

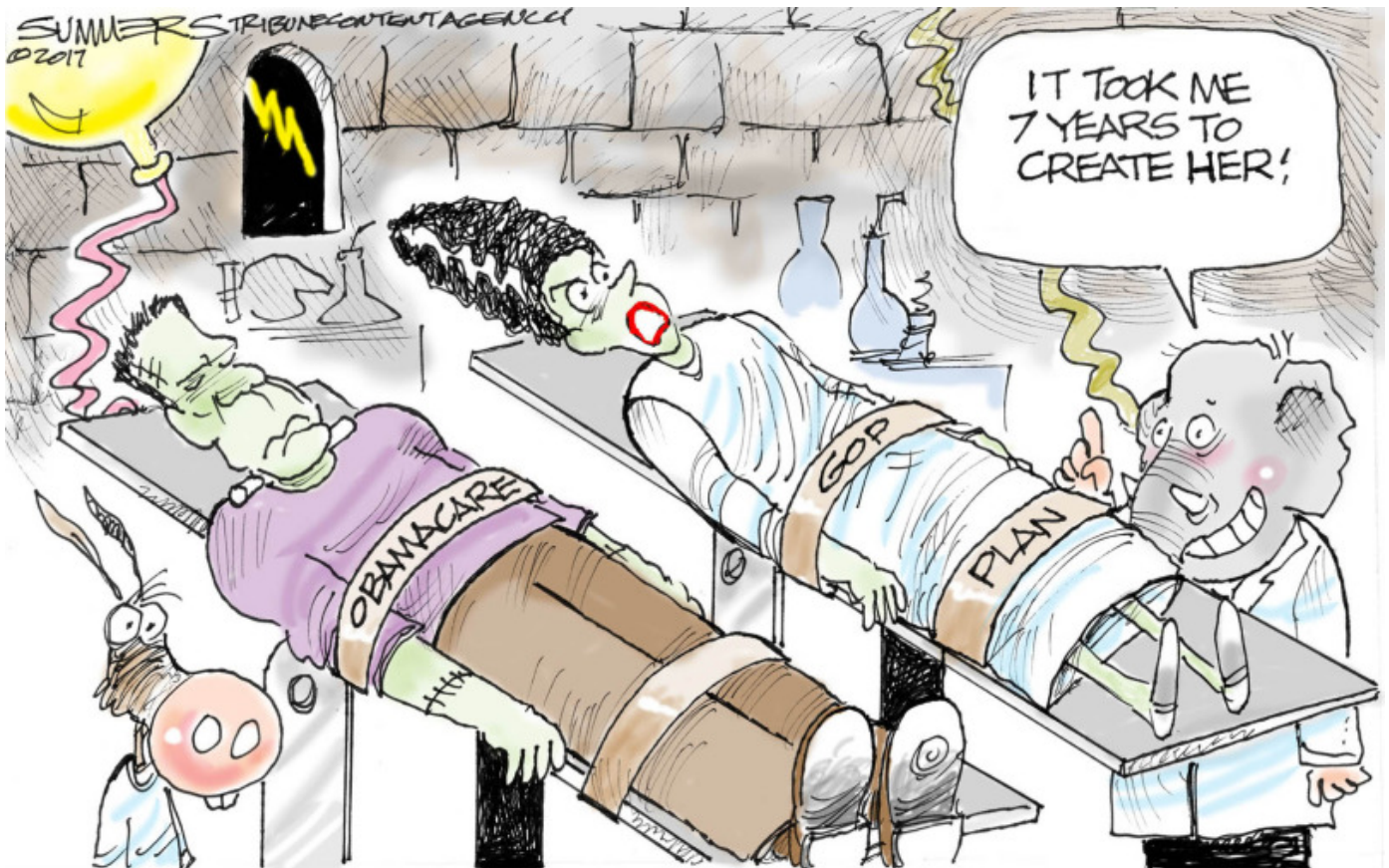
# Revue de presse américaine

**Ambassade de France aux États-Unis**  
Service de presse et de communication



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**RÉPUBLIQUE FRANÇAISE**

Mercredi 19 juillet 2017, réalisation : Joanna Bosse-Platière



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## EN LIGNE - New French military head named after general quits in spat

By Associated Press

PARIS — Gen. Francois Lecointre, a career military officer, has been nominated France's military chief, after his predecessor quit Wednesday in a dispute with President Emmanuel Macron over budget cuts in a new challenge to Macron's administration and his economic reforms.

French government spokesman Christophe Castaner told reporters that Macron has nominated Lecointre as the new chief of staff of the armed forces, replacing Gen. Pierre de Villiers.

Lecointre served in Sarajevo during the Yugoslavia wars in the 1990s and recently led the EU military training mission in Mali to help fight

Islamic extremists.

Macron's office sought to play down tensions over de Villiers departure, even as French defense commentators described their public dispute as a serious crisis.

De Villiers' office said the general submitted his resignation to Macron at a security council meeting Wednesday and the president accepted. Macron's office did not immediately comment.

De Villiers lashed out at new spending curbs during a closed-door parliamentary commission meeting last week, according to leaked reports.

The dispute escalated over the past week, with de Villiers issuing an appeal on Facebook saying "Watch out for blind trust... Because no one is without shortcomings, no one deserves to be blindly followed."

Without naming him directly, Macron then publicly upbraided de Villiers to military officials, saying, "it is not dignified to air certain debates in the public sphere. I made commitments (to budget cuts). I am your boss."

Macron's own behavior has elicited criticism, notably by those who accuse him of authoritarian tendencies after he overwhelmingly won election in May and saw his new centrist party dominate last month's parliamentary elections.

The resignation foreshadows the battles Macron will likely face as he tries to reduce the deficit and government spending and boost the stagnant economy.

While Macron has promised to boost defense spending to 2 percent of GDP by 2025 as part of France's commitments to NATO, his budget minister last week announced limits

on this year's military expenses as part of an overall spending squeeze.

De Villiers, head of the military since 2014, insisted that it was his "duty" to express his concerns about military resources amid the sustained threat of extremist attacks.

"I have always taken care ... to maintain a military model that guarantees the coherence between the threats that weigh on France and Europe, the missions of our armies that don't stop growing, and the necessary budget means to fulfill them," he said his resignation statement.

"I no longer consider myself in a position to ensure the durability of the military model that I believe in, to guarantee the protection of France and the French," he said.



## Macron Suffers Biggest Test of Authority as Military Head Quits

Helene Fouquet

The resignation of the head of France's military has thrown the spotlight on President Emmanuel Macron's lack of experience and may prove to be the first major test of his governing style.

Following a public dispute with Macron over cuts to the defense budget, General Pierre de Villiers, chief of the general staff, said Wednesday that he "no longer feels capable of assuring the continuation of the military model" needed to protect France.

The resignation is a first by a head of the French military since Charles de Gaulle remade the constitution in 1958 and represents one of the biggest challenges to Macron's authority since he took office two months ago. It follows quarrels over a penalty of university places, a flip-flop on the timing of tax cuts and criticism of vague plans for funding municipalities. Le Monde newspaper called it the "moment of truth" for France's new president.

"It sends a negative signal and shows dissent at the helm of the state," said Christelle Craplet, a pollster at BVA institute in Paris. "Macron is at a crucial moment: the end of the political

honeymoon with voters and the beginning of the reality."

### 'Juvenile, Authoritarian'

Macron, 39, is the first French president who has neither been in the army nor done now-scrapped mandatory military service. Charles De Gaulle, Georges Pompidou and Valery Giscard d'Estaing participated in World War II, as did Francois Mitterrand. Jacques Chirac fought in the Algerian war. Nicolas Sarkozy and Francois Hollande both did military service under France's post-war draft, which Chirac ended in the 1990s.

"Juvenile authoritarian behavior has broken the trust" between the government and the military, said the retired General Vincent Desportes in an editorial to be published in Thursday's Le Monde.

Macron's approval rating fell 5 points to 54% in July, according to a monthly poll by BVA for Orange and La Tribune published Tuesday. Respondents with a poor opinion of Macron cite his arrogance, authoritarianism, disregard for the working classes and excessive attention to communication.

While Macron has shown a liking for the French military, traveling to visit troops in Africa and ostentatiously being filmed jumping onto a nuclear

submarine, he was quick to censure de Villiers when he complained about cuts to military spending.

### 'I'm your chief'

Speaking on July 13 at a reception for military personnel taking part in the next day's Bastille Day parade, Macron shot back that by saying "I am your chief" and "consider it undignified to expose certain debates in public."

"By saying he is the boss he exposes himself," said Bruno Cautres, a political scientist at SciencesPo in Paris. "So far the situation is under his control, but if he fails to fulfill his promises on budget, unemployment and reforms in the months to come he'll be totally exposed and his posture will backfire."

Faced with a 2017 budget deficit that was overshooting targets agreed with the European Union, Macron's government imposed spending cuts of 4.5 billion euros (\$5.1 billion) across all ministries, of which 850 million euros will come from the military, mostly by postponing equipment purchases.

De Villiers said in an opinion piece in last Friday's Figaro newspaper that there's a "strong tension" between France's overseas military operations and "a complicated

budget situation," and that "this gap is not sustainable." According to French media reports, de Villiers was more outspoken at a closed door testimony July 12 to members of parliament, and since last week news reports had suggested he could resign.

De Villiers was present at the parade Friday alongside Macron. He was due to meet Macron Wednesday as part of the weekly security cabinet meeting he attends with the president, and the defense, foreign, and interior ministers.

### Snowball Effect

Prime Minister Edouard Philippe said last week that military spending will resume rising in 2018, reaching 34.2 billion euros from 32.7 billion euros this year. The government has said its goal is to reach 50 billion euros by 2025, or 2 percent of economic output. French troops are deployed throughout the Sahel region of Africa to fight Islamist guerrillas and the country's warplanes and special forces are involved with the U.S.-led coalition against Islamic State in Iraq and Syria.

De Villiers is from the army and was named chief of general staff in early 2014. General Francois Lecointre, a 55 year-old marine, will replace him.

"What matters now is how he manages the crisis -- whether he can keep it as a isolated incident or

if it spills over and becomes a political crisis," Craplet said. "Voters are more sensitive to what matters

to their lives and a military spat isn't at the core of their concerns but

Macron should be careful of the snowball effect."



## French armed forces leader resigns over budget cuts

French President Emmanuel Macron on Wednesday accepted the resignation of the leader of his nation's armed forces, in a dispute over military budget cuts, Reuters reported.

Gen. Pierre de Villiers, 60, said in a statement that financial constraints imposed by Macron were making it difficult to do his job.

"In the current circumstances I see myself as no longer able to guarantee the robust defense force I believe is necessary to guarantee the protection of France and the French people, today and tomorrow, and to sustain the aims of our country," he said.

According to Reuters, Macron and de Villiers had argued fiercely over Macron's move to slash 850 million

euros (nearly \$1 billion) in defense spending.

The Associated Press reported that the general strongly objected to Macron's defense cuts last week during a parliamentary commission meeting, a setting that Macron said was not appropriate for the remarks.

The AP reported that Macron had initially pledged to increase defense spending to 2 percent of its gross

domestic product by 2025 as part of the country's commitment to NATO.

President Trump had criticized America's NATO partners, saying many had not been paying their fair share in supporting the Western military alliance.

Trump met with Macron in France earlier this month.



## Daponte-Smith : Emmanuel Macron: Why You Should Hope He Succeeds

By this point, it's hard to deny it: Emmanuel Macron is the single most captivating personality in modern politics.

It's not only the precociousness with which the former banker captured the French presidency in May, sweeping aside the remnants of the old order and the vicious nationalism of Marine Le Pen's Front National. It's not just the verve with which he has approached the initial days of his five-year term, pushing a bold plan to reform France's labyrinthine system of labor laws at the stroke of a pen if the legislature lets him have his way. Nor is it just his sheer audacity and undisguised ambition, of which his regal address to the French Parliament amid the imperial grandeur of Louis XIV's palace at Versailles is only the foremost example.

It's also the sense that what is happening in France right now is something of genuine world-historical importance — something that, if successful, could transform our current model of global governance along with French politics and society. If Macron lives up to his promise, he could well reinvigorate our stagnant world order and infuse Western society with a welcome dose of the confidence and self-assurance it so sorely lacks at the moment.

This project begins at home. There, Macron will soon face what could be the toughest fight of his presidency: his attempt to revise his country's sclerotic labor laws, which mandate that companies across an industry conform to the wages negotiated by unions with outsize political clout and make firing workers a complex process at best. If France is the "sick man of Europe," its labor policies are a major reason why. Macron understands that undoing

those policies, and liberalizing the labor market, will allow the French economy to compete on a more equal basis with Germany in the Eurozone and with the United States and Canada overseas. But in a country bearing a storied history of civil strife, any attempt to shake up the economy is likely to meet fervent, violent opposition in the streets; Macron's predecessor, François Hollande, learned as much last year, when his effort to push through a similar program failed in the light of vicious opposition from unions willing and able to mount public protests. Macron hopes to outflank the unions, passing his reforms by presidential decree, with minimal involvement from the legislature, during the country's prized summer vacation. The protests, though, ought still to begin soon afterward. Will he hold firm then?

As his revolution in domestic policy gathers steam, Macron seems set on accomplishing something similar in foreign relations. Against the Euroskeptic Marine Le Pen, his campaign made much of his full-hearted embrace of the European Union, identifying it as a crucial component of France's future. Whereas Angela Merkel once opposed any effort to reform the E.U. or the Eurozone, now she has shifted her tack, declaring that she might, under certain circumstances, be willing to negotiate a Eurozone budget and fiscal integration. Macron has already made an impression on the German leader. A strengthened rapport between them — aided, of course, by the success of his domestic reforms — could result in a settlement that addresses the dilemmas at the heart of the Eurozone, creating a European Union that seems less like a vast feudal territory run for Germany's benefit and more like an engine of global growth and world leadership.

This is all complicated by the question of Donald Trump, a leader particularly inimical to the Europeans and their professed values. Merkel has enjoyed a deliberately frosty relationship with Trump. Macron has gone to some lengths to embrace his American counterpart. After a tense first meeting, their second encounter, in Paris for Bastille Day, was warmer; overseeing the Bastille Day parade alongside the French president, after all, is an honor granted to few foreign leaders. Macron recognizes that reconstructing the world order from the ashes of 2016 will require the American president and the resources he commands, whether the Europeans like it or not. As Merkel and Trump palpably detest each other, and as the animus of the British public puts Trump's planned state visit to the United Kingdom on semi-permanent hold, Macron may come to be seen as America's link to Europe. If he wishes to re-establish a global role for France, he is already well on his way.

The consequences of all of this are evident.

It is precisely such a deliberate renaissance that Macron's project holds the promise of delivering.

Much of the recent ambivalence about the future of the E.U., and the fate of Western liberalism more broadly, has resulted from the apparent sclerosis of those institutions: the feeling that, despite its past successes, the post-war Western global order has become incapable of meeting the needs of the present day, and some radically new system is required. This is the essential reason for the rise of populism in the West, and renewed economic growth and rejuvenated national confidence would go a long way toward counteracting it.

It is precisely such a deliberate renaissance that Macron's project holds the promise of delivering. Whereas his fellow masters of Western liberalism drift endlessly into listless decadence, he has a vision and he intends to implement it. It is not one of succumbing to presumed historical inertia in the way that Merkel did in the great border-opening of 2015. It is rather one that takes history as a fabric that can be changed by the actions of individuals and nations and chooses to twist in the direction of France and the French, one that sees a seemingly-inexorable decline as the product of national miasma and poor leadership and simply seeks to reverse it. There is a national destiny out there, and Macron intends to grab it.

This is not an easy task, of course. The list of countries that have emerged from imperial decline to become engines of the modern global economy is a short one. It is possible that, by now, the rot has set in too deep to be corrected, and that reforming the French economy is a project no single politician could pull off. But Macron's youth and vigor bode well, because projects like this one are inextricably tied to the personae of the men who lead them. The British Empire's stand against Hitler proceeded from the implacable English stolidity of Winston Churchill. The stabilization of French politics in the early days of the Fifth Republic could not have occurred under anybody but de Gaulle. Likewise, it is Macron's bounding dynamism that gives him any chance of success.

We should thus wish the new French president well. He will endure trying times in the months and years to come, but it is nothing less than the future of Western liberalism that is on the line. The world is better off with a successful

European Union and a healthy Western liberalism than without. If Macron's project pulls the pillars of

the post-war order from the premature graves to which they

have been assigned, the benefits will accrue to us all.



## Maltby : Britain's secret Brexit weapon: The royal family

Kate Maltby

Kate Maltby is a regular broadcaster and columnist in the United Kingdom on issues of culture and politics and is a theater critic for The Times of London. She is also completing a Ph.D. in Renaissance literature, having been awarded a collaborative doctoral between Yale University and University College London. The opinions expressed in this commentary are hers.

(CNN)It is 2017. Man has walked on the moon; scientific ingenuity has eradicated smallpox, split the atom and processed the bit. Yet my home country -- the United Kingdom -- still has a royal family.

As images of the latest royal outing flash around the world-- Prince William, our presumed future king, visits Poland with his wife, Catherine, and children George and Charlotte -- commentators from across the globe could be forgiven for asking if it all looks a bit archaic.

Hereditary rank, hereditary political power and privilege -- the United States abolished these in 1776.

Many in Britain would like to do the same: The annual conference of Republic, an anti-monarchy movement, convened in Newcastle-upon-Tyne this weekend. But as political insecurity rattles both Britain and the United States, the British monarchy has rarely been so popular at home.

To some in Britain, the election of Donald Trump as US President -- and the questions that hang over his campaign -- have exposed the weaknesses of presidential democracies.

Here at home, the last three years have brought us two major referendums and two general elections; voters are exhausted and divided by the bile unleashed by populist politics.

Politics have never been so personally bitter. It has become newly normal for Brits to suffer major rifts over voting differences. Members of Parliament -- particularly those who are female or Jewish -- have reported an exceptional rise in targeted political harassment.

Just over a year ago, at the height of campaigning over Brexit, a female member of Parliament was murdered in the street.

Amid all this, the British royal family looks like the most stable institution we've got. The Queen has worked with 13 prime ministers during her reign -- more than 160 in the whole Commonwealth. Few of us know who the prime minister will be in six months. Theresa May totters unsteadily as Cabinet ministers plot openly to unseat her.

Meanwhile, a resurgent but divided Labour Party waits in the wings. If it can force and win a no-confidence motion in the UK Parliament -- a real possibility when no one political party holds overall control -- we may well see another sudden election and a Labour government.

The Conservative Party's most recent election slogan -- much mocked for its ubiquity and vacuity -- was "strong and stable." Months later, it is the grandmotherly figure of Queen Elizabeth II, not the shaky persona of Theresa May, who embodies that comforting mantra.

Yet there is another reason why the Brits are clinging to the royals now more than ever. It's the real reason why William and Kate are courting headlines in Poland this week. Since the decision to leave the European Union, Britain has convulsed in an agony of introspection about its status in the world. Will striking out on our own win us more respect? Or does losing our seat at the EU table mean we have to work harder to form alliances and pay more for trade deals and political access?

Send in a British royal, however, and any government head will schedule a meeting. Or so the UK government hopes.

As young royals in a constitutional monarchy, William and Kate may not have executive power, but they embody the principle of soft power: the ability to influence, to charm, to garner the world's attention.

The playwright Mike Bartlett drew a sharp portrait of the royal couple's position in his hit play "King Charles III." At the moment of a great political triumph, his fictional Kate Middleton tells her stepmother-in-law: "Our column inches are the greatest influence that we possess." Everyone wants to be photographed next to her in Vogue.

The British Foreign Office knows this. It will have been no coincidence that Prince William's first trip after the Brexit referendum was to visit German leader Angela Merkel, giving a speech in which he celebrated Germany's relationship with the UK and assured the German public: "This partnership will continue despite Britain's recent decision to leave the European Union. The depth of our friendship with Germany will not change."

William and Kate will visit Germany again this week, after their first stop in Poland, in a trip heavily planned by the Foreign Office to consolidate personal links between the British royals and the leaders who will decide Britain's future trading access in the EU.

By taking Princess Charlotte and Prince George on their first foreign trip as a family unit, the Cambridges are introducing a new generation of ambassadors who will still be charming European audiences long after this year's chill in relations has thawed.

Does the royals' international feel-good factor justify the sheer absurdity of a system that grants privilege and power based on simple accident of birth? To many of us, it doesn't seem so. Sometimes, power is so soft that its influence looks negligible.

So focused on generating goodwill, Prince William has done little to speak out on the issue of human rights in Poland.

His options to do so are limited -- the British government needs the Eurosceptic Polish government on its side in forthcoming negotiations with other EU states. What William himself feels about this as he recites platitudes written for him by the British government we will never know.

One thing is clear. Britain needs friends in Europe. Our royals are bred from birth to shake more hands in a day with shinier smiles than even the squeakiest politician. Is it a perfect system? Perhaps not. But as other diplomatic certainties crumble, Britain is feeling grateful for the durability of its secret royal weapon.



## Bershidsky : An EU Rubber-Boat Ban Won't Stop Migrants

If it looks as though Europe is clutching at straws to stop hundreds, sometimes thousands, of migrants from crossing the Mediterranean into Italy every day, that's exactly what's happening. On Monday, the European Union's foreign ministers approved restrictions on the supply of inflatable boats and outboard motors to Libya.

The boats that bring the migrants, mostly Africans these days, have long been a target of European efforts to dismantle the human-trafficking networks that control the

Libya-Italy route. According to a U.K. parliamentary report, Operation Sophia, the joint European naval operation that began in 2015, had destroyed 452 boats by mid-June. These were larger, mainly wooden boats that could carry up to 500 people and offered the smugglers the greatest profit margins. Removing them from the Mediterranean has made the migrant crossings riskier. As a European Commission communication pointed out in January, the smugglers' "business model" has changed:

They increasingly place irregular migrants and refugees on cheap and completely unseaworthy inflatable dinghies that have no prospect of ever reaching the Italian shores, assuming they will be picked up near or within Libyan territorial waters. The fact that such dinghies now account for 70 percent of all boats leaving the Libyan coast contributes to making journeys increasingly dangerous and to the rise in the number of deaths at sea.

What the focus on destroying boats hasn't changed are the migrant arrival numbers. On July 14, 5,122 people came, close to the record of

5,504 set on Aug. 31, 2016. But the EU stubbornly keeps after the boats, this time rubber ones.

A Sophia report from December 2015, published by WikiLeaks three months later, noted:

Reports of rubber boat (sic) being imported from China and transhipped in Malta and Turkey are supported by a recent interception by Maltese customs of 20 packaged rubber boats in a container destined for Misratah, Libya. As there are no legal grounds for holding such shipments, it was released for delivery to the destination.

That cargo would now be seized. But Europe has little control over the Chinese boat trade.

China has a lively inflatable boat industry with some 180 builders. Some two-thirds of rubber boats imported to Europe come from China. The manufacturers and sellers there know how their products are often used. On Alibaba, the biggest Chinese online market, the dinghies are marketed as "refugee boats."

It's easy to predict the consequences of the export restrictions. Dinghy shipments to Libya will no longer go through Malta, but rather through Turkey and North Africa. The EU sanctions have a loophole for fishermen, which will be exploited. If a shortage is

created, smugglers will have to pay more for the vessels, so they'll cram even more migrants into them or to reuse the boats instead of dumping them at sea. This may result in more deaths; so far this year, 2,174 people drowned or went missing trying to make the crossing, compared with 2,951 by this point of the year in 2016.

In May, the EU asked China to help stop the shipments. But the producing country can't reasonably be expected to stop a large homegrown industry from shipping rubber boats to Turkey or Morocco.

The ugly reality of the current migrant crisis is that Europe can do little to stop the smuggling. The boat restrictions and EU participation in the training of the Libyan coast

guard are the hopeless flailings of a bloc trapped by the consequences of the 2011 North Atlantic Treaty Organization military operation, which accelerated regime change in Libya but left it lawless and the coast practically unpoliced. In the same document that imposed the rubber boat restrictions, the EU reiterated "its firm support" for the internationally recognized government of Prime Minister Fayed Al-Sarraj, which controls little in Libya beyond the capital city of Tripoli.

This is a losing game. There's no point in repeating the bromide that the Libyan conflict cannot be resolved by force. Force is exactly what's likely to resolve it, when the strongest rebel group manages to consolidate the country or when it

splits up the way Somalia did. Apart from pinpointing the strongest rebels and backing them militarily -- an unpalatable option to democracy-supporting Europeans -- the only solution to human trafficking out of Libya would be to land an expeditionary force to pursue the smugglers. Since the EU's joint military capability is modest, this should be an operation for NATO, which helped create the original mess and should help clean it up.

If that ever happens, Chinese rubber boat sales will drop a little -- but then the boat-building companies weren't started with African migrants in mind. They'll just have to go back to courting clients who want dinghies because they like to go fishing.



## Alemanno : How Civil Society in Europe Can Defend Itself

The European Commission finally looks prepared to take Hungary to court over its crackdown on a George Soros-funded university. But while the Commission's announcement last week marks a welcome change from its previous reluctance, it is no help to many civil society organizations (CSOs) who find their rights infringed but in less high-profile ways. The Commission is unlikely to go to such lengths for them; they will need to be more creative in defending themselves.

The EU may be one of the most proactive human rights defenders around the world, but it has a poor record of acting within its own borders -- even as CSOs in its member states are increasingly under attack.

Hungary is far from the only offender. Romania and Poland have enacted new laws that restrict funding to non-governmental organizations from both domestic and foreign sources. Anti-money laundering and anti-terrorism legislation is being used by both countries, along with Bulgaria, to limit funding and impose additional, burdensome requirements on CSOs. Poland is about to pass a law that would allow the government to purge the judiciary of all judges who don't meet with its approval.

And it's not just the former east bloc: France, Austria and Spain now severely limit the right to protest including collaboration with third-party nationals and restrictions on where to protest (not close to buildings such as parliament or the seat of regional government).

Smear campaigns against particular organizations in Hungary, Croatia, Italy, Romania and elsewhere create a climate of mistrust toward the sector in society that threatens the future effectiveness and fund-raising capacity of these organizations. This leaves civic freedoms severely exposed today, but the sustained campaign against these organizations also compromises their future effectiveness.

Most of the focus on an EU response has been on a process that can lead to the suspension of member states' voting rights in case of persistent breach of EU values -- so-called Article 7 of the European Union treaty. But this framework has never been invoked for a reason: doing so requires unanimity (clearly lacking in this case). It is in many ways a paper tiger.

Article 7, however, isn't needed to mount a legal challenge to these measures. Virtually all anti-NGO legislation contravenes the ability of such organizations to provide and receive cross-border services, the right to be established in a member

state, to hire non-national workers and receive capital from across the border -- all freedoms protected by EU law. Both the Commission and the CSOs themselves can challenge these laws in national (and ultimately European) courts.

Even without the courts, the EU can do more. EU treaties, for example, allow the creation of common rules by majority vote to prevent the disruption of the internal market. The European Union could define minimum standards of protection for CSOs in the EU that would bind all European member states. That's what the EU did when it established the European company statute in 2001, which allows companies operating in more than one member state to follow a common set of rules.

Meanwhile, CSOs themselves are also not helpless. First, both civil and economic freedoms granted by EU law can be invoked before both domestic courts and national administrative authorities. If CSOs start thinking about the breaches they face in market restriction-terms, they are likely to win protection. That is how the European Court of Justice has been able to dismantle economic obstacles faced by trade operators and enforce their rights.

Second, the EU provides an arsenal of tools that can be mobilized to force EU institutions themselves to

take action, ranging from requests for access to documents, petitions to the European Parliament, or complaints to the EU Ombudsman.

Of course, concerted action by the CSOs requires strategic skills, legal fluency, resources and a road map that many lack. Those resource constraints and lack of expertise empower national authorities to keep them weak. But by banding together and calling on outside expertise both within their own countries and internationally, the CSOs can leverage on the existing EU constitutional and institutional framework to fight back against repression.

There are a number of organizations -- including the dozens of foundations gathered in Warsaw that have pledged to support CSOs via the Solidarity Fund, the EU Fundamental Right Agency, and leading NGOs such as Liberties and the public interest skill-sharing community The Good Lobby -- that can assist by providing legal expertise and other support. And if these organizations can strategically use EU law in the national courts, and eventually the European Court of Justice, to fight back, then maybe the EU itself will be emboldened to take a stronger stand.



## NATO, Russian Troops Rattle Swords Along Hundreds of Miles of Borderland

Tens of thousands of troops are on the move from the Baltic to the Black Sea, as NATO and Russia open up a series of massive military exercises the size of which the continent hasn't seen since the Cold War.

Both sides claim the drills, which involve aircraft, warships, tanks and artillery, are purely defensive in nature. But it is clear the exercises are also meant to show off new capabilities and technologies, and display not only the strength of

alliances, but how swiftly troops and heavy equipment can move to squash a threat at the frontier.

The most ambitious undertaking on the NATO side is Saber Guardian 17, a series of over a dozen distinct

battle drills being carried out by 25,000 troops from 20 countries moving across Hungary, Romania and Bulgaria.

The scenario presented to ground commanders is that a

technologically advanced land force has pushed into NATO territory and is threatening the alliance as a whole. The drills include air defense tests, live fire tank engagements, long advances by armored columns, fighter planes and helicopters supporting ground movements, electronic warfare, and airdrops.

"Deterrence is about capability, it's about making sure that any potential adversary knows that we are prepared to do whatever is necessary," U.S. Army Europe commander Lt. Gen. Ben Hodges told reporters during the exercise. "What escalates tensions is when we look weak, not connected, not prepared, that is what invites aggression."

But increasing military capability doesn't have to mean war, he added. "The Russians only respect strength, so if we demonstrate cohesion, if we demonstrate that we are together, that we are prepared, then I think we don't have to worry."

The general's blunt comments underscore the planning for Saber Guardian, which doesn't name Russia as the adversary, but clearly has the Kremlin in mind.

The scenario revolves around an incursion into NATO territory by a militarily advanced enemy intent on seizing the economic assets of Black Sea countries. A battle featuring 5,000 NATO troops at the Cincu training range in Romania saw U.S. Apache and Romanian helicopters coordinate with artillery on the ground, U.S. Abrams tanks, and 650 vehicles in support of a large infantry movement to halt the advance.

The U.S. is planning to spend about \$23 million on the sprawling Romanian base in order to conduct even larger, more complex battle drills there in the future.

On the other side of the deterrent fence stands Russia, which is preparing to

surge as many as 100,000 troops into the field in a series of drills dubbed Zapad, or "West" in the coming weeks.

The Kremlin claims about 12,700 troops will be active in Belarus and Russia for Zapad. But experts and NATO officials say Moscow is more likely to conduct a series of engagements that will swell those ranks by tens of thousands. Under the Vienna Document agreement of 2011, foreign observers must be present for any exercise that exceeds 13,000 troops.

By coming in under that number while conducting several other large drills at the same time, Moscow can avoid the presence of observers and control the narrative of how its troops performed.

But NATO is wary.

Given that Russia used a massive military exercise in 2014 to obscure its incursion into Crimea, and invaded South Ossetia in Georgia in 2008 during another exercise that covered troop movements, the alliance is keeping a close eye on Zapad.

"From previous experiences related to previous exercises, we have every reason to believe there may be substantially more troops participating than the official quoted numbers," NATO Secretary General Jens Stoltenberg said recently when asked about Zapad.

"We don't consider this year's Zapad exercise in itself to be a direct threat to [NATO] or a cover for an attack," added Kristjan Prikk, undersecretary for defense policy at Estonia's Ministry of Defense during a conference in Washington on July 11. "But we have to keep in mind that the Russians have the nasty habit of hiding their actual military endeavors behind exercises."

The last Zapad, in 2014, focused on displaying how quickly Russia could move forces from one part of the

country to another, and illustrated how the Kremlin underplays the number of troops involved in its intertwined military drills.

Moscow claimed about 22,000 troops took part in 2014, but outside observers later concluded that up to 70,000 were involved, once all of the smaller but related exercises were added up.

Whatever number of troops ultimately take part, Moscow is "going to very actively signal what they can and cannot do militarily," said Olga Oliker of the Center for Strategic and International Studies. And the fact that Russia often conducts nuclear exercises in conjunction with conventional movements adds an extra element of uncertainty for NATO and the West.

This year, "I'm looking to see what Kaliningrad's role is in the exercise, and what supporting and concurrent exercises are being held in Belarus and Kaliningrad," the Russian exclave on the Baltic Sea, Oliker said.

Three Chinese warships are slated to arrive in Kaliningrad in July 21 to take part in a series of drills with the Russian navy and air force.

The upcoming week's worth of activities will include anti-submarine and anti-ship operations, and practice between the two nations communicating and coordinating while fighting. "The main aims of the exercise are to increase the efficiency in cooperation of the two fleets to counter threats to security at sea, [and] train compatibility of the crews of Russian and Chinese combat ships," the Russian Defense Ministry said.

The naval activity in the Baltic comes months after NATO established new brigades in Estonia, Lithuania and Latvia, beefed up by prepositioned American tanks and heavy armored vehicles.

In June, the U.S. Air Force also sent B-1 and B-52 bombers to Europe to participate in the massive BALTOPs exercise with Baltic allies, which included 50 allied ships running through a series of defensive maneuvers to protect NATO's northern flanks.

Earlier this month, the U.S. Army deployed a Patriot anti-aircraft missile system in Lithuania for use in yet another NATO wargame, marking the first time the system has been brought to the Baltic region where Russia enjoys a robust air and missile defense capability. The deployment is temporary, U.S. officials cautioned, but officials in Lithuania are looking at purchasing the system. Romania recently committed to a \$3.9 billion deal for seven Patriot missile defense systems in July.

Closer to Russia's borders and Crimea is another NATO exercise related to Saber Guardian, dubbed Sea Breeze 2017. The 12-day naval exercise currently underway in the Black Sea is co-hosted by the U.S. and Ukraine, and features the U.S. Navy cruiser USS *Hue City* and the destroyer USS *Carney*, which join 16 other countries in the Odessa-based undertaking. American surveillance plans and a team of Navy SEALs are also participating.

The naval exercises will be closely watched by Russian forces, who are active in the Black Sea, and have vastly improved their surveillance capabilities in Crimea. Over the past year, Russian aircraft have repeatedly buzzed American warships and aircraft in international waters in the Black Sea, drawing protests from Washington.

In February, an armed Russian aircraft buzzed the USS *Porter*, and in May armed Russian jets came within feet of U.S. surveillance planes operating over the waterway.

## NATIONAL REVIEW ONLINE

# Turkey & NATO Drift Apart -- Russia, China, & Iran Stand to Gain

On paper at least, NATO is looking pretty healthy. From Tallinn on the Baltic to Dubrovnik on the Adriatic, Churchill's Iron Curtain has more or less ascended from Eastern Europe, in no small part owing to the NATO expansion process begun after the dissolution of the Soviet Union. But if policymakers have confidence about the political stability and martial resolve of the former Warsaw Pact states, they are also disquieted by developments on NATO's southern flank. Turkey, long a bulwark against Soviet (later

Russian) adventurism, has started to look wobbly.

Most of the concern within NATO's leadership and in the halls of its member states' parliaments can be traced back to one man: Recep Tayyip Erdogan, the prime minister of Turkey from 2003 to 2014 and since then its president.

Turkey's foreign policy has shifted since Erdogan's arrival. Once a stalwart secular Western partner, Turkey is now an increasingly antagonistic and theocracy-curious fair-weather friend. The government of the secular republic founded by

Ataturk is now focused more on consolidating political power with appeals to Islamic constituencies than on playing the role of NATO's southernmost partner.

Erdogan has a long list of grievances, some more understandable than others, with NATO's largest member states. Not without some justification, he feels that Ankara has been unfairly strung along by Brussels in Turkey's bid to join the European Union. Turkey's recent open flirtation with a re-imposition of the death penalty — a red line for the EU's *acquis communautaire* — suggests that

Erdogan has more or less given up on membership.

Erdogan's open hostility to Germany in particular has been notable. When the German parliament recognized the Armenian genocide of 1915–17, he refused to guarantee the security of German troops posted at Incirlik Air Base, prompting Angela Merkel to threaten to withdraw them. Erdogan's retort: "Auf wiedersehen." The German troops began leaving Incirlik in early July.

The Turkish president appears to be interested in building good relations

with the Trump administration, but here, too, significant bilateral issues remain unresolved. Erdogan is principally focused on the extradition of Fethullah Gulen, the cleric whose followers were blamed for the failed coup against him last year. So far the new White House has stuck to the previous administration's position — namely, that it is a matter for courts to decide. (The recent mini-riot caused by Erdogan's bodyguards in Washington, D.C., didn't help relations.)

Another person Erdogan wants back in Turkey, but for entirely different reasons, is Reza Zarrab, an Iranian-born Turkish businessman. Zarrab was charged last year with money laundering and skirting U.S. sanctions on Iran. *The Economist* speculated that the Zarrab case, if pursued in open court, could expose high-level Turkish government corruption. The American prosecutor in the case argued that if Zarrab was granted bail (even the \$50 million his legal team proposed), he would be spirited back to Turkey and never face justice in the United States. That prosecutor, Preet Bharara, was dismissed from his position by President Trump in March of this year, but Zarrab remains in custody.

If Erdogan needed a short-term political boost, threatening to leave could position him as a leader who stands up to 'Western powers.'

Erdogan's frustration with the United States doesn't end there. Ankara, along with Damascus, Moscow, and Tehran, considers many of the Kurdish fighters supported by the United States against the Assad government to be terrorists.

Turkey was relatively restrained in its military activity within Syria during most of the Obama administration. Since early 2016, however, the Turkish army has been more assertive, using its participation in joint military operations against ISIS as cover for also hitting Rojava Kurds. If the Kurds were to supplant the Islamic State in Northern Syria, Erdogan fears, they would support PKK (Kurdistan Workers' Party) forces within Turkey.

Erdogan's participation in the anti-ISIS alliance has brought him closer to two countries, Russia and Iran, with which Turkey had previously maintained frosty relations. The Obama administration's Iran deal resulted in the lifting of many sanctions that Turkey was eager to see go away, and Turkey is already benefiting from additional commerce between itself and Iran. And Erdogan eagerly stepped into the middle of the recent Qatar diplomatic crisis, appearing to take Iran's side in the dispute and even fast-tracking the deployment of additional Turkish troops to Doha.

Turkey's downing of a Russian fighter jet in November 2015 marked

a low point in the bilateral relationship, but tensions have eased since then; Erdogan met with Putin for an hour at the recent G20 event in Hamburg. Turkey is near agreement with Moscow to purchase a version of Russia's most advanced air defense system, the S-400, in a deal rumored to be worth \$2.5 billion. Russia is so keen on moving the deal forward that it reportedly plans to loan Turkey the money to purchase the system. The Russian propaganda outlet Sputnik was quick to trumpet the deal as a "tectonic shift," a "game-changer in the arms market."

It goes without saying that Russian air-defense systems are not NATO-compatible, but this isn't even the first time Turkey has looked outside NATO for such options. It approached a Chinese weapons manufacturer a few years ago but bowed to pressure from Washington to abandon the deal when it emerged that the Chinese company had also supplied missiles to Iran.

And Turkey's spending on defense has been declining since 2009, from the NATO-mandated 2 percent then to 1.7 percent in 2016.

Taken together, these developments raise the question of whether Turkey intends to remain in NATO, and — if push came to shove — whether Ankara would honor its mutual-defense pledge under Article 5 of the NATO agreement, especially if

that would mean responding to a military threat from Russia or Iran.

It is difficult to make the case that leaving NATO would be a *good* move for Turkey. But if Erdogan needed a short-term political boost, threatening to leave could position him well domestically as a leader willing to stand up to "Western powers." His post-coup crackdown on the press (along with public servants) leaves him with fewer journalists likely to call departure from NATO a diplomatic or strategic blunder.

Moreover, there is a precedent for such a seemingly rash action. In 1966, during a period of worldwide societal upheaval, Charles de Gaulle pulled France out of NATO's military structure. While Paris never fully withdrew its support for the treaty, the country did not rejoin the alliance militarily until 1996.

Who would be the biggest loser if Turkey felt the need to withdraw — in whatever form — from NATO? It's hard to say. Clearly, though, it would be viewed as a massive strategic windfall for Moscow, Beijing, Tehran, and other capitals with an interest in counteracting the influence of the United States and NATO. And it's a scenario that seems more plausible now than at any point in the alliance's history.

## INTERNATIONAL



### Macron's France Surpasses U.S. Under Trump in 'Soft Power' Study

Gregory Viscusi

Donald Trump clearly enjoyed watching the French tanks and planes go by at last week's Bastille Day parade alongside Emmanuel Macron, but it's France's ability to wield influence off the battlefield that helps it surpass the U.S., according to a ranking of international clout.

Since their respective elections, France's international engagement and Macron's popularity have helped France jump to first from fifth place in an annual ranking of "soft power" released

Tuesday. The U.S. slid to third from first, while Britain held on to second place.

"France's soft power has no doubt seen a boost with the defeat of the National Front and the election of its youngest-ever president," said the annual report by the University of Southern California and Portland Communications. "Elected on a pro-Europe platform of reform, the president is riding a wave of both domestic and international popularity."

The annual study, now in its third year, looks at a variety of factors including the extent of the country's

diplomacy network, its engagement with international organizations, the appeal of its educational institutions, its cultural and culinary attractions, its appeal to business, its digital footprint and public perceptions. It was that final factor that sunk the U.S. ratings, the study said.

The U.S. remains "unrivaled in higher education, cultural production, and technological innovation," according to the study, and yet "President Trump's often divisive rhetoric has led to a sharp decline in America's performance in international polling."

For all the hardware on display at the annual July 14 Bastille Day parade, the U.S. is also unrivaled in hard power. Once the U.K. leaves the European Union, France will be the bloc's top military power by far, but its defense budget is just under one-tenth the U.S.'s, it has one aircraft carrier to the U.S.'s 10, and one-twentieth the number of nuclear warheads.

Germany, Canada, Japan, Switzerland, Australia, Sweden and the Netherlands round out the top 10 in the soft-power study.



### America's Not First. It's Third.

Paul McLeary |

France has knocked the United States out of its top spot in a new annual ranking of countries in "soft power."

The "Soft Power 30" report, released Tuesday by Portland Communications, in partnership with the University of Southern California Center on Public Diplomacy, combines data and international polling to measure governmental

commitment to issues such as freedom and global cultural reach, among other areas.

France has been in fourth and fifth place the last two years, but leapfrogged ahead this year. The

report credits President Emmanuel Macron's global outlook, his pro-business and pro-EU agenda, and his domestic and international popularity for the country's climb to number one.



The United States' fall to third place, behind the United Kingdom, is due to its promotion of nationalist rhetoric rather than international alliances, according to the report. The authors cite the U.S. decision to pull out of the Trans-Pacific Partnership and the Paris climate deal as evidence of this shift.

"The rankings offer yet another data point reporting a fall in America's

global reputation and influence," Jonathan McClory, one of the authors of the report, said. "A reduction in American soft power ultimately means a diminished ability to lead on shaping global events."

The report warns that the planned budget cuts to the State Department, and the lack of key appointments in government, is showing the United States'

weakness and undermining its global influence. Additionally, it warns that President Donald Trump's "America First" slogan and ideology is working to isolate the United States, rather than prioritize it.

"Trump's 'America First' doctrine has played poorly abroad, alienating allies, and damaging links with the rest of the world," the report says.

The report also notes that most European countries have either improved or held their rankings, while Asian countries are generally increasing their soft power.

Though Soft Power 30 only lists the top 30 countries, the authors of the report believe there could be a lot of turnover to the list in the next year.



## Editorial : A toehold for peace in Syria

The Christian Science Monitor

July 18, 2017 —After six years of war, nearly 100,000 civilian casualties, and rising foreign intervention, Syria has a toehold on peace. A truce in southwest Syria, brokered on July 7 by Russia and the United States, has so far held up. While the silencing of guns may fail, it at least shows growing war fatigue and provides some hope for a reshaping of Syria by peaceful means.

Much of the fighting in Syria, which began with pro-democracy protests in 2011, is now driven by foreign powers. The US, for example, has tapped local forces to defeat Islamic State in the city of Raqqa. Iran seeks a land corridor to the Mediterranean Sea. Turkey wants to block a Kurdish state. But it is Russia, which has found it difficult to balance its many interests in the Middle East, that is driving this local truce between the forces of the Syrian regime and its opponents.

Russia has discovered in Syria what the US had to learn in Iraq: Local allies are hardly stable partners if their source of legitimacy is mainly guns and not an inclusive and tolerant government. A solution for Syria's long war lies ultimately in a reframing of the bonds of community, even if that requires a partition of the country along religious or ethnic lines.

The cease-fire, as well as ongoing talks in Geneva between the regime and the Syrian opposition, allows a

small respite for Syrians to consider an alternative to armed conflict. It may also allow for civilians in the area to receive humanitarian aid.

Outside powers, such as Iran and Turkey, must recognize that military means alone cannot be the only way to seek an advantage or to defend one's positions. Russia may have overplayed its hand in Syria and could be looking to cut a diplomatic deal. The truce might be a cornerstone for peace.



## Editorial : Syrian Cease-Fire Is a Baby Step Toward Peace

After years of horrific fighting in Syria -- including several failed cease-fires -- it's hard to get too excited about a limited agreement to stop hostilities in a tiny corner of the country. Yet the modest "de-escalation" deal in Syria's southwest is a promising sign.

Islamic State is not yet defeated. But the cease-fire, reached by Jordan, Russia and the U.S., is an indication that the end of that fight is near, as all sides are beginning to jockey for position in the next stage of the Syrian civil war.

The halt in the fighting in parts of three provinces, reached earlier this month, seems to be mostly holding. The next steps of the deal, which

reportedly include the departure of non-Syrian fighters, providing humanitarian aid to civilians, and setting up a monitoring center in Jordan, are pending.

Still, what has already been achieved is notable. Russia -- Syrian dictator Bashar al-Assad's most powerful backer -- has cut an independent deal with the U.S. that will not just give rebel troops a respite but also help protect Israel and Jordan, two of America's most important Middle East allies. Russian President Vladimir Putin seems to have hammered out the truce without giving the Syrian regime or its Iranian patrons a say. And this despite the fact that Iranian-backed militias had been

making military inroads in southern Syria.

The area covered in the de-escalation agreement includes the rebel stronghold of Deraa Province, which is within 50 miles of the Jordanian capital of Amman and is adjacent to the Golan Heights, which Israel has considered a crucial buffer zone since conquering it in the 1967 war. The deal will be help keep Iran and its proxies from gaining too close a foothold to Israel and Jordan.

A piecemeal approach to cease-fires has its downsides. It may undermine the fitful negotiations to end the civil war that are now taking place in Kazakhstan, and the Assad regime may use this opportunity to

strategically reposition forces at other battlefronts (the Syrians seem to have an eye on the oil-rich Euphrates River Valley near the Iraq border). And the deal relies on the questionable assumption that the Russians will be able to rein in aggression by the Syrian army its allies.

Secretary of State Rex Tillerson noted that the pact is the "first indication of the U.S. and Russia being able to work together in Syria." As distasteful as it sounds, cooperation with the Kremlin may be the best hope for an enduring political solution to the civil war -- and for ensuring that Islamic State won't rise again.



## Lake : Terror at the Temple Mount Puts the Lie to Palestinian Rage

For years, the most delicate dispute in the Israeli-Palestinian conflict has been the status of the Temple Mount in Jerusalem. The Al Aqsa Mosque sits on the spot from which Muslims believe Mohammed ascended to heaven. At its base are the remains of the outer wall of the second Jewish Temple.

This is why Friday's terror attack on this sacred ground is so important.

It's hard to think of a worse debasement of a holy place than for armed gunmen in the middle of a shooting spree to flee to it for sanctuary. Add to this the fact the

Jerusalem police now say there were guns hidden in the Temple Mount complex at the time.

All of this challenges a prevailing Palestinian narrative about the Al Aqsa Mosque: that Jews are a threat to its preservation. You hear it in the speeches of Palestinian president Mahmoud Abbas, in which he falsely claims Jewish settlers are building tunnels underneath the Temple Mount. He complains of "dirty feet" stepping on this holy ground.

When former Prime Minister Ariel Sharon visited the Temple Mount in 2000, Palestinians were so angered that it sparked the second intifada.

Later that year, Yasser Arafat formed a militia called Al Aqsa Martyrs Brigade to kill Jews at random in the name of reclaiming the holy site.

Now it should be said that Al Aqsa Mosque, believed to be built in 690, has endured the crusades, British colonization and Israeli statehood. In the 1980s, a group of Jewish terrorists plotted to blow it up, but they never followed through. When Israel won the land that includes the Temple Mount in the 1967 Six-Day War, it decided to allow a religious trust called the Jordanian Waqf to remain the administrators of the site.

Now we have an atrocity that threatened the mosque's worshippers. The real threat to the Mosque on Friday did not come from Jewish settlers, but from Israeli Arabs. So it's important to examine the response from Palestinian leaders.

Let's start with Abbas. He was forceful in his condemnation of the act, noting that there is no room for violence in such a holy place. Other members of his party, Fatah, were also quick to denounce. And Ayman Odeh, the head of Israel's largest Arab political party, condemned all armed struggle from Israeli Arabs

against Israel in the wake of the attack.

That's pretty good. But by Monday the old patterns emerged. Fatah called this week for a "day of rage." Was this to protest the gunmen who entered the noble sanctuary or those mourning their deaths? No. This protest is aimed at Israel for erecting metal detectors at the entrance of the Temple Mount compound after the shootings.

The most telling response, however, came from Hamas, the Muslim Brotherhood-affiliated group that

rules Gaza. A spokesman for the group, Sami Abu Zuhri, said on Friday the attack "was a natural response to Israeli terrorism and their defilement of the Al Aqsa mosque."

Now there are many things one can say about Hamas. They are killers, of course. They are also fanatics. Hamas favors the imposition of Islamic law on the people of Gaza. The group was responsible for changing the tenor of the Palestinian national liberation movement in the 1980s and 1990s, from largely an

anti-colonialist struggle to a kind of holy war to reclaim Jerusalem.

In light of the group's response to shootings at the mosque, let's add a new descriptor: frauds. Yes, how can any thinking person take the professed pieties of Hamas leaders seriously if they rail against "defilement" of the site yet praises gunmen who fled to it in a shooting spree?

As Martin Kramer, a historian at Shalem College in Jerusalem, told me this week, the attack at the Temple Mount broke a taboo. "The

usual Islamist claim is the danger to the mosque and the shrine is from Jews," he said. "Here there was an actual conspiracy to smuggle weapons into this holy place and Hamas does not condemn it, they praise it. Who poses the greater danger to Al Aqsa?"

It's an excellent question. The answer is that the greater danger to one of Islam's holiest place these days comes from the Palestinian fanatics who claim to be fighting for its reclamation.

*the Atlantic*

## Qatar Crisis: Are There Signs of a Potential Deal?

Calamur

Krishnadev

The Saudi-led alliance of Arab countries that severed links with Qatar is now urging Doha to accept six steps—down from 13 conditions—to combat extremism and terrorism, a sign the crisis that engulfed the region may be a step closer to resolution.

Abdallah al-Mouallimi, Saudi Arabia's ambassador to the UN, said Tuesday at the United Nations that the six principles included combating extremism and terrorism; suspending provocations and incitement; and not interfering in the internal affairs of other countries. (You can read the others here.) He said Saudi Arabia, Egypt, Bahrain, and the United Arab Emirates, the four countries that severed links last month with Qatar, wanted Doha to negotiate a plan to implement the six steps. Qatar has not yet responded to the demands.

Late last month, the four countries gave Qatar 10 days to comply with a list of 13 demands, including the closure of Al-Jazeera, the Qatari-owned Arabic language broadcaster that they see as an avenue for dissidents from across the region; the severing of links with Iran; the closure of a Turkish military base in Qatar; and the severing of links with Hamas and the Muslim Brotherhood. Qatar rejected those demands.

Mouallimi said Tuesday that while the four countries insisted that Qatar cease provocations and incitement against them, it may not be necessary for Al-Jazeera to be shut.

"If the only way to achieve that is by closing down Al-Jazeera, fine," he reportedly said. "If we can achieve that without closing down Al Jazeera, that's also fine. The important thing is the objective and the principle involved."

The crisis erupted in early June when the four countries severed

links with Qatar for its alleged support of terrorism—a charge Doha denies. They expelled Qatari citizens from their countries, recalled their citizens from Qatar, and cut off transportation links with the kingdom, which relies on imports brought in by road from Saudi Arabia and from the UAE's ports. In response, Qatar turned to Iran and Turkey for supplies and support. Relations between the Arab countries and Qatar have been frigid for years because, among other things, Qatar pursues a more independent foreign policy, which includes accommodation with groups such as the Taliban, the Muslim Brotherhood, and Hamas. It also is close to Iran and Turkey and, until recently, was friendly with Israel, too.

But the current crisis was precipitated by Qatari news reports in late May that quoted Sheikh Tamim bin Hamad al-Thani, the country's emir, as criticizing Saudi Arabia, praising Iran and Hamas,

and describing Qatar's relations with Israel as "good." Qatari officials called the reports fake, adding its news websites were a victim of a "shameful cybercrime." Then this week, *The Washington Post* reported that the UAE was behind the planting of the fake stories; the Emirates denied the charge.

The apparent concession offered by Mouallimi comes amid intense mediation by Kuwait, as well as U.S. diplomacy. Secretary of State Rex Tillerson spent last week shuttling among Arab capitals in an attempt to resolve the dispute among its closest allies in the region. Tillerson and others have previously said any resolution of the dispute will take time. With the Saudi comments Tuesday, we may be one step closer.

*The New York Times*

## Countries That Broke Ties With Qatar Indicate Some Flexibility on Demands

Senior diplomats from the four Arab countries that have broken ties with Qatar indicated Tuesday that they were no longer insisting on 13 precise demands that the Qataris must satisfy, or on a specific deadline for them to comply.

The remarks by the diplomats from Bahrain, Egypt, Saudi Arabia and the United Arab Emirates seemed to indicate a slight easing in their position and a desire to make some progress in the bitter dispute, which began in early June.

No direct talks have been scheduled. Shuttle diplomacy undertaken by Secretary of State Rex W. Tillerson with the antagonists, all of them close allies of the United States, ended last week in failure.

The diplomats told reporters that they remain frustrated over what all four view as Qatar's support for terrorism and instability in the Middle East, a central theme in the crisis that has created deep fissures between Qatar and its neighbors. Qatar has denied their accusations.

Speaking at a news conference convened by the United Arab Emirates at its mission to the United Nations, the diplomats said they wanted and expected to resolve the crisis amicably.

"Our aim is to reach a diplomatic solution," Saudi Arabia's United Nations ambassador, Abdullah bin Yahya Almuallimi, said of the feud with the Qataris, adding that he hoped "they will come around."

Mr. Almuallimi and his fellow diplomats said the four countries were no longer talking about specific

demands Qatar must satisfy, including shuttering the Qatari-owned Al Jazeera news network, closing a Turkish military base, downgrading ties with Iran and outlawing the Muslim Brotherhood organization and other groups they regard as fomenters of terrorism.

Those demands were among a list of 13 handed to Qatar after the crisis began, along with a 10-day deadline for Qatar to comply. Qatar leaked the list and ignored the deadline, which came and went.

Now, the diplomats said, the four countries have united around what they called six broad principles, built upon the themes of combating terrorism and extremism, denying financing and safe havens to terrorist groups, stopping incitement to hatred and violence and refraining from interfering in the internal affairs of other countries.

The Saudi ambassador also said the imposition of any previous deadline had only been "meant to help move the process forward."

Asked if any compromise were possible, he said that "of course we can compromise — but no compromise on the six principles."

The United Arab Emirates ambassador to the United Nations, Lana Nusseibeh, said that regardless what happens next, "we're never going back to the status quo — that needs to be understood by the Qataris."

There was no immediate comment from Qatar's United Nations ambassador, Alya Ahmed Al Thani.

Ms. Nusseibeh was joined at the news conference by Reem al Hashimy, the United Arab Emirates minister of state for international

cooperation, who said all four countries “are completely aligned” in their position regarding Qatar.

Asked if she believed a solution would be found, Ms. Hashimi responded, “As we say, ‘inshallah.’”

Both Emirati diplomats categorically

## The New York Times Deal

David E. Sanger and Rick Gladstone

The United States recertified that Iran is in compliance with the terms of the 2015 international nuclear agreement. But the White House made a statement that could signal the first time that the U.S. itself is not complying with the terms of the deal.

Mohammad Javad Zarif, the foreign minister of Iran, charged on Tuesday that the Trump administration’s attempt to reimpose sanctions on his country was a violation of the accord signed two years ago that sharply limited Iran’s ability to produce nuclear material in return for its reintegration into the world economy.

“It is not clear what the administration is trying to do,” said Mr. Zarif, the urbane, American-educated diplomat who negotiated the agreement with John Kerry, then the secretary of state.

“They have been talking about ‘scrapping the deal,’” he said. “Then they came to realize that would not be globally welcome. So now they are trying to make it impossible for Iran to benefit.”

Mr. Zarif spoke in the residence of the Iranian ambassador to the United Nations just hours after the Treasury, State and Justice Departments announced new sanctions on Iran, many aimed at the elite Islamic Revolutionary Guards Corps. The announcement came the morning after President Trump grudgingly recertified Iran’s compliance with the nuclear deal.

The new sanctions were intended, administration officials say, to emphasize the administration’s determination to find new ways to penalize Tehran for activities not covered by the nuclear accord, which Mr. Trump regularly assailed during last year’s campaign and threatened to tear up at various moments.

Iran’s adherence to its commitments within the accord prompted heated arguments inside the administration that continued on Monday before

denied a Washington Post report on Sunday that their country had orchestrated the hacking of Qatari news and social media sites, planting false quotes in which the country’s emir, Sheikh Tamim Bin Hamad Al-Thani, was quoted as praising Iran and the Hamas militant group. The Post article was

Mr. Trump finally agreed to certify that Iran was in compliance with its obligations.

The sanctions announced the next day cited continued Iranian development and testing of missiles, the country’s support of President Bashar al-Assad of Syria and its escalating cyberactivity, including the theft of software.

Mr. Zarif said Iran would “reciprocate,” but made the promise in a weary way, saying that Iran’s sanctions on Americans would be no more effective than American efforts to block travel or financial transactions with 18 Iranian individuals and entities.

But the bigger casualty, Mr. Zarif acknowledged in a 90-minute conversation with an invited group of journalists, was the prospect that the deal would mark a shift in more than three decades of antagonism between Washington and Tehran that dated to the Islamic Revolution and the overthrow of the Shah.

Two years ago there was talk of whether, with the nuclear dispute behind them, the United States and Iran might cooperate against the Islamic State and strike a deal over Syria. Traditional Sunni allies of the United States like Saudi Arabia wondered if Washington was about to pivot toward Iran, which has a predominantly Shiite population, for the first time since the Shah’s fall.

Indeed, the deal was seen as a major gamble by the Obama administration. Over time, many officials thought, the two countries would use it as a foundation for building a larger relationship.

Today that foundation is crumbling. Administration officials say the debate over whether to ultimately scrap the accord continues, though they acknowledge that doing that would free Iran to resume enrichment of uranium and reprocessing of plutonium, the exact activities the deal sharply limits.

On Sunday, Iran disclosed that it had been holding Xiyue Wang, an American who is a Princeton University doctoral candidate in history, for nearly a year and has sentenced him to 10 years in prison

attributed to American intelligence officials.

Those false quotes, which appeared May 24 just after President Trump’s counterterrorism summit meeting with Arab nations in Saudi Arabia, were among the catalysts for the Qatar crisis, which led the Emiratis,

on spying charges. The disclosure shocked Mr. Wang’s colleagues at Princeton, who described Iran’s action as a colossal error. The incarceration of Mr. Wang, 37, also threatened to chill academic exchanges between Iran and the United States.

The reception Mr. Zarif receives now in Washington could not be more different than it was 24 months ago. He and Mr. Kerry developed a close rapport, even if it was often punctuated by shouting matches. But Mr. Zarif said he had never spoken with Mr. Kerry’s successor, Rex W. Tillerson.

“I haven’t asked for a meeting, and I don’t think I will,” he said.

Mr. Zarif said that if conversations do begin anew with the United States, they will be limited to the nuclear deal — and American compliance. But he did not sound hopeful, adding that Iran had no intention of renegotiating.

His emphasis on shoring up the existing agreement runs counter to the Trump White House’s strategy, which is to de-emphasize the nuclear accord and focus on Iran’s other behaviors.

The benefits of the nuclear deal have been slow to come to Iran. At one point Mr. Kerry met with European bankers to encourage them to reopen their dealings with Tehran, fearing that a backlash against the deal would occur if the West did not seem to be living up to its side of the accord.

Whether the Trump administration is actively violating the agreement by reimposing sanctions under a different rationale is a debatable legal point, though a number of American experts said that Mr. Zarif had a plausible case. The agreement has a mechanism in place to resolve both small and large disputes, which Mr. Zarif suggested Iran was about to become the first to invoke.

The accord specifies that the United States, and other partners in what is formally known as the Joint Comprehensive Plan of Action, “will refrain from any policy specifically intended to directly and adversely

Saudis, Egyptians and Bahrainis to ban Qatari news media. They then broke relations with Qatar and decreed a trade boycott.

affect the normalization of trade and economic relations with Iran inconsistent with their commitments not to undermine the successful implementation” of the agreement.

The Trump administration insists — as the Obama administration did — that such wording allows for sanctions to counter human rights violations, weapons proliferation or support of terrorism. In fact, Mr. Obama imposed some sanctions the same day the accord went into effect in 2016.

The sanctions announced on Tuesday are similar to those Mr. Obama invoked. But the intent may be different. Last week Sarah Huckabee Sanders, the deputy White House press secretary, told reporters that at the Group of 20 meeting in Hamburg, Germany, Mr. Trump actively argued for isolating Iran, telling “more than a dozen foreign leaders” that they needed to “strip terrorists of their funding, territory and ideological support, and stop doing business with nations that sponsor terrorism, especially Iran.”

Mr. Zarif said he was philosophical about the change in tone. He had allowed for that during the negotiations, he said, noting that the document “was negotiated and drafted based on mutual distrust.”

“You will see that mistrust every sentence,” he added.

Mr. Zarif dodged questions about Iran’s activities in the Middle East, saying he did not know how many Iranian or Shiite militias were in Syria, and he declined to criticize Mr. Assad. He questioned whether Mr. Assad’s government was responsible for the chemical attack that led to American retaliation in April.

“Why would he do something” like the chemical weapons attack, Mr. Zarif asked about Mr. Assad, “the day after the president indicates removing Assad is not an American priority?”

Similarly, Mr. Zarif was defensive about Iran’s continued missile testing, saying it needed accurate missiles as a deterrent against the Sunni Arab states that the United

States arms with its “beautiful American military equipment” sold to the region.

**THE WALL  
STREET  
JOURNAL.**

## Trump Administration Slaps Iran With Additional Sanctions

Felicia Schwartz

WASHINGTON—The Trump administration on Tuesday leveled more sanctions against Iran, targeting its elite military unit and ballistic missile program in a move that heightened tensions between the two countries and raised new questions about the fate of the 2015 international nuclear deal.

The sanctions came after the administration told Congress late Monday that Iran was continuing to comply with the 2015 international nuclear agreement, a notification that kept the accord in place for now. But that determination came after an intense debate within the administration over whether to certify Iran's compliance, according to officials familiar with the discussions.

“This administration will continue to aggressively target Iran's malign activity, including their ongoing state support of terrorism, ballistic missile program, and human-rights abuses,” Treasury Secretary Steven Mnuchin said in imposing the new sanctions Tuesday.

Referring to the elite Islamic Revolutionary Guard Corps, Mr. Mnuchin said, “We will continue to target the IRGC and pressure Iran to cease its ballistic missile program and malign activities in the region.”

The Trump administration is reviewing the nuclear agreement and its policy toward Iran, a move that has European allies worried about the fate of the deal.

State Department spokeswoman Heather Nauert said the U.S. would

meet its commitments as the review progressed and would press Iran to do the same. The U.S. will next have to certify Iran's compliance with the deal in October, and some officials expect the review will be completed by then.

Iran's Foreign Ministry condemned the new sanctions, according to the official Islamic Republic News Agency. Iran will retaliate by placing its own sanctions on American entities, the ministry said, adding that those targeted would be named soon.

Iranian Foreign Minister Javad Zarif said Tuesday's sanctions “poison the atmosphere.”

“That's what they're designed to do, actually,” he said in an interview with CBS. “They're not designed to help anybody, because they know that none of them ever travel to the United States or will have an account in the U.S.”

The Joint Comprehensive Plan of Action, as the 2015 nuclear agreement is formally known, was championed by the Obama administration as a way to obtain Iran's agreement to significantly cut back its nuclear program in exchange for relief from international sanctions.

President Donald Trump criticized the deal during his presidential campaign. For now, however, his administration is continuing its review of the accord, and officials said Monday that they would look to work with allies to strengthen its enforcement and fix what they described as its flaws, citing clauses that allow some restrictions on Iran's nuclear program to expire.

However, the decision to certify Iran's compliance late Monday was preceded by several hours of debate during which President Trump considered refusing certification. Officials including White House strategist Steve Bannon urged Mr. Trump to declare that Iran hadn't complied, people familiar with the deliberations said. On the other side was Secretary of State Rex Tillerson and officials who urged Mr. Trump to keep the agreement intact while the policy review is under way.

Tuesday's Treasury Department sanctions notice designated 16 entities and individuals that it said supported the IRGC. The State Department also designated two Iranian organizations involved with Tehran's ballistic missile program.

“These sanctions target procurement of advanced military hardware, such as fast attack boats and unmanned aerial vehicles, and send a strong signal that the United States cannot and will not tolerate Iran's provocative and destabilizing behavior,” Mr. Mnuchin said in a statement.

Qeshm Madkandaloo Shipbuilding Cooperative Co was sanctioned for supplying equipment to the IRGC's navy. The U.S. also sanctioned Turkey-based Ramor Group and its owner Resit Tavan for providing goods to Qeshm Madkandaloo.

Among the other individuals and entities blacklisted in Tuesday's action are Iran-based Rayan Roshd Afzar Co. and three associated individuals. The Treasury Department said the company produced technical components for the IRGC's drone program and produced tools that supported the

IRGC's efforts to block social media and telecommunications access in Iran.

The Trump administration also blacklisted a China-based procurement agent and several related China-based entities for supporting Iran's military activities.

The Treasury Department also moved against Iran-based Ajily Software Procurement Group, which it said uses hackers to steal engineering software from the U.S. and other Western countries. The Treasury said the group sells some of the software to Iran's military, which can't acquire it otherwise because of U.S. export controls.

Requests for comment from Rayan Roshd Afzar Co., Qeshm Madkandaloo Shipbuilding Cooperative Co, and Ramor Group owner Resit Tavan weren't immediately returned. Ajily Software Procurement Group couldn't be reached for comment.

The action against Ajily followed a move on Monday by the Justice Department against some related individuals. The Justice Department charged two Iranian men it said worked with a third man, who was pardoned by President Barack Obama as part of a prisoner swap with Iran that took place as the deal took effect in 2016. The two men were accused of hacking a Vermont software company and selling sensitive software to Iran, and the Treasury Department said the men were affiliated with the Ajily procurement group.

**The  
Washington  
Post**

## UNE - With U.S. scholar's conviction, power struggle escalates between Iran's president and hard-liners

ISTANBUL — A high-stakes power struggle between Iran's moderate president and his hard-line opponents in the judiciary appeared to escalate with the arrest of the president's brother and the conviction of an American student for espionage this weekend — rulings that seemed timed to

embarrass the Iranian leader at home and abroad.

President Hassan Rouhani, who was reelected in a landslide in May, has challenged the conservative establishment by pledging reforms in Iran and advocating diplomacy and openness toward the rest of the world. His recent criticisms of the hard-line judiciary and powerful

security forces have prompted public rebukes from the supreme leader, Ayatollah Ali Khamenei, who wields ultimate authority in Iran.

The tensions come as Iran and the United States spar over the terms of a nuclear deal struck with world powers to limit Iran's nuclear weapons program. On Monday, the White House grudgingly certified to

Congress that Iran is in compliance with the deal, which was negotiated by the Obama administration and lifts major sanctions. The Trump administration has taken a much harsher stance on Iran, threatening to abandon the deal, and the Treasury Department on Tuesday announced new sanctions primarily targeting Iran's ballistic missile program.

But the moves by Iran's judiciary — including the sentencing of a Princeton graduate student, Xiyue Wang, to 10 years in prison for spying — also undermine Rouhani's attempts to build better relations with the West, which more-reactionary Iranian institutions such as the judiciary oppose. And they suggest an effort by ruling clerics to pressure the president to back down from confrontation on the domestic front, particularly ahead of the official inauguration of his second term next month, when Rouhani will pick his new cabinet.

More broadly, however, the actions by the judiciary and Khamenei paint a picture of a hard-line establishment hitting back at an outspoken and popular president who has promised to curb some of the regime's worst excesses.

Rouhani's pro-reform agenda "poses a major threat to their worldview and political agenda," Nader Hashemi, director of the Center for Middle East Studies at the University of Denver, said of the hard-liners.

In recent weeks as well as during the May presidential campaign, Rouhani rapped the judiciary for what he said were arbitrary arrests and a history of atrocities. He also criticized the economic role of the elite Revolutionary Guard Corps, Iran's most powerful security institution, at the expense of the country's private sector.

Those admonishments led Khamenei to

publicly defend the judiciary.

"The judiciary should be a pioneer in establishing public rights within the society . . . and confront anyone who violates laws," Khamenei said in a speech this month, according to the Center for Human Rights in Iran, an independent nonprofit based in New York.

Rouhani, addressing a gathering of judicial officials the previous day, had called on jurists to limit the practice of summoning people for interrogation without due cause.

Last month, Khamenei dressed down the president in front of the country's most senior politicians, warning Rouhani against suffering a fate similar to that of Iran's first post-revolution president, who served from 1980 to 1981. Abol Hassan Bani-Sadr was impeached after facing off against the powerful clergy and was forced to flee to France.

"Using the institutions of the state that they control — primarily the judiciary — they are sending a message to Rouhani and his supporters that they are in control of the political system," Hashemi said. "And that they will oppose his attempts to engage with the Western world and promote more freedoms at home."

The arrest and conviction of Wang, a 37-year-old scholar at Princeton, appeared to target Rouhani's wider foreign policy and engagement with the West. Although Wang was detained in August 2016, the timing

of the verdict is suspect, analysts say.

"Why did they keep it a secret as long as they did? Timing is important," said Alex Vatanka, an Iran expert at the Middle East Institute in Washington.

Wang, who colleagues say traveled to Iran to research the Persian Empire's Qajar dynasty for his thesis, was accused of attempting to create a digital archive for the State Department and Western academic institutions.

"Wang's sentencing by the Iranian judiciary is yet another indicator that the hardest of Iran's hard-liners are the ones who set the direction for Iranian domestic and foreign policy," said Behnam Ben Taleblu, an Iran analyst at the Foundation for the Defense of Democracies in Washington.

But the arrest of Rouhani's brother, Hossein Fereydoun, this weekend appeared to be a more immediate and direct attack on Rouhani. Fereydoun is a close adviser of the president and was a key player in nuclear negotiations. He came under attack by conservatives this year for alleged financial impropriety, although the formal charges are still unclear.

Corruption and graft are widespread in Iran, but the probes "are often politically motivated phenomenon," said Taleblu, adding that they "have more to do with political score-settling than reforming business practices."

"Elements of the Iranian judiciary and hard-line establishment have been looking at taking down Fereydoun for quite some time," he said.

According to Suzanne Maloney, a senior fellow and expert on Iran at the Brookings Institution, targeting Rouhani's brother "is a very convenient way to cause pain to the family without necessarily provoking a crisis of office."

"The general message that the rest of the system is trying to send to Rouhani is not to get too far ahead of himself," she said, "to not allow his decisive election victory to give him illusions of greater autonomy and authority than his position actually has."

Whether Rouhani will bow to the pressure remains to be seen. During his first term, the president deferred to the supreme leader and failed to push through more-serious reforms.

The relationship between Rouhani and Khamenei in the coming years "will be tense," Hashemi said. "There has been an ongoing public feud between both figures, but ultimately power lies with the supreme leader."

"If I had to bet, my bet would be for Rouhani to reluctantly submit to the limits established by the supreme leader," he said. "All second-term Iranian presidents had to do this."



## DeYoung : Trump administration adds 18 Iranian individuals and entities to sanctions list

By Karen DeYoung

The Trump administration Tuesday added 18 more entities and individuals to its Iran sanctions list, just a day after it certified to Congress that Tehran has continued to meet the required conditions of its nuclear deal with the United States and other world powers.

Senior administration officials had made clear that the certification was grudging and indicated that new sanctions would closely follow for Iran's "malign activities" in nonnuclear areas, such as ballistic missile development and support for terrorism.

"We judge that these Iranian activities severely

undermine the intent" of the agreement as a force for international stability, one official said. Iran is "unquestionably in default of the spirit of the JCPOA," or Joint Comprehensive Plan of Action, which took effect in January 2016 after years of negotiations, the official said.

International monitors and other signatories of the agreement have said Iran is meeting its terms, giving the administration little room for maneuver in providing the assessment required by Congress every 90 days.

The last certification of Iranian compliance, in April, was also followed by new sanctions on Iranian individuals and companies that the administration said played a

role in ballistic missile tests not covered by the nuclear agreement.

The latest sanctions include seven entities and five individuals the Treasury Department said engaged in "activities in support of Iran's military or Iran's Islamic Revolutionary Guard Corps." The list also includes "an Iran-based transnational criminal organization and three associated persons."

In addition to aiding Iran's military procurement, the Treasury Department said the "networks" helped the Revolutionary Guard — a branch of the military that answers only to Iranian religious authorities — develop unmanned aerial vehicles and "fast attack boats."

Five of the companies that allegedly supported Iranian military

procurement are based in China and one in Turkey. In addition, an Iranian company, Ajily Software Procurement Group, was said to have "orchestrated the theft of U.S. and western software programs which, at times, were sold to the Government of Iran." U.S. export controls prohibit Iran from buying the programs.

The Revolutionary Guard itself was designated for sanctions by the Treasury Department in 2007. The State Department on Tuesday separately designated two Guard organizations for engaging in prohibited proliferation activities.



## Kaufman : Iranian Nuclear Deal: Failure | National Review

Two years on, the Iranian nuclear deal is a failure.

Some will surely protest that this cannot be; on Monday, the Trump

administration just indicated that it plans to certify Iranian compliance to

Congress. But that certification does not mean what it may seem to.

It certainly does not indicate that Iran has been in perfect compliance with the deal. Iran has already exceeded its limits on uranium enrichment and production of heavy water on several occasions. Furthermore, a series of recent German intelligence reports discovered Iranian efforts to procure technology that “can be used to develop plutonium for nuclear weapons.” One report concluded there was “no evidence” of the “complete about-face in Iran’s atomic policies” that had been hoped for.

But of course there’s no evidence of that. This was the central flaw of the Iran deal: There was never any reason to suspect that the nature or aims of the Iranian regime had changed. Iran of course has scaled back its nuclear advances, but the Supreme Leader and his cronies still seek to obtain a nuclear weapon to fortify their regime, advance Iranian regional hegemony, and threaten Israel. Until this changes, the Iranians can safely be expected to use any deal to better pursue those aims. This is why it matters when H. R. McMaster, director of the National Security Council, explains that Iran has violated the spirit of the agreement.

So why does Trump plan to certify compliance? One debilitating weakness of the Iran deal is that there are no punishment mechanisms short of re-imposing sanctions, at which point Iran can reasonably argue that the deal is dead and it is free to pursue whatever nuclear advances it wants.

The deal provides a process whereby America can allege misconduct and force the U.N. Security Council to vote on a resolution. This resolution would *maintain the deal’s suspension* of sanctions, so any veto — including the U.S.’s own — would trigger the reestablishment of the legal basis for sanctions. But there are several hurdles to getting the sanctions to “snap back” as promised.

As Eric Lorbber and Peter Feaver wrote in *Foreign Policy*, “An effective sanctions regime consists of a legal basis, the

institutional capacity to implement the sanctions, and the political will to carry it through. This course of action only provides for the first.” Indeed, if the sanctions are rejected by Russia or opposed by European allies eager to continue trading with Iran, both of which are likely in the absence of truly flagrant Iranian violations, the sanctions regime will not be effective. It might not even get off the ground and certainly will fail to pressure Iran the way our previous sanctions regime, which took a decade to ratchet up, did. That’s why formally alleging Iranian misconduct is extremely risky: It would unleash Iran and offer only weak and disunited sanctions.

This means that incremental Iranian cheating will likely continue to go unpunished. The best we can do is remain neutral, neither certifying compliance nor alleging noncompliance. But even with this meek third route, declined by the Trump administration this time, the deal leaves us helpless to stop Iran from slowly — never radically — preparing itself to push for a nuclear weapon once the deal’s restrictions wear off in ten and 15 years.

That’s why the deal will be certified. But why is it a failure? Some might say that pushing back a confrontation with Iran by ten or 15 years is a major accomplishment. We’ve bought ourselves time, claimed the deal’s advocates, over and over again.

Philip Gordon and Richard Nephew, two of the Obama-administration officials who negotiated the Iran deal, now repeat this mantra in *The Atlantic*. The deal was supposed to “buy time for potential changes in Iranian politics and foreign policy,” they write. But have we actually bought ourselves time?

What if it is Iran that has been buying time, using the sanctions relief to put itself in a stronger position for an eventual confrontation? What if, at the end of the Iran deal, Iran is stronger economically, geopolitically, and domestically, while we find ourselves with less power in the region and bereft of an international sanctions coalition?

Then, you might say, we got swindled.

In 2015, the Iranians were weak. Years of sanctions had decimated the Iranian economy, putting pressure on the regime at home. Iran was also facing an impressive and unified American-led international coalition dedicated to halting its nuclear program.

By the time the deal expires, Iran will be in a position of strength. Pocketing the money from the deal and once more able to export oil, the Iranian economy is recovering. Should oil prices ever rise, expect to see a boom. Iran has also quickly re-integrated itself into the global economy. Iranian exports to Germany, for instance, rose 26 percent in 2016. Germany’s Chamber of Commerce and Industry expects trade to rise to 5 billion euros by 2020. Do you think Germany will be eager to punish Iranian cheating and re-impose sanctions? Of course not.

It will be nearly impossible to reassemble a unified international coalition against Iran in the near future. Our allies will have been coopted by Iranian oil and money. Already Iran has locked in large contracts with major American and European companies including Boeing, Airbus, Total, Peugeot, Danieli, and Saipem.

The same story holds in geopolitics. Iranian influence is advancing through the Middle East. Iranian-controlled Shia militias are gaining power through their victories against ISIS in Iraq and Syria. Hezbollah, Iran’s proxy in Lebanon, has amassed hundreds of thousands of missiles with which to attack Israel. New reports show that Iran is now manufacturing missiles in fortified, underground facilities in Lebanon. It is also continuing to improve its ballistic-missile program, testing out medium-range missiles on ISIS. These missiles will soon be able to target Riyadh or, if placed further afield, Jerusalem.

Economically, internally, militarily, and geopolitically, Iran is now in a stronger position than it was before the deal.

This is all allowed under the nuclear deal, as its advocates continue to remind us. But that is the problem. Without violating our agreement, Iran is putting itself in position to

seriously damage our allies should we try to stop it from obtaining a nuclear weapon. Indeed, one of Iran’s first actions after the removal of sanctions was to purchase advanced S-300 air defense missiles from Russia. With each year, it will become tougher and tougher, more and more costly to intervene in Iran.

All of this points toward a frightening conclusion: Economically, internally, militarily, and geopolitically, Iran is now in a stronger position than it was before the deal. Iran is more ready for a confrontation in the future. It is better prepared to challenge the international community and build nuclear weapons. The deal didn’t buy us time, it turns out — it bought Iran time to recover from sanctions, coopt our allies and businesses, and advance across the Middle East.

It is worth recalling that Iran refused to sign any deal that would surrender its right to enrich uranium. It refused to be pushed beyond a one-year “breakout time,” the time it would need, given its allowed capacities, to produce enough weapons-grade uranium for a nuclear weapon. It ensured that the most important provisions of the deal would begin expiring after eight, ten, and 15 years. Why? Because Iran has never given up on its ambition to possess nuclear weapons. It merely agreed to delay its final nuclear push in order to get into a more secure position. Consequently, when the deal expires, Iran will be ready to pounce.

Finally, what is America doing with the time that we supposedly bought? We are watching as our coalition splinters, as Iran fortifies itself and its proxies gain power in other lands. We are watching as the North Koreans, surely able to transfer technology and know-how to Iran, advance their nuclear program. In doing so, we make the benefits of nuclear capabilities crystal clear to the Iranians.

The Obama administration signed a deal to kick the can down the road. But the crucial variable was always what would await us down that road. Right now, it looks like an ambush.



Paul McLearly |

## Trump’s Incoherent Iran Policy Could End the Nuke Deal on the Worst Possible Terms

A country bent on threatening the United States with annihilation develops nuclear weapons and the means to deliver them from Asia to

the U.S. homeland, putting America and its allies, including Japan and South Korea, at grave risk. It is clear that only grave consequences will come from ignoring this danger any longer, but taking military action in the vain attempt to eliminate the

program threatens to provoke unspeakable destruction.

No, this is not an assessment of North Korea in 2017, but of China in 1964, the year China first tested a nuclear weapon. Then, it was called Red China, and was widely

considered part of a communist wave bent on global domination. You think North Korean leader Kim Jong Un says crazy things? Chairman Mao Zedong famously declared, “I’m not afraid of nuclear war. There are 2.7 billion people in

the world; it doesn't matter if some are killed. China has a population of 600 million; even if half of them are killed, there are still 300 million people left."

Then, as now, voices called for strength and resolve and pushed for military action to surgically remove the nuclear capability our enemy had developed. Failure to act, it was argued, would create a near-certain risk of nuclear destruction. At a minimum, the United States would be under constant threat of nuclear blackmail, undermining the security of our allies in East Asia so greatly that they themselves would surely have to go nuclear.

Of course, deterrence did work, the countries avoided war, and America and its allies learned to manage a complex deterrent relationship with China, to our mutual advantage. No one believes we will become strong trading partners with North Korea, but many of the ideas put forward in 1964 are similar to the ones heard today, and need to be taken with a grain of salt. Then, as now, few experts had been to the country in question or met with its leaders, and little was known about what it really wanted and how it would act over the long-term.

I have written before about the terrible problem President Donald Trump and the United States inherited on North Korea. It is worse than the terrible problem President Barack Obama inherited from President George W. Bush, which was worse than the one Bush inherited from President Bill Clinton. There are no easy solutions to North Korea's nuclear and missile programs, and anyone who tells you differently is selling something.

Nine months ago, I also helped write the transition memo to Trump (sorry, no link to this one) and his incoming national security team, which made these terrible choices clear. The incoming team understood that Kim Jong Un's programs were progressing despite the United States doing every responsible thing it could to impede their advance. The incoming team also knew that we had more ways to put pressure on China. Those steps, now under consideration, might yet bring North Korea back to the negotiating table.

This is where the problem goes from occupational hazard of being president to self-inflicted wound. Well aware of North Korea's program and trajectory, Trump tweeted in January that a North Korean intercontinental ballistic missile "won't happen." He staked the credibility of his office and country on this claim and was wrong, severely straining our believability not only in Asia, but globally. Obama received a lot of

criticism for his Syrian "red line." Despite the removal of many tons of chemical weapons from Syria, the consequences of Obama's actions, or lack of them, in Syria are part of his legacy. When a president makes declaratory statements, he is spending America's hard-won reputation. While Trump took widely supported action in response to a chemical weapons attack by Syrian President Bashar al-Assad, other bluffs have been called with no response. None of these bluffs have been more visible and ill-advised than the one called by North Korea on July 4, when the country tested a missile with intercontinental range. But North Korea is not the only country watching and learning.

Kim has decided that his survival depends on possessing long-range missiles that can target the United States. While the United States has taken steps that have slowed this program down and made it more expensive and less reliable, nothing can prevent North Korea from further developing its missile and nuclear programs unless the North wants to stop. While military strikes could slow the program down, such strikes would certainly unleash a second Korean War, devastating a country we are legally bound to protect and defend.

China has been perpetually unwilling, without facing restrictions on its access to the U.S. banking system, to put enough pressure on North Korea to force it to confront a real choice on its nuclear and missile efforts. Recent steps by the Trump administration to ratchet up the pressure on China are welcome, but too late to head off the ICBM Kim sought for so long. It remains to be seen, even if faced with a more stark choice between business with the United States or North Korea, how far China would go in risking the collapse of the North Korean state on its border. The most pressing problem is not how to stop the program, but how to deal with its existence.

Having analyzed North Korea's program for close to 30 years, I am now unclear on what America's current policy toward North Korea is. The confused response to date by the Trump team is clear cause for concern among our allies in the region. And if someone who has worked on Korean policy for decades is unsure what we are doing, how can we expect North Korea to accurately understand what we are up to, where our priorities lie, and what our endgame is?

Now that Trump's bluff has been called, what credibility do deterrent statements to North Korea or reassurance statements to our allies

have? Trump may well feel he has to respond forcefully to compensate for his gaffe, but even if he ignores it entirely, our friends and enemies won't. The job of deterrence and reassurance is a lot harder today under Trump than it was just a few days ago.

As with China 50 years ago, the situation leaves only one real option: deterrence. North Korea is not a suicidal state. Far from it. Their pursuit of nuclear weapons and missiles appears driven, as far as we can divine, from a desire to preserve the regime. What remains unclear is how North Korea will behave now that it has demonstrated an ability to hit U.S. territory. The answer may be: It will behave similarly to how it has behaved for decades, in light of its ability to deter a U.S. conventional attack by holding Japan and South Korea hostage. The North has avoided steps that risk full-scale war, but is eager to undermine the U.S.-South Korean alliance, and damage the leadership in South Korea, including through blatant acts of aggression. But the American security community has been focused for so long on negotiating an end to North Korea's program that we have not done the hard work of figuring out how to successfully manage the much more complex deterrent relationship now emerging.

This situation satisfies no one. It admits that we cannot prevent North Korea from having nuclear capabilities, at least for now. But it does not mean, as others might suggest, that the goal of denuclearizing North Korea is dead. That must remain the goal of the United States and its partners, but we must accept that it will take time to realize, and in the meantime, there are real dangers that must be prevented from unfolding.

First, we must decide what we want to deter North Korea from doing with its newly acquired capabilities. My personal list starts with making clear that North Korea can never use nuclear weapons or missiles, and that it should not conduct any live fire tests with nuclear weapons. With the North having acquired the ability to hit the United States, allies in the region will be concerned about what is known in deterrence speak as "decoupling." Now that North Korea can hit American territory, leaders in Japan and South Korea will understandably worry whether the United States will trade Seattle to protect Seoul, or risk Los Angeles for Tokyo. Paris and Berlin had the same worry during the cold war, and we eased it only through great effort and investment. Making clear, declaratory statements that America is prepared and willing to back up its allies, and repeating them with

conviction, is critical to any successful deterrent and reassurance strategy. Sadly, this is not Trump's forte. He and his cabinet need to get better at it, and soon.

In addition, U.S. policy should be to consider any attempt by North Korea to sell nuclear weapons or nuclear weapon-usable materials (enriched uranium or plutonium) an act of aggression against the United States that would require a direct response. Similarly, we must determine what we will do if and when North Korea seeks to export its ever-increasing ballistic missile technology, and where we should draw limits on what we will and will not be prepared to accept. North Korea cannot be allowed to become an Amazon.com for any would-be nuclear state.

Lastly, we must make clear that North Korea's nuclear capabilities are not a license to take military action or conduct cyber operations against the United States or its allies. We should and must continue to confront North Korean actions that threaten us or undermine the security of our allies and the stability of the region. These may not require massive military responses, but nuclear weapons for North Korea cannot be tantamount to a get-out-of-jail-free card. Just as with China and the Soviet Union, we must confront the North at the sub-strategic level while working to manage the risk of escalation. I remain skeptical that this will require the United States to redeploy nuclear weapons to South Korea, but it will demand greater investments in other capabilities.

At the same time, we have to accept that the game has changed. The dangers of a military conflict between the United States and North Korea have global implications. This means the United States and North Korea must begin immediate talks to avoid such conflicts, and to communicate directly to North Korea's leaders exactly what actions would require a direct U.S. military response. We have had to do this as other states gained nuclear capabilities, because failure to do so left too much to chance. This is no concession, but self-preservation.

This list is not exhaustive, but the president, his cabinet and advisors, and our leaders in Congress need to begin the long-overdue conversation about what North Korean actions we seek to prevent. Unlike Trump's tweets, our conclusions need to be specific and we need to back them up, lest confidence in U.S. commitments — to deter our enemies and protect our allies — gets even weaker.

The good news (Korea watchers could all use some) is that U.S. leaders and security officials have dealt with this challenge before. When the Soviet Union crossed the

nuclear threshold in 1949, some thought war was inevitable. When China did the same in 1964, similar fatalism was common. The process of nonproliferation has never been a

certain one, and now that efforts by four successive U.S. presidents have failed to prevent North Korea from directly threatening the United States, we need to begin seeking

to understand the country we are dealing with and to ensure that it understands us.

**NATIONAL  
REVIEW  
ONLINE**

## Editorial : Iran Nuclear Deal: Recertification Only Helps the Regime

For the second time since taking office, President Trump has recertified that Iran is in compliance with the terms of the Iran nuclear deal, giving the regime in Tehran another 90 days of sanctions relief. The decision comes days after the deal's second anniversary.

To the White House's credit, no one there is a fan of President Obama's bargain with Iran. The ongoing internal debate is over how best to rein in Iran's nuclear program, given the existence of the deal. Secretary of State Rex Tillerson and Secretary of Defense James Mattis are in favor of keeping the deal in place and using it as leverage, at least for the time being, while Trump adviser Steve Bannon and CIA director Mike Pompeo favor a complete withdrawal from the agreement. The president seems to have sided with the former, primarily to give the administration more time for an ongoing interagency review.

At this point, though, is there much to review? When the administration recertified the deal for the first time in April, President Trump said that Iran was "not living up to the spirit" of the agreement, a line that administration officials have

resurrected for this latest go-round. And, indeed, there's something to the distinction: The "letter" of the deal was written narrowly by the Obama administration to make it as easy as possible for Iran to comply, and the main concerns were shunted into secret side deals hidden from Congress. Yet Iran is nonetheless in outright violation of the text, and unquestionably so. As Republican senators Tom Cotton (Ark.), David Perdue (Ga.), Ted Cruz (Tex.), and Marco Rubio (Fla.) outlined in a letter to Tillerson last week, Iran is operating a larger number of advanced nuclear centrifuges than is allowed under the deal, it has exceeded its heavy-water cap, and it continues to refuse International Atomic Energy Agency inspectors access to its nuclear-research and military facilities — where, in all likelihood, they would find other violations in spades.

None of this should come as a surprise. The regime in Tehran never had any intention of keeping its word, and the Obama administration was merely seeking to postpone Iran's nuclear capacity by a few years and claim the postponement as a wholesale victory. The mullahs knew this, of course, which is why, even while making a show of adhering to the

deal's terms, they continued full steam ahead with efforts to weaponize fissile material and develop nuclear-capable ballistic missiles — not to mention funding terrorist groups abroad and lending support to the Assad regime in Syria (recently, Iranian troops there launched a series of direct attacks on American forces). All of this has been lavishly funded by money from sanctions relief, unfrozen assets, and \$400 million surreptitiously delivered to Iran in January 2016 in exchange for five American hostages.

The Trump administration is, it seems, inclined to proceed cautiously. But by once again pushing this decision into the future, it has put itself in an awkward position: At the same time that officials are condemning Iranian violations of the agreement, the White House is — at least formally — declaring that sanctions relief is "vital to the national security interests of the United States." Meanwhile, the administration is slapping new sanctions on 16 Iranian individuals and groups for, among other things, facilitating Iran's ballistic-missile program.

This schizophrenic policy is ultimately unsustainable. Obama's

deal is a fatally flawed instrument with which to conduct any real, enforceable oversight of Iran's nuclear activities. Better to declare an end to this diplomatic farce — and to the extraordinary largesse from which Iran is benefiting — and establish a robust sanctions regime that might actually force Tehran to change its ways. The Senate recently passed, nearly unanimously, a sanctions bill that the House should take up and strengthen and the president should sign. Additionally, the Treasury Department should nix Boeing's arrangement with Iran for new commercial airplanes before the regime receives another \$20 billion infusion.

The advances that Iran made in its nuclear program under the Obama administration will be extremely difficult — perhaps impossible — to roll back. But there is no reason why the Trump administration should bolster those gains by propping up a bad deal and perpetuate the fantasy that Iran is abiding, or ever intended to abide, by the terms of its agreement. Candidate Donald Trump declared that he would "dismantle the disastrous deal with Iran." That was a good plan then, and it still is.



## Miller & Sokolsky : 4 reasons Trump shouldn't scrap Iran nuclear deal or goad Iran to pull out

President Trump has certified for the second time that Iran is in compliance with the 2015 nuclear accord that limits its nuclear program. But the leaks and background briefings surrounding his statement, followed by new sanctions announced Tuesday, sent unmistakable signals: The decision was taken grudgingly, Trump is increasingly unhappy with Iran and the deal, and he may be looking for a way out.

This is potentially playing with fire. The Iranian regime is repressive, a serial human rights abuser and expanding its influence in the region. Iran without nuclear weapons is a far less dangerous adversary. Unless Iran cheats big time on the agreement, there are four very good reasons why the administration would be well advised not to abandon it or take actions designed to push Iran to do so.

**Signaling can be dangerous.** Everything about the president's certification, which is required every 90 days, seemed like a warning to Iran that the next time might be different. The White House put out the story that Trump spent 55 minutes of an hour-long meeting arguing against certification and that he'd been talked into approving it the first time around in April. Administration officials mentioned the additional sanctions and said they intended to strengthen enforcement policies in response to Trump's request for a more hard-line approach.

In certain circumstances signaling an adversary can be effective. In this case, given the gap between the president's tough words on Iran and the absence of much tougher actions, it's likely to be seen as an empty threat. Former national security adviser Michael Flynn famously put Iran on notice back in

January; and yet whether it's in Syria, Iraq or the Gulf, the administration seems to want to avoid a conflict with Iran on the ground. In addition, it's unlikely that baiting the Iranians will change their behavior. In fact, that may well be grist for their propaganda mill.

**No advantages of pulling out.** It's hard to see what the administration gains if it goads Iran into walking away from the agreement. The United Kingdom, France, Germany, Russia, China, and the European Union are not going to rally behind more sanctions; to the contrary, they are encouraging lucrative deals with Iran. Further, maintaining unified support for the existing Iranian sanctions regime will be even more difficult if there is a perception that America's behavior killed the agreement. It is preposterous to believe that any of these countries will agree to renegotiate the accord to get better terms.

The Israeli government opposed the nuclear agreement and tried to torpedo it. But an Iranian nuclear program no longer shackled by the agreement would stir considerable anxiety in Tel Aviv, given the instability on its northern border and continuing concerns over the expansion of Iranian influence in Syria. Nor would our friends in the Persian Gulf, with the possible exception of Saudi Arabia, cheer a collapse of the agreement. In fact, they would all come running to the United States for reassurances. Simply put, a U.S.-engineered end to the agreement would cause a train wreck with our allies and hand Russia and China new opportunities to extend their influence in the region. It would also plunge international respect for America's global leadership to a new low.

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



**Who needs another nuclear rogue state?** The last thing the beleaguered and overwhelmed White House needs is to re-open the nuclear file with Iran. The U.S. strategy for ending North Korea's nuclear (and missile) programs is bankrupt. Tightening the sanctions screw is not working because China won't bring North Korea to heel. There are no good military options. The White House refuses to negotiate with the North Korea and continues to cling to the illusory goal that it can be denuclearized.

Meanwhile, South Korea, which has just proposed direct military talks with the North, is moving on its own to end the North's isolation. An



## Axworthy : Regime Change in Iran Would Be a Disaster for Everyone

On June 14, Secretary of State Rex Tillerson testified before the House Foreign Relations Committee that the Donald Trump administration's Iran policy was still under development and had not yet been submitted to the president. But he conceded that the policy included the intention to "work toward support of those elements inside of Iran that would lead to a peaceful transition of that government."

This is another way of saying that the Trump administration's official policy toward Iran will likely be regime change. If that proves the case, Washington will have inadvertently made itself a far greater danger to the stability of Middle East than Tehran.

This might sound like an apology for the Iranian regime. It is not. The current regime in Iran has many faults: It is repressive and authoritarian, abuses human rights and severely limits the legitimate aspirations to greater political freedom of its own people. Nonetheless, the faults of the regime and the inflammatory rhetoric of some of its supporters should not distort the picture. We need to see Iran's foreign and security policy, and the alternatives on offer, as they are, rather than as the sum of all our fears, or indeed as a bogeyman derived primarily from the polarized debates of internal politics in the United States.

Let's begin with Tillerson's reasons for considering regime change. "We certainly recognize Iran's continued destabilizing presence in the region, their payment of foreign fighters, their export of militia forces in Syria, in Iraq, in Yemen, their support for Hezbollah," he explained in his congressional testimony. "And we are taking action to respond to Iran's hegemony."

Iranian decision to withdraw from the nuclear agreement would not only overload the administration's already frayed circuits. It would also deal a serious blow to the global nuclear Non-Proliferation Treaty (NPT). Testing the White House's crisis management capabilities isn't an experiment any sane person would want to conduct.

**Iran without a nuke is far preferable better than Iran with one.** The nuclear agreement is not perfect. When its main provisions expire in 10 to 15 years, Iran will have a free hand to resume the production of weapons-grade material and to develop nuclear weapons. Tehran's continued

But is Iran as destabilizing an influence in the Middle East as Tillerson suggests? Its rejectionist policy toward Israel, and its support for the Lebanese Hezbollah, can fairly be described as disruptive. The regime has made those policies a revolutionary talisman and a test of loyalty, even though they undermine Iran's own interests.

But these policies are also an exception.

Iran's foreign policy is mostly pragmatic and defensive.

Iran's foreign policy is mostly pragmatic and defensive. Perhaps Iran's most prominent international policy of recent years was its signing of the Joint Comprehensive Plan of Action (JCPOA) — the deal with the United States, Britain, Germany, France, Russia, and China to limit Iran's nuclear program. Even those who believe the deal was flawed (what human creation is not?) cannot say Iran's commitment to it was destabilizing. (One case in point is the article published in **Foreign Policy** by the former head of Israel's Shin Bet, Carmi Gillon, who said the JCPOA had a "positive impact" on Israeli security.)

What of Iran's actions in Iraq and Afghanistan? In both cases, after the fall of the Saddam Hussein and Taliban regimes, the Iranians gave significant help to Western officials to persuade Iraqis and Afghans to accept democratic institutions (and in the Afghan case were thanked at the time for this by U.S. diplomats). Since then, the Iranians have consistently — like the United States, Britain, and others — supported the fledgling democratic governments in both countries. Iran has been criticized for supporting Shiite militias in Iraq, but those militias have been important, if not crucial, in defeating the Islamic State there. The United States may deplore the Bashar al-Assad regime

testing of ballistic missiles, which is not constrained by the agreement, will give Iran the capability to deliver these weapons across the region.

This was, however, the best agreement that could be negotiated under the circumstances and it produced two very important benefits. First, it probably headed off a military confrontation pitting Israel and the United States against Iran — a conflict that would have endangered U.S. goals in Iraq and our position throughout the Gulf region as well as triggered Iranian terrorist attacks. Second, it averted a serious blow to the NPT.

The administration needs to come up with a sensible strategy to

in Syria, but supporting it as the Iranians have can hardly be called destabilizing. There is a strong case for saying, at least for the countries bordering Iran, where Tehran considers stability and security most important, that Iranian policy has consistently favored stability. That has been the declared policy of Iranian governments, and it is not difficult to see why. Unlike more distant powers, the Iranians have permanent interests in Iraq, Syria, and Afghanistan, and they suffer when there is instability — not least from massive refugee flows and drug trafficking problems.

As for Iran's alleged pursuit of regional hegemony, it is true that Iran is relatively stronger today in the Middle East compared with before 2001. But the plain fact is that this is the direct result of U.S. action in destroying Saddam and the Taliban, Iran's enemies. The United States dropped Iran's gains in its lap. For Washington to now point at Iran's relative strength in accusing it of pursuing hegemony, as not only Tillerson but CIA Director Mike Pompeo has also done, is perverse.

It is also improbable.

In some circles in Washington and elsewhere, one hears analogies comparing Iran to the Soviet Union. This is nonsense — notably because Iran is just not structured as an expansionist or militaristic state.

In some circles in Washington and elsewhere, one hears analogies comparing Iran to the Soviet Union. This is nonsense — notably because Iran is just not structured as an expansionist or militaristic state. Its defense spending is 3 percent of GDP, compared with Saudi Arabia's 10.4 percent and Israel's 5.8 percent (2016 figures from the Stockholm International Peace Research Institute). In the

confront Iran where it challenges core U.S. interests. But playing around with a nuclear agreement — however imperfect — that is keeping Iran's finger off the nuclear trigger, is both irresponsible and dangerous. If this is the course the Trump administration follows, it's likely to find itself with the worst of both worlds: an Iran with nuclear weapons expanding its influence in the region. Perhaps in some parallel universe this could be claimed as a beautiful victory that will make America great again, but on planet Earth that just isn't going fly.

1980s, the figure for the Soviet Union was 15 to 17 percent.

It should be clear enough that to pursue a policy of regime change for faulty reasons would be foolish in itself. But setting that aside, how might the U.S. government go about it? Does Washington have any realistic means at its disposal?

Tillerson suggests that the Islamic Republic could be undone if the United States supports elements within Iran that want to bring about "peaceful transition." One can only hope that he does not mean the Iranian émigré opposition group that calls itself the National Council of Resistance of Iran (NCRI), which was known originally as the MKO, and also by a number of other titles and acronyms. This group has bamboozled various significant neoconservative figures in the United States (as well as politicians in other countries), claims to be the prime opposition to the Islamic regime, and has recently disavowed violence. But it began as a paramilitary Marxist/Islamic outfit opposed to the former Shah of Iran in the 1960s and 1970s. Before the 1979 revolution, it carried out a number of terrorist acts, killing U.S. servicemen in Iran among others. After 1979, it lost out to Ayatollah Ruhollah Khomeini and his followers in a violent power struggle and went into exile in Iraq, where it fought alongside Saddam against Iran in the Iran-Iraq War. That alliance with Saddam damned the NCRI/MKO forever in the eyes of most Iranians, and today it has zero political traction within Iran. In exile, the group has morphed into a kind of cult, taking the property of its adherents, separating them from family and subjecting them to brainwashing techniques. Anyone who thinks it offers a better future for Iran, not to mince words, is a fool.

What other levers might the Trump administration have in mind? In the summer and autumn of 2009, there were massive demonstrations in Tehran and elsewhere in the country, after President Mahmoud Ahmadinejad was re-elected. The demonstrators believed that the regime had falsified the election results to put Ahmadinejad back in office. The opposition to Ahmadinejad was called the Green Movement, and some of the demonstrators chanted "death to the dictator," but the leaders of the movement, Mir Hossein Mousavi and Mehdi Karroubi, were clear throughout that they were disputing the election result, not seeking to overturn the Islamic Republic (their fellow reformist, former President Mohammad Khatami, had always insisted similarly that he wanted to reform the government, not overturn it).

So there is dissent and support for reform within Iran, but it is far from clear that it is necessarily aligned with the sort of transition that would satisfy the Trump administration. Plus, the Green Movement was eventually broken by the Islamic regime. Many of its supporters went into exile, and Mousavi and Karroubi are still under house arrest. Support for reform is far from dead, as President Hassan Rouhani's success in two elections has shown,

but the Islamic regime, like it or not, has shown itself to be resilient. It had a scare in 2009, but it had previously survived the Iran-Iraq War, the near-civil war with the MKO in 1980-81, and a number of other shocks. In addition, especially given the long history of foreign meddling in the country (the CIA-inspired coup that removed Prime Minister Mohammad Mosaddeq in 1953 is just one example), any suspicion of foreign backing is political poison in Iran.

Wilder voices sometimes suggest that Iran could be destabilized by outside support for separatist minority groups within the country. It is certainly true that minorities make up a sizable portion of the population, perhaps as much as 40 to 50 percent on a maximalist interpretation. And there are significant levels of discontent among some minorities, drawing on discrimination in education, employment, and regional investment among other factors. Of the minorities, the Kurds (10 percent of the total population) have historically been the group pressing hardest for greater autonomy, or full separation. There are separatists also among the Baluchis (2 percent) in southeastern Iran, Arabs in the southwest (2 percent), and some similar voices among the Azeri Turks in the northwest (16 percent).

But Iran is not like the former Yugoslavia or Iraq — a more or less artificial confection recently thrown together. It has an ancient history in the territory it now inhabits; all these peoples have been involved with Iran as a state and as a culture for a very long time; and Iranianness is a powerful force. Iran is more like France in those respects (but even France is a recent creation by comparison) than the Balkans or even its own immediate neighbors. Iran's largest minority, the Azeris, is the most fully integrated (both the supreme leader, Ayatollah Ali Khamenei, and the opposition presidential candidate in 2009, Mousavi, are of Azeri origin). The Islamic Republic broke the militant force of Kurdish separatism in the 1980s, and most Kurds would be reluctant to try again at U.S. instigation. Plus, of course, this kind of destabilization could not succeed on the basis of "peaceful transition." It would necessarily be violent, and the track record strongly suggests that it would not succeed.

And even if it could succeed, what would follow? Does the United States really want a destabilized Iran in the Middle East? To add to other more or less failed states in the region like Iraq, Afghanistan, Yemen, and Syria?

Destabilizing Iran would be like shaking up a kaleidoscope and hoping to get a Titian.

Destabilizing Iran would be like shaking up a kaleidoscope and hoping to get a Titian. It is far from clear that the outcome would be better than what we have now.

A country that is essentially defensive and pragmatic in its foreign policy, and resilient internally, is not a good candidate for regime change. In its effective opposition to the Islamic State and similar groups, and its actions favoring regional stability, Iran deserves at least some praise, rather than blame. The sensible policy would be to accept the existence of the Islamic Republic, to hope for its evolution in a more liberal direction perhaps, but to let Iranians decide that for themselves.

America's talk of regime change in Iran is really a kind of self-indulgence; picking at the scab of the 1979-81 hostage crisis, and hitting back at one of former President Barack Obama's genuine foreign-policy achievements for purely internal domestic political reasons. But that kind of language could eventually lead to war, to everyone's detriment. The leadership of the free world demands more maturity and more common sense.



## Walt : The Global Consequences of Trump's Incompetence

I returned this past weekend from a European vacation: conferencing in Greece, queuing up at Wimbledon, kayaking in Ireland, and generally doing my own small part to stimulate the EU economy. I'm not Tom Friedman, so I didn't interview every taxi driver I encountered, but the one I did talk to was pretty down on the 45th president of the United States. I'm sure there are a few Trump supporters in Europe, but recent surveys suggest they are a distinct minority. That seems to be increasingly true here, too, despite the stubborn loyalty of those supporters who would stick with the guy even if he did, in fact, shoot someone on Fifth Avenue.

Since Donald Trump was inaugurated, a vast amount of ink and billions of pixels have been devoted to documenting, dissecting, condemning, or defending his disregard for well-established norms of decency and political restraint. I'm talking about the blatant nepotism, the vast conflicts of interest, the overt misogyny, and what Fox News's Shepard Smith called the "lie after lie after lie" regarding Trump's relations with Russia. The

presidential pendulum has swung from dignified (Barack Obama) to disgusting (Trump), and it's tempting to spend all one's time hyperventilating about his personal comportment rather than his handling of important policy issues.

But the real issue isn't Trump's nonstop boorishness; it's his increasingly obvious lack of competence.

But the real issue isn't Trump's nonstop boorishness; it's his increasingly obvious lack of competence. When experienced Republicans warned that Trump was unfit for office during the 2016 campaign, most of their concerns revolved around issues of character. But their warnings didn't prepare us for the parade of buffoonery and ineptitude that has characterized his administration from Day One.

What do I mean by "competence"? The Oxford English Dictionary defines it as "the ability to do something successfully or efficiently." In foreign policy, competence depends on a sufficient knowledge about the state of the world and the key forces that drive world politics so that one can make well-informed and intelligent policy

choices. It also means having the organizational skills, discipline, and judgment to pick the right subordinates and get them to combine the different elements of national power in pursuit of well-chosen goals. In other words, foreign-policy competence requires the ability to identify ends that will make the country more secure and/or prosperous and then assemble the means to bring the desired results to fruition.

As in other walks of life, to be competent at foreign policy does not mean being 100 percent right or successful. International politics is a chancy and uncertain realm, and even well-crafted policies sometimes go awry. But, on balance, competent policymakers succeed more than they fail, both because they have a mostly accurate view of how the world works and because they have the necessary skills to implement their choices effectively. As a result, such leaders will retain others' confidence even when a few individual initiatives do not work out as intended.

For much of the postwar period, the United States benefited greatly from an overarching aura of competence.

Victory in World War II, the creation of key postwar institutions like NATO and Bretton Woods, and the (mostly) successful management of the Cold War rivalry with the USSR convinced many observers that U.S. officials knew what they were doing. That aura was reinforced by scientific and technological prowess (e.g., the moon landing), by mostly steady economic growth, and to some extent by the progress made in addressing issues such as race, however imperfect those latter efforts were. That same aura was tarnished by blunders like Vietnam, of course, but other countries still understood that the United States was both very powerful and guided by people who understood the world reasonably well and weren't bad at getting things done. The George H.W. Bush administration's successful handling of the collapse of the USSR, the reunification of Germany, and the first Gulf War reinforced the broad sense that U.S. judgment and skill should be taken seriously, even if Washington wasn't infallible.

Since then, however, things have gone from good to bad to worse to truly awful. The Bill Clinton administration managed the U.S.

economy pretty well, but its handling of foreign policy was only so-so, and its policies in the Middle East and elsewhere laid the foundation for much future trouble. The George W. Bush administration was filled with experienced foreign-policy mavens, but a fatal combination of hubris, presidential ignorance, post-9/11 panic, and the baleful influence of a handful of neoconservative ideologues produced costly debacles in Iraq and Afghanistan. Obama did somewhat better (one could hardly have done worse), but he never took on the Blob's commitment to liberal hegemony and made some of the same mistakes that the younger Bush did, albeit on a smaller scale. Even the vaunted American military seems more skilled at blowing things up than at achieving anything resembling victory.

Which brings us to Trump.

He has been in office for only six months, but the consequences of his ineptitude are already apparent.

He has been in office for only six months, but the consequences of his ineptitude are already apparent.

First, when you don't understand the world very well, and when your team lacks skilled officials to compensate for presidential ignorance, you're going to make big policy mistakes. Trump's biggest doozy thus far was dropping the Trans-Pacific Partnership (TPP), a decision that undermined the U.S. position in Asia, opened the door toward greater Chinese influence, and won't benefit the U.S. economy in the slightest. Similar ignorance-fueled errors include walking away from the Paris climate accord (which makes Americans look like a bunch of science-denying, head-in-the-sand ignoramuses) and failing to appreciate that China wasn't — repeat, wasn't — going to solve the North Korea problem for us. Not to mention his team's inability to spell and confusion over which countries they are talking about.

Second, once other countries conclude that U.S. officials are

dunderheads, they aren't going to pay much attention to the advice, guidance, or requests that Washington makes. When people think you know what you're doing, they will listen carefully to what you have to say and will be more inclined to follow your lead. But if they think you're an idiot, or they aren't convinced you can actually deliver whatever you are promising, they may nod politely as you express your views but follow their own instincts instead.

We are already seeing signs of this. Having played to Trump's vulnerable ego brilliantly during his visit to Riyadh, Saudi Arabia is now blithely ignoring U.S. efforts to resolve the simmering dispute between the Gulf states and Qatar. True to form, Israel doesn't care what Trump thinks about the Israeli-Palestinian dispute or the situation in Syria either. To be sure, these two countries have a long history of ignoring U.S. advice and interests, but their indifference to Washington's views seems to have reached new heights. And now South Korea has announced it will begin talks with North Korea, despite the Trump administration's belief that the time was not right.

Meanwhile, the EU and Japan just reached a large trade deal; TPP-like talks are resuming without the United States; and the leaders of Germany and Canada — two of America's closest allies — have openly spoken of the need to chart their own course. Even the foreign minister of Australia — another staunch U.S. ally — has taken a dig at Trump for his demeaning remarks to France's first lady. And who can blame them? I mean: If you were a responsible foreign leader, would you take the advice of the man who had the wisdom to appoint Sebastian Gorka to a White House national security position, wants to cut the State Department budget by 30 percent, and thinks Jared Kushner is a genius who can handle difficult diplomatic assignments?

The United States is still very powerful, of course, so both allies

and adversaries will continue to be cautious when dealing with it. That's why Emmanuel Macron of France and Justin Trudeau of Canada have treated Trump with more respect than he deserves.

You'd tread carefully, too, if you found yourself in the same room as a drunk rhinoceros. But you probably wouldn't ask the rhino for advice or consult it on geopolitical strategy.

You'd tread carefully, too, if you found yourself in the same room as a drunk rhinoceros. But you probably wouldn't ask the rhino for advice or consult it on geopolitical strategy.

Instead of relying on U.S. guidance and (generally) supporting U.S. policy initiatives, states that lose confidence in America's competence will begin to hedge and make their own arrangements. They'll do deals with each other and sometimes with countries that the United States regards as adversaries. That is happening already with China and Iran, and you can expect more of the same as long as U.S. foreign policy combines the strategic acumen of Wile E. Coyote, the disciplined teamwork of the Three Stooges, and the well-oiled efficiency of the frat in *Animal House*.

Paleoconservatives and isolationists might welcome this outcome, because they think the United States has been bearing too large a share of global burdens and that it just screws things up when it tries to run the world. They have a point, but they take it way too far. If the United States were to disengage as far as they would like, the other 95 percent of humanity would proceed to create a world order where U.S. influence would be considerably smaller and where events in a few key regions would almost certainly evolve in ways that the United States would eventually regret. Instead of retreating to "Fortress America," it makes more sense to adopt the policy of offshore balancing that John Mearsheimer and I outlined a year ago.

But offshore balancing won't work if other states have little or no confidence in U.S. judgment, skill, and competence. Why? Because the strategy calls for the United States to "hold the balance" in key regions (i.e., Europe, Asia, and perhaps the Middle East) and to stand ready to bring its power to bear in these areas should a potential hegemon emerge there. The countries with which the United States would join forces should that occur have to be sufficiently convinced that Washington can gauge threats properly and intervene with skill and effect when necessary. In short, the credibility of U.S. commitments depends on a minimum reputation for competence, and that is precisely the currency that Trump and Co. have been squandering.

To be clear, I am not saying there are not a lot of competent people serving in the U.S. government or that the United States is incapable of doing anything right these days. Indeed, my hat is off to the dedicated public servants who are trying to do their jobs despite the chaos in the White House and Trump's deliberate effort to cripple our foreign-policy machinery.

Nor am I saying that Donald Trump is incompetent at everything. He is, by all accounts, a much better than average golfer (even if he may be — now here's a shocker — prone to cheating), which may explain why he prefers golfing to governing. He has been adept at getting attractive foreign women to marry him, though not especially good at making the marriages last. And he is clearly an absolutely world-class bullshit artist, with a genuinely impressive ability to lie, prevaricate, evade, mislead, stretch the truth, and dissemble. These skills clearly served him well as a real estate developer, but they aren't helping him very much as president. Because once people decide you're a bumbler, either they take advantage of your ineptitude or they prefer to deal with those who are more reliable. It gives me no joy to say this, but can you blame them?

**The  
New York  
Times**

Julie Hirschfeld Davis

## UNE - Trump and Putin Held a Second, Undisclosed, Private Conversation

WASHINGTON — Hours into a dinner with world leaders who had gathered for the Group of 20 summit meeting, President Trump left his chair at the sprawling banquet table and headed to where President Vladimir V. Putin of Russia was seated.

The two presidents had met earlier in the day for the first time and, as the White House put it, had developed a rapport even as they talked about Russia's interference in the United States' 2016 elections.

The July 7 meeting in Hamburg, Germany, was the single most scrutinized of the Trump presidency. But it turned out there was another encounter: a one-on-one discussion over dinner that lasted as long as an

hour and relied solely on a Kremlin-provided interpreter.

No presidential relationship has been more dissected than the one between Mr. Trump and Mr. Putin, a dynamic only heightened by the swirl of investigations into whether Mr. Trump's campaign colluded with Russia to sway the election in his favor. Nevertheless, the meeting was confirmed by the White House only on Tuesday, after reports

surfaced that some of the guests had been surprised that it occurred.

The dinner discussion caught the attention of other leaders around the table, some of whom later remarked privately on the odd spectacle of an American president seeming to single out the Russian leader for special attention at a summit meeting that included some of the United States' staunchest, oldest allies.

A White House official said there was nothing unusual about it. And in two tweets late Tuesday, Mr. Trump derided news reports about it as "sick." He said the dinner was not a secret, since all of the world leaders at the summit meeting and their spouses had been invited by Chancellor Angela Merkel of Germany. "Press knew!" he tweeted.

"Even a dinner arranged for top 20 leaders in Germany is made to look sinister!" Mr. Trump added.

While the leaders-and-spouses dinner was on Mr. Trump's public schedule, the news media was not allowed to witness any part of it, nor were reporters provided with an account of what transpired. Mr. Trump's traveling press contingent did note, however, that his motorcade left the dinner four minutes after Mr. Putin's did.

The dinner at which the private conversation took place stretched for more than three hours after a concert for the leaders and their spouses at the Elbphilharmonie, a concert hall on the banks of the Elbe River.

In the earlier, formal meeting, Mr. Trump said later, he asked the Russian president twice about his role in the American vote. Mr. Putin denied involvement, and the two men agreed to move beyond the dispute in the interest of finding common ground on other matters, including a limited cease-fire in

Syria.

There is no official United States government record of the intimate dinner conversation, because no American official other than the president was involved.

"Pretty much everyone at the dinner thought this was really weird, that here is the president of the United States, who clearly wants to display that he has a better relationship personally with President Putin than any of us, or simply doesn't care," said Ian Bremmer, president of the Eurasia Group, a New York-based research and consulting firm, who said he had heard directly from attendees. "They were flummoxed, they were confused and they were startled."

The encounter occurred more than midway through the lengthy dinner, when Mr. Trump left his chair and approached Mr. Putin, who had been seated next to the first lady, Melania Trump. It was described to Mr. Bremmer by other guests as lasting roughly an hour and not initially disputed by a White House official who spoke on the condition of anonymity.

But Sean Spicer, the White House press secretary, disputed that account. He said Mr. Trump had described the exchange with Mr. Putin as purely social, and as lasting far less than an hour. "It was pleasantries and small talk," Mr. Spicer said. In a separate statement, the White House said the

two presidents had spoken through the Kremlin's interpreter because the American translator with Mr. Trump did not speak Russian.

Experts in United States-Russia relations said such an encounter — even on an informal basis at a social event — was a concern because of its length, which suggested a substantive exchange, and because there was no note taker or national security or foreign policy aide present.

"We're all going to be wondering what was said, and that's where it's unfortunate that there was no U.S. interpreter, because there is no independent American account of what happened," said Steven Pifer, a former ambassador to Ukraine who also specializes in Russia and nuclear arms control.

"If I was in the Kremlin, my recommendation to Putin would be, 'See if you can get this guy alone,' and that's what it sounds like he was able to do," added Mr. Pifer, a senior fellow at the Brookings Institution in Washington.

The Trump administration is struggling to improve its relationship with Russia while under pressure from multiple investigations into possible ties between Mr. Trump's campaign and Moscow. Those inquiries have cast a shadow over what would normally be seen as an attempt at diplomacy between world leaders.

The evening after his two meetings with Mr. Putin — the first lasting 135 minutes and the second an hour — Mr. Trump returned to Washington. On the Air Force One flight back, his top advisers helped draft a statement about a meeting his son Donald Trump Jr. attended last year with a Kremlin-connected lawyer who promised damaging information about Hillary Clinton.

"We have the worst relationship as a country right now with Russia that we have in decades, and yet we have these two leaders that, for reasons that do not make sense and have not been explained to anyone's satisfaction, are hellbent on adoring each other," Mr. Bremmer said. "You can take everything that's been given to us, and it doesn't add up."

On Tuesday, the Kremlin intensified its demands that the Trump administration return two compounds in the United States that the Obama administration seized from Russia last fall in retaliation for the election meddling. After meeting with Thomas A. Shannon Jr., the under secretary of state for political affairs, Sergei A. Ryabkov, Russia's deputy foreign minister, said he had warned the Americans that there must be an "unconditional return" of the property or Moscow would retaliate.

The State Department said no such agreement was in store.



## Trump and Putin Met for Second Time at G-20, White House Says

Rebecca Ballhaus

WASHINGTON—U.S. President Donald Trump and Russian President Vladimir Putin held a second, previously undisclosed talk on the sidelines of the Group of 20 summit in Hamburg earlier this month, a White House official said Tuesday.

The conversation took place on the same day that the two leaders met earlier for more than two hours in what Secretary of State Rex Tillerson called an "extraordinarily important meeting."

The White House disclosed the conversation after it was reported by Ian Bremmer, president of the Eurasia Group, a political risk advisory group. He wrote about the meeting in a company newsletter and spoke about it in a television interview Tuesday.

The two leaders spoke during a state dinner for the world leaders and their spouses.

The White House official said Mr. Trump spoke with many leaders during the dinner and said the president "spoke briefly" with Mr. Putin, who was seated next to first lady Melania Trump, toward the end of the evening.

Mr. Bremmer said the two spoke for about an hour, joined by Mr. Putin's translator.

The White House official said Messrs. Trump and Putin used the Russian translator because the American translator accompanying Mr. Trump spoke only English and Japanese. Mr. Trump had been seated next to Japanese Prime Minister Shinzo Abe.

"The insinuation that the White House has tried to 'hide' a second meeting is false, malicious and absurd," the White House official said. "It is not merely perfectly normal, it is part of a president's duties, to interact with world leaders."

In the meeting earlier in the day, Mr. Trump pressed Mr. Putin on what the intelligence community says was

an extensive campaign by the Russian government to meddle in last year's election. Mr. Trump told him that Americans are upset about Russia's actions and want them to stop, Mr. Tillerson told reporters in a briefing. Mr. Putin denied that Russia played a role, and the two leaders agreed not to "relitigate" the past, Mr. Tillerson said.

Russian Foreign Minister Sergei Lavrov, who was also in the meeting, told reporters afterward that Mr. Trump accepted Mr. Putin's contention that Russia didn't interfere in the campaign.

In an interview with The Wall Street Journal, Mr. Bremmer said he learned about the second Trump-Putin talk from participants at the dinner, which was attended only by world leaders and their spouses.

Mr. Bremmer said the participants described the talk as "very animated" and "very friendly."

Mr. Trump said it was already known that he would be attending a dinner with the Russian president and 18 other world leaders. "Fate

News story of secret dinner with Putin is 'sick,'" he tweeted Tuesday evening. "All G 20 leaders, and spouses, were invited by the Chancellor of Germany. Press knew!"

The dinner was closed to the news media, and White House officials hadn't provided details of the president's interactions during the event before Tuesday.

The news that Mr. Trump had a talk with Mr. Putin that the White House didn't initially disclose comes as special counsel Robert Mueller investigates Russia's efforts to interfere in the 2016 U.S. presidential election, and whether Trump associates colluded with Moscow in that effort.

Mr. Trump has expressed skepticism about U.S. intelligence agencies' consensus that Russia sought to meddle in the election, saying days before his meeting with Mr. Putin, "Nobody knows for sure." He has repeatedly denied any collusion by his campaign.

Since his meeting with Mr. Putin, the president's eldest son, Donald Trump Jr., has released an email chain showing that he helped arrange a meeting last June to

discuss allegedly damaging information about former Democratic presidential nominee Hillary Clinton. In that email chain, the younger Mr. Trump was told that the information

was gathered as part of a Russian government effort to help his father.

Also on Tuesday, the White House announced its intent to formally nominate Jon Huntsman —former

governor of Utah and ambassador to Singapore under President George H.W. Bush and to China under President Barack Obama — as ambassador to Russia.

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## UNE - Trump had undisclosed hour-long meeting with Putin at G-20 summit

After his much-publicized two-and-a-quarter-hour meeting early this month with Russian President Vladimir Putin at the Group of 20 summit in Germany, President Trump chatted informally with the Russian leader for up to an additional hour later the same day.

The second meeting, undisclosed at the time, took place at a dinner for G-20 leaders, a senior administration official said. At some point during the meal, Trump left his own seat to occupy a chair next to Putin. Trump approached alone, and Putin was attended only by his official interpreter.

In a statement issued Tuesday night after published reports of the conversation, the White House said that "there was no 'second meeting' between President Trump and President Putin, just a brief conversation at the end of a dinner. The insinuation that the White House has tried to 'hide' a second meeting," it said, "is false, malicious and absurd."

"All the leaders" circulated around the room throughout the dinner, and "President Trump spoke with many leaders," the statement said. "As the dinner was concluding," it said, Trump spoke "briefly" with Putin, who was seated next to first lady Melania Trump.

The dinner conversation with Putin was first reported Monday by Ian Bremmer, president of the New York-based Eurasia Group, in a newsletter to group clients. Bremmer said the meeting began "halfway" into the meal and lasted "roughly an hour." The senior administration official said it began with the dessert course, but did not comment on its length.

President Trump finally sits down with President Putin Friday at the G-20 summit in Hamburg. President Trump finally sits down with President Putin Friday at the G-20 summit in Hamburg. (The Washington Post)

(The Washington Post)

Pool reporters covering Trump noted that his and Putin's motorcades were among the last to leave the event, departing within

minutes of each other just before midnight.

Trump lashed out at the media for reporting on his undisclosed meeting with Putin, saying the "fake news" was "sick" and "dishonest."

But the president distorted what news outlets, including The Washington Post, had reported, saying the story was about a "secret dinner" when in fact it was reported as an undisclosed meeting with Putin at a dinner of the G-20 leaders and their spouses. Trump also incorrectly stated that journalists knew about his meeting with Putin; in fact, they did not until Tuesday, when the White House confirmed that the two presidents met during the dinner.

In the first of two tweets, Trump wrote: "Fake News story of secret dinner with Putin is 'sick.' All G 20 leaders, and spouses, were invited by the Chancellor of Germany. Press knew!"

Trump then tweeted, "The Fake News is becoming more and more dishonest! Even a dinner arranged for top 20 leaders in Germany is made to look sinister!"

The dinner encounter appeared to underscore the extent to which Trump was eager throughout the summit to cultivate a friendship with Putin. During last year's election campaign, he spoke admiringly of the Russian leader and at times seemed captivated by him.

Meeting each other face-to-face for the first time at the Hamburg summit, the two presidents seemed to have a chemistry in their more formal bilateral session, evidenced by the fact that, despite being scheduled for 35 minutes, it continued for more than two hours.

How Trump is changing America's foreign policy

But Trump's newly revealed conversation with Putin at the G-20 dinner is likely to stoke criticism — including perhaps from some fellow Republicans in Congress — that he is too cozy with the leader of a major U.S. adversary.

Putin's official interpreter provided the only Russian-English interpretation, the White House

statement said, because the president was seated next to the wife of Japanese Prime Minister Shinzo Abe. "Each couple was allowed one translator," it said. "The American translator accompanying President Trump spoke Japanese."

The only version of the conversation provided to White House aides was that given by Trump himself, said the administration official, speaking on the condition of anonymity before the White House statement was issued. Reporters traveling with the White House were not informed during the trip, and there was no formal readout of the chat.

The official Trump-Putin meeting, earlier in the day, led to confusion over whether Trump agreed, as Putin later implied, to accept the Kremlin's denial of any wrongdoing regarding interference in last year's election.

That meeting was attended by the leaders and their two interpreters, along with Secretary of State Rex Tillerson and Russian Foreign Minister Sergei Lavrov.

Tillerson later said Trump twice asked Putin if the conclusions of the U.S. intelligence community that Russia had meddled in the race were true, and Putin twice denied it, so they moved on to other subjects of importance to the bilateral relationship, including Syria.

Russia's activities during the election, along with allegations that members of Trump's campaign may have coordinated with Kremlin attempts to tilt the race in Trump's direction, are the subject of investigations in Congress and by a special counsel.

In Trump's own account of the formal meeting, he repeated earlier comments that another country might have been responsible for cyber-interference in the election. "I'm not saying it wasn't Russia. What I'm saying is that we have to protect ourselves no matter who it is," he told reporters on Air Force One as he returned from a visit to France last week.

"You know, China is very good at this," Trump said. "I hate to say it, North Korea is very good at this."

Trump also said that Putin was unlikely to have preferred him over Hillary Clinton as president, since his goals include taking international energy business away from Russia and building up the U.S. military.

The dinner at the G-20 summit, held July 7-8, occurred hours after Trump and Putin's lengthy formal meeting. Leaders and their spouses were invited to a musical performance at Hamburg's riverside concert venue, followed by an intimate dinner at which they were seated next to the spouse of one of their counterparts, rather than their own. Melania Trump was seated next to Putin.

Trump, who is among the newest world leaders in the G-20, remained at the dinner for the entire night. He was among the last to leave — after the host, German Chancellor Angela Merkel, had already departed. Pool reporters with the president saw Putin's motorcade leave at 11:50 p.m., followed shortly by Trump, who departed the concert hall at 11:54 p.m.

Leaders who witnessed the meeting were "bemused, nonplussed, befuddled" by the animated conversation, held in full view — but apparently not within listening distance — of others present, Bremmer said by telephone. He said he spoke with two participants at the dinner.

One senior European official whose head of government was there played down the attention the Trump-Putin chat garnered, saying it was not unusual for leaders to circulate or "withdraw to a corner" at such private gatherings.

"Part of the rationale is the flurry of bilateral contacts that happen," the official said. "I don't find it a sensation," he said of the lengthy dinner chat, although "maybe Trump and Putin are a little different" from other attendees.

The administration official said there was nothing unusual in a meeting with no aides present, noting that Trump met alone with French President Emmanuel Macron in Paris and held a one-on-one session, with no aides present, with Indian Prime Minister Narendra Modi at the White House.

## Trump and Putin's Other, Undisclosed Meeting at the G20

David A. Graham

When President Trump's meeting with Russian President Vladimir Putin went for more than two hours, well past the scheduled half-hour, it was a major news event. But it turns out that wasn't even the end of the conversation between the two men.

Ian Bremmer, president of the Eurasia Group, first reported the second meeting Tuesday. Other outlets also reported the news, and the White House confirmed it to Reuters. (*BuzzFeed* journalist Alberto Nardelli had previously reported about a meeting.) Trump reportedly met with the Russian leader for an additional hour of informal chats after a dinner of G20 leaders—though the White House in a statement reported late Tuesday by NBC's Hallie Jackson called the encounter "brief" and denied it constituted a second meeting. While the first meeting was small—the only attendees were Trump, Putin, the Russian foreign minister, Secretary of State Rex Tillerson, and one interpreter from each country—this was even smaller: just Trump, Putin, and a Russian interpreter. Trump did not have his own interpreter.

Trump's meeting with Putin was notable because of Russian

interference in the U.S. election and because of allegations, currently being investigated by Special Counsel Robert Mueller, that the Trump campaign may have colluded with Russians to influence the outcome of the race. During the campaign, Trump made unusually flattering statements about the Russian leader, from comparing his leadership favorably to Barack Obama's to condoning the annexation of Crimea to pleading with Russia to hack Hillary Clinton's emails (a request aides said was made in jest).

After the first July 7 meeting in Hamburg, both sides offered conflicting accounts. The Americans claimed Trump had pressed Putin hard about Russian interference, while the Russians said Trump had accepted Putin's protestations of innocence. In any case, Tillerson called for moving on after the meeting. The two sides also announced a joint task force on cybersecurity, though Trump torpedoed that several days later in a tweet.

There's no indication of what happened in the second meeting. White House aides only learned of it from Trump, and there was no official readout of the conversation.

But given the collusion questions and the conflicting accounts of the earlier meeting, the content could be important.

It's all the more significant because it is the second time in less than two weeks that Trump and those close to him have been less than forthcoming about meetings with Russians. As Trump returned to the country, news broke that his son Donald Trump Jr. had met with a Russian lawyer. Trump Jr. initially claimed the meeting had been to discuss adoptions, but he later released emails showing that he believed he was meeting with a Russian government lawyer offering damaging information about Hillary Clinton. "If it's what you say I love it," Trump Jr. told an intermediary, though he now says it wasn't: The lawyer didn't deliver any dirt, he complained. Since then, the public has learned there were at least eight people present, including Trump Jr.'s brother-in-law, Jared Kushner, now a White House senior adviser, and Trump campaign chair Paul Manafort.

As my colleague James Fallows notes, it is highly unusual for a president to meet with a foreign leader without an interpreter. Typically, an American president

would speak in English and his interpreter would then render what he said in Russian. But Harry Obst, who worked as an interpreter for seven presidents, told me that Richard Nixon also sometimes met with foreign leaders without a U.S. interpreter because he distrusted the U.S. State Department, which runs the interpretation program, and worried interpreters would pass along information to the secretary of state. Trump has sometimes shown tendencies toward paranoia himself, and the initial meeting in Hamburg was reportedly kept small to minimize leaks—which makes it all the more ironic that news of the second meeting still emerged.

Trump and his defenders had long insisted there was no evidence of collusion to be found. But since Trump Jr.'s emails clearly indicate a willingness to collude, the president and others have adopted a new line: that such collusion is normal. That defense is unconvincing for several reasons. Pull-asides between foreign leaders are not unheard-of, but the Trump team's changing stories about the Trump Jr. meeting and the new focus on collusion guarantee the second Trump-Putin encounter will draw close scrutiny.

## ETATS-UNIS



### UNE - 'Let Obamacare Fail,' Trump Says as G.O.P. Health Bill Collapses

Thomas Kaplan

WASHINGTON — The seven-year Republican quest to undo the Affordable Care Act appeared to reach a dead end on Tuesday in the Senate, leaving President Trump vowing to let President Barack Obama's signature domestic achievement collapse.

Mr. Trump declared that his plan was now to "let Obamacare fail," and suggested that Democrats would then seek out Republicans to work together on a bill to bury the Affordable Care Act. If he is determined to make good on that pledge, he has plenty of levers to

pull, from declining to reimburse insurance companies for reducing low-income customers' out-of-pocket costs to failing to enforce the mandate that most Americans have health coverage.

"It'll be a lot easier," Mr. Trump said at the White House, adding: "We're not going to own it. I'm not going to own it. I can tell you the Republicans are not going to own it. We'll let Obamacare fail, and then the Democrats are going to come to us."

The fate of the repeal effort looked to be sealed on Tuesday, when a last-ditch attempt to force a vote to abolish the health law without a replacement fell short of support.

The majority leader, Senator Mitch McConnell of Kentucky, seemed resolved to force senators to vote next week, but by Tuesday afternoon, it was clear he did not have 50 votes even to clear a procedural hurdle before considering a repeal-only measure.

Senators Shelley Moore Capito of West Virginia, Susan Collins of Maine and Lisa Murkowski of Alaska, all Republicans, declared that they would not vote to repeal the Affordable Care Act without a replacement: enough to doom the effort before it could gain any momentum. Senator Rob Portman, Republican of Ohio, also rejected that path.

The collapse highlighted a harsh reality for Senate Republicans: While they freely assailed the health law when Mr. Obama occupied the White House, they could not come up with a workable plan to unwind it that would keep both moderate Republicans and conservatives on board. It was an enormous embarrassment for a party that rode electoral waves to control first the House, then the Senate and then the White House, but has not been able to deliver a major legislative victory.

"This has been a very, very challenging experience for all of us," Mr. McConnell said. "Everybody's given it their best shot, and as of

today, we just simply do not have 50 senators who can agree on what ought to replace the existing law.”

The reaction on Wall Street was muted. Stocks spent most of the day lower as shares of health insurers declined, and the dollar, which has steadily lost ground for most of the year, slipped further.

Mr. Trump has considerable leverage to gum up the works of the Affordable Care Act. He could throw insurance markets into a tailspin at any time by cutting off the subsidy payments to insurers, as he has threatened to do. He could further destabilize the markets by not enforcing the mandate that most Americans have health insurance.

Senator Shelley Moore Capito, center, Republican of West Virginia, said she was opposed to simply repealing the Affordable Care Act without a replacement. Doug Mills/The New York Times

And he could cancel advertising and other efforts to encourage enrollment under the Affordable Care Act when the annual sign-up period begins in November. A barrage of negative statements from the administration could project an official view that the health law is collapsing, creating a self-fulfilling prophecy.

The lack of certainty over the subsidy payments, which go toward reducing out-of-pocket costs for low-income people, has been a major concern for insurers. The companies say premiums will be significantly higher without the funding, and some companies that have submitted rates to sell insurance in the market next year could decide to pull out.

“With open enrollment for 2018 only three months away, our members and all Americans need the certainty and security of knowing coverage will be available and affordable for them,” said Justine Handelman, a senior executive at the Blue Cross Blue Shield Association.

While Mr. Trump has promised destruction, other

Republicans signaled that they wanted to take a more constructive approach. Senator Lamar Alexander of Tennessee, chairman of the Senate health committee, announced that he would hold hearings in the next few weeks on stabilizing the individual health insurance market.

Members of both parties have ideas about how to stabilize insurance markets and hold down premiums. One possible action is to provide money for the payments to insurers for reducing customers’ out-of-pocket costs. In addition, two Democratic senators, Thomas R. Carper of Delaware and Tim Kaine of Virginia, want the federal government to help pay the largest claims through a backstop known as reinsurance. Senators of both parties also want to help people in counties where no insurer chooses to offer health plans through the Affordable Care Act marketplace — a real possibility in some places next year.

The Senate Democratic leader, Chuck Schumer of New York, implored Republicans to defy Mr. Trump and work with Democrats to strengthen insurance markets.

“There’s a fork in the road for our Republican colleagues,” he said in an interview. “They can do what Donald Trump said, which is sabotage the system out of anger and out of pique,” or they can work with Democrats on improvements to the health law.

“Whether they can resist Trump, I don’t know,” Mr. Schumer said.

On Capitol Hill, Republicans and Democrats alike were trying to make sense of the repeal effort’s apparent downfall — and figure out what comes next.

The beginning of the end was on Monday night, when two Republican senators, Mike Lee of Utah and Jerry Moran of Kansas, came out in opposition to the latest version of Mr. McConnell’s bill to repeal and replace the health law. That left Republican leaders at least two votes short of what they needed to start debate.

Two other Republican senators, Ms. Collins and Rand Paul of Kentucky, had objected last week.

Mr. McConnell responded by outlining plans for a vote on a measure like the one vetoed by Mr. Obama in January 2016, which Mr. McConnell said would consist of a “repeal of Obamacare combined with a stable, two-year transition period.”

### How Republicans Tried to Sell the G.O.P. Health Plan

Since his campaign, President Trump and the Republican Party have pushed hard for a repeal of the Affordable Care Act.

Republican leaders had originally intended to proceed with a similar “repeal and delay” strategy after Mr. Trump won the presidency. But in January, Mr. Trump made clear he wanted a simultaneous repeal and replacement of the law, and congressional Republicans decided to follow that path.

A repeal-only route would have been disruptive. The Congressional Budget Office said in January that enacting the vetoed bill would increase the number of uninsured Americans by 18 million in the first year and 32 million by 2026, compared with current law. Premiums, it said, would increase 20 to 25 percent in the first year and double by 2026.

That bill would have eliminated the Affordable Care Act’s expansion of Medicaid and subsidies for the purchase of private insurance. But it would have left in place the law’s requirement that insurers provide specific benefits, and the prohibition on denying coverage or charging higher premiums because of a person’s pre-existing medical conditions.

The repeal-only idea quickly ran into a wall on Tuesday.

“I did not come to Washington to hurt people,” Ms. Capito said in a statement, taking issue with both Mr. McConnell’s bill and the idea of repealing the health law “without a replacement plan that addresses

my concerns and the needs of West Virginians.”

Ms. Murkowski said, “There’s enough chaos and uncertainty already, and this would just contribute to it.”

Senator Susan Collins, Republican of Maine, announced her opposition to the latest health care push. Eric Thayer for The New York Times

The idea of repealing the health law without providing a replacement also spooked a bipartisan group of 11 governors, including Brian Sandoval of Nevada, an influential Republican critic of Mr. McConnell’s bill.

“The Senate should immediately reject efforts to ‘repeal’ the current system and replace sometime later,” said the group, which included five Republicans, five Democrats and one independent. “This could leave millions of Americans without coverage. The best next step is for both parties to come together and do what we can all agree on: fix our unstable insurance markets.”

Mr. McConnell appears determined to drive the effort to a final public showdown with a procedural vote that would let the Senate consider the repeal-only measure. He can afford to lose only two Republican senators, with Vice President Mike Pence breaking the tie. But he already appears to have lost at least three: Ms. Collins, Ms. Murkowski and Ms. Capito.

More could still defect, unwilling to be recorded voting for a procedural step in what is all but certain to be a doomed exercise. But that could be an awkward stance for Republicans who voted for the repeal bill that the Senate passed in 2015 and Mr. Obama vetoed.

“If you’re not willing to vote the same way you voted in 2015,” Mr. Paul said on Tuesday, “then you need to go back home, and you need to explain to Republicans why you’re no longer for repealing Obamacare.”



## UNE - GOP Stares Down Loss on Health-Care Bill

Kristina Peterson

WASHINGTON—Senate Republican leaders said Tuesday they would push ahead with a vote to repeal the Affordable Care Act early next week even as GOP defections made it clear the effort would fail.

The move from Majority Leader Mitch McConnell (R., Ky.) means Senate GOP leaders plan to hold a vote they expect to lose, an unusual move that may be designed to let the Senate quickly move on from the health debate after a turbulent monthslong effort to roll back the ACA. With a separate bloc of Republicans saying Monday night they wouldn’t support a broader health bill, that made two major

GOP health efforts thwarted by internal party opposition in less than 24 hours.

Mr. McConnell said the decision to hold the vote next week was made at the request of President Donald Trump and Vice President Mike Pence. Mr. Trump said Tuesday he wanted Republicans to focus on winning more Senate seats in 2018, and a political-action committee

said it would seek primary challenges against GOP senators who block that vote.

“As of today we just simply do not have 50 senators who can agree on what ought to replace the existing law,” Mr. McConnell said Tuesday. Three senators also said they would oppose the straight repeal measure, one more than what Mr. McConnell could afford to lose.

The impasse reflects the changing calculus for the GOP: Though the party made political hay by campaigning against and voting repeatedly to repeal the law while Barack Obama was president, now that Mr. Trump is in office and promising to sign the bill, the situation is politically fraught. Republicans had struggled for weeks to craft a bill that would preserve the ACA's most popular elements while also curbing Medicaid spending and lowering insurance premiums.

With Senate Republicans having trouble agreeing on a new health-care system, Mr. McConnell had turned late Monday night to a fallback option: repeating a vote on a bill passed by the Senate in 2015, later vetoed by Mr. Obama, to repeal much of the law without setting up new ways to bolster insurance coverage. About 20 million Americans have gained coverage under the ACA.

Of the 52 current GOP senators, 49 had voted for the 2015 repeal bill. But many senators made it clear that a repeal of the law known as Obamacare threatened to alarm their constituents and destabilize the insurance market.

"To just say, 'Repeal and trust us—we're going to fix it in a couple years,' that's not going to provide comfort to the anxiety that a lot of Alaskan families are feeling right now," GOP Sen. Lisa Murkowski of Alaska told reporters. "There is enough chaos and uncertainty already."

**The  
Washington  
Post**

## UNE - Senate Republicans' effort to 'repeal and replace' Obamacare all but collapses

Senate Republicans all but admitted defeat Tuesday in their seven-year quest to overturn the Affordable Care Act, acknowledging that they lacked the votes to make good on their vow to "repeal and replace" President Barack Obama's signature legislative accomplishment.

Hours after GOP leaders abandoned a bill to overhaul the law known as Obamacare, their fallback plan — a proposal to repeal major parts of the law without replacing them — quickly collapsed. A trio of moderate Republicans quashed the idea, saying it would irresponsibly snatch insurance coverage from millions of Americans.

"I did not come to Washington to hurt people," tweeted Sen. Shelley Moore Capito (R-W.Va.), who joined Sens. Susan Collins (Maine) and

By midday Tuesday, GOP Sens. Susan Collins of Maine, Shelley Moore Capito of West Virginia and Ms. Murkowski all said they would oppose a procedural motion necessary to begin consideration of a repeal bill, depriving it of the support needed to advance. Mr. McConnell couldn't lose more than two GOP votes at any point in the process.

Mr. Trump, who on Monday night had thrown his weight behind Mr. McConnell's bid to hold a repeal-only vote, modified his approach Tuesday, saying the ACA, if untouched, would collapse under its own weight.

At a lunch in the White House, he said his plan was now "to let Obamacare fail, it will be a lot easier. And I think we're probably in that position where we'll let Obamacare fail. We're not going to own it."

Democrats said the ACA insurance exchanges, while fragile in some states, weren't headed for collapse. They also said the president was trying to undermine the health-care system rather than seeking bipartisan cooperation.

"He wants to throw up his hands rather than roll up his sleeves to work with us to solve the problem," Senate Minority Leader Chuck Schumer (D., N.Y.) told reporters. "We Democrats have held the door to bipartisanship open to our Republican colleagues for months. It's time for the Republicans to walk through it."

Lisa Murkowski (Alaska) in opposing immediate repeal.

Senate Majority Leader Mitch McConnell (R-Ky.), who spent weeks trying to knit together his fractious caucus in support of the original GOP legislation, said he would nonetheless schedule a vote "early next week" on the repeal plan. But he appeared to acknowledge that it seemed doomed.

"This has been a very, very challenging experience for all of us," McConnell told reporters. "It's pretty obvious that we don't have 50 members who can agree on a replacement."

(Bastien Inzaurrealde, Rhonda Colvin, Ashleigh Joplin/The Washington Post)

The collapse of the effort marks a devastating political defeat for congressional Republicans and for

The ACA widened health coverage by expanding Medicaid and setting up subsidies for people to buy health coverage on the exchanges, paid for by taxes on medical companies and higher earners. While the law has been viewed unfavorably by most Republican voters and donors, certain provisions, including a regulation that prevents insurers from charging more or refusing to cover patients with costly medical conditions, have proved popular. Many GOP governors also have welcomed the law's expanded Medicaid funding for their states.

Some conservatives who had criticized the Senate-crafted bill for not doing enough to undo the ACA applauded Mr. McConnell's pivot to call for a vote on a straight repeal.

"Those Republicans who promised to repeal Obamacare ought to vote the same way they voted in 2015," Sen. Rand Paul (R., Ky.) said. "If you're not willing to vote the same way you voted in 2015, then you need to go back home and you need to explain to Republicans why you're no longer for repealing Obamacare."

Other Republicans said that path would be irresponsible and generate anxiety for both the markets and their constituents. "I did not come to Washington to hurt people," Ms. Capito said in a statement. "I cannot vote to repeal Obamacare without a replacement plan that addresses my concerns and the needs of West Virginians."

President Trump, who had pledged to roll back the Affordable Care Act on "Day One" of his presidency.

It also leaves millions of consumers who receive health insurance through the law in a kind of administrative limbo, wondering how their care will be affected now that the program is in the hands of government officials who have rooted openly for its demise.

On Tuesday, Trump told reporters in the White House's Roosevelt Room that he now plans to "let Obamacare fail. It will be a lot easier." That way, he said, his party would bear no political responsibility for the system's collapse.

"We're not going to own it. I'm not going to own it," the president said. "I can tell you the Republicans are not going to own it. We'll let Obamacare fail, and then the Democrats are going to come to us" to fix it.

Ms. Capito and Ms. Murkowski both voted for the 2015 repeal bill; Ms. Collins voted against it.

Republicans grappled Tuesday with the increasing likelihood that they would be unable to pass substantive legislation overhauling the ACA without Democratic support. GOP leaders have warned their rank-and-file that taking no action on health care could end up being a political liability and open the party to criticism for failing to fulfill a longstanding promise despite controlling both chambers of Congress and the White House.

"You'll see real anger," said David McIntosh, president of the Club for Growth, a conservative advocacy group that focuses on fiscal and tax issues. "I think the Republican Party has huge problems if they don't repeal Obamacare. They have a huge integrity problem."

From the beginning of Mr. Trump's tenure, GOP leaders faced a core challenge: Any replacement health plan that satisfied GOP conservatives was likely to be opposed by the party's centrists, and vice versa.

It's a challenge they haven't overcome. Mr. McConnell abandoned the Senate GOP health bill Monday night when defections by GOP Sens. Mike Lee of Utah and Jerry Moran of Kansas left him short of the votes needed for passage, after Ms. Collins and Mr. Paul had already said they would vote no.

Turning to a repeal bill was plan B.

But Trump's comments appeared to ignore the many Republican lawmakers who are anxious about depriving their constituents of federal benefits on which they now rely. The president invited all 52 Republican senators to join him for lunch Wednesday at the White House to try to get the repeal effort back on track.

Senate leaders have been struggling to devise a plan to overhaul Obamacare since the House passed its version of the legislation in May, a flawed bill that some House members openly invited the Senate to fix. With just 52 seats, McConnell could afford to lose the support of only two members of his caucus — and even then would rely on Vice President Pence to break the tie.

The measure he produced would have scaled back key federal insurance regulations and slashed



Medicaid deeply over time. But it did not go far enough for many conservative Republicans, who wanted to roll back more of the ACA's mandates on insurers.

And the bill went much too far for many moderates, especially Republicans from states that had taken advantage of the ACA's offer to expand Medicaid eligibility. The bill would have cut Medicaid funding and phased out its expansion in 31 states and the District of Columbia. Some senators worried that their states would be saddled with the unpalatable choice of cutting off people's health coverage or shouldering a massive new financial burden.

"This is the Senate. Leadership sets the agenda, but senators vote in the interests of their states," said Sen. Marco Rubio (R-Fla.).

Sen. Orrin G. Hatch (R-Utah) offered a blunt assessment of why the effort fell short: "We are so evenly divided, and we've got to have every Republican to make things work, and we didn't have every Republican," he said.

Two Republicans — Collins, a moderate, and conservative Sen. Rand Paul (Ky.) — declared late last week that they could not support the latest version of the bill. Late Monday night, as six of their colleagues talked health-care strategy with Trump over dinner at the White House, conservative Sens. Mike Lee (Utah) and Jerry Moran (Kan.) announced that they, too, would oppose the bill, and the measure was dead.

Senate Majority Whip John Cornyn (R-Tex.), whose job is to count votes, said he had "no idea" Lee was defecting until he left the White House meeting — though he had gotten a heads up from Moran.

Key Republicans held out hope that the effort could be revived. House Speaker Paul D. Ryan (R-Wis.) said Tuesday that he "would like to see the Senate move

on something" to keep the repeal-and-replace process alive.

Pence, speaking at the National Retail Federation's annual Retail Advocates Summit, lent his support to the repeal plan, challenging Congress to "step up" and repeal the current law so lawmakers could "work on a new health-care plan that will start with a clean slate."

Republicans last voted on repeal in 2015. Every current GOP senator who was then in the Senate voted for it, except Collins. But it was a meaningless protest vote; Obama was president, and he quickly vetoed it. With Trump in the White House, a vote to repeal the law without replacing it could have far-reaching consequences.

Abolishing Obamacare's central pillars — such as the mandate that taxpayers buy coverage; federal subsidies for many consumers' premiums; and Medicaid coverage for roughly 11 million Americans — without replacing them could wreak havoc in the insurance market. In January, the Congressional Budget Office estimated that premiums in the individual insurance market would rise by as much as 25 percent next year and would roughly double by 2026.

The CBO said repeal would cause the number of uninsured people to rise by 18 million next year and by 32 million by 2026.

"For insurers, the worst possible outcome in this debate has always been a partial repeal with no replacement, which is exactly what Congress is about to take up," Larry Levitt, senior vice president for special initiatives at the Kaiser Family Foundation, wrote in an email. "Insurance companies would be on the hook for covering people with preexisting conditions, but with no individual mandate or premium subsidies to get healthy people to sign up as well."

With the repeal effort foundering, White House officials seem to lack a

clear road map for managing the law. Rep. Tom Cole (R-Okla.), who chairs the appropriations subcommittee overseeing the Health and Human Services Department, said Tuesday, "I'm not sure what's going on right now."

HHS Secretary Tom Price issued a news release Tuesday saying, "The status quo is not acceptable or sustainable." But he offered no clues to what his agency plans to do in the coming weeks as insurers finalize rates for 2018 and decide whether to participate next year in the federal insurance marketplaces.

"We will work tirelessly to get Washington out of the way, bring down the cost of coverage, expand healthcare choices, and strengthen the safety net for future generations," Price said.

Several lawmakers and governors, meanwhile, said they would begin pushing for a bipartisan fix to shore up the ACA. Senate Health, Education, Labor and Pensions Committee Chairman Lamar Alexander (R-Tenn.) said in a statement that his panel would hold hearings to explore "how to stabilize the individual market" under the existing law.

A bipartisan group of 11 governors — including Republicans Charlie Baker (Mass.), Larry Hogan (Md.), John Kasich (Ohio), Brian Sandoval (Nev.) and Phil Scott (Vt.) — said they "stand ready to work with lawmakers in an open, bipartisan way to provide better insurance for all Americans."

Asked if he would be willing to work with Democrats, McConnell said that "we'll have to see what happens" with next week's vote.

Senate Minority Leader Charles E. Schumer (D-N.Y.) and House Minority Leader Nancy Pelosi (D-Calif.) renewed their calls for Republicans to work with Democrats.

"It should be crystal clear to everyone on the other side of the aisle that the core of the bill is unworkable," Schumer said. "The door to bipartisanship is open now. Republicans only need to walk through it."

As Schumer spoke on the Senate floor, Sen. Joe Manchin III (D-W.Va.), one of the few in the chamber who has tried to be a bipartisan broker on health care, was placing calls to fellow senators who, like him, are former governors — a total of 11 senators including Alexander, John Hoeven (R-N.D.), Mike Rounds (R-S.D.), Angus King (I-Maine), Jeanne Shaheen (D-N.H.) and Margaret Wood Hassan (D-N.H.).

Aides said Manchin was presenting nothing specific yet to his colleagues, just a plea to "sit down and start bipartisan talking."

While the path forward remained uncertain, consumers and health industry players continued to reach out to lawmakers. On Monday, two members of the American Cancer Society's Cancer Action Network journeyed from West Virginia, and one of them spoke with a Capitol aide about an 18-month-old girl who had developed cancer while her mother was working part-time at a bank. After the woman lost her job, both she and the little girl went on Medicaid, allowing the child to receive treatment.

"A lot of times people assume anyone on Medicaid is too lazy to work," the child's grandmother Lora Wilkerson told the aide, handing her a photo of the girl — bald, with a teddy bear in her arms.

"Can you please ask Ms. Capito to look at this picture when she casts her vote?" Wilkerson said.

The aide, according to Capito's spokeswoman, made sure the senator saw it.

**The  
New York  
Times**

## Editorial : The Trumpcare Bonfire - The New York Times

The Editorial Board

It will come as a huge relief to millions of Americans that Republican lawmakers have struck out in their attempts to destroy the Affordable Care Act — at least for now. But this ideological exercise in futility has already done great damage to the health care system.

First the good news, which came in two installments: No. 1, the Senate's health care bill — which would have stripped 22 million

people of their health insurance and increased premiums for older Americans and those with pre-existing conditions — collapsed Monday. Then, Tuesday, Mitch McConnell's plan to repeal much of Obamacare without a replacement also fell apart as senators defected.

Now the bad news: While the Affordable Care Act is not collapsing, the Senate and House health bills and President Trump's promises to sabotage the A.C.A. have destabilized some of the health insurance marketplaces created by that law. Nearly 40

counties in Indiana, Nevada and Ohio are at risk of having no insurers participating in the marketplaces next year; other counties will have only one company offering policies.

In addition, policies sold in the marketplaces could cost a lot more if the Trump administration carries out its threats to stop providing subsidies to insurers to lower deductibles for low-income and middle-income people. It can do that through administrative action. House Republicans sued the Obama administration to block the

payments on grounds that Congress had not voted separately to appropriate the money, even though the A.C.A. had authorized them.

So far, Mr. Trump is viewing health care policy through the same narrow lens he uses for everything: his political standing. On Tuesday, he blamed Democrats for obstructing repeal and said that Republicans should "let Obamacare fail" in order to have another shot at replacing it, as if the health of millions of Americans wasn't at stake. Compare that to what

Senator Shelley Moore Capito of West Virginia said about her decision not to support a repeal-and-delay bill: "I did not come to Washington to hurt people." The question now is which approach Congress will take.

Under the humane approach, with a stronger health care system a shared goal, Republicans and Democrats would work together to fix the marketplace problems and restore confidence among insurance companies. In countries with no insurers, Congress could



## Editorial : The ObamaCare Republicans - WSJ

The Editorial Board

Senate Republicans killed their own health-care bill on Monday evening, and some are quietly expressing relief: The nightmare of a hard decision is finally over, and now on to supposedly more crowd-pleasing items like tax reform. But this self-inflicted fiasco is one of the great political failures in recent U.S. history, and the damage will echo for years.

The proximate cause of death was Mike Lee of Utah and Jerry Moran of Kansas linking arms and becoming the third and fourth public opponents. The previous two public holdouts were Susan Collins of Maine and Rand Paul of Kentucky, and Majority Leader Mitch McConnell could lose only two GOP Senators. But this defeat had many authors, some of whom are pictured nearby and all of whom hope to evade accountability for preserving the ObamaCare status quo.

But this wasn't the inevitable result of some tide of progressive history. These were choices made by individuals to put their narrow political and ideological preferences ahead of practical legislative progress. The GOP's liabilities now include a broken promise to voters; wasting seven months of a new Administration in order to not solve manifest health-care problems; less of a claim to be a governing party; and the harm that these abdications will wreak on the rest of the Republican agenda and maybe their hold on Congress.

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The ObamaCare Republicans come from both the conservative and moderate wings, but all of these Senators campaigned for nearly a decade on repealing and replacing ObamaCare.

require the Federal Employees Health Benefits Program to offer coverage. State governments, working with the Trump administration, could create reinsurance programs to reduce the risk that insurers would lose money because of a few very sick patients. This could lower premiums and encourage insurers to operate in sparsely populated parts of the country.

If it chooses to set partisan point-scoring aside, the Trump administration would continue

Now they finally have a President willing to sign literally any bill that lands on his desk, but in the clutch they choked. Some wouldn't even allow a debate on the floor and the chance to offer amendments.

The ObamaCare Republicans ran on fiscal discipline but they rejected the best chance for entitlement reform in a generation. They campaigned against deficits—and some like Mr. Moran and Nevada's Dean Heller have endorsed a balanced-budget amendment—yet they dismissed a \$1.022 trillion spending cut. They denounced ObamaCare's \$701 billion in tax increases but then panicked over repealing "tax cuts for the rich."

Conservatives like Ted Cruz and most GOP Senators played constructive roles, but a question for the ages is which cargo cult Messrs. Lee and Paul have joined. They pose as free-market purists but reject progress toward a freer market. Their claim that the bill didn't do enough to reduce insurance premiums is risible given that Mr. Cruz's deregulation amendment was adopted and the alternative is ObamaCare's even higher rates and fewer choices.

Mr. Lee opposed the first draft of the bill in part because it "included hundreds of billions of dollars in tax cuts for the affluent." He opposed the new version for "not repealing all of the ObamaCare taxes."

Messrs. Lee and Paul will try to absolve themselves by voting to move to a debate about straight repeal with no replacement, but no one should believe the ruse. They want to vote against anything that can pass lest they have to take responsibility. By the way, Mr. Lee's stunt of holding hands with Mr. Moran so neither was the deciding killer vote is a political-evasion classic on par with Arlen Specter

subsidy payments to insurers, House Republicans would drop their lawsuit and, going forward, Congress would appropriate money for these payments so that they could not be used to undermine the health care law. Quick action is needed on all fronts because insurers and state and federal regulators must finalize rates and policies for next year in the coming weeks.

In the longer term, the 19 states that have refused to expand Medicaid under the A.C.A. ought to

voting "not proved" on Bill Clinton's impeachment.

The same applies to the centrists who behind the scenes formed a death panel for the bill. No concession was ever satisfactory, and their demands watered down reform. Yet they wouldn't defend their own compromises, or even try to rebut the media-Democratic caricature of the bill as a human-rights violation.

West Virginia's Shelley Moore Capito came out against the bill with a statement that began: "As I have said before, I did not come to Washington to hurt people." Does she honestly think so little of her colleagues, and the party she chose to affiliate with, to insult them so casually? This moral grandstanding would be more persuasive if Ms. Capito hadn't pledged to "turn the tide from a Washington that tells us who our doctors are and delivers a lower quality of care" at the 2016 GOP convention.

The moderates will now say that failure can be redeemed with bipartisanship, and watching them beg to be rescued by Democratic Leader Chuck Schumer will be instructive, not least for exposing the futility of a good-faith health deal. Mr. Schumer will offer to enshrine ObamaCare and bail out the insurance companies in return for Democratic votes. If such a bill did pass the Senate, it would put the House in a bind and make Speaker Nancy Pelosi more likely.

Mr. McConnell says he will hold the repeal-only vote, and Americans should understand that any Senator who votes against moving to the floor is voting to preserve ObamaCare. If the moderates really want a bipartisan solution, they will vote for repeal with a delayed replacement fuse and then try to persuade Democrats. But they don't

reconsider. The program helps lower-income, older and disabled people, with positive results for beneficiaries and the economy. It reduces uncompensated care at hospitals, and the people who receive treatment are healthier and more productive. About four million people could gain coverage if these last states expanded Medicaid, making it a big win for the country.

want that amount of political responsibility.

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If the ObamaCare Republicans now get primary opponents, they have earned them. In two weeks nobody will recall this or that grievance about the Senate bill, but GOP voters will wonder about the bill of goods they were sold.

The damage to the GOP's political image will radiate in ways that are hard to predict. If Republicans can't be trusted to fulfill a core commitment to voters—whether repeal and replace, or simply to reduce the burden of government—then what is the point of electing Republicans? "Sorry, it was too hard" isn't a winning 2018 message, and botching health reform will add to the betrayal narrative that has so inflamed conservative politics. In this case the critics will have a point.

Perhaps this Congress can recover with a rewrite of the tax code. But failure tends to compound, and this show of dysfunction will make Senators even edgier about taking difficult votes.

The coming days will see more than a few liberal tributes to the invincibility of the entitlement state, and how Republicans miscalculated by declining to accommodate ObamaCare. Entitlements by their nature are hard to reform once they've gained a constituency, but what these odes will omit is how close Republicans came. They had the power to reverse the march toward single-payer health care, and most wanted to use it but were blocked by a few feckless deserters.

The ObamaCare Republicans are betting voters won't remember, but implosions this consequential take a long time to forget.



## Editorial : The Obamacare repeal fiasco

Tellingly, the latest and perhaps last Republican strategy on

healthcare is a measure that would repeal the Affordable Care Act in

two years with no replacement in sight.

So much for repeal-and-replace. Republicans did not have a viable alternative to the ACA when they staged their first repeal vote seven years ago. They don't now, and in all probability would not in two years even if the repeal measure were to pass.

They don't have a plan because meaningful reform ideas are few and far between and involve tough political choices. And they don't because the ACA, in many respects, grew out of Republican plans from the 1990s and early 2000s.

By trying to kill the law, first with the specious argument that they had something better and now without any such pretense, Republicans have left themselves in a bind. They've moved the goal posts so far

that they have run out of playing field.

Just hours after Senate Majority Leader Mitch McConnell announced the repeal-only plan, it was in critical condition. Three GOP senators, sufficient to kill the deal, came out against it. Several others, seeing how devastating it would be to their states, would stop it if necessary but would rather not buck their party unless they have to.

The repeal-only approach has more problems even than the repeal-and-replace proposals. Rather than stripping 23, or 24 million people of their health care coverage, it would do so for 32 million people, according to the Congressional Budget Office. That's one in 10 people in America.

Repeal-only would slash the Medicaid that pays for nearly half of all newborn deliveries and most nursing home care. It would force the closure of many rural hospitals, clinics and drug-treatment programs that rely on Medicaid and cost-sharing subsidies. And the uncertainty would foment chaos in the health care world.

Insurers, highly skeptical that Congress could agree on a replacement, would respond by fleeing health care exchanges, leaving no option for buying individual coverage.

These shortcomings have been known for a while. As recently as a few short weeks ago, McConnell himself insisted that lawmakers have an alternative in place before passing any kind of repeal.

The question now is: What next?

President Trump responded with a typical Twitter-snit. "Let Obamacare fail and then come together and do a great health care plan."

A more fruitful approach came from Sen. Lisa Murkowski, R-Alaska, one of the no votes on the repeal-only plan. "Republicans have to admit that some of the things in the ACA we actually liked," she said, "and the Democrats have to admit that some of the things they voted for in the ACA are broken and need to be fixed."

Repeal-and-replace is dead. Repeal-only appears dead. Now is the time for a bipartisan effort on the best approach, retain and repair.



## McArdle : Congress Achieves Bipartisan Failure on Obamacare

For months, I've been watching in a sort of wonder as Republicans crafted the most unpopular major bill in living memory. Could they really mean to make a suicide charge at *this* --not some longstanding Republican goal, like dismantling the welfare state or slashing through the regulatory thicket, but pushing a sly parody of Obamacare even less likable than its awkward source material? When Republicans explained how this would actually be a strong campaign strategy for 2018, I had astonished flashbacks to Democrats saying the same thing in 2010 ... and wondered when it was that people in Washington started believing their own press releases. Were we really due for the Republican version of the 2010 Democratic lemming run?

No, apparently not. Senator Mike Lee of Utah has always been the man to watch on this bill, the bellwether who was ultimately going to lead the Senate one way or the other. Yesterday, he announced that he would vote no on the Motion to Proceed, which translated from the original Parliamentarian, means that this bill is not going anywhere. Requiescat in pace.

On both a political and a policy level, this choice is sensible, even though it leaves Republicans in a tough place. The exchanges in many states have been troubled for years, and those troubles will now deepen as insurers wonder what the heck Obamacare is going to look like in a year or two. The only saving grace for Republicans is that

if and when those exchanges fall into a deep decline, they will still be able to assign some of the blame to Democrats for their original sin in passing Obamacare.

For those facing election in 2018, that is good news, I suppose. The bad news is that those exchanges are still in trouble, and Republicans are going to take a hefty share of the blame if something isn't done about them. And Republicans are no closer to a consensus on what to do than they were six months ago.

This should also give pause to Democrats who want to cheer "Obamacare is saved!" Obamacare is now in worse shape than ever. And Obamacare was not exactly in good shape before. Obamacare was, in fact, wheezing and sweat-soaked every time it had to walk from the couch to the fridge.

Time has not been kind to its individual market provisions, and now even more regulatory uncertainty surrounds the program. While Republicans deserve some of the blame for this state of affairs, Democrats cannot evade a much fuller measure of responsibility, because most of the program's problems are congenital, not lifestyle-induced.

Consider what would have happened if Democrats had followed the Republican Party's sterling example of political expedience: They would have scaled back to a more modest ambition, probably a Medicaid expansion, while keeping their hands off the individual market. Since most of Obamacare's

coverage gains came from the Medicaid expansion, they could have gotten a substantial portion of the coverage gains that the law achieved.

More to the point, they wouldn't have needed to touch most peoples' insurance at all. Most people like their insurance (while thinking that the system as a whole is terrible). Messing with people's insurance was what fed the ensuing political firestorm. That, a mostly avoidable conflagration ultimately ended up torching a number of careers, and the Democratic majorities, leaving the party unable to repair a jury-rigged bill that had never been strong enough to survive without substantial political support.

Legal challenges to a more modest bill probably would never have reached the Supreme Court level. So states would not have had the option of declining the Medicaid expansion, an option given to them by a Supreme Court looking for a compromise on the controversial *NFIB v. Sebelius* case, one that would loosen the law's strictures without striking down decades' worth of Commerce Clause jurisprudence. So all 50 states would probably have expanded their Medicaid programs, thereby not only providing more coverage, but also making even Republican senators reluctant to touch a program that was providing their states with a lot of money.

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Instead Democrats fixated on "fixing" the individual market, and passed a draft bill never meant for prime time. In doing so, they broke both that market, and their own party's majority. The survival of their jury-rigged "temporary" solution in the face of the Better Care Reconciliation Act is not much reason to cheer; the program is still on life support, and there is no doctor in the house. Or in the Senate, either.

Both parties are therefore deeply responsible for the mess we are now in. At this moment, however, neither party looks likely to take responsibility for its own failures, much less for fixing the problem. Which leaves the rest of us wondering what the heck is going to happen to the health-care market.

The late economist Herbert Stein once observed, "If something cannot go on forever, it will stop." That is as true of Obamacare as everything else. Eventually, if Obamacare's problems get bad enough, something will have to be done, and something will be, as frightened politicians survey the smoking rubble of the individual market and the fleeing voters headed straight for the ballot box.

But as Rudi Dornbusch, another late economist, observed, "In economics, things take longer to happen than you think they will, and then they happen faster than you thought they could." That they stop eventually, we know. But not where they will eventually come to rest, or who they might run over en route.

## Jenkins : The Result of GOP Failure

Holman W.  
Jenkins, Jr.

It's no excuse for Republican ineptitude, but there is little market in America, and none in the GOP apparently, for coherent health-care policy, to the modest degree that such a description can even apply in Washington.

Republicans, and arguably American voters, don't want an individual mandate. They do want coverage of pre-existing conditions.

There is a term for a system in which you are covered if you are sick, but you don't need to buy coverage and the government promises to make it affordable. It's health care on demand, with taxpayers footing the bill. It's single-payer—at least for the sizable portion of the population who can't be induced through a giant tax incentive to accept insurance from their employer, or who aren't already under some version of proto-single-payer such as Medicaid, Medicaid, etc.

Obama Care was a dog's breakfast, but at least it was coherent on this fundamental point.

Here's how health care would sooner or later (most likely sooner) come to work in a system in which pre-existing conditions are covered but there is no individual mandate, as the GOP bill proposed.

You develop a symptom. You show up at the doctor and, in addition to the other forms, you fill out a form applying for insurance, which you cancel as soon as your treatment is complete.

If this is insurance, the cost is identical to the cost of treatment, which for some reason your insurance company fingers briefly (and takes a cut) before passing along to your doctor.

This is not insurance. Nor is it a viable business model for insurance companies, except as a receptor into which to pour taxpayer money to cover the cost of everyone's health care. Now it can be told: The GOP plan that almost certainly now is dead would have been more of an express route to single-payer than ObamaCare ever was.

Republicans, though inconvenienced by John McCain's keyhole craniotomy, could have passed something. It would have made no sense, except for the highly useful GOP curbs on Medicaid—which were worth the price of admission.

Every administration passes a health-care bill, knowing it won't be the last word, certain in the knowledge they haven't fixed anything fundamental in American health care. Reagan gave us Cobra to allow certain employees to keep their insurance after leaving their jobs. Clinton failed to give us HillaryCare but gave us the

Children's Health Insurance Program. George W. Bush gave us the Medicare drug entitlement. Obama gave us you-know-what. Only George H.W. Bush failed to enact the obligatory expansion of health-care entitlements for somebody somewhere. He was a one-term president.

Were a rational, coherent health-insurance law the apple of any eye, were legislators interested in serving up to the American people a system that would actually be viable and stable, what would it look like?

It would repeal and replace everything that isn't ObamaCare. The bill would have 19 words: "All government programs and health care-related tax benefits are null and void, except for the Affordable Care Act."

Then would come the much more tractable and cognizable job of fixing ObamaCare. The rational brain could actually get itself around it.

Which old people cast adrift from Medicare should receive ObamaCare subsidies, and how much? And how should incentives be structured so young and middle-aged people, via ObamaCare, start financing their own old-age health consumption?

How should pre-existing conditions be financed? By rolling the cost into everybody's premiums, or by a separate taxpayer subsidy so

individual premiums could be more actuarially based and attractive to most users?

Pre-existing conditions inevitably become a mere transitional problem when the individual mandate is fully institutionalized.

We could go on. Correcting the distortions and cross-subsidies that make ObamaCare such a morass, a death spiral in waiting, is not actually a hard job. A properly fixed ObamaCare would be the only health-care program Americans need.

This won't happen, of course. Neither will single-payer. America's jumble of health-care programs will just be increasingly poorly financed, with longer waits and fewer available providers. The rich, and those with good jobs in corporate America, will benefit from concierge health care in which all the frills and finery are available at a price. It will be expensive. But it will be a hell of a lot better than Medicaid.

In the meantime, the Trump administration is becoming incalculable. Will it survive? In 16 months, after disastrous GOP midterms, will Mr. Trump announce he's now a *Democratic* president? In return for what does Chuck Schumer throw him a lifeline? The people who put him in office would applaud and say that's our Trump, even if the media would be completely nonplused.

## Editorial : Republicans, ignore Trump's call to 'let Obamacare fail.' Do this instead.

"LET OBAMACARE FAIL," President Trump tweeted Tuesday morning. Has there ever been a more cynical abdication of presidential responsibility? Mr. Trump is apparently indifferent to the pain that sabotaging the individual health insurance market would cause millions of Americans. Congress must therefore act responsibly.

Barring some totally unforeseen developments in Congress, Mr. Trump's breezy promise to repeal and replace the Affordable Care Act has evaporated — and Senate Majority Leader Mitch McConnell (R-Ky.) previously acknowledged the GOP's responsibility if such a circumstance came to pass: "If my side is unable to agree on an adequate replacement, then some kind of action with regard to the private health insurance market must occur," he said earlier this

month. In other words, his Republican majority finally would have to reach out to Democrats to help shape and pass a bill to repair, not replace, Obamacare.

Several moderate Democrats have recently expressed openness to reforming Obamacare in concert with Republicans, and Senate Minority Leader Charles E. Schumer (N.Y.) on Tuesday morning endorsed bipartisan cooperation to stabilize insurance markets. If Mr. Schumer is serious, he should appoint a panel of Democrats who are willing to cooperate to serve as his side's negotiators. Those on the more reasonable end of the Senate GOP caucus have begun sounding the right notes, too. Sen. Susan Collins (Maine) called over the weekend for engaging with Democrats. From his recovery bed, Sen. John McCain (Ariz.) insisted Monday that "the Congress must now return to regular order, hold hearings, receive

input from members of both parties, and heed the recommendations of our nation's governors." The Senate is learning, again, that it is hard to govern this country from anywhere but the center.

If enough people in each of the two parties accept that Obamacare is here to stay and that it requires fixes, the next agreements would come fairly easily. The House and Senate Republican health-care bills contained a variety of provisions that would have shored up existing individual health insurance markets. Those can be copied and pasted into a new, bipartisan bill.

Democrats and Republicans should be able to support reinsurance programs, which provide a financial backstop to insurers against customers with very high medical costs, thereby lowering premiums. They should fully fund a program that helps low-income people pay out-of-pocket health-care costs, as

Trump-administration-induced uncertainty around this program has roiled insurance markets. In return, Democrats would have to give Republicans something, such as expanding state options to experiment with health-care policy and possibly some loosening of Obamacare regulations.

The Senate Republicans' effort to overhaul the nation's health-care system collapsed on July 17 and 18, when multiple Republican senators came out against both the revamped bill and President Trump's suggestion of repealing Obamacare and letting the markets "fail" before replacing it. Now President Trump is suggesting to repeal Obamacare, let the market fail and then come up "a great health care plan," which three senators quickly shot down. (Video: Jenny Starrs/Photo: Melina Mara/The Washington Post)

(Jenny Starrs/The Washington Post)

Both sides might unite around a plan that automatically enrolled everyone into at least a basic health-care policy, with a provision allowing people to opt out. The

individual mandate that all Americans carry health coverage also needs to be strengthened to draw more people into the insurance system. Those concerned about the mandate's infringement on individual liberty might be more comfortable if government tax

benefits were withheld from, rather than fines applied to, people who declined to maintain coverage.

Moving beyond the partisan goal of replacing Obamacare in fact would unlock a much wider range of options, because lawmakers would

no longer be bound by strict parliamentary "reconciliation" rules. Only one option should be taken off the table: the president's irresponsible call to wreck the system.

## *the Atlantic* **Obamacare Repeal Collapses, but It's (Still) Never Trump's Fault**

David A. Graham

opposed the repeal-and-replace bill, dooming it.

It's a typically hot and sticky July in Washington, but in some ways it feels just like late March all over again. A health-care bill backed by President Trump has collapsed in dramatic fashion, and Trump knows just who to blame: anyone but himself.

The latest failures, first of a Senate Republican bill to repeal and replace the Affordable Care Act and then the expected defeat of a subsequent, last-ditch effort to simply repeal the law and worry about a replacement later on, offer a vivid picture of Trump's leadership style, his strategic and tactical missteps, and why he can't seem to push any of his priorities through in Washington, despite holding majorities in both the House and Senate.

For one thing, Trump has been almost entirely absent from the process with this bill. He's recently been traveling—first to Poland and the G20, and then another trip to France—and dealing with the increasingly toxic Russia situation, including the revelation that his son met with a Russian lawyer in hopes of getting dirt on Hillary Clinton. He's largely been disengaged from the process of twisting arms and changing hearts on the health bill.

"I am sitting in the Oval Office with a pen in hand, waiting for our senators to give it to me," he told Pat Robertson in an interview last week. But that was part of the problem. While he sat passively, Senate Republicans were fighting over what to include in the bill. Trump's involvement might never have made a difference; perhaps the distance between what Rand Paul wanted and what Susan Collins wanted was always too big to bridge. But the president has never demonstrated any serious understanding of health-care policy, and by surrendering the chance to lay out parameters, he allowed the GOP caucus to spin off in several conflicting directions.

By the time Trump finally got involved, hosting rank-and-file members at a White House dinner Monday night, it was too late. As they supped, Senators Jerry Moran and Mike Lee announced they

That set Trump's short fuse alight, producing a string of tweets that has continued ever since. First, he criticized congressional Republicans for trying to repeal and replace Obamacare simultaneously:

It's an interesting idea. It's also one that some Republicans wanted to pursue back at the beginning of the Trump administration, when the president labeled repeal his top priority. GOP leaders knew that it would be difficult, and perhaps impossible, to write a bill that would achieve all that Trump, and members, wanted to do—to drive down premiums, reduce costs, and leave entitlements in place, all while repealing the individual mandate. Repeal alone would allow a moral victory and push the difficult reckoning off into the future.

But Trump wouldn't have any of it. He pressured congressional leaders to do both repeal and replacement at the same time, and they acquiesced. GOP leaders must have read his tweet demanding pure repeal with bitter humor. But Senator Majority Leader Mitch McConnell gamely announced he'd move forward with a pure repeal bill, only for three members of his caucus to announce their opposition—too many for the bill to move forward.

Trump scolded Republicans during his conversation with Robertson last week.

"For years, they've been talking about repeal-replace, repeal-replace," he said. "I think they passed it 61 times, repeal and replace, but that didn't mean anything because you had the minority, the Republicans, they didn't have the majority so it wasn't going to get to the president, but if it ever did, Obama wasn't going to sign it."

Trump is on to something here. GOP leaders played a cynical game with voters for years after the Affordable Care Act passed, repeatedly holding votes to repeal Obamacare, knowing that they didn't have anything resembling a plan that could actually replace the law, achieve what they said it would, and garner enough votes.

Once in power, they were suddenly confronted with that failure.

In an unusually frank moment, but one that was damning about the way he and his colleagues had acted in past years, Senator Pat Toomey of Pennsylvania said, "Look, I didn't expect Donald Trump to win. I think most of my colleagues didn't, so we didn't expect to be in this situation."

One might expect a candidate for president to have realized that before July, but Trump had even less interest in the health-care nitty gritty than most GOP senators. As it turned out, however, repeal alone does not appear to have enough votes among Senate Republicans to proceed either, despite Trump's urging.

Not that the president was ready to accept any blame. Just as he did after the House's first attempt at repeal failed in March, Trump blamed Democrats:

This makes no more sense than it did in March. Democrats are a minority in the Senate, and both the repeal-and-replace and the clean-repeal plans failed because the Republican caucus couldn't unify. The Democrats were never a factor in the debate. That's not surprising: Why would any Democrat work to repeal the party's signature policy achievement of the last decade in order to replace it with a plan that would leave tens of millions of people uninsured and increase premiums for many? The broadside against Dems came only about 10 hours after promising that they would work together to replace Obamacare—and an hour and a half before Trump called for the Senate to invoke the nuclear option and totally eliminate the filibuster.

Meanwhile, Trump wants credit for almost not failing. "Essentially, the vote would have been pretty close to—if you look at it—48-4. That's a pretty impressive vote by any standard," the president said at the White House on Tuesday, referring to the basic standard of reaching a bare majority of votes required for all legislation as "impressive," a bravura act of bar-lowering. (Indeed, most bills these days require 60 votes, and it was only thanks to the reconciliation process that this bill needed only 50.)

Trump has the answer: He needs voters to send him a supermajority in the Senate:

The bad news for Trump is that presidents typically lose seats in Congress during their first midterm election. That rule holds even for presidents who are not as historically unpopular as Trump is (a situation his failure to deliver repeal is unlikely to help); some forecasters believe 2018 could produce a Democratic wave.

The president has one more idea. "Let Obamacare fail," he said Tuesday. "It will be a lot easier. And I think we're probably in that position where we'll just let Obamacare fail. We're not going to own it. I'm not going to own it. I can tell you, the Republicans are not going to own it."

Perhaps he is right, but it wouldn't be surprising if he were wrong. Given unified control of the House, Senate, White House, and Supreme Court, as well as several failed attempts at repeal, the Republican Party will have a hard time convincing voters it doesn't own the bill. (Don't ask me, though. Ask Donald Trump, who in September 2013 tweeted, "NO GAMES! HOUSE @GOP MUST DEFUND OBAMACARE! IF THEY DON'T, THEN THEY OWN IT!")

Although the collapse of the Senate bill echoes the March collapse of the House's health-care bill closely, Trump doesn't seem to have learned much from it. Perhaps the successful resuscitation of the House bill convinced the White House that the hands-off strategy worked well. The demise of the Senate bill shows, just as President Obama before him learned, that there are dangers in deference.

One notable difference this time was that no one expected Trump to contribute meaningfully to passing the bill. As the climax of the House bill neared in March, members of the House leadership team took to talking about Trump as "the ultimate closer." There was no such talk from Senate leaders this time around.

As I wrote when the bill collapsed, Trump seemed to be overestimating his ability to bounce back from defeat. The president didn't bring policy experience, or governing

know-how, to Washington. What he brought was a reputation as an effective dealmaker. Once squandered, that reputation is difficult to reclaim, and his irrelevance to the Senate repeal-and-replace effort demonstrates that. One can understand, given Trump's shaky salesmanship so far, why congressional Republicans

would be reluctant to let Obamacare collapse and trust that Trump would successfully pin that on Democrats.

In the business world, Trump could quietly walk away from a deal, even if it meant taking a loss of millions of dollars. In New York real-estate, a few big losses were survivable, even if it meant lighting money on fire. Politics doesn't work that way.

## **POLITICO** Trump aides move on after health care loss

Annie Karni

Following the biggest legislative debacle of President Donald Trump's first six months in office, the White House on Tuesday was some hands on deck.

The president's most senior aides appeared eager to move on from the health care loss, busying themselves with their own pet projects. Counselor Kellyanne Conway spent the morning in the Cannon House Office Building, participating in a two-hour-long bipartisan round table on veterans and the opioid crisis.

Ivanka Trump made an appearance at a global robotics competition celebrating girls from Afghanistan pursuing careers in STEM. Meanwhile, her husband, White House adviser Jared Kushner — who has taken little interest in the health care bill since its early, troubled days in the House, when he went skiing in Aspen with his family — was busy leading a meeting with his Office of American Innovation.

In the West Wing, chief strategist Steve Bannon took a meeting with Wayne Berman, a Republican operative and board member of the Republican Jewish Coalition whose name has surfaced as a potential future chief of staff. He also met with Kris Kobach, head of Trump's voter fraud commission, and former campaign operatives David Bossie and Corey Lewandowski, among others. But Bannon was conspicuously absent from senior staff meetings on trade and tax reform that brought Cabinet officials into the White House.

If there was concern at the White House on Tuesday for the future of Trump's first-year agenda, it wasn't about reviving the debate on replacing Obamacare but, rather, about what comes next. "The real fear is that this is where everything starts to unravel," said a senior White House aide. "It makes things harder for the debt ceiling and it makes tax reform way harder. People are saying, 'Oh, my God, if we couldn't come together on

repeal and replace, how are we possibly going to do tax reform?"

For his part, the president on Tuesday afternoon was lurching with four Afghanistan veterans in the Roosevelt Room, accompanied by his national security adviser, H.R. McMaster, his attention focused on threats abroad.

It was left to chief of staff Reince Priebus and legislative director Marc Short to hike up to the Hill with Vice President Mike Pence for a regular weekly policy lunch with Senate Republicans. There, Priebus was photographed crouching behind a trashcan in the hallway, talking on his cellphone. The conversation at the meeting, according to a White House adviser, was focused on how to move forward.

But Republicans on the Hill were skeptical of any movement on health care from the White House. "They're looking at what are the wins they can get now: the border or tax reform," said one senior Hill aide who is in regular touch with the White House. "If they have a plan to revive health care, I don't know what it is."

And if there was any blame to go around for the major legislative defeat that some White House officials worried could scuttle the GOP's entire policy agenda, Trump officials were eager to lay it elsewhere. "We're not going to own it," Trump said Tuesday morning, speaking briefly to reporters in the White House. "I'm not going to own it."

In his public remarks, Trump even let Senate Republicans off the hook, telling reporters, "I can tell you, Republicans are not going to own it. We'll let Obamacare fail, and then the Democrats are going to come to us."

But behind the scenes, White House officials were pointing fingers at Republican leadership for a failure that puts on display Trump's tenuous position as the leader of his party — and underscores his inability, thus far, to deliver on a legislative agenda.

It is possible that McConnell, whose reputation for wiliness is bruised but not broken by the health-care collapse, will find some way to revive repeal, but Trump's failures of marketing, strategy, and tactics on Obamacare repeal are the equivalent to lighting political capital on fire. If that was unwise in March, it's foolhardy now, when Trump's

position is, thanks to the Russia matter, weaker than ever.

Six months into his presidency, the president has squandered his reputation as a dealmaker and spent away whatever political capital he had at the start of his presidency. Even worse, he has no major legislation to show for it.

Trump took a hands-off approach to health care, these officials argued, at the request of Senate Majority Leader Mitch McConnell, who made it clear to the president and his legislative team that "this needs to be an inside game" and asked the White House "not to get in the way."

That was part of a larger effort, in the days leading up to the Senate flop, of White House officials portraying the leader of the free world as a passive participant in a health care plan whose passage was supposed to be orchestrated by Congress.

"We have a president with pen in hand, willing to repeal and replace Obamacare," Conway said in an interview. "The only things that have changed since the 2015 bill vote is Obamacare has gotten worse and we have a president willing to repeal and replace it."

But Trump's back-bencher role and inability to pressure any lawmakers to support a bill he campaigned on, in part, because of his own weakened stance, in both popularity and focus.

Trump, according to multiple sources on the Hill, was never steeped in the details of the health care bill. They said he was unable to sit down with members of Congress and convince lawmakers with substantive objections that he had better answers or to understand their concerns and explain why the bill addressed them.

Instead, Trump outsourced the nuts and bolts of the explaining to aides like budget director Mick Mulvaney, Health and Human Services Secretary Tom Price and domestic policy adviser Andrew Bremberg.

Trump, people who have discussed the bill with him said, was never happy with the bill to begin with — but he was animated by the \$321 billion in savings, according to the Congressional Budget Office scoring, that he believed could be used to offset tax cuts.

Politically, Trump's falling poll numbers are also hurting him with lawmakers on Capitol Hill, who have become less susceptible to pressure from the White House. A

Washington Post-ABC poll released earlier this week showed Trump's approval rating at 36 percent — an all-time low for a president 179 days into his first term, with 48 percent of respondents saying they "disapprove strongly" of Trump's performance in office.

"If you're stronger and more popular, you can influence more people," said Joel Benenson, a pollster and former strategist for Hillary Clinton's 2016 presidential campaign and for President Barack Obama. "You have more political capital to spend. What's he going to do, whether it's Gov. [Doug] Ducey in Arizona, or Gov. John Kasich in Ohio — what political muscle does he have to sway people? He is now lacking the political firepower beyond the base."

While Trump officials have shrugged off the polls, arguing that his support with the base remains strong, that doesn't translate to passing legislation in Washington. "People in Congress understand those poll numbers," said Benenson. "Who is quaking in their boots about the next tweetstorm? Winning your base is not getting you 52 Republican senators. You don't win in Washington by playing base politics."

Though the White House played virtually no role in crafting the Senate bill or in negotiating with the various factions within the Republican Conference, Priebus is seen as the West Wing aide with the most to lose in its defeat.

"He pushed health care first," one senior administration official told Politico in the weeks leading up to Monday evening's Senate blowup. "He owns the outcome." Another senior West Wing aide noted dismissively that "the goose was cooked with the first House bill — and that was Reince and his friends."

Priebus, White House officials said, was less involved in the Senate health care bill than he had been in pushing House Speaker Paul Ryan to bring the House bill to a vote.

The president — who for weeks has been calling around asking friends for advice about how to replace his

chief of staff — did not immediately blame Priebus on Tuesday for the bill's cratering. But White House aides say there's a broader sense that the former Republican National Committee chairman has failed to leverage his relationships on Capitol Hill, including his close friendship with Ryan — the main qualities that made him an attractive hire back in December — on Trump's behalf.

It was Priebus, White House officials said, who originally convinced the president that Ryan had the votes to pass a health care bill all lined up, and assured him of an easy passage.

Trump has been grilling friends about potential replacements for Priebus, but one holdup in finding an appropriate successor is the structure of his White House. At least one person turned down the

job, according to a source, after telling the president there were too many competing power centers in the West Wing for him to be successful in the post.

"Reince Priebus has not been empowered, and that's really on Trump," said Chris Whipple, author of "The Gatekeepers," a study of how chiefs of staff help define the presidents they work for, dating back to President Harry Truman.

"Trump has failed to learn what all of his predecessors have found out, sometimes the hard way — you have to empower a White House chief of staff to get stuff done. You can't hand the football to Mitch McConnell and say, go do it," Whipple added. "This is a debacle, and it's just the latest example of the most dysfunctional White House in modern history."

## Los Angeles Times

The Times  
Editorial Board

### Editorial : With Obamacare repeal off the table, will Republicans start trying to actually improve healthcare?

Millions of Americans whose healthcare coverage was imperiled can breathe a sigh of relief now that congressional Republicans' reckless efforts to dismantle the Affordable Care Act have foundered. They can thank a handful of courageous moderates in the Senate Republican Caucus for being unwilling to repeal the ACA without having a replacement ready that wouldn't make matters worse for their constituents.

Merely stopping bad legislation, however, won't solve the problems that helped to drive the "repeal and replace" effort this year. Major insurers have withdrawn from the individual market in several states, leaving some counties with no one

to serve residents who don't have coverage through their jobs, Medicare or Medicaid. And other counties are seeing staggering premium increases. At least some of these problems resulted directly from the crippling uncertainties created by Republican policymakers.

With characteristic graciousness, President Trump has now called on Congress to "let Obamacare fail," something made only more likely by his ongoing efforts to sabotage it. Meanwhile, Senate Republican leaders say they'll vote next week on the repeal bill, evidently for no better reason than to prove they can't pass it. That's a waste of time. The responsible thing to do would be to shore up the markets created by the ACA for individual policies. This needs to be done soon, given that insurers have to set their

offerings and rates for 2018 within the next couple of months.

The problems start with the uncertainty over who will sign up for coverage and how much it will cost — a situation that applies to states with robust individual markets, such as California, as well as to those with ailing ones, such as Iowa and Tennessee.

The Trump administration can't continue to disregard the ACA's mandate that adult Americans obtain insurance, at least not without an alternative way to persuade healthy people to sign up. Otherwise, insurers will have too few healthy people and too many costly ones in their risk pools. Congress and the administration also need to commit publicly to paying for the subsidies that the law requires insurers to provide to low-income consumers for out-of-pocket

costs. The threats to the mandate and the subsidies have led some insurers to drop out of the market and others to seek larger rate hikes, further discouraging healthy consumers from buying insurance.

Those steps may not be enough to help some less populous states, where too much cost is being spread across too few people. Reviving the ACA's reinsurance program for health insurers there would help hold down premiums.

There's broad consensus within the industry about the need to make these moves. The problem is that Republicans have campaigned against some or even all of them. Now, however, they'll have to put politics aside in order to spare the individual markets in their states the chaos they've set in motion.

## Bloomberg

### Editorial : A Chance for a New Beginning on Health Care

They may have avoided the ditch, but Republicans have driven themselves into a cul-de-sac. After the failure in the Senate of their disastrous plan to replace Obamacare, Majority Leader Mitch McConnell now promises to make his colleagues vote instead on just a repeal of the Affordable Care Act.

In other words, the process is still being driven by politics instead of policy. Until that changes, Republicans can expect their efforts to address the U.S. health-care system to end badly.

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This is not to say that it would be easy or simple to fix what is wrong with Obamacare, whose shortcomings have long been obvious. It is only to say that, if they're interested, Republicans now have room to work with Democrats - - what a radical idea! -- on a better bill. This will require them to give up their obsession with cutting Medicaid and giving tax cuts to the wealthy and instead focus on "a bill that finally provides Americans with access to quality and affordable health care," as Senator John McCain of Arizona has said.

Republicans need to accept that expanded insurance coverage, whether through Medicaid or

subsidized policies, is the new American normal. The effort to roll back health-care access for millions appears increasingly futile, as well as cruel. The spectacular unpopularity of the Republican replacement bill should make that clear.

This new normal may not sit well with the party's most conservative members. But the inability of Republicans to agree on a rollback - - despite all the political pressure and promises -- suggests that it may no longer be an achievable goal.

Once Republicans accept that the landscape has shifted, their options immediately improve. For one, they can leave behind the backroom

antics that have tarnished the repeal effort and follow the recommendation of Republican Senator Jerry Moran of Kansas for an "open legislative process."

With a fresh outlook, Republicans might look anew at proposals to shore up the private insurance market and facilitate necessary cost-sharing and reinsurance payments to insurance companies. Maybe Republicans can even find a way to bolster the individual mandate. It was a conservative idea once. With a change in perspective, it can be again.

## The Washington Post

### Tanden & Spiro : The bipartisan way to strengthen health care

By Neera Tanden and Tophir Spiro

after a second failed attempt to pass the Better Care Reconciliation Act (BCRA) — the Senate GOP's replacement for the Affordable Care Act. It should come as no surprise that a bill drafted in secret —

without holding a single public hearing or garnering the support of a single health-care stakeholder — would face widespread condemnation.

Nonetheless, once it became clear Tuesday that at least three Senate Republicans would block Majority Leader Mitch McConnell's last-ditch, repeal-only bill, President Trump tweeted petulantly that Republicans

You'd think that Republican leaders would have learned their lesson

should just let Obamacare fail. Setting aside the fact that, according to the nonpartisan Kaiser Family Foundation, ACA insurance markets are actually in the process of stabilizing, the last thing Americans need right now is for policymakers to double down on partisan political games.

There's a better path forward. The American people have voiced an undeniable desire to see leaders from both parties come together and forge a stronger health-care system for all. In fact, a recent Kaiser poll found that 71 percent of the public wants Congress to make a bipartisan effort to improve the ACA. That includes nearly half of those who voted for Trump.

We have proposed legislation that could easily command a supermajority in Congress and help to restore the public's faith in the ability of our political institutions to govern. Our plan calls for the Senate to pass those portions of the BCRA that would help stabilize insurance markets and eliminate those sections that would gut Medicaid funding and other federal

subsidies while slashing taxes for the rich.

This approach consists of three core elements. First, it would provide greater certainty for insurers by guaranteeing continued payments of ACA subsidies, a step that could help reduce average premiums by as much as 19 percent.

Second, it would reimburse insurers for covering high-cost patients who need more expensive medical treatments. Such a solution has already proved effective in Alaska, which cut the rate of premium increases by 75 percent, and in Maine, where premiums fell by 20 percent in the first year after it was enacted. We estimate that providing \$15 billion to states for this kind of reinsurance would help lower premiums by more than 14 percent. Furthermore, because this funding would lower premiums, it would save money on tax credits — resulting in an overall cost of slightly more than \$4 billion per year. Working together, Congress could easily find health-care savings to pay for this reinsurance.

There should easily be majority support for both these proposals, as guarantees of ACA subsidies and reimbursements for high-cost patients are already found in the BCRA.

Finally, because the first two components of this plan would take time to fully transform market dynamics, our plan also seeks to assist those areas of the country that have one or no insurers. Republican senators such as Bob Corker and Lamar Alexander of Tennessee and Democratic Sen. Claire McCaskill of Missouri have previously supported the idea of filling insurance gaps for these underserved counties.

There are several gap-filling options that Congress can and should consider. In counties that were underserved as of July 1, insurers could be exempted from paying the health-insurance tax. The government could offer a public option in the form of a guaranteed choice plan in communities without sufficient competition, particularly rural areas. People in underserved counties could be allowed to buy

into the Federal Employees Health Benefits Program.

The three components of this proposed bipartisan solution would quickly earn the overwhelming support of insurance commissioners, actuaries, economists and policy experts from across the political spectrum. Most important, the plan would help to lower premiums, stabilize insurance markets and expand security for the American people.

The Republican Party faces two paths. It can continue to pursue its destructive efforts to repeal the Affordable Care Act, or to fuel uncertainty, while the American public holds it responsible for all the repercussions. Or it can join forces with the Democratic Party to help make the vision of affordable health insurance a reality for every American.

It's time to stop using health care as a political weapon. With both parties invested in the solution, they would have an incentive to make it work. The time for bipartisan action should be now.



## McManus : Uh-oh, the GOP has no choice but to work with Democrats on healthcare reform

Doyle McManus

shrinkage might never happen. That gambit backfired.

Bills normally go through a long process of public hearings and debate that, with luck, build popular support; that didn't happen this time.

In his attempts to appeal to both pragmatists and hard-liners, McConnell produced an incoherent bill that became less attractive to each camp, not more.

Nor did he succeed in selling the bill to voters; several polls found less than one-fourth of the public liked the legislation. Bills normally go through a long process of public hearings and debate that, with luck, build popular support; that didn't happen this time. And McConnell got little help on that score from a president who seemed jarringly unaware of the details of the bill.

Worst of all, from the GOP point of view, the debate inadvertently built new constituencies for Obamacare. The long battle over repeal educated millions of voters on what the law has actually delivered, especially through Medicaid expansion.

Before the House and Senate Republicans drafted proposals to replace Obamacare, the choice voters confronted was between a flawed status quo and an undefined alternative that Trump promised

would be "beautiful." Not surprisingly, many chose "beautiful."

Once the legislation was unveiled, the choice changed. Now it was between Obamacare and a plan that reduced future spending on Medicaid, weakened the guarantee to cover preexisting conditions, and threatened to close rural hospitals.

Given that alternative, a majority rallied to Obamacare. The longer-derided law is now more popular than President Trump, 53% to 38% in recent Gallup polls.

That helps explain why McConnell's Monday night fallback plan to repeal Obamacare without a replacement (although the repeal would not take effect for two years) didn't survive past lunchtime on Tuesday.

Three pragmatic Republican senators — Susan Collins of Maine, Shelley Moore Capito of West Virginia and Lisa Murkowski of Alaska — rejected the idea almost instantly, saying it would throw insurance markets into chaos.

"I did not come to Washington to hurt people," Capito explained with spare eloquence.

McConnell said he would still seek a vote on repeal, but the defections appeared to doom his plan.

The healthcare debate isn't over, of course. Obamacare still needs short-term support and long-term

fixes, which the president isn't eager to provide.

Trump said Tuesday he will now revert to a messy solution he has long proposed: standing back and letting the federal health law fail on its own.

"We'll let Obamacare fail and then the Democrats are going to come to us, and they're going to say, 'How do we fix it?'"

"I'm not going to own it," he added. "I can tell you, the Republicans are not going to own it."

Except he already does, in the eyes of many voters. A Kaiser Family Foundation poll last month found that 59% of Americans think the Trump administration now bears responsibility for making Obamacare work — including 56% of Republicans. Translation: Voters expect the governing party to fix problems whether it wants to or not.

Some Senate Republicans have accepted that burden already. Lamar Alexander of Tennessee, chairman of the Senate Health Committee, said he's getting to work to "stabilize the individual [insurance] market." John McCain of Arizona, hospitalized in his home state, said it's time to draft new legislation with "input from members of both parties."

The sudden collapse of Kentucky Sen. Mitch McConnell's healthcare bill on Monday was much more than a tactical setback for the Senate Republican leader once considered an unbeatable legislative wizard. It was a catastrophic failure for the GOP's attempt to make one-party government work. It's one thing to produce gridlock when control of Congress is divided. When one party manages to produce gridlock all by itself, something is seriously wrong. The setback means that Obamacare will almost certainly survive for the foreseeable future, despite seven years of GOP promises to repeal it.

McConnell and his allies clearly overestimated the cohesion of their fragile 52-seat majority in the Senate — a majority so small that any three defections meant defeat. Moderate-conservative Republicans wanted to protect the expansion of Medicaid, the health insurance plan for low-income families, especially in their home states. Hard-line conservatives wanted, above all, to shrink Medicaid and reverse the expansion.

There's no easy way to compromise between those two positions. McConnell promised some senators that the bill would shrink Medicaid, but privately assured others that the



With the collapse of McConnell's effort, the GOP appears to have lost its chance to pass a bill in the Senate through reconciliation, the arcane budget process that requires a majority of only 50 votes. Any future healthcare bill will need 60

**NATIONAL  
REVIEW  
ONLINE**

## Editorial : Republican Health Care Bill Fails -- What Now?

4-5 minutes

Moderate Republicans campaigned for years on repealing and replacing Obamacare, but a few of them balked at the first opportunity to do it. A few conservative Republicans refused to go along with health legislation that fell short of repeal, even if it reduced Obamacare's spending, taxes, and regulation. So now Senate Republicans are short of a majority for their health bill, and wondering what to do next.

We think both camps of no votes have erred, although the conservatives have done so more defensibly. They wanted to keep their party to its promise, and rightly observe that a more deregulatory bill would do more to reduce premiums. We also think that the process by which the bill was advanced — with no actual sponsors making the case for it and defending it from misrepresentation, and with a palpable desire to get it

votes instead of 50 — which requires winning support from at least eight Democrats.

If they want to repeal, replace or merely fix Obamacare, Senate Republicans now have no choice

done quickly — has made it harder to pass. That said, it's hard to defend the objecting Republicans' failure even to allow a bill that most of their colleagues in the party supported to get a debate on the floor.

The question now is what to do next. Senate majority leader Mitch McConnell says that Republicans will now consider the bill they sent President Obama in 2015. It would repeal Obamacare's taxes and spending, effective a few years from now. They say that would give Republicans time to come up with a viable bill.

It is a terrible strategy. It would require moderates to vote for a bill that involved a greater reduction in the insurance rolls than the one they just rejected. It would require conservatives to vote for a bill that did less to relax Obamacare's regulations — more precisely, that did nothing — than the one they just killed. And it would be premised on the prospect of a Republican

but to try to legislate piecemeal changes the old-fashioned way — with hearings, open debate and even a measure of bipartisanship.

That's probably too optimistic. But as McConnell warned a few weeks

ago, they may have no alternative. They've tried everything else and failed.

agreement on replacement that they would have just quit trying to reach.

00:54

Trump, Putin met for second, undisclosed time at G20 summit

There is an alternative, if not a very satisfying one. Republicans seem to be able to achieve near-unity on ending the individual mandate, allowing insurers to offer discounts for younger people, protecting taxpayers from having to subsidize abortion coverage, and giving states some freedom to relax regulations. They should work for legislation that achieves these goals and includes as much Medicaid reform as 50 senators are prepared to tolerate.

Republicans should not claim that such legislation would repeal and replace Obamacare, since it would not, and should make it clear that additional legislation will be needed in the future. The conservative holdouts should be prepared to judge this limited legislation based

on whether it gives people more freedom to choose the health insurance they want, not on whether it does everything for which Republicans have been campaigning over the last seven years.

Whether more taxpayer money should be given to insurance companies to stabilize Obamacare's markets, as Democrats will surely demand, should be left to another piece of legislation. Republicans should be open to passing it, given the continuation of Obamacare, but only in return for more reforms.

It has become painfully clear that Republicans do not have sufficient consensus to move us definitively away from the Obamacare model of health policy. That frustrating fact should not be an excuse for accomplishing nothing.

**The  
New York  
Times**

## Kasich : John Kasich: The Way Forward on Health Care

John Kasich

healthy, confront addiction and get work.

Despite weeks of hard effort, the Senate plan was rejected by governors in both parties because of its unsustainable reductions to Medicaid. Cutting these funds without giving states the flexibility to innovate and manage those cuts is a serious blow to states' fiscal health at a time when most — Ohio included — are feeling headwinds from a softening national economy. And, unlike the federal government, states must balance their budgets. Particularly problematic was the bill's failure to adequately meet addiction and mental health needs — which often occur together. Diverting funds away from the comprehensive, integrated physical and mental health care that is proving effective is a step backward.

The Senate plan also failed to repair Obamacare's damage to the insurance markets. Insufficient tax credits would make coverage unaffordable for many lower income Americans: Two of the subsidies in the bill would be temporary and a third would likely be unsustainably underfunded. Congress should avoid doing anything likely to cause

further instability in the huge and complex private insurance market.

In the uncertainty created by the Senate plan's collapse, Congress should guard against a hasty next step. Just taking up the fatally flawed House plan is not an answer, and this idea should be immediately rejected for the same reasons senators rejected the Senate's own proposal. Also, simply repealing Obamacare without having a workable replacement is just as bad. Both would simply yank health coverage out from under millions of Americans who have no other alternative.

After two failed attempts at reform, the next step is clear: Congress should first focus on fixing the Obamacare exchanges before it takes on Medicaid. If we want to move Americans off Medicaid, there must be somewhere stable for them to go. For all its faults, at least Medicaid is currently a stable system for those who need it. The exchanges are anything but, and need immediate improvements.

One vital improvement would be to provide adequate tax credits, which would help keep health plans in the individual market and encourage — not undermine — robust

competition. Companies should also be required to continue following reasonable guardrails like ensuring minimum coverage that is genuinely useful and covers pre-existing conditions. Once we see these repairs taking hold, Congress should then take up needed improvements to Medicaid as part of comprehensive entitlement reform.

States are willing to assume greater financial risk by transitioning to a block grant or per-capita cap, but will also need new flexibilities, such as tools to manage the rising cost of pharmaceuticals — the fastest growing component of Medicaid. And states cannot expect the federal government to continue paying 90 percent of Medicaid expansion costs given our nation's historic debt; they must accept a gradual return to traditional cost-sharing levels.

Finally, we can never truly fix the rising cost of health care unless we start paying for value rather than volume. We are making this transition in Ohio by paying physicians for providing better care, not simply more care, in order to pursue better health outcomes.

Gov. John Kasich of Ohio, right, with Gov. John Hickenlooper of Colorado during a news conference about the Republican health care legislation last month. Carolyn Kaster/Associated Press

Columbus — Washington's approach to health care over the past decade is yet another example of our lawmakers' increasing distance from the rest of America. First one party rams through a rigid, convoluted plan that drives up costs through unsustainable mechanisms that are now unraveling. Then the other party pursues fixes that go too far the other way — and again ignores ideas from the other side.

Neither extreme is cutting it, and the quick opposition that doomed the Senate plan reflects how unacceptable its ideas are to so many. The American people want and deserve reasonable, balanced, sustainable health care so that they can live without the fear of bankruptcy if they get sick, our most vulnerable neighbors are treated with compassion and those who seek to improve their lives can get

In resetting health care reform in these ways — and I don't rule out that other, balanced approaches bear consideration also — Congress can surmount the fatal flaws of both Obamacare and the current approaches: the reflection of a single partisan point of view. Health care policy is only partisan in the abstract. When you or your

loved one is sick and needs care, ideology is irrelevant; getting well is all that matters. That same common sense must be reflected in the way we fix Obamacare. Another one-sided plan, driven hard by one party against the wishes of another, can never succeed because it will essentially maintain the status quo:

partisan opposition and no real solutions.

The best next step is for members of both parties to ignore the fear of criticism that can come from reaching across the aisle and put pencil to pad on these and other ideas that repair health care in real, sustainable ways. America needs it,

and I know that a bipartisan group of governors, including myself, stands ready to help in any way we can to provide an affordable, sustainable and responsible system of health care for the American people.



## Stewart :Congress, fix health care or face wrath in 2018

(CNN)Repeal and delay doesn't have quite the same ring to it as repeal and replace, but that appears to be where we are on health care.

After seven years of Republicans' campaigning on overhauling Obamacare, the current Senate health care plan is dead on arrival. The reality is, as Vice President Pence put it, "inaction is not an option." Given the current crumbling state of our health care system, action is indeed needed -- but it must be the right action, or there will be an election reckoning in 2018.

On Tuesday, Senate Majority Leader Mitch McConnell called for a repeal of Obamacare and set a two year deadline on replacement. This was not the right action: it is a tough sell and an uphill battle that would require both Republican and Democratic support. Already three Republican senators responded that they would oppose that procedural step as written.

The truth is, Senate leadership needs to start fresh and work with conservative and moderate Republicans,

Senate Democrats and state governors to provide lower cost and greater access to health care.

And lower premiums are a must in any new legislation. Access without affordability will not work -- if you walk into a Lamborghini showroom and can't afford to buy the car, you really don't have access to a sports car.

McConnell has urged Democrats to "consider what they're celebrating" with the current health care setback, because "the American people are hurting."

He's right about that: I have traveled this country on presidential campaign stops and heard personal stories of health care struggles under Obamacare. People want and deserve change; they are frustrated with the partisan gridlock. As Pence said, "Congress needs to do their job now."

But posturing Democrats have given up on any attempt at fixing the broken system. Last month Hillary Clinton labeled the Republican Party "the death party," Senator Elizabeth Warren, D-Massachusetts, referred to a policy

that puts money back in taxpayers' pockets as "blood money," and one Hollywood director even went so far as to call McConnell and President Trump terrorists. This rhetoric shows how out of touch Democrats are with the failure of the current health care system.

Furthermore, one third of US counties currently have access to just one insurer on the government-run exchanges, and some areas of the country don't have a single provider. Insurers are leaving the markets at a breakneck pace. How do you provide affordable health insurance when the plans simply don't exist?

Anthem recently announced it would leave the marketplace in Ohio in 2018, and Blue Cross Blue Shield said it would pull out of Missouri. Meanwhile, Senators Sherrod Brown, D-Ohio, and Claire McCaskill, D-Missouri, have chosen to sit on their hands, heckling from the sidelines, instead of opting for change that will help their very constituents.

Rather than acknowledge the devastating impact Obamacare is

having on Americans across the country, Democrats have created an environment in Washington that has made it nearly impossible to get anything done.

Republicans saw the writing on the wall when Obamacare was passed in 2010. They knew it wouldn't work; that's why they campaigned for seven years on the promise that they would repeal and replace President Barack Obama's hallmark legislation.

This promise motivated millions of voters across the country to give Republicans control of Washington to fix the disaster Obamacare caused. It's now their responsibility to deliver meaningful legislation that will lead to lower cost and higher quality healthcare.

All options are still on the table, and it is incumbent on Republicans and Democrats together to deliver the relief that the American people so desperately need. If their voices are not heard now on health care, they will be heard in the midterm elections.

## POLITICO Obamacare repeal could haunt Senate Republicans in 2020

Kyle Cheney

Obamacare dogged Democrats for years at the polls, toppling their congressional majorities and stoking partisan fires that still burn in Washington. But if Republicans are ultimately able to pass their own health care plan, they will face their own repercussions — and some will hit at a painful time.

Like the 2010 health care law, the GOP bill would not take effect all at once. Many of the most politically tricky provisions are staggered over the coming years and would hit right as a promising group of freshmen Republican senators come up for reelection in 2020.

That reality may complicate Senate Majority Leader Mitch McConnell's efforts to find 50 votes to repeal Obamacare, also known as the Affordable Care Act. It's not just vulnerable GOP senators up for

reelection next year — like Dean Heller of Nevada — that McConnell has to worry about. It's those like Cory Gardner of Colorado, Shelley Moore Capito of West Virginia and Joni Ernst of Iowa who will face voters in 2020.

In an interview after the latest version of the bill was released last week, Gardner reacted cautiously and noted his interest in easing any transition to a new health care system.

"It's been a major focus point of mine that we talk about the glide path that we're on, making sure states have the flexibility they need to keep Medicaid sustainable," Gardner said.

A series of controversial policy shifts will take effect in the coming years if McConnell is able to scrounge up the votes. In 2019, insurers could begin charging older customers higher premiums than they're permitted to under

Obamacare. In 2020, the plan would overhaul Obamacare's tax credits, lowering or nixing payouts for some customers. And that year, state governments would begin assessing the impact of steep Medicaid spending reductions, slated to begin in 2021.

Democrats say they'll be ready to pounce.

"If they pass the bill, they're screwed," said Howard Dean, former chairman of the Democratic National Committee. "If you're the Republican leadership, you don't want these people to take a vote that's going to kill them."

Republicans are divided on just how difficult the politics of implementing their health care plan might prove. Though there's widespread agreement that Obamacare created a multiyear problem for Democrats, failing to act on a long-promised GOP replacement could be worse for Republicans than leaving the

Democratic law untouched, they argue.

"I think the larger danger is from the base. They are infuriated with Washington," said Barry Bennett, a top adviser on President Donald Trump's 2016 campaign. "If you start being seen as part of the problem, then all the enthusiasm leaks out."

Josh Holmes, a veteran GOP political strategist and former chief of staff to McConnell, also said Republicans needed to act because they control the executive and legislative branches and would suffer politically if they didn't address problems with health insurance markets under Obamacare.

But he acknowledged the bill's risks.

"There's no politically popular way to do big things anymore," Holmes said. "Whether it's health care, taxes, Social Security. They're

easily demagogued, and anything other than the status quo is scary.”

Republicans enjoy a favorable Senate map next year, defending only eight seats to Democrats’ 25, but the parties’ fortunes are set to reverse in 2020. Republicans will have to hold on to 22 Senate seats that year, compared with 11 for Democrats.

Democrats were punished at the polls in 2010 immediately after they passed Obamacare but presumed the law would grow more popular over time. Instead, unintended consequences, like the crash and failure of the law’s enrollment website in 2013 and the waves of insurance policy cancellations that rattled consumers, revived angst surrounding the law.

“There is every reason to believe that ahead of the 2020 elections there will be even more implications that are tangible and being felt by voters in terms of rate increases,” one Democratic operative tracking the bill said, addressing future strategy on condition of anonymity. “Democrats will hold Republican senators accountable for this toxic health care proposal that spikes costs and strips coverage for hardworking Americans at every stage of this election cycle, and for years to come.”

Gardner, who is publicly undecided on the bill, is in perhaps the trickiest position for that

class of Senate Republicans. He hails from a state Hillary Clinton won in 2016, and recent polls suggest Coloradans are deeply opposed to the repeal bill. Rep. Mike Coffman (R-Colo.), who is perennially targeted by Democrats, was one of the few GOP votes against a House version of the plan.

But Gardner is also chairing the National Republican Senatorial Committee, charged with electing more Republican senators in 2018, which makes bucking the party a more challenging proposition.

Gardner’s backers in Colorado say it’s important that he’s seen as central to the health care debate rather than on the sidelines, even if he votes for the bill and against popular opinion.

“[Voters] don’t have to always agree with you, but they have to see you fighting,” said Ryan Call, former chairman of the Colorado GOP, who ran the party when Gardner was elected in 2014. “I think voters in Colorado appreciate the fact that he’s so engaged in trying to fix and promote legislation” rather than “sit back and try to take advantage of the way political winds are blowing.”

Several other Republicans elected in 2014 on promises to tear down Obamacare have also approached their leaders’ plan gingerly, including Thom Tillis of North Carolina and Steve Daines of Montana. Sen. Bill Cassidy (R-La.)

has sounded a more positive note lately but has also pitched an alternative plan that has buy-in from some moderate lawmakers.

Ernst sought her constituents’ feedback last month after declining to immediately endorse the first version of the repeal bill; after the modified bill was released last week, Ernst said she was still “working on” its treatment of Medicaid, which would see more than \$700 billion in cuts over a decade.

If a single additional Republican joins Sens. Susan Collins (R-Maine) and Rand Paul (R-Ky.) — both of whom already oppose the measure — the bill is likely dead.

Many of the states where GOP senators will seek reelection in 2020 have accepted Obamacare’s massive expansion of Medicaid, which would be phased out under the Senate GOP plan. Though that phaseout wouldn’t begin until 2021, it would force tough choices much sooner for state governments, which would have to make decisions about Medicaid eligibility and possible cuts as fewer dollars come in from Washington.

But the bill is also facing pressure from the right. Paul opposes it because, he says, it doesn’t do enough to rip Obamacare’s architecture from the books.

Steve Deace, an influential conservative Iowa radio host, said senators facing reelection could face blowback if grass-roots conservatives perceived they passed a plan that was less than a full repeal of Obamacare.

“Republicans ... owe some significant percentage of the offices they currently hold to their promise to repeal it,” he said. “So here’s the question they should be asking themselves: If voters decimated Democrats for imposing Obamacare, what are they gonna do next year to the party which broke a nine-year promise to get rid of it?”

GOP leaders are constrained in how closely they can consider the political fortunes of senators beyond the immediate election cycle, said Tevi Troy, a veteran GOP health care adviser to presidential campaigns and a senior official in the George W. Bush administration.

“Every law has to go into effect at some point. As long as the implementation timetables are realistic for the agencies to manage, the politics work out in the wash,” he said. “The ultimate hope is that the new program will be successful, popular, and/or hard to get rid of so that these short-term implementation-date questions won’t matter.”

## Bauer : GOP Health-Care Bill: Small Ball Can Sometimes Work

5-7 minutes

*Focus on expanding health-care options:* We live in a time of great socioeconomic anxiety (which is one of the reasons why Donald Trump was elected president), and because of this anxiety, voters have an increased wariness of any measure that would appear to cut health-care spending. Pushing through spending cuts on health care not only unifies the Democratic caucus, it also splits the Republican one. For a number of reasons, Republicans are at their weakest when they try to govern as the party of austerity, but they are in a far stronger position as the party of the market. There are plenty of steps that Republicans could take to make the medical marketplace more flexible and fluid: diversify medical licensing, increase access to medications, eliminate cartel-like behavior in the medical industry, allow a broader range of insurance products to be sold, and so forth. A proposal that retains many of the ACA’s medical subsidies while also expanding and diversifying the health-care marketplace could prove popular while also advancing the principles of the market.

*Go bipartisan:* On health care, 60 votes might be easier to get than 50. Trying to push through health-care reform on a party-line vote limits Republicans to reconciliation, which means that their efforts at health-care reform will mostly have to be confined to finance, which is precisely the most politically toxic area for the GOP. The Democratic party might have partisan incentives to frustrate any prospect of legislative accomplishment for Republicans, but Democratic centrists might have a hard time resisting middle-of-the-road, market-oriented proposals to expand the range of health-care options. For example, proposals to increase funding for medical residencies, expand the range of over-the-counter medications and devices, and eliminate certificate-of-need laws could get strong bipartisan buy-in.

*Remember that entitlement reform is distinct from health-care reform:* Even under the best of circumstances, entitlement reform is a tightrope walk, but party-line entitlement reform is walking the tightrope while juggling chainsaws.

Democrats took that walk in 2010 with the passage of the Affordable Care Act, and the party has some bloody stumps to show for it. Republicans are quite reasonable to want to avoid similar self-inflicted mayhem. Because entitlement reform can be so dangerous, Republicans might have to make a choice between trying to include entitlement reform as part of the health-care bill and passing a health-care bill at all. Medicaid could certainly stand reforming, but that reform will need some sign-off from congressional Democrats.

*Expand the legislative map:* There are many paths ahead for Republicans. They could try a return to repeal-and-delay. This strategy might face a tough legislative road, however; it seems unlikely that the GOP has 50 votes for repeal-and-delay. This strategy also only postpones an argument about what reforms will be necessary in the aftermath of the ACA, and if Republicans can’t put health-care reform in place before the period of delay, they will be held responsible by the public for all the ills that happen after the delay period. They

As the dust settles around the wreckage of the latest Senate Republican effort to “repeal” and replace the Affordable Care Act, learning from political failures should take priority over placing blame. Deep structural issues have caused Republicans to continue to struggle on health care, and addressing those issues will be a way to make a health-care-reform effort that will be more popular and deliver on key policy goals. Here are five lessons that might be learned:

*Make the health-care debate about the future — not the past.* The goal of the GOP on health care should not be turning the clock back to 2009, but improving medical care for 2017. Redressing some of the failures of the ACA will be part of that process of improvement, but eliminating the ACA alone will not be enough from a policy perspective (and, for the moment, that elimination seems fairly dead as a policy option).

might also try, as Ross Douthat has suggested, going small-bore on health care by making minor but popular modifications to the ACA. More targeted measures might slowly advance the ball in the right direction (a far better option than giving the other team an easy interception). Perhaps they could consider the proposal by Lindsey Graham and Bill Cassidy to distribute federal

funds to the states and let them design their own health-care systems: Some might be more statist, while others might embrace free-market principles. And Wyden-Bennett, an old proposal from the pre-ACA era with a strong bipartisan credentials, might remain an option, too.

More targeted measures might slowly advance the ball in the right

direction (a far better option than giving the other team an easy interception).

The debate over health-care reform has now dominated the first quarter of the 115th Congress. Much of this debate has been about how to stand the political pain of passing an unpopular bill on a party-line

vote. With some imagination and legislative diligence, though, Republicans could find themselves in the much better position of trying to share the credit for making measurable improvements to the health-care system.



## Louis : How Congress can come back after health care humiliation

(CNN)It turns out that Senate Majority Leader Mitch McConnell, one of the shrewdest legislative mechanics on Capitol Hill, can't round up enough of his fellow Republicans to repeal and replace Obamacare on a straight party-line vote.

That might mean that full repeal won't happen, despite GOP promises that it will. But it also opens up the possibility of a compromise with Democrats that the Republicans should seriously consider.

Our complex, expensive health care system has plenty of room for reforms that members of both parties could, in theory, support.

Here are some ideas that might allow both sides to declare a partial victory.

Some Republican leaders -- notably President Donald Trump in his joint address to Congress

given earlier this year -- have called for health insurance companies to be allowed to sell policies across state lines. It's not entirely clear that

interstate competition would lower premium prices. As one conservative scholar has suggested, "No one should be under the illusion you can dramatically lower the cost of insurance in Los Angeles if you buy an Arkansas policy."

But allowing more competition would let free-market conservatives boast about increasing individual choice while dialing back government regulation. Across the aisle, interstate insurance would also give Democrats an answer to critics who point out that Obamacare has led to insurance companies abandoning local markets.

Another area ripe for deal making is the cost of prescription drugs, which have remained high thanks to a political decision by Democrats in 2009 to exempt the pharmaceutical industry from the kinds of sweeping mandates imposed elsewhere in the health care system. At the time, the Obama administration and congressional Democrats made a deal: drugmakers would not oppose Obamacare, and in exchange the final package did not put limits on

drug prices, which have continued rising for nearly a decade.

A re-examination of the question could yield surprisingly bipartisan agreement. Allowing groups of Americans -- or the government itself, through the Medicare program -- to negotiate reduced drug prices would be wildly popular, especially with seniors who benefit from Medicare. And earlier this year, a related bill that would allow the importation of cheaper Canadian drugs -- a bill introduced by none other than Sen. Bernie Sanders -- even got 12 Republican votes.

A third area of common ground is a reduction or repeal of the so-called Cadillac tax, a special levy on insurance plans that provide comprehensive, top-level benefits. Many labor unions offer such plans, and are up in arms over a tax that could increase the cost of insurance by a whopping 40% in a few years. Anti-tax Republicans and union-backed Democrats can probably find agreement on the need to dial back the tax.

Now while there's a great deal of potential for agreement on

substance, the real challenge for the Senate is the politics.

Even before the defections that doomed the latest bill, McConnell signaled he's ready to cut a deal with Democrats. But even mild gestures in the direction of compromise drew a furious response from influential conservative groups like Heritage Action for America, which warned: "If the Republican Party wants to work with Democrats to bail out Obamacare, the results will be catastrophic for the party. For seven years it has pledged it is the party of repeal and now is the time to work toward that goal."

That kind of apocalyptic drawing of lines in the sand is exactly why the GOP is now stuck in a rut. If McConnell hopes to salvage some combination of reform, repeal or replacement of Obamacare, he'll need to tell everyone -- the President, the public and the party's conservative base -- that when it comes to changing the regulations that cover almost one-sixth of the economy-- compromise is a necessity, not an option.



## Galtson : Turns Out Governing Is Hard

William A. Galston

At a meeting with GOP senators on Monday night, President Trump reportedly said that Republicans would look like "dopes" if they couldn't pass a health-care bill. "If the Republicans have the House, the Senate and the presidency and they can't pass this health-care bill, they are going to look weak," Politico reports Mr. Trump said. "How can we not do this after promising it for years?"

I don't often agree with Mr. Trump, but I do this time. He has posed a fair question that requires an answer.

Here's my crack at an explanation: Campaigning is one thing, governing another. Opposing is not the same as legislating.

Republicans had seven years to coalesce around a replacement for Obama Care, and they wasted them. The bill they passed in 2015 was for show; they knew that President Obama would veto it and that they would not have to take responsibility for its consequences. Republicans are a majority party, but they have yet to prove that they are a governing party.

After Senate Majority Leader Mitch McConnell's effort to broker a compromise collapsed Monday evening, the president tweeted that "Republicans should just REPEAL failing Obamacare now & work on a new Healthcare Plan that will start from a clean slate." In a burst of enthusiastic fantasy, he added that "Dems will join!"

No, they won't, and some Republicans won't either. Just hours after Mr. McConnell declared his

intention to bring the bill the House passed earlier this year to the floor and then move the 2015 bill as the first amendment, Republican Sens. Susan Collins of Maine, Shelley Moore Capito of West Virginia and Lisa Murkowski of Alaska announced their opposition, refusing to repeal ObamaCare without simultaneously replacing it.

"I did not come to Washington to hurt people," Ms. Capito said. "I cannot vote to repeal ObamaCare without a replacement plan that addresses my concerns and the needs of West Virginians."

Although these three senators were out in front, I doubt they were speaking only for themselves. In 2015 the Congressional Budget Office estimated that the ObamaCare repeal plan passed by the Senate would result in lost insurance coverage for 22 million

Americans if enacted. Republicans are already concerned about the coverage losses their current proposals would produce. Why would they back repeal legislation that would do no better while throwing the entire health-care sector into turmoil until they were able to agree on a replacement?

There is a way forward, and Mr. McConnell has pointed to it. Republicans and Democrats could sit down together to negotiate much-needed fixes to ObamaCare's troubled health-insurance exchanges. With even a modicum of goodwill on both sides, this would not be "Mission: Impossible."

Along with bipartisanship, Mr. McConnell should do what he promised—return the Senate to regular order. Explaining his decision to deliver the coup de grâce to the McConnell bill, Kansas

Sen. Jerry Moran criticized the “closed-door process” that had produced the bill and called on his party’s leaders to “start fresh with an open legislative process.” I suspect the American people would welcome this shift.

This episode reveals some larger truths. One is that the Republican coalition disagrees on fundamentals. Small-government conservatives want to reduce spending and cut regulations as a matter of principle, and they are willing to accept the human and political consequences. Others—for

whom Sen. Capito spoke—focus on the needs of their constituents. Although they prefer market solutions, they are willing to accept public-sector action when markets fail—even if this means a permanent expansion of government.

Last month the Urban Institute estimated that more than 200,000 of Ms. Capito’s constituents would lose access to health care if the Senate bill became law. The bill’s draconian cuts to Medicaid would have driven these losses, and the working-class West Virginians who

voted for Donald Trump in droves would have been hit the hardest. Low-income Americans just don’t earn enough to purchase health insurance in the private market. This reality—not abstractions about the role of government—drove her choice.

In addition, the United States has an aging population. In coming decades, tens of millions more elderly Americans will need help with the normal activities of daily life, and many will end up in nursing homes. Most Americans of average income will be unable to save

enough to afford more than a few months in such institutions, let alone the years that many end up staying. This is why Medicaid finances a large share of nursing-home costs—and why these outlays are bound to rise for the foreseeable future.

Yes, reforms are possible. But more than anything else, it is hard-to-change economic realities and immutable demographic trends that drive federal government expenditures. Sooner or later, Republicans will have to make their peace with these stubborn facts.

## **The New York Times** Guest List at Donald Trump Jr.’s Meeting With Russian Expands Again

Sharon LaFraniere and Adam Goldman

participants, according to a person familiar with the inquiry.

Mr. Kaveladze’s attendance also deepens questions about the apparent failure of Trump campaign officials to vet participants’ backgrounds. Several have said they strolled into Trump Tower without being asked for identification; no log of visitors was kept, and one participant said he received an impromptu invitation a few hours before the meeting.

The White House initially described the meeting as a brief chat with a Russian lobbyist interested in a once-obscure law called the Magnitsky Act. But accounts of how the meeting was arranged, who was involved and what was discussed have shifted repeatedly since The New York Times revealed the existence of the meeting this month.

In an email to the younger Mr. Trump, a publicist linked to Aras Agalarov — a Russian real estate magnate who has been honored by the Kremlin — promised damaging, sensitive information about Hillary Clinton as “part of Russia and its government’s support for Mr. Trump.”

The participants at the meeting, which took place soon after Mr. Trump clinched the Republican nomination, now number eight. Besides Donald Trump Jr., the Trump officials at the meeting were Jared Kushner, the president’s son-in-law, and Paul J. Manafort, the campaign chairman at the time. The visitors included Rinat Akhmetshin, a Russian-born lobbyist who has spoken openly of his past as a Soviet intelligence officer and was accused of hacking one company’s computer system in American lawsuits that were later withdrawn.

Besides an interpreter, the others who traveled to Trump Tower that

day were tied in some way to Mr. Agalarov and his son, Emin. The elder Mr. Agalarov provided the venue where Mr. Trump held the Miss Universe pageant in Moscow in 2013, and his son Emin has remained friendly with Mr. Trump and his family.

Mr. Balber, the lawyer, represents not only Mr. Kaveladze but also the Agalarov family. Court records show he has also represented President Trump in two cases.

Mr. Kaveladze, who works as the United States-based financial officer for Aras Agalarov’s real estate company, attended as the family’s emissary “just to make sure it happened and to serve as an interpreter if necessary,” Mr. Balber said.

He said Mr. Agalarov arranged the meeting as a favor to a Russian lawyer, Natalia Veselnitskaya, who has worked with Mr. Agalarov on real-estate deals. Ms. Veselnitskaya also attended the meeting, as did Rob Goldstone, who wrote the email and is a publicist for Emin Agalarov.

Mr. Kaveladze had an especially colorful background. Born in the Soviet republic of Georgia, he graduated from the Moscow Finance Academy in 1989. He moved to the United States two years later, eventually becoming an American citizen, his lawyer said.

He set up several companies providing corporate services, including one based in New Jersey. In 2000, investigators for the General Accounting Office, now known as the Government Accountability Office, began looking into his activities.

They found that he had helped 50 Russians obtain Citibank credit cards, using his company’s address each time. He set up more than 2,000 corporations in Delaware for

Russian intermediaries without knowing who owned the firms, the inquiry found. And at Citibank alone, he opened 136 American accounts for Russian clients who moved more than \$560 million through those accounts to overseas destinations, investigators said.

Mr. Balber said Mr. Kaveladze was never accused of any wrongdoing and was providing a legitimate financial service. “Nothing ever came of it. Even the banks were not disciplined,” he said.

The inquiry concluded that it was fairly easy for foreigners to hide their identities and launder their funds through the United States. Carl Levin, then a Democratic senator from Michigan, said at the time that he would forward the report’s findings to the Justice Department for possible criminal investigation, as well as to regulatory agencies. In an interview Tuesday, he said Mr. Kaveladze was “the poster child” of the money-laundering schemes.

At some point after the G.A.O. report came out, Mr. Kaveladze, nicknamed Ike, went to work as a financial officer for Mr. Agalarov’s real estate firm, Crocus Group. He also began importing Russian wines to the United States.

Mr. Mueller’s team believes all the meeting participants have now been identified, according to a person familiar with the inquiry. Mr. Balber, the lawyer, said Mr. Kaveladze would cooperate fully with Mr. Mueller’s inquiry.

Asked if there were more mystery guests to be revealed, Mr. Balber gave a short laugh and said: “No. These are the eight.”

Donald Trump Jr. at the Republican National Convention in Cleveland last year. Another person has been identified as attending a meeting in June 2016 for Mr. Trump to receive information about Hillary Clinton from a Russian lawyer. Sam Hodgson for The New York Times

WASHINGTON — Seventeen years ago, congressional investigators looking into money laundering stumbled upon an obscure Soviet-born financier who offered special services to his Russian clients. He had opened 2,000 companies in Delaware and more than 100 bank accounts for Russian clients who moved hundreds of millions of dollars through those accounts to overseas destinations, they found.

On Tuesday, that man, Irakly Kaveladze, resurfaced as the latest foreign guest on the ever-expanding list of participants at the June 2016 meeting where Donald Trump Jr. and other Trump campaign officials were hoping to get damaging information about Hillary Clinton.

Mr. Kaveladze’s lawyer, Scott S. Balber, said he was there to represent a prominent Russian family that had arranged the meeting, whose varied cast of characters includes at least one other Russian with a checkered past.

His presence is of significant interest to Robert S. Mueller III, the special counsel who is investigating allegations of Russian interference in the 2016 election and possible obstruction of justice by President Trump. Mr. Mueller’s office contacted Mr. Kaveladze this past weekend to request an interview, and investigators there are also eager to talk to all the other meeting

## UNE - Eighth person in Trump Tower meeting is identified

A U.S.-based employee of a Russian real estate company took part in a June 2016 Trump Tower meeting between a Russian lawyer and Donald Trump Jr., bringing to eight the number of known participants at the session that has emerged as a key focus of the investigation of the Trump campaign's interactions with Russians.

Ike Kaveladze attended the meeting as a representative of Aras and Emin Agalarov, the father-and-son Russian developers who hosted the Trump-owned Miss Universe pageant in Moscow in 2013, according to Scott Balber, an attorney for the Agalarovs who said he also represents Kaveladze.

Balber said Tuesday that he had received a phone call over the weekend from a representative of special counsel Robert S. Mueller III asking whether Kaveladze would agree to be interviewed. Balber said his client would cooperate.

The request is the first public indication that Mueller's team is investigating the meeting.

The presence of Kaveladze at the Trump Tower meeting introduces a new and intriguing figure into the increasingly complex Trump-Russia drama. A native of the Soviet republic of Georgia who came to the United States in 1991, Kaveladze was the subject nearly two decades ago of a congressional inquiry into Russian money laundering in U.S. banks, although he was never charged with a crime and Balber said there was never any sign of wrongdoing by Kaveladze.

The emergence of new information on Tuesday — some 10 days after the Trump Tower meeting was first reported — underscored how details of the session have been slow to emerge amid incomplete and potentially misleading explanations from Trump Jr.

After the New York Times first reported the meeting, Trump Jr. said only that the lawyer had primarily discussed the adoption of Russian children by Americans.

More information about the meeting and its participants has emerged since July 11, when Trump Jr. said he wished to be "transparent" and released emails dating to June 2016 between himself and Rob Goldstone, a music promoter who represented Emin Agalarov, a Russian pop singer, setting up the meeting.

*[Here's what we know so far about Team Trump's ties to Russian interests]*

Those emails revealed that Trump Jr. had agreed to meet with the Russian lawyer on the promise that he would be provided damaging information about Democratic candidate Hillary Clinton as part of a Russian government effort to help his father's presidential campaign, according to emails released by Trump Jr. last week.

Trump Jr.'s acknowledgment of the meeting undercut months of denials from top Trump aides that campaign officials had any contact with Russians before the November election.

The meeting brought together then-candidate Donald Trump's innermost circle, including son-in-law Jared Kushner and top campaign adviser Paul Manafort, as well as a Russian and Russian Americans with deep ties to Trump's business and the priorities of the Russian government. Goldstone, the music promoter, told The Washington Post that he also attended.

The Russian lawyer, Natalia Veselnitskaya, was leading an effort to get Congress to lift sanctions imposed in 2012 to punish Russia for human rights abuses, a topic of deep importance to the Russian government. Angered over the law, called the Magnitsky Act, Russia had put a hold on adoptions of children by U.S. families.

Also present at the meeting was Rinat Akhmetshin, a Soviet army veteran whose military service in the 1980s came in a unit whose responsibilities included counterintelligence. Now a Russian American lobbyist, he has earned a reputation as a savvy political operator, at times boosting the reputation of his clients by sullyng the reputations of their enemies. He has denied working for the Russian government or intelligence services.

Kaveladze came to the meeting as a representative of the Agalarov family, business associates of Donald Trump who were also a key tie between the Trump family and Russia in the years before Trump began his campaign.

Trump and Aras Agalarov had discussed building a Trump Tower in Moscow, but plans fizzled after Western sanctions were imposed in 2014 and the Russian economy tanked, the elder Agalarov told The Post last year.

Alan Futerfas, Trump Jr.'s attorney, did not respond to requests for comment Tuesday about the presence of Kaveladze, nor did a spokesman for Kushner. An attorney for Manafort declined to comment.

Kaveladze works as a vice president focusing on real estate and finance for the Agalarovs' company, the Crocus Group, Balber said.

Balber said that Aras Agalarov asked Kaveladze to attend on his behalf. Kaveladze is a U.S. citizen and has lived in this country for many years, according to Balber.

Balber said Kaveladze believed he would act as a translator but arrived to discover that Veselnitskaya had brought her own translator, a former State Department employee named Anatoli Samochnov. Samochnov declined to comment, citing a nondisclosure agreement he signed as a professional translator.

Balber said that he thinks eight people attended the meeting and that the names of all the participants are now known to the public.

*[Russian American lobbyist was present at Trump Jr.'s meeting with Kremlin-connected lawyer]*

Balber said Kaveladze recalls the meeting lasted about 30 minutes and mostly involved discussion of the 2012 sanctions law. In attending the meeting, Kaveladze brought a history of controversy.

In 2000, his actions as the head of a Delaware company called International Business Creations were the subject of a congressional investigation of how Russians and other foreigners were able to launder large amounts of money through U.S. banks.

The Government Accountability Office report, which had been requested by then-Sen. Carl Levin (D-Mich.), concluded that it was "relatively easy" for these foreigners to use shell companies to open U.S. bank accounts and route hidden money through the American financial system.

The report described the activities of IBC's president, who Balber confirmed was Kaveladze.

Balber said Kaveladze was not charged with any crime as a result of the inquiry, which he said was largely focused on the internal procedures of U.S. banks.

"There has never been any indication that he did anything

wrong," Balber said. "From his perspective, it was a big nothing."

But Levin, who at the time was the senior Democrat on a Senate investigations subcommittee and retired in 2014, issued a statement Tuesday calling Kaveladze a "poster child" of the practice of using shell companies to launder funds and that the inquiry helped spark reforms.

"Kaveladze's conduct helped us reinvigorate the requirement that banks know the true owner of their accounts, a policy that hadn't been enforced over the years," Levin said.

Balber called Levin's comments "outrageous. ... the reality is that what my client did was unequivocally and undeniably legal."

According to the GAO, Kaveladze opened 236 bank accounts in the United States for corporations formed in Delaware on behalf of mostly Russian brokers. The GAO report said that Kaveladze had told officers of two U.S. banks that he had conducted investigations of the Russian companies for which he opened accounts.

"He admitted to us that he made such representations to the banks but that he in fact had not investigated the companies," the report said. Balber objected to this part of the report, saying, "I take issue with this," adding that his client did not make such a statement to the GAO.

All told, the report traced the movement of \$1.4 billion in wire-transfer transactions deposited into 236 accounts opened at the two banks, Citibank and Commercial Bank.

What exactly was discussed at the 2016 Trump Tower meeting remains unclear.

Akhmetshin told The Post that Veselnitskaya spent a portion of the meeting describing "a great campaign issue" for the Trumps — allegations of Russian tax improprieties by a U.S. venture capital firm whose executives were political donors. One of them had donated to the Clinton Global Initiative, an arm of the foundation established by former president Bill Clinton that became a target for Republicans who accused the Clintons of rewarding donors with political favors.

Akhmetshin said that Veselnitskaya left behind a document with the Trump associates describing the

allegations. "It was corporate stuff — lawyerly stuff," Akhmetshin said.

The venture capital firm, Ziff Brothers Investments, had a financial stake in Hermitage Capital,

whose chief executive became the leading global advocate of the Magnitsky Act, which was named for a former Hermitage auditor who died in a Russian jail under suspicious circumstances.

A spokesman for Ziff Brothers Investments, Michael Freitag, declined to comment.

Trump Jr. has said Veselnitskaya's information was "vague" and "made

no sense," and he decided the offer of damaging information about Democrats was a pretense to secure the meeting to discuss sanctions.

**THE WALL  
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Rebecca Ballhaus, Byron Tau and Aruna Viswanatha

## Special Counsel Is Investigating Trump Tower Meeting With Russians

Special Counsel Robert Mueller has contacted the eighth attendee at a meeting arranged by Donald Trump Jr. between top campaign aides and a Russian lawyer, marking the first public sign that Mr. Mueller's probe will examine the June 2016 gathering at Trump Tower in New York.

Mr. Mueller, a former director of the Federal Bureau of Investigation, has also cleared the way for President Donald Trump's eldest son and a senior campaign official to testify before Congress about the meeting, a senior Democratic senator said Tuesday.

The special counsel has contacted Ike Kaveladze, vice president at Crocus Group, a company run by Azerbaijani-Russian billionaire Aras Agalarov, who helped arrange the 2016 meeting, an attorney for Mr. Kaveladze confirmed. Mr. Mueller is investigating alleged Russian meddling in last year's presidential election and whether Mr. Trump's associates colluded with Moscow.

Mr. Kaveladze was asked by Mr. Agalarov to attend the meeting as an interpreter for the Russian lawyer, according to Scott Balber, the attorney who represents both Messrs. Kaveladze and Agalarov.

But the Russian lawyer, Natalia Veselnitskaya, brought her own interpreter, and Mr. Kaveladze "doesn't recall saying a single word at the meeting," Mr. Balber said.

Mr. Kaveladze is "fully cooperating" with the special counsel's probe but has yet to be interviewed, Mr. Balber said. Mr. Agalarov and his son, pop singer Emin, haven't been

approached by Mr. Mueller, he said.

Mr. Trump and his campaign aides have denied any collusion with Russia. The GOP president has also expressed skepticism about U.S. intelligence agencies' conclusion that Moscow sought to intervene during the campaign. Russian officials have denied doing so.

Donald Trump Jr. released emails last week showing he helped arrange the Trump Tower meeting to discuss allegedly damaging information about former Democratic presidential nominee Hillary Clinton. The meeting was also attended by Jared Kushner, Mr. Trump's son-in-law who was a senior campaign aide at the time and is now a top White House official, and Paul Manafort, then the campaign chairman.

On Tuesday, Sen. Dianne Feinstein (D., Calif.) said she had been informed Mr. Mueller wouldn't object to Donald Trump Jr. and Mr. Manafort testifying before the Senate Judiciary Committee.

"I am told that it is not a problem for the special counsel," Ms. Feinstein said.

A spokesman Mr. Mueller declined to comment. A spokesman for Republicans on the panel didn't respond to a request for comment, but Sen. Chuck Grassley (R., Iowa), the committee's chairman, previously said he would like to call attendees in front of the panel to shed new light on the June 2016 meeting. It is unclear whether the Senate also wants to hear from Mr. Kushner.

In an email to the younger Mr. Trump dated June 3, 2016, a British publicist said that a top Russian prosecutor had "offered to provide the Trump campaign with some

official documents and information that would incriminate Hillary and her dealings with Russia and would be very useful to your father."

The publicist said the prosecutor had communicated this offer to Mr. Agalarov, who along with his son organized the 2013 Miss Universe pageant in Moscow. At that time, Mr. Trump co-owned the pageant. The younger Mr. Trump replied to the email with the offer: "If it's what you say I love it."

Mr. Kaveladze was unaware of what would be discussed at the meeting until moments beforehand, when he met Ms. Veselnitskaya and was told "a little bit about this Magnitsky Act," Mr. Balber said. As he recalls it, the only thing discussed in the meeting was the act, a 2012 U.S. law that punishes Russian officials accused of human-rights violations, his lawyer said.

Donald Trump Jr. has said information about Mrs. Clinton was offered at the meeting but that it was of little value.

In his role at Crocus Group, a Russian development company, Mr. Kaveladze oversees international development projects, including "securing and structuring project investments and negotiating with Chinese and other international contractors," according to his website. He is a member of both the America-Georgia Business Council and the U.S.-Russia Business Council.

According to a business person formerly based in Moscow who has had dealings with Crocus Group, Mr. Kaveladze is "a total straight shooter. Very easy to deal with. Very low key, gets deals done for the family, no fuss, no ego."

The younger Mr. Trump initially said that the meeting's attendees

included himself, the lawyer, the British publicist and Messrs. Kushner and Manafort. It has since emerged that Rinat Akhmetshin, a Russian-born lobbyist who represents Russian interests in Washington, also attended the meeting, as well as a translator for Ms. Veselnitskaya.

Mr. Mueller is conducting a criminal investigation into matters related to Russia's alleged activity in the 2016 campaign. On Capitol Hill, several House and Senate committees have been running their own investigation.

Prosecutors typically don't want their witnesses commenting publicly while an investigation is under way because they could inadvertently say something to undermine the case. But the public interest surrounding the Russia investigation could shift the calculation for any prosecutor in favor of allowing testimony, former prosecutors said.

The younger Mr. Trump has also made several public statements about the meeting, which could make it difficult for prosecutors to argue for limiting his testimony before Congress.

Nearly two decades ago, Mr. Kaveladze was the subject of a congressional inquiry that found it was "relatively easy" for foreigners to launder money through U.S. banks using shell companies formed in the U.S. The inquiry found that Russians and other Eastern Europeans had moved more than \$1.4 billion through accounts opened by Mr. Kaveladze, who moved to the U.S. from Russia in 1991.

Mr. Kaveladze told the New York Times in 2000 that the investigation was a "witch hunt." He didn't return a request for comment on Tuesday.



## Schoenfeld : Donald Trump Jr. and the whiff of treason: Morally, he's in deep

"This is moving into perjury, false statements and even into potentially treason," Virginia Sen. Tim Kaine, D-Va., says of Donald Trump Jr.'s adventures among the Russians. "We understand why some are raising issues of treason," ethics lawyers Norman Eisen and Richard

Painter write in *The New York Times*.

A whiff of treason is in the air. But perhaps in their zeal to discredit Donald Trump, the Democrats and the liberal media are grotesquely overplaying their hand. That is what we're being told by a variety of

Trump defenders and even some Trump critics. Such talk, complains attorney Alan Dershowitz, is "overwrought."

As a legal matter, Dershowitz is certainly correct. The treason clause of the Constitution is not relevant to our current situation.

Whatever else they may have been doing, Trump Jr. and his associates were not "levying war" against the United States or "adhering to their enemies." If criminality is at some point uncovered by the multiple ongoing investigations of the Trump campaign, other statutes — like the

Computer Fraud and Abuse Act — are far more likely to be applicable.

But treason is not merely a specific crime. It is also a moral category. Used in this sense, it encompasses disloyalty to the country and betrayal of its basic principles and interests.

On June 3 last year, Donald Trump Jr. received an email offering him “official documents” containing what was described as “very high level and sensitive information” from Russia’s chief prosecutor that would “incriminate” Hillary Clinton and which was “part of Russia and its government’s support for Mr. Trump.” Trump Jr.’s response: “if it’s what you say I love it especially later in the summer.” Days later, the now famous meeting in Trump Tower followed.

What is plain as day from Trump Jr.’s own words is that he hoped — gleefully — to acquire dirt to use against Hillary Clinton by meeting with someone identified to him in the email chain as a “Russian government attorney.” What is also plain as day — and should have been obvious to any sentient American, including Trump Jr., and fellow meeting attendees campaign chairman Paul Manafort and Trump son-in-law Jared Kushner — is that if the Russian government

possessed such dirt, it either came from or could have come from the Russian intelligence services and was being dangled before them by the Russian government to advance Russian purposes.

To spell it out a bit more, interference of any sort by any foreign country in our elections is never acceptable. But Russia is not just any foreign country. It is a hostile power with a long history of spying on the United States and also attempting to influence our politics by both overt and covert means. Any derogatory material on Hillary Clinton which the Russians possessed might have been obtained by the dark arts of espionage: by blackmailing one or more of her associates, by planting moles in her entourage, and/or by intercepting her and her associates’ telephone calls and (as actually happened) hacking their emails.

All such activities are strictly forbidden if carried out by Americans on American soil. Blackmail and impersonation are punished by the criminal code. The Fourth Amendment of the Constitution protects us against unreasonable searches and seizures, including warrantless surveillance of our telephone calls and emails. But violating such legal

protections is the essence of the espionage profession. One of the CIA’s principal functions is to obtain information by breaking the laws of other countries. So, too, with the Russian intelligence service, the FSB; in seeking to achieve Russian national objectives, it tries to break American laws whenever it can usefully get away with it.

It doesn’t matter what actual coordination between the Trump campaign and agents of the Kremlin followed or did not follow the meeting in Trump Tower. By expressing a desire to accept the fruits of a hostile power’s lawbreaking, Trump Jr. and his campaign confederates revealed a willingness to do three things that no patriot would ever contemplate: further the interests of a hostile foreign power, collude with that hostile foreign power to subvert our democratic electoral processes, and rely on information obtained by that hostile power to undercut the fundamental protections afforded to Hillary Clinton (along with every other citizen) by our laws and the Constitution itself.

A cottage industry of Trump backers is now justifying the receipt of such material. Former House speaker Newt Gingrich calls the hullabaloo about the meeting the product of

“fevered insanity.” Powerline, one of the leading conservative blogs, has gone so far as to say that Trump Jr.’s attendance at the meeting, born out of a desire to uncover crimes committed by Hillary Clinton, was not treason at all but “a potential service to the country.”

Who could have ever imagined that in the 21st century, the movement and the political party that carried the torch to victory in the Cold War would assume the pose of Putin’s poodles? Remember when some conservatives were promiscuously applying the charge of treason to those on their left? Ann Coulter even wrote a book called *Treason*, finding a surfeit of what she called “liberal disloyalty” across five decades.

Yet today, having signed on to and staked their reputations on one of the strangest political movements in our entire history, pro-Trump conservatives — and not just extremists like Coulter — cannot see disloyalty to the country even when it is explicit. Those justifying a willingness to receive the fruits of Russian espionage are operating as an incipient political and intellectual fifth column. We need to call things what they are. And what they are, in the non-legal sense of the word, is treasonous.



## Could Trump Jr., Kushner, or Manafort Be Charged Under the Espionage Act?

Paul McLeary | 33 mins ago

The current focal point of the Russia scandal is the confab at Trump Tower, an Apalachin meeting of sorts in which at least eight agents of the Trump campaign and the Russian government met to discuss the Russia’s opposition research on the Clintons. The Russians apparently offered this information in exchange for the Trump campaign’s willingness to hear them out on the Magnitsky Act. Donald Trump Jr. has protested that nothing ever came of this.

Over the weekend, however, the Associated Press reported on an interview it conducted with one of the Russians at the meeting. Rinat Akhmetshin, a Russian-American lobbyist and former Soviet military officer, claimed that the Russian lawyer who ran the meeting, Natalya Veselnitskaya, not only promised to give the Trump campaign dirt on the Clintons, but actually presented her interlocutors with “a plastic folder with printed-out documents that detailed what she believed was the flow of illicit funds to the Democrats.”

Apparently, Trump Jr. was unimpressed with the contents of the plastic folder and asked Veselnitskaya whether she had more concrete evidence. The plastic folder, therefore, may have just contained propaganda. Whether Trump Jr. took the plastic folder with him or whether he left it behind in the conference room is unclear. What was clear, however, was the intent. According to the AP report, “Veselnitskaya presented the contents of the documents to Trump Jr. and suggested that making the information public could help the campaign.” And receiving this plastic folder, assuming it really happened, may have implicated the participants in espionage.

The word “treason” has been thrown around to describe this and other putative efforts by members of the Trump campaign to court and be courted by the Russian government during the 2016 election. For reasons that have been described here, here, and here, nothing anyone in the Trump campaign did or conceivably could have done would meet the constitutional definition of treason. (Even being a vice presidential

candidate does not make you a constitutional law scholar.)

In the alternative, Bob Bauer and Jed Shugerman have written superb technical posts explaining how Trump Jr., Jared Kushner, Trump’s senior advisor and son-in-law, and Paul Manafort, Trump’s campaign manager at the time, likely violated campaign finance laws. Helen Klein Murillo and Susan Hennessey made a very clear case for their liability as accomplices under the Computer Fraud and Abuse Act. On Saturday, Seth Abramson wrote a Twitter thread arguing that they violated 18 U.S.C. § 3, as accessories after the fact to any number of crimes the Russians may have been committing. And Kushner could also have violated 18 U.S.C. § 1001 by withholding information about this meeting on his security clearance forms.

But all of these legal theories, even if they prove to have merit, seem to miss the intuitive point that those who levy treason allegations seem to be making. When considered in terms of what the Russia scandal might actually involve — Americans courting an adversarial foreign power for the purpose of influencing

the outcome of a presidential election — these crimes, though felonies, seem like technicalities. What makes things like the meeting at Trump Tower troubling is not simply that members of the president’s inner circle violated federal laws in order to compromise the integrity of the electoral process. It is that they appear to have compromised the integrity of the electoral process in a way that was disloyal to the country.

They made themselves fellow travelers of a foreign power that is openly hostile to America and its liberal values, even if not an enemy of the United States in the technical, constitutional sense.

They made themselves fellow travelers of a foreign power that is openly hostile to America and its liberal values, even if not an enemy of the United States in the technical, constitutional sense.

At the risk of resurrecting yet another obscure part of the U.S. code, I would argue that the national security concerns that prompt right-thinking people to reach for the word treason in these circumstances have a place. But



that place is not the crime of treason. It is the admittedly problematic Espionage Act of 1917. And as innocuous as it may have seemed in the moment, Veselnitskaya's plastic folder may have led Trump Jr. across a serious legal line.

We tend now to think of espionage as synonymous with spying, as providing information to a foreign power or leaking state secrets. But espionage, as it was understood in the Espionage Act, is a broader and a more reciprocal legal concept. The Congress enacting the Espionage Act was as, if not more, concerned with U.S. nationals acting covertly to facilitate a foreign power's infiltration of the political system. And a key provision of that aspect of the law remains codified at 18 U.S.C. § 957.

Section 957 provides:

Whoever, in aid of any foreign government, knowingly and willfully possesses or controls any property or papers used or designed or intended for use in violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined under this title or imprisoned not more than ten years, or both.

Section 957 was first enacted under slightly different terms as § 22 of Title XI of the Espionage Act. Title XI's overriding purpose was to broaden the federal government's authority to seek search warrants for national security purposes and to seize foreign political propaganda, in particular. The crime was rarely charged, though in one high-profile case during World War I, the filmmaker Robert Goldstein was sentenced to ten years in prison for releasing a movie, *The Spirit of '76*, that depicted British soldiers committing atrocities during the Revolutionary War. This movie, it was determined, was made "in the aid of the German Government" and combined with the Espionage Act's various anti-sedition provisions, was sufficient to sustain his conviction under § 957.

Prior to the Supreme Court's decision in *Lamont v. Postmaster*, § 957 was used less as a criminal charge and more as a basis on which the Post Office could interdict communist propaganda being passed through the mails. In 1938,

with the passage of the Foreign Agents Registration Act, 52 Stat. 631 (1938), the Postmaster General gained broad discretion to seize foreign propaganda on the theory that the sender's failure to register with the State Department constituted a violation of the criminal laws, making the receipt of what was mailed a crime under § 957 and the propaganda itself seizable as criminal property. In the lead up to World War II, then-Attorney General Robert Jackson specifically endorsed this daisy-chain use of the law.

Given its overriding use in combination with the Foreign Agents Registration Act, § 957 was included among the other "foreign relations" crimes, such as the newly famous Logan Act, when it was incorporated into the U.S. Code in 1948. Since that time, there appears to have been only one contested prosecution under § 957. In 1989, an American supporter of the Provisional Irish Republican Army was charged, among other things, with developing bomb-making plans. As a "body of insurgents within a country with which the United States is at peace," the Provisional Irish Republican Army constituted a "foreign government" for the purposes of Title 18 and the bomb-maker was convicted. Alan Dershowitz brought an unsuccessful appeal against his conviction under § 957 on First Amendment grounds, but the First Circuit rejected the contention that the law was unconstitutionally overbroad.

In thinking about what transpired in Trump Tower, § 957 would seem to fit the known or reasonably suspected facts. Trump Jr.'s emails confirm that Natalia Veselnitskaya was known to be an agent of the Russian government. It appears based on the current reporting that neither Veselnitskaya nor any of her confederates were registered under the Foreign Agents Registration Act, which in the context of their explicit efforts to lobby against the Magnitsky Act, may have violated various penal statutes. And if Trump Jr. or one of the other American participants in the meeting took the final and crucial step of actually taking the plastic folder, he would have taken possession and control of papers that were the ostensible *quid pro quo* for his willingness to be lobbied about the Magnitsky Act.

Even if the documents inside the plastic folder contained nothing but unsubstantiated rumors and even if he then threw it in the trash after he left the meeting, he still might have violated the Espionage Act. And even if the plastic folder was rejected as a "nothingburger," the American participants in this meeting might still be liable for attempting or conspiring to violate the Espionage Act.

Isn't this just another technicality though? What is the big deal if he took a handout at a meeting? And isn't the century old Espionage Act rather dubious to begin with? In some respects, the answer to all three of those questions is yes. The First Amendment and overbreadth problems with the Espionage Act are significant, and it is unclear how the current Supreme Court, with its robust free speech jurisprudence, would evaluate them.

That said, the willingness to take the plastic folder is not as innocuous as it might first appear. The plastic folder is precisely the kind of "paper or property" that Congress had in mind when it passed §957. Espionage, like treason, is a crime of loyalty, and the evil it attempts to thwart is the covert insinuation of a foreign power's interest into the American political process. Even if the contents of the plastic folder were "vague, ambiguous and made no sense," Trump Jr. would still have accepted propaganda from an unregistered foreign agent. Propaganda marked "foreign propaganda" bears a truth in advertising. And for that reason, it is presumptively less effective at swaying public opinion than information that comes from an ostensibly loyal source, such as a Presidential campaign. In the 1980s, the Supreme Court sustained this truth-in-advertising rationale for the labeling of foreign political propaganda, though reasonable First Amendment minds can disagree. And the original intent of this part of the Espionage Act was to prevent foreign governments from disseminating propaganda through American cutouts.

The willingness to "knowingly and willfully possess or control" the plastic folder also speaks to something deeper. It is one thing to "aid a foreign power," even a foreign power that is adversarial and intent

on violating the law. Doing so may violate political norms, but probably not laws. It is another thing to have something tangible in your hands.

The act of possession serves the same purpose in the Espionage Act as the overt act requirement does in the conspiracy statute. It is a clear line that can be identifiably crossed. It prevents the law from sweeping too broadly, from prosecuting mere inchoate desires that are untethered to an identifiable criminal act. It is not espionage to be favorably disposed to a foreign power. Nor is it espionage to welcome the assistance a foreign power may independently provide. It is espionage, however, to do a hand-off.

Will the facts ultimately show that Trump Jr., Kushner, or Manafort could be charged under the Espionage Act? Would such a conviction be sustained against a First Amendment challenge? There is no way to know. And while the reporting thus far has been damning, that may be a consequence of the sources on which journalists have been forced to rely. It is quite possible that innocent explanations could come to light. But if the confab at Trump Tower feels to you like treason, that is probably because it may actually be espionage.