
Executive Secretary Tasking
Office of the Director
U.S. Immigration and Customs Enforcement
(202) 732-7832
Unclass: ICEExecSec2@ice.dhs.gov

Original Message:

--------------------------

This message is part of an automated workflow, please do not change the text in the subject line
when responding or forwarding the message.
From: Anderson, Sandra D
Sent: 19 Dec 2017 16:25:41 -0500
To: Davis, Mike P; McLane, Jo Ann; Padilla, Kenneth; Perez, Nelson (OPLA); Davidson, Michael J; Lundgren, Karen E; Guzman, Nicole G; Loiacono, Adam V; Cheng, Wen-Ting
CC: (b)(6)(b)(7)(C)
Subject: RE: FOR SES APPROVAL - 91774 - DHS USCIS Response to ICE: TPS Haiti Termination

Cleared.

Sandra D. Anderson
Chief Counsel
Los Angeles Office of Chief Counsel
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
606 S. Olive Street (b)(6)(b)(7)(C)
Los Angeles, CA 90014

(213) 632-0000 (office)
(213) 804-0000 (mobile)

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From: (b)(6)(b)(7)(C)
Sent: Tuesday, December 19, 2017 1:11 PM
To: Davis, Mike P; McLane, Jo Ann; Padilla, Kenneth; Perez, Nelson (OPLA); Davidson, Michael J; Anderson, Sandra D; Lundgren, Karen E; Guzman, Nicole G; Loiacono, Adam V; Cheng, Wen-Ting
CC: (b)(6)(b)(7)(C)
Subject: FOR SES APPROVAL - 91774 - DHS USCIS Response to ICE: TPS Haiti Termination

Good afternoon, SES Team:

This task is due as soon as practical today, and SES approval is required.

Background:
After reviewing country conditions and consulting with the appropriate U.S. Government agencies, the Secretary of Homeland Security has determined that conditions in Haiti no longer support its designation for Temporary Protected Status (TPS) and is therefore terminating the TPS designation of Haiti – set to expire on January 22, 2018. OPLA was asked to review the attached draft U.S. Citizenship and Immigration Services’ Notice of the termination of Haiti’s TPS designation.
OPLA returned the document with a technical comment and edits, and received SES clearance from Chief Counsel Wen-Ting Cheng.

Sincerely,

[Redacted]

Associate Legal Advisor
Executive Communications Unit
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street SW,
Washington, DC 20536
From: icehqopp@sp.ice.dhs.gov [mailto:icehqopp@sp.ice.dhs.gov]
Sent: Monday, December 18, 2017 1:10 PM
To: [b](6),(b),(7),(C) OPLA Tasking;
Subject: New task from HQOPP: DHS USCIS Response to ICE: TPS Haiti Termination FOLDERID 91774

Please do not reply to this e-mail. It is from an unmonitored system account. All action should occur within OESIMS.

Due Date:
12/19/2017 12:00:00 PM

Instructions:

OFFICE OF POLICY TASKINGS
Review & Comment

DHS USCIS Rule for Review: TPS Haiti Termination 91774
Program-Level Clearance Required:
SES

Tasking Assignments:

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Instructions:

Background:

The designation of Haiti for Temporary Protected Status (TPS) is set to expire on January 22, 2018. After reviewing country conditions and consulting with the appropriate U.S. Government agencies, the Secretary of Homeland Security (Secretary) has determined that conditions in Haiti no longer support its designation for TPS and is therefore terminating the TPS designation of Haiti. To provide time for an orderly transition, this termination is effective on July 22, 2019, 18 months following the end of the current designation.

Nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) who have been granted TPS and wish to maintain their TPS and receive TPS-based Employment Authorization Documents (EAD) valid through July 22, 2019, must re-register for TPS in accordance with the procedures set forth in this Notice. After July 22, 2019, nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) who have been granted TPS under the Haiti designation will no longer have TPS.

Reviewer Guidelines:
Please contact me with any questions related to this request.

ICE Office of Policy
202-732

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This message is part of an automated workflow, please do not change the text in the subject line when responding or forwarding the message.
From: Davis, Mike P  
Sent: 8 Nov 2017 13:45:34 -0500  
To: Loiacono, Adam V  
Subject: RE: Haiti Repats

Many thanks!

Michael P. Davis  
Executive Deputy Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
(202) 732-0714  
(202) 904-6169

From:  
Date: Wednesday, Nov 08, 2017, 1:42 PM  
To: Davis, Mike P; Loiacono, Adam V  
Subject: RE: Haiti Repats

I'm checking now.

--- ATTORNEY/CLIENT PRIVILEGE --- ATTORNEY WORK PRODUCT ---
This document contains confidential and/or sensitive attorney/client privileged information or attorney work product and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please notify the sender if this message has been misdirected and immediately destroy all originals and copies. Any disclosure of this document must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY. FOIA exempt under 5 U.S.C. § 552(b)(6).

From: Davis, Mike P  
Sent: Monday, December 11, 2017 1:37 PM  
To: Loiacono, Adam V  
Subject: Haiti Repats

Folks,

Can we please find out quickly from ERO what the ground truth is in terms of Haitian Govt cooperation with our removal efforts? Are they fully cooperative? Any problems? Living up to commitments made in the past, etc.?

Thank you!
Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-5757 (O)
(202) 904-0900 (M)
This is the current status of Haitian repatriation cooperation. Is this inconsistent with your understanding?

FYI.

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-2647 (O)
(202) 904-2738 (M)

Last night, ERO RIO provided updates on Haiti’s cooperation with removals for a Haiti TPS task related to an upcoming DHS meeting. I’ve attached the draft document.
Folks,

Can we please find out quickly from ERO what the ground truth is in terms of Haitian Govt cooperation with our removal efforts? Are they fully cooperative? Any problems? Living up to commitments made in the past, etc.?

Thank you!

Michael P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-904-00013 423
MEMORANDUM FOR: Janet Napolitano  
Secretary  
FROM: John Morton  
Director  
SUBJECT: Status of Repatriations to Haiti  

Purpose:
This memorandum provides an update on the status of repatriations to Haiti.

Background:
On January 12, 2010, an earthquake struck Haiti, causing considerable loss of life and damage to infrastructure. On January 13, 2010, U.S. Immigration and Customs Enforcement (ICE) temporarily halted removals to Haiti. On January 21, 2010, Haiti was designated for temporary protected status (TPS). The designation has been extended through July 22, 2014. Prior to the earthquake, ICE operated routine charter missions to Haiti twice monthly with a maximum of 50 aliens aboard each flight or up to 100 aliens per month.

On January 20, 2011, ICE resumed the limited repatriation of certain Haitian nationals to Haiti. On or about January 31, 2011, ICE learned of media reports indicating that one of the Haitian returnees passed away several days after his arrival in Haiti. To address humanitarian concerns raised in conjunction with these reports, ICE delayed further flights pending development of a policy specific to Haitian removals.

After consultation with other government agencies, non-governmental organizations (NGOs), and the public, on April 1, 2011, ICE issued a press release setting forth its current Policy for Resumed Removals to Haiti. The press release explained that removals would be conducted in accordance with the March 2, 2011, ICE memo titled Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens, which prioritizes the removal of aliens
with final orders who pose a threat to public safety. When removing Haitian nationals, ICE will prioritize the removal of Level 1 and Level 2 offenders.\footnote{\textit{\textsuperscript{1}} Level 1 offenders: aliens convicted of "aggravated felonies," as defined in 101(a)(41) of the Immigration and Nationality Act, or two or more crimes each punishable by more than one year, commonly referred to as " felonies"; Level 2 offenders: aliens convicted of any felony or three or more crimes each punishable by less than one year, commonly referred to as "misdemeanors."} At this time, ICE is not removing non-criminal Haitian nationals, unless they are determined to be a significant national security threat. Notably, the current policy precludes ICE from removing some aliens who pose a threat to public safety, including gang members and fugitives who do not have criminal convictions. U.S. Customs and Border Protection returns are not affected.

The procedures for the removal of Haitian nationals are outlined as follows. Prior to removal, all cases are required to be reviewed by the concerned Field Office Director (FOD) to ensure compliance with the Policy for Resumed Removals to Haiti and prosecutorial discretion guidance. During this review, FODs are also required to provide each Haitian national the opportunity to provide information regarding any equities they may have.

Haitian nationals are medically screened by the ICE Health Services Corps to ensure fitness for travel and the availability of continuity of care in Haiti. Returnees are provided a 67-day supply of needed medications (a standard seven day supply plus an additional two month supply to provide returnees additional time to obtain medications in Haiti) and a complete copy of their medical records. Aliens who are unable to transition to medications available in Haiti are not scheduled for removal.

Upon landing in Haiti, each returnee is afforded the opportunity to make a phone call on ICE-provided cell phones to expedite reunification with friends or family members. ICE also provides water and an extra meal for consumption after arrival. Through a reintegration program funded by the U.S. Agency for International Development and administered by NGOs in Haiti, returnees are provided hygiene kits upon arrival and offered psycho-social assistance from the program's medical team, as well as on-the-job training opportunities and assistance in establishing microenterprises.

Prior to August 2012, many returnees were detained without apparent cause for extended periods by the Government of Haiti (GOH) upon arrival in Haiti. As a result of continued influence exerted by U.S. Government officials and NGOs, effective August 2012, the GOH has ended this practice.
Status of Repatriations to Haiti
Page 3

Statistics:

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Sources: 1 IIDS as of 9/29/12
Note: This table reports only aliens removed aboard ICE repatriation flights to Haiti and does not include aliens reported as removed returned via other means. The non-criminal alien was removed for national security reasons.
The Honorable Frederica S. Wilson  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Wilson:

Thank you for your recent letter to President Obama expressing your support for and requesting the creation of a family reunification parole program for Haitians in order to reunite Haitian families and support long-term economic growth in Haiti. The White House has asked the Department of Homeland Security (DHS) to respond to you directly.

In the wake of the 2010 earthquake in Haiti, the United States took several urgent steps to increase the number of Haitians who could legally immigrate to, or remain in, the United States. For example, DHS has taken steps to facilitate opportunities for Haitians to travel to and work in the United States on a temporary basis. U.S. Citizenship and Immigration Services (USCIS), a component of DHS, continues to work with the Department of State to ensure that State is able to process immigrant visas for eligible Haitians as rapidly as possible based on visa availability.

Parole is a discretionary action used sparingly, on a case-by-case basis, to bring someone who is otherwise inadmissible to the United States for a temporary period, including for urgent humanitarian reasons. When handling humanitarian parole requests, USCIS examines whether there are urgent humanitarian circumstances and whether parole is otherwise warranted as a matter of discretion. If the situation is of sufficient urgency, such as a life-threatening medical condition or family reunification under exigent circumstances, USCIS may grant humanitarian parole even though a family-based immigrant petition has been filed or approved for the individual but a visa number is not yet available. Haitians with approved family-based immigrant petitions who demonstrate that they face certain circumstances may be eligible for humanitarian parole into the United States.

In addition, former Secretary Napolitano determined, after consultation with the State Department, that Haiti meets the standards to be included among countries whose nationals are eligible for classification as H-2A agricultural and H-2B non-agricultural workers. As a result, effective January 18, 2012, nationals of Haiti are eligible to participate in the H-2A and H-2B programs. See 77 FR 2558 (January 18, 2012).

Former Secretary Napolitano also designated Haiti for Temporary Protected Status (TPS) in 2010 and re-designated the country in 2011, permitting eligible Haitians who have been continuously residing in the United States since January 12, 2011 to remain here temporarily with work authorization. See 75 FR 3476 (Jan. 21, 2010); 76 FR 29000 (May 19, 2011). Following consultations with other federal agencies, Secretary Johnson announced that current conditions in Haiti supported an extension of the designation of Haiti for TPS for an additional
18 months effective July 23, 2014 through January 22, 2016. The extension allows currently eligible TPS beneficiaries to retain their TPS through January 22, 2016. See 79 FR 46 (March 3, 2014). The 18-month extension also allows beneficiaries who re-register during the 60-day registration period to apply for a new Employment Authorization Document.

We appreciate your interest in this matter and look forward to continuing to work with you in addressing how we can best serve the Haitian community in light of the suffering Haitians have endured in the aftermath of the devastating 2010 earthquake.

I will have our staff contact your office to schedule a meeting on this matter. Identical responses will be sent to the co-signers of your letter. Should you require additional information, please do not hesitate to contact Acting Assistant Secretary (b)(6),(b)(7)(C) in the Office of Legislative Affairs at (202) 447-7133 or me at (202) 282-8210.

Sincerely,

Alejandro N. Mayorkas
MEMORANDUM FOR: Sarah R. Saldaña
   Director

THROUGH: Daniel H. Ragsdale
   Deputy Director

FROM: Thomas Homan /s/
   Executive Associate Director

SUBJECT: Proposal to Rescind the Policy for Resumed Removals to Haiti
   Issued on April 1, 2011

Purpose:


Background:

Following the 2010 earthquake in Haiti, ICE temporarily suspended removals in response to conditions in the region. Approximately 1 year after the earthquake, ICE resumed removals of a limited category of Haitian nationals pursuant to the Policy for Resumed Removals to Haiti. This policy was consistent with the civil immigration enforcement priorities set forth in ICE Policy No. 10072.1: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens (Mar. 2, 2011, superseded Nov. 20, 2014), which prioritized the removal of aliens with final orders of removal who pose a threat to public safety. Pursuant to the policy, ICE currently prioritizes the removal of Level 1 and Level 2 offenders. Removals are guided by Section D of that memorandum, “Prosecutorial Discretion,” which focuses on the exercise of sound judgment and discretion in exercising decision-making with respect to these priorities. At this time, ICE’s removal of non-criminal Haitian nationals is limited to those determined to be a significant national security threat.

This policy requires ICE to conduct in-depth reviews of all proposed removal cases to determine whether the exercise of prosecutorial discretion, in accordance with agency guidance, is appropriate. Haiti was designated for Temporary Protective Status (TPS) on January 21, 2010,
Proposal to Rescind the Policy for Resumed Removals to Haiti Issued on April 1, 2011

Page 2

and TPS for Haitian nationals has been extended through July 22, 2017. Individuals granted TPS may not be removed from the United States. Notably, the existing policy has precluded ICE from removing some aliens who pose a threat to public safety, including gang members and fugitives who do not have criminal convictions. ICE releases from detention, under an order of supervision, those Haitian nationals subject to a final order of removal, but who may not be removed due to the current self-imposed removal restrictions included in the Policy for Resumed Removals to Haiti.

Secretary Johnson’s November 20, 2014 memorandum entitled, Policies for the Apprehension, Detention and Removal of Undocumented Immigrants, rescinds and supersedes the guidance, which serves as the foundation of the Policy for Resumed Removals to Haiti.1 Rescinding the Policy for Resumed Removals to Haiti would be consistent with the Department of Homeland Security’s (DHS) new civil immigration enforcement priorities.

Pursuant to the Policy for Resumed Removals to Haiti, ICE is currently limited to prioritizing the removal of Level 1 and Level 2 Haitian nationals. ICE is generally not currently removing non-criminal Haitian nationals, unless they are determined to be a significant national security threat, or are encountered in the Mona Pass or on Puerto Rico and processed for expedited removal.

The categories of individuals subject to removal under the policy are significantly narrower than those categories of individuals mandated by the November 20, 2014 memorandum to be prioritized for removal. Specifically, although deemed a priority by Secretary Johnson, the following categories of aliens may not be removed under the Policy for Resumed Removals to Haiti: Priority 1(b) (apprehended at the border or ports of entry while attempting to unlawfully enter the United States); 1(c) (participated in an organized criminal gang); 2(b) (convicted of a significant misdemeanor); 2(c) (apprehended anywhere in the United States after unlawfully entering or re-entering the United States and who cannot establish to the satisfaction of an immigration officer that they have been physically present in the United States continuously since January 1, 2014); 2(d) (significantly abused the visa or visa waiver programs); and 3 (final order of removal on or after January 1, 2014).

Justification:

The United States has provided support to the Haitian Office of National Migration to build its capacity to deliver effective reception services to returning Haitian migrants. More than 6 years have passed since the earthquake, and in that time Haiti has transitioned to a period of long-term rebuilding and development. The political, economic, and security situation in Haiti is overall stable.

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1 The Secretary’s memorandum enumerated the following policies as superseded and rescinded: John Morton, Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens, March 2, 2011; John Morton, Exercising Prosecutorial Discretion Consistent with the Civil Enforcement Priorities of the Agency for the Apprehension, Detention and Removal of Aliens, June 17, 2011; Peter Vincent, Case-by-Case Review ofIncoming and Certain Pending Cases, November 17, 2011; Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems, December 21, 2012; and National Fugitive Operations Program: Priorities, Goals, and Expectations, December 8, 2009.
Recommendation:

I recommend you, with concurrence from DHS, rescind the existing Policy for Resumed Removals to Haiti. The policy is now 5 years old, and the priorities on which it was built have been superseded by the November 20, 2014 memorandum from Secretary Johnson entitled, Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants.

This policy change would allow ICE to remove Haitian nationals subject to a final order of removal pursuant to the current Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants, which includes all of the following priority levels:

Priority #1 (threats to national security, border security, and public safety):

- Priority 1(a): Engaged or suspected of terrorism/espionage
- Priority 1(b): Apprehended at the border/ports
- Priority 1(c): Active participation in a criminal street gang
- Priority 1(d): Convicted of an offense classified as a felony
- Priority 1(e): Convicted of an aggravated felony

Priority #2 (misdemeanants and new immigration violators):

- Priority 2(a): Convicted of three or more misdemeanor offenses
- Priority 2(b):
  - Individuals convicted of a significant misdemeanor (domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; driving under the influence)
  - Sentenced to time in custody of 90 days or more
- Priority 2(c): Apprehended after unlawfully entering or re-entering the United States and who cannot establish that they have been physically present in the United States continuously since January 1, 2014
- Priority 2(d): Significantly abused the visa or visa waiver programs

Priority #3 (other immigration violations):

- Individuals who have been issued a final order of removal on or after January 1, 2014
- Important Federal Interest cases
  - Repeat border crossers involved in illegal human or narcotics smuggling or trafficking
  - Individuals arrested for a felony or aggravated felony where death or serious bodily injury is involved
  - Individuals who entered after January 1, 2014, and overstayed their visa or entered under the Visa Waiver Program and have failed to depart

Approve ___________________________ Disapprove ___________________________

Modify ___________________________ Needs more discussion ___________________________
President Barack Obama  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear Mr. President:

We are deeply concerned by reports that your Administration is planning a surge of immigration raids targeting mothers, children, and unaccompanied youths from Central America’s Northern Triangle for arrest and deportation. We urge the Administration not to focus its scarce resources on deporting vulnerable individuals who have no criminal record and were not represented by counsel during their removal proceedings.

We are in the midst of the worst refugee crisis in recent history, with more than 60 million people worldwide forcibly displaced from their homes. The children and families fleeing widespread and brutal violence in the Northern Triangle, one of the most dangerous regions in the world, are part of this global humanitarian crisis. El Salvador, Honduras, and Guatemala have among the highest overall homicide rates and highest female homicide rates in the world. El Salvador and Guatemala lead the world in another grim statistic: the highest child murder rates. In a 2015 report, the United Nations High Commissioner for Refugees (UNHCR) noted regarding the Northern Triangle, “Impunity for murder and violent crime is widespread, reflecting inadequate government capacity to provide safety, especially for women.” The vast majority of homicides in these countries remain unresolved. From 2010 to 2013, 95 percent of murders in the Northern Triangle were unsolved or unprosecuted.

The grave danger facing so many people from the Northern Triangle has led them to cross borders and seek protection wherever they are able to do so, not just in the United States. UNHCR documented a 1,185 percent increase from 2008 to 2014 in the number of asylum applications from citizens of these three countries in Mexico, Panama, Nicaragua, Costa Rica, and Belize, combined. According to the Council on Foreign Relations, nearly 10 percent of the Northern Triangle’s residents have left in recent years.

The solution to this regional humanitarian crisis is to address its root causes. Deploying immigration raids upon this vulnerable population for the purpose of deterrence is an ineffective and unacceptable strategy. Immigration raids create fear and insecurity among immigrant communities in the United States. They will deter students from attending school and parents from seeking medical care, but they will not deter terrified mothers and children from fleeing life-threatening violence in their homelands.

The Department of Homeland Security considers some children and mothers from the Northern Triangle to be enforcement priorities simply based on the timing of their arrival at our Southern
border. This is a flawed policy. A surge in violence in the Northern Triangle in recent months and years has led people to flee and seek protection. Punishing people based on the timing of the violence that led them to flee, over which they had no control, is wrong and makes little sense. The consequences of forcible returns can be deadly: one October 2015 report found that at least 83 people sent back to these countries from the U.S. since January 2014 were killed, often just days after their deportations.

We understand that the targets of the Administration’s deportation raids all have a removal order issued by an immigration judge. We are concerned, however, that these individuals may not have had meaningful due process. They may not have had legal counsel and may have been ordered removed in absentia.

The scale of the violence and institutional dysfunction in the Northern Triangle mandates extra care in evaluating the merits of claims for protection from this population. Meaningful due process requires at the very least access to counsel from the beginning of removal proceedings and a full and fair hearing of each person’s legal claims. Without adequate access to counsel, these mothers and children do not have a fair chance to secure protections available to them under our laws. Since counsel is not guaranteed for this population and most people are unrepresented, they are unable to fairly present their claims before removal orders are issued. The critical role of legal counsel is demonstrated by one analysis which found that between Fiscal Year 2012 and Fiscal Year 2014, unaccompanied children represented by lawyers had a 73 percent success rate in immigration court, allowing them to stay in the U.S., while only 15 percent of unrepresented children succeeded in their cases.

Therefore, we respectfully request that you halt deportations of vulnerable individuals from the Northern Triangle, including but not limited to mothers, children, and recently aged out unaccompanied minor children, if they do not have a criminal record and if they were not represented by counsel during each stage of their removal proceedings.

We also urge you to consider designating Guatemala and redesignating El Salvador and Honduras for temporary protected status (TPS). As you know, TPS can be granted to nationals of another country who are currently residing in the United States if extraordinary and temporary conditions prevent a safe return to their country. TPS does not grant any immigration status, but allows eligible nationals of designated countries to remain in the United States legally until the designation expires. In light of the conditions outlined above, the countries of the Northern Triangle clearly meet the statutory standard for TPS.

Thank you for your consideration.

Sincerely,

RICHARD J. DURBIN
United States Senator

PATRICK LEAHY
United States Senator
cc: Secretary of State John Kerry
     Attorney General Loretta Lynch
     Secretary of Homeland Security Jeh Johnson
United States Conference of Catholic Bishops
3211 Fourth Street NE • Washington DC 20017-1194
202-541-3000 • www.usccb.org

October 3, 2016

The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, D.C. 20528
VIA EMAIL AND MAIL

Dear Secretary Johnson:

We write on behalf of the U.S. Conference of Catholic Bishops' Committee on Migration and the U.S. Conference of Catholic Bishops' Committee on International Justice and Peace to express our deep disappointment and concerns with your recent decision to resume regular removal of Haitians from the United States. We urge you to reconsider your decision, as it runs counter to our nation's commitment to assist the Haitian people and our moral obligation to offer protection and compassion to the vulnerable.

As you know, the earthquake in Haiti in January 2010 had catastrophic consequences for the country, killing tens of thousands, causing widespread destruction, and displacing hundreds of thousands. Many of these forcibly displaced Haitians fled to Brazil, Venezuela, and other Latin American countries. Economic hardship, food shortages, and political instability are now forcing many Haitians to flee once again. These individuals are making the treacherous journey north, arriving at the San Ysidro and Calexico Ports of Entry in search of safety and stability.

Your recent press release claims that regular deportations to Haiti can resume because the country’s conditions have “improved sufficiently.” Unfortunately, numerous reports and our experience serving asylum seekers and other forced migrants from Haiti lead us to a different conclusion. Haiti has suffered natural disasters, health epidemics, violence, and political instability. As of the end of 2015, nearly 60,000 people remained internally displaced from the 2010 earthquake. Subsequent disasters, such as Hurricane Sandy, and chronic vulnerabilities, such as conditions leading to the cholera epidemic, have further plagued the beleaguered nation. The ongoing cholera crisis has killed over 9,000 people and infected over 790,000, almost 8 percent of Haiti’s population. Haiti’s poor water and sanitation systems – through which only 24 percent have access to a toilet and less than half have access to clean water – mean that the country will remain vulnerable to cholera and other water borne diseases. These difficult conditions and chronic vulnerabilities are compounded by human rights abuses and political instability, as noted by the U.S. Department of State. In fact, the Department of State’s Office to Monitor and Combat Trafficking in Persons downgraded Haiti from the Tier 2 Watch List ranking it received in 2015 to a Tier 3 ranking in this year’s Trafficking in Persons Report.
We recognize the right of our nation to control its borders and enforce immigration laws. However, detaining and deporting individuals and families back to the unstable conditions in Haiti is not the answer. We urge you reconsider this deterrence-focused migration policy.

Instead, we ask DHS to prioritize humane policies and allow Haitians meaningful access to asylum, humanitarian parole, and Temporary Protected Status. Allowing Haitians to remain in the United States and send remittances back to Haiti will contribute to the long-term recovery and stability of the country. Finally, we call on the U.S. Government to work with Brazil and Venezuela to address the causes of these individuals’ recent migration. Our nations must collaborate in an effort to ensure that the displaced Haitian diaspora is protected, treated with dignity, and afforded the opportunity to support themselves and their families.

In the aftermath of the earthquake, President Obama promised to the people of Haiti that they would not be forsaken or forgotten, stating: “[Y]ou will have a friend and partner in the United States of America today and going forward.” Our great nation must honor this commitment and continue to show compassion towards our at-risk Haitian brothers and sisters.

Sincerely,

Most Rev. Eusebio Elizondo
Auxiliary Bishop of Seattle
Chairman, USCCB Committee on Migration

Most Rev. Oscar Cantú
Bishop of Las Cruces
Chairman, USCCB Committee on International Justice and Peace
The Most Reverend Oscar Cantú
Bishop of Las Cruces
Chairman, Committee on International
Justice and Peace
United States Conference of
Catholic Bishops
3211 4th Street, NE
Washington, DC 20017

Your Excellency:

Thank you for your October 3, 2016, and November 1, 2016 letters. Secretary Johnson asked that I respond on his behalf.

We share your concern for all those affected by the destruction wrought by Hurricane Matthew in Haiti. On November 20, 2014, Secretary Johnson directed the implementation of Department-wide civil immigration enforcement priorities to better focus our limited interior enforcement resources where they matter most, including the removal of convicted criminals and threats to public safety. These priorities make clear that our limited resources for immigration enforcement will not be dedicated to the removal of those who have committed no serious crimes, have been in this country for years, and have families present in the United States. Under our new policy, these individuals are not priorities for removal.

The Department of Homeland Security (DHS) civil immigration enforcement priorities also focus on border security, namely the removal of those apprehended at the border while attempting to unlawfully enter, those who unlawfully entered the United States after January 1, 2014, as well as those with final orders of removal issued on or after January 1, 2014. In these ways, the Department executes our law enforcement mission and continues to send the message that our borders are not open to illegal migration.

Following the tragic January 2010 earthquake in Haiti, U.S. Immigration and Customs Enforcement (ICE) temporarily ceased removing Haitian nationals to Haiti. In 2011, ICE resumed the removals of Haitians on a limited basis – removing those who had final orders of removal and had been convicted of a serious crime. Since that time, the number of Haitians illegally migrating to the United States has increased steadily. On September 22, 2016, Secretary Johnson directed ICE to remove Haitian nationals on a more regular basis, consistent with the practice for nationals from other nations. This includes those apprehended at the border attempting to enter the country illegally. However, in light of Hurricane Matthew, which struck Haiti on October 4, removal flights were temporarily suspended.

DHS and the Department of State worked hard with the Government of Haiti to ensure that removal flights could resume in accordance with law. Removal flights from the United
States to Haiti have now resumed, and DHS and the Department of State continue to work with the Government of Haiti to ensure removal flights occur lawfully and in as humane a manner as possible.

Enhanced border security must be balanced with our responsibility to ensure that those seeking humanitarian protections are afforded the opportunity to do so, consistent with our laws and values. We are committed to that responsibility. Thus, individuals subject to expedited removal who express a fear of returning to Haiti will continue to be screened by U.S. Citizenship and Immigration Services (USCIS) asylum officers to determine whether they possess a credible fear of persecution or torture upon returning to their home country, or an intent to apply for asylum. Those determined to have a credible fear will be referred to immigration court for removal proceedings where they may apply for asylum or other forms of relief or protection.

Haitian nationals currently covered by Temporary Protected Status (TPS) are unaffected by the resumption of flights to Haiti. Specifically, those Haitian nationals who have been continuously residing in the United States since January 12, 2011, and currently hold TPS and maintain their TPS eligibility may remain in the United States and are not subject to removal. These TPS beneficiaries also remain eligible for employment authorization. As you note in your letter, TPS for Haitian nationals has been extended through July 22, 2017.

Additionally, USCIS, the DHS Component principally responsible for advising the Secretary of Homeland Security on TPS and implementing the program, is monitoring the evolving conditions and the recovery process in Haiti to determine whether a redesignation of Haiti for TPS or an extension of Haiti’s existing designation past the current expiration date of July 22, 2017, might be warranted. The discretionary authority to extend a country’s existing TPS designation or to redesignate a country for TPS is based upon specific statutory criteria set out in the Immigration and Nationality Act § 244(b) and is vested in the Secretary of Homeland Security after consultation with the appropriate government agencies. Haiti has been designated for TPS since 2010, and almost 60,000 Haitians in the United States are currently receiving protection under Haiti’s designation.

DHS will continue to promote safe, orderly avenues for Haitian nationals seeking to immigrate to the United States, including through the Haitian Family Reunification Parole Program, which allows certain eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Haiti.

Thank you again for your letter and your interest in this important matter. Reverend Elizondo, who co-signed your letter, will receive a separate, identical response.

Sincerely,

[Signature]
Sarah R. Saldaña
Director
September 21, 2016

MEMORANDUM FOR: 
Sarah Saldaña  
Director, U.S. Immigration and Customs Enforcement  
R. Gil Kerlikowske  
Commissioner, U.S. Customs and Border Protection  
León Rodríguez  
Director, U.S. Citizenship and Immigration Services  
ADM Paul F. Zukunft  
Commandant, United States Coast Guard  
Alan Bersin  
Assistant Secretary for International Affairs and Chief Diplomatic Officer  
VADM Karl Schultz  
Director, Joint Task Force – East  
Janice Ayala  
Director, Joint Task Force – Investigations  
Commander Robert Harris  
Director, Joint Task Force – West  

FROM: Jeh Charles Johnson

SUBJECT: Haitian removals

Following the January 12, 2010 earthquake in Haiti, ICE temporarily ceased removing Haitian nationals to Haiti. On April 1, 2011, ICE announced the resumption of removals of Haitians with final orders of removal who were convicted of a serious crime, or who posed a national security threat.
Except as provided in the penultimate paragraph below, effective immediately, decisions to apprehend, detain, and remove individuals to Haiti should be consistent with the practice regarding other nationals. Guided by my memorandum dated November 20, 2014, “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,” this includes the regular processing of claims for asylum. In particular, Haitian nationals who express a fear of removal to Haiti should be screened by a USCIS asylum officer to determine if their fear is credible and if so, then referred to the immigration court where they may apply for asylum.

Haitian nationals who arrived in the United States prior to July 23, 2011 and currently hold Temporary Protected Status (TPS) may continue to remain in the United States and are therefore not subject to this change in policy. These TPS beneficiaries also remain eligible for employment authorization. At present, TPS for Haitian nationals has been extended through July 22, 2017.

Thank you in advance for your immediate attention to this directive.
October 7, 2016

Jed Johnson  
Department of Homeland Security  

By email: Marcy.brodsky@hq.dhs.gov

Dear Secretary Johnson:

In the aftermath of the devastation of Hurricane Matthew in Haiti, I ask you to reconsidered the ill-advised announcement of September 22 that due to “improved country conditions” DHS would resume deportations of Haitian nationals who present themselves at our borders and would thus discontinue granting them a humanitarian parole.

Even without the natural disasters of 2010’s earthquake and now Hurricane Matthew conditions in Haiti are far from “improved”. The political situation is precarious at best and once again elections are postponed. The health crisis generated by the cholera epidemic continues unabated and given the destruction of homes and infrastructure the potential for the spread of cholera and other disease is high. The continuing instability of Haiti’s governance mechanisms has aborted any progress in Haiti’s economic growth. The destruction of crops and farm animals because of the hurricane threatens the island nation’s food security.

TPS initiated after the earthquake did not result in a massive exodus of Haitians as many feared. Many had advocated for TPS before the earthquake because of the conditions described above. The administration saw fit to grant TPS in the aftermath of the earthquake. The hurricane has presented a humanitarian situation of such gravity similar action on the part of the administration is called for.

Sincerely yours,

Most Reverend Thomas Wenski  
Archbishop of Miami

cc. Serena.hov@hq.dhs.gov  
Lucas.gutentag@hq.dhs.gov  
Mary.giovagnoli@hq.dhs.gov
NOV 10 2016

The Most Reverend Thomas Wenski
Archbishop of Miami
Office of the Archbishop
9401 Biscayne Boulevard
Miami Shores, FL 33138

Your Excellency:

Thank you for your October 7, 2016 letter. Secretary Johnson asked that I respond on his behalf.

On November 20, 2014, Secretary Johnson directed the implementation of Department-wide civil enforcement priorities to better focus our limited interior enforcement resources where they matter most, including the removal of convicted criminals and threats to public safety. These priorities make clear that our limited resources for immigration enforcement will not be dedicated to the removal of those who have committed no serious crimes, have been in this country for years, and have families present in the United States. Under our new policy, these individuals are not priorities for removal.

The new enforcement priorities also focus on border security, namely the removal of those apprehended at the border while attempting to unlawfully enter, as well as those with final orders of removal issued on or after January 1, 2014. In these ways, the Department of Homeland Security (DHS) executes our law enforcement mission and continues to send the message that our borders are not open to illegal migration.

Following the tragic January 2010 earthquake in Haiti, U.S. Immigration and Customs Enforcement (ICE) temporarily ceased removing Haitian nationals from the United States. On September 22, 2016, Secretary Johnson directed ICE to remove Haitian nationals on a more regular basis, consistent with the practice for nationals from other nations. Working with the Government of Haiti, DHS intends to resume those flights once appropriate.

Enhanced border security must be balanced with our responsibility to ensure that those seeking humanitarian protections are afforded the opportunity to do so, consistent with our laws and values. We are committed to that responsibility. Consistent with our immigration laws, individuals subject to expedited removal who express a fear of returning to Haiti will continue to be screened by a U.S. Citizenship and Immigration Services asylum officer to determine whether they possess a credible fear of persecution or torture upon returning to their home country.

www.ice.gov
Those determined to have a credible fear will be referred to immigration court for removal proceedings where they may apply for asylum or other forms of relief.

Of note, Haitian nationals currently covered by Temporary Protected Status (TPS) are unaffected by this change in policy. Specifically, those Haitian nationals who have been continuously residing in the United States since January 12, 2011, and currently hold TPS may remain in the United States and are not subject to removal. These TPS beneficiaries also remain eligible for employment authorization. TPS for Haitian nationals has been extended through July 22, 2017.

DHS will continue to promote safe, orderly avenues for Haitian nationals seeking to immigrate to the United States, including through the Haitian Family Reunification Parole Program. DHS and the Department of State are working with the Government of Haiti to ensure removals occur in as humane and minimally intrusive a manner as possible.

Thank you again for your letter and your interest in this issue.

Sincerely,

Sarah R. Saldaña
Director
THE WHITE HOUSE OFFICE
REFERRAL

October 12, 2016

TO: DEPARTMENT OF HOMELAND SECURITY

ACTION COMMENTS:

ACTION REQUESTED: DIRECT REPLY W/COPY

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1212136
MEDIA: EMAIL
DOCUMENT DATE: October 05, 2016
TO: PRESIDENT OBAMA
FROM: THE HONORABLE FREDERICA WILSON
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515
SUBJECT: EXPRESSES THEIR STRONG OPPOSITION TO THE RESUMPTION OF NON-CRIMINAL DEPORTATIONS TO HAITI AND URGES THE PRESIDENT TO RECONSIDER HIS THIS DECISION

COMMENTS:

________________________________________________________________________

________________________________________________________________________

PROMPT ACTION IS ESSENTIAL – IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 3 WORKING DAYS OF RECEIPT, UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.

RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT, ROOM 63, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500
**THE WHITE HOUSE DOCUMENT MANAGEMENT AND TRACKING WORKSHEET**

**DATE RECEIVED:** October 11, 2016

**CASE ID:** 1212136

**NAME OF CORRESPONDENT:** THE HONORABLE FREDERICA WILSON

**SUBJECT:** EXPRESS THEIR STRONG OPPOSITION TO THE RESUMPTION OF NON-CRIMINAL DEPORTATIONS TO HAITI AND URGES THE PRESIDENT TO RECONSIDER HIS THIS DECISION

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**ACTION COMMENTS:**

**COMMENTS:** 57 ADDITIONAL SIGNEES

**MEDIA TYPE:** EMAIL

**USER CODE:**

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**KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES. REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202) 456-3007. SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT EEOB.
President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We write to express our strong opposition to the resumption of non-criminal deportations to Haiti and to urge you to reconsider this decision. Conditions in Haiti have not sufficiently improved to warrant this change in policy.

As you are aware, Haiti has yet to recover from the catastrophic 2010 earthquake that shook the nation to its core. Within seconds, the earthquake claimed more than 200,000 lives, displaced millions of people, destroyed more than 300,000 buildings, and shrank the Western Hemisphere’s poorest economy by 5.1 percent. Today, Haiti still struggles to rebuild.

Nearly seven years later, Haiti’s recovery, beset by political upheaval, cholera, environmental degradation, and other challenges, can be described as dismal at best. Tens of thousands of Haitians continue to live in makeshift tents, much of the nation’s infrastructure lies in ruin, the unemployment rate is still over 40 percent, 60 percent of Haitians live under the national poverty line of $2.42 per day, and Haiti’s economy has slowed to an anemic 0.8 percent growth rate. Furthermore, Haiti is still dealing with the cholera epidemic that has killed over 10,000 people and sickened hundreds of thousands of others.

This week, conditions deteriorated to levels not seen since the 2010 earthquake after Hurricane Matthew pummeled the nation. The first category four hurricane to hit Haiti in 52 years, Matthew hammered the nation with 145-mile-per-hour winds and intense rains. Early reports indicate that the hurricane has affected more than 350,000 Haitians, destroyed homes, roads, and bridges, and resulted in many deaths. Mounad Wahba, the top United Nations official in Haiti, described the aftermath as “the largest humanitarian event” since the earthquake. The decision to resume non-criminal deportations to Haiti will further exacerbate the nation’s chaotic situation.

It comes just days before long-delayed presidential elections are scheduled to begin. For nearly a year, Haiti has been without a democratically elected leader and a functioning government. This has hampered its recovery and proven costly for many Haitians. For example, an impasse between the legislature and interim President Jocelerme Privert over his expired mandate prolonged a doctors’ strike and was partly blamed for many deaths that occurred outside the gates of unstaffed hospitals. Furthermore, the decision undermines Haiti’s efforts to transition from a caretaker government to a democratically elected government.

As members of Congress, we understand and share your commitment to enforcing our nation’s immigration laws. However, we believe this can be done in a more humane manner. Given Haiti’s vulnerable state and lingering challenges, we respectfully request that you reconsider this decision and ensure that undocumented Haitians are provided full and fair asylum hearings, effective assistance of counsel, and information on all forms of relief. Additionally, we request that you support Haiti’s efforts to hold presidential elections and expand economic opportunities for its citizens.
We respectfully request a meeting to discuss this issue and look forward to working with you. Thank you for your consideration.

Sincerely,

Frederica S. Wilson  
Member of Congress

Ileana Ros-Lehtinen  
Member of Congress

John Conyers  
Member of Congress

Mario Diaz-Balart  
Member of Congress

John Lewis  
Member of Congress

Carlos Curbelo  
Member of Congress

G. K. Butterfield  
Member of Congress

Jim Clyburn  
Member of Congress
Alma S. Adams  
Member of Congress

Karen Bass  
Member of Congress

Joyce Beatty  
Member of Congress

Michael E. Capuano  
Member of Congress

Judy Chu  
Member of Congress

David N. Cicilline  
Member of Congress

Yvette D. Clarke  
Member of Congress

Elijah E. Cummings  
Member of Congress

Danny K. Davis  
Member of Congress

Theodore E. Deutch  
Member of Congress
Sheila Jackson Lee
Member of Congress

Hakeem S. Jeffries
Member of Congress

Henry C. "Hank" Johnson
Member of Congress

Robin L. Kelly
Member of Congress

Barbara Lee
Member of Congress

Nita M. Lowey
Member of Congress

Carolyn B. Maloney
Member of Congress

James P. McGovern
Member of Congress

Gregory W. Meeks
Member of Congress

Grace Meng
Member of Congress
Jerrold Nadler
Member of Congress
The Honorable Frederica S. Wilson  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Wilson:

Thank you for your October 5, 2016 letter to President Obama. Your letter was referred to the Department of Homeland Security (DHS) for response.

We share your concern for all those affected by the destruction wrought by Hurricane Matthew in Haiti. On November 20, 2014, Secretary Johnson directed the implementation of Department-wide civil immigration enforcement priorities to better focus our limited interior enforcement resources where they matter most, including the removal of convicted criminals and threats to public safety. These priorities make clear that our limited resources for immigration enforcement will not be dedicated to the removal of those who have committed no serious crimes, have been in this country for years, and have families present in the United States. Under our new policy, these individuals are not priorities for removal.

DHS civil immigration enforcement priorities also focus on border security, namely the removal of those apprehended at the border while attempting to unlawfully enter, those who unlawfully entered the United States after January 1, 2014, as well as those with final orders of removal issued on or after January 1, 2014. In these ways, the Department executes our law enforcement mission and continues to send the message that our borders are not open to illegal migration.

Following the tragic January 2010 earthquake in Haiti, U.S. Immigration and Customs Enforcement (ICE) temporarily ceased removing Haitian nationals to Haiti. In 2011, ICE resumed the removals of Haitians on a limited basis – removing those who had final orders of removal and had been convicted of a serious crime. Since that time, the number of Haitians illegally migrating to the United States has increased steadily. On September 22, 2016, Secretary Johnson directed ICE to process Haitian nationals for removal in accordance with the Department’s civil immigration enforcement priorities, consistent with the practice for nationals from other nations. This includes those apprehended at the border attempting to enter the country illegally. However, in light of Hurricane Matthew, which struck Haiti on October 4, removal flights were temporarily suspended.

DHS and the Department of State worked hard with the Government of Haiti to ensure that removal flights could resume in accordance with law. Removal flights from the United
States to Haiti have now resumed, and DHS and the Department of State continue to work with the Government of Haiti to ensure removal flights occur lawfully and in as humane a manner as possible.

Enhanced border security must be balanced with our responsibility to ensure that those seeking humanitarian protections are afforded the opportunity to do so, consistent with our laws and values. We are committed to that responsibility. Thus, individuals subject to expedited removal who express a fear of returning to Haiti will continue to be screened by U.S. Citizenship and Immigration Services (USCIS) asylum officers to determine whether they possess a credible fear of persecution or torture upon returning to their home country, or an intent to apply for asylum. Those determined to have a credible fear will be referred to immigration court for removal proceedings where they may apply for asylum or other forms of relief or protection.

Haitian nationals currently covered by Temporary Protected Status (TPS) are unaffected by the resumption of flights to Haiti. Specifically, those Haitian nationals who have been continuously residing in the United States since January 12, 2011, and currently hold TPS and maintain their TPS eligibility may remain in the United States and are not subject to removal. These TPS beneficiaries also remain eligible for employment authorization. As you note in your letter, TPS for Haitian nationals has been extended through July 22, 2017.

Additionally, USCIS, the DHS Component principally responsible for advising the Secretary of Homeland Security on TPS and implementing the program, is monitoring the evolving conditions and the recovery process in Haiti to determine whether a redesignation of Haiti for TPS or an extension of Haiti’s existing designation past the current expiration date of July 22, 2017, might be warranted. The discretionary authority to extend a country’s existing TPS designation or to redesignate a country for TPS is based upon specific statutory criteria set out in Immigration and Nationality Act § 244(b) and is vested in the Secretary of Homeland Security after consultation with the appropriate Government agencies. Haiti has been designated for TPS since 2010, and almost 60,000 Haitians in the United States are currently receiving protection under Haiti’s designation.

DHS will continue to promote safe, orderly avenues for Haitian nationals seeking to immigrate to the United States, including through the Haitian Family Reunification Parole Program, which allows certain eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Haiti.

Thank you again for your letter and interest in this important issue. The Members who co-signed your letter will receive separate, identical responses.

Sincerely,

Sarah R. Saldaña
Director
Introduction:
You will host a meeting with DHS Component Heads (or designated representatives) to discuss Haiti on Tuesday, October 18, 2016, from 2:00 p.m. to 2:30 p.m. in room 5107. Discussion topics will include: current immigration enforcement efforts involving Haitian nationals apprehended at the U.S. Southwest Border, DHS support for disaster relief operations underway in Haiti, status of negotiations with Brazil regarding return or removal of Haitian migrants previously admitted to Brazil, and public messaging of enforcement policy change to Haitians attempting to transit Central America, Mexico, and Colombia en route to the U.S. Southwest Border.

Discussion Points:
Enforcement of New Policy for Removal of Haitian Nationals And Negotiation With Brazil For Return of Those Previously Resident There
- While expanded removal flights to Haiti have been suspended temporarily after Hurricane Matthew struck the island, we intend to resume those flights as soon as conditions allow us to do so.
- The policy announced on September 22, 2016, remains in effect, including the placement of inadmissible Haitian nationals in expedited removal proceedings upon arrival.
- We, through the Department of State, are in negotiation with the Government of Brazil about Brazil’s willingness to accept the voluntary return or removal of Haitian nationals who were in Brazil on humanitarian visas before traveling to the United States.
- CBP submitted biographic information to the Government of Brazil for all Haitian nationals (722) who arrived at U.S. Southwest Border Ports of Entry in September 2016.
- Brazil found that 720 of these migrants matched immigration records of Haitians admitted to that country; 347 had regularized their status in Brazil.
- Brazil expressed a willingness to accept the return of small groups of Haitian nationals provided that they were in possession of Haitian passports and their previous status in Brazil could be confirmed.
- The U.S. Ambassador to Brazil is in negotiations with the Government of Brazil to request that this requirement be waived.

Impact of Hurricane Matthew
- On October 4, 2016, Hurricane Matthew struck Haiti as a Category 4 storm, killing hundreds of people in Haiti’s Southern Claw and displacing tens of thousands.
- The Department of State is assessing the country conditions in Haiti after Hurricane Matthew.
USCIS has initiated a preliminary evaluation to determine whether re-designation of Temporary Protected Status (TPS) for Haiti is warranted.
  - TPS for current Haitian beneficiaries has been extended through July 22, 2017, and protects from removal those beneficiaries who were present in the United States before January 12, 2011.
  - The Departments of Homeland Security and State have received many requests for consideration of TPS re-designation in light of Hurricane Matthew, including requests from Members of Congress and non-governmental stakeholders.

Haitian Elections
- Haitian elections have been delayed several times, inhibiting the Haitian Government’s ability to deliver vital services such as policing, sanitation, health, and social welfare services.
- U.S. Ambassador to Haiti Peter Mulrean and senior State Department officials have requested that we delay the initiation of expanded removal flights until after the November 20, 2016 election, but Haitian migrants from Brazil continue to approach the U.S. Southwest Border in larger and larger numbers.

DHS Assistance to Haiti Through DOD’s Joint Task Force-Matthew and USAID Disaster Assistance & Relief Teams

Background:
September 22nd Announcement of Haitian Removal Policy and Hurricane Matthew
- On September 22, 2016, you announced that the U.S. would resume removals of Haitian nationals to Haiti in accordance with existing enforcement priorities, among them individuals recently apprehended at or between ports of entry.
  - Before Hurricane Matthew struck the country on October 4, 2016, the Government of Haiti indicated that it would form a Commission to identify processes and resources needed to manage an increase in immigration removals from the United States, U.S., to Haiti.
  - The Commission was to be headed by the Director of the Ministry of Social Affairs and include representatives from the ministries of Justice, Interior, and Foreign Affairs, the National Office of Migration (ONM) and others.
  - Provisional Haitian President Jocelerme Privert directed the Commission to identify space for a more permanent migrant processing center at the Port Au Prince Airport.

Haitian Elections and Effect on Timing of Removal Flights
- ICE removal flights carrying Haitian migrants in accordance with the expanded removal policy were not planned to begin until after the planned October 10, 2016 Haitian elections, but these flights were delayed after the Hurricane.

**Impact of Policy Change on ICE Detention Capacity**

- Due to the continued surge of aliens—especially the record number of Haitian nationals—arriving at the southern border, U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) is urgently working to identify and activate additional detention bed capacity.
- In Fiscal Year (FY) 2016, the ICE daily detention population has now reached over 40,000. Absent an additional policy change, delays in removal flights for citizens of Haiti will continue to impact ICE's daily detention population and budget.
- Currently, there are 2,543 Haitians in custody (compared to about 350 on average in FY 2016) and ICE continues to receive approximately 100 Haitians per day who have been processed by U.S. Customs and Border Protection (CBP) at southern border ports of entry (POEs). On average, 70 Haitians are processed at the POE at San Ysidro, California, per day, along with 30 Haitians at the POE at Calexico, California.
- CBP has recently advised that there are approximately 4,200 Haitians in Tijuana, Mexico and 1,200 in Mexicali, Mexico, waiting to present themselves at the POEs. Based on these growing numbers, CBP has indicated that its officers may have to soon increase their daily processing to 100 Haitians at San Ysidro, California, CA and 100 Haitians at Calexico, CA- California, per day.
- At this rate, ICE will likely increase its current population by about 1,000 detainees each week. Due to the fact that CBP expects the surge at the southern border to continue and ICE expects it to further outpace current detention capacity, ICE is in the process of identifying and activating approximately 5,000 additional detention beds— for a total of approximately 45,000 detention beds—within the next 90 days.
- While ICE has been able to identify additional beds that may provide much needed additional capacity, those options will pose significant budget, policy and legal, and operational challenges for the agency.
  - **Budget shortfalls:** At its current
  - **Budget shortfalls:** At its current "burn rate," ICE ERO expects to expend all of its Continuing Resolution funds by November 9, 2016, far before the December date through which the appropriations committees expect ERO's funding to last.
  - **Policy and legal challenges:**
    - The vast majority of available ICE surge capacity beds are in facilities that only comply with ICE’s National Detention Standards (NDS) rather than...
ICE’s Performance Based National Detention Standards (PBNDS) of 2008 or 2011.

- The vast majority of the beds available in the options are in facilities that are not contractually obligated to abide by enhanced sexual abuse and assault safeguards set forth in the Department’s Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities regulation, also known as the PREA regulation.

- Should ICE determine that there is a greater than de minimis impact, ICE anticipates the need to negotiate with the union any change in working conditions.

- Operational challenges: Increasing ICE’s detention capacity would have significant impact on ICE staff’s ability to perform at the highest levels as well as successfully effectuate other priority enforcement programs.

DHS Assistance to Haiti Through DOD’s Joint Task Force-Matthew and USAID Disaster Assistance & Relief Teams

Communication of Haitian Removal Policy To Haitian Migrants and U.S. Diaspora

- On October 12, 2016, DHS released a statement in your name indicating that despite Hurricane Matthew, DHS maintains its policy to process the removal of Haitian nationals recently apprehended at the U.S. Southwest Border in accordance with the Department’s civil enforcement priorities, and intends to resume removal flights to Haiti as soon as conditions allow.

- DHS and State are working to inform Haitian migrants en route to the U.S. from Brazil of the September 22, 2016 policy announcement, and to encourage them not to attempt to enter the U.S. without authorization.

- A poster in Haitian Creole, Spanish, and Portuguese will be distributed to migrant processing centers, money transmitting companies and other businesses in Central America and Mexico.

- DHS and State continue to work with Central American governments and the Institute of Migration to disseminate news of the new removal policy to Haitian migrants in transit through Central America.

  - The campaign will use direct cell phone, WhatsApp, and Facebook messaging, and DHS press releases on Embassy web pages.

- In Brazil, DHS and State are working with local non-governmental organizations including churches to raise awareness of the new removal policy.
In the United States, USCG continues to run its “Thousands Try, Hundreds Die, Do Not Take to the Sea” campaign in South Florida, where the Haitian diaspora is concentrated.

State’s Media Hub of the Americas in Miami has run press briefings on the new policy with a variety of outlets.

USCG District 7 continues visible presence operations in Haiti.

Participants:
Secretary Johnson

Policy

OHA
FEMA

Dan Ragsdale, ICE
Tom Homan, ICE

Staff Responsible for Briefing Memo: Special Assistant, DHS PLCY
(202) 447-
The Honorable Charles E. Schumer  
United States Senate  
Washington, DC 20510  

Dear Senator Schumer:

Thank you for your March 24, 2017 letter.

I appreciate your interest in Haiti’s Temporary Protected Status (TPS) designation. Under federal law, in my role as the Secretary of Homeland Security, I may designate a country for TPS based upon specific statutory criteria. See Immigration and Nationality Act (INA) § 244(b)(1), 8 U.S.C. § 1254a(b)(1). U.S. Citizenship and Immigration Services (USCIS) is the U.S. Department of Homeland Security (DHS) Component principally responsible for advising me on TPS issues and implementing the program.

To designate a country for TPS, I must find, after consultation with appropriate U.S. Government agencies, one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country’s nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and the Secretary does not find that permitting the country’s nationals to remain temporarily in the United States would be contrary to the national interest of the United States. See INA § 244(b)(1), 8 U.S.C. §1254a(b)(1).

Haiti was initially designated for TPS on January 21, 2010, with almost 60,000 Haitians in the United States currently receiving protection under Haiti’s designation. The current extension of Haiti’s TPS designation is scheduled to expire on July 22, 2017. At least 60 days before the expiration of any TPS designation, I must, after consultation with appropriate U.S. Government agencies, review the conditions in a country designated for TPS to determine whether the conditions support an extension of the country’s designation. See INA § 244(b) (3)(A), 8 U.S.C. § 1254a(b)(3)(A). Then, I will undertake a review of this nature for Haiti’s designation prior to its July 22, 2017 expiration. Once I have made a decision, it will be announced by USCIS, and a detailed notice will be published in the Federal Register.
As of today, I have not made a decision regarding Haiti’s TPS designation. As part of the review mentioned above, DHS has found that Haiti has made significant progress in recovering from the 2010 earthquake. Hurricane Matthew, which struck Haiti on October 4, 2016, has contributed to further suffering in Haiti, but its damage was confined to 3 of Haiti’s 10 departments, and the destruction did not halt Haiti’s overall recovery trajectory.

While lingering effects of the 2010 earthquake remain in housing, infrastructure, damage to the economy, health, sanitation services, security risks, and emergency response capacity, Haiti has made significant progress in addressing issues specific to the earthquake, as its economy continues to recover and grow (2 percent growth in 2015). For example, 96 percent of people displaced by the earthquake and living in internally displaced person (IDP) camps have left those camps. Over 98 percent of the IDP camps have closed. While persons have not necessarily moved into ideal housing, Haiti had a substantial housing deficit long before the 2010 earthquake. Also, while gender-based violence in the handful of remaining camps continues to be a serious concern, and personal security is a serious and pervasive issue, security problems are not a post-earthquake phenomenon in Haiti. In March 2017, the United Nations (U.N.) announced that the mandate of the U.N. peacekeeping mission in Haiti will end in October 2017. The withdrawal is meant to be gradual to allow time for the Haitian Government to resume control.

Finally, while Hurricane Matthew made landfall in Haiti on October 4, 2016, causing extensive damage to crops, housing, livestock, and infrastructure across Haiti’s southwest peninsula, circumstances in the country overall have continued on an upward trajectory since the 2010 earthquake. The most significant impact from the storm was concentrated in 3 of Haiti’s 10 departments—Nippes, Grand’Anse, and Sud. Minimal damage was inflicted on the rest of the country, sparing the capital, Port-au-Prince, and the second largest city, Cap-Haïtien. The Government of Haiti confirmed 546 fatalities from the storm, and over 175,000 people have been left without housing.

Thank you again for your letter and interest in this important issue. Senator Gillibrand, who co-signed your letter, will receive a separate, identical response. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

John F. Kelly
March 24, 2017

The Honorable Rex Tillerson  
Secretary  
U.S. Department of State  
2201 C Street NW Washington, D.C. 20520  

The Honorable John F. Kelly  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Ave, NW Washington, D.C. 20528  

Dear Secretaries Tillerson and Kelly  

We write respectfully to request that you extend Temporary Protected Status (TPS) for eligible Haitian nationals residing in the United States. Currently TPS for Haitian nationals is set to expire on July 22, 2017. In light of the continued devastation caused by Hurricane Matthew in 2016 and the ongoing cholera epidemic, we do not believe it is safe or humane to deport non-violent Haitian nationals back to Haiti at this time.  

Hurricane Matthew caused widespread devastation that affected more than 2 million people, damaged tens of thousands of homes, schools, and other buildings, destroyed agricultural crops and public water systems, and increased communities’ vulnerability to waterborne diseases, like cholera.  

Temporary Protected Status (TPS) was created for precisely this reason – to offer temporary, humane protection to foreign nationals living in the U.S. when extraordinary conditions make it impossible for them to return home. We believe the continued widespread damage and destruction in Haiti make these people eligible for continued TPS designation, and we urge you to swiftly consider extending it past the current deadline of July 22, 2017.  

We believe this is again the safest route to avoid further burdening the Haitian government in this time of severe distress. Current law already provides strict eligibility criteria to protect our national security, such as excluding criminals from this designation. TPS is not a pathway to citizenship, nor is it a means for bringing over relatives. When the TPS designation of a country is terminated, those foreign nationals revert to the immigration status they held before the designation was granted.
In short, TPS is a temporary, humane, compassionate response that the U.S. can make in addition to all the other assistance we are providing in the region. We must assist the victims of this natural disaster and ongoing epidemic. Thank you for your consideration.

Sincerely,

Charles E. Schumer
United States Senator

Kirsten Gillibrand
United States Senator
Background:

- On January 21, 2010, Secretary Napolitano designated Haiti for temporary protected status (TPS). The designation has been extended through July 22, 2014.
- Prior to the earthquake, ICE operated routine charter missions to Haiti twice monthly with a maximum of 50 aliens aboard each flight or up to 100 aliens per month.
- Pursuant to a U.S. Supreme Court decision (Zadvydas v. Davis, 533 U.S. 678 (2001)), ICE has the presumptive authority to detain aliens with final orders of removal for up to 180 days. After six months, with limited exceptions, continued detention is no longer presumptively lawful unless there is a significant likelihood of removal in the reasonably foreseeable future. As such, the moratorium on removals to Haiti resulted in the release of detained Haitian nationals into U.S. communities, a significant number of whom were convicted criminals.
- On January 20, 2011, ICE resumed the limited repatriation of certain Haitian nationals to Haiti. In response to humanitarian concerns raised after the January 2011 repatriation flight, ICE delayed further flights pending development of a policy specific to Haitian removals.
- On April 1, 2011, after consultation with other government agencies, non-governmental organizations (NGO), and the public, ICE issued a press release setting forth its current Policy for Resumed Removals to Haiti. Key policy elements include:
  - Removals will be conducted in accordance with the March 2, 2011, ICE memo titled Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens, which prioritizes the removal of aliens with final orders who pose a threat to public safety.
  - ICE will prioritize the removal of Level 1 and Level 2 offenders.
  - At this time, ICE is not removing non-criminal Haitian nationals, unless they are determined to be a significant national security threat. Notably, the current policy precludes ICE from removing some aliens who pose a threat to public safety, including gang members and fugitives who do not have criminal convictions. Customs and Border Protection (CBP) returns are not affected.
  - When prioritizing aliens for removal, ICE will make decisions on individuals to remove through the consideration of adverse factors, such as the severity, number of convictions, and dates since convictions, and balance these against any equities of the Haitian national, such as duration of residence in the United States, family ties, or significant medical issues.
  - The resumption of removals to Haiti will continue to take place in a measured manner with a limited number of eligible aliens removed to Haiti each month, addressing the public safety needs of both the United States and Haiti.
- ICE presently conducts one repatriation flight per month, with no more than 50 aliens per flight.
- On June 17, 2011, ICE issued new guidance titled Exercising Prosecutorial Discretion Consistent with Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens. This guidance incorporates the factors considered under the Policy for Resumed Removals to Haiti and applies to all ICE removals and returns, regardless of country.
- Special procedures for Haitian nationals:
  - Prior to removal, all cases are required to be reviewed by the concerned Field Office Director (FOD) for compliance with the Policy for Resumed Removals to Haiti and prosecutorial discretion guidance. FODs are also required to provide each Haitian national the opportunity to provide information regarding any equities they may have.
Haitian nationals are medically screened by the ICE Health Services Corps (IHSC) to ensure fitness for travel and the availability of continuity of care in Haiti. Returnees are provided a 67-day supply of needed medications and a complete copy of their medical records. Aliens who are unable to transition to medications available in Haiti are not scheduled for removal.

Upon landing in Haiti, each returnee is afforded the opportunity to make a phone call on ICE-provided cell phones to expedite reunification with friends or family members. ICE also provides water and an extra meal for consumption after arrival.

Through a reintegration program funded by the U.S. Agency for International Development (USAID) and administered by NGOs in Haiti, returnees are provided hygiene kits upon arrival, and offered psycho-social assistance from the program’s medical team, as well as on-the-job training opportunities and assistance in establishing microenterprises.

- Prior to August 2012, many returnees were detained without apparent cause for extended periods by the Government of Haiti (GOH) upon arrival in Haiti. As a result of continued influence exerted by U.S. Government officials and NGOs, effective August 2012, the GOH has ended this practice.

**Recommendations:**
- As ICE’s March 2, 2011, civil immigration enforcement priorities and June 17, 2011, prosecutorial discretion guidelines have now been widely implemented within ICE, the April 1, 2011, ICE believes that the Policy for Resumed Removals to Haiti is no longer necessary and should be canceled.
- Due to the continued threat to public safety posed by the release of final order criminal aliens into U.S. communities, the extension of TPS for eligible Haitian nationals, and the improvements made to the repatriation and reintegration process, ICE should resume repatriations at pre-earthquake levels of up to 100 returnees per month.
- Going forward, ICE should continue to focus removal efforts on Level 1 and Level 2 criminal aliens, however, ICE is seeking to prioritize the removal of other aliens who pose a threat to public safety or national security (Priority 1 cases under ICE civil immigration enforcement guidelines) including, but not limited to, gang members, fugitives, and aliens who otherwise pose a serious risk to public safety.

**Statistics:**

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<th>Year</th>
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<tr>
<td>FY12</td>
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Sources: 1 IIDS as of 10/11/12 2 IIDS as of 9/29/12 3 These statistics include, but are not limited to, individuals removed aboard ICE repatriation flights (which focus on Level 1 and Level 2 criminal aliens), voluntary returns, departures to third countries, and persons who have been denied entry at ports of entry. Accordingly, L3 and non-criminal cases are reflected in the data. * ICE began reporting Threat Level as of 10/01/2010.
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** Haitian Admissions **

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Source: IIDS as of 9/15/12

The Honorable Janet Napolitano  
Secretary Department of Homeland Security Secretary  
Washington, D.C.

January 13, 2009

Dear Madam Secretary,

The purpose of this letter to formally and urgently request that the Department of Homeland Security grant Temporary Protected Status (TPS) to Haiti. As a former Director of the U.S. Citizenship and Immigration Services (2005-2008), I believe that the current situation in Haiti warrants a proactive and benevolent response from the United States.

Yesterday's earthquake in Haiti, where the death toll is believed to be in the hundreds of thousands, has devastated our Caribbean neighbor. As you know, Haiti has suffered immeasurable damage and is more than worthy of being granted this status by the United States government.

South Florida is home to tens of thousands of Haitians, who eagerly await news of their family members. Furthermore, our South Florida communities are organizing themselves to undertake a massive effort to assist in Haiti's recovery. Granting TPS to Haiti would not only aid in this effort, but would allow the Haitian government the time it needs to rebuild its infrastructure and society.

In summary, I recognize that the granting of TPS is an inter-agency process. Nevertheless as someone who was once involved in that process, I know full well what the opinion of the Secretary of Homeland Security can mean in these deliberations. Your support for the people of Haiti would be greatly appreciated.

Respectfully,

Miami, Florida  
305-975-
March 24, 2011

John Morton, Director  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, DC 20536

Dear Director Morton:

I am writing to express concern about ICE’s proposed policy to resume deportations to Haiti of nationals with criminal convictions. Boston has the third largest Haitian population in the country. Resuming deportations to Haiti at this time is of great concern. In light of the continued poor humanitarian conditions in Haiti, I respectfully ask that the deportations be postponed until conditions in Haiti are stable enough to support humane and secure repatriation, upholding the constitutional laws of the United States.

Unsanitary and overcrowded prisons, compounded by a growing cholera epidemic and the absence of rule of law in Haiti, pose enormous risks to the health and safety of the affected individuals. The Haitian government simply is not equipped to effectively accommodate any volume of repatriation at this time.

The ICE policy to repatriate convicted criminals clearly conflicts with U.S. constitutional human rights, and does not support the values of justice and fairness for which our country stands. Therefore, I respectfully ask the government to immediately reinstate the moratorium on deportations until the emergency situation in Haiti improves to meet adequate humanitarian conditions.

Sincerely,

[Signature]

Thomas M. Menino  
Mayor of Boston
John Morton, Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536
The Honorable Thomas M. Menino  
Mayor  
City of Boston, Massachusetts  
Boston City Hall  
One City Hall Plaza  
Boston, MA 02201

Dear Mayor Menino:

Thank you for your March 24, 2011 letter regarding the resumption of removals of Haitian criminal aliens by the Department of Homeland Security’s (DHS) U.S. Immigration and Customs Enforcement (ICE).

Since the tragic January 12, 2010 earthquake in Haiti, the U.S. Government has worked diligently with its international partners—public and private—to assist Haiti in rescue, recovery, and rebuilding efforts. On January 15, 2010, DHS announced the designation of temporary protected status (TPS) for eligible Haitian nationals who were in the United States as of January 12, 2010. In addition, on January 13, 2010, DHS suspended Haitian alien removal operations from the United States to Haiti. DHS also authorized humanitarian parole to over 1,500 Haitian orphans who had been adopted or were in the process of being adopted by U.S. citizens prior to the earthquake, as well as to many Haitian nationals requiring urgent medical care. This policy decision is in kind with past actions where the U.S. Government temporarily suspended removal operations to Haiti for humanitarian reasons, such as in 2008, in the aftermath of four hurricanes that made landfall on the island.

On January 20, 2011, ICE resumed the removal of criminal aliens to Haiti, with a focus on serious offenders or aliens who are significant national security threats. The decision to temporarily suspend alien removals to Haiti in the aftermath of the earthquake was made for humanitarian reasons and was vital to enabling U.S. and international relief efforts to proceed. However, over a year has passed since removal operations were suspended, and the United States’ continued suspension of removal operations to Haiti poses a significant threat to public safety in the United States. Specifically, if removal operations to Haiti had not resumed, the United States would have been legally required to release virtually all of the Haitian criminal aliens currently detained into U.S. communities. The Supreme Court’s decision in Zadvydas v. Davis, 533 U.S. 678 (2001), codified in 8 C.F.R. § 241, imposes strict limits on ICE’s ability to detain aliens beyond 180 days after the issuance of a final order of removal if removal is not significantly likely in the foreseeable future. Many of the Haitians detained by ICE with final orders of removal were convicted of serious crimes, including but not limited to violent crimes such as murder, armed robbery, domestic violence, sex offenses, and assault on a police officer.
After carefully considering the conditions in Haiti, U.S. Government and international humanitarian relief and reconstruction efforts, the threat to public safety, and the need to enforce U.S. immigration laws, and after consultations with the Government of Haiti, the U.S. Government decided to resume removal operations of criminal aliens to Haiti. The resumption of removals applies only to criminal aliens, with a focus on serious offenders. At this time, ICE will not remove non-criminal aliens (unless determined to be a significant national security threat) or anyone who has a pending, nonfrivolous application for TPS or who has been lawfully granted and continues to have that status.

The U.S. Government is mindful of the sensitive situation in Haiti and is working with the Government of Haiti to return Haitian citizens in as safe a manner as possible. The assistance of the U.S. Department of State in identifying potential options for the reception and reintegration of these returning aliens will further the U.S. Government’s commitment to helping Haiti rebuild.

Thank you again for your letter. Should you need additional assistance, please do not hesitate to contact me at (202) 732-_

Sincerely yours,

[Signature]

John Morton
Director
The Honorable Thomas M. Menino
Mayor
City of Boston, Massachusetts
Boston City Hall
One City Hall Plaza
Boston, MA 02201
The Honorable John Conyers  
U.S. House of Representatives  
Washington, DC 20515  

Dear Representative Conyers:

Thank you for your March 14, 2011 letter requesting a redesignation of Temporary Protected Status (TPS) for Haitian nationals to include those who arrived in the United States after the January 12, 2010 earthquake. The current TPS designation for Haiti expires on July 22, 2011 and includes individuals who were present in the United States on or before January 12, 2010.

I share your concern for nationals of Haiti affected by the devastating earthquake and the ongoing struggles the country faces in dealing with the aftermath. The Department of Homeland Security (DHS) is conferring with the Department of State to monitor the situation in Haiti and determine the best next steps for individuals who currently have TPS and for any appropriate redesignation. As you noted, DHS’s authority to designate or extend a country for TPS is based upon specific criteria prescribed by Congress in section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254a. Once the determination is made, DHS will announce any changes to TPS by a Federal Register notice and other public outlets.

Thank you again for your letter. The Representatives who co-signed your letter will receive separate, identical responses. If you wish to discuss this matter further, please do not hesitate to contact me at (202) 282--

Yours very truly,

Janet Napolitano
March 14, 2011

The Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

We write to thank you for designating Haiti for Temporary Protected Status (TPS) in January 2010. This designation has allowed some 50,000 Haitians to remain in the United States and assist their home country as it continues to recover from the earthquake. Importantly, by providing work authorization, TPS allows Haitians to work and send remittances to family members to aid in Haiti’s reconstruction.

Given the success of TPS for Haiti, we request that you not only renew the designation but also “redesignate” Haiti for TPS. This would allow Haitians who arrived in the U.S. after the earthquake—many for humanitarian reasons under the Department’s parole authority—to also apply for the humanitarian protection that TPS provides. We believe such redesignation is warranted given the scale of the devastation in Haiti, the slow pace of recovery, and the new challenges that have arisen in Haiti over the past year.

On January 12, 2010, Haiti experienced an earthquake of catastrophic proportions that killed over 250,000 people, displaced 1.3 million (more than one-tenth of Haiti’s total population) and caused upwards of $14 billion in economic damage. In the face of such devastation, the U.S. government acted swiftly to protect Haitian nationals residing in the United States by designating Haiti for TPS.

Unfortunately, as Haiti has been attempting to recover from the earthquake, it has seen additional, unwanted challenges. In October, Haiti was hit with a virulent cholera outbreak. Over the past three months, more than 3,600 Haitians have died and 400,000 more have been sickened. The strain of cholera, which can kill in just a few hours, has put further strain on the already fragile medical system.

Recognizing the dangerous and unpredictable situation in Haiti, the U.S. Department of State has warned against travel to Haiti, citing the high rates of violent crime, the cholera outbreak, political instability, and an insufficient police and medical system.
The Attorney General may designate a country for TPS if "there exist extraordinary and temporary conditions . . . that prevent aliens who are nationals of the state from returning to the state in safety." INA § 244(b)(1)(C). Haiti remains a country in crisis and safe return is not possible. Deporting Haitians who arrived too late to register for TPS would place at risk the lives of those being returned. And leaving them in limbo—allowing these Haitians to remain but without TPS status—is not a solution. Based on the above, we respectfully request that the Administration redesignate Haiti for TPS.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,

John Conyers, Jr.

Nita M. Lowey

Zoe Lofgren

Mario Diaz-Balart

Alcee L. Hastings

David Rivera

Debbie Wasserman-Schultz

Frederica Wilson
The Honorable Kirsten Gillibrand  
United States Senate  
Washington, DC 20510  

Dear Senator Gillibrand:  

Thank you for your January 11, 2011 letter to President Obama expressing your support for the extension of Temporary Protected Status (TPS) for currently eligible Haitian nationals. The White House has recently asked me to respond. The current TPS designation for Haiti is due to expire on July 22, 2011.

I share your concern for nationals of Haiti affected by the January 12, 2010 earthquake and the ongoing struggles the country faces in dealing with the aftermath. The Department of Homeland Security (DHS) is conferring with the Department of State to monitor the situation in Haiti and determine the best next steps for individuals who currently have TPS. DHS’s authority to designate or extend a country for TPS is based upon specific criteria prescribed by Congress in section 244 of the Immigration and Nationality Act, 8 U.S.C. Sect. 1254a. Once the consultation process is made, DHS will announce any changes to the TPS by a Federal Register notice and other public outlets.

Thank you again for your letter. The members of Congress who co-signed your letter will receive separate, identical responses. Should you wish additional assistance, please do not hesitate to contact me at (202) 282-......

Yours very truly,

Janet Napolitano
DATE RECEIVED: January 13, 2011
CASE ID: 1046207

NAME OF CORRESPONDENT: THE HONORABLE KIRSTEN GILLIBRAND

SUBJECT: URGES THE PRESIDENT TO EXTEND TEMPORARY PROTECTED STATUS TO CURRENTLY ELIGIBLE HAITIAN NATIONALS RESIDING WITHIN THE U.S.

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ACTION COMMENTS:

NATIONAL SECURITY COUNCIL

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS: 43 ADDL SIGNEES

MEDIA TYPE: EMAIL

USER CODE:

ACTION CODES
A = APPROPRIATE ACTION
B = RESEARCH AND REPORT BACK
D = DRAFT RESPONSE
I = INFO COPY/NO ACT NECESSARY
R = DIRECT REPLY W/COPY
ORG = ORIGINATING OFFICE

TYPE RESPONSE
INITIALS OF SIGNER (W.H. STAFF)
NRN = NO RESPONSE NEEDED
OTBE = OVERTAKEN BY EVENTS

DISPOSITION
A = ANSWERED OR ACKNOWLEDGED
C = CLOSED
X = INTERIM REPLY

DISPOSITION CODES
DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES.
SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT.
January 11, 2011

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We write to urge you to extend Temporary Protected Status (TPS) to currently eligible Haitian nationals residing within our borders. As you are aware, TPS is set to expire on July 22, 2011, and the deadline for registration is January 18th of this year. We ask that the TPS designation for Haitian nationals be extended for one year, expiring July 22, 2012, with a commensurate extension for registration. As the anniversary of the earthquake approaches, and the Haitian people continue to face enormous challenges, we strongly believe that the extension of TPS and the remittances that result from it will be integral to our country’s commitment to rebuilding the island nation.

One year after the earthquake, over a million displaced people still live in tent camps while conditions in the country continue to deteriorate. It is apparent that substantive reconstruction has barely begun and significant progress will continue to face obstacles in the near future. As witnessed in the recent demonstrations following the Haitian general elections, civil strife and unrest continue to pervade the populace at large. With the growing cholera epidemic, the situation in Haiti is especially dangerous and volatile.

Many of us have witnessed this devastation firsthand during various trips to Haiti over the course of the past year. Haiti continues to meet the criteria for TPS designation and extending it would be one way to address this catastrophe. Remittances garnered by those with TPS will also continue to alleviate burdens on American financial assistance. We respectfully request that you extend the expiration date on TPS to Haitian nationals in the United States as soon as possible.

Sincerely,

Kirsten E. Gillibrand
United States Senator

Yvette D. Clarke
Member of Congress

Robert Menendez
Bill Nelson

Mary Jo Ackermann
Lindell Royal Alland 

Jan Shinners 

Jim Moon 

Susan F. Edwards 

Fredrica Wilson 

Red Drench 

Michelle Walker 

Paul Lembo 

John Lewis 

Clyde W. Fuller 

Cheryl S. Smith 

Michelle Forinton
CLASSIFICATION: UNCLASSIFIED

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<th>PH: (202) 456-5013</th>
<th>ROOM: 5013</th>
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SUBJECT: Congressional Letters for Response

PAGES: 9

PLEASE DELIVER TO:

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SPECIAL DELIVERY INSTRUCTIONS/REMARKS:
Please coordinate your response with NSS Transborder and Western Hemisphere (WHA).
The Honorable Edward J. Markey  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Markey:

Thank you for your May 9, 2011 letter to President Obama expressing your support for the re-designation of Temporary Protected Status (TPS) for currently eligible Haitian nationals and request for the extension of humanitarian parole to Haitians who are the beneficiaries of approved family-based immigrant petitions. The White House has asked me to respond to your letter.

I am pleased to report that I announced on May 17, 2011 that TPS for eligible Haitian nationals in the United States will be extended for another 18 months, through January 22, 2013. In addition to this extension, I determined that current conditions in Haiti support re-designating Haiti for TPS in order to extend TPS protection to eligible Haitians who arrived in the United States by January 12, 2011, and who have continuously resided in our country since that date. This re-designation will extend TPS protection to eligible Haitians who entered the United States under urgent humanitarian circumstances after the devastating earthquake that hit Haiti on January 12, 2010.

The extension and re-designation were announced in a Federal Register notice published on May 19, 2011. A copy of my May 17, 2011 announcement is enclosed. Additional information, including instructions on how to register for TPS, can be found on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov.

Consistent with the immigration laws, USCIS processes requests for humanitarian parole only on a case-by-case basis, including for individuals from Haiti, through the normal humanitarian parole process. At this time, the Department of Homeland Security does not anticipate implementing additional categories of humanitarian parole. Additional information on the guidelines and process for humanitarian parole is available on the USCIS website at www.uscis.gov/humanitarianparole.
Thank you again for your letter. Should you wish to discuss these issues further, please do not hesitate to contact me at (202) 282-...

Yours very truly,

Janet Napolitano

Enclosure
SECRETARY NAPOLITANO ANNOUNCES THE EXTENSION OF TEMPORARY PROTECTED STATUS FOR HAITI BENEFICIARIES

WASHINGTON—Secretary of Homeland Security Janet Napolitano today announced the extension of Temporary Protected Status (TPS) for Haiti beneficiaries. This extension will be effective July 23, 2011 and is for an additional 18 months. It will allow these TPS beneficiaries to remain in the United States through Jan. 22, 2013. The designation of TPS for eligible Haitian nationals who had continuously resided in the United States since Jan. 12, 2010 was originally announced by Secretary Napolitano on Jan. 15, 2010 and became effective on Jan. 21, 2010. Currently, approximately 48,000 Haitian nationals with TPS reside in the United States.

"In the extended aftermath of the devastating earthquakes in Haiti, the United States has remained fully committed to upholding our responsibility to assist individuals affected by this tragedy by using tools available under the law," said Secretary Napolitano. "Providing a temporary refuge for Haitian nationals who are currently in the United States and whose personal safety would be endangered by returning to Haiti is part of this administration’s continuing efforts to support Haiti’s recovery."

Secretary Napolitano’s action will extend TPS for eligible Haitian beneficiaries for 18 months to allow these TPS beneficiaries to remain in the United States through Jan. 22, 2013.

In addition, Secretary Napolitano is re-designating Haiti for TPS—meaning that eligible Haitian nationals who have continuously resided in the United States since Jan. 12, 2011, will also be able to obtain TPS through Jan. 22, 2013. Under the original designation, TPS applicants needed to show that they had continuously resided in the United States since Jan. 12, 2010, but the re-designation now permits eligible individuals who arrived up to one year after the earthquake in Haiti to receive the protection of TPS. Many of these individuals were authorized to enter the United States immediately after the earthquake on temporary visas, humanitarian parole and through other immigration measures.

This re-designation of TPS applies only to those Haitians who have continuously resided in the United States since Jan. 12, 2011. Haitians who are not currently in the United States will not qualify for TPS under this new TPS announcement and should not attempt
to enter the United States illegally to try to take advantage of this benefit. Both the extension and re-designation are effective July 23, 2011. No individual who arrived in the United States after Jan. 12, 2011, will be eligible for TPS.

A person who has been convicted of a felony or two or more misdemeanors in the United States, or is subject to one of the criminal, or security-related bars to admissibility under immigration law, is not eligible for TPS. In addition, an applicant cannot obtain TPS if he or she is subject to one of the mandatory bars to asylum, such as committing a particularly serious crime that makes the person a danger to the U.S. community or persecuting others.

Haitians who attempt to enter the United States now or in the future will not be granted TPS. DHS has been repatriating Haitians seeking to illegally enter the United States since the earthquake in 2010. The U.S. Coast Guard (USCG) has been intercepting Haitians at sea and returning Haitians who have attempted to enter the United States illegally and who do not meet U.S. protection screening criteria; U.S. Customs and Border Protection has been removing inadmissible Haitians who have arrived at U.S. ports of entry consistent with U.S. policy; and—since January 2011—U.S. Immigration and Customs and Enforcement (ICE) has removed certain Haitians who have been convicted of certain criminal offenses (or who pose a threat to U.S. national security) and have been issued a final order of removal.

ICE is prepared to aggressively investigate and present for prosecution those who seek to defraud the U.S. government in attempt to gain Temporary Protected Status (TPS) or engage in immigration benefit fraud as the result of the expansion of this program. ICE will also pursue human smugglers whose only goals are to profit at the expense of others.

In addition to the extension and re-designation of TPS for Haiti, DHS has taken a number of other actions to provide humanitarian assistance to Haitian nationals in the United States. DHS will soon publish a notice in the Federal Register announcing the continued suspension of regulatory requirements related to certain F-1 students who have suffered severe economic hardship as a result of the earthquake in Haiti. Originally announced in September 2010, the continued suspension of these requirements through Jan. 22, 2013, allows eligible F-1 students to obtain employment authorization, to work an increased number of hours during the school term, and if necessary, to reduce their course load while continuing to maintain their F-1 student status. F-1 students granted employment authorization will be deemed to be engaged in a full course of study if they meet the minimum course load requirements.

Haitians in the United States who are eligible to apply for TPS should go to www.uscis.gov/tps or call USCIS toll-free at 1-800-375-5283.

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TO: DEPARTMENT OF HOMELAND SECURITY

ACTION COMMENTS:

ACTION REQUESTED: APPROPRIATE ACTION

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1056317

MEDIA: LETTER

DOCUMENT DATE: May 04, 2011

TO: PRESIDENT OBAMA

FROM: THE HONORABLE DAPHNE CAMPBELL
FLORIDA HOUSE OF REPRESENTATIVES
TALLAHASSEE, FL 32399

SUBJECT: WRITES ON BEHALF OF HER CONSTITUENTS TO APPEAL TO THE PRESIDENT ON THE ISSUE OF THE CURRENT UNITED STATES POLICY OF HAITIAN DEPORTATION

COMMENTS:

________________________________________________________________________

________________________________________________________________________

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RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500

FAX A COPY OF RESPONSE TO: (202) 456-5881
NAME OF CORRESPONDENT: THE HONORABLE DAPHNE CAMPBELL

SUBJECT: WRITES ON BEHALF OF HER CONSTITUENTS TO APPEAL TO THE PRESIDENT ON THE ISSUE OF THE CURRENT UNITED STATES POLICY OF HAITIAN DEPORTATION

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2017-ICFO-29577 68 of 86
Florida House of Representatives
Representative Daphne Campbell
District 108

May 4, 2011

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

I am writing to you on behalf of my Miami-Dade constituents to appeal to you on the issue of the current United States policy of Haitian Deportation. The current policy has been very inconsistent with the United States offering to “stand with the people of Haiti until they can stand on their own two feet,” while simultaneously resuming deportation of Haitians in January of 2011. Clearly, the country of Haiti is still recovering from the devastating January 2010 earthquake. Hundreds of thousands of families are still living in tent cities and a lethal cholera outbreak. Now, hurricane season is fast approaching and the impoverished people of Haiti need our help more than ever.

At the time, there are more than 700 Haitian families who are pointlessly living in a constant state of fear and anxiety, wondering whether or not their brothers, sisters, fathers, or mothers are going to be sent back to a country that is still not ready to safely accommodate them. When the United States government first extended their hand to assist Haitians in their time of need, thousands of lives were spared from insanitary conditions that threatened thousands of lives.

Now, the United States has alluded that the situation in Haiti has improved and that our responsibility to the people of Haiti is no longer warranted. However, the prevailing conditions and recent outbreak of cholera prove contrary to this assertion. As of now, 46 men have been deported to Haiti since January 2011, with plans to deport approximately 700 more Haitians this year. Already, there has been evidence that deporting Haitians is not the answer. Wildrick Huerrier, a Haitian man who was deported on January 20, 2011, died just days after being returned to Haiti and placed in jail.

This travesty clearly shows that the situation in Haiti has not improved and the United States should not so quickly and unjustly rescind their offer to support the troubled people of Haiti. As a Haitian legislator, and member of many Haitian organizations such as the Haitian American...
should be rightfully accommodated. Providing Haitians with a naturalization test in Creole will allow them to better pass the test and become important members of our society. Their ability to become citizens will significantly increase the number of voters in the Miami-Dade district and better represent the population in Miami-Dade.

Thank you again for your consideration of this matter, please do not hesitate to call on me to assist you in matter regarding Miami-Dade or Florida.

Sincerely,

Daphne Campbell, RN
State Representative, District 108
The Honorable Daphne Campbell  
Member, Florida House of Representatives  
9999 Northeast 2nd Avenue  
Suite 309  
Miami Shores, FL 33238  

Dear Representative Campbell:  

Thank you for your May 4, 2011 letter to President Barack Obama regarding the resumption of removals of Haitian criminal aliens by U.S. Immigration and Customs Enforcement (ICE). Your letter was referred to ICE, within the Department of Homeland Security (DHS), for response.  

Since the tragic January 12, 2010 earthquake in Haiti, the U.S. Government has worked diligently with its international partners—public and private—to assist Haiti in rescue, recovery, and rebuilding efforts. On January 15, 2010, DHS announced the designation of temporary protected status (TPS) for eligible Haitian nationals who were in the United States as of January 12, 2010. In addition, on January 13, 2010, DHS suspended Haitian alien removal operations from the United States to Haiti. DHS also authorized humanitarian parole to over 1,500 Haitian orphans who had been adopted or were in the process of being adopted by U.S. citizens prior to the earthquake, as well as scores of Haitian nationals requiring urgent medical care. This policy decision is in line with past actions, where the U.S. Government temporarily suspended removal operations to Haiti for humanitarian reasons, such as in 2008, in the aftermath of four hurricanes that made landfall on the island.  

On January 20, 2011, ICE resumed the removal of criminal aliens to Haiti, with a focus on serious offenders or aliens who are significant national security threats. The decision to temporarily suspend alien removals to Haiti in the aftermath of the earthquake was made for humanitarian reasons and was vital to enabling U.S. and international relief efforts to proceed. However, over a year has passed since removal operations were suspended, and the United States’ continued suspension of removal operations to Haiti poses a significant threat to public safety in the United States. Specifically, if removal operations to Haiti had not resumed, the United States would have been legally required to release virtually all of the Haitian criminal aliens currently detained into U.S. communities. The U.S. Supreme Court’s decision in Zadvydas v. Davis, 533 U.S. 678 (2001), codified in 8 C.F.R. § 241 et seq., imposes strict limits on ICE’s ability to detain aliens beyond 180 days after the administrative finality of an order of removal if removal is not significantly likely in the reasonably foreseeable future. Many of the Haitians detained by ICE with final orders of removal were convicted of serious crimes, including, but not limited to, violent crimes such as murder, armed robbery, domestic violence, sex offenses, and assault on a police officer.
After carefully considering the conditions in Haiti, U.S. Government and international humanitarian relief and reconstruction efforts, the threat to public safety, and the need to enforce U.S. immigration laws, and after consultations with the Government of Haiti, the U.S. Government decided to resume removal operations of criminal aliens to Haiti. At this time, ICE is not removing non-criminal aliens (unless determined to be a significant national security threat) or anyone who has a pending, non-frivolous application for TPS or has been granted TPS and remains in that status.

The U.S. Government is mindful of the sensitive situation in Haiti and is working with the Government of Haiti to return Haitian citizens in as safe a manner as possible. The assistance of the U.S. Department of State in identifying potential options for the reception and reintegration of these returning aliens will further the U.S. Government’s commitment to helping Haiti rebuild.

Thank you again for your letter.

Sincerely,

[Signature]

Gary Mead
Executive Associate Director
Congress of the United States  
Washington, DC 20510  

December 15, 2011

The Honorable Barack H. Obama  
President of the United States  
The White House  
Washington, D.C. 20500

Dear President Obama:

We thank you and the Department of Homeland Security (DHS) Secretary Janet Napolitano for redesignating Haiti for Temporary Protected Status last May. Additionally, we write to urge you to create a Haitian Family Reunification Parole Program (FRPP) to save lives, reunite families, and stimulate recovery by generating additional remittances into the indefinite future to help thousands in Haiti.

To serve these ends, DHS should start promptly paroling some of the beneficiaries of family-based visa petitions who despite DHS approvals remain on a 3 to 10 year wait list in Haiti. Many may not survive, including those in preference category 2A (minor children and spouses of lawful permanent residents) and/or those with earlier approval dates. It makes sense to begin such paroles with the most vulnerable and deserving of those DHS has approved, but whose lives remain at risk in post-quake Haiti.

As you know, the United States has paroled hundreds of thousands of Cuban, Indochinese, and Kosovar refugees over the years, and of direct precedent, DHS recently renewed the Cuban Family Reunification Parole Program (FRPP). Through this program, over 30,000 approved beneficiaries have been paroled into the United States since 2009. Given conditions in Haiti, a similar Haitian program is urgently needed.

There is broad support. On September 22nd, Massachusetts Governor Deval Patrick wrote Secretary Napolitano, urging DHS to promptly parole the beneficiaries of approved Haitian family-based visa petitions to “mirror” the Cuban FRPP and help Haiti recover by generating remittances. In addition, some of our colleagues from the Massachusetts Congressional Delegation sent a bipartisan, bicameral letter to Secretary Napolitano urging the same thing. Their letters joined a chorus of major editorial boards, city and mayoral resolutions, letters from political leaders and June’s Center for Global Development working paper.

As noted in the paper “Migration as a Tool for Disaster Recovery: A Case Study on U.S. Policy Options for Post-Earthquake Haiti,” Center for Global Development, June 2011, at 15-16:

• Rather than waiting years for a visa in Haiti, beneficiaries could be paroled into the United States where they can be reunited with family and have employment authorization.

• The proposal has merit not only for the humanitarian purpose it would serve, but also to enable Haitians to send more remittances home and foster economic development in Haiti with greater speed.
• Instituting a family reunification parole program for Haitians is simpler than it may appear, as the Executive Branch has the authority to establish such programs without congressional action.

• The Haitian program would save lives by helping to prevent people from migrating by sea, providing for orderly migration to the U.S.

• No one would get a green card any sooner -- like the Cubans, they would be able to wait for their green card in the U.S. with their families rather than in Haiti.

Mr. President, we appreciate your leadership and commitment to help Haiti recover from this natural catastrophe. Again we urge you and Secretary Napolitano to promptly implement a Haitian FRPP -- or alternatively start expeditiously paroling the most vulnerable and deserving subgroups -- to save lives, reunite families, grant equal treatment with those similarly situated, and most importantly provide an important boost to the recovery of Haiti, still struggling to recover.

Sincerely,

Kirsten E. Gillibrand
United States Senate

Richard J. Durbin
United States Senate

Benjamin L. Cardin
United States Senate

Karen Bass
U.S. House of Representatives

Sanford D. Bishop, Jr.
U.S. House of Representatives

Robert A. Brady
U.S. House of Representatives

Yvette D. Clarke
U.S. House of Representatives

John F. Kerry
United States Senate

Gary Ackerman
U.S. House of Representatives

Howard L. Berman
U.S. House of Representatives

Earl Blumenauer
U.S. House of Representatives

Corrine Brown
U.S. House of Representatives
Bobby J. Rush
U.S. House of Representatives

Jean Schmidt
U.S. House of Representatives

David Scott
U.S. House of Representatives

Albio Sires
U.S. House of Representatives

Bennie Thompson
U.S. House of Representatives

Nydia Velázquez
U.S. House of Representatives

Maxine Waters
U.S. House of Representatives

Frederica S. Wilson
U.S. House of Representatives

Jan Schakowsky
U.S. House of Representatives

Robert C. "Bobby" Scott
U.S. House of Representatives

José E. Serrano
U.S. House of Representatives

Fortney "Pete" Stark
U.S. House of Representatives

Edolphus "Ed" Towns
U.S. House of Representatives

Debbie Wasserman Schultz
U.S. House of Representatives

Melvin L. Watt
U.S. House of Representatives

CC: Janet Napolitano, Secretary of the Department of Homeland Security
The Honorable Bill Nelson  
Congress of the United States  
Washington, DC 20510  

Dear Senator Nelson,

Thank you for your letter dated December 22, 2011, to Secretary Napolitano regarding your request to assist Haiti in its post-earthquake reconstruction efforts by including Haiti in the list of countries for H-2A and H-2B visas and also to expedite the processing of family-based visas of Haitian nationals. Your letter was also addressed to Secretary of State Hillary Rodham Clinton. The Department of State (DOS) will send a separate response addressing the issues that fell under its jurisdiction.

In your letter you suggested adding Haiti to the list of countries whose nationals are eligible for H-2A and H-2B visas in order to assist Haiti in post-earthquake reconstruction efforts. Under Department of Homeland Security (DHS) regulations, U.S. Citizenship and Immigration Services (USCIS) generally may approve petitions for H-2A and H-2B nonimmigrant status only for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated via a published Federal Register notice. I am pleased to inform you that the Secretary of Homeland Security after consultation with the Department of State has determined that Haiti meets the standards of eligible counties and effective January 18, 2012, nationals of Haiti are eligible to participate in the H-2A and H-2B programs.

As to your request to expedite the migration to the U.S. of Haitians with approved family-based immigrant petitions, the processing of these requests is subject to annual numerical limits prescribed by Congress. Haitians with approved family-based immigrant petitions may in certain circumstances be eligible for humanitarian parole into the United States. However, our parole policy does not generally authorize the grant of humanitarian parole to aliens who are the beneficiaries of family-based immigrant petitions but who are not able to immediately immigrate to the U.S. because an immigrant visa is not yet available. Parole is used sparingly, on a case-by-case basis, to bring someone who is otherwise inadmissible into the United States for a temporary period of time due to a compelling emergency. When handling humanitarian parole requests, U.S. Citizenship and Immigration Services (USCIS) examines whether there are urgent humanitarian circumstances when considering each humanitarian parole request and whether parole is otherwise warranted as a matter of discretion. If the situation is of sufficient urgency, such as a life-threatening medical condition or family reunification under exigent circumstances,
parole may be granted even though a family-based immigrant petition may have been filed for the individual.

Additional information on the guidelines and process for humanitarian parole is available on the USCIS website at www.uscis.gov/humanitarian. In addition, USCIS is current in the caseload of family-based immigrant petitions and continues to work with the Department of State (DOS) to ensure that DOS is able to process immigrant visas for eligible Haitians as rapidly as possible based on visa availability.

The United States government is committed to continuing to assist Haiti in post-earthquake reconstruction efforts. Secretary Napolitano is mindful of the concerns expressed by your constituents and supports policies that will aid stabilization efforts. I appreciate your interest in the well-being of nationals from Haiti, and I look forward to continuing to work with you in addressing how we can best serve the Haitian community in light of the suffering Haitians have endured in the aftermath of the devastating 2010 earthquake.

Thank you again for your letter. Those individuals who co-signed your letter will receive separate, identical responses. Should you need additional assistance, please do not hesitate to contact me at (202) 447.

Respectfully,

Nelson Peacock
Assistant Secretary for Legislative Affairs
December 22, 2011

The Honorable Hillary Rodham Clinton
Secretary of State
United States Department of State
2201 C Street NW
Washington, D.C. 20520

The Honorable Janet Napolitano
Secretary of Homeland Security
United States Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Clinton and Secretary Napolitano,

As members of the Florida congressional delegation, we thank you for your commitment to Haiti. As a new Haitian government takes shape, and as the country still grapples with cholera and post-earthquake reconstruction, additional help is needed. Today, we write to inquire about two issues: 1) the number of Haitians who have been approved for U.S. residency, but whose entry to this country has been delayed, and 2) the extension of low-skilled, temporary employment visas to Haitians.

It is our understanding that tens of thousands of Haitians have been approved for U.S. residency, yet have been forced to wait several years to leave disaster-stricken Haiti. Reportedly, there are over 100,000 Haitians who have already been approved for family-based visas, and are merely waiting for their visa number to become available. The National Visa Center estimates that of those who are waiting, 15,584 are the spouses and children of U.S. citizens, and another 16,216 are the adult children of Legal Permanent Residents (LPRs). We would appreciate your assessment of this situation and ways in which you could potentially increase or expedite family migration.

Additionally, we urge you to consider extending low-skilled, temporary employment visas to Haitians – such as the H-2A and H-2B visas. According to The Center for Global Development (CGD), international migration has lifted more Haitians out of poverty than all the foreign aid, investment, and trade preferences extended to Haiti over the past thirty years, combined. This migration has drastically increased remittances to Haiti from the United States, which are estimated to total over $2 billion every year. This represents nearly twice the amount the United States has pledged to Haiti in assistance.

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Since remittances undoubtedly play such a huge role in Haiti’s reconstruction and stabilization efforts, it is critically important that we explore additional ways to Haitians. Low-skilled, temporary employment seems to be one way in which a limited number of Haitians may come to the United States, reunite with their families, help build the U.S. economy, and, most importantly, assist Haiti in its reconstruction through repatriated skills and capital.

As you know, Haiti is not included on the list of nations eligible for participation in the H-2A and H-2B temporary worker programs. While individual Haitians are sometimes permitted visas, these cases are rare and are only done on a case-by-case basis as determined by the Secretary of Homeland Security. We would appreciate your assessment of why these programs exclude Haitians, and what specific steps the Haitian government could take that would lead to its inclusion.

These issues are of great importance to the Haitian diaspora community and to our Florida constituents. Thank you for your attention to these matters, and we greatly look forward to your response.

Sincerely,

Bill Nelson
United States Senator

Marco Rubio
United States Senator

Ted Deutch
Member of Congress

David Rivera
Member of Congress

Frederica Wilson
Member of Congress

Ileana Ros-Lehtinen
Member of Congress

Corrine Brown
Member of Congress

Mario Diaz-Balart
Member of Congress

CC: State Department Special Coordinator for Haiti Tom Adams
December 14, 2011

The Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

First, we want to commend you, President Barack Obama and leaders from the Department of Homeland Security (DHS) for extending the designation of Temporary Protected Status (TPS) to Haiti for an additional 18 months, along with your continuing support towards the Haitian community. This remarkable decision has given many Haitians an opportunity to legally live and work in the United States while Haiti recovers from recent natural disasters and other ongoing crises.

As you know, the past several years have been a difficult period for Haiti. The country remains in a fragile state as a result of last year’s devastating earthquake and widespread damage caused by a series of hurricanes and tropical storms in 2008. Presently, hundreds of thousands of Haitians still suffer under poor living conditions with little access to clean water or medical care, while many more look for temporary or permanent jobs that will help support themselves and their families.

In an effort to alleviate the suffering for those affected by the earthquake, we strongly urge you to establish a humanitarian parole program comparable to the one which was created for Cuba in 2007. It is our understanding that the Department of Homeland Security (DHS) has the authority to create such a program under the Immigration and Nationality Act. Currently, thousands of Haitians who applied for various visas are awaiting the approval of their application, including individuals who are spouses, children and immediate family of citizens and lawful permanent residents of the United States. Moreover, many of these visa applicants already have approved family-based petitions and may be able to wait in the United States, rather than in Haiti, for their visa priority dates to become current.

By establishing a humanitarian parole program for Haiti, DHS would provide a valuable form of humanitarian relief to a country that needs further time to recover and rebuild. In addition, we believe that Haiti should be afforded the same advantage that was given to Cuba a few years ago. To raise awareness and take action, we have introduced Resolution
1096 in the New York City Council, which sets forth a clear message that New York City, as a home to one of the largest populations of Haitian immigrants, stands behind the urgent need to create and implement a humanitarian parole program for Haiti.

Again, let me thank you for the assistance DHS has provided to Haiti at this critical time and your willingness to assist Haitians living in the United States. We look forward to partnering with you to assist Haiti while protecting the security and wellbeing of residents of the United States.

We can be contacted at (212) 788-7352, (718) 287-8762 or via email at meugene@council.nyc.gov to follow-up on this important issue or if you have any questions.

Thank you in advance for your consideration of this request.

Sincerely,

Mathieu Eugene
Council Member
40th District, Brooklyn

Daniel Dromm
Chair, Immigration Committee
25th District, Queens
MATHIEU EUGENE
COUNCIL MEMBER
40TH DISTRICT, BROOKLYN

☐ DISTRICT OFFICE:
123 Linden Boulevard
Brooklyn, NY 11226

☐ LEGISLATIVE OFFICE:
250 Broadway, Suite 1789
New York, NY 10007

The Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528