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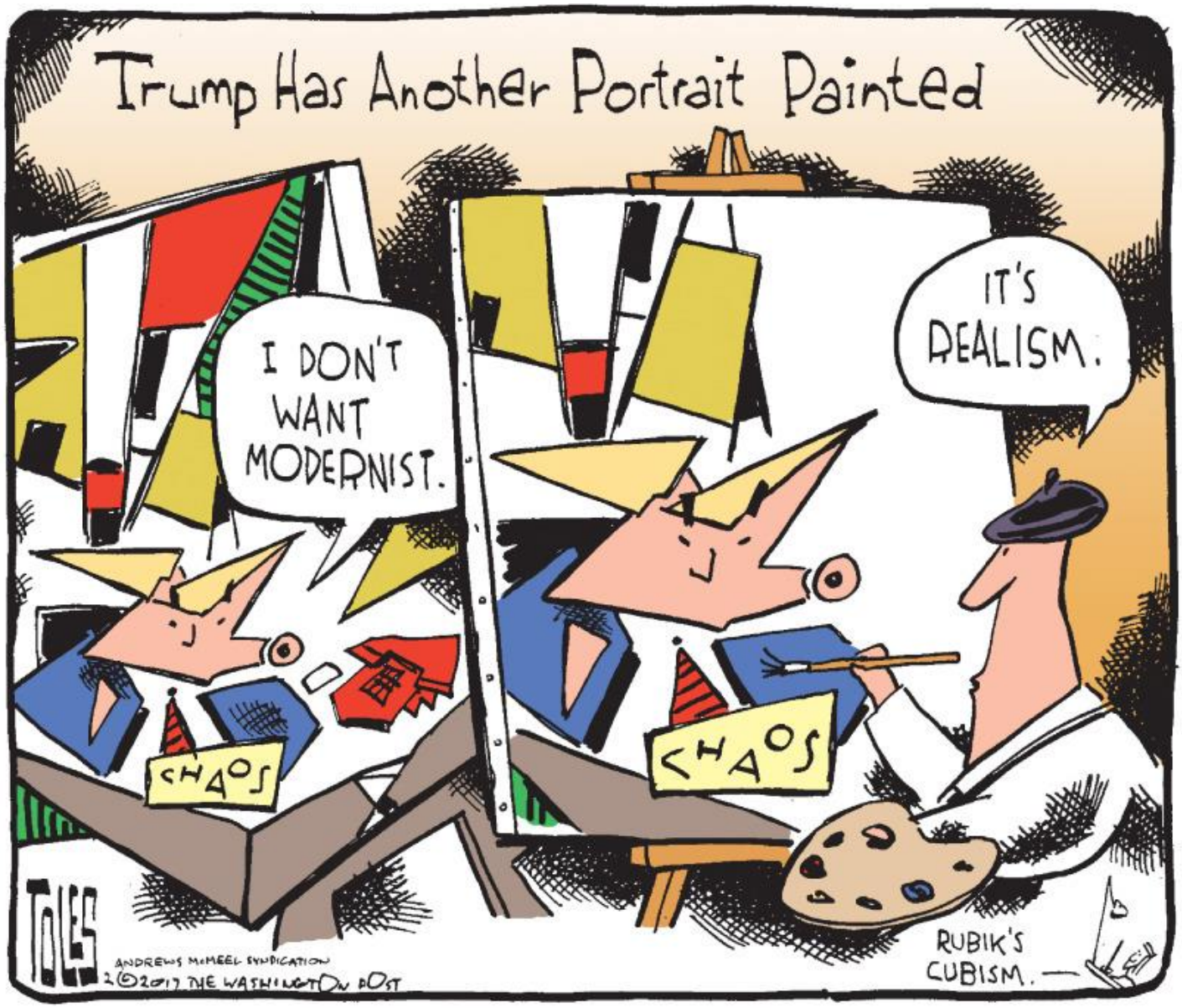

THE NEW YORKER

FRANCE – EUROPE

France's Outsider Candidates Seize the Presidential Race

by Jia TolentinoMarine Le Pen (above), of the far-right National Front, and Emmanuel Macron, an independent, have emerged as the front-runners in France's Presidential election.CreditPHOTOGRAPH BY AURELIEN MORISSARD / IP3 / GETTY

The public gymnasium across the street from my Paris apartment, in an unassuming neighborhood of the Nineteenth Arrondissement, has become an effigy for the city's political class. One morning a few weeks ago, posters went up announcing a rally for Arnaud Montebourg, a former minister and perennial Presidential candidate, his bland smile stamped in rows across the building's façade. A few days later, the French voted him out of the Presidential race. The posters were, inevitably, defaced. A strip torn from one of them ripped right through Montebourg's teeth.

After Montebourg, there were torn posters for former Prime Ministers Manuel Valls and François Fillon. So far this election cycle, French voters have been vicious in throwing out the symbols of entrenched power. In November, former President Nicolas Sarkozy was humiliated when his carefully calibrated comeback earned him a distant third place in the primary of the center-right Republicans; in December, François Hollande was pressured into becoming the first sitting President of the Fifth Republic not to run for reëlection. At the end of January, Valls was defeated in the Socialist Party race by Benoît Hamon, a dapper *frondeur*, a member of a rebel faction.

Fillon, Sarkozy's former Prime Minister, managed to circumvent public ire when he triumphed over his boss in the Republican primary; a stern, traditional conservative, his win was attributed to a surprise showing from France's "zombie Catholics." The faithfully observant, who live largely in exurban areas, are, after decades in which public expression of religion was taboo, beginning to assert their identity. But as soon as Fillon took over the Party apparatus he was subject to the French rage toward the establishment. In late January, *Le Canard Enchaîné*, a satirical paper with a penchant for going after stodgy men, revealed that Fillon's wife, Penelope, had received five hundred thousand euros in compensation from the Parliament over five years for her work as an assistant (Fillon has held positions intermittently in both chambers since 1981). Hiring family members is standard practice in the insular world of French élites (an estimated twenty per cent of parliamentarians do it), but Penelope Fillon's remuneration was remarkably high for an assistant, especially since she had declared, in 2007, that she had "never actually been his assistant or anything like that," referring to her husband, and told the press last fall that she had "never been involved" in his political life. Her income was soon discovered to add up to nearly a million euros over fifteen years, and the dragnet expanded to include Fillon's children, who were paid amply for brief periods of work. Investigators searched François Fillon's office, and police questioned the couple for five hours.

One of Fillon's campaign promises had been to abolish five hundred thousand civil-servant positions. *Le Gorafi*, France's version of the Onion, came up with an alternative proposition: "François Fillon will condense 500,000 civil servant positions into one single position, and it will be for his wife." At a press conference on Monday, Fillon maintained that everything he'd done had been perfectly legal, but he acknowledged that the public had grown intolerant of the political class's behavior, saying that "what was acceptable yesterday . . . no longer is today." The left rejoiced at what it predicted would be Fillon's downfall. But it was a pitiful kind of schadenfreude. "Penelope-gate is not good news," a French documentary-photographer friend, Vincent Jarousseau, wrote on Facebook. "It is just one more expression of a democracy that is running on empty." Jarousseau has spent the past few years working on a book that has just come out, "L'Illusion Nationale," about the former mining and industry towns in the north, which are desolated and impoverished, and increasingly voting for the far-right National Front. He told me of a family of seven that was living on a monthly government check of eleven hundred euros. In the family's town, Denain, on the Belgian border, the life expectancy is fifty-eight—the same as Mali. "What becomes clear by the end is terrible—the incompetence of politicians, the contempt that results from broken promises and successive lies," he wrote on Facebook. "These people have been used, and they know it. They are angry, very angry."

The conventional wisdom holds that what's bad for Fillon is good for Marine Le Pen, the head of the National Front. Fillon found himself, oddly, to the right of Le Pen on many social issues, and stood to steal some of her voters. But as an economic "liberal," who wants to gut social security, expand free-trade pacts, and deregulate, Fillon is a poor match for the moment; Le Pen's sovereign protectionism is more in vogue. Polls currently show Le Pen safely winning the first round of the election in late April, which will advance her to a runoff against the second-place finisher. The début of the Trump Administration, however, has brought a sense of reality to her candidacy that cuts both ways. Le Pen has long vowed to end "uncontrolled" immigration to France. But after the chaos that accompanied Trump's executive order banning citizens of seven Muslim countries and refugees from entering the U.S., Le Pen's campaign director told *Le Monde* that such a move "is not a priority" for the National Front. "Everything is imaginable if particular needs justify it," he said, "but our priorities are reëstablishing our borders, closing mosques that preach radical Islam, and destroying ISIS."

The candidate who stands to gain the most from Fillon's scandal could be the former economy minister Emmanuel Macron, who is running as a non-party-aligned centrist. When Macron, thirty-nine, declared his candidacy as an independent, in November, he was clearly looking at polls showing that only eight per cent of French citizens trust the political parties. It may turn out to be a brilliant gamble. Alternately called a "traitor," an "opportunist," and "Brutus" for overtaking his political patron, Hollande, he now stands to pick up voters who find Fillon too conservative or corrupt, Hamon too quixotic, or the National Front too nationalist. Macron's critics are many, but they ignore that he is doing the dull, plodding work of actual politics. Last spring, long before the campaign season had started, he launched a new "movement" that sent volunteers across France to talk with citizens about what troubled them most. He is now seeking candidates to run in the legislative race, which comes a month after the *présidentielle* and determines the efficacy of an administration. Macron is requiring that candidates on his ticket be free of legal run-ins—another novelty in a country where half the candidates on the right and a smattering on the left have been investigated for corruption. Macron is responsive to public sentiment, and he is building political infrastructure.

Little attention has been paid to the Socialist Party, which, after five years under a terrifically unpopular President and an immobilizing internal conflict between liberals and the hard left, had been declared dead. The nomination of Hamon, however, has energized many, who see the candidate as bringing the "old left" into the twenty-first century. Hamon has launched a semi-serious discussion of universal basic income, and he eschews the eternal back-and-forth of the French *laïcité* debate, which has become fixated on whether Muslim women should be permitted to cover their heads in public, in favor of new ideas. He has called for a corpus of "inspectors" who will be dispatched to insure that businesses and institutions are not discriminating based on faith, in the spirit of the original 1905 law. The intellectual left was, like the Party, considered shrinking and demoralized, but Hamon has pulled some of its proposals back into the public debate. "There is an intruder that has glided onto the platform of nonstop politics: the dream," Daniel Schneidermann wrote in *Libération*. "Through what window did it come? We thought it was murdered, trampled, buried, thrown in the dungeon, at least since 1981." Hamon's poll numbers are rising, but he has a significant gap to make up.

When I asked my photographer friend how he thought the race would turn out, he laughed and said that, with all the chaos, anyone who says he knows what will happen is not to be believed. But as Fillon's numbers sink—he is now running behind Le Pen and Macron, with eighteen and a half to twenty per cent of the vote—it is increasingly probable that, for the first time in decades, the second round of the election could be a runoff between two non-mainstream parties. Surely, this kind of repudiation, should it come to pass, is clear as can be.

The Washington Post

France's big parties probably won't even get into the presidential election's final round. Here's why. (online)

By Sheri Berman

Most Western countries are seeing increased dissatisfaction with the economic and political status quo. This has fed the rise of populism, destabilizing party systems and even democracy. The most recent twists in the French presidential race reflect this as well as some distinctive new features of French politics.

France's Socialists are falling apart

One notable feature of the race is the crackup of the French Socialist Party (PS). Just like in France's presidential election, the PS runs a two-stage primary (assuming no candidate wins a majority in the first round) in which the top two candidates go through to the second round. This time, two candidates with dramatically different views of the PS and its future, Benoît Hamon and Manuel Valls, got through to the second stage. Hamon, sometimes called the French Jeremy Corbyn after the controversial British Labour Party leader, is from the party's left wing. He calls for a universal basic income, taxing robots, legalizing cannabis and decreasing the workweek; he is tolerant of immigration and a committed environmentalist. Valls, the prime minister, is the Tony Blair to Hamon's Corbyn. He is pro-business, critical of "excessive" state regulations and the inefficiencies of the welfare state, and a strong law-and-order advocate. He also supports restrictions on headscarves and burkinis.

[What are the Socialist Party's chances of winning in France? Very low.]

Although Valls was originally considered the front-runner, he was crushed by Hamon in the second round of the primary. The primary revealed devastating divisions in the party, with Valls and other "reformists" openly stating that they do not support Hamon's policies. Some may even abandon the PS entirely.

This is merely the culmination of a long-term weakening of the PS. Like many other European center-left parties, the PS has swung back and forth over the past years between the "kindler, gentler" neoliberalism of Valls, which has sent working-class voters fleeing to populists, and the traditional leftism of Hamon, which many middle-class and centrist voters view as economically irresponsible. The result is a dramatic decline in support for the PS, a party with roots going back to the late 19th century, that has played a central role in modern French politics and given France its current president. Hamon is unlikely to make it past the first round of presidential voting.

The traditional right is in big trouble, too

The main party of the right, the Republicans, is imploding as well. Its candidate, François Fillon, was originally predicted to win the presidential race. Running on a platform of neoliberalism (he is an avowed admirer of Margaret Thatcher) and social conservatism (he is a committed Catholic who has expressed his discomfort with abortion and same-sex marriage), Fillon promised to get France back on its feet economically and restore traditional "values." His (purported) personal honesty and integrity were also major selling points with an electorate increasingly fed up with a corrupt and out-of-touch political elite.

[Nice now has a reputation as a breeding ground for terrorists]

Unfortunately, it would appear that Fillon is very much a part of the self-serving elite that he criticizes. It is very likely that he paid his wife and children approximately $1 million for fictitious jobs. Nepotism is not illegal in France; indeed, it has long been an accepted perk of the political elite. But growing disgust with "politics as usual" seems finally to have made this practice — or at least the egregious version Fillon is accused of — unacceptable.

Fillon's support has plummeted, and although he claims he is staying in the race, he may very soon be forced to quit. Fillon's scandal revealed not only his own hypocrisy; it has made clear how deep the rot on the center-right had gone. The two most logical figures to replace Fillon, Alain Juppé and Nicolas Sarkozy, have been involved in numerous scandals. There are no viable alternatives waiting in the Republicans' wings should Fillon bow out.

So who is left standing in the presidential election?

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That leaves the presidential race to two candidates running on anti-establishment platforms that reject the traditional left-right divide and promise to transform France from the bottom up. The first is Marine Le Pen of the National Front, running on a protectionist, welfare-chauvinist, anti-Europe, anti-immigration, anti-multiculturalist platform. Le Pen claims that France is under attack from the "twin totalitarianisms" of globalization and Islamism, which only she is prepared to fight so that France again becomes a "free, independent and democratic country."

The second is Emmanuel Macron, a young (39) charismatic former banker and socialist economy minister who is running as the candidate of his own political movement — En Marche! (On the March!). Although Macron has yet to publish his official program, he leans toward a "soft" neoliberalism, social liberalism, and is strongly pro-Europe. For his supporters, however, his appeal seems to have less to do with his specific policies than the fact that he is an outsider and can, like Le Pen, present himself as a candidate of "change."

[France has had more than its share of terrorist attacks. These 3 factors explain why.]

The appeal of Le Pen and Macron, in short, reflects the deep dissatisfaction that exists in France with the reigning economic and political status quo, the missteps of traditional political parties — the Republicans and the PS — and the corruption and elitism of the political class. Le Pen remains the single most popular candidate. Almost all the polls predict that she will win the first round of presidential elections April 23, but she will not get the majority that she would need to win outright. This means that there will probably be a second round, and Macron is not that far behind her. In the second round, most polls predict that Le Pen will lose because a majority of voters will not vote for her. This could catapult a candidate who has never held elected office and who lacks an established party behind him into the presidency.

The question, therefore, is: If Macron wins, can he govern? Will he be able to satisfy the apparent political demand for real change? It's hard to know. Most obviously, to get anything done, Macron would need a majority in parliament, and that would require cultivating and running hundreds of candidates in the June parliamentary elections. If Macron succeeds, he could show that a candidate of the establishment center is capable of responding to the needs of disaffected and dissatisfied citizens. If he does not, however, then as in the United States — where Trump was the beneficiary of many voters' disappointment with President Barack Obama — the populist right is likely to emerge even stronger. With the PS and Republicans in disarray, there would be less opposition to the National Front

coming to power the next time around.

Breitbart : 'France First' – Marine Le Pen Hits out at Islamism and Financial Globalisation

by Jack Montgomery7 Feb 2017656

Marine Le Pen, the presidential candidate for France's populist National Front (FN), has pledged to put France first, hitting out at "financial globalisation", "mass immigration", and "Islamic fundamentalism" in a landmark speech.

The 48-year-old said that "financial globalisation and Islamist globalisation are helping each other out", and "those two ideologies aim to bring France to its knees".

According to Le Pen, globalisation can be summed up as "manufacturing with slaves to sell to the unemployed". She pledged that an FN-led republic would be "will be all about the local, not the global".

Speaking to a cheering crowd of some 3,000 supporters, Le Pen said her government would be "French first" – with French citizens going to the front of the queue for both employment and social housing. In contrast to the representatives of "the cash-rich Right and the cash-rich Left", she said she was "only the candidate of the people".

Le Pen appeared to be invoking the spirit of Donald Trump's successful presidential campaign in the U.S., which explicitly rejected "the false song of globalism" and pledged an "America First" foreign and economic policy.

"People are waking up," confirmed FN deputy leader Florian Philippot immediately before Le Pen's speech. "They see Brexit, they see Trump and they're saying to themselves: 'It's worth going to vote.'"

This idea of an impending sea-change in world politics was Le Pen's key theme: "The people are waking – the tide of history has turned", she said.

"What is at stake in this election is the continuity of France as a free nation, our existence as a people … The French have been dispossessed of their patriotism. They are suffering in silence from not being allowed to love their country … The divide is no longer between the Left and the Right, but between the patriots and the globalists."

Le Pen also reiterated her calls for the German-dominated euro to be scrapped and France's membership of the European Union (EU) to be put to a referendum unless the open-borders Schengen Agreement is abandoned and the bloc reconfigured as a much looser association of sovereign nation-states.

Le Pen Can Win French Vote Only With Record Low Turnout: Goldman

@blaiserobinson
More stories by Blaise Robinson

by

7 février 2017 à 10:58 UTC−5

Chances of France's far right candidate Marine Le Pen being in the second round of the French presidential elections this spring may be high. The risk of seeing the leader of the anti-EU party Front National winning the vote are very thin however, according to Goldman Sachs.

For Le Pen to become president, Goldman estimates that it requires either a drop of the participation rate to levels "never seen in history for any election" below 40% assuming a stable electoral base for the Front National, Goldman's economist Alain Durre wrote in a note to clients on Feb. 6.

The other possibility for Le Pen to win would be if the FN electoral base at least triples from the last regional elections in December 2015, which showed an electoral base at around seven million voters -- whereas it took 13 years for the FN to increase the numbers of its voters by 1.5 million.

"Both scenarios appear very unlikely," Durre wrote.

- Click here for a summary of France voter intentions from surveys conducted by a selection of pollsters, and here for a Bloomberg QuickTake Q&A on the election.
- The yield difference between 10-year bonds from France and Germany widened on Monday as investors priced in growing concern the anti-euro Le Pen could win the French presidential election.

Former French President Nicolas Sarkozy to Stand Trial Over Campaign Financing

William Horobin

Updated Feb. 7, 2017 9:33 a.m. ET

PARIS—Former French President Nicolas Sarkozy has been ordered to stand trial for allegedly breaking campaign financing rules in his failed bid for reelection in 2012, a judicial official said Tuesday.

An investigating magistrate ordered Mr. Sarkozy on Feb. 3 to stand trial on charges of illegal financing of an election campaign, according to the judicial official. Prosecutors allege Mr. Sarkozy ignored warnings he would break campaign spending limits and spent €20 million ($21.42 million) over the €22.51 million ceiling.

Mr. Sarkozy's lawyer Thierry Herzog said he would appeal the decision to send his client to trial.

"My client formally denies having been informed of any overspending," Mr. Herzog said. The overspend described by prosecutors is "far-fetched," he added.

The investigating magistrate ordered another 13 people to stand trial as part of the probe into the financing of the 2012 campaign. Some of those suspects were ordered to stand trial for allegedly using phony bills to channel cash from Mr. Sarkozy's party and possibly into his election campaign.

Mr. Sarkozy's trial comes as France's political establishment is under increasing scrutiny over its handling of public funds. Police are investigating whether François Fillon, the conservative presidential candidate who served as Mr. Sarkozy's prime minister, placed his wife on the state payroll without having her perform real work.

Mr. Fillon has apologized for employing his wife while insisting her job was genuine. Still, the scrutiny has sapped his poll numbers ahead of this year's French presidential election, leaving him in third place behind National Front leader Marine Le Pen and Emmanuel Macron, an independent candidate.

Some of Mr. Sarkozy's supporters have suggested he could replace Mr. Fillon as their party's standard-bearer. The decision to put him in trial, however, complicated such a comeback.

Write to William Horobin at William.Horobin@wsj.com

Nicolas Sarkozy Ordered to Stand Trial Over Campaign Finances

Aurelien Breeden

Nicolas Sarkozy at a presidential campaign rally in Paris in 2012. Michel Euler/Agence France-Presse — Getty Images

PARIS — Former President Nicolas Sarkozy has been ordered by a judge to stand trial on charges of illegally financing his failed 2012 re-election campaign, the Paris prosecutor's office said on Tuesday, the latest impediment for a politician who not long ago was hoping for a comeback.

Mr. Sarkozy, 62, a mercurial right-wing politician who was president of France from 2007 to 2012, has denied any wrongdoing. His lawyer said he would appeal the decision,

after which the case would be referred to another court for a final ruling.

Mr. Sarkozy, who could face up to a year in prison and a fine of 3,750 euros, or about $4,000, is out of the running for presidential elections this spring after a poor showing in a November primary for the center and right candidates, and he no longer leads the center-right Republican Party.

His diminished role in French politics would limit the fallout from a trial, but the judge's decision comes amid growing anger against the political establishment and reflects increased scrutiny of its financial and personal arrangements.

Mr. Sarkozy would be the second French president since 1958 to go on trial for a financial scandal. Jacques Chirac, who was president from 1995 to 2007, was given a suspended sentence in 2011 after being convicted of embezzlement and misuse of public funds when he was mayor of Paris.

More recently, Christine Lagarde, a former economy minister for Mr. Sarkozy who went on to head the International Monetary Fund, was convicted in December of negligence for misusing public funds, but the court did not impose a fine or a sentence.

François Fillon, Mr. Sarkozy's former prime minister and the Republican presidential candidate, is bearing the brunt of the current outrage after revelations that he used taxpayer money to pay family members for parliamentary work that might not have been genuine.

In Mr. Sarkozy's case, the prosecution asserts that he knowingly authorized his 2012 campaign to surpass the strict spending limits set by French law.

At the time, the limit for presidential campaigns was about $18.6 million per candidate in the first round of the elections, and about $5 million on top of that in the second round for the two top vote-getters, who included Mr. Sarkozy.

The Paris prosecutor's office said on Tuesday that Mr. Sarkozy was suspected of spending at least $45 million, nearly twice the limit, and that he had ignored warnings from his campaign accountants.

The case against Mr. Sarkozy is part of what is known as the Bygmalion affair, named for the public relations company suspected of issuing false invoices to Mr. Sarkozy's party in 2012 for events that were actually for his presidential campaign.

The prosecution asserts that the goal of the fraud was to hide the overspending by Mr. Sarkozy's campaign from the electoral authorities.

Mr. Sarkozy has repeatedly denied being aware of any false billing, and the prosecutors have not charged him with wrongdoing in that regard. Instead, the charges of illegal campaign financing relate only to the overspending, for which he has already paid a fine.

Thirteen other people — including former party officials, aides close to Mr. Sarkozy and former executives at Bygmalion — were also ordered to stand trial on charges of involvement in the fraud, the prosecutor's office said on Tuesday.

Thierry Herzog, Mr. Sarkozy's lawyer, noted in a statement that the decision was signed by only one of the two judges investigating the case, a potential sign of uncertainty about the evidence.

"The clear disagreement between the two magistrates in charge of the matter is such a rare event that it is worth underlining," he said, "as it illustrates the inanity of the decision."

Mr. Sarkozy tried a political comeback last year, steering his presidential primary campaign rightward and hoping that the French electorate would look past his legal entanglements. But he was knocked out of center-right presidential primaries in November.

Mr. Fillon was recently embroiled in legal problems of his own, after revelations in the French news media that he used taxpayer money to put his wife and children on the payroll, ostensibly as parliamentary aides.

The revelations are especially damaging for Mr. Fillon because he has portrayed himself as a virtuous politician, who, unlike his opponents — Mr. Sarkozy primarily — was untainted by legal scandals.

"There is no point in talking about authority when you are not yourself irreproachable," Mr. Fillon said in August during the primary campaign. "Who can imagine for a single moment General de Gaulle placed under formal investigation?" he added, a clear swipe against Mr. Sarkozy.

Mr. Fillon has denied any wrongdoing and has vowed to stay in the presidential race, despite opinion polls showing that he is no longer the favorite and might not advance to the second round of the elections.

Bloomberg

The Plan to Stop French Raiders Buying Up Italian Businesses

@Marie_a_Paris
More stories by Marie Mawad

by ,

Alexandre Boksenbaum-Granier

, and

7 février 2017 à 21:03 UTC−5

- French investors brace for tougher Italian stance on companies
- Vivendi to STMicroelectronics could bear the consequences

In the corporate suites of Milan and Rome's corridors of power there's a new resolve: stop French raiders from buying up Italian businesses.

After a spate of Italian takeovers by French competitors, some of the brewing resentment in the country will be felt by Vivendi SA in its fight for power at Mediaset SpA and Telecom Italia SpA, said people familiar with the matter. French companies announced $41.8 billion in Italian takeovers in the last five years, including Essilor International SA's recent accord to buy Luxottica and Amundi SA's acquisition of UniCredit SpA's Pioneer Investments, according to Bloomberg-compiled data, six times Italian purchases in France.

Italian authorities are focusing their efforts on the few areas in which they can intervene, using regulatory pressure or board-seat influence to curb the French corporate offensive, the people said, asking not to be named discussing private considerations. For their part, Italian executives like Intesa Sanpaolo SpA Chief Executive Officer Carlo Messina are being more vocal about opposition to their neighbor's onslaught.

"We are a company that speaks Italian, not French, and we are defending our Italian-ness," Messina said at an event on Jan. 26 in Turin. "Someone who defends Italian-ness and does it in French makes me laugh."

Messina's bank is mulling a merger with insurer Assicurazioni Generali SpA. His comments came after Generali named a Frenchman at its helm, and amid speculation French insurance giant Axa SA is a possible rival Generali acquirer.

Billionaire's Ambitions

In the near term, the emerging nationalistic streak may get in the way of French billionaire Vincent Bollore's ambition to create a European media giant. Bollore is the biggest shareholder of French media company Vivendi SA, which is the largest holder of Telecom Italia and the second-largest owner of Milan-based Mediaset. In the past year or so, Bollore's fight for power at Telecom Italia and Mediaset has raised Italian ire.

At the end of last year, a memo was circulated among Italian government officials about the possibility of using veto power against Vivendi in case of a potential takeover of Mediaset, a person familiar with the matter said.

There was also talk of extending this to Telecom Italia if there was evidence that the French company would use its stake in the telecommunications company to influence the Mediaset situation, the person said. The Italian competition watchdog Agcom may also weigh in, the person said. Vivendi declined to comment. The Italian government maintains that it doesn't interfere in private sector deals.

The French finance ministry said in a statement that the string of recent acquisitions "makes sense and don't amount to any desire on the part of France to take control. Italians are also investing in France, notably in ship building at Saint-Nazaire."

Succession Battle

Tensions have also emerged at chipmaker STMicroelectronics, with disagreements for over a year on the successor to CEO Carlo Bozotti. France and Italy each holds 27.5 percent in STMicroelectronics and have board representation.

France is stepping back from pitching more potential candidates after its earlier suggestions were rejected, people familiar with the deliberations said. With the company's operations improving and shares more than doubling in the past year, France is toning down the battle.

In the cases related to Bollore and STMicroelectronics, agreements are likely to eventually be reached, people involved in the talks said. Italy's weak, referendum-defeated government, poor management at some companies and a wobbly banking system are helping French companies seize opportunities.

"There is a natural tendency for French companies to take over Italian ones as France is seen by investors as a more stable country

and better organized to attract headquarters of global companies as shown by the latest Essilor-Luxottica deal," said Giuseppe Berta, a professor at Bocconi University in Milan.

Alitalia Experience

Also, past experiences of trying to keep local companies from slipping into French hands have left scars.

Alitalia SpA was bailed out by Italian investors in 2008 with talk of national pride and by then Prime Minister Silvio Berlusconi, leaving by the wayside an approach by

Air France-KLM. The Italian airline ended up selling a stake to Etihad Airways PJSCyears later. The beleaguered flag bearer continues to bleed money.

Still, the Italian government doesn't want to be seen as giving away the country's family jewels too easily. Like other countries in Europe, Italy is seeking to strengthen the state's hand over some foreign investment deals, especially from China.

Carlo Calenda, Italy's Economic Development Minister, told a lower house committee in Rome on Jan. 31 that he was working with Sigmar Gabriel, Germany's Vice-Chancellor, on proposals to submit to the European Commission "to reinforce the golden power linked to the purchases of strategic firms by countries, especially when they are not market economies."

That would give the state a veto over transactions involving strategic assets, among them the telecommunications industry, including Telecom Italia. Calenda wants to extend the scheme to other sectors.

"We are also seeking French convergence," Calenda said. While he said he supports foreign investment, there are "cases in which a technology transfer can be at risk."

Bloomberg

Uber Caters to French to Dodge Driver Strikes in Touristy Paris

- Offers support scheme, some money, to most strained drivers
- Aims to sway unions after protests, talks under state's watch

Uber Technologies Inc. is curbing its one-size-fits-all strategy by drafting a driver support scheme catered to France, specifically designed to sway local unions threatening to protest in Paris.

After weeks of negotiating under the state's watch, the car-hailing app has proposed to bring its employees together with French drivers' union and government representatives in a committee that will award financial help to chauffeurs. Uber would also hand-hold those drivers into managing their business better, as part of a package it's drafting that has yet to win approval from unions.

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Paris, one of the car-hailing app's biggest markets, has been prime ground for Uber to show it can adapt to local constraints while expanding globally. When drivers blocked roads to ask for better pay at the end of last year, it created a

2 million euros

($2.1 million) fund to support drivers facing financial difficulties. When chauffeurs took to the streets a few months before to protest against government decisions, Uber

went on strike

alongside them.

Chauffeurs making less than 21 euros per hour in gross revenue while working at least 40 hours a week would be eligible to get a top-up, an Uber representative in Paris said by phone. The compensation would be temporary and part of helping drivers get back on their feet by making adjustments to improve their income in a sustainable way, he said.

The proposal is the outcome of weeks of discussions with union representatives, coordinated by a government-appointed mediator. Jacques Rapoport on Tuesday said Uber's offer hasn't won over drivers at this point, but it's enough to convince him not to suggest the state vote a new law that would force a minimum wage for all chauffeurs.

"Drivers unions want higher prices and a smaller cut for Uber -- the company is absolutely not ready to satisfy those demands," Rapoport said. "I personally find Uber's latest proposal satisfying. It's up to the platforms, not chauffeurs to set their own prices and define their own commercial strategies."

Whether the law should be tweaked to include new business models like Uber's is a debate that's fueling legal disputes in countries from the U.S. to the U.K., as drivers raise questions about their rights and benefits as independent contractors.

Rapoport said he'll submit a report to the government after advising companies and unions on a potential compromise, and said he'd recommend the government set a legal minimum wage equivalent for chauffeurs only if Uber doesn't implement promised measures.

Bloomberg

Uber Offers French Drivers Revenue Insurance, Avoiding Wage Law

- French drivers unions have been protesting for better pay
- Government appointed a mediator last year to coordinate talks

Uber Technologies Inc. offered to guarantee revenue for its most financially strained French drivers, temporarily averting a new law that would force a minimum wage for all chauffeurs.

The company proposed a 21 euro ($22.50) per hour minimum gross revenue for cabbies working at least 40 hours a week, according to Jacques Rapoport, a government-appointed mediator in talks with unions. While the offer hasn't won over drivers at this point, it's enough to avoid new wage legislation, Rapoport said in a conference Tuesday in Paris.

"Drivers unions want higher prices and a smaller cut for Uber -- the company is absolutely not ready to satisfy those demands," Rapoport said, after weeks of negotiations came to an end. "I personally find Uber's latest proposal satisfying. It's up to the platforms, not chauffeurs to set their own prices and define their own commercial strategies."

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France appointed a mediator last year to coordinate negotiations between Uber and drivers

threatening to block the roads of Paris

if they didn't get paid more. Drivers are independent contractors, not employees, so they're not entitled to minimum wage and other regulated items of remuneration. Whether law should be tweaked to include new business models like Uber's is a debate that's fueling

legal disputes

in countries from the U.S. to

the U.K

.

Rapoport said he'll submit recommendations to the government after advising companies and unions on a potential compromise. The mediator will advise that the government set a legal minimum wage equivalent for chauffeurs only if Uber doesn't implement promised measures.

Rapoport last week postponed the initial deadline on talks by a few days to reach an agreement after Uber said it was working on financial and technical measures to improve the profitability of its most strained drivers in France. He said then he'd recommend the state set a legal minimum for driver remuneration based on time and distance traveled, should negotiations fail.

Uber had separately pledged 2 million euros in December to help chauffeurs facing difficulties in France.

The New York Times

Trump Plan to Visit U.K. Sets Off Political Dispute

Stephen Castle

LONDON — State visits to Britain are supposed to be about ceremony — banquets at Buckingham Palace, rides in horse-drawn coaches and small talk with Queen Elizabeth II — rather than politics.

But even before a date has been set, President Trump's trip to London has provoked a fierce

political dispute, with an online petition urging the British government not to allow an official state visit, and outspoken suggestions that Mr. Trump does not deserve to join Charles de Gaulle, Nelson Mandela and Barack Obama as dignitaries who have been accorded the honor of addressing Parliament.

The argument came in reaction to comments made on Monday by the speaker of the House of Commons, John Bercow, who said he opposed the possibility that Mr. Trump might be asked to address Parliament, citing "our opposition to racism and to sexism." Prime Minister Theresa May extended the invitation to Mr. Trump, on the queen's behalf, during a visit to Washington last month.

Some Conservative Party lawmakers have accused Mr. Bercow of hypocrisy because he has welcomed controversial leaders like the Chinese president, Xi Jinping, who addressed Parliament in 2015. Others have suggested that Mr. Bercow's outspoken intervention overstepped the tradition of political neutrality associated with the role of the speaker.

Donald Trump By HOUSE OF COMMONS TV, VIA REUTERS 1:18 A Forceful Rebuke of Trump in Parliament

Video

A Forceful Rebuke of Trump in Parliament

John Bercow, the speaker of the House of Commons, said Monday that he would oppose having President Trump address Parliament.

Mr. Bercow has long been a controversial figure in Parliament, and his political journey from the right wing of the Conservative Party to a more liberal brand of politics has made him enemies along the way.

But the dispute underscores the divisions in Britain over the decision to invite Mr. Trump, which has prompted more than 1.8 million Britons to sign a petition calling on the government to cancel the state visit.

On Tuesday, the backlash against Mr. Bercow was led by Sajid Javid, the communities secretary, who, while avoiding direct criticism of Mr. Bercow, told the BBC that ministers did not agree with the speaker's view.

"The government is very clear: President Trump is the leader of our most important ally, he's elected fairly and squarely, and it's manifestly in our national interests that we reach out to him," Mr. Javid said.

John Whittingdale, a former culture secretary, told Sky News that Mr. Bercow's intervention was "a performance — it was John Bercow playing to the gallery, and I think it was damaging to the national interest." He added, "I think it is regrettable that he did it."

World leaders who have addressed Parliament during state visits include:

- **1954** Haile Selassie I, emperor of Ethiopia
- **1960** Charles de Gaulle, French president
- **1986** King Juan Carlos I of Spain
- **1986** Richard Von Weizsäcker, German president
- **1996** Nelson Mandela, South African president
- **2005** Hu Jintao, Chinese president
- **2006** Luiz Inácio Lula da Silva, Brazilian president
- **2011** Barack Obama, American president
- **2014** Michael Higgins, Irish president
- **2015** Xi Jinping, Chinese president

Yet Mr. Bercow is far from isolated, and his intervention on Monday was greeted with cheers and applause from some lawmakers. One veteran left-wing lawmaker from the opposition Labour Party, Dennis Skinner, rose from his seat and said to Mr. Bercow: "Two words: Well done!"

Some female Labour deputies called for a boycott of any Trump speech. And so far there has been no attempt in Parliament to bring up for discussion a no-confidence motion in Mr. Bercow. That suggests that lawmakers may be reluctant to upset the speaker, who controls debates, or have calculated that he would survive any vote to unseat him.

In fact, Mr. Bercow's intervention is not conclusive, as the lord speaker, the speaker of the House of Lords and the lord great chamberlain, who represents Queen Elizabeth, would also have to agree to any government request to invite a head of state to speak in Parliament. On Tuesday, the lord speaker, Norman Fowler, said that he would keep an "open mind" on whether to invite Mr. Trump and that Mr. Bercow had apologized for a lack of consultation before his statement on Monday.

Nevertheless, Mr. Bercow's comments made it unlikely that such an invitation would be made, and they provoked the wrath of Conservative-leaning newspapers. The Daily Telegraph, a conservative broadsheet, argued that "the contents of Mr. Bercow's near-hysterical rant about President Donald Trump's planned state visit to Britain are unacceptable," while The Sun, a right-wing tabloid, described the speaker as an "egomaniac" in an editorial titled "Berk Bercow."

Nevertheless, it is not clear that Mr. Trump has any desire to address Parliament, particularly given that some deputies have threatened to boycott any address. (In contrast, he has said that he is a fan of the queen and eager to meet her.)

A protest against President Trump was held in central London on Saturday. Sean Dempsey/European Pressphoto Agency

In Britain, there has been fierce criticism of some of Mr. Trump's policies, particularly his ban on visits to the United States from seven majority-Muslim countries. Last year, British lawmakers debated whether to ban Mr. Trump himself from the country but mainly rejected the idea. (Mr. Trump's mother was born in Scotland.)

But the unease has been compounded by the uncustomary speed of the invitation to Mr. Trump, so soon after he was inaugurated. Mrs. May's critics say she rushed into the move to ingratiate herself with Mr. Trump because she is desperate to conclude a quick trade deal with the United States to help compensate for Britain's looming departure from the European Union.

"At the very least, it would have been prudent to wait before rolling the royal red carpet," wrote Andrew Rawnsley of The Observer, the Sunday sister newspaper of The Guardian, adding: "Pimping out the Queen for Donald Trump. This, apparently, is what they meant by getting our sovereignty back."

On Tuesday, there was another reminder of the lingering divisions over withdrawal from the European Union, this one from Scotland, where a majority in last year's referendum voted to remain in the bloc.

The Scottish Parliament voted Tuesday to oppose Mrs. May's plans to begin negotiations on withdrawal by the end of March.

THE WALL STREET JOURNAL.

Candidate for German Chancellor Finds a Rallying Cry: Trump

Anton Troianovski

Feb. 7, 2017 1:35 p.m. ET

BOCHOLT, Germany—Martin Schulz, the Social Democratic candidate for chancellor of Germany, worked up a crowd at a rally this week by recalling his party's defiant opposition to the Nazis and exhorting them to confront what he said was another malign force: U.S. President Donald Trump.

Mr. Trump's "attacks on Europe are also attacks on Germany," Mr. Schulz said. "In a time when the world is drifting apart, in a time of Trumpism, we need values-based cooperation of the democracies in Europe now more than ever."

Such rhetoric has helped the 61-year-old Mr. Schulz, until recently the president of the European Parliament, set himself apart from the long-dominant force in German politics, Chancellor Angela Merkel, as the country embarks on campaigning for a general election in September.

A survey conducted by the polling firm INSA for the Bild newspaper and released Monday showed his party, known as the SPD, ahead of Ms. Merkel's conservatives for the first time in more than five years.

Mr. Trump's victory in U.S. elections in November energized his ideological allies in Europe's antiestablishment parties. But Mr. Schulz's case shows it could also end up boosting support for centrist politicians who oppose the new American president's policies.

More than 75% of Germans disapprove of Mr. Trump's record so far, according to another INSA/Bild poll. A third survey, by Infratest Dimap, found that since Mr. Trump's election, the share of Germans who consider the U.S. to be a trustworthy partner has fallen to 22% from 59%.

The anti-immigrant and antiestablishment Alternative for Germany, which has praised Mr. Trump, has struggled in the polls

recently. It dropped to 12% in this week's INSA poll, compared with 15% in early January.

It is unclear how broad and durable the fallout from Mr. Trump's rhetoric and policies will be among voters and politicians in Europe, and whether it will result in the widespread anti-American feelings that swept Europe before and after the 2003 invasion of Iraq.

British Prime Minister Theresa May, who traveled to Washington to cement her country's "special relationship" with the U.S. shortly after Mr. Trump took office, has faced criticism from her opponents.

More than 1.8 million people in the U.K. have signed a petition calling on Mrs. May's government to cancel or downgrade a planned state visit by Mr. Trump.

On Monday, the speaker of the British House of Commons, John Bercow, said he opposed allowing Mr. Trump to address Parliament.

"I feel very strongly that our opposition to racism and to sexism and our support for equality before the law and an independent judiciary are hugely important considerations," he said.

On many issues, Mr. Schulz's positions are similar to those of Ms. Merkel: He largely supported her acceptance of refugees and sanctions against Russia over the crisis in Ukraine. But his willingness to speak out bluntly against Mr. Trump has been a big difference.

Ms. Merkel, who allowed hundreds of thousands of refugees and migrants from the Middle East and North Africa into Germany in 2015, has been a frequent target of Mr. Trump's attacks.

The chancellor, however, has avoided responding in kind and has sought to highlight possible areas of cooperation.

After Mr. Trump called her refugee policy catastrophic, she said: "He has presented his positions once more—they have been known for a while. My positions are also known."

Mr. Schulz's rhetoric, in contrast, has been sharp. "What the U.S. government is starting right now is a cultural struggle," Mr. Schulz said in an interview in Saturday's issue of Der Spiegel magazine. "We should confidently take up this struggle and say: We have a different model for society."

The magazine's cover showed Mr. Trump brandishing a bloodstained knife and holding the severed head of the Statue of Liberty.

Mr. Schulz "is using the greater freedom that he has" as a candidate rather than a head of government to pressure Ms. Merkel, INSA chief Hermann Binkert said. "She can't act as undiplomatically."

Speaking to SPD members in this town near the Dutch border on Monday, Mr. Schulz delivered a paean to past comrades who voted against a 1933 law that paved the way for Hitler's dictatorship.

The Nazis' "methods were visible in part in the U.S. campaign, by the way—slander, malevolence, intimidation," Mr. Schulz said. He quoted the British statesman Edmund Burke: "The only thing necessary for the triumph of evil is for good men to do nothing."

Then he told the crowd: "Today, I think we are called upon to do something good."

The aggressive approach is allowing the Social Democrats to draw a contrast to Ms. Merkel, something they have struggled to do over the past three years as the junior partners in her government.

Ms. Merkel leads the conservative Christian Democrats but has adopted many policies popular on the left, from accepting refugees to enacting a minimum wage and rejecting nuclear energy.

If the Social Democrats finish first in the election, Mr. Schulz would be highly likely to become chancellor, but he would almost certainly need a governing partner to form a majority. It could recast a coalition with Ms. Merkel's conservatives or shift to one with the Greens and the far-left Left.

Even if the Social Democrats don't finish first, they could still try to form a left-of-center coalition if they, the Greens, and the Left combined manage to secure more than half the seats in parliament.

Taking on Washington plays well with the Social Democratic base. In 2002, then-Chancellor Gerhard Schröder of the Social Democrats won re-election in part because of his loud opposition to a U.S.-led invasion of Iraq.

Ms. Merkel's allies and supporters counter that uncertain times demand the steady hand of the chancellor, who has been in power since 2005.

Elisabeth Hakvoort, 66, said that while Ms. Merkel was "a bit more careful" in addressing Mr. Trump than Mr. Schulz has been, she had the experience to take the right approach.

Werner Moschüring isn't convinced. The retired Volkswagen worker said after a decade of not voting, he may cast his ballot for the Social Democrats this year. Mr. Schulz, he said, would be the right man to take on Mr. Trump.

"He has a tougher approach," Mr. Moschüring said. "Merkel is too squishy."

Write to Anton Troianovski at anton.troianovski@wsj.com

THE WALL STREET JOURNAL.

German Businesses Join Critics of Trump's Protectionist Agenda

Friedrich Geiger

Feb. 7, 2017 10:54 a.m. ET

BERLIN—German companies should unite with their U.S. rivals in opposing President Donald Trump's protectionist agenda, the head of one of Germany's largest business lobbies warned on Tuesday in the latest sign of mounting corporate opposition to the new U.S. administration.

German and U.S. companies should "make clear to voters in Ohio, in Detroit, that there won't be jobs but [instead] you will become a big loser if you don't restrict your president," Anton F. Börner, head of the BGA association of German exporters, told journalists in Berlin.

He said an isolationist turn would result in economic decline and falling U.S. stock prices. This could in turn hit U.S. retirement funds while new import tariffs could fuel inflation, harming pensioners and consumers and making Mr. Trump vulnerable, Mr. Börner added.

For years, business leaders in trade-reliant Germany have long cultivated a diplomatic, nonpolitical style to avoid ruffling feathers in their biggest export markets, from the U.S. to China and Russia. But Mr. Trump's election and his vocal criticism of globalization have changed that amid mounting fears here that a broad backlash against trade could hurt the business model of Europe's largest economy.

Mr. Börner's comments come after Joe Kaeser, CEO of Siemens AG, last week slammed Mr. Trump's executive order to temporarily restrict citizens of seven Muslim-majority countries from entering the U.S., saying "America became great through immigrants".

The complaints also echo similar criticism by U.S. companies that either rely on exports or hire heavily abroad.

The tone of the criticism is in contrast with the more diplomatic language used by Chancellor Angela Merkel. Last week, Sigmar Gabriel, Ms. Merkel's foreign minister, sought to stress areas of possible agreement and cooperation during a visit to Washington.

German companies should turn to Boeing Co., Microsoft Corp., Alphabet Inc.'s Google, Facebook Inc. and Starbucks Corp. among others as potential allies in a broad front against the White House's antitrade economic agenda, Mr. Börner said.

"Donald Trump regards the U.S. as his company," said Mr. Börner. "Reason, logic and willingness to compromise have difficulties getting along with him."

The BGA chairman warned against any hope that a U.S. retreat into isolation could open up new market opportunities for German companies, saying a trade war would outweigh such positives and leave everybody worse off.

Write to Friedrich Geiger at friedrich.geiger@wsj.com

The Washington Post

Editorial : From Romania, an encouraging sign for democracy

https://www.facebook.com/washingtonpostopinions

AT A time when democracy is eroding in several nations in Central and Eastern Europe, an encouraging countermovement has suddenly erupted in Romania, a formerly Communist nation of 20 million on the Black Sea. For the past week, huge demonstrations by hundreds of thousands of people have rocked the capital, Bucharest, and other major cities in what has been widely described as the largest political mobilization since the collapse of the Communist regime in 1989. The rallying point has been simple, direct and, given the country's history, inspiring: a

demand that the government not relax anti-corruption laws.

Romanian governments have been permeated with graft at least since the days of dictator Nicolae Ceausescu, but after joining the European Union in 2007 the nation's political elite came under mounting pressure from Brussels to reform. The eventual result was the establishment of the independent National Anticorruption Directorate, which has been prosecuting cases at the rate of more than 1,000 a year — including those of senior political figures.

After handily winning a low-turnout election in December, the ruling Social Democratic Party perceived an opening to reverse the cleanup process. It first proposed a law that would pardon anyone serving less than five years for certain crimes — a measure that seemingly could apply to the party's de facto leader, Liviu Dragnea, who received a two-year suspended sentence for electoral fraud. Then came a bolder stroke: On Jan. 31, the party issued a late-night emergency decree decriminalizing some forms of corruption if the amount of money involved was less than 200,000 Romanian lei, or about $48,000. That would get Mr. Dragnea off the hook on another corruption charge on which he faces trial, and allow him to become prime minister. It would also allow the government to resume the practice of buying the support of mayors and other local politicians across the country with handouts of cash.

The bet that an apathetic populace would swallow this brazen maneuver proved badly misguided. Romanians almost immediately took to the streets, stirred by civil society groups, the Romanian Orthodox Church and the country's independent elected president, who denounced the decree. By last weekend the crowds, though peaceful, had swelled to such proportions that the cabinet under Prime Minister Sorin Grindeanu voted to rescind the measure. But demonstrators still returned to the streets on Sunday and Monday, seeking the resignation of ministers.

The government appeared likely to survive after President Klaus Iohannis told Parliament on Tuesday that new elections were not called for, though a cabinet reshuffle may be necessary. The Social Democrats could still seek to gut the anti-corruption law through parliamentary action. But that would risk enraging an already aroused populace. Romanians have demonstrated that democratic values have taken root in the country over the past two decades, with the help of European allies and the United States. That's an achievement that doesn't benefit only their nation: It makes Europe more stable and more safe. The Trump administration should consider such progress before proposing to trash the European Union.

INTERNATIONAL

The Strategic Suicide of Aligning With Russia in Syria

Donald Trump wants to make a partner of Russia in Syria. One of Trump's most consistently expressed foreign policy ideas, both during the campaign and now since his election, is that the United States and Russia are natural counterterrorism allies, and that the obvious place to begin such cooperation is in Syria, against the Islamic State. Both the United States and Russia are waging war against the Islamic State, Trump's reasoning goes, so the best way to hasten the defeat of that organization, and perhaps to launch a broader U.S.-Russia rapprochement, is by bringing Russia into the counter-Islamic State fold and undertaking more coordinated military action targeting the group. In a recent Fox interview, in which Trump controversially drew a moral equivalence between the United States and Vladimir Putin's Russia, he said "it's better to get along with Russia than not and if Russia helps us in the fight against ISIS which is a major fight, and Islamic terrorism all over the world, major fight, that's a good thing."

Trump's sentiments on this score are not new. But in the past four weeks, there have been repeated hints that such cooperation might simply be part of a larger U.S.-Russia "grand bargain," in which Moscow agrees to provide enhanced cooperation on counterterrorism and counter-Islamic State operations, and Washington does away with economic sanctions related to Russian aggression in Ukraine. On Sunday, Vice President Mike Pence suggested that the Trump administration's decision on sanctions would depend on whether "we see the kind of changes in posture by Russia and the opportunity perhaps to work on common interests," including making common cause against the Islamic State.

This idea fits squarely within the overarching themes of Trump's grand strategy, which we described in a previous article. The idea that the conflict with "radical Islamic terrorism" is all-consuming and existential; the willingness to cut transactional deals with any actor with whom the United States shares even the most passing interests; the aspiration to get other countries to do more in the world so that the United States can slough off some of the burdens of superpowerdom — all of these concepts are at play in Trump's advocacy of a counterterrorism partnership with Putin. But hopping in bed with Russia in Syria is an ill-considered and potentially dangerous proposition, and trading away Ukraine-related sanctions for this cooperation would be an even worse idea, for several reasons.

Contrary to what Trump has often asserted, the fact is that Russia's military campaign in Syria — the campaign that Trump essentially wants to marry with U.S. military efforts against the Islamic State — has never actually been about counterterrorism. Its overarching goal, and one that it has been fairly successful in achieving, is to fortify the Assad regime in power and thereby protect Russia's strategic position in Syria and the broader Middle East. This means that the vast majority of Russian airstrikes and other operations have not targeted extremist groups, whether the Islamic State or the Nusra Front (al Qaeda's Syrian affiliate, which now calls itself Jabhat Fatah al-Sham). Rather, Moscow has most aggressively targeted the non-extremist opposition to Assad (and civilians in opposition-held areas), in an effort to eliminate any sort of politically plausible and internationally acceptable alternative to the regime. From the outset of the Russian intervention in September 2015, in fact, as much as 85-90 percent of Russian airstrikes have targeted this moderate opposition. Russia is fighting a war in Syria, all right, but it certainly isn't our war.

Accessory to a crime

Cooperating with Russia would also likely mean allying with Assad — Russia's junior partner in the conflict — and thus partnering with a regime that is responsible for the worst humanitarian catastrophe of the 21st century. Just this week, Amnesty International reported that 13,000 people have been hanged in Saydnaya military prison since 2011, in addition to countless others who have died from torture or inhumane conditions. This probably doesn't bother Trump — he has asserted (mostly erroneously) that "Assad is killing ISIS," and he has made clear that he believes the United States needs to be willing to play rough, perhaps to the point of committing war crimes, in the struggle against jihadist terror groups. But the dangers of allying, whether explicitly or tacitly, with Assad go far beyond humanitarian concerns.

If the United States casts its lot with forces that are killing countless Syrians, mostly Sunnis, in the context of the Syrian civil war, that will only foster more extremism — directed at America — over the long-term. The next time Russia and Assad pull an Aleppo (in Idlib province, for example), by bombing and starving a vulnerable civilian population into de facto surrender, the United States will be complicit, and it will eventually reap all the ideological blowback that comes with such complicity. Moreover, it will also be complicit in behavior that is likely to worsen the ongoing migration crisis, which continues to destabilize Europe politically, and which Trump himself has blamed for the spread of Islamic radicalism on the continent.

If Trump wants to intensify the campaign against the Islamic State, he will need Saudi Arabia, the other Persian Gulf monarchies, and Turkey to intensify their own efforts.

That's not the only way in which partnering with Russia and Assad

will undercut, rather, than enhance, U.S. counterterrorism efforts. This approach is likely to alienate precisely the Middle Eastern allies the United States needs in the counter-Islamic State fight. If Trump wants to intensify the campaign against the Islamic State, he will need Saudi Arabia, the other Persian Gulf monarchies, and Turkey to intensify their own efforts. But many of those countries loathe Assad — so much, in fact, that they have been supporting Syrian opposition forces for several years. If the United States effectively joins forces with Putin and Assad in Syria, it runs the risk of undercutting cooperation with these Middle Eastern partners. If a U.S.-Russian partnership in Syria also leads to a further weakening of the non-extremist opposition — as it almost certainly will — the Gulf countries and Turkey (which already back a number of hardline Islamist opposition groups) might also respond by becoming even less discriminating with respect to which groups they support in Syria, thereby fueling rather than extinguishing the forces of extremism in that country.

As this danger implies, the most likely beneficiaries of a U.S.-Russia compact are the exact same extremist groups against which that partnership would ostensibly be directed. For if the remaining moderate Syrian opposition groups perceive that the United States has abandoned them and made common cause with Moscow, they will have no incentive to resist aligning with Nusra and other extremists, if only as a means of survival. The result is that Nusra and other extremist groups will become even more deeply woven into the fabric of the Syrian opposition than they already are, giving them greater political and military leverage down the road. Extremist groups are most easily targeted and defeated when they are isolated; partnering with Moscow would have precisely the opposite effect.

White House Press Secretary Sean Spicer, left, yields the briefing room podium to National Security Adviser Michael Flynn on Feb. 1, before his announcement that the United States would officially put Iran "on notice." (WIN MCNAMEE/Getty Images)

The Iran conundrum

Moreover, it will be extremely difficult to pursue any sort of partnership with Russia in Syria without cutting across another one of Trump's oft-stated foreign-policy priorities — pushing back more aggressively against Iran. Last week, both Trump and National Security Advisor Michael Flynn put Tehran "on notice" that their destabilizing activities across the Middle East would no longer be tolerated, and quickly announced new sanctions related to Iran's ballistic missile program. Yet Iran is aligned with Putin and Assad in Syria, and it has a fundamental strategic interest in seeing Assad's regime preserved. Iran is, therefore, likely to gain significantly from any situation in which Washington casts aside the Syrian opposition and joins up with Moscow and its allies. In an effort to work with Russia to create a "safe zone" in southern Syria, for example, the United States might find itself in the position helping Iran consolidate its supply lines to Hezbollah and its influence in the Levant — a prospect that the Trump administration, to say nothing of the Israelis, would presumably find horrifying.

The Trump administration could attempt to mitigate this danger by conditioning its cooperation with Russia on it and the Assad regime cutting ties with Iran and Hezbollah and requiring their forces to depart the country. (The Trump administration may also attempt to get Moscow to cut off its military sales to Iran.) A deal like this could conceivably keep Saudi Arabia, Turkey, and other regional states "on side" since their opposition to Assad mostly stems from his alliance with Tehran. But there's a catch: given the broad and deep role Iran, Hezbollah, and Iranian-backed Shiite militias play in propping up Assad's forces on the ground, it is highly unlikely Assad would jettison this partnership — and, if he tried, Tehran would push back hard. Previous ceasefires cut behind Iran's back have been scuttled by Iranian-backed forces. Any attempt to completely box Iran out of Syria would go to the heart of Tehran's interest in maintaining an ability to project power into the Levant and support Hezbollah against Israel. Thus, if Team Trump tries to cut a deal with Putin at Iran's expense they should expect to see Iran's well-armed proxies — in both Syria and Iraq — play a spoiler's role that could undermine counter-Islamic State efforts and incentivize Iranian-backed forces to target vulnerable U.S. forces on the ground in those countries.

For all of these reasons, joining forces with Russia would be a dangerous gambit. The Obama administration understood those dangers when it considered pursuing more limited military cooperation with Russia in Syria in 2016. As was widely reported at the time, the internal administration debate over whether to pursue even minimal military cooperation was one of the most contentious issues of Obama's second term. Thus, the Obama administration always made any possible counterterrorism cooperation with Russia in Syria subject to strict conditions.

In the summer and early fall of 2016, during the negotiations over a potential "Joint Implementation Center" to conduct coordinated targeting against Nusra and the Islamic State, Obama insisted that Moscow enforce a nationwide ceasefire (including in besieged Aleppo) and ensure unfettered humanitarian access across Syria for the United Nations as preconditions. Obama also required that, if and when the Joint Implementation Center was established, Russia commit to following the laws of war, avoid targeting the moderate opposition, ground Assad's air force over most of the country, provide the United States a veto over Russian counterterrorism targets, and press the Assad regime back into negotiations on a political transition. Ultimately, the Russians proved unable or unwilling to convince Assad (and Iran) to meet these conditions, and the proposal collapsed.

This should be an obvious warning to Trump. If his administration engages in no-strings attached cooperation with Moscow, it will be complicit in Russian actions fueling the civil war and Islamic extremism. And if Trump attempts to impose meaningful conditions, Putin is unlikely to agree to, or consistently honor, the deal.

It's already working

If going all-in with Russia in Syria is thus likely to prove counterproductive, the irony is that it is also unnecessary. Trump often alleges that the counter-Islamic State campaign is failing, and that Russia can bring a great deal of counterterrorism capability to the table. But neither assertion is true. On the few occasions when Russia has actually targeted the Islamic State, it hasn't done that well. In fact, one of the few areas in which the Islamic State has gained territory in the past 18 months has been against Russian and Syrian regime forces around Palmyra. Nor can Russia bring much effective military muscle to a campaign to liberate Raqqa; its forces are largely committed to fighting the opposition and stabilizing Assad's regime in western Syria, far from the de facto capital of the Islamic State.

Most importantly, the counter-Islamic State campaign is not failing; it is progressing steadily and is now on the verge of success. U.S. and U.S.-supported operations have significantly reduced the Islamic State's manpower, territory, combat capabilities, financial resources, and morale – especially since the campaign was intensified in mid- and late 2015. The Islamic State has not taken significant territory from U.S.-backed forces since the fall of Ramadi in May 2015; it has lost control of cities from Fallujah and Ramadi in Western Iraq, to Manbij and Jarabulus in Northern Syria. Operations to retake Mosul and Raqqa — the geographic hubs of the so-called caliphate, and the last major population centers under Islamic State control — are underway; approximately half of Mosul has been retaken and Raqqa is being encircled by a U.S.-backed coalition of Syrian Kurds and aligned-Arab forces. Even if Trump does nothing new to augment the counter-Islamic State campaign, those cities are likely to be liberated in the next several months.

To be sure, there are still very tough issues that have to be navigated in these fights — including post-liberation governance challenges in Mosul and managing tensions between Syrian Kurds and NATO ally Turkey in the context of Raqqa. But deeper cooperation with Moscow would do almost nothing to address these lingering challenges.

Looking beyond the Islamic State, potential external operations by Nusra represent a threat that will likely grow in the years ahead. But this threat will be made worse — not better — if Trump aligns with Russia in a manner that pushes more opposition groups into Nusra's clutches. To address this threat, it would be better for the United States to work with all parties to advance a political settlement that reduces incentives for opposition groups to cooperate with Nusra, while intensifying its unilateral operations against that group's external operators.

President Donald Trump speaks with Vladimir Putin from the Oval Office, on Jan. 28. (DREW ANGERER/Getty Images)

The art of the steal

Last but not least, if the idea of lining up with Russia against the Islamic State isn't bad enough, the notion of trading away Ukraine-related sanctions relief to obtain such cooperation is even worse. The Trump team may view such a deal as a shrewd bargain that exchanges something the president doesn't care about — Ukraine — for Russian cooperation where the United States needs it most. But in reality, this would be a needless giveaway. The one thing that became very clear to us in working on this issue in 2015-2016 is that

Russia wants counterterrorism cooperation in Syria as a goal in and of itself. Putin sees such cooperation as a way of legitimizing his pro-Assad campaign and breaking Russia's diplomatic isolation. In other words, there is no need for any unrelated side payments to sweeten the deal. If Trump executes such a "bargain," then one imagines that there will be a lot of quiet Kremlin gloating about "the art of the steal." The only thing throwing Ukraine under the bus would accomplish is to gravely damage U.S. credibility in Europe, unnerve other anxious front line states along Russia's border, and embolden further aggression by Moscow.

We suspect that none of these issues may be enough to dissuade Trump from pursuing a Russian gambit. Trump has consistently demonstrated that his geopolitical illiteracy knows few bounds. Senior advisors like Secretary of Defense James Mattis and General Joseph Dunford, the chairman of the Joint Chiefs of Staff, likely understand the risks — but the president's reasoning is frequently impervious to contradictory information or expertise. Still, the very real dangers attached to a U.S.-Russia partnership in Syria really ought to give the president and those around him some pause. Trump wants a stronger and more effective counterterrorism strategy — but playing Russian roulette in Syria is not the right answer.

Top image credit: LOUAI BESHARA/AFP/Getty Images

FP Foreign Policy

The Slippery Slope of Trump's Dangerous 'Whataboutism'

- By Jake Sullivan

"T*here are a lot of killers. We've got a lot of killers. What do you think — our country's so innocent?"*

And so Donald Trump once again rushed to Vladimir Putin's defense.

Trump's comments to Fox's Bill O'Reilly this weekend closely echoed a 2015 conversation with MSNBC's Joe Scarborough, in which Scarborough observed that Putin "kills journalists that don't agree with him," and Trump replied: "Well, I think that our country does plenty of killing, too."

Apparently when someone calls Putin a killer, Trump's response is to call Americans killers. It's a chilling thing that our own president doesn't seem to know or value that, in America, we don't kill journalists or political opponents like Putin does.

But I want to focus on a different aspect of Trump's remarks.

As others have noted, Trump isn't simply embracing Putin's preferred talking points. He's adopting Putin's favorite propaganda device — a refurbished Soviet tactic that Edward Lucas, who spent years as the Economist's bureau chief in Russia, named "whataboutism." Lucas described it this way: "Criticism of the Soviet Union (Afghanistan, martial law in Poland, imprisonment of dissidents, censorship) was met with a "What about…" (apartheid South Africa, jailed trade-unionists, the Contras in Nicaragua, and so forth)."

In 2008, Lucas saw whataboutism making a comeback in Russia. By 2012, it was out in full force. Here's one reported example: When Western governments condemned Putin's crackdown on the post-election protests, "Kremlin officials were ready with: 'What about the United Kingdom? Breaking the law during public gatherings there could lead to fine of 5,800 pounds sterling or even prison.'"

Since then, Putin has made this a steady drumbeat in his defense of Russian aggression in Ukraine and Syria. But what about Kosovo, he asks? What about Iraq? What about Libya? What about? What about? What about?

"Whataboutism," with its sly equivalences, false parallels, and misleading analogies, can exhaust and frustrate those who confront it. Putin is an especially skillful practitioner.

Now something new is happening. The American president is taking Putin's "what about you" tactic and turning it into "what about *us*?" He is taking the very appealing and very American impulse toward self-criticism and perverting it. It's simplistic, even childish — but more importantly, it's dangerous. Here's why.

First, whataboutism is unilateral moral disarmament. America isn't perfect, but it is principled. We care about freedom and equality and decency. We (mostly) try to do the right thing — and when we don't, Americans hold their country to account. That's one of the many things that makes us great. There's a crucial practical benefit to our national character; past presidents have seen that it can be a powerful asset in shaping global affairs. Trump, on the other hand, has made it clear that, as far as he's concerned, our national character is completely unremarkable. That takes off the table a raft of American foreign policy tools: moral calls to action, rallying to higher aspirations, shaming and cajoling. After all, we've got killers too.

Second, whataboutism stunts America's global leadership. Leadership requires action when bad things happen abroad. Trump's attitude leads to inaction and paralysis. Putin's a killer? So what, so are we. And just like that, the mistake that was the Iraq War gives a free pass to Putin to invade his neighbors (we invaded countries, too!). Our own errors mean that we can't contest a whole host of wrongs our adversaries might commit (we assassinated foreign leaders, too! We bombed civilians, too!). A country cannot lay claim to leadership if it is in the grips of this logic.

Third, it puts the American people at risk here at home. Maybe you agree with Trump that America isn't so great compared to other countries — fine. But you should still be alarmed that our president doesn't blink before throwing us under the bus. And you should wonder whether he's going to even acknowledge the threats we face, much less confront them. Remember what Trump defenders said when faced with overwhelming, conclusive evidence that Russia interfered in our election. You guessed it: we spy, too! The American president should do something about Russia interference in America's elections because he is the American president. Full stop. But whataboutism takes away the responsibility to do the right thing.

Finally, whataboutism — with all of its blurring and even outright erasing of moral lines — can easily creep into domestic policy debates. Consider the response of Trump's defenders to criticism of the immigration executive order: Barack Obama did it, too! He suspended Iraqi refugees in 2011! Never mind that what Obama did was different in key ways that ruin the analogy. He did something vaguely similar — and therefore we can't have a reasonable, fact-based conversation about the obvious logical, moral, and policy flaws in Trump's edict. Whataboutism at home, just like whataboutism abroad, could slowly but surely exhaust and frustrate the American public until we just throw up our hands.

Scarier still, if Trump can see no moral distinction between Russia's murder of journalists and the "plenty of killing" America apparently already does, then whataboutism grants Trump a frightening latitude to commit awful deeds as president. In Trump's telling, that's already part of the job description.

Let's remember what genuine moral analysis and honest self-criticism look like. Obama didn't always get the balance right, but he had powerful moments. In his speech in Brussels in 2014, he effectively parried Putin's arguments on Ukraine. He exploded the false analogy to Kosovo and even to Iraq — a war he had vigorously opposed. A year later, in Selma, he went on to broaden the argument, describing how America errs, then learns, then ultimately improves.

That's what we need from an American president. Not this.

THE WALL STREET JOURNAL.

Holman Jenkins Jr. : The Real Vladimir Putin

Holman W. Jenkins, Jr.

Updated Feb. 7, 2017 7:08 p.m. ET

While Donald Trump is at it, he might do Vladimir Putin the additional favor of endorsing December's Rosneft deal.

That transaction was supposed to be a spectacular demonstration of Russia's appeal for Western investors despite sanctions. It hasn't exactly worked as planned. Murky though the details are, Russian pockets appear to have supplied much of the money and taken much of the risk to elicit the participation of two big outsiders, the Qatar Investment Authority and Anglo-Swiss mining giant Glencore.

But Mr. Trump could always pipe up and say the deal passes the smell test. After all, the West engages in some dodgy deals too.

OK, that was a joke. But Rosneft matters. The deal is part of Mr. Putin's strategy, more desperate than it seems, to renormalize relations with the world after Russia's invasion of its neighbor Ukraine.

We'll differ slightly from those who think Mr. Trump's comments to Fox's Bill O'Reilly, in which he pooh-poohed Mr. Putin's reputation as an alleged murderer, reflect some consistent and coherent Trumpian worldview.

The comments were just unwise, spoken by somebody with a thin grasp of his circumstances. Mr. Trump, clumsily, was actually keeping up a longstanding U.S. policy of covering up for Mr. Putin.

Yet here's the ironic result. Mr. Trump has himself become the occasion for sliding sideways into the official public realm the most explosive Putin secret of all. How many CIA chiefs and top diplomats have passed before Congress since 1999 and yet never were asked about Ryazan? That's the Russian city where an alleged Chechen terrorist bombing campaign came to an abrupt end after Mr. Putin's own security officials were caught planting a bomb in the basement of an apartment block.

A search of congressional hearing transcripts finds only three mentions of Ryazan over the decades. When I once put the question informally to an ex-top national security official, all I got was a studiously blank stare and a claim not to remember seeing any reports on the subject.

Then came President Trump. Lo, in a nationally broadcast hearing, Florida Republican Marco Rubio put to Secretary of State nominee Rex Tillerson a direct question on the "incredible body of reporting" suggesting the apartment bombings were carried out by the Putin regime.

Mr. Tillerson, a private citizen, was exactly the wrong person to ask. But he gamely admitted to being aware of the reports: "Those are very, very serious charges to make," he said, adding, "I understand there is a body of record in the public domain. I'm sure there's a body of record in the classified domain."

Now confirmed as secretary of state, Mr. Tillerson will be back many times before the Senate, and presumably Mr. Rubio will ask him what he now believes after seeing classified documents.

This may be a turning point. Presidents Clinton, Bush and Obama all wanted things from Mr. Putin and had a firm policy of ignoring Ryazan. They needed to preserve Mr. Putin's acceptability as somebody Western leaders could meet and deal with.

Suddenly, a major U.S. political party, the Democrats, has a direct partisan incentive to dispense with the shroud of silence. Nancy Pelosi said on Sunday: "I want to know what the Russians have on Donald Trump."

She and her colleagues, especially members of the Democratic foreign-policy establishment, will eventually figure out the real question they should be asking is what the CIA has on Mr. Putin that can be used now to tar Mr. Trump.

The emergence of ugly truths, let's be clear, would be a profound inconvenience to Western leaders, who, on balance, have preferred being able to deal with Mr. Putin over having to treat him as untouchable.

Mr. Trump turns out not to be such a break from his predecessors after all. He wants to do deals with Mr. Putin too. But with his untamed, careless mouth, he has contributed to what was probably inevitable anyway. The murders of Alexander Litvinenko, Anna Politkovskaya and Boris Nemtsov, the apartment bombings that killed 293 and injured hundreds more, all this was not going to be swept under the rug forever. Mr. Putin's bid for rehabilitation is not going well. Witness Russia's weak and counterproductive but necessary demand that Fox News "apologize" for the O'Reilly comments. Witness the recent and comical dog-and-pony meeting between Mr. Putin and Western parties in the Rosneft deal, aimed at manufacturing an impression that everything is hunky dory for investors in Russia.

Read a certain way, Mr. Trump's comments make him the first U.S. president to admit Mr. Putin's real nature. One theory is that Russian power grouplets are committed to Mr. Putin come hell or high water. This is debatable. If Mr. Putin's fate is pariah-hood, quite a few powerful Russians may wish not to share it.

POLITICO

Trump's faux-pas diplomacy

By Tara Palmeri, Kenneth P. Vogel, Josh Dawsey and Nahal Toosi

President Donald Trump spent much of a recent phone call with French President Francois Hollande veering off into rants about the U.S. getting shaken down by other countries, according to a senior official with knowledge of the call, creating an awkward interaction with a critical U.S. ally.

While the Hollande call on Jan. 28 did touch on pressing matters between the two countries — namely the fight against the Islamic State — Trump also used the exchange to vent about his personal fixations, including his belief that the United States is being taken advantage of by China and by international bodies like NATO, the official said.

At one point, Trump declared that the French can continue protecting NATO, but that the U.S. "wants our money back," the official said, adding that Trump seemed to be "obsessing over money."

"It was a difficult conversation, because he talks like he's speaking publicly," the official said. "It's not the usual way heads of state speak to each other. He speaks with slogans and the conversation was not completely organized."

The revelations about the unconventional call are only the latest in a series of leaked accounts of Trump's calls with foreign leaders that are generating increasing doubts about the new president's style of diplomacy at a time of global uncertainty. Diplomats and politicians across the spectrum and around the world are worried that Trump's seemingly unstructured and personality driven approach to dealing with foreign leaders risks alienating traditional allies and emboldening foes.

Trump and the White House have so far brushed off the concerns, which spiked after reports emerged that he warned Mexican President Enrique Peña Nieto that he might send troops to Mexico to clear out the "bad hombres down there" and that he argued with Australian Prime Minister Malcolm Turnbull over a prior agreement with the Obama administration to resettle refugees from a camp in Australia, saying that Turnbull is giving him "the next Boston bombers."

The White House has provided sanitized readouts, including of the call with Hollande, presenting it as a focused conversation with Trump expressing his support for NATO. "President Trump reaffirmed the U.S. commitment to NATO and noted the importance of all NATO Allies sharing the burden on defense spending," the release read. "The leaders also lauded our combined efforts to eliminate ISIS in Iraq and Syria."

A member of the National Security Council also pushed back against the senior official's assessment of the Hollande call.

"This is mischaracterization due to the nature of the call," said an NSC communications aide. "They did discuss the issue of countries meeting their defense commitments under NATO. They agreed that was important that countries meet their goals." (France is among the NATO members who does not meet the target of 2 percent of GDP to be contributed to the alliance's defense.)

The spokesperson also did not elaborate on why Trump brought up the topic of China with the French president.

Trump also defended himself at the National Prayer Breakfast last week, telling the crowd, "When you hear about the tough phone calls I'm having, don't worry about it. Just don't worry about it."

But there are plenty of people worried about it.

"This is not the way you lead our country," Sen. Mark Warner, the top Democrat on the intelligence committee, said of the Mexico and Australia conversations. Warner added in a brief interview that he remains concerned about Trump's combative calls with foreign leaders.

Veterans at the State Department are also worried about Trump's brash style in dealing with world leaders and his early forays into foreign policy.

The phone calls to foreign leaders from France, Germany, Mexico, Russia, and Japan during Trump's first week in office came with little guidance from the State Department, angering some at the agency, which is accustomed to briefing presidents extensively on geopolitical currents before the calls happen.

State Department officials say there's little respect at Foggy Bottom for Trump's Twitter diplomacy, where longtime foreign policy hands find themselves simultaneously frustrated and relieved by the fact that they are limited in their ability to go out and try to clean up Trump's diplomatic mess because of all the vacancies at the department.

Still, not all of Trump's phone calls have gone off the rails.

The trick to a good call with Trump is less about policy agreement than personal chemistry, said two people familiar with some of the world leader talks.

For example, New Zealand Prime Minister Bill English began his

Sunday evening call with Trump by thanking the president for taking the time to talk during the Super Bowl and chatting about New Zealand golfer Bob Charles, said someone briefed on the call. The person said that set the tone for an amicable conversation, even though English went on to express disagreement with Trump's executive order restricting travel from seven predominantly Muslim countries.

And, when the politics and the personalities mesh, the calls can become mutual admiration societies, as was the case with Trump's call during the transition with Milos Zeman, the president of the Czech Republic.

Zeman is a hardliner on both immigration and Iran, and he and Trump found common ground on those issues, but also hit it off personally in a big way, said a Czech political operative briefed on the call.

Trump told Zeman "you're my type of guy," and invited him to the White House repeatedly during the course of the conversation (a visit was subsequently, but tentatively, scheduled for April). "We expected it to go well, but it was surprising how well it went. The chemistry was very good," said the Czech operative.

There is intense speculation in diplomatic circles about how Trump's off-the-cuff style may have played out during a call last month with Russian President Vladimir Putin, whose country is considered America's top geopolitical foe, but for whom Trump has had kind words. The White House released only a brief anodyne readout of that phone call, and so far, few additional details have been disseminated.

As for the calls that did result in either leaks or unpleasantries, State Department officials have been struggling to manage the fallout, according to an agency official.

Normally, this person said, any change in foreign policy — or discussions on the calls — would be heavily vetted with experts and senior department officials. "These are usually the most orchestrated of affairs," this person said. "They aren't orchestrated like that anymore."

This person said "what really bothers you about this administration is they don't care about the experts and what we've done here for decades. I don't think they trust us for anything."

For the most part, American officials in embassies around the world have had to refer to the White House when asked about policy direction or the president's verbal lashes. Because Secretary of State Rex Tillerson was confirmed just days ago -- and a slew of top posts at the department remain unfilled -- most U.S. diplomats simply don't have much guidance about what to say to their counterparts. The State Department's public affairs division has yet to hold its traditional daily press briefing under the new administration.

One U.S. diplomat mentioned avoiding doing a Q&A session at the end of a recent public appearance overseas to escape the likely volley of questions about the new president. When speaking to counterparts, the diplomat has been counseling patience, assuring them that things will likely improve once Tillerson appoints his subordinates and conversations on issues ranging from trade to security can resume in full.

The challenge, the diplomat noted, is that foreign leaders' patience will run out, especially in places which are facing important elections of their own in the next year or two. Those countries include Mexico, France and Germany, where the relationship with the U.S. is already a campaign issue.

The Trump disruption "becomes a bigger story than it otherwise might be because it's political season," the diplomat said. "It's the kind of thing you can manage for a week or so, but the story isn't really going away."

Since taking over, Tillerson, the former CEO of ExxonMobil, has spurred hope within the Foreign Service that he will be a stabilizing force. His first day was spent meeting or speaking on the phone with several of America's closest allies: the foreign ministers of Germany, Mexico, and Canada, as well as Israeli Prime Minister Benjamin Netanyahu.

In the days since, Tillerson also has spoken to counterparts in Australia, South Korea and Japan, as well as NATO Secretary General Jens Stoltenberg.

The State Department has offered thin readouts that nonetheless was reassuring to U.S. diplomats: "In all of his conversations, Secretary Tillerson stressed America's steadfast commitment to its key allies and partners as it works to protect the interests and safety of the American people."

He has his work cut out for him, though. According to the State official, the department is "on edge more than I've ever seen it, and I've worked here for more than two decades." Officials have even begun communicating covertly with each other, afraid the administration will listen in on them.

This person said that more people wanted to sign the dissent memo blasting Trump's recent executive order on refugees and immigrants, which ultimately attracted the signatures of nearly 1,000 State Department employees. But the official said there "was confusion on how to sign it, and whether it was going to cost you your job."

"We're hoping Tillerson helps figure it out," the State Department official said. "We don't know much about how he will do, but I think everyone is glad he's here."

Elana Schor contributed to this story.

The New York Times

Yemen Withdraws Permission for U.S. Antiterror Ground Missions

David E. Sanger and Eric Schmitt

WASHINGTON — Angry at the civilian casualties incurred last month in the first commando raid authorized by President Trump, Yemen has withdrawn permission for the United States to run Special Operations ground missions against suspected terrorist groups in the country, according to American officials.

Grisly photographs of children apparently killed in the crossfire of a 50-minute firefight during the raid caused outrage in Yemen. A member of the Navy's SEAL Team 6, Chief Petty Officer William Owens, was also killed in the operation.

While the White House continues to insist that the attack was a "success" — a characterization it repeated on Tuesday — the suspension of commando operations is a setback for Mr. Trump, who has made it clear he plans to take a far more aggressive approach against Islamic militants.

It also calls into question whether the Pentagon will receive permission from the president for far more autonomy in selecting and executing its counterterrorism missions in Yemen, which it sought, unsuccessfully, from President Barack Obama in the last months of his term.

Mr. Obama deferred the decision to Mr. Trump, who appeared inclined to grant it: His approval of the Jan. 29 raid came over a dinner four nights earlier with his top national security aides, rather than in the kind of rigorous review in the Situation Room that became fairly routine under President George W. Bush and Mr. Obama.

The raid, in which just about everything went wrong, was an early test of Mr. Trump's national security decision-making — and his willingness to rely on the assurances of his military advisers. His aides say that even though the decision was made over a dinner, it had been fully vetted, and had the requisite legal approvals.

Mr. Trump will soon have to make a decision about the more general request by the Pentagon to allow more of such operations in Yemen without detailed, and often time-consuming, White House review. It is unclear whether Mr. Trump will allow that, or how the series of mishaps that marked his first approval of such an operation may have altered his thinking about the human and political risks of similar operations.

The Pentagon has said that the main objective of the raid was to recover laptop computers, cellphones and other information that could help fill gaps in its understanding of Al Qaeda in the Arabian Peninsula, whose leaders have tried to carry out at least three attacks on the United States. But it is unclear whether the information the commandos recovered will prove valuable.

The White House continued its defense of the raid on Tuesday, making no reference to the Yemeni reaction.

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Sean Spicer, the White House press secretary, denied reports that the purpose of the attack was to capture or kill any specific Qaeda leader. "The raid that was conducted in Yemen was an intelligence-gathering raid," he said. "That's what it was. It was highly successful. It achieved the purpose it was going to get, save the loss of life that we suffered and the injuries that occurred."

Neither the White House nor the Yemenis have publicly announced the suspension. Pentagon

spokesmen declined to comment, but other military and civilian officials confirmed that Yemen's reaction had been strong.

It was unclear if Yemen's decision to halt the ground attacks was also influenced by Mr. Trump's inclusion of the country on his list of nations from which he wants to temporarily suspend all immigration, an executive order that is now being challenged in the federal courts.

According to American civilian and military officials, the Yemeni ban on operations does not extend to military drone attacks, and does not affect the handful of American military advisers who are providing intelligence support to the Yemenis and forces from the United Arab Emirates.

In 2014, Yemen's government temporarily halted those drones from flying because of botched operations that also killed civilians. But later they quietly resumed, and in recent years they have been increasing in frequency, a sign of the fact that Al Qaeda in the Arabian Peninsula, or AQAP, is considered one of the world's most dangerous terrorist groups.

The raid stirred immediate outrage among Yemeni government officials, some of whom accused the Trump administration of not fully consulting with them before the mission. Within 24 hours of the assault on a cluster of houses in a tiny village in mountainous central Yemen, the country's foreign minister, Abdul Malik Al Mekhlafi, condemned the raid in a post on his official Twitter account as "extrajudicial killings."

In an interview with Al Jazeera this week, Ahmed Awad bin Mubarak, Yemen's ambassador to the United States, said that President Abdu Rabbu Mansour Hadi raised concerns about the raid in a meeting with the American ambassador to Yemen in Riyadh on Feb. 2.

"Yemen's government is a key partner in the war against terrorism," Mr. Mubarak said in the interview, adding that Yemen's cooperation should not come "at the expense of the Yemeni citizens and the country's sovereignty."

The Pentagon has acknowledged that the raid killed several civilians, including children, and is investigating. The dead include, by the account of relatives, the 8-year-old daughter of Anwar al-Awlaki, the American-born Qaeda leader who was killed in a targeted drone strike in 2011.

In a sign of the contentiousness that public disclosures of the raid have caused, Pentagon officials on Tuesday provided lawmakers on Capitol Hill with a classified briefing on the mission. One participant in that meeting said military officials told them "they got what they wanted," without offering details. But Senator John McCain of Arizona, chairman of the Armed Services Committee, said afterward that the raid was a failure.

American counterterrorism officials have expressed growing fears about their lack of understanding of Qaeda operations in Yemen since the United States was forced to withdraw the last 125 Special Operations advisers from the country in March 2015 after Houthi rebels ousted the government of President Hadi, the Americans' main counterterrorism partner.

The Pentagon has tried to start rebuilding its counterterrorism operations in Yemen since then. Last May, American Special Operations forces helped Yemeni and Emirati troops evict Qaeda fighters from the port city of Al Mukalla.

Al Qaeda had used Al Mukalla as a base as the militants stormed through southern Yemen, capitalizing on the power vacuum caused by the country's 14-month civil war and seizing territory, weapons and money.

The deadly raid last month, launched from an amphibious assault ship off the Yemeni coast, was the first known American-led ground mission in Yemen since December 2014, when members of SEAL Team 6 stormed a village in southern Yemen in an effort to free an American photojournalist held hostage by Al Qaeda. But the raid ended with the kidnappers killing the journalist and a South African held with him.

The United States conducted 38 drone strikes in Yemen last year, up from 23 in 2014, and has already carried out five strikes so far this year, according to the Foundation for Defense of Democracies' Long War Journal.

In response to the raid, Al Qaeda's branch in Yemen urged followers last weekend to attack the United States and its allies in the country.

Qasim al-Raymi, the leader of the Qaeda offshoot, likened his fighters to extremists battling American forces in Iraq and Afghanistan, according to a speech translated by SITE Intelligence Group, which tracks extremist activities and messaging.

Specialists in Yemeni culture and politics have cautioned that Al Qaeda would seize on the raid to whip up anti-American feelings and attract more followers.

"The use of U.S. soldiers, high civilian casualties and disregard for local tribal and political dynamics," the Brussels-based International Crisis Group said in a report released last Thursday, "plays into AQAP's narrative of defending Muslims against the West and could increase anti-U.S. sentiment and with it AQAP's pool of recruits."

THE WALL STREET JOURNAL.

Syria Detains Opponents, as It Reasserts Control

Raja Abdulrahim

Updated Feb. 7, 2017 4:32 p.m. ET

Weeks after he disappeared while fleeing the devastated city of Aleppo, Abdulhadi Kamel of the Syrian civil-defense group White Helmets turned up last month in an online video posted by a Russian-language news agency.

His hair and beard disheveled, Mr. Kamel denounced the work of his Nobel Peace Prize-nominated organization in opposition-held areas of the country, saying it was all staged to implicate the Syrian government and its Russian allies in the killing of civilians.

"I hope our state forgives us," Mr. Kamel said, in what his former colleagues said was a forced confession while under detention by President Bashar al-Assad's regime. The White Helmets said he is still being held by the regime and called for his immediate release.

As the regime regains territory from weakened rebels six years into the Syrian war, opposition activists and residents say it is using mass detentions and other security-state tactics to snuff out dissent in places that were out of its control for years.

Critics say it is part of a long-running pattern of abuse. A report released Tuesday by Amnesty International said the government pursued a policy of "extermination" in the military-run Sadnaya prison, hanging as many as 13,000 prisoners there since the uprising against the Assad regime began in March 2011.

At least once a week—and often twice—authorities executed prisoners in the middle of the night in groups of up to 50, according to the report, which Amnesty said was based on dozens of interviews with former detainees, prison guards, judges and lawyers.

Most of the prisoners were civilians perceived by the Syrian regime as opponents, including protesters, political dissidents, human rights defenders, journalists, doctors and humanitarian aid workers, according to the report. The human rights group said it believes the routine of extrajudicial executions is continuing.

Large numbers of detainees have also been killed as a result of repeated torture and the systematic deprivation of food, water and medical care, according to the report.

Nearly 2,000 people were caught up in a regime dragnet in the final month as Aleppo fell to the government and its allies, according to the opposition group Syrian Network for Human Rights.

Iranian-backed Shiite militiamen and Syrian soldiers at a checkpoint stopped the convoy Mr. Kamel was in, which was escorted by the International Committee of the Red Cross, according to people who were in the convoy and the White Helmets. Mr. Kamel was shot in the shoulder and arrested by regime forces along with several others, according to the White Helmets.

Most of those caught in the dragnet were men wanted for compulsory military service, according to the network. They also included many women and 17 families, including children.

Those who have recently been imprisoned are in addition to tens of thousands of detainees who human rights groups allege have been forcibly disappeared in the regime's labyrinth of notorious prisons over the course of the war.

The regime has long denied such allegations. But it reports regularly on wanted people turning themselves in and "settling their legal status"—surrendering and reconciling with the government.

Syrian officials had no immediate comment on the recent wave of arrests in Aleppo.

Former residents of Aleppo and activist groups say that since the regime consolidated control over the entire city, it has arrested people who took part in protests, nurses and doctors who treated the victims of Russian and regime airstrikes and humanitarian workers.

"The regime went from house to house with militiamen from the same neighborhoods with lists of

those wanted," said Mahmoud Ahmad, an antigovernment activist who left the city in December. "They arrested men because they had demonstrated against the regime or had repaired a car for the rebels."

Detaining dissenters is a policy "that has been going on for decades and it could continue for years after the conflict," said Diana Semaan, a Syrian researcher for Amnesty International.

Ghadeer, a former Aleppo resident who did humanitarian work in the rebel-held side of the city, said she spent 20 days in regime-controlled areas of the city after being forced to flee her home during the government assault. She said she left the house only once and hid her face with a niqab, or face veil, fearing she might be identified and arrested by regime soldiers or their allies.

Soon after the regime regained control of Aleppo, it posted checkpoints manned by informants, said Ghadeer, who asked to be identified only by her first name. After nearly three weeks, she said she paid a man to smuggle her out to the nearby countryside still under rebel control.

Four of her former colleagues have been arrested, she said.

"They went to the regime areas believing that they would be OK because they had never carried a weapon," she said. "Whomever worked in charity or used to distribute bread or was in any organization is wanted. It's like a fishing expedition and in the end they were fishing us out."

Authorities check the phones and social media accounts of every person arrested to look for others who might be wanted for antigovernment activism, according to former residents and activists. The regime has been using the same tactics since early in the uprising to crack down on dissent.

In December, the United Nations said it was deeply concerned over the fate of hundreds of men reported missing after fleeing into government-controlled areas given the regime's "terrible record of arbitrary detention, torture and enforced disappearances." The U.N. said in January it had yet to verify their whereabouts.

At Syrian peace talks last month, rebel leaders said they had secured a guarantee from Russia that 13,000 female prisoners would be released by the regime as part of an agreement to secure a shaky cease-fire. None have been released yet.

—Nour Alakraa and Noam Raydan contributed to this article.

Write to Raja Abdulrahim at raja.abdulrahim@wsj.com

Corrections & Amplifications About 2,000 people were imprisoned in the last month before Aleppo fell, according to the Syrian Network for Human Rights. An earlier version of this article incorrectly identified the number as around 1,500. (Feb. 7, 2016)

The Washington Post

A file on Islamic State's 'problem' foreign fighters shows some are refusing to fight

https://www.facebook.com/lovedaymorris?fref=ts

IRBIL, Iraq — The documents in the Islamic State file hinted at signs of rebellion within the ranks of its foreign fighters.

A Belgian militant had a medical note saying he had back pain and would not join the battle. A fighter from France claimed he wanted to leave Iraq to carry out a suicide attack at home. Several requested transfers to Syria. Others just simply refused to fight.

The documents on 14 "problem" fighters from the Tariq Bin Ziyad battalion — made up largely of foreigners — were found by Iraqi forces after they took over an Islamic State base in a neighborhood of Mosul last month.

Today's WorldView

What's most important from where the world meets Washington

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At its peak, the Islamic State drew thousands of recruits each month and controlled about a third of Iraq's territory, and the foreigners who poured in from dozens of countries have been characterized as the most die-hard fighters. But the group has steadily lost ground and appeal.

The militants are now besieged in the western half of Mosul, once the biggest city the Islamic State controlled and the heart of its self-proclaimed caliphate. But the group's losses have triggered concerns in Europe that disillusioned fighters might find their way home.

"He doesn't want to fight, wants to return to France," said the notes on a 24-year-old listed as a French resident of Algerian descent. "Claims his will is a martyrdom operation in France. Claims sick but doesn't have a medical report."

He was one of five fighters in the file listed as having French residency or as originally from France.

[One man's escape from an Islamic State mass execution]

A photo of an original file found by Iraqi forces after they took over an Islamic State base. (The Washington Post)

This Washington Post illustration shows an English translation of the Islamic State file.

More citizens from France have joined the Islamic State than from any other country in Europe since 2011, when Syria's popular uprising against President Bashar al-Assad turned violent and fueled the rise of extremist groups.

The French government reported a sharp decrease in the number of its citizens traveling to Syria and Iraq to join the group in the first half of 2016 but said that nearly 700 remain there, including 275 women and 17 minors.

The forms in the file are marked with the year 2015 but appear to have been filled out later. They specify the dates that some of the militants joined, stretching into 2016.

In addition to each militant's name, country of origin, country of residency, date of birth, blood type and weapons specialties, the documents list the number of wives, children and "slave girls" each had. A photo is also included. It was not possibly to verify the personal information, but Iraqi officers who found the file said they believe it is genuine.

Two men from Kosovo refused to fight and asked to move to Syria. One said he had head pain.

Of the more than 4,000 foreign fighters who have left European Union nations for Iraq and Syria, around a third have returned, according to a report from the Hague-based International Center for Counter-Terrorism. About 14 percent have been confirmed dead, while the rest remain overseas or their whereabouts are unknown.

"People say that they are the most motivated, but there are plenty of foreign fighters that went and found that the IS experience wasn't what they thought it would be. They thought it would be a great adventure," said Aymenn al-Tamimi, an analyst specializing in militant groups who has compiled an online database of Islamic State documents, some of which indicate similar issues of morale.

[Iraq has never seen this kind of fighting in its battles with the Islamic State]

The organization keeps meticulous records, leaving clues to its inner workings as the fighters are ejected from territory.

Iraqi counterterrorism forces discovered the documents in a house in Mosul's al-Andalus neighborhood that was being used as an administrative base for the Tariq Bin Ziyad battalion.

The militants were seen removing documents and computers from the building, according to neighbors, before they set fire to the building as Iraqi forces retook the area, said Lt. Col. Muhanad al-Tamimi, whose unit found the documents unscathed in a desk drawer.

"Those foreign fighters are the most furious fighters we ever fought against," he said. "When those fighters refuse to fight,it means that they've realized this organization is fake Islam and not the one they came for."

Iraqi troops faced a barrage of suicide car bombs and fierce resistance during the first month of their operations to retake Mosul last year. However, after pausing to reorganize, the forces have made rapid progress on the eastern side of the city this year.

Late last month, Prime Minister Haider al-Abadi said his forces had recaptured all neighborhoods of Mosul east of the Tigris River and that the Islamic State militants had "collapsed quickly."

Edwin Bakker, a research fellow at the International Center for Counter-Terrorism and a professor of counterterrorism at Leiden University, said that fighters from Western European countries are largely known to intelligence agencies but that there is less information on those from countries such as Bosnia and Kosovo.

With open borders in Europe, these fighters might return home and stage attacks on the continent, he said. But warnings of a "tsunami" of returning foreign fighters are exaggerated, he said.

"We shouldn't underestimate the numbers that have gone to live there and die there," he added.

Another 30-year-old French national in the file is noted as having been "involved in the departure of Abu Azzam al-Fransi and his wife from the land of the Caliphate." "Fransi" indicates that the fighter he helped leave was also from France.

Lt. Gen. Abdul Ghani al-Assadi, commander of Iraq's counterterrorism forces, said there are many foreign fighters in Mosul and that foreign suicide bombers have been responsible for many of the 350 car bombs launched toward their lines.

In one Islamic State headquarters in the Dhubat neighborhood of Mosul, his forces found a stash of passports — 16 Russian and four French. There were also 20 blank Iraqi passports taken from Mosul's passport department, he said, speculating that the militants are forging them to be able to leave the country.

Despite the recent rapid advances in eastern Mosul, Iraqi generals still expect a bloody fight ahead. The western side of the city, home to 750,000 civilians, is surrounded by Iraqi forces, and the Islamic State members still there will have little choice but to fight or die.

"There are still a lot of people that are motivated," Bakker said. "The majority is there to fight."

Salim reported from Irbil and Mosul

THE WALL STREET JOURNAL.

Iran's Supreme Leader Denounces Trump

Aresu Eqbali in Tehran and Asa Fitch in Dubai

Updated Feb. 7, 2017 2:40 p.m. ET

Iran's Supreme Leader Ayatollah Ali Khamenei leveled his harshest criticism so far at President Donald Trump, saying the U.S. leader had exposed his country's "political, economic, ethical and social corruption."

"We are grateful to this gentleman who has come, grateful because he made it easy for us and showed the U.S.'s real face," Mr. Khamenei said on Tuesday, referring to Mr. Trump.

The rebuke comes as tensions between Iran and the new U.S. administration intensify after Washington imposed fresh sanctions on dozens of Iranian-linked entities on Friday. The U.S. Treasury Department said the sanctions were a response to Tehran's recent test launch of a ballistic missile and Iran's "continued support for terrorism."

On Tuesday White House spokesman Sean Spicer said Mr. Trump would take action "as he sees fit" and "will not take anything off the table."

"Iran is kidding itself if they don't realize that there's a new president in town," Mr. Spicer said.

In comments posted on his official website, Mr. Khamenei said the new U.S. president wanted people to be afraid of him but Iranians weren't cowed by threats.

While campaigning last year, Mr. Trump promised to rework the landmark 2015 nuclear deal between Iran and the U.S. and five other world powers if elected, prompting a warning from Mr. Khamenei that he would set the accord on fire if Mr. Trump changed it.

Immediately after Mr. Trump's election victory in November, the supreme leader was more measured, saying it didn't make any difference who Americans chose as their president, since Iran was ready to respond to any U.S. provocation.

Mr. Khamenei's return to a more caustic tone since Mr. Trump was sworn in could embolden hard-line allies in the country who oppose President Hassan Rouhani, a relative moderate who is expected to stand for re-election in May. Mr. Trump's rhetoric plays into the hands of hard-liners, giving them fodder to galvanize their anti-American political base, some analysts have said.

In his comments on Tuesday, Mr. Khamenei took a swipe at the Trump administration's travel ban. Iran was among the seven Muslim-majority countries whose citizens were barred from the U.S. under an executive order that the administration said was aimed at keeping terrorists out of the country.

The administration is now appealing the suspension of the ban by a Seattle federal judge last week.

The supreme leader, who has the final say on all matters of state in Iran, pointed to the widely reported story of a 5-year-old boy whose reunion with his waiting mother at Washington's Dulles International Airport was delayed because of security checks when the ban was still in effect.

The incident, he said, shows "human-rights realities" in the U.S. The boy reportedly is a U.S. citizen with an Iranian mother.

Mr. Khamenei also singled out a tweet by Mr. Trump on Friday in which he said the Iranians "don't appreciate how 'kind' President Obama was to them. Not me!"

"Why should we thank the previous U.S. government?" the supreme leader said, appearing to dispute the notion that the Obama administration had been generous to Iran. He cited American military involvement in Iraq and Syria and pressure from sanctions before the nuclear deal as examples of U.S. hostility toward Iran while Barack Obama was president.

"These are all examples of the velvet glove that the previous U.S. government had covered its iron claw with," he said.

Write to Asa Fitch at asa.fitch@wsj.com

The Washington Post

What Turkey was looking for when Trump called Erdogan

By Kareem Fahim and Karen DeYoung

ISTANBUL — Turkish President Recep Tayyip Erdogan and President Trump had their first telephone call late Tuesday, a highly anticipated conversation in which Erdogan was expected to press the new U.S. leader to reject Pentagon proposals to arm Kurdish fighters in Syria and to quickly extradite a Turkish cleric exiled in Pennsylvania and regarded by Turkey as an enemy of the state.

Trump may have preferred to change the subject.

Meeting either demand could be problematic for the administration, analysts said, testing a relationship between the two men that for months has been filled with high hopes and mutual admiration.

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A brief White House statement said the two discussed their "shared commitment to combatting terrorism in all its forms." It said that Trump "reiterated U.S. support to Turkey as a strategic partner and NATO ally, and welcomed Turkey's contributions" to the campaign against the Islamic State.

During the U.S. presidential campaign, Trump referred in glowing terms to Erdogan's handling of a failed coup attempt that shook Turkey last summer. He spoke optimistically about the bilateral relationship, telling the New York Times that he hoped Turkey "can do a lot" about the Islamic State.

In the same interview, Trump declined to criticize Erdogan for a campaign of mass arrests and dismissals that followed the attempted coup. "I think it's very hard for us to get involved in other countries when we don't know what we are doing and we can't see straight in our own country," he said.

[Turkey expects improved relations with Trump administration]

Erdogan hailed Trump's election, quickly extended an invitation to visit Turkey and even praised Trump for putting a reporter "in his place" during a news conference a few weeks ago. More recently, the Turkish president has avoided condemning Trump's ban on travel to the United States from seven Muslim-majority countries — despite the fact that Erdogan is the Islamist leader of a Muslim-majority country who has spoken out forcefully in the past against perceived anti-Muslim bias.

When it comes to Turkey's most urgent demands, however, it may be difficult for Trump to show much flexibility. The Pentagon is still weeks away from completing a Trump-ordered 30-day review of its strategy to defeat the Islamic State in Iraq and Syria.

Top U.S. military commanders had pushed the Obama administration for months to directly arm Kurdish fighters in northern Syria for a final assault on the city of Raqqa, the militants' de facto capital. Turkey has long warned that it considers the Syrian Kurds to be part of Turkey's own Kurdistan Workers' Party, or PKK, which both Turkey and the United States have labeled a terrorist group.

Obama deferred the decision on the Kurds to Trump, while noting that such plans depended on a quick determination.

Trump's advisers have not ruled out the military plan but have asked the Pentagon to explore other options, including the possibility of adding Turkish troops to an Arab force that would be aided by an increased U.S. military presence in Syria.

[The Islamic scholar Turkey blames for coup attempt]

Trump also may have difficulty with Erdogan's request that the United States extradite the exiled cleric Fethullah Gulen, whom Turkey accuses of masterminding the coup attempt. Turkish officials were encouraged when Trump's national security adviser, Michael Flynn, published an article on Election Day calling Gulen a "radical" and saying the United States "should not provide him safe haven."

A decision on whether Turkish evidence is strong enough to merit extradition rests with the Justice Department. Even if it recommends such a move, the final decision must be made by a U.S. federal court, where Gulen can contest extradition and appeal if he loses, a process that could take months, if not years.

Gulen has denied playing any role in the attempted coup.

Semih Idiz, a Turkish political analyst and columnist who writes for the al-Monitor news site, said Turkey has left "too many unanswered questions" about its proposed alternative to the Kurdish fighters, including how many Turkish troops would need to be mobilized to replace them.

Even so, any demands made on Tuesday's phone call could aid Erdogan. "There is public opinion that has to be fed," Idiz said. "They have to appear to be pushing this to the limit."

DeYoung reported from Washington. Adam Entous in Washington contributed to this report.

THE WALL STREET JOURNAL.

Suicide Bomber Strikes Outside Afghan Supreme Court

Ehsanullah Amiri

Updated Feb. 7, 2017 6:45 p.m. ET

KABUL, Afghanistan—A suicide bomber on foot struck at the gates of Afghanistan's Supreme Court in Kabul, killing 21 people and wounding 41 others, security officials said, breaking several weeks of calm in the capital.

The blast targeted court employees leaving their offices for the day on Tuesday, said Najib Danish, a spokesman for the interior ministry. Nine of the dead were women, the health ministry said.

There was no claim of responsibility for the attack, which bore the hallmarks of the Taliban.

Taliban insurgents detonated a car bomb at the court building in 2013, killing 17 people.

It was the first major attack to strike Kabul in almost a month, since the group claimed a twin suicide bombing that killed 32 people near Parliament.

"The blood of our people is not cheap and will not be wasted," Afghan Chief Executive Abdullah Abdullah said on his Twitter account.

The Taliban have intensified their attacks against Afghan security forces and government targets across the country since most foreign troops withdrew in 2014.

Last year, the militants again overran the northern city of Kunduz for several days and threatened several other provincial capitals.

Some 8,400 U.S. troops remain permanently stationed in Afghanistan to train and support Afghan forces and conduct independent counterterrorism operations.

U.S. President Donald Trump told Afghan President Ashraf Ghani in a December phone call that he would consider sending more American troops to Afghanistan after an assessment.

Mr. Ghani condemned Tuesday's Supreme Court attack, which he blamed on the "enemies of our people." The U.S. Embassy in Kabul called it "an attack on the very foundation of Afghan democracy and rule of law."

Hours after the attack, U.S. Defense Secretary Jim Mattis called Mr. Ghani to offer condolences and discuss the continuing relationship between the two countries. He praised Mr. Ghani's efforts against the Taliban and extremism in the country.

"President Ghani affirmed his commitment to reforms, especially eliminating corruption, and highlighted the importance of a sustained U.S.-Afghan relationship for the security of Afghanistan and the region," the Pentagon said.

Later in the day, White House Spokesman Sean Spicer condemned the bombings and reaffirmed U.S. support for the Afghan government.

National Security Adviser Mike Flynn also contacted his Afghan counterpart, Mr. Spicer said. The multipronged effort marked the new administration's clearest statement of support for Afghanistan.

The Kabul attacker targeted a side door as court employees and other people were exiting the downtown building, the Interior Ministry said.

The attack came the day after a United Nations report revealed that 2016 had seen a record for civilian casualties in the conflict between government forces and insurgents in Afghanistan, with 3,498 dead.

Insurgent attacks have continued, including a roadside bombing the Taliban claimed early Tuesday that killed Abdul Khaliq Noorzai, the governor of Khak-e Safed district in the western province of Farah, as he returned home from a mosque on Tuesday, local police spokesman Iqbal Baher said. The Taliban claimed responsibility.

The group has been at war with the U.S.-backed government for 15 years and has increasingly targeted the judiciary since the execution of six convicted insurgents in May 2016.

Shortly after the executions, a suicide bomber targeted a minibus carrying court employees in Kabul during the morning rush hour in a deadly attack claimed by the Taliban, which called it an act of revenge.

In June, three Taliban fighters stormed a court building in the eastern Logar province, killing seven people, including a newly appointed chief prosecutor, before police shot and killed the attackers.

—Ben Kesling and Carol E. Lee in Washington
contributed to this article.

The New York Times

White House Weighs Terrorist Designation for Muslim Brotherhood

Peter Baker

WASHINGTON — President Trump's advisers are debating an order intended to designate the Muslim Brotherhood as a foreign terrorist organization, targeting the oldest and perhaps most influential Islamist group in the Middle East.

A political and social organization with millions of followers, the Brotherhood officially renounced violence decades ago and won elections in Egypt after the fall of President Hosni Mubarak in 2011. Affiliated groups have joined the political systems in places like Tunisia and Turkey, and President Barack Obama long resisted pressure to declare it a terrorist organization.

But the Brotherhood calls for a society governed by Islamic law, and some of its former members and offshoots — most notably Hamas, the Palestinian group whose stated goal is the destruction of Israel — have been tied to attacks. Some advisers to Mr. Trump have viewed the Brotherhood for years as a radical faction secretly infiltrating the United States to promote Shariah law. They see the order as an opportunity to finally take action against it.

Officially designating the Brotherhood as a terrorist organization would roil American relations in the Middle East. The leaders of some American allies — like Egypt, where the military forced the Brotherhood from power in 2013, and the United Arab Emirates — have pressed Mr. Trump to do so to quash internal enemies, but the group remains a pillar of society in parts of the region.

The proposal to declare it a terrorist organization has been paired with a plan to similarly designate Iran's Islamic Revolutionary Guards Corps, according to current and former officials briefed on the deliberations. Leaders of the corps and its Quds Force unit have already been put on a government terrorist list, but Republicans have advocated adding the corps itself to send a message to Iran.

The Iran part of the plan has strong support within the White House, but momentum behind the Muslim Brotherhood proposal seems to have slowed in recent days amid objections from career officials at the State Department and the National Security Council, who argue that there is no legal basis for it and that it could alienate allies in the region. Former officials said that they had been told the order would be signed on Monday, but that it had now been put off at least until next week.

The delay may reflect a broader desire by the White House to take more time with executive actions after the chaos associated with hastily issued orders, like the temporary ban on visitors from

seven predominantly Muslim countries. But it also underscored the complex dynamics involving the Muslim Brotherhood, whose chapters have only loose relationships across national lines.

Critics said they feared that Mr. Trump's team wanted to create a legal justification to crack down on Muslim charities, mosques and other groups in the United States. A terrorist designation would freeze assets, block visas and ban financial interactions.

"This would signal they are more interested in provoking conflict with an imaginary fifth column of Muslims in the U.S. than in preserving our relationships with counterterrorism partners like Turkey, Jordan, Tunisia and Morocco, or with fighting actual terrorism," said Tom Malinowski, an assistant secretary of state under Mr. Obama.

The Brotherhood has long been a source of alarm on the right, especially at Breitbart News, whose chairman, Stephen K. Bannon, is now Mr. Trump's chief White House strategist. A 2007 summary for a film Mr. Bannon proposed making on radical Islam in America, obtained by The Washington Post, called the Brotherhood "the foundation of modern terrorism."

Sebastian Gorka and Katharine Gorka, two Breitbart contributors who have long warned of Muslim extremists in the United States, also joined the new administration. Mr. Gorka is a deputy national security assistant, while Ms. Gorka is working at the Department of Homeland Security.

Frank Gaffney Jr., founder of the Center for Security Policy, who once asserted that Mr. Obama might secretly be a Muslim, urged Mr. Trump on Breitbart's radio show last week to designate the Muslim Brotherhood as a terrorist organization. He has argued that the Brotherhood's philosophy mirrors that of groups that are already on the list.

"The goals of the Muslim Brotherhood," Mr. Gaffney said in a recent interview with The New York Times, are "exactly the same as the Islamic State, exactly the same as the Taliban, exactly the same as, you know, Al Qaeda, Boko Haram, Al Nusra Front, on and on, Al Shabab. It's about Islamic supremacism. It's about achieving the end state that is their due."

Some congressional Republicans reintroduced legislation last month calling on the State Department to designate the Brotherhood as a terrorist organization or explain why it would not. "It's time to call the enemy by its name," Senator Ted Cruz of Texas, who sponsored the measure with Representative Mario Diaz-Balart of Florida, wrote on Twitter.

Among those objecting is the Council on American-Islamic Relations, which describes itself as the largest Muslim civil rights organization in the United States. Mr. Gaffney and others have accused it of being a front for the Brotherhood, which the council denies. It said such an order by Mr. Trump would be a brazen attempt to repress Muslims.

"We believe it is just a smoke screen for a witch hunt targeting the civil rights of American Muslims," said Ibrahim Hooper, a spokesman for the council. He said that, given what he called false attempts to link Muslim Americans to the Brotherhood, a terrorist designation would "inevitably be used in a political campaign to attack those same groups and individuals, to marginalize the American Muslim community and to demonize Islam."

It is unclear what form a presidential order would take. Presumably, Mr. Trump could direct Secretary of State Rex W. Tillerson to review whether the Brotherhood should be designated. At his confirmation hearing, Mr. Tillerson grouped the Brotherhood and Al Qaeda together as "agents of radical Islam."

But officials may try to narrow the scope of such an order to avoid affecting Brotherhood affiliates outside Egypt, or they may shelve the order in favor of waiting for legislation from Congress.

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Founded in 1928 in Egypt, the Brotherhood used violence for decades in pursuit of its Islamist goals, but officially renounced it in the 1970s and embraced democracy as its means.

In recent years, offshoots have joined the political system, including Ennahda, a party that belongs to the governing coalition in Tunisia and has eschewed extremism. Even in Turkey, a NATO ally, President Recep Tayyip Erdogan's Justice and Development Party has long supported the Muslim Brotherhood.

The Brotherhood's most successful period ended in 2013, when President Mohamed Morsi of Egypt, who had succeeded Mr. Mubarak, alienated other sectors of society and, after protests, was removed by the military. The general who took over, President Abdel Fattah el-Sisi, has cracked down on the Brotherhood and lobbied the United States to designate it as a terrorist organization

From 2013 through mid-2015, a former American official said, every interaction with Egyptian leaders included pressure on the issue. At one point, a senior Egyptian intelligence official personally brought a dossier to Secretary of State John Kerry, though it had no new information, according to the former American official. The State Department decided the Brotherhood did not meet the legal requirements for the designation because there was no evidence that its leaders had systematically ordered terrorist attacks.

A similar review released by Britain in 2015 found that the Brotherhood "selectively used violence and sometimes terror in pursuit of their institutional goals," and that it emphasized engagement in English but jihad in Arabic. Its leaders have defended Hamas's attacks on Israel and justified attacks on American forces in Iraq and Afghanistan, the review said. But it did not recommend that it be designated as a terrorist organization, either.

In his short time in office, Mr. Trump has already come under pressure from Arab allies eager for such a designation. He had phone conversations with Mr. Sisi; Sheikh Mohammed bin Zayed al-Nahyan, the crown prince of Abu Dhabi; and King Salman of Saudi Arabia. But he also spoke with Mr. Erdogan on Tuesday.

A top Arab official, who spoke on the condition of anonymity according to diplomatic protocol, declined to discuss what was said on the calls, but added, "It's safe to assume since U.A.E., Saudi and Egypt have all designated the M.B. as a terrorist organization, that decision would be welcome by those countries and several others in the region."

THE WALL STREET JOURNAL.

Vetting of Refugees Slows U.S.-Australia Accord

Rob Taylor

Feb. 6, 2017 11:11 p.m. ET

CANBERRA, Australia—A refugee resettlement deal between Australia and the U.S. that was imperiled by President Donald Trump's rise to power is continuing apace but will take months to implement due to stringent vetting procedures, a senior Australian official said on Tuesday.

Immigration Minister Peter Dutton also said Australia is still negotiating with other countries to take some refugees, a task given greater urgency since Mr. Trump signaled disapproval of the deal made by his predecessor. Australia is holding about 2,000 refugees in extraterritorial detention centers on the Pacific island nations of Papua New Guinea and Nauru; the U.S. agreed to take a maximum of 1,250.

"It'll take months, and we'll need to work through each individual case," Mr. Dutton told Australian radio on Tuesday, adding that priority will be given to women, children and families. "In some cases there are identity issues. In other cases there will be separated family members that we will try and repatriate."

The pact is the second event to strain the usually tight alliance between Washington and Canberra since Mr. Trump became president. The U.S. leader's cancellation of a regional trade pact that included Australia, the Trans-Pacific Partnership, deeply disappointed Canberra.

Such developments could eventually persuade Australia to hedge its U.S. relationship and shift some emphasis toward its relationship with China, some Australian observers say. China's foreign minister arrived on Tuesday for talks with his Australian counterpart over the two countries' deepening economic ties. The refugees aren't on the agenda, officials said.

Mr. Trump's discontent with the refugee accord, which he signaled in a tweet calling it a "dumb deal," led to a testy phone exchange last week in which the U.S. leader criticized it, putting it in doubt. But since then both U.S. and Australian officials have said the deal is on. A U.S. official on Tuesday said the processing of refugees for transfer to America is continuing on Nauru and would begin on Papua New Guinea in next few weeks.

The Obama administration agreed to the deal after Prime Minister Malcolm Turnbull agreed to settle an unspecified number of refugees from U.S.-funded camps in Costa Rica, most of them victims of drug conflicts in El Salvador and Honduras, in what amounted to a de facto exchange. Both

governments denied any quid pro quo.

Most of the Australia-sponsored refugees are from Iran, and others are from Iraq and Somalia, three of the seven countries the Trump administration attempted to ban entry temporarily before being overturned by a U.S. judge. The administration is appealing the decision.

Australian governments since 2001 have required asylum seekers coming by boat to be intercepted at sea. Since 2013 the conservative government has sent them into offshore detention in a system criticized by the United Nations. The the government began to look for resettlement options after Papua New Guinea's highest court last year ordered the closure of the Australian-operated immigration center there.

As well as the U.S., Mr. Dutton has been in negotiations with countries including Canada and New Zealand, as well as Cambodia, people familiar with the matter said.

"We have other nations available, and we also have the option for people to return back to their country of origin when they've been found not to be refugees," Mr. Dutton said Tuesday.

Write to Rob Taylor at rob.taylor@wsj.com

Editorial : Just rewards of Brazil's anti-corruption triumphs

The Christian Science Monitor

February 7, 2017 —Virtue is supposed to be its own reward. Yet for Brazilians, the reward may be more tangible.

Since 2013, millions of people in the world's fifth most populous country have protested for honest government. Their call was met by an impressive prosecution of corrupt officials and their resulting removal. That in turn has led to recent reforms, such as a new president, a cap on government spending, and big changes at Petrobras, the state-run oil company that was the source of a giant kick-back scheme.

The reward? Latin America's largest economy, which has been stuck in a deep recession for two years, is showing signs of growth, including a surprising rise in consumer confidence. "Brazilians have had enough of the corruption that is ravaging their country," said Mercedes de Freitas of Transparency International, a global nonprofit group, at a recent ceremony honoring Brazil's prosecutors.

Dozens of politicians and businesspeople have been convicted of graft with many more expected to be charged this year. The extent of corruption shocked even the prosecutors. "We were surprised, because one thing is to know that ... corruption is rooted, widespread and systematic in Brazil, and another thing is to look at the monster in the eyes," federal prosecutor Deltan Dallagnol told AFP.

Mr. Dallagnol has helped lead an effort in the Brazilian Congress to pass laws that would help prevent and detect corruption. Many lawmakers still resist such reforms. That has led Dallagnol, a young Harvard-trained prosecutor, to say that lower-income Brazilians must understand how money siphoned off by corrupt officials only reduces the ability of government to meet the needs of people.

In the past decade, many countries from India to Romania have seen major protests against corruption and their nation's culture of impunity. Brazil stands out for the persistence of protests and the courage of prosecutors to demand equality before the law. The country still has far to go to clean up its political system. But a little virtue, spread across millions of people, has helped bring some reward.

ETATS-UNIS

Court Grills Lawyers on Donald Trump's Immigration Order

Devlin Barrett, Brent Kendall and Aruna Viswanatha

Updated Feb. 8, 2017 7:59 a.m. ET

An appeals court pressed a Justice Department lawyer Tuesday on whether President Donald Trump's executive order on immigration is discriminatory, while also pushing an attorney for the two states fighting the order to explain how it could be unconstitutional to bar entry of people from terror-prone countries.

August Flentje, the Justice Department lawyer arguing on behalf of the administration, urged the appeals court to remove a lower-court injunction on the order, arguing that the court shouldn't second-guess the president's judgment when it came to a question of national security.

The executive order, Mr. Flentje told a three-judge panel of the San Francisco-based Ninth U.S. Circuit Court of Appeals, struck a balance between security concerns and the practice of allowing people to enter the country.

"The president struck that balance, and the district court's order has upset that balance," he said. "This is a traditional national security judgment that is assigned to the political branches and the president and the court's order immediately altered that.''

This account shows that while President Donald Trump might try to impose more discipline among his staff, his own freewheeling style drives some of the turmoil.

The oral arguments on whether to reinstate some, all, or none of President Donald Trump's executive order on immigration represented a crucial test in the fast-moving legal battle over White House efforts to restrict entry into the U.S. The Jan. 27 order suspended U.S. entry for visitors from seven predominantly Muslim countries for at least 90 days, froze the entire U.S. refugee program for four months and indefinitely banned refugees from Syria. The administration argues the action was needed to keep terrorists from domestic soil.

The president weighed in on Twitter on Wednesday morning: "If the U.S. does not win this case as it so obviously should, we can never have the security and safety to which we are entitled. Politics!"

The appeal challenges the broad restraining order issued late last week by a Seattle judge who temporarily halted enforcement of the president's order, after the states of Washington and Minnesota sued. The Ninth Circuit Court earlier Tuesday said it would likely issue a ruling later this week.

The legal clash, which is also playing out in other courts around the country, represents a remarkable test of the powers of a new president determined to act quickly and aggressively to follow up on his campaign promises. Mr. Trump, who promised repeatedly on the campaign trail to tighten what he called lax immigration policies, issued his executive order a week after taking office, generating widespread protests as well as plaudits and setting off an immediate debate over the extent of executive branch authority.

The judges pressed Mr. Flentje to explain why the executive order shouldn't be considered a violation of constitutional protections against religious discrimination. During the campaign, Mr. Trump called for a temporary shutdown of Muslim entry into the U.S., though the White House says the current executive order is in no way a Muslim ban.

"Could the president simply say in the order we're not going to let any Muslims in?'' asked Judge William Canby.

"That's not what the order does,'' Mr. Flentje replied. "This is a far cry from that situation.''

The judges also asked Mr. Flentje for any evidence that the countries cited in the executive order were connected to terrorism. He responded that a previous Congress and former President Barack Obama had found that they were.

At one point, Mr. Flentje, conceding that "I'm not sure I'm convincing the court," asked that if the judges didn't overturn the lower court ruling completely, at least they could rule that it went too far.

Noah Purcell, the attorney for Washington state, argued that there was clear evidence of religious discriminatory intent behind Mr. Trump's order. "There are statements that…are rather shocking evidence of intent to harm Muslims," Mr. Purcell told the court.

The court isn't making a final determination on the legality of Mr. Trump's order for now. Instead, it must decide what immigration rules will be in effect during the coming months while court proceedings on the substance of the president's restrictions continue.

Another judge on the panel, Richard Clifton, voiced skepticism about claims that the executive order was discriminatory.

"I have trouble understanding why we're supposed to infer religious animus,'' said Judge Clifton. "The concern for terrorism with those connected to radical Islamic sects is kind of hard to deny.''

Mr. Purcell answered that the president's own statements and those of some of his advisers indicated the executive order grew out of a desire to keep Muslims out of the country.

"At this point it's now the federal government that's asking the courts to upset the status quo,'' Mr. Purcell said. "Things are slowly returning to normal before the chaos of the executive order.''

Mr. Purcell also found himself defending the states' standing to bring the case in the first place. Pressed on whether states have the right to bring lawsuits on behalf of their citizens, he said legal precedents have established that they do.

At times, the judges appeared to consider whether the order could be scaled back so that it didn't affect those who had already lived in the U.S. and wanted to return. Mr. Purcell argued that it would be a very difficult and complicated task trying to draw broad new rules and restrictions among foreign students, workers and their relatives.

Mr. Trump has vigorously defended the executive order and criticized in unusually blunt terms the Seattle judge, U.S. District Judge James Robart, who put the executive order on hold nationwide while courts sort out its legality. On Sunday Mr. Trump said the judiciary should be blamed if there is a terrorist attack.

Washington and Minnesota are making a variety of legal claims in their case, including that the executive order is discriminatory and that it violates constitutional guarantees of due process and equal protection under the law.

The states also have said the president's order has harmed thousands of noncitizen residents of their states, and that individuals traveling abroad were unable to return, including faculty and students from state universities. They also said the restrictions cost them tax revenue and created travel impediments for businesses based within their borders.

Several variables could affect the Ninth Circuit's deliberations. The states say the appeals court has no jurisdiction to consider the restraining order because of its temporary nature; the Justice Department says the states have no legal standing to bring a lawsuit on behalf of their residents against the federal government.

The appeals court may have the option to choose a middle ground, and isn't limited to an all-or-nothing pronouncement on whether the Trump order can be enforced in the coming months. For example, the judges could find that the lower court's ruling suspending Mr. Trump's order was appropriate in some ways but overly broad in others.

The Justice Department indirectly floated a potential compromise in its legal papers, arguing that at a minimum the executive order must be enforced against aliens who have never set foot in the country or have no specific connections to Washington or Minnesota.

If the Ninth Circuit appeals court rules broadly in favor of Washington and Minnesota after Tuesday's hearing, the executive order would continue to be suspended nationwide.

It is likely that the losing party will ask the Supreme Court to intervene on an emergency basis. Any such request, however, could be complicated by the fact that the current court is evenly divided between four liberal justices and four conservatives. A 4-4 deadlock would leave the Ninth Circuit's decision intact.

Despite the flurry of litigation, the courts are far from issuing a final ruling on the underlying merits of the president's executive order. Full court proceedings are expected to take many months, and a lengthy appeals process could mean it is well over a year before courts fully resolve the legality of Mr. Trump's approach. It is likely that the final word on the matter will come from the Supreme Court.

Write to Devlin Barrett at devlin.barrett@wsj.com, Brent Kendall at brent.kendall@wsj.com and Aruna Viswanatha at Aruna.Viswanatha@wsj.com

The New York Times

Appeals Court Panel Appears Skeptical of Trump's Travel Ban

Adam Liptak

WASHINGTON — A Justice Department lawyer on Tuesday said courts should not second-guess President Trump's targeted travel ban, drawing skepticism from a three-judge federal appeals panel weighing the limits of executive authority in cases of national security.

But even August E. Flentje, the Justice Department's lawyer, sensed he was not gaining ground with that line of argument. "I'm not sure I'm convincing the court," Mr. Flentje said.

It was a lively but technical hearing on an issue that has gripped much of the country's attention — and that of foreign allies and Middle East nations — for the past week. Issued without warning on Jan. 27, just a week after Mr. Trump took office, the executive order disrupted travel and drew protests at the nation's airports by suspending entry for people from seven predominantly Muslim countries and limiting the nation's refugee program.

No matter how the United States Court of Appeals for the Ninth Circuit rules — in a decision that is expected within days — an appeal to the United States Supreme Court is likely. That court remains short-handed and could deadlock. A 4-to-4 tie in the Supreme Court would leave the appeals court's ruling in place.

The appeals court judges sometimes seemed taken aback by the assertiveness of the administration's position, which in places came close to saying the court was without power to make judgments about Mr. Trump's actions.

"This is a traditional national security judgment that is assigned to the political branches," Mr. Flentje said.

"Are you arguing, then, that the president's decision in that regard is unreviewable?" Judge Michelle T. Friedland asked a few minutes later.

Mr. Flentje paused. Then he said yes.

"There are obviously constitutional limitations, but we're discussing the risk assessment," he said.

Judge Friedland asked what those limitations were, and Mr. Flentje did not provide a direct answer.

Several courts around the nation have blocked aspects of Mr. Trump's order, but the broadest ruling was the one at issue in Tuesday's arguments in front of the Ninth Circuit. The panel was considering an earlier ruling by Judge James L. Robart of the Federal District Court in Seattle, which allowed previously barred travelers and immigrants to enter the country.

Judge William C. Canby Jr., appointed by President Jimmy Carter, asked Mr. Flentje a hypothetical question meant to probe the limits of his position. "Could the president simply say in the order, 'We're not going to let any Muslims in?'"

Mr. Flentje said the two states that have sued over Mr. Trump's executive order, Washington and Minnesota, would be powerless to challenge that scenario. He said other plaintiffs might be able to sue on religious discrimination grounds.

Noah G. Purcell, Washington State's solicitor general, fared little better in fending off questions from Judge Richard R. Clifton, appointed by President George W. Bush. Judge Clifton said the states' evidence of religious discrimination was thin, adding that "the concern for terrorism with those connected with radical Islamic sects is kind of hard to deny."

Judge Friedland, who was appointed by President Barack Obama, did not seem persuaded that immediate suspension of travel from the seven countries was necessary.

From left: Judges Richard R. Clifton, William C. Canby Jr. and Michelle T. Friedland of the United States Court of Appeals for the Ninth Circuit. Left and right; U.S. Courts for the Ninth Circuit. Center; Ross D. Franklin/Associated Press

"Has the government pointed to any evidence connecting these countries with terrorism?" she asked Mr. Flentje.

He responded that the government had not had an opportunity to present evidence in court given the pace of the litigation. "These proceedings have been moving quite fast, and we're doing the best we can," Mr. Flentje said.

With that, Judge Friedland said, the government's appeal may be premature.

The case, State of Washington v. Trump, is in its earliest stages, and the question for the appeals court on Tuesday was a narrow one: Should it stay Judge Robart's temporary restraining order and reinstate the travel ban while the case proceeds?

The argument, which lasted about an hour, was conducted over the telephone and was streamed live on the appeals court's website. In a media advisory issued before the argument, the court said that "a ruling was not expected to come down today, but probably this week."

Mr. Flentje said the travel ban was well within Mr. Trump's legal authority. A federal statute specifically gave presidents the power to deny entry to people whose presence would be "detrimental to the interests of the United States," he said.

He added that the court should not question Mr. Trump's motives, and should confine itself instead to "the four corners of the document." He said the executive order did not, on its face, discriminate on the basis of religion.

Mr. Purcell, the lawyer for Washington State, responded that the underlying purpose of the executive order was religious discrimination. As a candidate, Mr. Purcell said, Mr. Trump had "called for a complete ban on the entry of Muslims."

More recently, Mr. Trump has said he meant to favor Christian refugees. "The court can look behind the motives," Mr. Purcell said.

As he closed his argument, Mr. Flentje, perhaps sensing that he was unlikely to achieve a complete victory, offered the court a middle ground. He asked, at a minimum, for the court to reinstate a part of the ban against people who have never been in the United States, calling this a "really key point."

Reading from a brief, he conceded that those who could be allowed entry are "previously admitted aliens who are temporarily abroad now or who wish to travel and return to the United States in the future."

Judge Clifton said that the administration might be in a better position to narrow its executive order. "Why shouldn't we look to the executive branch to more clearly define what the order means?" he asked.

Mr. Purcell also said that it was hard to tell precisely what distinctions the government meant to draw. "They've changed their mind about five times" since the executive order was issued, he said.

Judge Friedland said that if the executive order violated the Constitution's ban on government establishment of religion, the court could block it completely.

But Judge Clifton said that only a small fraction of the world's Muslims were affected by the order, suggesting that he was unconvinced that its effect was religious discrimination.

Refugees from Syria arrived at O'Hare International Airport on Tuesday in Chicago. Alyssa Schukar for The New York Times

Mr. Purcell responded that "we do not need to prove that this order harms only Muslims, or that it harms every Muslim."

"We just need to prove that it was motivated in part by a desire to harm Muslims," he said.

The judges also questioned whether the two states that brought the challenge had suffered the sort of direct and concrete harm that gave them standing to sue.

The Supreme Court has said that states suing the federal government to defend their interests are entitled to "special solicitude in our standing analysis." In 2015, an appeals court ruled that Texas had standing to sue the Obama administration to challenge an immigration initiative.

But the case did not seem likely to stall on the threshold issue of standing. Judge Canby appeared to indicate that the harm to state universities was enough to establish standing.

Nor were the judges much interested in another technical question pressed by Mr. Purcell.

Judge Robart issued a temporary restraining order, an interim measure, and Mr. Purcell argued that it was not subject to appeal. In court papers, the Justice Department argued that the order amounted to a preliminary injunction, which can be appealed.

Proceedings before Judge Robart are continuing. On Tuesday, he asked for briefs on the question of whether he should issue a preliminary injunction.

At the close of the appeals court argument, Judge Friedland said she and her colleagues "appreciate the importance and the time-sensitive nature of this matter." She said the court would rule "as soon as possible."

Correction: February 7, 2017

An earlier version of this article misattributed a quotation. It was Judge Richard R. Clifton, not Noah G. Purcell, Washington State's solicitor general, who said that evidence of religious discrimination was thin and that "the concern for terrorism with those connected with radical Islamic sects is kind of hard to deny."

The Washington Post

Federal appeals court weighs Trump immigration order

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Three federal appellate judges on Tuesday lobbed critical inquiries at those challenging and defending President Trump's controversial immigration order — whose immediate future now rests with the court.

The three-judge panel from the U.S. Court of Appeals for the 9th Circuit aggressively questioned a Justice Department lawyer about what he considered the limits on the president's power and what evidence Trump relied upon in temporarily barring refugees and citizens of seven Muslim-majority countries from entering the United States.

But the panel similarly interrogated Washington state's solicitor general, who is challenging the president's directive, over what evidence he had to demonstrate religious discrimination and whether a lower-court judge's freeze on the ban was too broad.

The court said it expects to make a decision on the matter "probably this week," and Judge Michelle Taryn Friedland promised rapid consideration. The ruling could affect tens of thousands of travelers whose visas were revoked by the initial executive order, then restored after U.S. District Judge James L. Robart in Seattle put a nationwide stop to it.

The issue of whether the order is allowed to remain in place while legal challenges continue is likely to end up at the Supreme Court. But it will be harder for the Trump administration to prevail at the high court if the appeals court rules that a nationwide halt is warranted.

(Dalton Bennett,Ahmed Deeb/The Washington Post)

The Khoja family was supposed to arrive to New York on January 30th. Rutgers Presbyterian Church members were planning to welcome them. But President Trump's executive order halting the entry of Syrian refugees to the U.S. left them stranded in Istanbul as they tried to figure out whether coming to America was still possible. After President Trump's immigration order, follow this Syrian refugee family as they learn their fate. (Dalton Bennett, Ahmed Deeb/The Washington Post)

The broad legal question is whether Trump acted within his authority in blocking the entry of people from Iraq, Iran, Somalia, Sudan, Libya, Syria and Yemen, or whether his order essentially amounts to a discriminatory ban on Muslims. The judges must also weigh the harm the ban imposes and whether it is proper for them to intervene in a national security matter on which the president is viewed as the ultimate authority.

On Wednesday, Trump added to his barrage of comments decrying the challenge to the order, and casting blame if the decision does not go his way. "If the U.S. does not win this case as it so obviously should, we can never have the security and safety to which we are entitled," Trump tweeted. "Politics!"

Later, in reference to an upcoming speech to law enforcement officials, Trump appeared to describe the legal challenges as "horrible, dangerous and wrong."

Justice Department lawyer August E. Flentje argued Tuesday that the order was "well within the president's power," asserting that Congress and a previous administration had designated the seven affected countries as having problems with terrorism — albeit in a different context.

Some of the judges, though, seemed wary of that claim. Friedland, who was appointed by President Barack Obama, asked Flentje if the government had "pointed to any evidence connecting these countries with terrorism."

Judge Richard Clifton, a President George W. Bush appointee, noted that the government already had processes in place to screen people

coming from those countries and asked, "Is there any reason for us to think that there's a real risk or that circumstances have changed such that there's a real risk?"

"The president determined that there was a real risk," Flentje responded.

Who is affected by Trump's travel ban

Washington state Solicitor General Noah Purcell argued that the government was essentially asking the court to "abdicate" its role as a check on the executive branch, and he asserted that reinstating the ban would "throw the country back into chaos."

But Purcell, too, faced critical questions. Clifton said that he was having "trouble understanding why we're supposed to infer religious animus when in fact the vast majority of Muslims would not be affected" — a key point, as the state is trying to demonstrate that Trump's order is intentionally discriminatory and runs afoul of the Constitution.

Purcell pointed to public statements from Trump and his allies. Former New York mayor Rudolph W. Giuliani, for example, recently said: "So when [Trump] first announced it, he said, 'Muslim ban.' He called me up. He said: 'Put a commission together. Show me the right way to do it legally.' "

Flentje disputed that the order is a Muslim ban, and he said the judges should limit their consideration to the executive order itself.

"It is extraordinary to enjoin the president's national security determination based on some newspaper articles, and that's what has happened here," he said.

[Federal appeals court decides to schedule a hearing on Trump travel order]

Whichever side loses is sure to take the fight to the Supreme Court. That traditionally has been solid ground for presidents. Justices often defer to a president on matters of immigration and national security, because of his constitutional powers and an additional grant of authority from Congress.

The politically divisive fight comes as the Supreme Court remains shorthanded following the death of Justice Antonin Scalia nearly a year ago; the four Democratic-appointed liberals and four Republican-appointed conservatives often split.

Trump said at a White House event Tuesday that he was prepared to elevate the dispute as needed.

"We're going to take it through the system," he told reporters. "It's very important for the country … We'll see what happens. We have a big court case. We're well represented."

Flentje did offer something of a compromise for the judges Tuesday, saying they could limit the lower-court judge's ruling to foreigners previously admitted to the country who were abroad now or those who wished to travel and return to the United States in the future.

Purcell countered that officials had not explained how they would practically implement such an order.

In addition to Clifton and Friedland, the case was heard by William C. Canby Jr., who was appointed by President Jimmy Carter. The hearing was conducted via telephone, with Friedland listening from San Jose, Canby from Phoenix and Clifton from Honolulu.

If those judges turn down the administration's appeal and the matter moves immediately to the Supreme Court, the argument would be only on the temporary restraining order, and it would require five justices to reverse the lower court's actions.

The high court faced a similar issue last term, when a Texas judge imposed a nationwide halt on an executive action from Obama that would have shielded more than 4 million immigrants who were in the country illegally, but who met certain requirements to get work permits. The justices then split 4 to 4 on the matter.

If five justices could not agree, the case would return to Robart, the district judge, to decide whether Trump's order should be permanently enjoined. The fight up the legal ladder would then begin anew — possibly taking months, past when the travel ban is set to expire.

Homeland Security Secretary John F. Kelly predicted Tuesday that the administration would prevail in its bid to reinstate the executive order and said judges might be considering the matter from an "academic," rather than a national security, perspective.

"Of course, in their courtrooms, they're protected by people like me," he said.

Testifying before the House Homeland Security Committee, Kelly forcefully defended the measure as a necessary "pause" so officials could improve vetting procedures. He said that it is "entirely possible" that dangerous people are now entering the country with the order on hold — as Trump has said via Twitter — and that officials might not know about them until it is too late.

"Not until the boom," he said when asked if he could provide evidence of a dangerous person coming into the country since the ban was suspended.

[Trump and his aides keep justifying the entry ban by citing attacks it couldn't have prevented]

Kelly's view does not reflect the consensus of the national security community. Ten high-ranking diplomatic and security officials — among them former secretaries of state John F. Kerry and Madeleine Albright, former CIA director Leon E. Panetta, and former CIA and National Security Agency director Michael V. Hayden — said in a legal filing that there was "no national security purpose" for a complete barring of people from the seven affected countries.

Kelly also acknowledged Tuesday that if he were given a second chance, he might do things differently in rolling out the order. That stands somewhat in contrast to Trump's recent assertion to Fox News Channel's Bill O'Reilly that the implementation was "very smooth," and it is important because — if the appeals court reinstates the ban — Kelly might get another crack at implementation.

"In retrospect, I should have — this is all on me, by the way — I should have delayed it just a bit, so that I could talk to members of Congress, particularly the leadership of committees like this, to prepare them for what was coming, although I think most people would agree that this has been a topic of President Trump certainly during his campaign and during the transition process," Kelly said.

He later said, though, that most of the confusion that followed the signing of the order was attributable to court orders and occurred not among Customs and Border Protection officers but among protesters in airports. After people were initially detained and deported, demonstrators packed airports to voice their displeasure, and civil liberties and immigration lawyers filed lawsuits across the country.

Many of those suits are ongoing, with lawyers keeping a close eye on the proceedings at the 9th Circuit. On Tuesday, a group of lawyers asked a federal judge in New York to force the government to turn over a list of those who had been detained or deported, as the court had previously ordered officials to do. The government has said no one is being detained and has debated what information it is required to provide.

"Noncompliance of a court order is very serious, especially where people's lives are at stake," said Lee Gelernt, deputy director of the ACLU's Immigrants' Rights Project. "We filed this motion to enforce because the government left us no choice."

John Wagner contributed to this report.

THE WALL STREET JOURNAL.

John Kelly, Homeland Security Chief, Says Travel Ban Rolled Out Too Quickly

Laura Meckler and Aruna Viswanatha

Updated Feb. 7, 2017 11:24 p.m. ET

WASHINGTON—Homeland Security Secretary John Kelly told a House committee that the Trump administration should have taken more time to inform Congress before implementing its executive order temporarily blocking entry of people from seven nations.

"The thinking was to get it out quick so potentially people coming here to harm us would not take advantage" of a delay, Mr. Kelly told the House Homeland Security Committee on Tuesday.

In his first congressional appearance as a cabinet member, Mr. Kelly offered a defense of the order, saying it wasn't a ban on Muslims as critics have charged but a "temporary pause" on immigrants and visitors from countries about whose residents the U.S. can't access solid information. He sought to take responsibility for the chaotic rollout, saying the confusion was "all on me."

"Going forward, I would have certainly taken some time to inform the Congress, and certainly that's something I'll do in the future," he said.

The Wall Street Journal and others have reported that Mr. Kelly had

little input in the order or its rollout, which was directed by the White House. The order, issued on the afternoon of Jan. 27, resulted in initial confusion and confrontation at airports around the country, as some travelers were detained for hours or sent away, and protesters gathered at terminals to denounce the new rules.

A federal court in Seattle temporarily put the order on hold on Friday, citing potential legal concerns. That action prompted President Donald Trump to question the judge's credentials and say he could be to blame in the event of a terrorist attack. Mr. Kelly waded into that debate on Tuesday, likening judges to academics removed from on-the-ground realities.

"I have nothing but respect for judges, but in their world it's a very academic, very almost-in-a-vacuum discussion, and of course, in their courtrooms, they are protected by people like me, so they can have those discussions," he said. "They live in a different world than I do. I'm paid to worst-case it, he's paid to, in a very academic environment, make a call."

A federal appeals court in San Francisco heard arguments on Mr. Trump's executive order Tuesday and expects to issue a ruling later this week.

Committee chairman Rep. Michael McCaul (R., Texas) said he backed the executive order, which a court order has put on hold. But he said it was poorly implemented.

He said some U.S. permanent residents who are citizens of the targeted countries were initially not allowed to return to the country, while foreigners who aided the U.S. military and students attending American schools were "trapped overseas."

"I applaud you for quickly correcting what I consider errors," Mr. McCaul said.

The congressman said he had suggested the approach the president took when Mr. Trump was a candidate. His goal, Mr. McCaul said, was to help reframe the proposal from what Mr. Trump initially described as a Muslim ban, an approach he thought would have been unconstitutional.

On another controversial immigration issue, Mr. Kelly suggested that the wall along the border with Mexico may not quite wind up being the end-to-end barrier Mr. Trump has repeatedly promised. There are now just over 650 miles of fencing across the nearly-2,000-mile border, and many experts see little reason for fencing or walls along most of the rest. Pressed by Democrats on the efficacy and cost of the project, Mr. Kelly said he would take his cues from border patrol agents on the ground.

"As we build the wall out, to whatever length it ultimately becomes...we will certainly back that up with personnel, patrolling, that kind of thing, and technology," Mr. Kelly said. "But in those places ultimately we can't get to build a wall quickly, we can certainly look to controlling that part of the border initially at least with...responsive patrolling, that kind of thing."

In his testimony, Mr. Kelly also sought to knock down rumors that the administration is considering adding countries to the list of seven whose citizens were targeted by the executive order. "We are right now contemplating no other countries," he said.

He said additional vetting steps may be added before the ban is lifted and some of the countries could remain on the blocked list for some time.

The travel ban suspended entry to the U.S. for visitors from seven predominantly Muslim countries for at least 90 days "to protect the American people from terrorist attacks." The order also froze the entire U.S. refugee program for four months, but it has been blocked by court challenges.

The Trump administration says the travel restrictions don't constitute a "Muslim ban," but critics argue it is. They note all seven affected nations are majority Muslim and point to Mr. Trump's comment that minority Christians would be eligible for waivers.

Rep. Sheila Jackson Lee (D., Texas) questioned Mr. Kelly about the rationale for listing those seven countries: Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.

"We have evidence that citizens of those countries have done terrorist attacks in Europe," Mr. Kelly said.

The Homeland Security secretary also denied reports that Mr. Trump's chief strategist, Steve Bannon, initially overruled his attempts to exclude green-card holders from the ban. "Every paragraph, every sentence, every word, every space, every comma, every period was wrong. It was a fantasy story," he said.

Write to Laura Meckler at laura.meckler@wsj.com and Aruna Viswanatha at Aruna.Viswanatha@wsj.com

Corrections & Amplifications Homeland Security Secretary John Kelly said, "Every paragraph, every sentence, every word, every space, every comma, every period was wrong. It was a fantasy story," in reference to reports that Steve Bannon initially overruled his attempts to exclude green-card holders from the immigration ban. An earlier version of this article incorrectly quoted him as saying "world" instead of "word." (Feb. 7, 2017)

The Washington Post

Editorial : Cameras let the public see the travel ban battle. They belong in more courtrooms.

https://www.facebook.com/washingtonpostopinions

WHEN A federal judge halted President Trump's immigration executive order last Friday, the news was at first little more than a terse line on phone screens and cable-news chyrons, implying a thousand unanswered questions: What holes did the judge find in the Trump administration's arguments? To what degree was the decision based on the Constitution's guarantee of due process or of equal protection? On the separation of church and state? Why did District Court Judge James L. Robart go further than other federal judges had before him in stopping the executive order's phase-in?

The judge's written ruling was not very illuminating. But Mr. Robart sits in a judicial district that has been experimenting with cameras in the federal courtroom, and every minute of the oral arguments that led to his decision was recorded and released promptly after he ruled. Turns out Mr. Robart spent a great deal of time on equal-protection questions. He also appeared to be particularly skeptical that Mr. Trump's broad travel restrictions were rationally related to stopping terrorism, noting that he found little evidence that people who have been allowed into the United States from the countries singled out in the executive order pose a unique threat.

A few days later, lawyers appeared before the U.S. Court of Appeals for the 9th Circuit, arguing the same case up the appeals chain. Though those arguments were conducted via teleconference, the audio was live-streamed online on Tuesday. Interested parties — and everyone with a minute to spare and a stake in the country should have been interested — could listen as the lawyers tangled over some of the most high-minded concepts underpinning American freedom in one of the most consequential cases any judge will hear this year.

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This is not to say that the proceedings felt like scripted high drama. To those worried that cameras or microphones in the courtroom would lead to grandstanding and theatrics, Mr. Robart's hearing should have been a comfort. It was a plodding hour of court administrative business, technical questions and statutory references. The judge rarely acknowledged the cameras — at one point, he explained some legal terminology "for the audience out there" — and was otherwise businesslike.

To say the federal judiciary has moved toward 21st-century transparency at a snail's pace would be an insult to snails. Bringing cameras into the courtroom has been formally discussed for three decades now. The federal judiciary has conducted pilot after pilot and still is not satisfied that judges and lawyers can behave professionally with the cameras on. The Supreme Court keeps its proceedings strictly hidden from video recordings, as do many others. There are some cases in which cameras should be turned off — in criminal proceedings in which witnesses would be uncomfortable, for example. But considerations such as those should not stop courts of appeals or courts considering civil cases from opening themselves to public view.

Its role of administering justice and interpreting the law makes the judicial branch different from the political branches, but no less important to Americans who deserve to see — literally — how their government functions.

THE WALL STREET JOURNAL.

Betsy DeVos Confirmed as Education Secretary With VP Pence's Tiebreaking Vote

Josh Mitchell, Siobhan Hughes and Tawnell D. Hobbs

Updated Feb. 7, 2017 6:20 p.m. ET

WASHINGTON—The Senate narrowly confirmed Betsy DeVos as education secretary Tuesday, after Vice President Mike Pence cast a historic tiebreaking vote to rescue one of the Trump administration's most-polarizing cabinet picks.

The Senate approved Mrs. DeVos in a 51-50 vote, with only Republicans voting yes. All 46 Democrats, the chamber's two independents and two Republicans—Susan Collins of Maine and Lisa Murkowski of Alaska—opposed her. The vote marked the first time a vice president broke a tie to confirm a cabinet secretary, Senate officials said.

Mrs. DeVos, a 59-year-old billionaire from Michigan, has spent decades as a leader and funder of the "school choice" movement, which advocates charters and privately run schools as alternatives to low-performing traditional public schools. She has said students should be able to attend better-performing schools outside of their assigned districts and that tax dollars shouldn't be limited to traditional public schools.

Her nomination became a flashpoint in a long debate over how best to improve U.S. education. Charters, which reduce the role of teachers unions, have grown rapidly in recent years in urban school districts, while overall enrollment in traditional school districts has declined.

"Our children's futures should not be determined by their ZIP Code," Mr. Pence said in a statement Tuesday. "Students should not be trapped in a system that puts the status quo ahead of a child's success."

President Donald Trump campaigned on school choice, saying public schools should face competition. But his choice for education secretary sparked the built-in, grass-roots movement of public teachers and many parents, who were ready to push back with phone calls, letters and social media posts.

"There's never been an education secretary who has been overtly hostile to public education," said Randi Weingarten, head of the American Federation of Teachers, one of the largest unions.

Tuesday's vote capped weeks of high drama highlighted by Mrs. DeVos's mid-January confirmation hearing. She appeared to stumble during the hearing, saying she may have been confused about a federal law to help students with disabilities, and at one point suggested that guns might be needed in some schools to guard against the threat of grizzly bears. She also refused to say whether she believed in equal accountability standards for traditional schools and alternatives.

Sen. Bob Casey (D., Pa.) was contacted more than 100,000 times by people opposing her, Democrats said. Sen. Tim Scott (R., S.C.) said his office was so busy dealing with opponents that he helped aides answer phones.

Sen. Collins said she voted against Mrs. DeVos because she was troubled by what she viewed as her lack of familiarity with the Individuals with Disabilities Education Act. Sen. Murkowski had said thousands of Alaskans had called, emailed and shown up in person to express their concern about a lack of experience with public education.

The DeVos family's long history of donating to conservative causes—including campaign contributions to senators who voted for her confirmation Tuesday—and potential conflicts of interest due to her family's Amway Corp. wealth also drew public criticism.

On Capitol Hill, Republicans worried over the DeVos vote had begged for more support from the White House, with little success. At a closed meeting with White House adviser Kellyeanne Conway on Monday, GOP aides asked Ms. Conway, "Where is the air cover?" according to aides at the meeting.

On Twitter, Mr. Trump focused instead on complaining about the media, publicizing his interview with a Fox News host and saying that the courts needed to act to help his efforts to protect the nation from terrorism.

It wasn't until 8 a.m. Tuesday that the @POTUS account tweeted, "Senate Dems protest to keep the failed status quo. Betsy DeVos is a reformer, and she is going to be a great Education Sec. for our kids!"

With Mrs. DeVos at risk of becoming the first cabinet pick in 28 years to be rejected, Republicans had to move the vote up in the Senate agenda. That allowed attorney general nominee Sen. Jeff Sessions (R., Ala.) to vote yes before facing his own confirmation vote.

Mrs. DeVos was also helped by a rule change implemented by then-Senate Majority Leader Harry Reid (D., Nev.) in 2013 that made it easier for cabinet picks to win confirmation. That change removed the "filibuster" option for such picks, effectively lowering the threshold for passage from 60 votes to 50.

Democrats, finding themselves with limited ability to block Mr. Trump's agenda, have used procedural tools to delay votes on his cabinet picks. They spoke against Mrs. DeVos on the Senate floor throughout Monday night and Tuesday morning, attempting to attract the single vote they needed to kill her nomination. Throngs of people filled the public galleries that ring the Senate chamber Tuesday to witness the vote.

The confirmation of Mrs. DeVos represented a victory for Senate Majority Leader Mitch McConnell (R., Ky.), who, after the vote, strode from the Senate floor into the hallway and in front of a dozen cameras gave a thumbs-up gesture.

But the vote risks a public backlash for some Republicans up for re-election in 2018, including Sen. Deb Fischer (R., Neb.), whose Nebraska offices were hit with protests over the weekend regarding the DeVos vote.

Asked whether supporting Mrs. DeVos was a tough vote, Sen. Fischer said, "Not at all." She said she wasn't worried that federal funds for traditional public schools would get diverted to other schools. "Education is a state and local responsibility, and that's what we do in Nebraska," she said.

Until now, the debate over "school choice" has taken place largely at the state and local level, but the confirmation of Mrs. DeVos could portend bigger fights in Washington.

The federal government provides just over 10% of all spending on K-12 education, according to the think tank New America. But there are big variations, with states that have higher poverty levels relying more on federal funding. Mississippi receives nearly 18% of its education funding from the federal government.

Big school districts, such as in Los Angeles and Dallas, have lost millions due to charter-school growth, according to school officials. When a student attends a charter school, taxpayer dollars earmarked to educate that student flow to the charter instead of the school district.

Charter schools are the fastest-growing educational option in the U.S. Enrollment in charters grew 219% from 2004 to 2014, to more than 2.5 million students, while school-district enrollment dropped by 1%, according to an analysis of the latest information from the National Center for Education Statistics.

Mrs. DeVos may have more influence over higher-education policy, some education experts say. The federal government distributes roughly $150 billion annually in loans and grants for college and graduate students. Its student-loan portfolio now totals about $1.3 trillion. But millions of borrowers are failing to make loan payments, putting taxpayers at risk.

One question facing the incoming secretary will be new regulations implemented by the Obama administration that threaten the closure of many for-profit college programs that leave students with high debt burdens relative to their incomes. Mrs. DeVos hasn't said whether she would roll back the regulations, as some congressional Republicans have pushed.

Write to Josh Mitchell at joshua.mitchell@wsj.com, Siobhan Hughes at siobhan.hughes@wsj.com and Tawnell D. Hobbs at Tawnell.Hobbs@wsj.com

The New York Times

Betsy DeVos Confirmed as Education Secretary; Pence Breaks Tie

Emmarie Huetteman and Yamiche Alcindor

WASHINGTON — Betsy DeVos, a wealthy Republican donor with almost no experience in public education, was confirmed by the Senate as the nation's education secretary on Tuesday, but only with the help of a historic tiebreaking vote from Vice President Mike

Pence after weeks of protests and two defections within her own party.

The 51-to-50 vote capped an all-night vigil on the Senate floor, where, one by one, Democrats denounced Ms. DeVos to a mostly empty chamber. But they did not get a third Republican defection that would have stopped Ms. DeVos — a billionaire who has devoted much of her life to promoting charter schools and vouchers — from becoming the steward of the nation's nearly 100,000 public schools.

It was the first time a vice president has been summoned to the Capitol to break a tie on a cabinet nomination.

Senator Al Franken, Democrat of Minnesota, demanded before the vote that Republicans explain how they could support Ms. DeVos. "If we cannot set aside party loyalty long enough to perform the essential duty of vetting the president's nominees, what are we even doing here?" Mr. Franken asked.

The two Republicans who voted against the nominee, Senators Susan Collins of Maine and Lisa Murkowski of Alaska, said Ms. DeVos was unqualified because of a lack of familiarity with public schools and with laws meant to protect students.

"I have serious concerns about a nominee to be secretary of education who has been so involved in one side of the equation, so immersed in the push for vouchers, that she may be unaware of what actually is successful within the public schools, and also what is broken and how to fix them," Ms. Murkowski said last week when the two announced their opposition.

Ms. Collins and Ms. Murkowski said they had also been influenced by thousands of messages they had received urging them to reject the nomination.

51 votes will ensure confirmation

For many educators, Ms. DeVos's support for charter schools and vouchers — which allow students to use taxpayer dollars to pay tuition at private, religious and for-profit schools — reflected a deep disconnect from public schools. Neither Ms. DeVos nor any of her children attended a public school.

Most Republicans described Ms. DeVos as committed to what is best for children. In a fiery speech moments before the vote, Senator Lamar Alexander, Republican of Tennessee and a former education secretary himself, criticized his Democratic colleagues for opposing Ms. DeVos, he said, simply because she was nominated by a Republican president.

"She led the most effective public school reform movement over the last few years," he said. Mr. Alexander, the chairman of the committee that approved Ms. DeVos's nomination last week in a party-line split, said she had been "at the forefront" of education overhaul for decades.

By midday Tuesday, as the vote in the Senate deadlocked at 50 to 50, Mr. Pence, a former member of the House, took the gavel and at 12:29 p.m. declared his vote for Ms. DeVos. In a procedural quirk, a confirmation vote on Senator Jeff Sessions of Alabama for attorney general was scheduled after that of Ms. DeVos so he could vote "yes" before leaving the Senate, securing Republicans a decisive vote.

Raised in a wealthy family, Ms. DeVos, who married into the Amway fortune, has a web of financial investments, has also raised alarm among critics who worried about the many opportunities for conflicts of interest. She was the first of Mr. Trump's nominees not to complete an ethics review before appearing before a Senate panel. She filed her ethics paperwork on Jan. 19, two days after her confirmation hearing.

Teachers' unions and even some charter organizations had protested Ms. DeVos's nomination across the country. Senator Patty Murray of Washington, the top Democrat on the committee that approved Ms. DeVos — and a former educator herself — urged disheartened advocates on Tuesday morning before the vote not to think of their efforts as a waste.

"It's made an impact here and made a difference," she said. "And I think it's woken each of us up in this country to what we value and what we want."

Shortly after Ms. DeVos's confirmation, Randi Weingarten, the president of the American Federation of Teachers, a union that protested the nomination, said the public would now have to "serve as a check and balance" to her policies and be "fierce fighters on behalf of children."

Two Republicans senators, Lisa Murkowski of Alaska, left, and Susan Collins of Maine, center, voted against Ms. DeVos. Gabriella Demczuk for The New York Times

"It's telling that even when Trump had full control of the legislative and executive branches, he could only get DeVos confirmed by an unprecedented tiebreaking vote by his vice president," Ms. Weingarten said. "That's because DeVos shows an antipathy for public schools, a full-throttled embrace of private, for-profit alternatives and a lack of basic understanding of what children need to succeed in school."

David E. Kirkland, an education professor at New York University who has studied Ms. DeVos's impact in Michigan, said he feared she could badly hurt public education and pull resources out of schools in need of federal funding. "Her extensive conflicts of interest and record of diverting money away from vulnerable students and into the pockets of the rich make DeVos completely unfit for the position she was just confirmed to," he said.

Ms. DeVos has focused on expanding parental choice in education and on embracing charter schools and vouchers. Her ideology was a good fit for Mr. Trump's education platform during the campaign, which called for a $20 billion voucher initiative aimed at low-income children.

But freeing such an enormous sum would most likely require the reallocation of federal education money, as well as a realignment of congressional priorities. Vouchers were not part of a sweeping education overhaul passed in 2015, and lawmakers from rural areas, where schools tend to be farther apart, are particularly wary of such initiatives.

The Trump administration could potentially advance a more limited voucher program and seek tax credits for private school tuition or home schooling costs.

Ms. DeVos has also indicated that she would dismantle other pieces of the Obama administration's legacy, potentially including a rule that denies federal student aid money to for-profit colleges whose graduates struggle to get jobs, as well as an aggressive effort to investigate and adjudicate campus sexual assault claims.

Ms. DeVos's critics said they would continue to fight her as she serves. Some vowed to demonstrate at her appearances at forums and schools and to seek candidates friendly to their view to run for local office.

Lily Eskelsen García, the president of the National Education Association, said her union would tap into the vast database of advocates it had built during Ms. DeVos's confirmation process to help keep her in check. "As soon as she does something alarming, it will be known, it will be seen," she said. "She won't be able to hide."

Mr. Trump's choice of Ms. DeVos, known for her big-spending lobbying efforts to expand charter schools in Michigan — an experiment that even charter school supporters now criticize — to lead the Education Department presented senators with a multitude of potential pitfalls. Her background as a prolific fund-raiser who has donated about $200 million over the years to Republican causes and candidates — including some senators, as has been the case for previous presidential nominees — came under scrutiny.

Democrats have also expressed concern about her family's contributions to groups that support so-called conversion therapy for gay people and her past statements that government "sucks" and that public schools are a "dead end." Opponents have also focused on the poor performance of charter schools in Detroit, which she championed.

Senators and education advocates from both sides of the aisle also expressed concern after Ms. DeVos, during her Jan. 17 confirmation hearing, confused core responsibilities of the department.

In one notable exchange that spread across the internet, Senator Tim Kaine, Democrat of Virginia, asked Ms. DeVos whether all schools that receive public money should have to follow the Individuals With Disabilities Education Act, the landmark 1975 civil rights legislation. Under that federal law, states and school districts are required to provide special education services to children with disabilities.

Ms. DeVos said the issue was "best left to the states."

In a bizarre moment that made her the butt of late-night TV jokes, Ms. DeVos also suggested that states should decide whether to allow guns in schools, citing in part concerns about protection from grizzly bears in Wyoming.

"I think probably there, I would imagine there is probably a gun in a school to protect from potential grizzlies," she said.

Before the vote Tuesday, Mr. Franken said, "It was the most embarrassing confirmation hearing that I have ever seen."

In a final push that included demonstrations around the country, constituents and advocates swamped Senate offices with calls, so inundating the Capitol switchboard that it disrupted the Senate's voice mail system.

The Washington Post

With historic tiebreaker from Pence, DeVos confirmed as education secretary

By Emma Brown

The Senate confirmed Betsy DeVos as education secretary Tuesday by the narrowest of margins, with Vice President Pence casting a historic tiebreaking vote after senators deadlocked over her fitness for the job.

DeVos now takes the helm of the Education Department with questions about whether and how the polarizing fight over her confirmation will affect her power to advance the Trump administration's agenda.

The entire Democratic caucus of 48 senators voted against DeVos, as did two Republicans, Lisa Murkowski of Alaska and Susan Collins of Maine, who said they did not think that DeVos was qualified for the job. The remaining 50 Republicans voted for her, setting up a 50-50 tie that could be broken only with Pence's vote.

It marked the first time that a vice president's tiebreaker was needed to confirm a Cabinet secretary, according to Daniel Holt, an assistant historian in the Senate Historical Office. And it was the first time a vice president cast any tiebreaker in the Senate since Richard B. Cheney did so nine years ago.

DeVos, the fifth of President Trump's Cabinet secretary choices to win confirmation, was sworn in Tuesday evening. The next vote is expected Wednesday on the nomination of Sen. Jeff Sessions (R-Ala.) to be attorney general. He, too, will draw strong Democratic opposition. Other nominees are advancing to the floor. On Tuesday, a Senate committee unanimously approved David Shulkin's nomination to lead the Department of Veterans Affairs.

(Reuters)

Ahead of the final confirmation vote for President Trump's pick for education secretary, Betsy DeVos, Senate Minority Leader Charles Schumer said, "We have a responsibility to reject the nomination." Ahead of the final confirmation vote for President Trump's pick for education secretary, Betsy DeVos, Senate Minority Leader Charles Schumer said, "We have a responsibility to reject the nomination." (Reuters)

The DeVos vote showed the limits of the Senate minority party's power: Democrats can protest Trump's nominees, but they can't block them.

Republicans defended DeVos as an outsider who will challenge the status quo and as a conservative who will reduce the federal footprint in public schools, stripping away regulations they see as burdensome. The GOP is keen to change course after eight years in which the Obama Education Department exercised unusual influence over the nation's schools.

"Betsy DeVos has committed: No more Washington mandates, no more national school board," said Sen. Lamar Alexander (R-Tenn.), chairman of the Committee on Health, Education, Labor and Pensions, on Tuesday. "I urge a yes vote."

Opponents said that DeVos doesn't understand or believe in public schools and that she is not committed to enforcing civil rights laws. Those arguments, coupled with her rocky confirmation hearing performance in January, sparked a popular backlash and a level of partisan opposition unprecedented for an education secretary nominee.

"Is this a knowledgeable candidate who understands the federal law? Is this a candidate who comes to us without conflicts of interest? Is this a candidate who is willing to stand up and be the defender of all young children in the schools?" said Sen. Patty Murray (Wash.), the ranking Democrat on the committee. "To me . . . she is not."

Trump weighed in via Twitter: "Senate Dems protest to keep the failed status quo. Betsy DeVos is a reformer, and she is going to be a great Education Sec. for our kids!" he wrote. DeVos retweeted the president's message, and she plans to address the department staff on Wednesday afternoon.

Dozens of Democrats took to the Senate floor to speak out against DeVos for most of the day Monday and through the night into Tuesday, a 24-hour effort to persuade one more Republican to break party ranks and derail the confirmation. They failed, but their demonstration was welcomed by many of the parents, teachers and activists who had marched against DeVos and flooded Senate phone lines to oppose her nomination.

Cabinet nominees are getting more 'no' votes than ever

Since the Education Department was established in 1979, nominees to lead it have always been easily confirmed, often on voice votes or with unanimous support. The closest confirmation vote for an education secretary was 49 to 40 in 2016, in favor of John B. King Jr., who served in the last year of Barack Obama's presidency.

[The popular uprising that threatens the Betsy DeVos nomination]

But DeVos is unlike previous nominees in that she has no personal or professional experience in public education or elected office.

Her free-market approach triggered opposition from teachers unions, which mobilized considerable forces against her, as well as from fellow education activists who said they worried that she was more committed to the ideology of "school choice" than to ensuring quality schools for vulnerable children.

DeVos has promised that she will not force vouchers onto states that don't want them, but she has also said that it's important for parents to have the opportunity to choose alternatives to traditional public schools — including vouchers, full-time virtual schools and public charter schools.

Trump pledged on the campaign trail to redirect $20 billion in federal funds to an effort to expand school voucher programs and charter schools. Such a sweeping proposal, which would require congressional approval, seemed a heavy lift even before the DeVos nomination. Now, with Capitol Hill so deeply divided over DeVos, it seems more remote.

But DeVos could seek to promote alternatives to public schools through other means, some of which would require only a simple majority in the Senate.

Lindsey Burke of the conservative Heritage Foundation said she expects the Trump administration to try to extend the tax benefits of 529 college savings plans to savings plans for private K-12 schools. She said she also anticipates an effort to expand choice for students attending schools run by the federal Bureau of Indian Education, and a push to extend the D.C. Opportunity Scholarship Program — the nation's only federally funded voucher program — to all students in the District.

There are legal limits on the education secretary's authority, but Burke said that DeVos can use her new position to advocate for education that is paid for by taxpayers, but not necessarily delivered in public schools.

"There is now someone at the federal level who recognizes that there's a real redefinition of public education underway," Burke said. "Public education does not have to mean government schooling."

[DeVos and her family are major donors to the senators who will vote on her confirmation]

There has been speculation that the Trump administration could seek to promote vouchers through a competitive grant program similar to Obama's Race to the Top, which helped persuade states to adopt Common Core academic standards and new teacher evaluations in return for a better shot at federal dollars.

Some Republicans hope that, with Trump and DeVos in office, they can win a fight they have lost repeatedly in recent years: allowing $15 billion in Title I funds, meant to help children from low-income families, to follow those students to the schools of their choice, including private schools. But such a change could slice deep holes in the budgets of some of the nation's neediest schools, including in rural areas, and would be likely to encounter stiff resistance on Capitol Hill.

Civil rights advocates are concerned about priorities that DeVos could push with executive power, including rolling back or revising Obama administration guidance on how schools handle complaints of campus sexual assault and what accommodations they must make for transgender students. The agency also has wide latitude to decide how aggressively to investigate complaints about civil rights and special-education services, and it is responsible for deciding whether state plans for judging the success of schools measure up to the law.

DeVos was not widely known when Trump picked her in November. But that changed after she stumbled in her confirmation hearing over basic policy questions and left open the possibility that she would cut education funding, privatize public schools and scale back the department's civil rights work.

Video clips from the hearing went viral, and DeVos became an instant meme even before Trump's inauguration. Opposition to her nomination then snowballed.

Teachers union leaders, civil rights activists and Democrats have vowed to keep the spotlight on DeVos now that the 59-year-old from Ada, Mich., is the nation's 11th education secretary.

"Across the country, parents, teachers, community leaders and civil rights advocates are rightly insisting that the federal role in education should be to strengthen public education, not abandon it, and to protect students' civil rights including students with disabilities, low-income students, students of color, LGBT students, and immigrant students," said King, Obama's second education secretary. "The open question now is, will the future leadership of the department heed that message?"

Ed O'Keefe and Lisa Rein contributed to this report.

THE WALL STREET JOURNAL.

Editorial : The Real Democratic Party

Updated Feb. 8, 2017 7:36 a.m. ET 619 COMMENTS

The Senate made history Tuesday when Mike Pence became the first Vice President to cast the deciding vote for a cabinet nominee.

The nominee is now Secretary of Education Betsy DeVos. The vote came after an all-night Senate debate in a futile effort by Democrats to turn the third Republican vote they needed to scuttle the nomination on claims that the long-time education reformer isn't qualified. Republicans Lisa Murkowski and Susan Collins had already caved, so Mr. Pence had to cast the 51st vote to confirm Mrs. DeVos.

She can now get on with her work, but this episode shouldn't pass without noting what it says about the modern Democratic Party. Why would the entire party apparatus devote weeks of phone calls, emails and advocacy to defeating an *education secretary*? This isn't Treasury or Defense. It's not even a federal department that controls all that much education money, most of which is spent by states and local school districts. Why is Betsy DeVos the one nominee Democrats go all out to defeat?

The answer is the cold-blooded reality of union power and money. The National Education Association and the American Federation of Teachers are, along with environmentalists, the most powerful forces in today's Democratic Party. They elect Democrats, who provide them more jobs and money, which they spend to elect more Democrats, and so on. To keep this political machine going, they need to maintain their monopoly control over public education.

Mrs. DeVos isn't a product of that monopoly system. Instead she looked at this system's results—its student failures and lives doomed to underachievement—and has tried to change it by offering all parents the choice of charter schools and vouchers. Above all, she has exposed that unions and Democrats don't really believe in their high-minded rhetoric about equal opportunity. They believe in lifetime tenure and getting paid.

This sorry politics means that no Democrat could dare support Mrs. DeVos, even if it meant a humiliating about-face like the one performed by New Jersey Senator Cory Booker. As the mayor of Newark, Mr. Booker supported more school choice and he even sat on the board of an organization that would become the American Federation for Children (AFC), the school reform outfit chaired by Mrs. DeVos.

As recently as May 2016, Mr. Booker delivered an impassioned speech at the AFC's annual policy summit in Washington. He boasted about how Newark had been named by the Brookings Institution "the number four city in the country for offering parents real school choice."

He described the school-choice cause this way: "We are the last generation, fighting the last big battle to make true on that—that a child born anywhere in America, from any parents, a child no matter what their race or religion or socio-economic status should have that pathway, should have that equal opportunity, and there is nothing more fundamental to that than education. That is the great liberation."

Some liberator. On Tuesday Mr. Booker voted no on Mrs. DeVos.

His calculation is simple. Mr. Booker is angling to run for President in 2020, and to have any chance at the Democratic nomination he needs the unions' blessing. He knows that a large chunk of both the party's delegates and campaign funding comes from the teachers unions, and so he had to repent his school-choice apostasy.

The unions can't even tolerate a debate on the subject lest their monopoly power be threatened. All that chatter about "the children" is so much moral humbug.

Mrs. DeVos is a wealthy woman who could do almost anything with her time and money. She has devoted it to philanthropy for the public good, in particular working to ensure that children born without her advantages can still have an equal shot at the American dream. She knows education should be about learning for children and not jobs for adults.

All you need to know about today's Democratic Party is that this is precisely the reason the party went to such extraordinary lengths to destroy her. We trust she realizes that her best revenge will be to use every resource of her new job to press the campaign for charter schools and vouchers from coast to coast.

Los Angeles Times

Editorial : If Republicans won't take a stand on someone as incompetent as Betsy DeVos, what will they take a stand on?

The Times Editorial Board

The Times Editorial Board

Surely there are more than two Republican senators who are smart enough to realize that Betsy DeVos is neither qualified nor competent to lead the U.S. Department of Education. Which makes her confirmation Tuesday all the more maddening. For all of President Donald Trump's talk as a candidate about disrupting Washington as usual, there is nothing more politics-as-usual than this: Elected officials who know better, who know they're doing a bad thing for the country, but who go ahead and do it anyway because they need a future relationship with a president who they probably also know is unsuited for his job, and because they fear incurring the wrath of GOP leaders if they cross the party line in the name of good governance.

Two courageous Republican senators did just that, and let's name them here, because anyone who puts children's education ahead of party politics deserves a shout-out: Susan Collins of Maine and Lisa Murkowski of Alaska. The rest fell in line, creating a 50-50 tie that was broken with a yes vote by Vice President Mike Pence.

The vote Tuesday was, of course, a harbinger of bad things to come in the world of education. But even worse, it was a clear message from the more rational, thoughtful members of the Republican Party that we should not count on them to stand up to Trump when his statements and actions are reckless, ill-considered or just plain dumb. That's very troubling; this is a particularly poor moment in history for them to surrender their independence.

Some of DeVos' beliefs about public education are noxious, especially her apparent view that it doesn't need to be public at all. Her enthusiasm for private school vouchers, for instance, raises concerns about accountability, fairness and support for education as a common good. But the beliefs themselves aren't what we find disqualifying; the president, after all, deserves some leeway to appoint people with wrongheaded views.

To put it baldly, she showed at her confirmation hearing that not only did she have no real background in public schools, she had nothing to contribute to the ongoing debates on how to make them better. Actually, she didn't even seem to know what the debates are — or about the existence of existing laws governing education. Let's forget the silly remark about some schools needing guns for protection against grizzly bears — please — and remember that she was unfamiliar with the key ways in which student achievement is measured, or the federal law for protecting students with disabilities, and that she refused to say she'd hold all kinds of schools equally accountable.

A few heads should be hanging with shame in the Senate today. If they were unable to show integrity or basic guts in such a clear-cut case, Americans should expect no courage from them in the worrisome years to come.

Editorial : Betsy DeVos Teaches the Value of Ignorance

The Editorial Board

Betsy DeVos at her confirmation hearing in January. Chip Somodevilla/Getty Images

“Government really sucks.” This belief, expressed by the just-confirmed education secretary, Betsy DeVos, in a 2015 speech to educators, may be the only qualification she needed for President Trump.

Ms. DeVos is the perfect cabinet member for a president determined to appoint officials eager to destroy the agencies they run and weigh the fate of policies and programs based on ideological considerations.

She has never run, taught in, attended or sent a child to an American public school, and her confirmation hearings laid bare her ignorance of education policy and scorn for public education itself. She has donated millions to, and helped direct, groups that want to replace traditional public schools with charter schools and convert taxpayer dollars into vouchers to help parents send children to private and religious schools.

While her nomination gave exposure to an honest and passionate debate about charter schools as an alternative to traditional public schools, her hard-line opposition to any real accountability for these publicly funded, privately run schools undermined their founding principle as well as her support. Even champions of charters, like the philanthropist Eli Broad and the Massachusetts Charter Public School Association, opposed her nomination.

In Ms. DeVos, the decades-long struggle to improve public education gains no visionary leadership and no fresh ideas. Her appointment squanders an opportunity to advance public education research, experimentation and standards, to objectively compare traditional public school, charter school and voucher models in search of better options for public school students.

The charter school movement started in the United States two decades ago with the promise that independently run, publicly funded schools would outperform traditional public schools if they were exempted from some state regulations. Charter pioneers also promised that, unlike traditional schools, which they said were allowed to perform disastrously without consequence, charters would be held accountable for improving student performance, and shut down if they failed.

Ms. DeVos has spent tens of millions and many years in a single-minded effort to force her home state, Michigan, to replace public schools with privately run charters and to use vouchers to move talented students out of failing public schools. She has consistently fought legislation to stop failing charters from expanding, and lobbied to shut down the troubled Detroit public school system and channel the money to charter, private or religious schools, regardless of their performance. She also favors online private schools, an alternative that most leading educators reject as destructive to younger children’s need to develop peer relationships, and an industry prone to scams.

In her Senate hearing, Ms. DeVos appeared largely ignorant of challenges facing college students, as well. She indicated that she was skeptical of Education Department policies to prevent fraud by for-profit colleges — a position favored, no doubt, by Mr. Trump, who just settled a fraud case against his so-called Trump University for $25 million. It was not clear that she understood how various student loan and aid programs worked, or could distinguish between them.

In the end, only two Senate Republicans, Susan Collins of Maine and Lisa Murkowski of Alaska, opposed Ms. DeVos, leaving Vice President Mike Pence to cast the tiebreaking vote. Maybe the others figured it wasn’t worth risking Mr. Trump’s wrath by rejecting his selection to lead a department that accounts for only about 3 percent of the federal budget. Maybe they couldn’t ignore the $200 million the DeVos family has funneled to Republicans, including campaigns of 10 of the 12 Republican senators on the committee that vetted her.

The tens of thousands of parents and students who called, emailed and signed petitions opposing Ms. DeVos’s confirmation refused to surrender to Mr. Trump. They couldn’t afford to have a billionaire hostile to government run public schools that already underperform the rest of the developed world.

Did anyone who backed this shameful appointment think about them?

Whitmire : Opponents have DeVos backwards

Richard Whitmire Published 4:24 p.m. ET Feb. 7, 2017 | Updated 15 hours ago

Betsy DeVos on Jan. 17, 2017.(Photo: Erik Lesser, epa)

In an historic squeaker, Betsy DeVos just won approval as our education secretary. Now, everyone is braced for what they assume is coming next: Traditional school districts get starved while school choice options flourish.

Actually, just the opposite is likely to play out.

DeVos presents no threat to traditional schools, especially those beloved suburban schools that parents seek out. But she does present a threat to public charter schools, which have proven to be the first-ever school reform that works at scale for poor kids.

Allow me to explain.

Even if DeVos wanted to undermine traditional public schools (which I doubt she does) she lacks the authority. The new federal education law, the Every Student Succeeds Act, is pretty much tamper-proof. Stripping power from any secretary of education was a key feature of the bill.

Voucherize the $15 billion in federal Title 1 moneythat targets poor kids? Not doable by executive order.

The real reason not to worry comes down to politics. Does anyone really believe that Republican politicians who represent most of those suburban parents are going to lay a hand on their schools? Not a chance.

Superintendents everywhere don’t want to see radical reforms. If you represent a red state like Texas those school chiefs, especially in rural areas, are demi-gods. Crossing them could get you yanked back from Washington.

Rather, what’s truly at risk are the nation’s 6,900 charter schools that now educate 3 million children. Not all those schools do any better than traditional schools. Some do worse, and should be closed.

But a significant number of those schools — I estimate a fifth, or roughly 1,400 of them — perform radically better. Those schools, which I document in a new book, *The Founders*, add about a year-and-a-half of learning for every year a child spends in their school.

These kids, mostly black and Hispanic, come from families where parents lack the means to move to those high performing suburban schools (the “school choice” long favored by middle class parents).

This is nothing short of revolutionary — the first time this country has successfully followed through on a long-hollow promise to provide equal opportunity education to all.

Here’s the catch: In state after state, these charter school laws got passed because Democrats and Republicans collaborated — pressed by the urgent need to improve schools, especially in troubled urban districts. It was Bill Clinton who launched the federal role in promoting charters, and it was Barack Obama who greatly expanded both the number and quality of charter schools.

But what looks like unstoppable success could stop quickly if Democrats, horrified by Trump and dismayed by DeVos, pull their support. Don’t think it can happen? It just did in Massachusetts, where the teachers’ unions, which oppose the mostly non-union charters, convinced suburban parents — many of them totally unaffected by charter schools — that lifting a cap on the number of charters would harm their schools.

That successful anti-charter drive mirrors what I’ve seen with the remarkable anti-DeVos push that swamped congressional offices and immobilized the Senate. Yes, DeVos badly bungled her hearing, but what really matters here is that once again, just as we saw in Massachusetts, the unions convinced thousands of parents that school choice — not just private school vouchers but public charter schools as well — was their enemy.

POLICING THE USA: A look at race, justice, media

Ironically, Trump and DeVos are a dream come true for the unions — a chance to unravel the bipartisan support for charter schools that for years has hobbled their anti-charter campaigns.

That leaves an unexpected chore for DeVos. Forget what conservatives are telling you about only needing to keep in the favor of Trump and Senate Republicans. You now have a far broader mission.

Your most urgent task is less about expanding school choice than rebuilding the bipartisan support for charters, the school reform that has managed to do what you profess to seek: schools that work for all parents.

How? Surprise everyone. They think you'll tack right. So tack left, instead.

Use the one power you truly possess, the bully pulpit. Make your first visits to cities such as Denver, where Democrats were the key players in crafting a charter/district mix that's working. Take that model and create federal incentives for other cities to copy.

In your first year, visit the many other cities where charters and public schools are working together.

The goal: Mend the damage you and your president have already inflicted on this fragile, bipartisan agreement, and then build on it.

Your legacy depends on it.

Richard Whitmire is the author of several education books.

THE WALL STREET JOURNAL.

Donald Trump's Cabinet Is Taking Longer Than Normal to Fill

Byron Tau

Updated Feb. 7, 2017 9:55 p.m. ET

WASHINGTON—Nearly three weeks into Donald Trump's presidency, the Senate has approved just a handful of his cabinet picks in what has been the slowest pace of confirmations in decades.

The process has been hamstrung in part by a lack of prenomination vetting by Mr. Trump's transition team, according to a potential nominee and emails from the U.S. ethics office. Democratic senators have seized upon issues involving several nominees to slow down action on them, saying the nominees have complex financial records that require further examination.

Mr. Trump said on Twitter Tuesday evening: "It is a disgrace that my full Cabinet is still not in place, the longest such delay in the history of our country. Obstruction by Democrats!"

Earlier in the day, the Senate confirmed Betsy DeVos as secretary of education—just the fifth cabinet appointee approved thus far. Votes are expected this week on Jeff Sessions's nomination for attorney general and Tom Price, who is slated to head the Department of Health and Human Services. The Senate also may act on the selection of Steve Mnuchin as Treasury secretary.

"The American people expect their senators and Congress to do our jobs and fulfill the duties to those who we represent," Sen. John Cornyn (R., Texas) said Monday, urging quick action on Mr. Trump's nominees.

Several factors had suggested a smoother confirmation process for Mr. Trump's cabinet nominees compared with previous presidential transitions.

Republicans hold a majority of seats in the Senate, 52, and can now take advantage of a procedural change that Democrats made in 2013 that eliminated a 60-vote threshold on executive branch nominations.

In addition, Mr. Trump's staff has had access to government support and resources for transition efforts since August—far earlier than previous incoming administrations thanks to a law passed in 2010 to streamline the postelection process. That gave his transition team a head start on vetting personnel compared with previous years, though he shuffled that team shortly after winning the election and set the process back.

Recent presidents have had most of their cabinet in place by the end of their second week in office. Former President Barack Obama had 12 of 15 cabinet officials at work 14 days into this administration, while George W. Bush had 13 out of 14. Before that, 13 of 14 of Bill Clinton's cabinet departments had heads at the two-week mark, while 9 out of 14 of George H.W. Bush's cabinet secretaries were approved.

Mr. Trump, by contrast, still has 10 open cabinet positions and numerous subcabinet positions unfilled 18 days into his administration and as he has moved forward with an ambitious agenda.

Despite lacking a Treasury secretary, Mr. Trump announced new sanctions on Iran last week over a missile test. His Justice Department is engaged in complicated litigation to defend his travel ban and refugee vetting program in court while his attorney general nominee awaits Senate confirmation. And Mr. Trump's early proposals to overhaul the health-care system were made without a secretary of Health and Human Services.

Democrats say they are slowing the process because some of the nominees are unqualified and others haven't been thoroughly examined. Their procedural tactics have included maximum use of debate time allowed under Senate rules and boycotts of certain committee hearings.

"Our norms of good government and above all ethics are being tested by a cabinet unlike any other I've ever seen in my time in public office. There are so many billionaires with so many conflicts of interest and so little expertise in the issues they'd oversee," said Senate Democratic leader Chuck Schumer (D., N.Y.) on Monday.

Typically, cabinet nominees are thoroughly vetted for possible ethics issues and financial conflicts of interest long before their names are publicly announced.

But Mr. Trump's team didn't always follow that process, according to interviews with political insiders and emails reviewed by The Wall Street Journal. One prospective appointee who was under serious consideration for a cabinet job said in an interview there was never a request from the transition office for financial or other background materials.

In addition, Mr. Trump has chosen a number of nominees with little to no experience navigating the complicated process of government ethics.

Mr. Trump's nominee for Army secretary, Vincent Viola, withdrew from consideration late last week in part because the billionaire businessman couldn't untangle his financial holdings to comply with Defense Department rules on conflicts. Another nominee, for U.S. trade representative, was found to have lobbied for a foreign government, and may need a waiver to comply with the legal requirements to be confirmed to the position.

Other issues have been uncovered during the hearing process on Capitol Hill. Mr. Price, the Health and Human Services secretary nominee, traded more than $300,000 in shares of health-related companies over the past four years while sponsoring and advocating legislation that potentially could affect those companies' stocks.

In addition, Mr. Trump's team broke with decades of precedent by failing to involve the Office of Government Ethics in the selection of nominees to fill administration jobs at the beginning of the process.

In emails shared with the Journal, OGE head Walter Shaub wrote to the Trump transition operation in November, saying there were "no reliable lines of communication with the transition team." He also said it was "unprecedented" for transitions to announce the names of cabinet nominees without their having a Federal Bureau of Investigation background check and a thorough review by the OGE.

"In the past, prospective nominees have quietly walked away from nominations after learning what effects the ethics rules will have on their personal finances," Mr. Shaub wrote. "In addition, transition teams have quietly walked away from well-regarded prospective nominees after reviewing the FBI's background investigation report and completing extensive supplemental vetting activities." A spokesman for the OGE didn't respond to a request for comment.

MSNBC first published the emails from the OGE last month, which were obtained through a public records request. They were shared with the Journal by Mark Zaid, an attorney who represented MSNBC in the request.

Mr. Trump himself acknowledged how closely guarded the personnel selection process was.

"I am the only one who knows who the finalists are!" Mr. Trump tweeted during the transition, emphasizing the narrowness of the circle around him helping select cabinet picks.

Write to Byron Tau at byron.tau@wsj.com

The Washington Post

Mike Pence, a man of the House, becomes Trump's eyes and ears in the Senate

https://www.face book.com/paul.kane.3367

Just 2 1 / 2 weeks into his tenure, Vice President Pence did something that his predecessor Joe Biden never did in eight years: He cast a tie-breaking vote in the Senate.

The Constitution assigns only two real responsibilities to the vice presidency: breaking Senate ties and assuming the presidency should the president leave office. Shortly after noon Tuesday, for the first time since the spring of 2008, the Senate was deadlocked 50-50, on a vote to confirm Betsy DeVos as education secretary, and Pence cast his first vote in the Senate after two of the 52 Republicans joined all 48 members of the Democratic caucus in voting against the nominee.

Yet Pence's most important activity came next, walking into his now regular Tuesday luncheon with Senate Republicans in his role as President Trump's highest profile set of eyes and ears on Capitol Hill.

A member of the House for 12 years before serving as Indiana governor, Pence has expanded his portfolio in the Senate well beyond awaiting the increasingly unusual tie votes. He has emerged as a key ally to Senate Majority Leader Mitch McConnell (R-Ky.).

At McConnell's invitation, Pence attends the weekly policy lunch on Tuesdays inside the Mansfield Room, just a few steps off the Senate floor, resuming a tradition that Richard B. Cheney kept over his eight years as the last Republican vice president. There, Pence has shown a willingness to talk with members and take questions, a contrast to how Cheney approached his role.

(Bastien Inzaurralde/The Washington Post)

Vice President Pence on Feb. 5 defended President Trump's travel ban while senators questioned Trump's criticism of the federal judge who temporarily blocked the ban. Vice President Pence defends President Trump's travel ban while senators question Trump's criticism of the judge who temporarily blocked the ban. (Bastien Inzaurralde/The Washington Post)

"He didn't do much talking," Sen. John Cornyn (Tex.), the No. 2 Republican leader, recalled of Cheney, who tended to take a seat at a table off to the side and quietly talk to any senators with questions.

Cornyn added that "Pence is much more gregarious."

He's not quick to leave, either. "And you know he is available to talk to individuals when that's over, as a rule, and I think that will serve him well," said Sen. Roy Blunt (Mo.), also a member of the GOP leadership.

The Daily 202: In Mike Pence, conservatives trust

What remains to be seen is whether Pence has true clout in a West Wing that seems to thrive off competing power centers. It will always be helpful to have the vice president relaying his intelligence from Capitol Hill back to Trump and his top advisers, but true power comes in shaping the final outcome of decisions.

During his House tenure, Pence wasn't particularly influential. The former radio talk-show host was always known more for communication skills than policy chops. But he was generally well liked and trusted, developing long-standing friendships with rabble-rousers who now hold powerful posts, particularly Speaker Paul D. Ryan (R-Wis.).

But Pence's early kinship with the Senate could pay even more dividends for the administration.

Last week, he served as the lead escort for Supreme Court nominee Neil Gorsuch to Wednesday meetings with McConnell and other senior Republicans. About a third of the Senate served in the House with Pence, including Blunt and several other members of McConnell's leadership team.

[Cabinet nominees are getting more 'no' votes than ever]

It's a much more direct approach than Biden took after serving 36 years in the Senate. He and Harry M. Reid, the majority leader in 2009, both thought it was inappropriate to have the vice president sitting in on Senate Democrats' weekly strategy sessions.

So Biden took a more traditional role of roving elder statesman, working the phones to his old colleagues and hosting them at the vice president's home at the Naval Observatory.

But Biden and Cheney both served presidents who came from within the political system and spoke the same language, understanding the intricacies of how difficult the Senate could be to overcome.

Not Trump, who just a few days into office was already calling for McConnell to blow up the chamber's filibuster rules to confirm Gorsuch.

Just before his inauguration, Trump suggested in a Washington Post interview that he was on the verge of releasing his own health-care plan. Then, in a weekend interview with Fox News Channel, the president suggested that it could take well more than a year to replace the Affordable Care Act.

"I think it's really indispensable," Cornyn said of Pence's work, "because there are so many opportunities for miscommunication or no communication between the executive branch and Congress."

Mike Pence emerges as Donald Trump's evangelist, emissary and explainer

Republicans could be forgiven if they suffered whiplash during back-to-back appearances at the policy retreat in Philadelphia late last month. Trump delivered a free-form performance that jumped all over the map, leaving after 25 minutes and not taking questions. Pence followed with a steady, hand-chopping 20-minute speech that began with a rousing set of thank-yous to his hosts and ended with a stern, prayerful story about Ronald Reagan, and he then took 20 minutes of questions from the rank and file.

Even Democrats don't mind having Pence around so much. Sen. Thomas R. Carper (Del.) said Trump's "propensity for alternative facts" might mean the vice president has to translate: "Mike Pence could probably come over, clearly as anybody, and say: This is what's really going on."

But history measures a vice president's power more on his ability to help shape a president's decisions than how many friends he has on Capitol Hill. Early on, with the slew of executive orders Trump is signing, the power seems to reside with senior West Wing advisers, particularly his chief strategist, Stephen K. Bannon.

Unlike those aides, however, Pence is a constitutional officer and has the same four-year term as Trump. Strategists tend to come and go, and Republicans think that Pence's credibility will be key to truly big successes like legislative victories on health care.

"I think he's an incredibly valuable part of what can happen here," Blunt said, noting Pence's political utility in reassuring traditional Republicans of Trump's candidacy and now his presidency. "I think the president realizes what an important decision this was in terms of rallying conservatives and main-street Republicans around him."

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POLITICO

Hill Republicans quake at Trump's budget-busting wish list

By Rachael Bade and Josh Dawsey

President Donald Trump wants to rebuild the nation's roads and bridges, boost military spending, slash taxes and build a "great wall." But Republicans on Capitol Hill have one question for him: *How the heck will we pay for all of this?*

GOP lawmakers are fretting that Trump's spending requests, due out in a month or so, will blow a gaping hole in the federal budget — ballooning the debt and undermining the party's doctrine of fiscal discipline.

Story Continued Below

Trump has signaled he's serious about a $1 trillion infrastructure plan, as he promised on the campaign trail. He also wants Republicans to approve extra spending this spring to build a wall along the U.S. southern border and beef up the military — the combined price tag of which could reach $50 billion, insiders say. And that's to say nothing of tax cuts, which the president's team has suggested need not necessarily be paid for.

Trump, meanwhile, has made clear he has little interest in tackling the biggest drivers of the national debt: entitlements. Republicans have been yearning to overhaul Medicare and Social Security for decades.

Even without Trump's pricey wish list, the nonpartisan Congressional Budget Office estimates the $19.9 trillion debt will grow by a further $9.4 trillion over the next decade if nothing changes.

"I don't think you can do infrastructure, raise defense spending, do a tax cut, keep Medicare, Medicaid and Social Security just as they are, and balance the budget. It's just not possible," said Rep. Tom Cole (R-Okla.), a senior member of the House Budget Committee. "Sooner or later, they're going to come to grips with it because the numbers force you to."

Trump's staunchest allies in Congress counter that the president deserves some leeway to get something tangible done on jobs.

"If there is a temporary increase in the deficit to get our economy growing, I think my fellow Republican members are willing to look at the long game," said Rep. Chris Collins (R-N.Y.), a Trump loyalist. "A growing economy and growing our way to success and financial stability is what we want to see."

The contrasting views foreshadow a clash between adherents to Trump's big-spending populism and classic small-government conservatives. Republican lawmakers have to choose between embracing Trump's expensive agenda — or pushing back and risking his wrath.

Hill GOP insiders on both sides of the Capitol told Politico the fiscal 2018 budget will easily be one of the toughest votes Congress takes this year. That's especially true in the House, where the conference for years has rallied around budgets that balance in 10 years — the gold standard for whether a fiscal blueprint is "conservative enough." Now, many Republicans worry they won't get there because of Trump's unorthodox views on spending.

"It was already going to be a herculean task in making the numbers work over a 10-year time frame; when you begin to add in transportation, walls, tax cuts, it becomes an impossible task," said Rep. Mark Sanford (R-S.C.). "We're at the cusp of moving in the wrong direction. … It's a problem."

Meanwhile, some Republicans on the House Budget Committee are floating the idea of changing the standard of "success" for a budget. Budget vice chairman Todd Rokita (R-Ind.) has been speaking to members about ditching the 10-year-balance metric for one that focuses on a debt-to-GDP ratio. Supporters of the idea say it would paint a more accurate measure of the nation's long-term fiscal situation anyway, as savings from entitlement reforms aren't often realized until the second decade and beyond — not in the 10-year budget window.

"The challenge to balance is going to be more difficult than ever. That's all I have to say," Rokita said outside the House floor last week when asked about his proposed standard.

Spokesman William Allison said in a statement that Budget Chairwoman Diane Black (R-Tenn.) is "committed to working towards a balanced budget."

The White House in the next two months will send Congress two major requests for money: a military spending bill that would take effect immediately upon passage, and a budget for next fiscal year. The latter will be a particularly tough lift because it traditionally includes a projection of government spending and debt over the next few decades.

Republicans are crossing their fingers that any requests for new spending will be offset with cuts. If not, the House Budget Committee will have to craft legislation to raise spending caps that have been in place for years. That could face stiff opposition from conservatives.

"We would have several people opposed to" lifting the caps, said Freedom Caucus Member Raúl Labrador (R-Idaho). "I am a fiscal conservative, and the biggest issue we're facing in America right now is our debt. As Republicans, we better be consistent on this or we're going to lose our base."

Outside conservative groups would also revolt if Republicans did away with the spending limits. Tim Phillips, who leads the Koch brothers-backed Americans for Prosperity, said "discretionary spending has grown far too rapidly. We have to put a hard cap on growth, and if Republicans are going to be true to their rhetoric, they will agree to a hard cap on spending."

Trump also wants to slash taxes, which could reduce the amount of annual cash flowing to the Treasury. Republicans are concerned because they have few specifics on what kind of tax plan Trump wants and some administration officials have floated the idea of not paying for tax reductions. House Speaker Paul Ryan's tax plan would be "revenue-neutral," or not add to the deficit, but no one knows for sure what the final deal negotiated by Trump and congressional Republicans will look like.

Former Senate Majority Leader Trent Lott, a lobbyist who worked closely with Trump's transition team, said many of his corporate clients are lining up to oppose one of the biggest "pay-fors" put forward by Ryan: a new tax on imports, which the speaker estimates would generate $1 trillion.

"The border adjustment tax is giving my clients serious heartburn. A lot of American companies, the poultry industry, the automobile industry, many others are worried about that," Lott said.

Republicans expect their leaders to argue that any spending, whether through appropriations or tax cuts, would ultimately pay for themselves by growing the economy by record amounts. Still, they're not sure if that will get them to a balanced budget.

Rep. Charlie Dent: "I certainly hope that we don't try to reconcile these increase expenditures on the backs of the discretionary programs." | AP Photo

It's possible some Republicans will seek to offset new spending with cuts to discretionary spending programs like the National Endowment for the Arts or agriculture programs — something that worries many House Appropriations members like Rep. Charlie Dent (R-Pa.) .

"I certainly hope that we don't try to reconcile these increase expenditures on the backs of the discretionary programs," he said.

Appropriators generally believe there is not enough fat to cut from discretionary programs to finance the level of new spending Trump is talking about. Most Republicans would rather turn to entitlement programs to find savings, but Trump has made clear he has no interest in going there.

Republicans are banking on outgoing Rep. Mick Mulvaney (R-S.C.), a fiscal hard-liner tapped by Trump to lead the Office of Management and Budget, to sell the president on the merits of entitlement reform.

"I do know Mick Mulvaney knows the reality behind the numbers," Cole said. "But Mick doesn't get to make the final call, that's the president. … It's going to be fascinating."

THE WALL STREET JOURNAL.

GOP Plan to Overhaul Tax Code Gets Held Up at the Border

Richard Rubin

Updated Feb. 7, 2017 11:42 a.m. ET

WASHINGTON—Republicans see a once-in-a-generation opportunity to overhaul the U.S. tax code. Just weeks into Donald Trump's presidency, they are getting a taste of why such attempts are always confounding—every action creates an equal and opposite reaction.

A linchpin of the House Republicans' tax plan, an approach called "border adjustment," has split Republicans and fractured the business world into competing coalitions before a bill has even been drafted.

A border-adjusted tax would impose a levy on imports, including components used in manufacturing, and exempt exports altogether. Opposing it are retailers, car dealers, toy manufacturers, Koch Industries Inc., oil refiners and others that say it would drive up import costs and force them to raise prices.

"Every time somebody buys something at Wal-Mart or Target or fills up their car with gas, they're going to get hit pretty hard with this thing," says Andy Roth, vice president of government affairs at the Club for Growth, a free-market advocacy group. "I don't think that's what the voters signed up for in November."

The proposal's architects, House Ways and Means Committee Chairman Kevin Brady (R., Texas) and Speaker Paul Ryan (R., Wis.), have support among House Republicans and major export-driven companies such as General Electric Co. Supporters say the House tax plan would encourage domestic investment and reward companies that manufacture in America. Border adjustment would raise short-term government revenue, many economists say, by operating like a levy on the roughly $500 billion trade deficit.

"We cannot afford to shoot for mediocre, to try to get to the middle of the pack or just do what's politically easy," says Mr. Brady. "Yes, I know tax reform is difficult. That's why it only occurs once a generation."

The fire over border adjustment has landed the GOP's tax-code overhaul drive in excruciatingly familiar territory: Nearly everyone agrees the code needs revamping, but every existing provision has its staunch defenders and every new approach its detractors.

Charities are alarmed by Mr. Trump's proposal during his campaign to cap itemized deductions at $100,000 for individuals and $200,000 for married couples. Private-equity managers are worried by the House proposal to end the deduction for net business-interest costs. The real-estate industry and state governments have big concerns, too.

Mr. Brady says he is listening to objections and looking at ways to smooth the transition for taxpayers. Still, "we are going bold because we have to," he says. "We don't have a choice. We've got to get back into the lead pack to become competitive again, and so that

means shaking up the current tax code."

There is plenty in the broader House GOP plan for Messrs. Brady and Ryan to pitch to businesses and lawmakers, including lower rates and immediate deductions for capital expenses. Border adjustment is a pillar of the plan, however, and the fight over it is dominating the broader debate, a preview of months of skirmishes over every corner of the tax bill.

Last week, GE, Dow Chemical Co. and Pfizer Inc. joined a coalition backing border adjustment that says the proposal would help end disadvantages for American-made products. Meanwhile, Wal-Mart Stores Inc., Target Corp., Nike Inc. and Toyota Motor Corp. joined an opposing coalition, warning that border adjustment will cause consumer price increases.

Rep. David Schweikert (R., Ariz.) got a Ways and Means Committee seat in January and quickly found himself staying up late reading competing reports on the proposed tax change and hearing from businesses that barely communicated with him before. "I have a lot of new friends," he says.

Mr. Trump initially labeled the idea "too complicated" and said he didn't like the term. "Any time I hear 'border adjustment,' I don't love it," Mr. Trump said in a Jan. 13 interview with The Wall Street Journal. He has called for a "big border tax" that narrowly targets companies that outsource production for goods sold in the U.S.

The White House appeared to embrace border adjustment as a way to draw money from Mexico, only to back away and say it is one option. It didn't respond to requests for comment for this article.

What isn't in doubt is the GOP's intention to seize the moment.

Rare opportunity

"The chances of tax reform occurring are the best we've seen in 30 years," says former Rep. Dave Camp, a Republican whose tax-code overhaul attempt essentially died the day he unveiled it in 2014, thanks to divisions inside the GOP.

Republicans plan to turn in earnest to tax policy after passing health legislation this year. Although plans for quick action on repealing the Affordable Care Act have been slipping, they still want to make tax overhaul a signature 2017 project.

House Republicans want to drop the top individual tax rate to a 25-year low, cut the corporate tax rate to the lowest since 1939 and kill the 101-year-old estate tax.

Those are the politically easy choices, the ones Republicans argue would boost economic growth and simplify taxes. If that is all they sought, they could copy their 2001 playbook, push through tax cuts with a 10-year expiration date and declare victory.

Mr. Brady says Republicans won't do that. They are rethinking fundamental tax rules for businesses and individuals, trying to improve investment incentives and remove tax provisions they say distort economic choices. That would affect every industry and income group, inevitably creating winners and losers.

"If you make your living off of some special deal in the current income-tax system, you're not going to like it," says Rep. Devin Nunes (R., Calif.), a senior Ways and Means member. "But most Americans don't make their living off of benefits in the tax code, and they want the tax code simplified."

To avoid blowing a giant hole in the federal budget, House members plan to offset the rate cuts with provisions that would be large tax increases if considered on their own.

The Republicans' task is harder than in 1986, when they worked with Democrats to scrub the tax code. This time, many Democrats are poised to dismiss the GOP plans as unacceptable tax cuts for rich individuals tied to untested changes for businesses. A memo from Senate Democratic tax staffers in December called the House plan "highly regressive and fiscally irresponsible."

"We're seeing these proposals being depicted as having near perfection and the opponents saying it's fiscal Armageddon," says Rep. Richard Neal of Massachusetts, the top Democrat on Ways and Means. "My hunch is that's where substantive hearings over a long period of time could be very helpful."

Mr. Brady and his staff are still writing their plan, and there are many details to figure out. Generally, here's how border adjustment would work:

Companies wouldn't be able to deduct import costs as regular business expenses anymore. Target, say, couldn't deduct the cost of toys made in China and McCormick & Co. couldn't deduct for spices it buys abroad. Both have expressed concerns about border adjustment.

On the flip side, exports and other foreign sales wouldn't count as income, meaning the U.S. would stop taxing its companies' foreign revenue and profits. When GE, which backs border adjustment, sells a turbine in Indonesia, it wouldn't have to pay a U.S. tax on the sale, no matter where the product is made.

Those changes would reshape the corporate tax system so the U.S. would tax only goods and services used in the country. One advantage is that it would tax something that doesn't move—consumption in America—instead of something that is fungible, such as the location of corporate profits.

The House plan would lower the corporate tax rate to 20% from 35%. Border adjustment would generate about $1 trillion in tax revenue over a decade to help pay for that, according to independent estimates. It would also transform the business-tax system so companies selling goods and services in the U.S. largely couldn't escape taxes by putting their addresses, intellectual property or jobs outside America in low-tax countries, a problem the Obama administration tried to tamp down.

The argument for border adjustment hinges in part on how currency markets will respond. Economists expect border adjustment to increase the dollar's value as much as 25%, citing similar currency moves when other nations introduced border-adjusted value-added taxes.

As a result, proponents say, an importer would pay more taxes but the stronger dollar would make it cheaper to bring products into the U.S., theoretically leaving the importer no worse off. Exporters could be hit by a stronger dollar—it would make their products more expensive in foreign currencies—but benefit from lower tax bills.

Importers' worries

Some retailers and other big importers doubt the dollar would rise that much. They warn of tax bills that would exceed profits, forcing them to pass costs to consumers. Some are in the early stages of working on an alternative plan they can present to lawmakers, says a person familiar with those plans.

Cody Lusk, president of the American International Automobile Dealers Association, says his members are shocked that a Republican Congress is proposing a 20% tax on imports.

"We view this as a very, very serious potential blow to the auto sector and the economy," says Mr. Lusk, whose members sell Toyotas, Hondas and other cars from foreign-headquartered companies.

He likes aspects of the House plan, "but when we look at the whole, I don't think the juice is worth the squeeze."

Tax experts are puzzling over how to describe who wins and loses from border adjustment. One thing is clear, economists say: If the dollar goes up 25%, U.S. holders of foreign assets—including pension funds and endowments—would suffer a one-time loss in wealth of more than $2 trillion.

There is also global uncertainty: Other countries may retaliate, either by border-adjusting their corporate taxes or by challenging the U.S. plan at the World Trade Organization as too tilted toward American producers.

Border adjustment is essential in value-added tax systems around the world, but no country has done precisely what the House GOP is proposing. A panel President George W. Bush convened in 2005 suggested border adjustment. So did a 2008 plan from Mr. Ryan.

Mr. Brady turned to border adjustment last year. That approach solved some problems that blocked Mr. Camp's plan but now is causing its own.

Every chip away at unanimity makes tax overhaul tougher. Rep. Pat Tiberi (R., Ohio), a senior Ways and Means member, says some of his constituents back border adjustment while others are worried. He says Cardinal Health Inc. has voiced concerns about the cost of rubber for latex gloves and Honda Motor Co. has raised objections, too. Cardinal declined to comment. Honda says it is concerned about the impact on prices.

Rep. Pat Meehan (R., Pa.), says refiners in his district rely on imported oil and that he is arguing for an exception. "It puts us at a remarkable competitive disadvantage," he says.

Republicans have said they are considering pushing a tax plan through the Senate by a simple majority. With a 52-48 Senate margin, they have little maneuvering room. At least seven GOP senators have expressed concerns about border adjustment, including Utah's Mike Lee, Arkansas's John Boozman, Georgia's David Perdue and Texas' John Cornyn.

Finance Committee Chairman Orrin Hatch (R., Utah) said last week he had questions about border adjustment and that the Senate would put its own stamp on the tax bill.

"I worry that consumers, my Kansas constituents, are the ones who pay the tax," says Sen. Jerry Moran (R., Kan.). He is concerned the world might respond in ways that hurt his state's wheat growers and airplane makers. "I assume you get into a battle with other countries," he says, "and it affects the exporters."

Write to Richard Rubin at richard.rubin@wsj.com

THE WALL STREET JOURNAL.

U.S. Trade Deficit Last Year Was Widest Since 2012

Ben Leubsdorf

Updated Feb. 7, 2017 2:37 p.m. ET

The U.S. logged a $502.25 billion trade deficit in 2016, the largest in four years and a gap President Donald Trump is setting out to narrow to bolster the U.S. economy.

The new president faces obstacles in the coming months and years, including the potential for a stronger dollar, larger federal budget deficits and low national saving rates compared with much of the rest of the world, all of which could force trade deficits to widen.

As in past years, the 2016 gap reported Tuesday by the Commerce Department reflected a large deficit for U.S. trade in goods with other countries, offset in part by a trade surplus for services. The gap in terms of goods only was $347 billion with China last year, $69 billion with Japan, $65 billion with Germany and $63 billion with Mexico.

For December, the total trade gap decreased 3.2% from November to a seasonally adjusted $44.26 billion. Exports rose 2.7%, including increased sales of civilian airplanes and aircraft engines. Imports were up 1.5% in December, including a rise in car imports.

During the presidential campaign, Mr. Trump and some of his economic advisers said he would seek to boost economic growth and support U.S. manufacturing jobs by reducing the nation's trade deficit and thus increasing net exports. He said his administration will negotiate better deals with other countries, and he has also threatened to levy tariffs on some imports.

"We must protect our borders from the ravages of other countries making our products, stealing our companies and destroying our jobs," Mr. Trump said in his Jan. 20 inaugural address. "Protection will lead to great prosperity and strength."

The interplay between trade, growth and employment is complex and difficult to manage. The U.S. has run trade deficits for decades, during periods of expansion and low unemployment as well as during recessions and high unemployment.

The gap widened starting in the late 1990s with China's emergence as a world trading power and recent research shows a surge of imports from China put downward pressure on U.S. wages and manufacturing employment. Economists generally say trade has overall if uneven benefits, including lower prices for consumers.

In 2016, the total deficit rose modestly from the prior year to its highest dollar level since 2012. But it shrank slightly to 2.7% as a share of U.S. economic output after hovering at 2.8% of gross domestic product in 2013 through 2015.

The gap fundamentally reflects the fact that Americans consume more than they produce relative to the rest of the world. To shrink the gap, they would either have to produce more or consume less.

If Americans consumed less, the deficit could contract along with the broader economy, as happened during the 2001 and 2007-2009 recessions, leaving workers no better off. To produce more, U.S. firms could export more or take market share from imports. Tariffs could help that happen, but other countries might retaliate.

Former President Barack Obama, in a bid to boost economic growth, in 2010 set out to double the nation's exports in five years. But he fell well short of that goal due in part to shaky demand overseas and a stronger dollar.

The dollar's rise since Mr. Trump's election could present a headwind for export demand because it makes U.S. goods and services more expensive overseas. The U.S. currency has appreciated 23% since July 2014 and by 2% since Mr. Trump's election, according to Federal Reserve data.

Moreover, the new president's stated desire to cut taxes and increase government spending could expand the federal budget deficit, a phenomenon that in the past has been accompanied by a wider trade gap.

"We may be now seeing a return of the 'twin deficits' that we saw in the 1980s and the 2000s," said Harvard University economist Jeffrey Frankel, a former member of the White House Council of Economic Advisers under President Bill Clinton.

There is "tension" between Mr. Trump's goals on fiscal policy and trade, said Matthew Slaughter, dean of the Tuck School of Business at Dartmouth College and a former White House economic adviser to President George W. Bush. "The desire for fiscal expansion…will tend to increase the trade deficit's overall size, not reduce it," he said.

There is much uncertainty about how efforts on Capitol Hill to craft a tax-code overhaul could affect trade, as well as what actions the Trump administration might pursue on trade agreements and tariffs in the coming months.

"If there is some type of tax effort or reform put out that has an advantage relative to exports, we'll more than likely get a significant tailwind from that," Raytheon Co. Chief Executive Tom Kennedy told analysts in late January.

But "you have to be worried about a trade war," Honeywell International Inc. Chief Executive David Cote told analysts last month. "If it gets to that point, it's not going to be bad just for trade, but it's going to be bad economically."

Write to Ben Leubsdorf at ben.leubsdorf@wsj.com

THE WALL STREET JOURNAL.

Trump Administration Gives Final Approval for Dakota Access Pipeline

Amy Harder and Christopher M. Matthews

Updated Feb. 7, 2017 6:00 p.m. ET

WASHINGTON—The Trump administration has given a final green light to the controversial Dakota Access Pipeline, according to a court filing issued Tuesday, fulfilling a campaign pledge to boost energy projects but infuriating activists fighting the project.

The U.S. Army Corps of Engineers, an agency of the Department of the Army, said in court filings that the department was planning to issue an outstanding easement under a river in North Dakota that was holding up construction of the oil pipeline. The department also notified Congress of its intent in a separate letter.

The project, which has faced intense opposition from Native American tribes and environmental groups, would cross nearly 1,200 miles and carry as many as 570,000 barrels of oil a day from North Dakota to Illinois.

President Donald Trump issued an executive order late last month ordering the Army to swiftly make a decision on the project.

The Army's announcement Tuesday was expected and is the latest example of Mr. Trump seeking to follow through on campaign promises to promote fossil fuels and related infrastructure by reversing actions taken by his predecessor.

Energy has been one of the few policy areas where Mr. Trump, congressional Republicans and the business community have largely been on the same page in the administration's early weeks. By contrast, Mr. Trump has tangled with Republicans on Capitol Hill and with companies over his actions and statements on immigration, taxes and a Mexican border wall.

Congressional Republicans and industry cheered Tuesday's announcement, but environmental activists and others expressed outrage on Twitter and elsewhere, suggesting this approval may not be the end of the battle.

Mr. Trump has also backed a renewed and expedited review of the Keystone XL pipeline, which President Barack Obama rejected in November 2015 in part due to its symbolic role in the climate change debate. In addition, Mr. Trump has issued a series of directives ordering faster reviews of energy projects and seeking to promote U.S.-manufactured materials over foreign-made products for infrastructure projects.

Mr. Trump's backing of the Dakota and Keystone pipelines offer the earliest and clearest examples of the new administration's energy policy, which stands in contrast to that of Mr. Obama, whose administration worked to incorporate more environmental focus in project reviews.

The Obama administration halted the Dakota project in December by denying the easement needed to finish the route. The Army Corps of Engineers said it wouldn't allow the company to build beneath a Missouri River reservoir, the pipeline's final 1,100-foot link, and

the administration said instead it would conduct a fuller environmental review of the project.

In court documents Tuesday, the Army said it was terminating that review, citing Mr. Trump's presidential directive.

North Dakota Gov. Doug Burgum welcomed the announcement. "This is a key step toward the completion of this important infrastructure project, which has faced months of politically driven delays," Mr. Burgum said.

The Standing Rock Sioux tribe, which staged a months-long protest of the pipeline, has asked the U.S. District Court in Washington, D.C., to stop the project, arguing that the reservoir crossing could contaminate their water supply, which is 70 miles downstream from the project.

The tribe's legal challenge was dealt a blow Tuesday when the Corps of Engineers informed Judge James Boasberg that it had notified Congress it would grant the easement.

The tribe said Tuesday that it is "undaunted in its commitment to challenge" the Army Corps decision, and will pursue legal action on the grounds that the environmental impact assessment was wrongfully terminated.

"We are a sovereign nation and we will fight to protect our water and sacred places from the brazen private interests trying to push this pipeline through to benefit a few wealthy Americans with financial ties to the Trump administration," said Dave Archambault II, tribal chairman.

A spokeswoman for Energy Transfer, the company behind the pipeline, didn't respond to a request for comment.

Energy Transfer has said it plans to have the pipeline in commercial service by June 1. Lawyers for the company have said the pipeline requires 83 days from receipt of the easement to bring it into service after filling and testing it.

—Will Connors contributed to this article.

Write to Amy Harder at amy.harder@wsj.com and Christopher M. Matthews at christopher.matthews@wsj.com

The Washington Post

Trump administration to approve final permit for Dakota Access pipeline

https://www.facebook.com/eilperin

The deputy secretary of the Army will grant the final permit needed to complete the Dakota Access Pipeline, the Army declared in a court filing Tuesday, clearing the massive infrastructure project's last bureaucratic hurdle.

The Army's intention to grant a 30-year easement under North Dakota's Lake Oahe was immediately hailed by congressional Republicans and decried by members of the Standing Rock Sioux tribe and other opponents.

In documents filed with the U.S. District Court for the District of Columbia, as part of an ongoing federal environmental review of the controversial pipeline, Army officials indicated that they were terminating a plan to prepare an environmental-impact statement on how the pipeline would affect land and water along its 1,170-mile route.

The move, coming two weeks after President Trump instructed the Army Corps of Engineers to conduct an expedited review of the easement, underscores the new administration's intent to spur infrastructure development and support the fossil fuel industry. Both during the presidential campaign and since taking office, Trump has spoken of the need to accelerate domestic energy production and the construction of pipelines that can bring oil and gas to market.

While couched in dry language — a letter from Deputy Assistant Secretary of the Army Paul D. Cramer to Rep. Raúl M. Grijalva (D-Ariz.) details the 7.37 acres the pipeline would cross on federal property — the decision marks a major blow to activists who had come from across the country last year and gathered on the Standing Rock's windswept reservation. There, they declared, a tribe and its allies would defy the federal government.

The project would cross four states and carry crude oil from the rich shale oil basins of western North Dakota to the pipeline networks and refineries in the Midwest. Opponents argue that it could damage the environment and disturb ancient burial grounds.

Construction cannot begin until the easement is granted, which Cramer wrote will be given to the project's sponsor Energy Transfer Partners no later than Wednesday afternoon. The company declined to comment Tuesday.

The section of the project running underneath Lake Oahe is one of the final parts to be built, and it could be operational between 60 and 80 days after construction starts.

In the wake of the Army's decision, confrontations at the site could flare anew between activists and law enforcement. While tribal leaders have urged their supporters to go home as the weather worsens, a few hundred protesters have remained. Last week, authorities arrested 74 activists who had decamped from the tribal reservation to land owned by Energy Transfer Partners.

Fights over pipeline siting have become a new front in the broader push to address climate change, with environmentalists arguing that curbing pipelines will limit the amount of carbon released into the atmosphere by restricting the extent to which fossil fuels can be extracted and burned. At the same time, projects such as Dakota Access have reignited the sense of injury among many American Indians, who believe that the land in question belongs to them under treaties they signed with the federal government in the 1800s.

"We are a sovereign nation and we will fight to protect our water and sacred places from the brazen private interests trying to push this pipeline through to benefit a few wealthy Americans with financial ties to the Trump administration," Standing Rock Chairman Dave Archambault II said in a statement Tuesday. "Americans have come together in support of the Tribe asking for a fair, balanced and lawful pipeline process. The environmental impact statement was wrongfully terminated. This pipeline was unfairly rerouted across our treaty lands. The Trump administration — yet again — is poised to set a precedent that defies the law and the will of Americans and our allies around the world."

The tribe said Tuesday that it plans to challenge the easement decision. Officials have asked a court to compel Energy Transfer Partners to publicly disclose its oil spill and risk assessment records for the project. Ultimately, the tribe said, it will seek to shut down the pipeline's operations if it is constructed.

Keith Benes, a former State Department lawyer who helped oversee pipeline permitting decisions under the Obama administration and now works as an environmental consultant, said in an interview that opponents could mount a strong legal challenge because the only justification the Army gave for terminating its environmental review was the president's Jan. 24 directive. The agency had been seeking public input on whether to consider an alternate pipeline route, and the comment period was due to close Feb. 20.

"Supreme Court precedent is really clear that agencies can change their minds about policies, but they need to provide a reason," Benes said, noting that the justices most recently upheld this position in the 2009 case *FCC v. Fox Television Stations, Inc.* "The president telling you to change your mind is not enough of a justification for changing your factual finding."

Jan Hasselman, a lawyer with the environmental group Earthjustice, said the new administration had no right to short-circuit a process started by then-Obama administration officials to scrutinize the project's potential impact on critical resources along the route. Late last year, after weeks of protest, then-President Barack Obama instructed the Army corps to look at different route options for the pipeline.

"The Obama administration correctly found that the Tribe's treaty rights needed to be respected, and that the easement should not be granted without further review and consideration of alternative crossing locations," Hasselman said in an email. "Trump's reversal of that decision continues a historic pattern of broken promises to Indian Tribes and violation of Treaty rights. They will be held accountable in court."

Backers of the pipeline, who argue that it is the most effective means of transporting crude oil extracted on the Great Plains, hailed the Army's decision.

"New energy infrastructure, like the Dakota Access Pipeline, is being built with the latest safeguards and technology," Sen. John Hoeven (R-N.D.) said in a statement. "The discord we have seen regarding the Dakota Access Pipeline doesn't serve the tribe, the company, the corps or any of the other stakeholders involved. Now, we all need to work together to ensure people and communities rebuild trust and peacefully resolve their differences."

And Craig Stevens, a spokesman for the business-backed MAIN coalition, called the action "proof-positive of President Trump's commitment to supporting domestic energy development, including midstream infrastructure projects. Today's action sends a strong positive signal to those individuals and companies seeking to invest in the U.S. and will help strengthen our economy and create jobs."

A Native Nations march on Washington has been planned for March 10, with the Standing Rock Sioux and others across the country expected to join protesters in demonstrating against the pipeline project.

"Expect mass resistance far beyond what Trump has seen so far," Tom Goldsmith, executive director of the Indigenous Environmental Network, said in a statement.

Steven Mufson contributed to this report.

THE WALL STREET JOURNAL.

Editorial : Dakota Access Dumping Ground

Feb. 7, 2017 7:20 p.m. ET 107 COMMENTS

The U.S. Army Corps of Engineers finally granted an easement Tuesday that will allow the Dakota Access Pipeline to cross under the Missouri River north of the Standing Rock Sioux Reservation in North Dakota. The approval means that construction of the final 1.5 miles of the more than 1,700-mile pipeline can proceed. More important, the approval means that the era of arbitrary political interference with private infrastructure projects is over.

The pipeline's last sliver had been held up for months by protesters who claim to oppose disturbing the area's pristine natural resources. In reality, they oppose extracting any fossil fuels from the ground, and the Obama Administration indulged them in its final days.

Other evidence of less-than-pristine motives comes from the garbage dump the protesters left behind. A North Dakota Fox affiliate reported this week on the clean-up efforts for the makeshift encampments: Thousands of protesters produced enough garbage to fill an estimated 250 trucks with trash. The detritus—tarps, tents—has frozen into "massive chunks of junk," said the report, and much of it is buried under snow.

The Army Corps closed the area and said in a press release that grass has been destroyed or removed from some 50 acres. The mess has to be cleared out before a spring flood sends toxic sludge into the nearby Cannonball River and Lake Oahe, the same lake the protesters said would be polluted by the pipeline. Moral grandstanding can be a dirty business, but shouldn't the protesters pay to clean up their own mess?

THE WALL STREET JOURNAL.

Editorial : Gorsuch in the Mainstream

Feb. 7, 2017 7:18 p.m. ET 44 COMMENTS

One political trope of modern judicial politics is to declare a conservative nominee "out of the mainstream." The line is never applied to progressive nominees because to the media the mainstream is by definition progressive. Expect to hear more of this about Supreme Court nominee Neil Gorsuch, albeit without evidence to back it up.

According to an analysis by Jeff Harris at Kirkland & Ellis, Judge Gorsuch has written some 800 opinions since joining the Tenth Circuit Court of Appeals in 2006. Only 1.75% (14 opinions) drew dissents from his colleagues. That makes 98% of his opinions unanimous even on a circuit where seven of the 12 active judges were appointed by Democratic Presidents and five by Republicans. Add the senior judges, who hear fewer cases, and the circuit has 11 Republicans and 10 Democrats.

Judge Gorsuch is known on the Tenth Circuit as a strong writer and consensus builder, and the pattern extends to his participation in opinions by other judges. Judge Gorsuch has heard roughly 2,700 cases and dissented in only 35—1.3%.

Not many of his cases have ended up at the Supreme Court, but when they have his analysis has been routinely upheld by the Justices. Of at least eight cases considered by Mr. Gorsuch that were appealed to the Supreme Court, the Justices upheld his result in seven. In four of those the decisions were unanimous.

Among those was a government speech case on whether a town had to accept a Utah church monument in a public park next to an existing monument of the Ten Commandments (*Pleasant Grove City, Utah et al. v. Summum*). Judge Gorsuch voted to reconsider the court's ruling against the town and the Supreme Court agreed. In another, Judge Gorsuch joined a ruling that Oklahoma prevent Texas from taking water from Oklahoma. The Supreme Court agreed. (*Tarrant Regional Water District, Petitioner v. Rudolf John Herrmann*).

His lone defeat was *Direct Marketing Association v. Brohl* on whether the Tax Injunction Act barred a federal legal challenge to a state tax law. A unanimous Supreme Court said the lawsuit could proceed.

Among the other three, one was *Burwell v. Hobby Lobby* in 2014 allowing companies to opt out of ObamaCare's contraception requirement. The Supreme Court upheld Judge Gorsuch 5-4. But the decisions don't all break down on the typical left-right spectrum. In *Brian Russell Dolan v. U.S.*, the majority upholding Judge Gorsuch's decision included Justices Ruth Bader Ginsburg, Sonia Sotomayor,Stephen Breyer,Samuel Alito and Clarence Thomas. The case involved whether a court that has missed a deadline can still order a criminal to pay restitution.

Judge Gorsuch has said that an originalist interpretation of the Constitution means that judges will sometimes reach decisions they don't prefer politically. His nomination has drawn support from Democrats including President Obama's former Acting Solicitor General Neal Katyal, who called Judge Gorsuch "thoughtful and brilliant" and said that "as a judge, he has always put aside his personal views to serve the rule of law."

All of which helps to explain why Senate Democrats aren't uniting in opposition. Minority Leader Chuck Schumer is walking a delicate line between the left, which is demanding a filibuster, and the 10 Democrats who are running for re-election in 2018 in states carried by Donald Trump. Mr. Schumer is saying Judge Gorsuch will have to meet a "60-vote standard," which is the filibuster line without declaring a filibuster. Look for him to see which way the nomination wind blows.

Judiciary Chairman Chuck Grassley says he plans to hold Mr. Gorsuch's nomination hearing before the Senate's Easter recess in April. The faster the better.

The New York Times

Friedman : Connecting Trump's Dots

Thomas L. Friedman

Oh wait, President Barack Obama did that, but Trump scrapped TPP on Day 1, without, I am sure, having read it. Now there is every reason to believe our Asian-Pacific allies will fall even more under China's economic sway and trade "rules." How smart is that?

And by the way, why is labor in Mexico cheaper than in America? One reason is that Mexico has weaker labor rights and environmental standards. Let's see … what would TPP require of Mexico and other signatories? *That they bring their labor rights and environmental standards closer to ours.*

Instead, Trump is building a wall to keep out Mexican immigrants and force companies to move to the U.S. Let's see … what happened after 9/11, when the border crossings with Mexico and Canada were severely constricted for security? It forced some assembly line shutdowns at U.S. auto companies, like Ford, because their supply chains stretched to Mexico and Canada. The lower-cost work is done in Mexico and then integrated with higher-value-added work in America, which enables our car companies to compete on price in Europe, Japan and China.

So what did the U.S., Canada and Mexico do after 9/11? They created a North American security envelope, explained Seth Stodder, Obama's assistant secretary of homeland security, so if you fly into Mexico or Toronto from the Middle East, our Homeland Security

Department now probably knows about it.

"Since 9/11, we and our Mexican and Canadian partners have worked to secure the North American perimeter by sharing information on people and goods coming to our countries, cross-referencing that information against terrorism databases and working collaboratively to identify potential bad actors trying to come to North America," Stodder said. If we build a wall and demand that Mexico pay for it, how long will it go on cooperating with us?

And if Trump forces all these U.S.-based multinationals to move operations from Mexico back to the U.S., what will that do? Help tank the Mexican economy so more Mexicans will try to come north, and raise the costs for U.S. manufacturers. What will they do? Move their factories to the U.S. but replace as many humans as possible with robots to contain costs.

The U.N. says there's a record 65 million displaced migrants and refugees, mostly from the developing world, trying to get into secure places like the U.S. or Europe. Why? A mix of civil wars, state failures, climate stresses and population explosions. What did Trump do his first week? Appoint climate deniers to key posts and ban U.S. aid to health groups that provide abortion as a family-planning option in developing nations.

Trump wants to partner with Vladimir Putin to defeat ISIS in Syria — a worthy goal. But Putin hasn't been trying to defeat ISIS. He's been trying to defeat democracy in Syria to keep the genocidal pro-Russian dictator there in power.

Will that be our goal, too? And who are Putin's allies in Syria? Iran, Hezbollah and Shiite mercenaries from Pakistan and Afghanistan. Will they be our allies, too? No. We will enlist Iraqi and Syrian Sunnis to help us, says Trump. Really? But he just barred them from entering the U.S. How cooperative will they be?

And whom else might this ban keep out? Remember Steve Jobs? His biological father was Abdulfattah "John" Jandali. He came to America as a student in the 1950s and studied at the University of Wisconsin. He was from … Homs, Syria.

It's amazing what a mess you can make when you only check boxes and don't link them.

The New York Times

'A Conservative Climate Solution': Republican Group Calls for Carbon Tax

John Schwartz

A carbon tax, which depends on rising prices of fossil fuels to reduce consumption, is supported in general by many Democrats, including Al Gore. Major oil companies, including Exxon Mobil, have come out in favor of the concept as well.

The Baker proposal would substitute the carbon tax for the Obama administration's Clean Power Plan, a complex set of rules to regulate emissions which President Trump has pledged to repeal and which is tied up in court challenges, as well as other climate regulations. At an initial price of $40 per ton of carbon dioxide produced, the tax would raise an estimated $200 billion to $300 billion a year, with the rate scheduled to rise over time.

The tax would be collected where the fossil fuels enter the economy, such as the mine, well or port; the money raised would be returned to consumers in what the group calls a "carbon dividend" amounting to an estimated $2,000 a year for the average family of four.

Former Secretary of State George P. Shultz spoke on Capitol Hill about energy, climate change and national security in 2013. Christopher Gregory/The New York Times

The plan would also incorporate what are known as "border adjustments" to increase the costs for products from other countries that do not have a similar system in place, an idea intended to address the problem of other "free-rider" nations gaining a price advantage over carbon-taxed domestic goods. The proposal would also insulate fossil fuel companies against possible lawsuits over the damage their products have caused to the environment.

Attacks on the plan can be expected from many quarters, even among supporters of a carbon tax in theory. Supporters of the Clean Power Plan are likely to oppose its repeal. Democrats also tend to oppose limitations on the right to sue like those envisioned in the Baker proposal. And the idea of a dividend will no doubt anger those in the environmental movement who would prefer to see the money raised by the tax used to promote renewable energy and other new technologies to reduce emissions.

It is also unclear how the plan will be received by the Trump administration. Stephen K. Bannon, the senior counselor to the president, has shown little interest in appeasing establishment Republicans. Breitbart News, which Mr. Bannon led before joining the Trump White House staff, has been outspoken in denying the science of climate change.

Whatever the fate of the plan, it is a notable moment because it puts influential members of the Republican establishment on the record as favoring action on climate change — a position that is publicly held by few Republicans at the national level, though many quietly say they would like to throw off the orthodoxy in the party that opposes action.

"This represents the first time Republicans put forth a concrete, market-based climate solution," said Ted Halstead, an author of the paper and social entrepreneur whose organization, the Climate Leadership Council, is posting the memo outlining the plan. Mr. Halstead, who also founded the New America research institute, said the political left and right had stalled on climate action in part because they disagreed about the means to fixing the problem, even though they might find common ground.

Henry M. Paulson Jr., a former secretary of the Treasury, is part of a group of Republican elder statesmen calling for a tax on carbon emissions to fight climate change. Ray Stubblebine/European Pressphoto Agency

Some popular environmentalists take stands that those on the right can never embrace, Mr. Halstead said, citing the works of Naomi Klein, who attacks capitalism itself as the root of climate change. "That is so at odds with the conservative worldview, of course they're going to walk away," he said. "The only way for this solution to come about is if it gets a start on the right."

The other co-authors of the memo include N. Gregory Mankiw and Martin Feldstein, former chairmen of the Council of Economic Advisers, and Rob Walton, the former chairman of Wal-Mart.

A survey taken just after the 2016 election by the Yale Program on Climate Change Communication found that 66 percent of registered voters supported a carbon tax on fossil fuel companies, with the money used to reduce personal taxes. The party breakdown for that support was 81 percent of Democrats, 60 percent of independents and 49 percent of Republicans. Even among Trump voters, 48 percent support taxing fossil fuel companies, according to the Yale program.

Mr. Baker said it was time for the Republican Party to engage in the discussion of global warming beyond simple denial.

"It's really important that we Republicans have a seat at the table when people start talking about climate change," Mr. Baker said. He said that, like many Republicans, he was skeptical that human activity was the main cause of warming, but that the stakes were too high for inaction. "I don't accept the idea that it's all man made," he said, "but I do accept that the risks are sufficiently great that we need to have an insurance policy."

As for the likelihood of success of his plan, "I have no idea what the prospects are."

THE WALL STREET JOURNAL.

SoS Schultz and SoS Baker : A Conservative Answer to Climate Change

George P. Shultz and James A. Baker III

Updated Feb. 7, 2017 7:07 p.m. ET

Thirty years ago, as the atmosphere's protective ozone layer was dwindling at alarming rates, we were serving proudly under President Ronald Reagan. We remember his leading role in

negotiating the Montreal Protocol, which continues to protect and restore the delicate ozone layer. Today the world faces a similar challenge: the threat of climate change.

Just as in the 1980s, there is mounting evidence of problems with the atmosphere that are growing too compelling to ignore. And, once again, there is uncertainty about what lies ahead. The extent to which climate change is due to man-made causes can be questioned. But the risks associated with future warming are so severe that they should be hedged.

The responsible and conservative response should be to take out an insurance policy. Doing so need not rely on heavy-handed, growth-inhibiting government regulations. Instead, a climate solution should be based on a sound economic analysis that embodies the conservative principles of free markets and limited government.

We suggest a solution that rests on four pillars. First, creating a gradually increasing carbon tax. Second, returning the tax proceeds to the American people in the form of dividends. Third, establishing border carbon adjustments that protect American competitiveness and encourage other countries to follow suit. And fourth, rolling back government regulations once such a system is in place.

The first pillar, a carbon tax, is the most cost-effective way to reduce emissions. Unlike the current cumbersome regulatory approach, a levy on emissions would free companies to find the most efficient way to reduce their carbon footprint. A sensibly priced, gradually rising tax would send a powerful market signal to businesses that want certainty when planning for the future.

A "carbon dividend" payment, the second pillar, would have tax proceeds distributed to the American people on a quarterly basis. This way, the revenue-neutral tax would benefit working families rather than bloat government spending. A $40-per-ton carbon tax would provide a family of four with roughly $2,000 in carbon dividends in the first year, an amount that could grow over time as the carbon tax rate increased.

A carbon dividends policy could spur larger reductions in greenhouse-gas emissions than all of President Obama's climate policies. At the same time, our plan would strengthen the economy, help working-class Americans, and promote national security, all while reducing regulations and shrinking the size of government.

The third pillar is a border adjustment for carbon content. When American companies export to countries without comparable carbon pricing systems, they would receive rebates on the carbon taxes they have paid. Imports from such countries, meanwhile, would face fees on the carbon content of their products. Proceeds from such fees would also be returned to the American people through carbon dividends. Pioneering such a system would put America in the driver's seat of global climate policy. It would also promote American competitiveness by penalizing countries whose lack of carbon-reduction policies would otherwise give them an unfair trade advantage.

The eventual elimination of regulations no longer necessary after the enactment of a carbon tax would constitute the final pillar. Almost all of the Environmental Protection Agency's regulatory authority over carbon emissions could be eliminated, including an outright repeal of President Obama's Clean Power Plan. Robust carbon taxes would also justify ending federal and state tort liability for emitters.

With these principles in mind, on Wednesday the Climate Leadership Council is unveiling "The Conservative Case for Carbon Dividends." The report was co-authored by conservative thinkers Martin Feldstein,Henry Paulson Jr., Gregory Mankiw,Ted Halstead,Tom Stephenson and Rob Walton.

This carbon dividends program would help steer the U.S. toward a path of more durable economic growth by encouraging technological innovation and large-scale substitution of existing energy sources. It would also provide much-needed regulatory relief to U.S. industries. Companies, especially those in the energy sector, finally would have the predictability they now lack, removing one of the most serious impediments to capital investment.

Perhaps most important, the carbon-dividends plan speaks to the increasing frustration and economic insecurity experienced by many working-class Americans. The plan would elevate the fortunes of the nation's less-advantaged while strengthening the economy. A Treasury Department report published last month predicts that carbon dividends would mean income gains for about 70% of Americans.

This plan will also be good for the long-term prospects of the Republican Party. About two-thirds of Americans worry a "great deal" or "fair amount" about climate change, according to a 2016 Gallup survey. Polls often show concern about climate change is higher among younger voters, and among Asians and Hispanics, the fastest-growing demographic groups. A carbon-dividends plan provides an opportunity to appeal to all three demographics.

Controlling the White House and Congress means that Republicans bear the responsibility of exercising wise leadership on the defining challenges of our era. Climate change is one of these issues. It is time for the Grand Old Party to once again lead the way.

Mr. Shultz was secretary of state (1982-89) and Treasury secretary (1972-74). Mr. Baker was secretary of state (1989-92) and Treasury secretary (1985-88).

The New York Times

Feldstein, Halstead and Mankiw : A Conservative Case for Climate Action

Martin S. Feldstein, Ted Halstead and N. Gregory Mankiw

By contrast, an ideal climate policy would reduce carbon emissions, limit regulatory intrusion, promote economic growth, help working-class Americans and prove durable when the political winds change. We have laid out such a plan in a paper to be released Wednesday by the Climate Leadership Council.

A coal-fired power plant in Colorado Springs, Colo. RJ Sangosti/The Denver Post, via Getty Images

Our co-authors include James A. Baker III, Treasury secretary for President Ronald Reagan and secretary of state for President George H. W. Bush; Henry M. Paulson Jr., Treasury secretary for President George W. Bush; George P. Shultz, Treasury secretary for President Richard Nixon and secretary of state for Mr. Reagan; Thomas Stephenson, a partner at Sequoia Capital, a venture-capital firm; and Rob Walton, who recently completed 23 years as chairman of Walmart.

Our plan is built on four pillars.

First, the federal government would impose a gradually increasing tax on carbon dioxide emissions. It might begin at $40 per ton and increase steadily. This tax would send a powerful signal to businesses and consumers to reduce their carbon footprints.

Second, the proceeds would be returned to the American people on an equal basis via quarterly dividend checks. With a carbon tax of $40 per ton, a family of four would receive about $2,000 in the first year. As the tax rate rose over time to further reduce emissions, so would the dividend payments.

Third, American companies exporting to countries without comparable carbon pricing would receive rebates on the carbon taxes they've paid on those products, while imports from such countries would face fees on the carbon content of their products. This would protect American competitiveness and punish free-riding by other nations, encouraging them to adopt their own carbon pricing.

Finally, regulations made unnecessary by the carbon tax would be eliminated, including an outright repeal of the Clean Power Plan.

Our own analysis finds that a carbon dividends program starting at $40 per ton would achieve nearly twice the emissions reductions of all Obama-era climate regulations combined. Provided all four elements are put in force in unison, this plan could meet America's commitment under the Paris climate agreement, all by itself. Democrats and environmentalists may bemoan the accompanying regulatory rollback. But they should pause to consider the environmental value proposition.

These four pillars, combined, invite novel coalitions. Environmentalists should like the long-overdue commitment to carbon pricing. Growth advocates should embrace the reduced regulation and increased policy certainty, which would encourage long-term investments, especially in clean technologies. Libertarians should applaud a plan premised on getting the incentives right and government out of the way. Populists should welcome the distributive impact.

According to a recent Treasury Department study, the bottom 70 percent of Americans would come out ahead under a carbon dividends plan. Some 223 million Americans stand to benefit.

The idea of using taxes to correct a problem like pollution is an old one with wide support among economists. But it is our unique political moment, combined with the populist appeal of dividends, that may turn the concept into reality.

Republicans are in charge of both Congress and the White House. If they do nothing other than reverse regulations from the Obama administration, they will squander the opportunity to show the full power of the conservative canon, and its core principles of free markets, limited government and stewardship.

A repeal-only climate strategy would prove quite unpopular. Recent polls show that 64 percent of Americans are concerned about climate change, 71 percent want America to remain in the Paris agreement, and an even larger share favor clean energy. If the Republican Party fails to exercise leadership on our climate challenge, they risk a return to heavy-handed regulation when Democrats return to power.

Much better would be a strategy of "repeal and replace." This would be pro-growth, pro-competitiveness and pro-working class, which aligns perfectly with President Trump's stated agenda.

The New York Times

Editorial : Republicans Have Lost the Plot on Their Obamacare Repeal

The Editorial Board

Kaye Blegvad

President Trump and Republican lawmakers have never been able to explain how they would improve on the Affordable Care Act, which they've promised to quickly repeal and replace with something better. Now, it's increasingly evident that they have no workable plan and might never come up with one.

Congress blew past a self-imposed Jan. 27 deadline to introduce legislation to end the health law. Mr. Trump told Fox News in an interview that ran Sunday that a replacement for the health law might not be ready until next year. Meanwhile, Republican senators like Lamar Alexander and Orrin Hatch have started talking about "repairing" the A.C.A., or Obamacare, rather than removing it root-and-branch. And while House Speaker Paul Ryan still insists that Congress will repeal and replace it this year, his wishful statements are clearly meant in large measure just to placate the burn-it-all-down wing of his caucus.

After campaigning for years against the health care law, Republicans seem to be realizing that it will be incredibly difficult to deliver on Mr. Trump's promise of providing a program that is better, cheaper and covers more people.

The law has extended health insurance to more than 22 million Americans. Plenty of them are calling lawmakers, showing up at town halls and marching in the streets demanding that Obamacare be preserved. Public support for it has never been higher, according to an NBC News/Wall Street Journal poll. Another poll, by the Pew Research Center, found that 60 percent of Americans say the government should make sure that everybody has health coverage.

None of the Republican plans would accomplish anything close to what the A.C.A. has achieved. A bill introduced by Representative Tom Price, Mr. Trump's pick to run the Department of Health and Human Services, would greatly reduce the federal subsidies that help people buy health insurance. It would also eliminate the expansion of Medicaid, the health program for the poor, disabled and elderly, that has covered more than 11 million new people. Mr. Price and other Republicans also want to turn Medicaid into block grants to states, which would result in governors and legislatures cutting benefits and covering fewer people. And House Republicans have proposed privatizing Medicare by giving beneficiaries vouchers to buy private insurance.

Given the political predicament, some Republicans are now trying to constrict the program without repealing it. The Trump administration, for instance, is reportedly considering allowing insurers to charge older people who buy insurance on the federal health care exchanges premiums that are 3.49 times as much as they charge younger people, up from three times as much currently.

Another approach is to chip away one provision at a time. Congress could, for example, eliminate mental health care or contraceptive coverage, which is required of health plans under the current law. The Trump administration already tried to sabotage the law by pulling about $5 million in ads in the last few days of open enrollment at the end of January. Analysts say that decision helped drive down the number of people who bought policies on HealthCare.gov this year, compared with 2016.

If Republicans are at all concerned about the public interest and their own political futures, they ought to pull back from the chaos they have sown.

The Washington Post

Editorial : The right way to preserve financial stability

https://www.facebook.com/washingtonpostopinions

WITH HIS characteristic blend of aggressiveness and generality, President Trump has vowed to do "a big number on Dodd-Frank," the 2010 financial regulation law enacted to prevent a repeat of the 2008 financial meltdown. On Friday, he signed an executive order setting in motion a four-month review process with an eye toward achieving that. Certain parts of Dodd-Frank, do, indeed, cry out for a fix. The measure may be unduly onerous on smaller banks that pose no real risk to overall financial stability. The Volcker rule, intended to force a clean break between commercial banks and their speculative "proprietary trading" desks, turned into page after page of impenetrable definitions and exceptions.

Yet in one fundamental respect, Dodd-Frank has helped make the financial system safer: boosting the capital of the largest banks. Banking experts generally agree that strong capital cushions are the simplest, most efficient means of ensuring solvency through a crisis. In the fourth quarter of 2015, the six largest financial institutions held high-quality capital worth roughly 12 percent of their assets, compared with just under 8 percent on the eve of the crisis. This is a major reason that the latest Federal Reserve "stress tests," conducted pursuant to Dodd-Frank in June 2016, found that the banking system could withstand "a severe global recession with the domestic unemployment rate rising five percentage points."

And so it was worrisome to hear the president's point man on financial policy, National Economic Council Director Gary Cohn, take repeated shots at these heightened capital requirements, blaming them for the nation's still-tepid growth rate nearly a decade after the crisis. "What is happening now, because of all the regulation, is that the Fed is pumping money into the banks, but the same Fed on the other side is telling all those banks you need to hold more and more and more capital, so that capital is never getting out to Main Street America," Mr. Cohn told the Wall Street Journal. Really? According to the most recent data from the Federal Deposit Insurance Corporation, bank lending grew at a 6.8 percent annual rate in the third quarter of 2016. Quarterly bank profits, meanwhile, were more than double what they were at the time of Dodd-Frank's enactment.

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Yes, that lending growth rate was still below the pre-crisis level — but that's just the point. Perhaps banks should be expanding credit a bit more slowly than they did during what turned out be an unsustainable bubble. Financial regulation's goal is not maximum short-term growth, it's maximum short-term growth consistent with long-term financial stability. Strong capital requirements are essential to achieving that, as the crisis taught. No doubt there's a natural human tendency, post-crisis, to forget such lessons, or to play them down. That tendency is especially prevalent on Wall Street, where Mr. Cohn has spent his career. His words, unfortunately, suggest that the Trump administration may succumb to it.

The New York Times

Editorial : Melania Trump Inc. Imperiled

The Editorial Board

Melania Trump on her first day as first lady. Doug Mills/The New York Times

President Donald Trump and his family have done little to assuage concerns that they see the White House as a cash cow. The president has bucked tradition by refusing to release his tax returns. He ignored pleas from the Office of Government Ethics, which called on him to fully divest his holdings in order to avoid dragging mounds of conflicts of interest into the Oval Office. The president's adult sons have been busy working on projects at home and abroad now that the Trump name opens more doors than ever. Ivanka Trump, the president's daughter, conspicuously wore a piece from her jewelry line in a postelection interview on CBS's "60 Minutes."

But any veneer of plausible deniability about the Trump family's greed and their transactional view of the most powerful job in the world was shattered this week by a defamation lawsuit the first lady, Melania Trump, filed. Mrs. Trump is suing The Daily Mail's website in New York State court over a story published last year that included a baseless claim that the former model once worked as an escort. Mrs. Trump is certainly entitled to challenge the accuracy of that allegation and to argue that it was defamatory.

But her assessment of the damage the claim has done to her earning potential is galling, and revelatory. As a result of the report published in August, Mrs. Trump contends in the suit, her "brand has lost significant value, and major business opportunities that were otherwise available to her have been lost and/or substantially impacted." The suit offers no specific examples of lost business opportunities.

The timing of the story was particularly injurious, according to the lawsuit, considering that Mrs. Trump "had the unique, once-in-a-lifetime opportunity, as an extremely famous and well-known person, as well as a former professional model and brand spokesperson, and successful businesswoman, to launch a broad-based commercial brand in multiple product categories, each of which could have garnered multimillion-dollar business relationships for a multiyear term during which plaintiff is one of the most photographed women in the world."

There is no benign way to look at that claim. Mrs. Trump evidently believes her new title affords her a chance to rake in millions of dollars.

THE WALL STREET JOURNAL.

Galston : Chuck Schumer vs. the 'Resistance'

William A. Galston

Feb. 7, 2017 6:59 p.m. ET

Senate Minority Leader Chuck Schumer has the toughest job in Washington, and nothing on the horizon is likely to make it any easier.

By Election Day the tactics and tone of the Trump campaign had already rubbed Democrats' nerves raw. The massive turnout for the Women's March the day after the inauguration revealed the anger and fear Donald Trump's victory had generated in the Democratic grass roots. Then in quick succession came ideologically confrontational cabinet nominations for Labor, Education, HHS and EPA; the executive order on immigration and refugees; and the president's pick to fill the late Justice Antonin Scalia's seat on the Supreme Court.

A progressive uprising observers are already comparing to the tea party has put Democratic senators under intense pressure to reject everything and everybody the Trump administration proposes. Mr. Schumer felt compelled to vote against confirming Elaine Chao, the wife of Senate Majority Leader Mitch McConnell, as secretary of transportation—a notable breach of the comity that once characterized what used to be called the world's greatest deliberative body until it was no longer possible to utter this phrase with a straight face.

The next few months' legislative agenda could make matters even worse. First will come votes repealing regulations put in place late in the Obama administration, followed by a bill that repeals ObamaCare and replaces as much of it as the rules governing the budget reconciliation procedure will allow. This strategy will allow Republicans to proceed without Democratic support, which is not likely to be forthcoming under these circumstances.

The confirmation process for Neil Gorsuch, a highly credentialed judge who combines the jurisprudence of Justice Scalia with the demeanor of Jimmy Stewart, will probably yield a filibuster by Democrats still smarting over Sen. McConnell's 10-month blockade of President Obama's pick, the equally well qualified Merrick Garland. In turn, this will trigger a party-line vote eliminating the 60-vote threshold for Supreme Court nominees. By the time Congress reaches issues that might permit a measure of bipartisan compromise, the well may be thoroughly poisoned.

If this sequence of events were compatible with the long-term interests of the Democratic Party, Mr. Schumer's task would be straightforward if aesthetically unattractive. Unfortunately for Democrats, it is not.

In November 2018, 33 senators will be up for re-election; 25 are Democrats or independents who caucus with the Democrats, and 10 of them are at risk. Five Democrats—Joe Donnelly of Indiana, Claire McCaskill of Missouri, Jon Tester of Montana, Heidi Heitkamp of North Dakota and Joe Manchin of West Virginia—represent red states that Mitt Romney carried easily. Donald Trump did even better, romping to victory with margins between 19 and 42 percentage points. In 2012 Mr. Tester received only 49% of the vote; Mr. Donnelly, 50%; Ms. Heitkamp, 51%.

Another tranche of Democrats—Florida's Bill Nelson, Michigan's Debbie Stabenow, Ohio's Sherrod Brown, Pennsylvania's Bob Casey Jr. and Wisconsin's Tammy Baldwin—represent five of the six states President Trump moved from the Democratic column in 2012 to the Republicans in 2016. It requires little imagination to predict where Mr. Trump will be campaigning in the fall of 2018, or the effect his presence may have among the working-class voters who gave him his margin of victory in 2016.

Sen. Schumer's overriding political imperative is to prevent Republicans from widening their Senate majority next year. To maximize his chances, he will have to allow endangered Democrats to go their own way on votes that could be used to bolster their opponents. This means defending them when they break with blue-state Democrats while doing his best to forestall debilitating primary challenges from disgruntled progressives. The formula for Democratic victory in North Dakota and West Virginia is very different from Vermont and Massachusetts, a reality that the supporters of Sens. Bernie Sanders and Elizabeth Warren must be persuaded to accept.

This is Mr. Schumer's thankless task, which he cannot evade, whatever the short-term impact on the support he enjoys from his party's left wing. The alternative—an ideologically driven purge of Democratic moderates—could consign the party to minority status for a generation.

Those of a certain age cannot suppress a sigh of recognition. The clash between partisan zeal and the imperatives of building a majority helped bring about three consecutive national defeats in the 1980s until Bill Clinton and the New Democrats found a formula for leading their party out of the wilderness. Apparently their legacy—peace, vigorous economic growth and widely shared prosperity—is not good enough for today's progressives, who view the 1990s as a period of unprincipled capitulation.

George Santayana famously remarked that those who cannot remember the past are condemned to repeat it. He might have added that even those who can remember are condemned to the same fate.

THE WALL STREET JOURNAL.

Boyd : The Fastest Way to Fire Richard Cordray

Thomas M. Boyd

Feb. 7, 2017 6:58 p.m. ET

As the Trump administration revisits the Dodd-Frank Act, a lingering question is how to rein in the Consumer Financial Protection Bureau. Since it set up shop in 2011, the CFPB has considered itself to be free of meaningful oversight or control.

Within hours of taking the oath of office on Jan. 20, President Trump circulated a memo to executive departments, putting a freeze on new regulations. The response from CFPB Director Richard Cordray was to say that the bureau's lawyers were examining the directive, but that the arrival of President Trump "shouldn't change the job at all."

Some Republicans have since urged President Trump to fire Mr. Cordray. The White House has met with former Rep. Randy

Neugebauer (R., Texas) and is reportedly considering him or Todd Zywicki, a professor at George Mason University, to lead the CFPB. The difficulty is how, exactly, to send Mr. Cordray packing.

The Dodd-Frank Act specifies that the CFPB's director can be fired only for cause. This newspaper's editorials argue that Mr. Cordray's behavior is egregious enough to meet that standard, but he seems unlikely to go quietly. Some Trump advisers, Politico reported Monday, now think "it might be easier to live with Cordray until his term expires in July 2018."

There's a better way to get rid of Mr. Cordray. Last fall, a split panel of the U.S. Court of Appeals for the District of Columbia Circuit declared the CFPB's governing structure unconstitutional. The bureau's lack of accountability—large amounts of power vested in a single, insulated director—"is exceptional in our constitutional structure and unprecedented in our constitutional history," Judge Brett M. Kavanaugh wrote for the majority. The court's solution was to sever the "for cause" requirement, allowing the president to fire the bureau's director at will—as is the case with other agency and cabinet heads.

The new "at will" standard won't take effect until the appeals process is complete—and the CFPB has already asked for a review by the full D.C. Circuit. But what if President Trump instructed Mr. Cordray to withdraw the appeal?

The Constitution vests all executive authority in the president. There is no fourth branch of government to house truly "independent" agencies. If the president were to instruct Mr. Cordray to abandon his appeal, that order would seem to be perfectly appropriate—and constitutional. Moreover, the Dodd-Frank Act specifically requires that the CFPB coordinate with the Justice Department on litigation. The bureau must also seek the attorney general's consent before representing itself before the Supreme Court.

Ordering Mr. Cordray to drop the appeal would put him in a quandary. If he complies, the opinion from last fall becomes law, and he may be fired "at will." If he refuses, then he may be fired for directly challenging a presidential order.

This strategy clarifies the issue. Mr. Cordray would likely challenge any attempt to fire him for cause, leading to litigation over whether his conduct meets the statutory definition. The president might win that argument, but in the end it's a distraction.

Firing Mr. Cordray for refusing the president's direct order to drop his appeal, on the other hand, makes the controversy much clearer: The separation of powers demands that the CFPB be subordinate to the president. It's difficult to imagine the Supreme Court—or even the D.C. Circuit—ruling otherwise.

Mr. Boyd, a former U.S. assistant attorney general, is a partner in the Washington office of DLA Piper LLP.

Sen. Sasse: Fire Richard Cordray

Ben Sasse 4:35 p.m. ET Feb. 7, 2017

Richard Cordray, head of the Consumer Financial Protection Bureau(Photo: H. Darr Beiser, USA TODAY)

Other than the president, Richard Cordray, the head of the Consumer Financial Protection Bureau (CFPB), has more power than just about anyone in Washington. That's not just a problem, it's a threat to government of, by and for the people.

Let's cut the spin. Everyone agrees that protecting consumers is good, but no one should be shocked to learn that there's often a huge gap between what bureaucracies say they will do and what bureaucracies actually do. The CFPB's defenders talk about standing up for the little guy but, in reality, the bureau consolidates vast power in the hands of Washington elites.

Americans reject the idea of limitless government. That's why our Constitution divides power both vertically and horizontally. Vertically, we divide power among local, state and federal governments. Horizontally, we divide power among the legislative, executive and judicial branches. The CFPB attacks this system by snowballing power into one big, unaccountable bureaucracy.

The bureau's mission to prohibit "abusive practices" sounds great. But all that power has little accountability. The bureau can unilaterally write rules for major sectors of our economy (that's a legislative power) and unilaterally slap penalties on whom it chooses (that's executive power). Its budget is on autopilot, with funding from the Federal Reserve completely outside Congress' budget process. Atop this unaccountable mess sits Director Richard Cordray.

Our Founders would ask: How is it possible that Cordray doesn't report to anyone elected by the people? The CFPB works overtime to crank out regulations. These rules can hurt folks on Main Street, families and local businesses that depend on community lenders and can't afford well-connected lobbyists or armies of lawyers.

Nobody in his right mind thinks the lesson of 2016 was "give more power to the elites." In a country of 320 million Americans, we don't have room for any kings. A federal court ruled this unique structure unconstitutional and said its director must be removable by the president. It's time to fire Richard Cordray.

Sen. Ben Sasse, R-Neb., serves on the Senate Banking, Housing and Urban Affairs Committee.

Hotez : How the Anti-Vaxxers Are Winning

Peter J. Hotez

Getty Images

HOUSTON — It's looking as if 2017 could become the year when the anti-vaccination movement gains ascendancy in the United States and we begin to see a reversal of several decades in steady public health gains. The first blow will be measles outbreaks in America.

Measles is one of the most contagious and most lethal of all human diseases. A single person infected with the virus can infect more than a dozen unvaccinated people, typically infants too young to have received their first measles shot. Such high levels of transmissibility mean that when the percentage of children in a community who have received the measles vaccine falls below 90 percent to 95 percent, we can start to see major outbreaks, as in the 1950s when four million Americans a year were infected and 450 died. Worldwide, measles still kills around 100,000 children each year.

The myth that vaccines like the one that prevents measles are connected to autism has persisted despite rock-solid proof to the contrary. Donald Trump has given credence to such views in tweets and during a Republican debate, but as president he has said nothing to support vaccination opponents, so there is reason to hope that his views are changing.

However, a leading proponent of the link between vaccines and autism said he recently met with the president to discuss the creation of a presidential commission to investigate vaccine safety. Such a commission would be a throwback to the 2000s, when Representative Dan Burton of Indiana held fruitless hearings and conducted investigations on this topic. And a documentary alleging a conspiracy at the Centers for Disease Control and Prevention, "Vaxxed: From Cover-Up to Catastrophe," has recently been shown around the country.

As a scientist leading global efforts to develop vaccines for neglected poverty-related diseases like schistosomiasis and Chagas' disease, and as the dad of an adult daughter with autism and other disabilities, I'm worried that our nation's health will soon be threatened because we have not stood up to the pseudoscience and fake conspiracy claims of this movement.

Missing Key Vaccines

In nine states, less than two-thirds of children 19 to 35 months old have received a widely used seven-part vaccination.

Texas, where I live and work, may be the first state to once again experience serious measles outbreaks. As of last fall, more than 45,000 children here had received nonmedical exemptions for their school vaccinations. A political action committee is raising money to protect this "conscientious exemption" loophole and to instruct parents on how to file for it. As a result, some public school systems in the state are coming dangerously close to the threshold when measles outbreaks can be expected, and a third of students at some private schools are unvaccinated.

The American Academy of Pediatrics has produced a 21-page document listing all of the studies clearly showing there is no link between vaccines and autism, in addition to more recent epidemiological studies involving hundreds of thousands of children

or pregnant women that also refute any association. A study of infant rhesus monkeys also shows that vaccination does not produce neurobiological changes in the brain.

Vaccines are clearly not the reason children develop autism. So what is? There is strong evidence that genetics play a role, and that defects in the brain of children on the autism spectrum occur during pregnancy. Exposure during early pregnancy to particular chemicals in the environment or infections could be involved. Researchers have suggested that damage could be done by the drugs thalidomide, misoprostol and valproic acid; by exposure to the insecticide chlorpyrifos; and by infection of the mother with the rubella virus.

This is what we need to be focusing on, not the myth that vaccines cause autism. Yet I fear that such myths will be used to justify new rounds of hearings or unwarranted investigations of federal agencies, including the C.D.C. This would only distract attention from these agencies' crucial work, and the real needs of families with children on the autism spectrum, such as mental health services, work-entry programs for adults and support for the research being done by the National Institutes of Health.

Today, parents in Texas have to live in fear that something as simple as a trip to the mall or the library could expose their babies to measles and that a broader outbreak could occur. Perpetuating phony theories about vaccines and autism isn't going to help them — and it's not going to help children on the autism spectrum, either.

The New York Times

Is News of Terror Attacks Underplayed? Experts Say No

Scott Shane

WASHINGTON — Margaret Thatcher famously declared that "we must try to find ways to starve the terrorist and the hijacker of the oxygen of publicity on which they depend."

In a speech 32 years ago, Mrs. Thatcher, the British prime minister facing a threat from the Irish Republican Army, said she was not calling for censorship but proposing that "a voluntary code of conduct" for journalists might keep them from aiding "the terrorists' morale or their cause."

It was a high-profile statement of a familiar point, one made repeatedly in the decades since: that the news media plays a crucial role in amplifying the effect of terrorist violence and giving it exactly the political import the terrorists crave.

So for some experts who study terrorism, President Trump's assertion this week that the news media has actually been ignoring and covering up terrorist attacks came as a surprise.

"It's totally astonishing," said Martha Crenshaw, a Stanford scholar who has written on terrorism since the 1970s. "It has no basis in fact whatsoever. The criticism has always gone the other way."

Other experts said Mr. Trump's claim had less to do with the facts about terrorism coverage than with the new administration's political goals, notably defending his executive order that temporarily bans refugees and visitors from some Muslim countries. In the face of the onslaught of legal challenges and outspoken opposition to the order, they said, the president has an interest in persuading Americans that the terrorist threat from abroad is worse than the news media has revealed.

Years of books and articles critiquing the "symbiosis" of terrorism and news media coverage have pointed out that terrorists usually seek to promote a political or ideological cause and use spectacular violence with the specific goal of attracting attention.

Even failed terrorist plots often have drawn considerable news media coverage, including the S.U.V. rigged to explode that produced only smoke in New York's Times Square in May 2010. Hiroko Masuike for The New York Times

News executives, while sometimes expressing mixed feelings about giving terrorists what they seek, have generally felt obligated to give such attacks ample coverage.

"It's incredible to say that the media does not give enough attention to terrorism," said David C. Rapoport, a retired U.C.L.A. political science professor considered a founder of terrorism studies. He said modern global terrorism arose in the 1880s in Russia in parallel with, and partly owing to, the rise of mass daily newspapers.

In the United States since the Sept. 11, 2001, attacks, even failed terrorist plots often have drawn saturation coverage — think of the fizzled so-called underwear bomb on a Detroit-bound airliner on Christmas Day 2009 or the S.U.V. jury-rigged to blow up that produced only smoke in Times Square on a May night in 2010. Though no target was harmed, both attempts drew mountains of coverage, much of it focused on how terrorists went undetected.

But in an appearance Monday at MacDill Air Force Base in Tampa, Fla., Mr. Trump reviewed the horrors of more recent attacks, including those inspired or directed by the Islamic State, and pronounced the coverage inadequate.

"Radical Islamic terrorists are determined to strike our homeland as they did on 9/11, as they did from Boston to Orlando to San Bernardino," he said at the headquarters of Central Command, which carries out military operations in the Middle East. "All over Europe it's happening. It's gotten to a point where it's not even being reported and, in many cases, the very, very dishonest press doesn't want to report it. They have their reasons, and you understand that."

The president did not explain the reasons he believed journalists might have for not reporting Islamist terrorism. But in response to a wave of skeptical comment, the White House on Monday night released a list of 78 attacks around the world since September 2014.

"Most have not received the media attention they deserved," the accompanying statement said.

Sean Spicer, the White House press secretary, stood by the point on Tuesday, though adjusting the language. "It's becoming too often that we're seeing these attacks not get the spectacular attention that they deserve," he said. "And I think it undermines the understanding of the threat that we face around this country."

It was a subjective judgment; only a dozen of the 78 listed attacks occurred in the United States, and most resulted in few or no deaths, reducing their prominence in American news reports. The list omitted terrorist attacks by non-Muslims, including white supremacists like Dylann S. Roof, who killed nine African-Americans at a Charleston, S.C., church in 2015.

But news databases show virtually all 78 attacks got some coverage, and the big attacks in Paris; Brussels; Boston; San Bernardino, Calif.; and Orlando, Fla., played out for days or weeks on cable television and news sites.

Peter D. Feaver, a political scientist at Duke who studies public opinion on national security issues, said he saw no basis for the White House claims. "I don't think there's evidence of the press underreporting terrorism," he said. "The corporate incentives run the other way."

But Mr. Feaver, who served in the George W. Bush White House but publicly opposed Mr. Trump during the presidential campaign, said the president's remarks, if not literally true, nonetheless play out in a larger, partisan debate about terrorism.

Democrats sometimes accused the Bush administration of exaggerating the terrorist threat. Republicans often charged President Barack Obama of minimizing the danger and embellishing his own successes against Al Qaeda.

By suggesting that the news media is hiding the truth about the menace from "radical Islamic terrorists," Mr. Trump may rally his base behind the executive order and other measures still to come.

Mr. Spicer suggested as much, saying the executive order and the president's remarks in Tampa have the same motive: "because he cares about making sure that we don't have attacks in this country, that we're protected." Mr. Trump wants Americans, he said, to "understand the unwavering commitment that the president has and the actions that he will take to keep the country safe."

Preventing terrorist attacks is, of course, a goal that is pretty much universally shared. But Mr. Trump's loose relationship with facts, and his eagerness to fault journalists and judges, make some think he has a less lofty goal as well: to find scapegoats for terrorist attacks that sooner or later are certain to happen.

"Pre-emptive blame," said Ms. Crenshaw, the Stanford terrorism researcher. "Nothing's happened. But if something does happen, he can blame the judiciary and the news media."

Editorial : What's wrong with terror coverage: Our view

The Editorial Board , USA TODAY

Of the 78 on the list 59 were reported on USA TODAY, many of which were covered extensively. More than 200 stories were published about the incidents on the list. USA TODAY NETWORK

News media vans outside the Orlando nightclub after terrorist attack in 2016.(Photo: Craig Rubadoux, Florida Today)

Yes, President Trump, some U.S. news organizations do a poor job of covering terror attacks. But the problem is not that they undercover them, as you assert, but that they overcover them.

By any count, the number of Americans directly impacted by terrorism is tiny. From 2002 to 2014, for example, 61 people were killed in this country by terrorists, according to the National Consortium for the Study of Terrorism and Responses to Terrorism. Over the same period, 204,753 people were victims of murder and non-negligent manslaughter.

No one is more aware of this than the terrorists themselves. The goal of terrorism, after all, is to terrorize. To amply their message and spread fear, they turn to news organizations. In some cases, terror groups have a sophisticated media strategy. In others, a lone killer might simply use the attention in an effort to validate his cowardly acts, leading to frequent complaints that attackers are getting *too much attention* and inspiring copycats.

In any case, some news organizations are more than happy to comply. Cable television channels, in particular, are obsessed with ratings. They are not about to underplay news stories that draw massive audiences.

Coverage of last year's Orlando nightclub attack was pretty much wall-to-wall and nonstop. The same was true of the attack in San Bernardino the previous year. And the attacks in Paris and Nice, even though they were far from U.S. shores, also received extensive coverage.

The idea that news organizations are undercovering terrorism is laughable, or it would be were it not part of Trump's agenda.

In attacking the news industry, and releasing a list of supposedly undercovered events, the administration ramps up fears about terrorism. That way, voters will be more willing to support the president's programs, including his poorly conceived plan to ban U.S. entry by refugees and by people from seven Muslim-majority nations.

The United States has a good example of how not to react to terrorism. The 9/11 attacks led to a number of important changes to make America safer. But fears of another attack also provided a rationale for invading Iraq, which turned out to be one of the worst foreign policy blunders in U.S. history.

Trump is right that the Islamic State terrorist group needs to be crushed. The best way to do that is to work in concert with other nations, including several that are predominately Muslim, that are threatened by ISIL — not by making baseless assertions about news coverage.

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Ungar : Bannon called the media the 'opposition.' He's right, and it's a good thing.

By Sanford J. Ungar

Sanford J. Ungar, a veteran journalist and president emeritus of Goucher College, is distinguished scholar in residence at Georgetown University and a Lumina Foundation fellow. He teaches seminars on free speech at Harvard University and Georgetown.

Stephen K. Bannon, the White House strategist, roving provocateur and now foreign policy guru for President Trump, stirred up a hornet's nest recently when he called the national media "the opposition party."

Mainstream media organizations howled in protest at Bannon's mischaracterization of their role and pledged anew their dedication to fairness, truth and accuracy. As they should.

But I suggest they also take a deep breath — and eagerly embrace Bannon's (and subsequently Trump's) description of the media's mandate in these deeply troubled times for American democracy. Not the "party" part, of course. But being an independent "opposition" — an outside check on abuses of power by government and by other public and private institutions — is exactly what the Founding Fathers had in mind for the feisty, boisterous scribes and pamphleteers of their time. It's just what the media should do, and what the country needs, today.

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Surely Bannon is aware of the rich history behind the concept of the media as opposition: Journalist Benjamin Franklin Bache, grandson of the great philosopher of the American Revolution, was such a vociferous critic of figures including George Washington that he was jailed under the Alien and Sedition Acts. Abraham Lincoln was denounced as a "tyrant" by the media of his time for the way he centralized power and suspended habeas corpus during the Civil War.

For an extended period in the mid-20th century, some theorists extolled the potential of the press to serve as a "fourth branch of government," albeit an unofficial one, working in concert with the legislative, executive and judicial branches to advance a post-World War II agenda around which there seemed to be a national consensus. One consequence was to ignore or help cover up questionable practices of presidents and other high officials.

But even then, the U.S. Information Agency was sending American journalists and scholars around the world to help developing countries learn how to nurture and protect independent and, yes, opposition media.

Perhaps that overseas experience helped debunk the dewy-eyed patriotic notion that we were all one big happy family working together in concert. Indeed, in some of the most memorable crises of recent times, the media moved into the vanguard of reform. During the civil rights movement, for example, it was courageous editors, reporters and photographers, particularly in the South, not mainstream elected officials of either major party, who perceived the growing unrest and impelled the revision of unjust laws and social practices.

Likewise, in the case of the long, withering war in Vietnam, America's formal political institutions failed miserably to reflect the degree of dissent over a dramatically unsuccessful policy. Even the few members of Congress who began to speak out against the war generally voted for massive appropriations to keep it going.

Here's what you need to know about the man who went from Breitbart News chairman to Donald Trump's campaign CEO before his appointment as chief White House strategist and senior counselor. Here's what you need to know about the man who went from being Breitbart News's chairman to Trump's campaign CEO and now to chief White House strategist. (Jenny Starrs/The Washington Post)

(Jenny Starrs/The Washington Post)

Famously, President John F. Kennedy asked the New York Times to withdraw David Halberstam from Saigon, where Halberstam and other independent-minded war correspondents were raising difficult questions about the quagmire. Ultimately, it was the people of all ages protesting in the streets of U.S. cities (counted more accurately by the media than by the government) and hard-driving journalists, not politicians, who brought about a shift in policy.

The unauthorized publication of the Pentagon Papers in 1971 did not end the war, as Daniel Ellsberg, who leaked the documents, thought it might, but finally made it more respectable for reluctant critics to go public with their misgivings. Solidarity among various journalistic organizations outweighed competitive instincts, making it feasible to beat back the government's efforts to persuade the Supreme Court to suspend the revelations.

Certainly there were moments when the Nixon administration treated journalists as the true opposition, and realistically so. When Times reporter Earl Caldwell managed to report from the inside about the activities of the Black Panther Party, Nixon's Justice Department sought to compel him to testify before a federal grand jury and reveal his sources; he was willing to face jail time rather than do so.

It took intrepid young reporters from The Post to convince the public, not to mention Democratic members of Congress, that the break-in at the Democratic National Committee headquarters in the Watergate complex in 1972 was more than a "third-rate burglary." The rest is history.

And so it goes. Awkward as it may be, at the moment, for the media to accept the mantle of "the opposition" that Bannon has conferred upon them, that is surely how events will play out. Having helped Trump climb to power by paying so much attention to him in the early days of his candidacy, they will by no means now be intimidated and keep their mouths shut, as Bannon has suggested.

Perceiving American journalists — the real ones, that is, who reject "alternative facts" and tell the carefully researched truth in the face of power — as the only genuine protection against autocracy and tyranny is exactly right. Long live the real opposition.

The Washington Post

Yin : Congress has the power to obtain and release Trump's tax returns

By George K. Yin

By George K. Yin February 7 at 8:06 AM

George K. Yin is a professor of law and taxation at the University of Virginia and a former chief of staff of the congressional Joint Committee on Taxation.

Though our new president may not realize it, Congress has the power to obtain his tax returns and reveal them to the public without his consent, including returns under audit. As just urged by Rep. Bill Pascrell Jr. (D-N.J.), legislators seeking information on President Trump's possible conflicts of interest should immediately exercise this authority rather than wait for the passage of new veto-proof legislation — a highly uncertain prospect — that would have the same effect.

The ability of Congress to disclose confidential tax information was added to the law almost 100 years ago. Since the Civil War, when it began requiring taxpayers to submit private information to the government to comply with the tax laws, Congress has struggled to balance the privacy interests of taxpayers with the public's right to know. Eventually, Congress decided that tax information should remain confidential except in two situations. First, it authorized the president to determine whether any tax information could be disclosed. And, in 1924, it gave the same power to certain congressional committees.

Congress's right to reveal tax information independent of the president's authority proved extremely important in 1973 and 1974, when President Richard Nixon became entangled in a controversy involving his claim of a sizable charitable deduction for giving his official papers to the National Archives. Nixon initially stonewalled the inquiries, including making his famous statement that "I am not a crook." When the pressure increased, he contended correctly that the IRS had already audited the pertinent returns and not ordered any change.

But a leak subsequently revealed that Nixon, despite having income of more than $200,000, had paid about the same amount of tax as families with incomes under $10,000. Outrage at this revelation eventually led Nixon to seek review of his taxes from the congressional Joint Committee on Taxation, which delegated the task to its respected nonpartisan staff. The staff ultimately found that Nixon owed almost $500,000 in additional taxes over four years — roughly one-half of his net worth at the time. Because of the importance of the matter to the nation, the Joint Committee exercised its authority and voted 9 to 1 (three Republicans joined six Democrats) to release the staff report, including Nixon's confidential tax return information, to the public.

Following Watergate, Congress changed the law to eliminate the president's ability to order a disclosure. But it retained the right of its tax committees to do so as long as a disclosure served a legitimate committee purpose. Such a disclosure must be in the public's interest, and today's understandable concerns about Trump's potential conflicts of interest would seem clearly to justify a congressional effort to obtain, investigate and possibly disclose to the public his tax information.

Moreover, as illustrated by the Nixon episode, disclosure would serve the additional purpose of assuring the American public that the new president is not receiving preferential treatment from the IRS. In Nixon's case, there were allegations — eventually included in one of the articles of impeachment against him — that the president attempted to use the IRS for unlawful purposes. In the present situation, repeated attacks on the agency have weakened it and perhaps left it vulnerable to undue influence from higher-ups. Full disclosure could disabuse the public of any concern that the IRS is giving the president a free pass.

(Jenny Starrs/The Washington Post)

A group called Citizens for Responsibility and Ethics in Washington claims President Trump is violating a little-known constitutional provision called " the Emoluments Clause." A group called Citizens for Responsibility and Ethics in Washington claims President Trump is violating a little-known constitutional provision (Video: Jenny Starrs/Photo: Matt McClain/The Washington Post)

Any investigation and disclosure might be made unnecessary if Trump simply took the steps needed to remove even an appearance of a possible conflict of interest. He should consider this option if he remains keen on protecting the secrecy of his tax information.