

# Revue de presse américaine

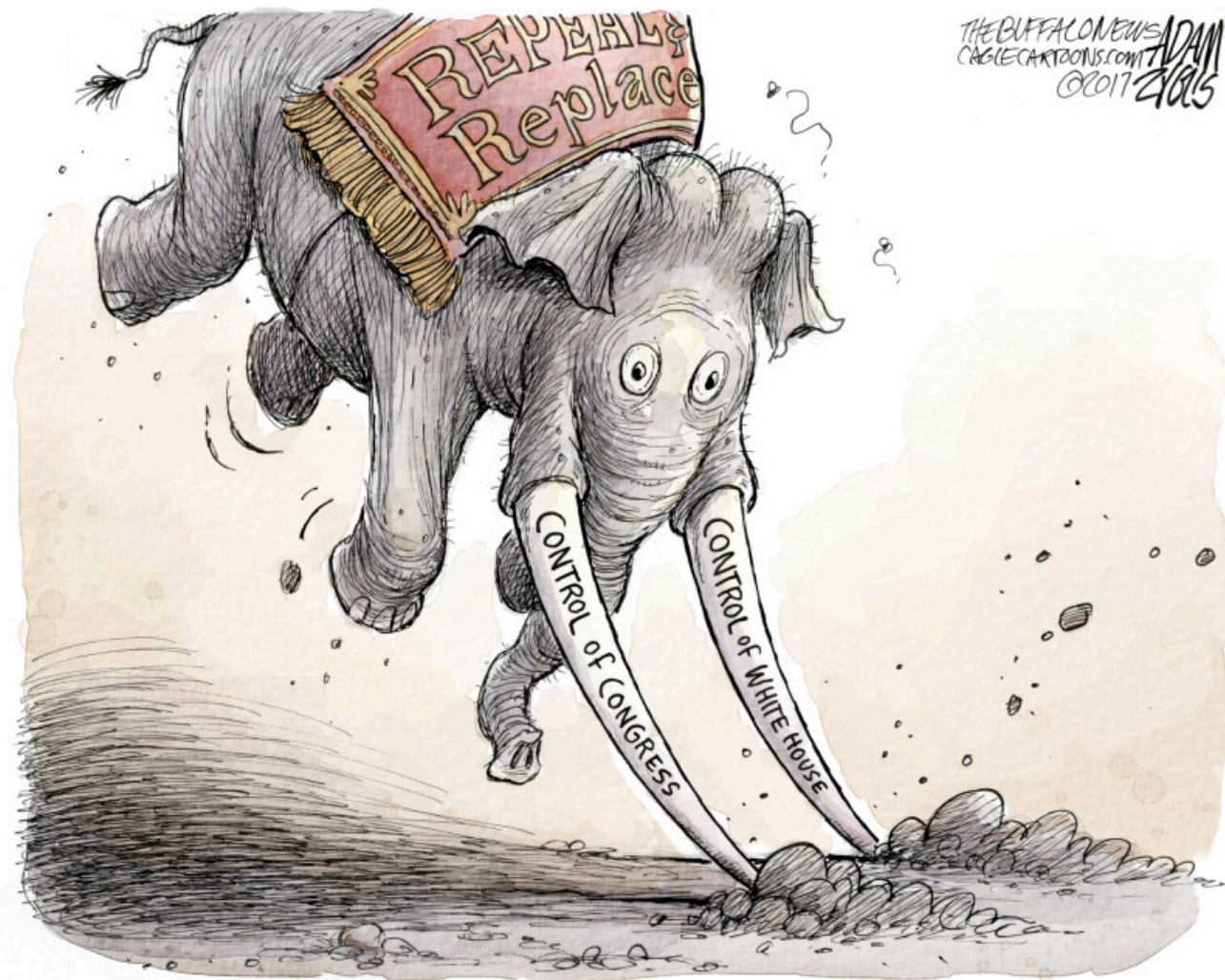
**Ambassade de France aux États-Unis**  
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RÉPUBLIQUE FRANÇAISE

Jeudi 27 juillet 2017, réalisation : Joanna Bosse-Platière



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# FRANCE - EUROPE

**The  
New York  
Times**

Morenne

6-7 minutes

## Wildfires Force Thousands to Evacuate in Southern France

Aurelien Breeden  
and Benoit

Those fleeing forest fires in southeastern France found refuge on Wednesday morning on a beach in Bormes-les-Mimosas. Marion Leflour/Agence France-Presse — Getty Images

PARIS — Thousands of people were evacuated from homes and vacation sites in southeastern France on Wednesday as strong winds fueled wildfires that had been raging across the region for days.

At least 10,000 people, including 3,000 campers, were evacuated overnight — some to beaches nearby — after a forest fire started near Bormes-les-Mimosas, a town on the Mediterranean coast, where the population surges with vacationers during the summer.

At least two homes were gutted and a firefighter sustained an injury battling the blaze, but so far there have been no reports of fatalities, officials said. The prefecture of Var, the region that includes Bormes-les-Mimosas, said in a statement that nearly 2,000 acres of a forest near the town had burned and that more than 500 firefighters had been deployed.

Charred vehicles in a parking lot at a camping site in Bormes-les-Mimosas in southeastern France on Wednesday. Jean-Paul Pelissier/Reuters

Thousands of acres have burned over the last few days in the region, including across the French Riviera and on the island of Corsica, prompting evacuations, cutting off highways and sending huge plumes of smoke into the skies.

Sylvie Houspic, a Var official, told the BFMTV news channel that the fire on Tuesday evening near Bormes-les-Mimosas had started in a trailer park at a camping spot in a "densely populated" area.

"It quickly spread due to the gusts of wind, which continue to blow," Ms. Houspic said.

She added that two houses had burned down and that a firefighter had sustained a broken wrist.

A forest fire in La Croix-Valmer, near Saint-Tropez, France, on Tuesday. Valery Hache/Agence France-Presse — Getty Images

Robert Harris, a British writer vacationing in the area with his family, said in a phone interview, "We simply grabbed whatever we could."

Mr. Harris, 60, said he fled his house in Cap Bénat, about six miles

south of Bormes-les-Mimosas, at 2 a.m. with his wife and two children.

"It looked as though the whole of the Cap Bénat seemed to be on fire," Mr. Harris said, adding that people had evacuated calmly to the nearest beaches.

Summer fires are a common occurrence in the region and elsewhere in southern Europe, where blazes spread rapidly through forests and scrubland left parched by droughts.

Var was hit hardest on Tuesday and Wednesday, but firefighters have been battling dozens of fires elsewhere in southeastern France.

In fires near the towns of La Croix-Valmer and Artigues, at least 10 firefighters were injured on Tuesday, but those fires were under control, the Var prefecture said on Wednesday.

Dropping fire retardant on Wednesday over a forest near La Londe-les-Maures on the French Riviera. Claude Paris/Associated Press

The prefecture announced that forest parks in the area would be closed for the day. Other sites, including the Toulon Hyères Airport and the fort of Brégançon, one of the French presidency's official residences, were also shut down.

Another fire started early on Wednesday in the Bouches-du-Rhône area, near the town of Martigues, west of the port of Marseille, according to firefighters, who said they were able to contain the blaze after it had burned through about 100 acres of pine forest.

Although officials had not yet determined the cause of the fires, Grégory Allione, the head of the Fire Department in the Bouches-du-Rhône region, said on the radio station France Info on Monday that he suspected "malicious acts" in several cases. He also cautioned people not to smoke, light fires or start barbecues in the forests.

More than 4,000 firefighters and soldiers have been deployed on the ground, according to a statement by the Interior Ministry.

"I call on everyone's civic-mindedness," Interior Minister Gérard Collomb posted on Twitter on Monday night. "These disasters can and must be avoided," he wrote.

France has requested two water bombers from its European neighbors to help battle the fires, and Mr. Collomb announced on Tuesday in Corsica that six Canadair water bombers would be added to the country's air fleet.

**The  
Washington  
Post**

Adamson and  
Lesage | AP

4-5 minutes

## EN LIGNE - French crews tame dramatic wildfire on Mediterranean coast

By Thomas  
Nadine Achoui-  
Lesage | AP

Sunbathers are being evacuated from the beach in Le Lavandou, French Riviera, as plumes of smoke rise in the air from burning wildfires, Wednesday, July 26, 2017. French authorities ordered the evacuation of up to 12,000 people around a picturesque hilltop town in the southern Cote d'Azur region as fires hopped around the Mediterranean coast for a third day Wednesday. (Claude Paris/Associated Press)

By Thomas Adamson and Nadine Achoui-Lesage | AP July 27 at 8:30 AM

BORMES-LES-MIMOSAS, France — French firefighters have tamed one of the fiercest blazes to break out during four days of wildfires in the country's southeast Mediterranean coast that led to the evacuation of more than 12,000 people.

The fire in the seaside town of Bormes-Les-Mimosas in the southern Var region calmed Thursday because of a drop in the wind — but still marked the skyline with dramatic clouds of black smoke that were visible for miles.

"The fire is contained," Frederic Marchi-Leccia of the Var Fire and

Emergency Service told reporters Thursday of the Bormes-les-Mimosas blaze that's forced many to sleep overnight in gyms and sailing clubs.

Despite the progress, authorities fear there will be flare-ups Thursday afternoon due to lack of moisture and higher winds. Firefighters are still battling blazes in nearby Artigues.

Still, the Var prefecture said fires in some sites in Bormes-les-Mimosas mean it is "not yet possible" for displaced residents and tourists to return to their homes and campsites. An afternoon reconnaissance flight will help authorities determine if it's safe to start sending people home.

In the meantime, evacuees are being housed in makeshift shelters. A sailing club near Bormes-Les-Mimosas was hosting 200 people, including tourists, who were evacuated Wednesday night.

One displaced French camper, Stephanie Reiny, who slept at the sailing club, was upbeat on learning that the firefighters were making progress. "I will go straight away to the camping site for sure ... I'm not scared anymore," she said.

Some 3,000 firefighters have been deployed to contain the flames that broke out Monday in the southeast of France and on the island of Corsica that have consumed 7,000 hectares (17,300 acres). There have been no reported casualties.

Wildfires also continued to burn in Portugal, where almost 2,000 firefighters were deployed at six major blazes Thursday. Civil Protection Agency spokeswoman Patricia Gaspar said continuing strong winds and tinder-dry

woodland remain a menace. She said no one has been evacuated, but 37 people have been slightly injured in recent days.

Today's WorldView

What's most important from where the world meets Washington

The worst-affected areas continued to be in central Portugal, especially a fire around Serta, 200 kilometers

(125 miles) northeast of Lisbon, which was burning for a fifth day.

One wildfire last month in Portugal killed 64 people.

**The  
New York  
Times**

6-7 minutes

## Migrants in France Say Police Abuse Is Common

Alissa J. Rubin

elsewhere, were living in often squalid surroundings. It was dismantled in October and the migrants were bused to other places around France.

entering Calais's port area. There have been 17,867 attempts so far this year, he said.

Riot police officers at the migrant camp known as "the Jungle" last year in Calais, France. Mauricio Lima for The New York Times

PARIS — New allegations of routine police harassment of migrants in Calais surfaced Wednesday in a report detailing officers' nearly daily use of pepper spray as well as limited access to food and the destruction of migrant shelters.

Human rights workers and around 60 migrants, nearly half under 18, told Human Rights Watch of daily identity checks, shortened hours for aid agencies to distribute food and unsanitary conditions caused by a lack of toilets and water.

They also accused officers of using pepper spray with abandon.

"There's nowhere else that I can think of where I've encountered to this extent the use of pepper spray on people who were sleeping and especially on sleeping children," said Michael Bochenek, senior counsel to the children's rights division of Human Rights Watch.

The report documented many complaints about the treatment of migrants that have arisen since the razing of "the Jungle," an area in Calais where 6,000 to 10,000 migrants, many from Africa, Afghanistan and

Despise efforts to discourage them, migrants still travel in large numbers to Calais, an English Channel city, hopeful that despite many new safeguards intended to stop them from boarding trucks or the Eurostar train bound for England, they will be among the lucky ones to make it to better lives. While they wait, they camp outdoors in scattered groups, sleeping in the underbrush and under highway bridges. There are now an estimated 400 to 500 migrants in the Calais area and perhaps more, Mr. Bochenek said.

Calais's prefecture, the local government that oversees the police, disputed their depiction in the Human Rights Watch report and said the allegations that the police "gratuitously and systematically" used pepper spray were "calumnious."

"The police in Calais work, as they do elsewhere in France, within a legal framework which allows them to conduct identity checks," Fabien Sudry, prefect of the department of Pas-de-Calais, said in a statement. "In keeping with the prosecutor's mandate, they can disperse groups and unauthorized gatherings and they can remove people who are in France illegally."

Mr. Sudry said the police were also permitted to stop migrants from boarding the Eurostar train or from

A police officer confronted migrants in Calais in June. Philippe Huguenet/Agence France-Presse — Getty Images

Mr. Sudry said his office had received only three complaints about police conduct since the end of 2016, and he encouraged people who believe their rights have been violated to file complaints. Migrants living in insecure circumstances rarely have the wherewithal or the necessary language skills to do so, however, suggesting that number of formal complaints is not an accurate indicator of police abuse.

Migrants and aid workers complain that the police often take an aggressive stance toward migrants without provocation. Of the 61 migrants interviewed for the Human Rights Watch report, 57 said they had been hit with pepper spray at some point; 55 said they had been sprayed in the last two weeks. A day after being sprayed, aid workers say, children still suffer eye problems.

A 17-year-old identified in the report as Moti W., an Oromo from Ethiopia, told the rights group's researchers: "This morning I was sleeping under the bridge. The police came. They sprayed all over our face, hair, eyes, clothes, sleeping bag, food. Many people were sleeping then. The police sprayed everything."

It is also routine for the police to confiscate sleeping bags and extra clothes and to disrupt food distributions, especially those that occur at night, Mr. Bochenek said.

Pierre Henry, the director general of France Terre d'Asile, an aid organization that helps migrants applying for asylum, denounced the abuse. "Nothing justifies such degrading treatment," he said.

Mr. Henry said the government should make a coordinated effort to handle the migrant influx, rather than relying on the police. More welcome centers are needed where migrants can stay, bathe and eat safely and apply for asylum, he said.

A government proposal would create more lodgings for people seeking asylum and greatly speed up the application process. But it would also hasten expulsion of those found not to have met France's asylum requirements.

France's ombudsman for human rights, Jacques Toubon, said the plan did not go far enough. Like Mr. Henry, he recommended that the government open many more welcome centers to process the thousands who are arriving in France.

"When you ask the police to manage migration problems and you don't offer all the responses possible to permit the migrants to have their rights, you have difficulties," Mr. Henry said. From a police perspective, he said, the only solution is "dispersing the migrants."

**The  
New York  
Times**

James Kanter

5-7 minutes

## E.U. Court Urged to Punish Hungary and Slovakia for Resisting Migrant Plan

to relocate migrants from Greece and Italy as the migration crisis reached its height.

time, Hungary and Slovakia could eventually be ordered to pay fines.

Union in huge numbers in 2015 and 2016.

Migrants washing their clothes at an abandoned factory, which has become their temporary home, in Patras, Greece, in June. Angelos Tzortzinis/Agence France-Presse — Getty Images

The legal adviser, Yves Bot, an advocate general for the Court of Justice of the European Union, blamed Hungary and Slovakia for "partial or total failure" in the "fair sharing of burdens" in the crisis, according to a summary of his opinion.

The case has highlighted the deep divide in the European Union over the question of migration. Many member states in Central and Eastern Europe are intensely opposed to a push to oblige them to accept quotas of migrants from the Middle East and North Africa.

The European Union was correct "to adopt a provisional measure for the mandatory distribution between member states of persons in need of international protection" because it was "necessary to provide an effective response to the migration crisis," Mr. Bot wrote, according to the summary.

BRUSSELS — A top European Union legal adviser denounced Hungary and Slovakia on Wednesday for refusing to participate in a plan devised in 2015

A verdict is still to be issued in the case, but judges usually follow their advisers' opinions; if they do so this

The relocation rule was introduced to try to relieve the burden on Greece and Italy, where migrants — many of them fleeing the war in Syria — reached the European

In a separate case that also underlined the tensions between Brussels and Central and East European states over migration,

Dimitris Avramopoulos, the European commissioner for home affairs, warned the Czech Republic, Hungary and Poland for ignoring the relocation rules.

The Commission began that case in June on the grounds that Hungary and Poland had taken no refugees, and that the Czech Republic had stopped participating in the program.

"If these member states decide to change position, we are ready to work with them to address their concerns," Mr. Avramopoulos told a news conference in Brussels. "We don't want to go on like this," he added.

The legal action could also eventually result in fines from the Court of Justice for the countries involved.

Migrants at a border fence between Hungary and Serbia in 2015. Armend Nimani/Agence France-Presse — Getty Images

## THE WALL STREET JOURNAL.

Valentina Pop

3 minutes

Updated July 26, 2017 10:39 a.m. ET

Slovakia and Hungary's legal challenge against a European Union program to distribute migrants from Africa and the Middle East more evenly across the bloc should be dismissed, the top lawyer for the European Court of Justice advised Wednesday, in a decision that is likely to deepen divisions over the EU's response to the crisis.

Bratislava and Budapest, which has been supported by Poland, argued that the EU's 2015 decision to

Mr. Avramopoulos said the pace of relocation had significantly increased this year, with more than 3,000 transfers in June from Italy and Greece to other member states, including Finland, France, Germany and Sweden.

That still leaves more than 25,000 people eligible for relocation, according to estimates by officials at the European Commission, the executive arm of the European Union. The program formally ends on Sept. 26, but migrants arriving in the European Union until that date can qualify.

Also on Wednesday, judges at the Court of Justice upheld a decision by Austria and Slovenia to return people to Croatia during the migration crisis.

The ruling reflected a strict interpretation of the European Union's rules, which require refugees to apply for asylum in the first European Union member state they enter.

introduce a quota system to relocate migrants across the bloc was unlawful.

But the court's top lawyer, Yves Bot, said that quota system was a proportionate response to the crisis and would help Italy and Greece, the two countries that have been at the forefront of the crisis.

The court is expected to issue its final ruling on the issue later this year.

The EU's plan was controversial in Central and Eastern Europe, which has had little experience of absorbing Muslim migrants. Governments said protecting Europe's borders should come first.

The decision could prompt further criticism of an earlier move by Chancellor Angela Merkel of Germany to waive the rules and allow about one million migrants to apply for asylum in her country even though they had entered the bloc in other member states.

However, the court also ruled that member states could "unilaterally or bilaterally in a spirit of solidarity" decide to examine applications for international protection lodged with them, appearing to provide legal backing for Ms. Merkel's actions.

The case that was decided on Wednesday involved a decision by the Croatian authorities to transport a Syrian citizen and members of two Afghan families to the Slovenian border.

The Syrian subsequently applied for asylum in Slovenia, while the Afghans applied for similar protection in Austria.

Courts in Austria and Slovenia asked European judges whether

Croatia, as the member state where the migrants had arrived, should take responsibility for determining their claims.

The judges ruled that Croatia did bear responsibility, even in the case of "exceptional circumstances characterized by a mass influx of displaced people into the E.U.," according to a summary of the court's decision.

European officials said on Wednesday that they now expected the migrants to be returned to Croatia.

Mr. Avramopoulos emphasized the need to overhaul the existing system to deal with big influxes of migrants in the future and to try to avoid squabbling among member states.

The "system as it stands has significant shortcomings," he said, because it was "not designed for exceptional circumstances such as those that we have experienced in 2015 and 2016."

## EU Adviser Says Slovakia, Hungary Refugee Challenge Should Be Dismissed

"We continue to interpret the decision on the mandatory resettlement quota as a decision that contravenes European law," the Hungarian Minister of Foreign Affairs and Trade Péter Szijjártó said. "The primary task, duty and responsibility of Hungary's Government is to protect the security of the country and of the people of Hungary, and accordingly it will continue to do everything in its power to ensure that illegal immigrants cannot come here," he added.

The Slovak foreign ministry said in a statement that the opinion isn't binding, suggesting it could be ignored in the final ruling. However,

most court opinions are upheld in the final rulings.

The court case comes two years after the European Commission, the EU's executive arm, put forward a binding plan to distribute across the EU as many as 120,000 migrants that were living in Italy and Greece. Fewer than 25,000 people have been moved under the EU's plan.

The commission has separately started legal proceedings against Hungary, Poland and the Czech Republic for refusing to accept any asylum seekers under the relocation plan.

## The New York Times

4-5 minutes

People protested on Tuesday against the proposed judicial changes in Wroclaw, Poland. Kornelia Glowacka-Wolf/Agencja Gazeta, via Reuters

## E.U. Rebukes Poland Over Vetoed Bills, but Backs Off Harsher Threat

Rick Lyman

WARSAW — Two days after Poland's president vetoed legislation that would have put the courts under the governing party's control, the European Union filed a complaint against the government over the proposed changes.

The union, however, backed off its threat last week that it might invoke a never-before-used provision of the European Union treaty that could have resulted in a formal warning to Poland, economic sanctions and

potentially a loss of voting rights in the bloc.

In response to the complaint, Poland's right-wing government told Brussels to keep out of the country's internal policies.

"We will not succumb to pressure, blackmail, threats and intimidation," the justice minister, Zbigniew Ziobro, told reporters on Wednesday afternoon. "We will carry out this good reform in the judiciary, and no

one will stop us. No threats will stand in our way. We won't let anyone from the outside treat us this way."

Frans Timmermans, the second-ranking official in the European Commission, the union's administrative arm, said on Wednesday that the treaty provision, known as Article 7, could still be invoked if Poland pursued the vetoed moves on the courts.

The commission gave Poland a deadline of a month to respond to its concerns and said it would add this dispute to the list of other complaints it has with Warsaw, Mr. Timmermans said.

Justice Minister Zbigniew Ziobro, center, at a news conference on Wednesday in Warsaw. Pawel Supernak/European Pressphoto Agency

The complaints, a so-called Rule of Law Declaration, involve a legal process that can last years and result in economic sanctions, though that is considered unlikely.

Poland's governing party, Law and Justice, and its leader, Jaroslaw Kaczynski, were stunned on Monday when President Andrzej Duda — who ran for president as the party's candidate and previously had steadfast support of the government — vetoed the bills.

One bill would have forced the resignations of all Supreme Court justices, who would have been replaced by government-chosen jurists. The other would have reconfigured the National Council of the Judiciary, the body that chooses who is eligible to be a judge, which would give the government more

control and require judges to be approved by Parliament.

But the proposals drew more than a week of street protests and a cascade of criticism from officials in Brussels and elsewhere who said the bills, if enacted, would crush judicial independence and threaten the rule of law.

Mr. Duda signed a third bill that gives the justice minister the power to fire and replace the heads of all of the regional courts.

Mr. Timmermans said on Wednesday that the signing of that third bill was reason enough to add

the dispute to the earlier complaint. "In the past week, some things have changed in Poland and some things have not," he said.

"The commission's recommendation asks the Polish authorities not to take any measure to dismiss or force the retirement of Supreme Court judges," he added.

Mr. Duda said he would draft his own versions of the vetoed bills and present them to Parliament in two months.



## EU Threatens Poland With Sanctions Over Court Overhaul

Emre Peker and Drew Hinshaw

5-7 minutes

Updated July 27, 2017 5:39 a.m. ET

The European Union on Wednesday warned it could still pursue unprecedented sanctions against Poland, trying to pressure the government as both sides weigh their next moves after the president vetoed legislation to replace the entire Supreme Court.

The European Commission—the bloc's executive—warned that democratic rule of law remains at risk in Poland, even after President Andrzej Duda vetoed legislation that would have retired every high court judge.

The Commission gave Warsaw a month to respond to recommendations that would bring Polish law back in line with EU norms.

Poland and the EU are in an extraordinary standoff over whether the former communist country can put virtually the entire judiciary under the control of the justice minister and remain a full-fledged member of the union.

Last week, Poland's parliament approved three laws that would have allowed the government to directly or indirectly restaff the judicial bench, from the Supreme Court down to small, local courts. Mr. Duda vetoed the heart of that

legislation, but allowed the government to now decide who appoints judges to lower, criminal courts.

His veto hasn't allayed fears in Brussels. The laws "would have a very significant negative impact on the independence of the Polish judiciary and would increase the systemic threat to the rule of law," the commission's first vice president, Frans Timmermans, said.

The EU has limited room to maneuver in its ongoing showdown with Poland. The ruling party, Law and Justice, says the reforms are needed to purge officials who entered public life during the tainted communist era. Previous warnings have done little to sway the government from its efforts.

The bloc's most severe punishment—stripping EU voting rights—requires a unanimous decision of all the countries in the bloc, which looks unlikely. It must also weigh how much to criticize the country and face accusations of outsider meddling or to remain silent and take flak for that.

"The EU was designed to shame its members into compliance, but shame is obviously not working for Poland," said Roman Rewald, president of the Lewiatan Mediation Center, a legal institution in Warsaw.

The government remained defiant following the commission's statement. The ruling party said that its changes were in line with the Polish constitution.

"We will not tolerate the pressure and blackmail of EU officials," it tweeted.

A majority of Poles oppose the overhaul: In one poll last week, 55% of voters wanted Mr. Duda to veto the bill. But at the same time, the ruling party is Poland's most popular, galvanizing Poles who say they resent the EU's attempts to guilt their nation into becoming a liberal democracy.

The commission said it is ready to launch an effort to punish Poland, which would begin with asking EU governments to formally warn Poland to reverse course.

The process could eventually escalate to a discussion of stripping Poland of its EU voting rights. But while EU governments would need a four-fifths majority for an initial formal warning, sanctioning Poland would require unanimity.

Hungary has already said it would veto measures against Poland, whose vision for what a European democracy should look like is shared by Budapest.

Mr. Duda has called for a revised Supreme Court bill and said this time he would like to help write it. It is not yet clear if the new bill would also serve to expand government control of the judiciary or help Poland address EU concerns.

"They're determined to push forward on this," said Paul Ivan, senior policy analyst at the European Policy

Centre. "It's still a very fluid situation, far from being over."

Warsaw would cross a red line if it dismisses or forces Supreme Court justice into retirement, Mr. Timmermans said.

"If such a measure is taken the commission is ready to immediately trigger" the procedure for a formal warning, he said.

The EU is open to dialogue to resolve the issues, Mr. Timmermans said, but he added that Brussels would nevertheless launch legal proceedings over the measures Mr. Duda did sign. That could lead to a fine.

Brussels says Poland's changes to lower courts breaches EU law by introducing different retirement ages for female and male judges, and endowing the justice minister with powers to dismiss and appoint court presidents, as well as extended the mandates of judges who have reached retirement age.

The measures are against EU laws to prevent gender-based discrimination and threaten to undermine judiciary independence, Mr. Timmermans said.

"We will give the Polish authorities one month to reply," he said. "In the meanwhile, we will watch developments vigilantly and act accordingly."



## Berschinski : What's Happening in Poland Is Sebastian Gorka's Dream

Last week, presidential advisor Sebastian Gorka took to the pages of the *Hill* to proclaim that roughly six months into President Donald Trump's tenure, "America is back."

Given the president's escalating scandals at home and America's plummeting reputation overseas, what exactly America is "back" to is anyone's guess. Behold, Gorka proposes to solve our conundrum: America has been made great again, he offers, because we no

longer "apologize for our civilizational values and our culture."

Gorka's talk of "civilizational" values echoes a term recently taken up with vigor by Trump. In his July 6 address to the people of Poland, the U.S. president used the word "civilization" 10 times. Contrast this

to his use of the words "democracy" and "human rights," each of which he uttered precisely zero times, and one begins to wonder what Trump and Gorka are onto.

Before analyzing what exactly Gorka is defending, it's worth reacquainting ourselves with him as a messenger.

An unofficial if nevertheless effective spokesperson for the administration's nativist wing, credible reports allege that Gorka has in the past associated with Hungarian ultranationalist groups with anti-Semitic tendencies — claims that Gorka strenuously denies.

More recently, Gorka has staked his reputation on his academic background, with its focus on links between Islam and terrorism, despite reports that have called into serious question his academic credentials, and the disclosure that he was fired by the FBI in 2016 for erroneous work deemed anti-Muslim.

Gorka's background reflects his worldview, which in turn illuminates why he and the president have moved away from speaking in terms of "universal values" — to speak one's mind, to worship as one pleases, to assemble, to protest, and so on — and landed instead on "civilizational values."

What are civilizational values? In Gorka's mind, "Western civilization" is defined not primarily in terms of what we stand for, but what we stand against. He does not speak to the objective of this defensive posture, but

through context the answer is clear: Historically, the "we" has often stood against Jews, and, in the Hungarian context, the Roma. Today, the "we" stands against refugees, who are primarily Muslim.

Such is the unmistakable dog whistle embedded in Gorka's op-ed, and the specific reason that Trump chose Warsaw as the spot for his major overseas address.

Over recent months, many thousands of Poles have repeatedly taken to the country's streets in the largest demonstrations since the end of communism, vigorously protesting a government moving rapidly to dismantle perhaps the greatest post-Cold War democratic success story in Europe. By undercutting a free media and independent judiciary, Polish leader Jaroslaw Kaczyński's Law and Justice (PiS) party is attempting to eliminate checks and balances at a clip that Trump could dream of only in his most wild-eyed tweets.

Polish President Andrzej Duda's decision on Monday to veto legal provisions that would have enabled the PiS-led government to appoint all of the country's Supreme Court justices is likely to provide only a temporary respite to democratic institutions under systematic

assault. Though Poland's opposition, notable communist-era dissidents, the EU, and — one presumes based on its recent statements — the U.S. State Department, welcomed Duda's announcement, it still allows the Polish minister of justice the ability to hire and fire lower court judges.

This power grab follows earlier moves by PiS to render Poland's constitutional tribunal an ineffective check on government power, and to assume control of the state media. Equally worrying, the Polish government has undertaken a multi-pronged effort to delegitimize and weaken the country's robust civil society sector, centralizing and politicizing funding decisions and using state media to attack non-governmental organizations.

Concurrently, the Polish government has positioned itself as a hardliner on taking in refugees. Prime Minister Beata Szydlo recently stated that Poland would not accept a single man, woman, or child fleeing war or persecution. Poland's interior minister has characterized the country's earlier agreement to accept refugees and asylum seekers as a "ticking bomb."

When he stepped to the lectern in Warsaw's Krasinski Square, Trump

may or may not have been ignorant of these facts. In either case, the president said, today's Poland serves as an "example for others who seek freedom and who wish to summon the courage and the will to defend our civilization." Ever the scholar, Gorka is almost certainly aware of Poland's democratic reversal, but he also likely doesn't care. To Gorka, the current Polish government "shares the values that made the West great, and is prepared to defend them."

These words reflect tribalism in its purist form. When one's "civilization" is at risk — either from outsiders desperate to get in, or from political opposition with the audacity to demand fair treatment under the law — no government action to curtail universal rights is too extreme. Thus an American president who privileges personal loyalty over blind justice finds common cause with a Polish leader eager to disassemble democracy, not to mention with a Russian autocrat eager to package repression as civilizational revitalization.

If this is what Gorka has in mind when he says, "America is back," we should have nothing of it. "Western civilization" isn't under threat. Universal values are.



## Bershidsky : Trump's New Ukraine Envoy Changes the Tune

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When candidate Donald Trump made overtures to Russia during the 2016 election campaign, a grand bargain between the two nations -- U.S. acquiescence to Russian depredations in Ukraine in exchange for help in defeating Islamic State in Syria -- looked like a possible scenario under a Trump presidency. No one expected the U.S. to take a tougher line on Ukraine and yield Syria to Russian President Vladimir Putin. Yet that's what appears to be going on now, but more by accident than as part of any consistent U.S. strategy.

When Secretary of State Rex Tillerson picked Kurt Volker as the U.S. special representative for Ukraine, he signaled a tougher approach toward Russia's Ukrainian adventures. An old friend of that biggest of Russia hawks, Senator John McCain, Volker traveled to eastern Ukraine and laid out a set of views that will be highly inconvenient both to the Kremlin and to its longtime negotiating partners on the Ukraine crisis, Germany and France.

QuickTake Standoff in Ukraine

He said that, unlike under the Obama administration, the U.S. was no longer averse to supplying Ukraine with weapons -- something for which Ukrainian President Petro Poroshenko has long lobbied. The decision isn't made yet, but, according to Volker, it wouldn't "provoke Russia to do more than they are already doing, and it also isn't going to change any kind of balance that way." Instead, the weapons would allow Ukraine to defend itself against further Russian aggression. "Russia says it won't do that and isn't doing that, so then there should be no risk to anybody, if that's the case," Volker said.

He also appeared to buy the Ukrainian position on several important points of contention: That Russia alone is hindering the resolution of the conflict under the Minsk agreements, that it needs to pull out its forces before "a basis of governance going forward" is created in eastern Ukraine, and that it's the pro-Russian rebels who are blocking supplies to civilians in the regions from the rest of Ukraine. As the European negotiators -- and Victoria Nuland, Volker's predecessor as the State Department's point person on Ukraine -- well know, it's not as simple as that.

Ukraine has been unable to legislate on elections in the separatist-held areas, with the key political forces in Ukraine demanding that control of Ukraine's eastern border be restored to it first -- a condition not included in the Minsk agreement. And it's Ukrainian nationalists, with reluctant support from the government, who have cut off economic ties with the separatist regions.

Volker is an experienced diplomat, and his pointed message to Russia is no gaffe: It's the new U.S. policy of "more engagement," as Volker understands it. The idea appears to be a full revision of the Minsk agreement to force Russia to comply with Ukrainian demands, using arms supplies to Ukraine to raise the cost of continued conflict for Russia.

In Syria, by contrast, the Trump administration has been accommodating to Russia. The Central Intelligence Agency's line, pushed by Director Mike Pompeo, is to counteract Russian influence there, as well as the emerging Russia-Iran axis. But Trump clearly doesn't buy it: He has defunded the CIA program that armed Syrian rebels fighting the Russian-supported regime, doing the opposite of what Volker appears to propose in Ukraine.

The U.S. policy in Syria is a continuation of Obama's -- effectively to let Russia deal with it. Russia, while paying lip service to Syria's integrity, has been working to split the country into regime-controlled and rebel-controlled areas, freezing the conflict as Minsk largely froze the one in eastern Ukraine. After fighting fiercely to gain more territory for the rebels at the expense of Islamic State, the U.S. appears happy to go along.

If Russian President Vladimir Putin engaged in Syria to strengthen his bargaining position on Ukraine -- as many, myself included, suspected at the time -- he didn't quite get what he want. But what he's getting from the U.S. is even better for him -- and worse for U.S. strategic interests.

If the U.S. arms Ukraine, the Kremlin's propaganda claims that the eastern Ukrainian war is actually a proxy conflict with the U.S. which is trying to tear the Slavic community apart would be that much more credible and that much more support-mobilizing ahead of the 2018 presidential election. While increasing the cost of further support for the separatists, it would make them more politically acceptable and could lead to Russian recognition of eastern Ukraine's puppet "people's

republics," a collapse of Minsk and more deadly clashes, still as unlikely as ever to end in Ukraine's favor. Putin has tolerated the Minsk process, believing that time is on his side, but more U.S. meddling may prompt him to seek closure.

U.S. concessions in Syria, meanwhile, set Russia up as an equal to the U.S. in the Middle East. Local players must now deal with both sides. Turkey's decision to buy Russia's S-400 anti-aircraft missiles, heavily advertised by the Kremlin during the Syrian conflict, is one recent result.

**The  
New York  
Times**  
6-8 minutes

## Britain to Ban New Diesel and Gas Cars by 2040

Stephen Castle

LONDON — Scrambling to combat a growing air pollution crisis, Britain announced on Wednesday that sales of new diesel and gas cars would reach the end of the road by 2040, the latest step in Europe's battle against the damaging environmental impact of the internal combustion engine.

Britain's plans match a similar pledge made this month by France, and are part of a growing global push to curb emissions and fight climate change by promoting electric cars. Carmakers are also adjusting, with Volvo notably saying recently that it would phase out the internal combustion engine in the coming years and BMW deciding to build an electric version of its popular Mini car in Britain.

But the shift to electric vehicles will be a gradual one, and the target set by Britain is less ambitious than some of the efforts elsewhere. President Trump's decision to withdraw the United States from the Paris climate accord has also dented optimism.

Britain's new clean air strategy, published on Wednesday, calls for sales of new gas and diesel cars and vans to end by 2040. The government will also make 255 million pounds, or \$332 million, available for local governments to take short-term action, such as retrofitting buses, to reduce air pollution.

"It is important that we all gear up for a significant change which deals not just with the problems to health caused by emissions, but the

Now, it appears the Trump administration wants to be more involved in the former Soviet republic, where it has few economic or geopolitical interests, than in the Muslim world where Russia's influence is growing. Being tough on Russia everywhere would be a more consistent strategy -- one that McCain would advocate. Being relatively soft everywhere and only showing displeasure through economic sanctions, Obama-style, would also be a consistent, do-no-harm strategy. But current U.S. policies make little strategic sense.

broader problems caused in terms of accelerating climate change," Michael Gove, the country's environment secretary, told the BBC.

Chris Grayling, the transport secretary, promised a "green revolution in transport," adding that the government wanted nearly every car and van on Britain's roads to have zero emissions by 2050.

The strategy document was published after a protracted legal battle in which ministers were ordered by the courts to produce new plans to tackle illegal levels of nitrogen dioxide.

In France, the promise to end sales of traditional cars was made as part of a renewed commitment to the Paris accord.

In Britain, which is also committed to the Paris treaty, the measures have particular political significance because of rising concern over the level of air pollution, particularly in large cities like London. Poor air quality, much of it a result of pollution from vehicles, is estimated to cause between 23,000 and 40,000 deaths nationwide every year.

Frederik Dahlmann, assistant professor of global energy at Warwick Business School, described Wednesday's announcement as "an important step" that set a clear long-term target, and "also gives car buyers an incentive to consider the different types of engine options available in light of the long-term development of the market."

Still, he said, the long-term nature of the announcement left a significant question hanging: "How does the

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Share the View

That's likely because there is no unified strategy behind all the different U.S. moves. Tillerson -- reportedly frustrated by his interactions with the Trump White House -- is trying to embrace the McCain and Obama models at once, perhaps because he has staffers from both camps who can sell their views convincingly to the novice foreign policy chief. The CIA is filled with Russia hawks, but Trump

distrusts the intelligence community. Generals who lead the Syria military effort concentrate on beating Islamic State, not on the eventual political settlement, and Trump is tempted to go along with them because he promised to beat Islamic State, not to fix the Syrian state.

The U.S. is a rudderless giant aircraft carrier. Putin doesn't even need to outmaneuver it; he just has to move around it -- something he's uncommonly good at.

government intend to improve air quality and reduce transport related emissions in the short term?"

Critics, including Ed Miliband, a former leader of the opposition Labour Party and an ex-environment secretary, argued that the government was failing to tackle the current pollution crisis.

Another former environment secretary, Ed Davey of the centrist Liberal Democrats, described the government's failure to commit to a plan to compensate diesel car owners who scrap or retrofit highly polluting vehicles as a "shameful betrayal."

Others also say the country's efforts are not aggressive enough -- France has also set 2040 as its target, but Norway intends to sell only electric cars from 2025, and India wants to do so by 2030.

Cars typically have a life span of around 15 years, so even if Britain follows through with its target, conventional engines are likely to be on the country's roads more than a decade later.

Britain's decision is, however, the latest indication of how swiftly governments and the public in Europe have turned against diesel and internal combustion engines in general.

Automakers, though reluctant to abandon technologies that have served them well for more than a century, are increasingly resigned to the demise of engines that run on fossil fuels. They are investing heavily in battery-powered cars as they realize their traditional business is threatened by Tesla or emerging Chinese companies, which have a lead in electric car technology.

The shift away from internal combustion engines is in large part a result of growing awareness of the health hazards of diesel.

Cities like Madrid, Munich and Stuttgart are considering diesel bans. Sales of diesel cars are plunging. Political leaders are under pressure to end the de facto subsidies of diesel fuel that prevail in Europe.

European countries kept taxes on diesel lower than on gasoline in the belief that it was kinder to the planet. Diesel engines do spew less carbon dioxide, a cause of global warming, than gasoline engines. But they produce more nitrogen oxides, a family of gases that cause asthma and are responsible for the smog that sometimes blankets London and other major cities.

Rather than encourage a shift back to gasoline cars, governments and automakers are focusing increasingly on electric cars. They are the only vehicles that emit neither nitrogen oxides like diesel nor large amounts of carbon dioxide like gasoline.

But the impending shift has raised doubts about whether countries like Britain will be able to create the infrastructure, and generate the electricity, needed for such a radical change in the way people travel.

Jack Cousens, a spokesman for Britain's largest motoring organization, the AA, said there would need to be "significant investment in order to install charging points across the country, especially fast-charge points," and added that it was questionable whether the electricity grid "could cope with a mass switch-on after the evening rush hour."



## Danger : Japan-EU trade deal shows allies not afraid to leave US behind

Danger, opinion contributor  
4-5 minutes

Earlier this month, the European Union and Japan reached an agreement in principle on a new trade deal that will cover some 40 percent of global trade. Set to eliminate up to 99 percent of tariffs on goods and remove a host of other barriers to trade between the two parties, the deal will also help the EU and Japan shape the rules for the modern global economy.

In light of the rise of protectionist rhetoric in recent years, the agreement also sends a powerful signal about the future direction of global trade.

At a press conference on July 6 to mark the deal, European Commission President Jean-Claude Juncker was explicit: "The depth of this agreement goes...far beyond our shores. It makes a statement about the future of open and fair

trade in today's world. And it shows that closing ourselves off to the world is neither good for business, nor for the global economy, nor for our workers."

The message could hardly be clearer: if the U.S. retreats from the global economy, it will lose out — and its closest allies will not wait behind. That it was delivered on the eve of the G-20 gathering of the world's largest economies, including the U.S., made it yet more poignant.

The EU is a powerful trading bloc and is already the biggest trading partner for more than 80 countries in the world. In recent times, the EU has looked to up its game on trade. Earlier this year, it approved a large-scale agreement with Canada that will elevate political and economic ties with a key strategic partner. Beyond the imminent EU-Japan deal, Europe is also seeking to boost trade ties with Mexico, South America, Australia and New Zealand, among others.

President Trump, meanwhile, on his first day in office, abandoned the Trans-Pacific Partnership, a deal that would have accounted for 60 percent of global GDP. He has also initiated efforts to reform — though not abandon — the NAFTA trade agreement with Canada and Mexico. While an update of the 20-year-old NAFTA makes a degree of sense, the U.S. has also called into question trade ties with key partners, such as Germany, and queried the value of multilateral fora such as the World Trade Organization (WTO), which sets the rules of global trade.

It is critically important for businesses and workers that America does not retreat from the world stage. For a century, the U.S. has predicated its economic and strategic success on advancing global economic integration and development. American companies of all sizes rely on open markets to thrive in what is today a ferociously-competitive global economy.

As U.S. businesses in Europe, we strongly support initiatives such as the EU-Japan free trade agreement that set pioneering standards and provide new possibilities for our companies to thrive and grow. In turn, this helps our companies create jobs and grow the economy back home in the U.S.

Positive American engagement with the world on trade only serves to enhance these opportunities. Rebooting trans-Atlantic trade talks — in some form — would be a good start. An EU-U.S. agreement would boost American ties with its oldest ally and enable the two blocs to together help set standards for the future.

Enhanced strategic cooperation with European and Asian partners will also reinforce the security and welfare of U.S. citizens and businesses. U.S. companies, which boast an unmatched global footprint, are ready to help wherever possible to secure the future of the U.S. economy and the prosperity of its workers and businesses.

## INTERNATIONAL



### Solomon : Russia sanctions fuel new Cold War

Norman Solomon  
Published 1:49 p.m. ET July 26, 2017

President Trump and Russian President Vladimir Putin on July 7, 2017. (Photo: Saul Loeb, AFP/Getty Images)

The drive to put more sanctions on Russia might feel good. But fueling a new Cold War can only propel the United States in the wrong direction. It's time to turn away from a collision course, not step on the gas.

Whatever you think of Vladimir Putin — or Donald Trump, for that matter — they are the presidents of the world's nuclear superpowers. Piling

sanctions on Russia means escalating tensions. And that's extremely dangerous.

When this year began, the *Bulletin of the Atomic Scientists* moved its risk-estimate Doomsday Clock closer to apocalyptic midnight than at any time since 1953. "The probability of global catastrophe is very high, and the actions needed to reduce the risks of disaster must be taken very soon," the *Bulletin's* expert panel warned.

If new sanctions target Russia, the predictable results will include angry responses from the Kremlin and more polarized attitudes in both countries — damaging the

prospects for any détente while boosting a spiral of mutual hostility.

Democratic lawmakers rightly deride Republicans for their "climate change denial," but both parties are locked into a kind of "nuclear war denial" in relation to Russia. The latest sanctions bill is part of an obsession with denouncing Russia that leaves scant room for considering how to reduce the dangers of nuclear war between the two countries.

#### OUR VIEW:

Such a war would be horrific. "A war fought with the deployed U.S. and Russian nuclear arsenals would

leave Earth virtually uninhabitable," according to Steven Starr, a former member of the Physicians for Social Responsibility national board.

In a warning last winter, former Defense secretary William Perry said, "We're going back to the kind of dangers we had during the Cold War." Those concerns are even more relevant and urgent now: "We are starting a new Cold War. We seem to be sleepwalking into this new nuclear arms race."

While parading for sanctions against Russia, the sleepwalkers on Capitol Hill are endangering the future of humanity.



### Russia sanctions bill provokes stark response from Moscow

<https://www.facebook.com/roth.andrew?fref=ts>

6-7 minutes

Russian Deputy Foreign Minister Sergei Ryabkov, left, and Russia's then-ambassador to the United States, Sergey Kislyak, right, arrive for a meeting at the U.S. State Department on June 17. (Carolyn Kaster/Associated Press)

MOSCOW — Senior Russian officials and lawmakers on Wednesday attacked new financial sanctions passed by the U.S. House of Representatives, saying they ended hopes for the détente between Moscow and Washington that President Trump promised during his campaign.

The new sanctions, which passed the House on Tuesday evening by an overwhelming vote of 419 to 3, targeted key Russian officials in retaliation for Moscow's alleged interference in the 2016 presidential election. Iran and North Korea were also targets.

The sanctions' passage cemented views in Moscow that Trump's election has provided few deliverables for the Kremlin and that the American president is being held hostage by a foreign policy establishment that seeks conflict with Russia.

The sanctions also may prove to be an inflection point. Even for a relationship characterized by saber-rattling and dire predictions, the Russian response was notably stark.

"Washington is a source of danger," Russian Deputy Foreign Minister Sergei Ryabkov, whose portfolio includes relations with the United States, told a state news agency in an interview. Later, he added, "Essentially, the possibilities for normalization of relations in the foreseeable future are closed."

The House voted to advance new financial sanctions against Russia on July 25. The House on July 25 voted to advance new financial sanctions against Russia in retaliation for alleged interference in the 2016 presidential election (U.S. House of Representatives)

(U.S. House of Representatives)

Others said that Russia should finally expel several dozen U.S. diplomats, ending a hopeful period in Moscow that Trump would reverse President

Barack Obama's decision late last year to expel 35 diplomats and seize two diplomatic compounds that Obama said were used to gather signals intelligence.

"In this case I am a supporter of symmetrical responses," said Konstantin Kosachev, chairman of the Foreign Affairs Committee in the Federation Council, the upper house of Russia's parliament. "I believe their time has come."

The sanctions bill and the deportations of diplomats were punishment for Russia's alleged intervention in the 2016 U.S. elections. Russian officials say they believe those accusations are just a pretext to undermine the Trump administration.

The sanctions bill passed by the House would force Trump to seek congressional approval to roll back other sanctions against Russia over its 2014 annexation of Crimea and support for separatists in eastern Ukraine. Members of the Trump administration, including Secretary of State Rex Tillerson, resisted the congressional push, but the overwhelming majority in the House suggests that a presidential veto would probably be overridden. The sanctions bill still would require approval by the Senate.

While Trump has shown that he wants a closer relationship with Russia and President Vladimir Putin,

Russian officials are now convinced of the limits of his power and ability to control his own party.

The new sanctions came just weeks after Trump and Putin met for the first time during the Group of 20 summit in Hamburg, speaking for more than two hours behind closed doors and then once more after a dinner, at a meeting attended only by Trump, Putin and Putin's interpreter. The two discussed, among other topics, Moscow's ban on adoptions of Russian children by American parents. The Russian ban was a response to U.S. sanctions.

Kosachev had said he was "hopeful" after that meeting for a breakthrough in relations.

President Trump meets with Russian President Vladimir Putin at the Group of 20 summit in Hamburg on July 7. (Evan Vucci/Associated Press)

After Tuesday's vote in the House, he struck a different chord.

"Hope dies last but it is dying," Kosachev wrote on Facebook, where he regularly posts his thoughts on international politics. "The further degradation of the bilateral cooperation is inevitable, even though it seems like it couldn't get any worse."

The Russian government's frustration has reached fever peak.

The main adjectives for Russian views on the United States are "disgust, disdain and contempt," said Sergey Karaganov, a foreign-policy analyst who works at the Higher School of Economics. He said that policy thinkers have discussed how the United States' internal political divisions and "wild emotions" are turning the country into a "failed state."

There have been some upsides for Russia to the Trump presidency. The focus on damaging internal politics in Washington, he said, has given Russia breathing room in Ukraine but also in Syria, where cooperation with Russia has become central to the Trump administration's plan to fight the Islamic State.

Also, Karaganov said, the United States' loss of prestige is Russia's gain.

"Because of your internal affairs, you have made Russia and Putin supreme. Who is ruling the world? You say it's Russians. In terms of PR, it's unbelievably good," he said. "But seriously, on the real issues, security, the situation in the world, we are very much concerned."

## THE WALL STREET JOURNAL

6-8 minutes

### EU Cautions U.S. on Russia Sanctions Bill

Laurence Norman

Mr. Juncker said the bill could have "unintended unilateral effects" on the EU's energy security interests and that the bloc will respond swiftly if its concerns aren't addressed. "America First" cannot mean that Europe's interests come last," Mr. Juncker said.

American lawmakers tried to ease Europeans' concerns, adapting draft legislation to say that any sanctions on pipeline projects would be undertaken "in coordination with allies of the United States," said Sen. Bob Corker (R., Tenn.), chairman of the Senate Foreign Relations Committee.

But that wasn't enough for European leaders, who said they would closely follow the U.S. legislative process and be ready to act. European officials have long chafed at U.S. legislation which seeks to target foreign companies with sanctions, saying that runs against international law.

They also worry Mr. Trump could use the legislation as leverage to pressure European governments on other issues, like trade.

Austrian Chancellor Christian Kern slammed the bill as an unacceptable "mixing of political interests with economic ones, at the cost of European jobs."

Against Mr. Trump's wishes, lawmakers passed legislation in an overwhelmingly bipartisan vote on Tuesday that would punish Russia after the U.S. intelligence community concluded that Moscow had sought to interfere in the 2016 presidential election.

Mr. Trump has expressed skepticism about Russian interference and opposes a portion of the bill that the White House says infringes on his executive authority. Russia also denies it.

The bill was aimed partly at forcing Mr. Trump to seek congressional approval before lifting restrictions. The compromise measure must now pass the Senate, which approved a different version of the bill last month.

Lawmakers could make further changes to the legislation before presenting it to Mr. Trump. The U.S. leader told The Wall Street Journal on Tuesday that he hasn't yet

decided whether to sign it into law. It could become law if it goes unsigned for 10 days.

The sanctions would come on top of others passed by the U.S. and EU after Russia's intervention in Ukraine and its annexation of Crimea in 2014. EU officials say the bloc has paid a higher price from those broad economic sanctions since EU-Russia trade was greater than U.S. economic ties before Ukraine crisis.

The EU and the U.S. have tied the easing of sanctions to Russia's implementation of the 2015 Minsk cease-fire and peace accords. The bloc recently extended its sanctions for an extra six months.

The EU acknowledged U.S. lawmakers had made a number of changes to the draft bill in recent days to lower the risk of American legal action against European firms. German foreign ministry spokesman Martin Schaefer said lobbying from the EU and from Germany had helped improve the draft legislation.

Among the changes was a higher threshold of Russian involvement in projects which could lead to

European companies being sanctioned, with the latest version setting a 33% threshold for crude-oil projects, instead of the original 10%. And it now applies only to new investments in projects, not to existing ones.

The new bill says the president, in making his decision, should "continue to uphold and seek unity with European and other key partners."

However, the EU said it potentially opened the way to punish companies building infrastructure that may transport energy resources to Europe. That includes the maintenance and upgrade of Russian pipelines

that transit through Ukraine, a European ally, providing a vital source of revenue for Ukraine.

Projects at risk, European officials say, include the Nord Stream pipeline carrying gas from Russia and a new project that would double its capacity and alter its route. That project, Nord Stream 2, has lined up billions of dollars in financing from a consortium of European energy companies but some EU nations oppose it because it would allow Russia to bypass Ukraine.

Also at risk, EU officials say, are the planned Baltic Liquefied Natural Gas plant project in the Baltic Sea and the Zohr gas field project in Egypt if the percentage of Russian interest

in that project increased, EU officials say.

Vladimir Chizhov, Russia's ambassador to the EU, said sanctions were a "boomerang" that was returning to hit the EU. "In a sense, the European Union is reaping the fruits of following Washington in the wake of the sanctions policy for the last three years," Mr. Chizhov said on state television Rossiya 24 Wednesday.

The EU hasn't spelled out what action it would take if the legislation takes effect without further changes. Officials said any action wouldn't come until a final bill is enacted. Additional retaliation could follow if

the legislation is implemented in an aggressive way, they said.

One possible channel for retaliation is a complaint at the World Trade Organization.

The EU also could apply legislation drawn up over a decade ago—the so-called blocking statute—which orders European companies to not obey U.S. extraterritorial sanctions. That remedy could be dicey; a European company could end up being sanctioned both by the U.S. while being fined by the EU for obeying the U.S. measures.



## U.S. lawmakers' attempt to handcuff Trump on Russia could backfire, Europe says

<https://www.facebook.com/michael.birnbaum1>

7-9 minutes

BRUSSELS — A top E.U. leader warned Wednesday that a U.S. congressional vote to strip President Trump of the ability to remove sanctions against Russia could backfire, dealing a blow to transatlantic efforts to curb Russian aggression against Ukraine and sparking a trade war between Europe and the United States.

The House of Representatives approved the measure Tuesday, 419 to 3, after the Senate passed similar legislation last month in a 98-to-2 vote. The White House has not indicated whether Trump will sign the bill.

The bill's main goal is to force Trump to consult with Congress before dialing back sanctions, a reaction to a White House plan weighed in his first weeks in office to unilaterally end the measures against the Kremlin. But the legislation would also give Trump the power to ban investments in certain Russian energy projects, most notably a major Russia-to-Germany gas pipeline under development called Nord Stream 2, and to promote U.S. energy exports instead.

The legislation's language was softened in the days ahead of the vote, in apparent acknowledgment of European worries. But many policymakers and experts in the European Union's capital, Brussels, and in Berlin still say that Congress may ultimately harm its own effort to pressure Russia. The worries are also a measure of the Trump White House's diminished standing in Europe, since the policymakers are

mistrustful of U.S. natural-gas exports that were welcomed during the Obama administration.

"The U.S. bill could have unintended unilateral effects that impact the E.U.'s energy security interests," European Commission President Jean-Claude Juncker said in a statement Wednesday. "If our concerns are not taken into account sufficiently, we stand ready to act appropriately within a matter of days. America first cannot mean that Europe's interests come last."

The House voted to advance new financial sanctions against Russia on July 25. The House on July 25 voted to advance new financial sanctions against Russia in retaliation for alleged interference in the 2016 presidential election (U.S. House of Representatives)

(U.S. House of Representatives)

*[U.S. retaliation over Russian hacking prompts stark response from Moscow]*

Separately, the German government questioned the move, voicing suspicions that the measure may simply be an effort to boost U.S. energy exports by hammering European gas projects.

It is "unacceptable for the United States to use possible sanctions as an instrument to serve the interests of U.S. industrial policy," German Foreign Ministry spokesman Martin Schaefer said in Berlin.

The initial U.S. sanctions on Russia after its 2014 annexation of Ukraine's Crimean Peninsula were unusual because they were negotiated with the E.U. Obama administration policymakers reasoned that their efforts would have a bigger effect if they presented a united front with Europe, which carries on far more

trade with Russia than does the United States. Since then, policymakers on both sides of the Atlantic have moved largely in lockstep.

But Trump's unusual friendliness with Russian President Vladimir Putin raised concerns about whether he would abandon the E.U. on sanctions, and Congress responded with near-unanimity to strengthen the measures.

The bill also gives Trump the power to impose sanctions on the pipeline under development between Russia and Germany, a project that many policymakers in Europe and the United States say will harm Ukraine by enabling Russian gas to completely bypass it. The pipeline — which will double the capacity of the existing Nord Stream link — may also increase European dependence on Russian gas imports.

Days ahead of the vote, language was added to the bill saying that the president should coordinate with U.S. allies before moving on this front, in what backers view as an attempt to calm European concerns.

"I think what we have done is made them comfortable," said Sen. Bob Corker (R-Tenn.), who is chairman of the Senate Foreign Relations Committee and helped spearhead the legislation.

Many in Eastern Europe are wary of the pipeline project and welcome any effort to quash it. But even some European critics of the pipeline say that the U.S. push is counterproductive and that Europe would be better off fighting Nord Stream internally and on its own terms.

"They are making more enemies from this anti-Nord Stream policy

than they needed to," said Georg Zachmann, an energy expert at Bruegel, a Brussels-based think tank. "Essentially, if it's not managing to kill the project, it's strengthening it."

That was underlined in a joint declaration of support for the pipeline project from the German foreign minister and the Austrian chancellor last month.

Because the sanctions measure also declares support for "the export of United States energy resources in order to create American jobs," alarm bells have sounded in Europe that the bill is targeting Nord Stream simply so that U.S. industry can prosper. The Obama administration also fought the pipeline and opened U.S. natural gas for export, but it did so as part of a more cooperative approach with Europe.

"You have all of the narrative behind it, of America first," said Kirsten Westphal, an energy security expert at the Berlin-based German Institute for International and Security Affairs. "President Trump is complaining about the high exports of Germany — if you change the terms of trade in a sense, and if you make Germany import more expensive LNG [liquefied natural gas] from somewhere, maybe the U.S., then this would also alter the broader balance of trade. The Europeans see the broader picture."

U.S. defenders of the effort to limit Trump's ability to roll back sanctions say Europe should calm its concerns.

"We didn't set out to fight with the European Union. We set out to counter Russia," said Daniel Fried, who directed the Obama administration's sanctions policies until January. "This bill was not directed against Europe by the

Trump administration. It was directed against the Trump administration by both parties in Congress."

## the Atlantic Trump's Dangerous Deal in Syria

Michael Carpenter

6-7 minutes

The U.S.-Russia agreement on a ceasefire in southwestern Syria, hailed by President Trump as one of the seminal achievements of his bilateral meeting with Russian President Vladimir Putin in Hamburg, will serve as an early test of Russia's willingness to work with the Trump administration in Syria. Unfortunately, the agreement leaves open many questions about implementation, and, judging by past practice, is likely to be abused by Russia to help the Assad regime consolidate power. Like the agreement on a collaborative cybersecurity unit, it is just one more indication of how Putin ate Trump's lunch (or was it dinner?) at the G20 summit.

The ceasefire agreement is formally between Russia, the United States, and Jordan, and applies to a portion of southwestern Syria near the Jordanian and Israeli borders. It reportedly makes geographically delimited "safe zones" off-limits to non-Syrian militias (presumably meaning Hezbollah and Iran's Quds Force, though it is unclear if these groups are mentioned by name), as well as al-Qaeda and other jihadist groups. The problem with the agreement has to do with enforcement of these "safe zones." Who determines what groups get to enter or exit, and if violence breaks out, who enforces a return to the

ceasefire? Two of the biggest potential spoilers, Iran and Hezbollah, are not parties to the deal. And yet they are Russia's closest allies in propping up the Assad regime. In concert with Assad, they have waged a murderous campaign against Syria's opposition for years. The result is a deal that could well leave the proverbial fox—in this case, Russia—guarding the henhouse.

Russian Foreign Minister Lavrov has said that Russia, the United States, and Jordan will be involved in enforcement. However, the Pentagon is focused on operations in Mosul and Raqqa hundreds of miles away—commanders on the ground would surely see a U.S. military presence in southwestern Syria as a costly and unnecessary diversion of manpower in the fight against the Islamic State. Given limited intelligence-surveillance-reconnaissance assets in the region, it is also unlikely that U.S. Central Command would be happy diverting scarce ISR platforms to monitor the ceasefire. And even if U.S. or Jordanian ISR were overhead, would they be able to distinguish Hezbollah or Shia militias who have reflagged themselves as other groups? All this, along with Jordan's reluctance to go all in across the border, means that the Trump-Putin ceasefire is likely to hand Russia the keys to southwestern Syria.

Lavrov has also said that Russian military police—a force that has been allied with Assad, Iran, and Hezbollah—would be in charge of

determining who has access to the ceasefire zones and what constitutes permissible humanitarian aid. (Recall that in Ukraine, Russia has covertly supplied its proxies with weapons under the guise of "humanitarian aid" to the local population.) The agreement also reportedly gives Russia the right to use force against groups in the ceasefire zone that it deems to be hostile actors, like al-Qaeda. Don't get me wrong: Eliminating al-Qaeda is a fine goal, but the problem here is that Russia has a long track record of referring to every moderate opposition group in Syria as an al-Qaeda offshoot.

Going into the G20 meeting, Putin knew, of course, that Trump would be eager to make progress on Syria. By quickly agreeing to a deal before expert negotiators had a chance to develop a solid monitoring and enforcement mechanism, perhaps involving opposition groups on the ground, Trump appears to have been suckered into a flawed agreement. Without credible monitoring and enforcement, Iranian-backed Shia militias and Hezbollah could start quietly infiltrating southwestern Syria, setting up the Assad regime and its Iranian friends to consolidate control over the border areas near Israel and Lebanon. This would be a major strategic play. Iran's potential long-term control over the region near the Golan Heights is likely the primary reason that Israeli Prime Minister Benjamin Netanyahu came out so

forcefully against the deal, despite having reportedly been consulted on it beforehand.

Trump's argument that the ceasefire is saving lives, even temporarily, is a powerful one. But even if the death toll slows in the southwestern "safe zones," regime troops freed up by the agreement are already launching attacks elsewhere, like the new offensive against opposition forces in eastern Ghouta.

The root of the problem here is that Trump seems to think that if only he can talk directly with the Russian leader on what are ostensibly common interests like defeating extremism in Syria, he will succeed where others have failed. But Russia is not really fighting extremism in Syria—it is actually exacerbating it by aligning itself with Assad, Hezbollah, and Iran against a panoply of Sunni groups, some moderate and others extremist. So while Russia has an objective interest in defeating the Islamic State, it also has other proximate aims in the near term: consolidating Assad's power over the opposition, forcing the international community and the United States to abide by Russia's terms for the future political makeup of Syria, and building its influence in the region.

The best that can be done now is to quickly remedy the flaws with monitoring and enforcement of the ceasefire by ensuring that opposition groups on the ground have a role, and not just Russian military police.



## Syria pivot? Why anti-Assad rebels, dropped by CIA, could land with jihadists.

The Christian Science Monitor

7-9 minutes

July 26, 2017 Irbid, Jordan—President Trump's reported suspension of a covert CIA program to fund, arm, and train Syrian rebels is seen as signaling the end of US efforts to pressure Syrian President Bashar al-Assad on the battlefield.

But the cutting of US ties – and likely those of US allies who also provided the rebels material support – also calls into question the fate of thousands of armed fighters who have grown reliant on US support and direction.

The move, which some commentators have characterized

as appeasing Russia, Mr. Assad's most powerful backer, has left thousands of mainstream rebels struggling to navigate a battlefield suddenly tipped against them, without a patron, without guidance – and for some – without a cause.

Among the options for the rebels, looking to evolve to survive: join the US-led battle against the so-called Islamic State, or, for the fervently anti-Assad fighters, even join the ranks of jihadist and Islamist groups, which have retained their shadowy funding and supply lines.

Abu Mohammed al Darrawi, the *nom de guerre* of a Free Syrian Army (FSA) intelligence official who has spent the past four years shuttling between southern Syria and Jordan to negotiate for arms

and support, says many "emotional" fighters and commanders will begin considering outreach by Al Qaeda and other well-funded Islamist militias.

"We lost our brothers, our sisters, our children; we went through hell just to end this regime and see an end to Assad," Darrawi said.

"If Al Qaeda, if Ahrar al Sham, if the devil himself is fighting Assad and will help us in this fight, we will side with them."

### Timber Sycamore

When the CIA launched the covert training and arming program, known as Timber Sycamore, in early 2013, it was designed to pressure Assad on the battlefield while regulating the flow of arms and cash that had

already been pouring in from Gulf countries and from Turkey.

The CIA, along with the US allies, vetted and trained thousands of rebels from the FSA and affiliated militias at bases within Turkey to the north and Jordan to the south.

Every operation, every battlefield movement, was micromanaged from Military Operations Centers (MOCs), in Jordan and Turkey that featured US, French, British, Saudi, and Emirati intelligence and military officials.

The US and its allies provided the rebels with light arms, including heavy machine guns, mortars, sniper rifles, and vehicles. But, due to Washington's concerns, they did not provide them with the anti-

aircraft weapons they needed to counter regime airstrikes and turn the tide on the battlefield.

The Trump administration's suspension of Timber Sycamore followed months of scaling down the program and was seen by many as an inevitable divorce. Mr. Trump referred this week on Twitter to his "ending massive, dangerous, and wasteful payments" to the rebels.

Saudi Arabia and the UAE, staunch supporters of the rebels, will be unable or unwilling to go against their ally Washington and continue arming or financing the fighters, say Arab security sources close to the MOC in Amman.

Jordan will no longer offer a land corridor to provide weapons to the south, Turkey is pressuring moderate rebels in the north to fight a proxy war with Kurdish groups, while Qatar, a major backer of Islamist rebels, will also be unwilling to throw its support behind the FSA.

The mood in the northern Jordanian town of Irbid, 12 miles from the Syrian border, where commanders of the FSA's Southern Front have lived and operated, is one of weariness as they consider their options.

"We have 54 factions in the south alone without support, without arms, and without salaries," says Abdul Hadi Sari, a former Syrian air force general who has been an adviser to

FSA's Southern Front and a military analyst based in Jordan.

"When the US says stop, they all stop."

### Fighting against, with jihadists

According to rebel commanders close to the MOC in Amman, rebels have been negotiating with Saudi Arabia and the UAE to continue salaries to fighters in order to prevent them from breaking ranks and joining jihadist groups. There have been 50 reported defections already this month.

The end of the CIA program meanwhile may also boost efforts to build a fighting force to oust ISIS from Syria, analysts and rebels say, the only way mainstream rebels can secure US support or that of its allies.

According to Syrian rebel commanders close to operations, the US has been redirecting vetted rebels to bases established near Tanf in the triangle between south-eastern Syria, western Iraq, and northern Jordan to train and take up the fight against ISIS in Raqqa and Deir ez-Zour.

"The CIA program was aimed at Assad, while the Department of Defense's program was aimed at ISIS," Faysal Itani, a Syria expert and senior fellow at the Rafiq Hairiri Center for the Middle East at the Atlantic Council, says via email.

"Ending the former will, if anything, pressure fighters to join the latter in

order to get paid and receive US protection."

As the CIA program was winding down over the past three months, 200 vetted Syrian rebels traveled to Tanf to join the US-formed Jaysh Maghawir al-Thawra (Revolutionary Commandos Army) for training, according to Syrian rebel commanders. Hundreds more are said to be considering the offer, but travel from southwest and northwest Syria to the southeast is a dangerous proposition given that swathes of territory are held by pro-regime Shiite militias or ISIS.

"Entering at-Tanf for many would be a suicide mission," says Mr. Sari, the former air force general. "But if you are starving and worn down by four years of war, many may take that risk."

### Police force?

One proposal allegedly backed by both Russia and the US, which came as part of Russia-US-Jordan tripartite talks in Amman that reached a cease-fire in south Syria, is the transformation of the Free Syrian Army and moderate rebels from a militia to a "police force."

Under the proposal, which according to those close to the ongoing tripartite talks has gained the support of Jordan, the rebels would change their mission from overthrowing Assad to keeping the peace in recently-announced truce zones in southern Syria and east of Damascus.

As part of the switch, as envisioned by the West, rebels would receive police training within southern Syria and salaries to both police and prevent extremist groups from filling the vacuum. Should it prove successful, the model would be replicated in central and northern Syria, with the presence of a non-regime police force facilitating the return of Syrian refugees from Jordan and Turkey, according to those close to the talks.

Syrian rebel commanders are divided on the initiative; some say they would rather fight to the "last bullet" than abandon their cause.

"Many would rather die as martyrs than live as policemen," says Abu Kamal, the nom de guerre of a FSA rebel commander in the Damascus countryside, whose fighters came to a standstill due to funding cuts last month, ahead of the Trump decision.

But, while the mission would be a far cry from overthrowing a regime that has committed atrocities, rebels say many fighters, worn down from broken promises and an increasingly sectarian fight, may be ready to accept the offer.

"When we went out and protested for freedom, we did not know that we would be facing jihadists, the world's Shiite militias, Russia, a civil war, and a sectarian war," Sari says.

"Right now, if you offer us security and peace on our homeland, many will take it."



## Herr & Bate : The Iranian Cyberthreat Is Real

There's trouble in the Gulf, where a hijacked news website has helped kick off a blockade of Qatar. Saudi Arabia, the United Arab Emirates, and their allies have cut off a fellow member of the Gulf Cooperation Council (GCC), citing as justification fake news stories that the Emiratis themselves allegedly planted.

The conflict started when several statements attributed to Qatari Emir Tamim bin Hamad Al Thani appeared on the Qatar News Agency's website and the government's official Twitter feed. The comments, which the Qataris quickly dismissed as the result of a hack, strayed from the Arab Gulf consensus on hot-button issues such as relations with Iran, Hamas, Hezbollah, and Israel. The Saudi-led bloc rejected that explanation and on June 5 severed diplomatic relations with Doha and also halted air, sea, and land transportation to the gas-rich state. Despite the mounting evidence that the offending news stories were contrived, the blockade has

remained in place through extensive diplomatic intervention from abroad.

The confrontation, which threatens stability in a region critical to U.S. interests, is bad enough. But far more ominously, it shows how future crises can be sparked by cyberoperations to manipulate information. Operations of the kind used against France in 2015 and the United States during the 2016 presidential election take advantage of preexisting tensions to drive political change. In the case of the Gulf, these fake news stories exploited regional hostility and the Iranian boogeyman to push the region into conflict.

The recent hack didn't occur in a vacuum; tensions among the Gulf Arab monarchies have been simmering for years. The Saudis, with support from Kuwait, Bahrain, and the UAE, have struggled for nearly half a decade to prop up the central government in Yemen against the Iranian-supported Houthi rebels. In Syria, many of the GCC states support Syrian rebel groups against the Islamic State, while Iran

provides Bashar al-Assad's government and groups like the Syrian Electronic Army with training and technical assistance. In the eyes of their neighbors, the Qataris also maintain an uncomfortably close relationship with the Muslim Brotherhood, which they see as a movement that threatens established rulers across the region.

While internal GCC differences over Iran are a key driver of the current crisis, the next conflagration might be sparked by Tehran itself. The country has demonstrated growing maturity in offensive cybersecurity, conducts extensive espionage against its neighbors, and is actively engaged in harassing Israeli government websites with regular distributed denial of service (DDoS) attacks. In a 2013 speech, Israeli Prime Minister Benjamin Netanyahu also claimed that Iran, together with Hezbollah, was carrying out "nonstop" attacks on Israeli industrial sites like water treatment facilities and power stations.

Iran's capabilities have been strongly influenced by its own

experience as the target of cyberoperations.

Iran's capabilities have been strongly influenced by its own experience as the target of cyberoperations. In the years after Stuxnet, the U.S.-Israeli effort to stymie Iranian nuclear enrichment efforts, Tehran began making repeated efforts to gather information on industrial control systems in both countries. After a 2012 attack on an Iranian oil facility by malware designed to wipe computer systems of data, Iran responded by conducting precisely the same sort of attack against the back-office computer systems of oil giant Saudi Aramco and Qatari natural gas producer RasGas, which forced the replacement of tens of thousands of computers.

Iran is capable of causing a lot of havoc through cyberspace. Moving from web defacements and crude censorship in the early 2000s, through sophisticated internal information controls and sustained espionage campaigns, to complex multistage attacks today, Iran's

evolution in cybersecurity has been rapid. More recent Iranian operations have leveraged extensive reconnaissance of social media to successfully compromise American government organizations and critical infrastructure facilities. In 2016, the U.S. Justice Department unsealed an indictment against seven Iranian nationals accused of engaging in the costly digital harassment of American banks, one of whom was also charged with trying to hack into upstate New York's Bowman Avenue Dam.

All this means that the next hack in the Gulf might not simply exploit Iran's reputation as a regional boogeyman — it might be launched by Iran itself. There are limits to our ability to assign attribution for incidents in cybersecurity, which suggests that future information operations may be able to operate under the cloak of relative anonymity — or at least plausible deniability.

This isn't the last time information operations are going to roil the region. The Gulf states need to be

better equipped to defend themselves against these sort of attacks, and the first step is investing in their domestic cybersecurity capabilities. Their best bet is to leave aside surveillance and censorship to develop the technical capacity to identify and mitigate weaknesses in their own networks.

The episode demonstrates how the Gulf is ripe for exploitation via information operations. Through a fairly low-risk compromise of the Qatar News Agency, an actor

managed to fracture one of the primary political blocs arrayed against Iranian action in the region. The Gulf has more than its share of political rivalries and long-standing antipathies, and Iran's status as a growing power in cyberspace means that these vulnerabilities only appear poised to worsen. The damage done so far was likely the result of internal political fragmentation in the Arab bloc — the potential fallout that could result from external interference is daunting.

## *the Atlantic* Taliban Captures an Afghan Military Base, Killing 26

Krishnadev  
Calamur  
3-4 minutes

Afghan troops have suffered significant losses to the Taliban in recent days, highlighting their country's security vulnerabilities more than 15 years after the U.S.-led invasion ousted the militant group, as well as President Trump's reported reluctance to send more troops to the country.

At least 26 Afghan soldiers were killed in the Taliban's attack Tuesday night on a military base in Khakriz district, which is in the southern Kandahar Province, traditionally a Taliban stronghold. The Taliban said it was now in control of the base, but an Afghan military spokesman said Afghan forces were still present there.

The group's military victories illustrate that it remains a potent force in Afghanistan, one that has to be reckoned with if there is to be a lasting peace in the country. As Bill Roggio points out in *Long War Journal*, in recent days the group has pushed the Afghan military out of districts in Paktia, Faryab and Ghor provinces.

"The Taliban is demonstrating that it can sustain operations in all theaters of Afghanistan," Roggio wrote, pointing out the districts are in different parts of the country.

Indeed, the Taliban seized much of Helmand Province earlier this year, and has also fought the military in Kunduz province. In May, it struck the Shah Wali Kot army post, killing more than a dozen Afghan soldiers, and a month earlier it carried out the deadliest attack on Afghan troops since 2001, when it killed 170 soldiers near Mazar-e-Sharif.

The regularity of the attacks and the Taliban's gains, as well as the rise of ISIS in Afghanistan, have increased pressure of President Ashraf Ghani's government to restore order. Ghani has been under political pressure from his rivals as well as from those who previously supported him, and the state of Afghan security is only likely to intensify that pressure.

It's also likely to increase pressure on President Trump who is reportedly reluctant about sending additional U.S. troops to the country to join the 8,500 American service members already there. Defense Secretary James Mattis has not yet deployed the 3,900 troops Trump authorized him to send more than a month ago, possibly reflecting the president's skepticism about more troops in Afghanistan.

Last week ahead of a meeting with veterans of the Afghan war, Trump

told reporters: "We've been there for now close to 17 years, and I want to find out why we've been there for 17 years, how it's going, and what we should do in terms of additional ideas." Asked during a visit later that week to the Pentagon about whether he'd sent more troops to the country, he replied: "We'll see," and highlighted U.S. gains against ISIS, which while a threat to the country is perhaps not long-term problem for Afghanistan.

Still, *The New York Times* reported Wednesday that Trump might have found a reason to stay in the country: its vast mineral wealth. It's unclear, however, whether the U.S. or anyone else can overcome the security concerns in Afghanistan, not to mention political instability and corruption, to see mining as a viable reason to stay in Afghanistan.

## *The New York Times* Taliban Slaughter Soldiers in Pattern of Attacks in Kandahar

Taimoor Shah  
and Mujib Mashal  
5-7 minutes

Afghan soldiers on Wednesday at a military base in the Khakrez District of Kandahar Province, where dozens of soldiers were killed or wounded in overnight clashes with the Taliban. Muhammad Sadiq/European Pressphoto Agency

KANDAHAR, Afghanistan — In a bloody overnight attack in Kandahar Province in Afghanistan on Wednesday, the Taliban routed an Afghan Army outpost, killing dozens of soldiers and raising fears of a concerted insurgent offensive in the province, a former seat of Taliban power that took years of effort by coalition and Afghan forces to secure.

The attack happened in Khakrez District, about 30 miles from

Kandahar city, and the large number of casualties has raised concerns about new Taliban tactics against an Afghan force already losing men in record numbers.

One senior security official said 39 Afghan Army soldiers were killed in the attack, which began at 10 p.m. on Tuesday and lasted for three hours. The official said that 17 other soldiers were wounded, and that a dozen more had not been accounted for.

The Afghan government's media and information center said 26 soldiers were killed and 13 others wounded. Army officials in Kandahar confirmed the attack but would not provide details of casualties.

Mohammed Yousuf Younusi, a member of Kandahar's provincial council, described the episode as "a massacre" and said there was prior intelligence that the Taliban would attack in large numbers.

"The Taliban fooled the officials — they split into three groups, and launched simultaneous attacks," Mr. Younusi said. "One group attacked Shah Wali Kot District, another attacked Nish District, and a third group attacked this Afghan Army base, which is not far from the district center. Things are really bad, and this is a shame."

Kandahar was the original seat of the Taliban government when it controlled Afghanistan from the mid-1990s until its ouster by the United States invasion in 2001. More than 550 NATO coalition troops have died in the province, and it became relatively secure only after a strong push during President Barack Obama's troop surge starting in 2010.

The gains in Kandahar have been solidified in recent years by a strongman police chief, Gen. Abdul Raziq, a favorite of American commanders who has also been accused of abuses by human rights groups.

The province's dependence on one individual for security — with no Plan B and at the cost of reforming the police as an accountable force — has long worried diplomats and Afghan officials.

The Taliban have steadily been making gains in surrounding provinces, but in Kandahar, General Raziq's forces have long been successful in keeping the insurgents at bay. But the general's control is being tested by this new wave of attacks.

In recent weeks, in addition to firing on security outposts in most of the province's districts, the Taliban have also carried out heavier assaults and ambushes in at least six districts, often inflicting casualties on Afghan forces.

"For the last two weeks, the Taliban have been attacking the northern districts of Kandahar and have killed many Afghan security forces," said Noor Nawaz Piawari, a military analyst in Kandahar. "The northern

districts are close to Helmand and Uruzgan, which they control in large parts. They are after expanding their territory to create routes that connect to Pakistan," where most of the insurgency's leadership is based.

Mr. Piawari said General Raziq would struggle to maintain security as his police forces are stretched and face casualties, with the Taliban often attacking isolated outposts across several districts.

For an Afghan force that lost men in record numbers last year, the past month has proved particularly

deadly. The Taliban have overrun three districts across the country in the last week, and the pattern suggests they are focused on inflicting heavy casualties on Afghan forces, rather than holding the territory they take over. When they overrun outposts and police stations, they often capture even more weapons and ammunition, most of it paid for by the United States and its allies to help bolster the Afghan forces.

Both in Janikhel District of Paktia Province, and in Kohistan District of Faryab Province, the Taliban looted all the weapons and equipment left

behind by the Afghan forces. In Taiwara District, in western Ghor Province, the Taliban killed as many as 30 government forces.

When Afghan forces took back the district center of Kohistan on Tuesday, they estimated that the Taliban had seized some 40,000 rounds of machine gun ammunition, a mortar with 20 rounds and 30 rocket-propelled grenades, according to Sulaiman Rahmani, a militia commander in the district. The province's police chief, however, said that whatever the Taliban took had been bombed by the Afghan Air Force.

After overrunning the district center of Janikhel, and seizing four pickup trucks, one Humvee and whatever weapons they could get their hands on, the Taliban withdrew again, officials there said.

"They have taken position in the mountains above the district center to strike on the Afghan forces, in case they plan to move ahead to retake the district," said Shakeela Mangal, a member of the Paktia provincial council.

## THE WALL STREET JOURNAL

### Afghan Military Base Hit by Taliban Attack

Ehsanullah Amiri

Mohammad Radmanish said Wednesday. More than a dozen others were wounded, he said.

Kandahar is the birthplace of the Taliban, and shares a restive border with neighboring Pakistan. Security in the long-troubled province has deteriorated since most foreign troops withdrew in 2014.

The Taliban claimed responsibility for the assault, saying its fighters had seized military equipment from the base including Humvees, weapons and ammunition.

KABUL—The Taliban attacked an Afghan army base in southern Kandahar province overnight and killed at least 26 soldiers, the Defense Ministry said, as the insurgent group increases pressure on government forces.

The attack took place close to midnight as some 60 Afghan soldiers were on duty in Khakrez district, north of the provincial capital Kandahar City, ministry spokesman

It came two days after a Taliban suicide car bombing targeted a minibus carrying government employees in western Kabul, killing 31 people and injuring dozens more.

The Taliban regularly target Afghanistan's military and civilians who work for the government, taking advantage of worsening security across the country.

They are intensifying assaults throughout Afghanistan, piling pressure on President Ashraf Ghani's government, which this

week lost districts in Faryab, Paktia and Ghor provinces.

The U.S. military has in recent months stepped up efforts to back the Afghan government in preventing major territorial losses to the group, dramatically increasing the number of airstrikes it carries out on Taliban positions, as President Donald Trump's administration rethinks America's strategy in the country.

## The New York Times

### Trump Administration Slaps Sanctions on Venezuela and Warns of More

Peter Baker

4-5 minutes

President Nicolás Maduro of Venezuela attended a military parade in Caracas this month. Marco Bello/Reuters

WASHINGTON — The Treasury Department imposed financial sanctions on a host of current and former senior Venezuelan officials on Wednesday and threatened to take more stringent action if President Nicolás Maduro proceeds with plans for a constituent assembly on Sunday that critics consider a danger to democracy.

Steven T. Mnuchin, the Treasury secretary, ordered assets in the United States frozen for 13 well-connected Venezuelan figures and barred Americans from doing business with them. Among those targeted by the administration were the interior minister and heads of the

army, police and national guard, as well as government officials involved in the coming assembly.

"As President Trump has made clear, the United States will not ignore the Maduro regime's ongoing efforts to undermine democracy, freedom and the rule of law," Mr. Mnuchin said in a statement. "As our sanctions demonstrate, the United States is standing by the Venezuelan people in their quest to restore their country to a full and prosperous democracy."

In a conference call with reporters, administration officials urged Mr. Maduro to cancel the Sunday assembly or face tougher actions. Among the possible options could be measures targeting oil sales. "Anyone elected to the National Constituent Assembly should know that their role in undermining democratic processes and institutions in Venezuela could expose them to potential U.S.

sanctions," Mr. Mnuchin added in his statement.

The constituent assembly elections planned for the weekend are seen by critics as a way to cement Mr. Maduro's hold on power by rewriting the constitution and possibly dissolving state institutions. Protests against the government have led to arrests and violence. The administration cited opposition estimates that as many as 15,000 civilians had been wounded in recent protests and over 3,000 arrested, with 431 political prisoners still behind bars. The administration also cited accusations of torture and other human rights abuses by the Venezuelan security services.

Among those hit with sanctions on Wednesday were Nestor Luis Reverol Torres, the minister of interior, justice and peace; Carlos Alfredo Perez Ampueda, the national director of the Bolivarian National Police; Sergio Jose Rivero Marcano, commander general of the

Bolivarian National Guard; and Jesus Rafael Suarez Chourio, the general commander of the Bolivarian Army.

The Treasury took aim at Venezuela's ombudsman, the head of the presidential commission for the constituent assembly and the president of the National Electoral Council as well. The sanctions also targeted economic figures, including the president of the National Center for Foreign Commerce, which sets the official exchange rate and was described by the Treasury Department as a "significant engine of corruption in Venezuela."

The move won support across the aisle in Washington. "Today's announcement of sanctions against 13 senior government and military officials is an important step to hold Venezuela's leaders accountable for their actions," Senator Benjamin L. Cardin, Democrat of Maryland, said in a statement.

## THE WALL STREET JOURNAL

### U.S. Puts More Venezuelan Officials Under Sanctions

José de Córdoba

The U.S. government leveled sanctions on 13 high-ranking Venezuelan officials for alleged corruption, human-rights violations

and undermining the country's democracy, days before a scheduled vote for a constitutional assembly that many believe would

deal a death blow to Venezuela's democracy.

The officials targeted by the U.S. Treasury on Wednesday include Tibisay Lucena, the head of the country's electoral agency, as well as the chiefs of the Venezuelan Army, National Guard and National Police.

The U.S. also blacklisted the finance chief of state oil firm *Petróleos de Venezuela*; *Eliás Jaua*, a leading politician close to President Nicolás Maduro; and *Erick Malpica Flores*, a nephew of Venezuela's powerful first lady, *Cilia Flores*.

Under the sanctions, the officials' U.S. assets are frozen and their U.S. visas revoked. The measures also prohibit U.S. citizens and institutions from doing business with them.

The U.S. government warned that any individuals who become members of the constituent assembly to be elected on Sunday risked being added to the U.S. sanctions list.

"The United States will not ignore the Maduro regime's ongoing efforts to undermine democracy, freedom, and the rule of law," said U.S. Treasury Secretary Steven Mnuchin.

Mr. Maduro responded to the U.S. move with defiance. "We will never kneel, and our vengeance will be our victory on Sunday July 30th," he said in a broadcast to the nation on Wednesday evening, after which he bestowed ceremonial swords on Ms. Lucena and other targeted officials.

The newest round of sanctions comes days after U.S. President Donald Trump called Mr. Maduro a "bad leader who dreams of becoming a dictator" and threatened that the U.S. would take "strong and swift economic action" if the Venezuelan leader followed through

with Sunday's planned vote for the constituent assembly, which is to be tasked with rewriting the constitution.

The Trump administration says Mr. Maduro's push to create the assembly is the final step toward a full dictatorship. "We see July 30th as a critical line that, if crossed, could be the end of democracy in Venezuela," a senior Trump administration official said.

The U.S. put eight Venezuelan Supreme Court justices under similar sanctions in May after the court issued rulings that gutted the country's opposition-led congress. Vice President Tarek El Aissami was placed on a U.S. Treasury blacklist in February for allegedly aiding drug traffickers, along with financier *Samark López*. U.S. authorities have frozen "hundreds of millions of dollars" in assets linked to Mr. El Aissami, much more than they had previously estimated, a senior U.S. official said Wednesday.

Mr. Jaua, the Venezuelan official in charge of creating the constituent assembly, said he had no assets to lose as a result of the sanctions. "The Empire's sanctions are an acknowledgment of my 34 years of struggle for national sovereignty and for the poor of this Earth. We will overcome!" he wrote on his Twitter account on Wednesday.

Mr. Maduro's efforts to convene a constituent assembly are being boycotted by Venezuela's opposition coalition. Once elected Sunday, the assembly is set to become the country's supreme political institution, with power to rewrite the constitution and dissolve the opposition-dominated congress.

The opposition has called a two-day general strike—its second in as

many weeks—starting Wednesday in a last-ditch attempt to stop the constituent assembly. In Caracas, some government opponents participating in the general strike supported the sanctions against the government officials, but were skeptical they would matter.

"I don't think it will have an impact on their behavior," said Henry Oliveros, a 24-year-old telecommunications worker.

Mr. Trump and other world leaders have called on Mr. Maduro to abandon the vote, which polls show more than 80% of Venezuelans oppose. Last week, more than 7.5 million Venezuelans voted in an unofficial referendum whose results showed overwhelming opposition to creating the new assembly.

Mr. Maduro dismissed that referendum as a nonbinding internal consultation by the opposition, but as the president and his aides move ahead with their plans to hold Sunday's vote, anxiety about the adverse international reaction has been high inside the *Miraflores Presidential Palace*, according to people close to the ruling Socialist Party.

It isn't clear, however, whether the new sanctions would fracture Mr. Maduro's backing within the military and government or unify the regime behind the president.

Trump administration officials said expanded sanctions on the country's vital oil industry, which provides 95% of Venezuela's foreign exchange, were possible if Mr. Maduro carried out his plans. "All options are on the table," the senior official said.

Many experts have warned against a broad-based ban on oil exports

from Venezuela, saying it could cause a backlash against the U.S. and strengthen the Maduro regime while disrupting U.S. energy markets that rely heavily on Venezuelan crude imports.

U.S. Secretary of State Rex Tillerson's past dealings with Caracas as the former chief executive of American oil giant *Exxon Mobil* may have helped spur the administration to take a more aggressive sanctions stance with the country, said James Lewis, a former State Department official responsible for sanctions and currently a senior vice president at the Center for Strategic and International Studies.

"Tillerson knows the Venezuela story," Mr. Lewis said.

The U.S.-based oil company, like several of its peers, was locked in a bitter legal battle during Mr. Tillerson's tenure there over Venezuelan assets nationalized by the late President Hugo Chávez.

Venezuela, which boasts bigger oil reserves than Saudi Arabia, is mired in a deep economic and political crisis. More than 100 people have died in the last four months amid violent street protests held almost daily. Most of them have been killed by government security forces and paramilitary gangs allied with the government.

Venezuela's economy has shrunk by nearly a third in the last four years. The International Monetary Fund estimates inflation will surpass 700% this year. Dwindling supplies and access to food means that three out of four Venezuelans lost an average of 18 pounds last year.



## Trump administration hits 13 Venezuelans with sanctions in advance of critical vote

A demonstrator wears a Venezuelan flag Wednesday during a strike called to protest President Nicolás Maduro's government in Caracas. (Marco Bello/Reuters)

The Trump administration placed sanctions on 13 current and former senior Venezuelan officials Wednesday and warned that it was prepared to take far more draconian measures if President Nicolás Maduro does not cancel a vote this weekend to choose a new congress.

Those hit with sanctions include top officials from the government, the security services and the Venezuelan oil industry. The

measures, which freeze any money that they have in the United States and prohibit U.S. citizens or financial institutions from any dealing with them, are the latest in a series of steps administration officials described as a "steady drumbeat" of pressure on the Maduro government.

The vote scheduled for Sunday to elect a new super-assembly is widely seen as a move by Maduro to consolidate his power amid widespread opposition protests that have virtually shut down the country and a security crackdown that has led to deaths and massive arrests.

In a statement this month, President Trump said the United States would

support Venezuelans standing for "democracy, freedom and the rule of law" ignored by "a bad leader who dreams of becoming a dictator" and "will not stand by as Venezuela crumbles." He promised "strong and swift economic actions" if the vote takes place.

The administration has done nothing to dampen speculation that those actions could include an embargo on oil imports from Venezuela, the United States' third-largest foreign supplier. An embargo could increase energy prices in this country and affect supply and distribution through *Citgo*, Venezuela's U.S. refining subsidiary.

"Sectoral sanctions," as they are called, "are something that are certainly under consideration," said one of several senior administration officials who briefed reporters Wednesday on the administration-imposed condition of anonymity.

"All options are still on the table for the president to take after July 30," the official said. "Certainly our hope is that Maduro will change his position."

Response options will go to Trump for a decision, the official said, and the government was doing a "fully thorough analysis to try to understand the impact of options not just on Venezuela but also on the U.S. . . . The goal is to try to prevent



as much harm to the U.S. economy, while maximizing [impact] on the Venezuelan regime.”

On Wednesday, Maduro responded in an interview with the Russian outlet RT, saying he was in the midst of striking “important” new oil and gas deals with Moscow and calling on Trump to stop his “aggression.”

“For what it’s worth, I’d like, as president, to some day speak with [Trump], shake hands and tell him that we’re in the 21st century, and to forget the Monroe doctrine,” Maduro said. “That it’s time to accept diversity, and of a new time of quality relationship”

“My message is in particular to President Trump, stop your aggression to Venezuela, stop your interventionism in Latin America,” he continued.

As the crisis in Venezuela has continued, the U.S. Congress and other nations in the hemisphere have been widely supportive of action against the Maduro government.

“The expansion of targeted sanctions against Maduro cronies

with Venezuelans’ blood on their hands is not only appropriate, it was necessary,” said Sen. Robert Menendez (D-N.J.). “The implosion of Venezuela has already claimed the lives of hundreds and left millions hungry and desperate, and yet not one single Venezuelan government official or member of the security forces has been held accountable for their role in the beating, shooting, jailing or killing of Venezuela’s citizens and democracy.”

People familiar with the administration’s internal discussions said that Trump favors a strong response and has been inclined toward targeting Venezuela’s oil sector. Officials at the State and Energy departments have been more cautious, warning, as have some of Maduro’s opponents in Venezuela, that such a move could have a devastating impact on the ground.

Venezuela counts on U.S. oil sales as a major source for dwindling supplies of hard currency and uses the dollars it earns to cover food and medicine imports.

Cutting off those supplies should significantly ratchet up the pressure

on Maduro but exacerbate already bad shortages of food and medicines for long-suffering Venezuelans.

The list issued Tuesday contained powerful figures in Venezuela’s ruling elite, including Elías José Jaua Milano, Maduro’s minister spearheading Sunday’s vote, and Tibisay Lucena Ramírez, head of the electoral council that opponents have charged with fraud.

But just as significant was the decision to extend the sanctions to the military and state-run oil sector, a move potentially signaling to powerful forces in the country that they would not be immune from the response against Maduro.

Those officials included the recently named army commander Jesús Rafael Suárez Chourio and Sergio José Rivero Marcano, whose National Guard has been battling protesters. Another key name: Simón Alejandro Zerpa Delgado, a senior executive at the state-owned oil giant.

But few thought the U.S. step would prevent Sunday’s vote.

Military, defense and security at home and abroad.

“Do I think that it’s going to work? I honestly don’t think these kinds of sanctions usually work,” said Michael Pinfold, a global fellow with the Wilson Center’s Latin America program.

As pressure on Maduro continued to build, anti-government forces were staging a 48-hour strike that shut down large parts of the capital Wednesday, with a massive march on Caracas being organized for Friday or Saturday.

In the wealthier eastern half of the city, most businesses closed to support the strike called by the opposition, which is boycotting the vote and calling for its cancellation.

The main highways of the capital city were largely closed down in the early morning, and reports surfaced of national police lobbing tear gas at strikers in the center. In the poorer neighborhoods in the west, the strike appeared less pronounced, with more businesses open and more people on the streets.

## ETATS-UNIS

**The  
New York  
Times**

### UNE - Trump Says Transgender People Will Not Be Allowed in the Military

Julie Hirschfeld Davis and Helene Cooper

WASHINGTON — President Trump abruptly announced a ban on transgender people serving in the military on Wednesday, blindsiding his defense secretary and Republican congressional leaders with a snap decision that reversed a year-old policy reviled by social conservatives.

Mr. Trump made the declaration on Twitter, saying that American forces could not afford the “tremendous medical costs and disruption” of transgender service members. He said he had consulted generals and military experts, but Jim Mattis, the defense secretary, was given only a day’s notice about the decision.

Mr. Trump elected to announce the ban in order to resolve a quietly brewing fight on Capitol Hill over

whether taxpayer money should pay for gender transition and hormone therapy for transgender service members. The dispute had threatened to kill a \$790 billion defense and security spending package scheduled for a vote this week.

But rather than addressing that narrow issue, Mr. Trump opted to upend the entire policy on transgender service members.

His decision was announced with such haste that the White House could not answer basic inquiries about how it would be carried out, including what would happen to openly transgender people on active duty. Of eight defense officials interviewed, none could say.

“That’s something that the Department of Defense and the White House will have to work together as implementation takes

place and is done so lawfully,” Sarah Huckabee Sanders, the White House press secretary, said.

Still, the announcement pleased elements of Mr. Trump’s base who have been dismayed to see the president break so bitterly in recent days with Attorney General Jeff Sessions, a hard-line conservative.

Civil rights and transgender advocacy groups denounced the policy, with some vowing to challenge it in court. Pentagon officials expressed dismay that the president’s tweets could open them to lawsuits.

The ban would reverse the gradual transformation of the military under President Barack Obama, whose administration announced last year that transgender people could serve openly in the military. Mr. Obama’s defense secretary, Ashton B. Carter, also opened all combat roles

to women and appointed the first openly gay Army secretary.

The president says transgender people will not be allowed to serve in the military. The military says that’s news to them.

And it represented a stark turnabout for Mr. Trump, who billed himself during the campaign as an ally of gay, lesbian, bisexual and transgender people.

The president, Ms. Sanders said, had concluded that allowing transgender people to serve openly “erodes military readiness and unit cohesion, and made the decision based on that.”

Mr. Mattis, who was on vacation, was silent on the new policy. People close to the defense secretary said he was appalled that Mr. Trump chose to unveil his decision in tweets, in part because of the message they sent to transgender

active-duty service members, including those deployed overseas, that they were suddenly no longer welcome.

The policy would affect only a small portion of the approximately 1.3 million active-duty members of the military. Some 2,000 to 11,000 active-duty troops are transgender, according to a 2016 RAND Corporation study commissioned by the Pentagon, though estimates of the number of transgender service members have varied widely, and are sometimes as high as 15,000.

The study found that allowing transgender people to serve openly in the military would “have minimal impact on readiness and health care costs” for the Pentagon. It estimated that health care costs would rise \$2.4 million to \$8.4 million a year, representing an infinitesimal 0.04 to 0.13 percent increase in spending. Citing research into other countries that allow transgender people to serve, the study projected “little or no impact on unit cohesion, operational effectiveness or readiness” in the United States.

Lt. Commander Blake Dremann, a Navy supply corps officer who is transgender, said he found out his job was in danger when he turned on CNN on Wednesday morning. Commander Dremann came out as transgender to his commanders in 2015, and said they had been supportive of him.

He refused to criticize Mr. Trump — “we don’t criticize our commander in chief,” he said — but said the policy shift “is singling out a specific population in the military, who had been assured we were doing everything appropriate to continue our honorable service.”

He added: “And I will continue to do so, until the military tells me to hang up my boots.”

The announcement came amid the debate on Capitol Hill over the Obama-era practice of requiring the Pentagon to pay for medical treatment related to gender transition. Representative Vicky Hartzler, Republican of Missouri, has proposed an amendment to the spending bill that would bar the Pentagon from

spending money on transition surgery or related hormone therapy, and other Republicans have pressed for similar provisions.

Mr. Mattis had worked behind the scenes to keep such language out of legislation, quietly lobbying Republican lawmakers not to attach the prohibitions, according to congressional and defense officials.

But Mr. Trump was concerned that the transgender medical care issue could imperil the security spending measure, which also contains \$1.6 billion for the border wall that he has championed, and wanted to resolve the dispute cleanly and straightforwardly, according to a person familiar with his thinking, who insisted on anonymity to describe it. That prompted his ban.

Republican congressional leaders were aware Mr. Trump was looking into whether taxpayer money should be spent on medical procedures for transgender service members, but had not expected him to go so far as to bar transgender people from serving altogether.

Mr. Trump and Republican lawmakers had come under pressure from Tony Perkins, the president of the Family Research Council, a leading Christian conservative group, and an ally of Mr. Trump’s. Mr. Perkins opposed the bill over spending on transgender medical costs and lobbied lawmakers to do the same.

“Grant repentance to President Trump and Secretary Mattis for even considering to keep this wicked policy in place,” the Family Research Council said in one of its daily prayers last week. “Grant them understanding, courage and willpower to stand up to the forces of darkness that gave birth to it and wholly to repeal it.”

Opponents of allowing openly transgender service members had raised a number of concerns, including what they said was the questionable psychological fitness of those troops. They said the military was being used for social experimentation at the expense of national security.

“This was Ash Carter on his way out the door pulling the pin on a cultural grenade,” Mr. Perkins said on Wednesday. “Our military leaders are saying this doesn’t help make us a better fighting force; it’s a distraction; it’s taking up limited resources.”

Mr. Carter objected to the decision, for its effect on the military and on those considering joining.

“To choose service members on other grounds than military qualifications is social policy and has no place in our military,” he said in a statement. “There are already transgender individuals who are serving capably and honorably. This action would also send the wrong signal to a younger generation thinking about military service.”

While some conservative lawmakers, including Ms. Hartzler, praised Mr. Trump, the president drew bipartisan condemnation on Capitol Hill and outrage from civil rights and transgender advocacy groups.

“There is no reason to force service members who are able to fight, train and deploy to leave the military — regardless of their gender identity,” said Senator John McCain, Republican of Arizona and the chairman of the Senate Armed Services Committee.

He called Mr. Trump’s move “yet another example of why major policy announcements should not be made via Twitter.”

Senator Jack Reed, Democrat of Rhode Island and the ranking member of the Armed Services Committee, noted the irony of Mr. Trump’s announcing the ban on the anniversary of President Harry Truman’s order to desegregate the military. “President Trump is choosing to retreat in the march toward equality,” he said.

In June, the administration delayed by six months a decision on whether to allow transgender recruits to join the military. At the time, Mr. Mattis said the delay would give military leaders a chance to review the shift’s potential impact. Mr. Mattis’s decision was seen as a pause to “finesse” the issue, one

official said, not a prelude to an outright ban.

The delay on recruits “was largely based on a disagreement on the science of how mental health care and hormone therapy for transgender individuals would help solve the medical issues that are associated with gender dysphoria,” Gen. Paul Selva, the vice chairman of the Joint Chiefs of Staff, said during his reconfirmation hearing last week.

“I am an advocate of every qualified person who can meet the physical standards to serve in our uniformed services to be able to do so,” he said.

Mr. Mattis, a retired Marine, has not been a major proponent of allowing transgender people to serve in the military, in part because medical accommodations, including hormone injections, could open the Defense Department to claims from other people not allowed to serve, like Type 1 diabetics, who also need regular injections.

But Mr. Mattis and the Pentagon’s military leadership all seemed to have accepted that transgender people already serving in the military would be allowed to remain. A senior adviser to Mr. Mattis, Sally Donnelly, represented the Palm Center, an organization that advocated on behalf of the L.G.B.T. community in the military during the debate that led up to the Obama administration’s decision to allow transgender people to serve, defense officials said.

Mr. Trump’s abrupt decision is likely to end up in court; OutServe-SLDN, a nonprofit group that represents gay, lesbian, bisexual and transgender people in the military, immediately vowed to sue.

“We have transgender individuals who serve in elite SEAL teams, who are working in a time of war to defend our country, and now you’re going to kick them out?” Matthew F. Thorn, executive director of OutServe, said in an interview.

## THE WALL STREET JOURNAL.

# Trump Administration to Bar Transgender People From Serving in U.S. Military

Rebecca Ballhaus and Ben Kesling

Updated July 26, 2017 7:12 p.m. ET

WASHINGTON—President Donald Trump will bar transgender individuals from serving in the U.S.

military, he said Wednesday, arguing their service brought “tremendous medical costs and disruption”—a conclusion at odds with a report commissioned by the Pentagon last year as part of a comprehensive policy review.

“After consultation with my generals and military experts, please be advised that the United States government will not accept or allow transgender individuals to serve in any capacity in the U.S. military,” Mr. Trump tweeted Wednesday morning. “Our military must be

focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you.”

The presidential announcement, which left unclear the status of those currently serving in the military, appeared to take many in the Pentagon by surprise. "The tweet was the first we heard about it," said a defense official familiar with the matter.

White House spokeswoman Sarah Huckabee Sanders said the White House informed Defense Secretary Jim Mattis after the president made his decision on Tuesday. She said Mr. Trump made his decision with the "consultation" of his national security team.

"Sometimes you have to make decisions, and once he made a decision he didn't feel it was necessary to hold that decision," she told reporters at a White House news briefing.

Ms. Sanders said she couldn't answer questions about whether transgender individuals currently serving openly would be thrown out of the military, saying the policy hasn't been formed yet.

"That's something that the Department of Defense and the White House will have to work together on as implementation takes place," she said. Ms. Sanders said she expected the Pentagon to take the lead on forming the policy.

Former Defense Secretary Ash Carter, who opened the department to transgender troops, said the decision would hurt the military.

"There are already transgender individuals who are serving capably and honorably," he said. "This action would also send the wrong signal to a younger generation thinking about military service."

The decision was criticized by Republican and Democratic

lawmakers and by civil-rights groups.

Joshua Block, a senior staff attorney with the American Civil Liberties Union, called the move "outrageous and desperate."

Rep. Adam Smith, the top Democrat on the House Armed Services Committee, called the move an "unwarranted and disgraceful attack on men and women who have been bravely serving their country."

Sen. John McCain (R., Ariz.), chairman of the Senate Armed Services Committee, said Mr. Trump's tweet was "yet another example of why major policy announcements should not be made via Twitter," calling the statement unclear.

"Any American who meets current medical and readiness standards should be allowed to continue serving," Mr. McCain said.

The decision drew praise from conservative groups, such as the Family Research Council, while igniting a storm of criticism from many U.S. actors and celebrities.

Tony Perkins, president of the social conservative group Family Research Council, praised Mr. Trump's decision. "The military can now focus its efforts on preparing to fight and win wars rather than being used to advance the Obama social agenda," he said.

In June 2016, the Obama administration moved to lift the U.S. military's longstanding ban on transgender individuals serving openly and began to establish a process for enlisted personnel to undergo treatment while serving.

The decision followed the abolition of the military's "don't ask, don't tell"

policy which prohibited gay individuals from serving openly and came after a move to open more military jobs to women.

The 2016 change in military transgender policy applied to those currently serving, while setting a target date of July 1, 2017, for transgender individuals to enlist.

In late June, Mr. Mattis delayed the start of military enlistment by transgender recruits, until Jan. 1, 2018, citing recommendations from the military services.

The Pentagon said it couldn't elaborate Wednesday on the change in transgender policy, which critics said was likely to lead to legal problems if Mr. Trump's directive is not revised. "We refer all questions about the president's statements to the White House," said a Pentagon spokesman, Capt. Jeff Davis.

He added: "We will continue to work closely with the White House to address the new guidance provided by the commander-in-chief on transgender individuals serving in the military. We will provide revised guidance to the Department in the near future."

The decision to bar transgender troops comes as the services face difficulties recruiting and retaining troops.

"President Trump's new policy shrinks the recruiting pool at a time when the services are trying to grow, and this policy will likely make it a little tougher for the services to recruit and retain qualified service members," said Phillip Carter, a senior fellow at the Center for a New American Security, a Washington defense think tank.

A report commissioned by the Pentagon on the effects of allowing

transgender individuals to serve openly, released in May 2016, found that the policy shift would have little to no impact on military cohesion or readiness, and that costs would be negligible. The study, conducted by Rand Corp., found that between 1,320 and 6,630 transgender individuals now serve in active duty, amounting to about 0.05% of the total U.S. active force. The study pegged the likely estimate at 2,450.

The report estimated that few of those service members would require treatment or surgery and concluded that the cost of implementing the policy would be between \$2.4 million and \$8.4 million a year. Total military health-care expenditures were \$6.27 billion in 2014.

The report also found few problems in foreign militaries that provide for open transgender service. It said 18 countries reviewed in the study "do not report evidence of negative impacts on unit cohesion and readiness."

Mr. Trump's tweets came as House Republicans have moved in recent weeks to enact legislative provisions barring the Pentagon from paying for gender-reassignment surgery, including as part of the 2018 defense authorization. That attempt was defeated July 13, when two dozen Republicans voted with most House Democrats against the proposal.

The sponsor of the amendment, Rep. Vicky Hartzler (R., Mo.), praised Mr. Trump's policy decree Wednesday.

"The costs incurred by funding transgender surgeries and the required additional care it demands should not be the focus of our military resources," she said.



## UNE - Trump announces that he will ban transgender people from serving in the military

President Trump announced on Twitter on Wednesday that he will ban transgender people from serving in the military in any capacity, an abrupt reversal of an Obama administration decision to allow them to serve openly and a potential end to the careers of thousands of active-duty troops.

The decision halts a years-long process of advancing rights for lesbian, gay, bisexual and transgender people in the U.S. military that began with the repeal of the "don't ask, don't tell" policy in 2010. And the nature of the announcement left Republicans and Democrats in Congress concerned

about the seeming broad scope of Trump's order.

Citing the need to focus on what he called "decisive and overwhelming victory," Trump said that the military cannot accept the burden of higher medical costs and the "disruption" that transgender troops "would entail."

"After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military," Trump wrote on Twitter. "Our military must be focused on decisive and overwhelming victory and cannot be burdened with the

tremendous medical costs and disruption that transgender in the military would entail."

Sen. John McCain (R-Ariz.), the chairman of the Senate Armed Services Committee who in 2010 opposed ending "don't ask, don't tell," criticized Trump's decision in a statement, attacking both how it was delivered and its implications for active-duty transgender troops.

(Whitney Shefte/The Washington Post)

"The president's tweet this morning regarding transgender Americans in the military is yet another example of why major policy announcements should not be made via Twitter,"

McCain said. "The statement was unclear. The Department of Defense has already decided to allow currently serving transgender individuals to stay in the military, and many are serving honorably today. Any American who meets current medical and readiness standards should be allowed to continue serving. There is no reason to force service members who are able to fight, train and deploy to leave the military — regardless of their gender identity," McCain said.

Trump was lobbied for over a year by conservative Republicans to roll back the Obama administration policy change. Christian conservative leaders pressed him

on the issue as a candidate in June 2016 during a meeting in New York just after Trump secured the Republican nomination for president. Many of them said the military is no place for “social experimentation” at the expense of military readiness.

Although they were pleased with Trump’s decision, Wednesday’s announcement came with no warning to those same conservative leaders. It also was a surprise to many on Capitol Hill.

Trump’s decision comes two weeks after the House rejected an amendment to the annual defense policy bill that would have blocked the Pentagon from offering gender transition therapies to active-duty service members. Twenty-four Republicans joined 190 Democrats voting to reject the measure.

But conservative lawmakers — many of them members of the House Freedom Caucus — had threatened to withhold support for a spending bill if Congress did not act to prohibit the Pentagon from paying for the procedures. The impasse broadly threatened government spending, but most importantly for Trump, it potentially held up money that had been appropriated for the border wall between the United States and Mexico, a key promise he had made during the campaign.

A White House official and a House GOP official confirmed that Reps. Mark Meadows (R-N.C.), Jim Jordan (R-Ohio) and Scott Perry (R-Pa.), all Freedom Caucus members, were in talks with the White House and House leadership on the issue.

(Whitney Leaming/The Washington Post)

They were willing to accept a Defense Department or White House provision that addressed paying for procedures — well short of a ban on transgender people

serving in the military, according to the House official who, like others, spoke on the condition of anonymity because he was not authorized to speak publicly on the issue.

Trump went well beyond what they had requested.

Earlier this year, Trump’s military leadership had signaled that they needed more time to fully assess the implementation of the last significant piece of the Obama administration’s approach, delaying the entry of transgender military recruits until the end of 2017. The policy in place would have allowed them to begin serving July 1, but Defense Secretary Jim Mattis delayed it just before the deadline, citing a need for more study.

The six-month delay was requested by the Joint Chiefs of Staff and would have allowed a further review of how integrating transgender recruits would affect the military’s “readiness and lethality,” Mattis said in a memo last month. That review was due in early December.

Mattis noted that the delay “in no way presupposes the outcome.”

White House spokeswoman Sarah Huckabee Sanders defended Trump’s decision, saying it was purely focused on military readiness. Yet when pressed by reporters on how the new policy would be implemented and how it would affect currently serving transgender troops, Sanders deferred the questions to the Pentagon. She said Trump had made the decision and informed Mattis of the policy change Tuesday.

“Look, I think sometimes you have to make decisions, and once he made a decision, he didn’t feel it was necessary to hold that decision, and they’re going to work together with the Department of Defense to lawfully implement it,” Sanders said.

Aside from a short statement, the Pentagon referred all questions regarding Trump’s tweets to the White House.

In a sign of how quickly political and social norms have shifted in Washington, many Republican lawmakers spoke out against Trump’s announcement.

As well as McCain, Republican Sens. Orrin G. Hatch (Utah); Joni Ernst (Iowa), an Army veteran; and Richard C. Shelby (Ala.) issued statements calling the president’s decision into question.

Under former defense secretary Ashton B. Carter, the military lifted the ban on transgender troops and was given one year to determine how to implement a policy that would allow transgender service members to receive medical care and ban the services from involuntarily separating people in the military who came out as transgender.

Thousands of troops serving in the military are transgender, and some estimates place the number as high as 11,000 in the reserves and active-duty military, according to a Rand Corp. study commissioned by the Defense Department.

The Rand study estimated that gender-transition-related medical treatments would cost the military between \$2.4 million and \$8.4 million annually.

Brad Carson, a former congressman who worked on transgender policy deliberations under the Obama administration, said in an interview Wednesday that months of delays last year in implementing a change in transgender policy “left the door open” to Trump’s action and potentially invites litigation challenging the president’s decision.

“That being said, just from the tweets, it seems as if what he is doing is rolling back already

implemented policies, which will force out several hundred openly transgender service members out of the military,” Carson said.

Also Wednesday, the Justice Department filed a legal brief in a case before the U.S. Court of Appeals for the 2nd Circuit arguing that LGBT people are not protected from discrimination under Title VII of the Civil Rights Act.

As a political candidate, Trump largely avoided issues related to LGBT rights, even while many in his family — including daughter Ivanka Trump — have been vocal supporters of LGBT people.

But since taking office, the Trump administration has rolled back protections, including those for transgender children in public schools. And earlier this year, even before the decision on public schools, the Pentagon quietly rescinded a directive to Defense Department schools that students were free to use the bathrooms and locker rooms consistent with their gender identity.

The White House also did not recognize LGBT Pride Month in June, although other members of his administration did so, including Secretary of State Rex Tillerson.

When asked whether Ivanka Trump and Jared Kushner, the president’s senior adviser and son-in-law, were involved in the discussions before Trump’s tweets Wednesday, the White House official said, “It actually may have caught them unaware.”

Aaron Belkin, director of the Palm Center, a think tank that has helped the Pentagon research transgender people serving in the military, released a statement condemning the move.

“This is a shocking and ignorant attack on our military and on transgender troops who have been serving honorably and effectively for the past year,” Belkin said.



## Editorial : Uncle Sam No Longer Wants You

The Editorial Board

the focus from his dysfunctional White House.

“After consultation with my Generals and military experts,” he announced with Caesarean certitude, “please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military.” Adding insult to injury, Mr. Trump, who secured a Vietnam draft deferment for bone spurs, said the military “must be focused on decisive and overwhelming victory” — as if transgender enlistees would be feeble wimps after volunteering for battle.

Transgender troops were quickly defended by Senator John McCain for “serving honorably today,” and by another Republican, Senator Orrin Hatch, who said, “Transgender people are people, and deserve the best we can do for them.”

The about-face on a basic human rights issue was not entirely unexpected. Last month, Defense Secretary Jim Mattis delayed for six months the Obama administration’s July 1 deadline for admitting transgender recruits. Mr. Mattis said more review was needed on how

they would affect “readiness and lethality” of military forces.

Vice President Mike Pence’s staff reportedly worked with conservative House Republicans to try to bar payment for transition surgery and hormone therapy. In his tweets, Mr. Trump contended transgender troops would burden the military with “tremendous medical costs and disruption.” But this is unsubstantiated nonsense. The Obama policy required individuals to “have been stable in their preferred gender” for at least 18 months and to have completed the

4 minutes

Tyler Comrie

A year after transgender Americans secured the right to defend their nation as equals in the military service, President Trump, in one of his crueler series of tweets, declared on Wednesday that he was banishing them from serving. This was obvious pandering to regressive generals and right-wing zealots as well as an effort to shift

transition medical treatment they expected to have.

Mr. Trump's rationale is particularly absurd, considering there are estimated to be only about 2,450 transgender troops among 1.3 million active-duty members of the military, according to a RAND Corporation study.

A year ago, the military tradition of

**The  
Washington  
Post**

## Editorial : Trump's dishonest betrayal of America's transgender troops

4-5 minutes

IN A series of tweets Wednesday morning, President Trump turned his back on the thousands of transgender people currently serving in the military — and he did so with his characteristic dishonesty. He claimed that he had consulted “with my Generals and military experts” before deciding that transgender individuals would not be allowed “to serve in any capacity in the U.S. Military” — a reversal of the policy adopted by the Obama administration. In fact, Mr. Trump appears to have made his decision hastily, interrupting an ongoing Pentagon review and taking key military and congressional players by surprise. He asserted that allowing transgender personnel to serve would result in “tremendous medical costs and disruption” — though careful studies and the experience of other nations have shown just the opposite.

treating transgender individuals as perverses seemed at an end when the Obama administration made gender identity a protected category in the Pentagon's equal opportunity policy. The administration also ended the ban on gay recruits, opened all combat roles to women and named the first openly gay Army secretary.

What the president no doubt did not consider is this: How will his decision affect the thousands of patriotic Americans now serving, including in war zones, who happen to be transgender? In addition to depriving them of the respect they deserve from their government, Mr. Trump puts them at risk: To continue serving, transgender personnel will have to conceal their identities, which in turn will make them less likely to come forward with health concerns or reports of sexual assault. Mr. Trump is essentially reinstating a shameful policy of silence and discrimination.

The decision disregarded the results of a year-long review conducted by the Obama administration that found the costs associated with accepting transgender troops would be minor. The Rand Corp. estimated that allowing these troops to serve openly would have a “minimal impact” on troop readiness and would mean between \$2.4 million and \$8.4 million in additional health-

care costs per year — a little more than a rounding error in the military budget. A study in the *New England Journal of Medicine* reached similar conclusions. Around the world, 18 countries allow transgender troops to serve openly and none have reported experiencing ill effects or “disruption.”

The directive will surely weaken the armed forces, depriving them of thousands of service members and potential recruits. Yet Mr. Trump seems to have made his decision without significant input from the Defense Department. Several Pentagon officials told the *New York Times* they were caught off guard by the announcement, while spokeswomen for both the Senate and House Armed Services committees said the committees had not been informed in advance. A review of the policy ordered by Defense Secretary Jim Mattis was not due to be completed until December.

So what will be the fate of those already in uniform? Will they be hounded from service? That the White House could not even answer such questions on Wednesday demonstrates how thoughtless and cruel this policy is.

According to a report by Politico, the president's precipitous action actually came in response to appeals from House Republicans, who feared a defense appropriations bill containing funds for Mr. Trump's border wall would be blocked by their own disagreements over the issue. That thousands of serving military personnel would be abruptly stripped of their rights for such crass political reasons would be shocking — if Mr. Trump had not already drastically devalued the norms for presidential behavior.

During his campaign, Mr. Trump promised to “do everything” to protect members of the lesbian, gay, bisexual and transgender community. But his administration's small-minded and ignorant policies toward transgender people — first students, and now service members — are doing just the opposite.

**Los  
Angeles  
Times**

## Editorial : Trump's transgender tweet wasn't just the usual morning rant; it's dangerously bad policy

The Times  
Editorial Board

5-6 minutes

An unidentified transgender child of a U.S. military member, center, attends a protest in Washington on July 26 against President Trump's policy banning transgender people in the military. (Michael Reynolds/European Pressphoto Agency)

The Times Editorial Board

In the pantheon of Donald Trump tweets, his three-part missive Wednesday morning declaring that transgender people would not be allowed in the military was not his most rude, mindless or irrational. But it is deeply troubling nevertheless. He essentially called for a step backward in time that goes counter to all the slow but necessary progress the United States has made in recent years in its treatment of transgender people.

“After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military,” Trump tweeted. “Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail.”

Policy statements made on Twitter don't generally include much thoughtful argument. But in this case, Trump offers two separate justifications that just don't stand up. The “tremendous medical costs” for gender-transition-related healthcare are, in fact, negligibly small — an increase of between \$2.4 million and \$8.4 million. The military spends some \$50 billion each year on healthcare, according to a Rand Corp. study.

Shamefully, Trump made his toxic policy pronouncement on the anniversary of the day that President Truman ordered the military desegregated.

(By way of comparison, the newspaper *Military Times* reported in 2015 that the Department of Defense spent \$41.6 million on Viagra.)

And Trump's assertion that transgender troops “disrupt” the military is equally specious, reminiscent of fallacious arguments made in earlier years about women, gays and lesbians. There are already 18 allied militaries around the world that allow transgender individuals to serve openly; of the four studied closely by Rand, none reported a negative impact on the operational readiness, operational effectiveness or force cohesion.

President Obama's former Defense Secretary Ashton Carter lifted the ban on transgender troops in 2016,

but current Defense Secretary James N. Mattis announced last month that he was delaying the implementation of the final piece of the new policy until more research could be done. That study was to be completed by December.

The 2016 Rand study estimates that there are some 2,450 transgender people in active service (though it acknowledges that the figure is difficult to pin down). Will Trump make them all leave? Will they be required to hide in the shadows, as in the days of the military's “don't ask, don't tell” policy?

Many questions remain, and the military doesn't have answers, judging from the fact that it referred all press inquiries to the White House. Nevertheless, a Pentagon statement said the Department of Defense would work with the White House “to address the new guidance provided by the Commander-in-Chief.”

Shamefully, Trump made his toxic policy pronouncement on the anniversary of the day that President Truman ordered the

military desegregated. What an ignoble way to mark that anniversary.

At the very least, the Defense Department should be allowed to finish its review. Trump should

rescind his comments in tomorrow morning's tweet storm.



## Kirby & Hertling : Trump's transgender tweets are an affront to the all-volunteer military

(CNN)There is a lot to dislike about President Donald Trump's decision this morning to reinstate the ban on transgender service.

First of all, it's an affront to the very ideals of the all-volunteer force, the force we both joined and served in for a combined 68 years. The central tenet of that force is that young men and women from across the spectrum of American society can choose to wear the cloth of the country in service to the nation.

As long as they swear the oath to defend our ideas, meet the professional standards, complete the training and thereafter serve with honor, they have the privilege of defending our country. It's led to a highly professional, well-led and motivated force that continues to be the world's example of professionalism in military service. Right now, only about 1% of the nation make that choice, and transgender troops are a part of all that.

To be sure, there have been times when 'all-volunteer' didn't mean every volunteer. Policies throughout the years have altered the physical and mental aptitude requirements, have restricted -- and still restrict, to a lesser degree now -- the service of women, have banned the service of gays and lesbians, and have even made racial equality and equal opportunity a challenge. There is still much work to be done on these fronts.

Wednesday's decision doesn't make that work easier. Indeed, it sets us back.

It also violates the covenant, as well the very contract, between recruits and the Defense Department. If we are to believe the President's statement this morning -- which barred transgender troops from serving in "any capacity" -- then it follows that every transgender soldier currently in uniform is in a state of limbo right now, uncertain whether or not they can continue their military careers.

Sen. John McCain, along with many other lawmakers, objected to Trump's tweet. "The Department of Defense has already decided to allow currently-serving transgender individuals to stay in the military,

and many are serving honorably today," McCain wrote in an official statement.

Transgender soldier: 'I felt like I had just gotten fired via tweet'

As Army Staff Sgt. Patricia King told CNN today, "The great thing about being in the military is when we take our oath we take it to our country. I felt like I had just gotten fired via tweet."

They deserve better than this.

There's another problem: this new policy could actually hurt readiness. A study by the RAND Corporation -- commissioned by the Defense Department -- found that somewhere between 1,320 and 6,630 transgender troops currently serve on active duty. If you consider the upper end of that estimate, you're talking about the same number of people who fill out an Army Brigade Combat Team, a little more than two Marine Expeditionary Units (MEUs) or an aircraft carrier with its embarked air wing. And this RAND estimate doesn't include many thousands more transgenders who likely serve in the Guard and Reserve.

That's a lot of talent ... a lot of people with unique and necessary skills. These are not individuals attempting to make a statement, these are citizens wishing to serve their nation. They serve in the infantry. They repair and maintain tanks, planes and ships. They fly, navigate, sail and drive all manner of machinery, vehicles and aircraft. They send missiles downrange. They keep supplies coming. They are interpreters and military analysts. They hunt down and kill terrorists.

We -- the American people -- have trained them. We've invested time and dollars in their education, in their development as leaders, and in their contribution to teams. We put them out there on the front lines, and now -- apparently -- our Commander-in-Chief wants to call them back in.

At a time when the Secretary of Defense and all the Service Chiefs are rightly concerned about readiness levels, when each of the military forces needs the continued

funding and support of Congress to reset a force that has operated -- and continues to operate -- at a high tempo, it makes little practical sense to deprive the ranks of these professionals.

We *should* be better than this.

Many proponents of this new ban will say that it actually saves money ... that the costs of providing specialized medical care to transgender troops deprives the services of funds that could be applied to weapons systems, training and operations.

"Should we be spending any tax dollars to do gender reassignment surgeries when we have soldiers who don't have body armor or bullets?" asked Republican Congresswoman Vicki Hartzler, a supporter of Trump's decision. "We need to be investing every dollar that we have to meet the threats that we're facing as a nation," she added.

Citing an internal study conducted by her office, Hartzler claimed that gender reassignment surgeries alone would cost the Defense Department \$1.35 billion over the next 10 years.

But the RAND report (to remind, commissioned by DoD) disputes that, calling the costs of transition-related treatments "relatively low" with an increase by between \$2.4 million and \$8.4 million annually, roughly a 0.04- to 0.13-percent increase in "active-component health care expenditures." The study also concluded that only a small percentage, estimated in the study to be between 29 and 129 service members, would even seek "transition-related care that could disrupt their ability to deploy."

So, yes, while there would be a financial cost to keeping the policy in place -- and the concomitant time away for post-operative rest and recuperation -- it's beyond a stretch to assert that it would debilitate the military.

Finally, there is the actual process ... how this whole thing came about today. In a tweet. Without, apparently, much coordination with the Pentagon. Without any heads-up to Congressional leadership.

Without a statement to our troops as to what this means for them and how it was going to be implemented.

Politico posted an excellent piece this afternoon, citing sources that claim the President made this decision to ensure passage of a spending bill that would fund, among other things, his cherished border wall. If true, that represents the worst kind of political gerrymandering on an issue that should have been thoughtfully considered and weighed -- just like Trump's defense secretary had wanted to do in the first place.

Only three weeks ago, Defense Secretary James Mattis informed the Hill that he needed another six months to review transgender recruiting, saying he would use the "additional time to evaluate more carefully the impact of such accessions on readiness and lethality," and would have those results in December of 2017.

That reflection, additional analysis and further evaluation is now moot. There will be no thoughtful deliberation about consequences or impact, no careful planning about how to move forward one way or the other. Just a knee-jerk political decision with no input from those who must execute it. No consideration over the lives and careers it affects.

We went from studying the impact of transgender recruiting to banning their service altogether at light speed, or should we say tweet-speed. Regardless of how you feel about the issue, that's just not the way to set personnel policies in the greatest military on earth.

This was an ill-considered, unplanned, and poorly executed decision. It is as unfair to Pentagon leaders as it is cruel to the thousands of serving troops it directly affects. It violates the very ideals behind our all-volunteer force, deprives us of much-needed talent, and flies in the face of the President's own promise to take care of our troops.

We *must* be better than this.

## Bloomberg : Trump's Dishonorable Transgender Ban - Bloomberg

@MikeBloomberg More stories by Michael R. Bloomberg

It's hard to know where to begin with President Donald Trump's tweeted ban on transgender people serving in the U.S. military, which manages to offend on both moral and practical grounds, in both style and substance. But it might be instructive to look at Israel, whose transgender soldiers have helped to defend it from existential threat for almost two decades.

Any military's survival -- and by extension any nation's -- depends on its ability to draw on the talents of the widest possible population. Denying the U.S. military this ability undermines U.S. national security.

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Trump is also mistaken about the "disruption that transgender in the military would entail." Other countries that allow transgender soldiers -- including not just Israel but several other U.S. treaty allies that have fought side by side with Americans in numerous conflicts -- have found little to no effect on unit cohesion, operational effectiveness or readiness. Moreover, any service member who cannot abide the thought of fighting next to an equally qualified person of a different gender or sexual orientation endangers military discipline.

What of the "tremendous medical costs" that Trump mentions? Transgender personnel account for well under 1 percent of all active-duty service members, and only a small percentage of them will seek care that could affect their ability to deploy. Estimates put the additional

medical cost at about \$8 million -- about one-thousandth of 1 percent of the military budget.

Defense Secretary James Mattis had already ordered a review of the issue of allowing openly transgender recruits to join the military. But he and other senior officers have made clear they saw no reason to roll back current policy, which allows transgender persons currently serving to do so openly. The Pentagon referred all questions about the ban to the White House.

Trump's peremptory ban on transgender individuals serving "in any capacity" flies in the face of that measured response. It also seems to have more to do with politics than policy.

Most of all, Trump's tweeted ban smacks of disrespect: for the military's careful process, for the value of political deliberation, for the

American ideal of equality. And, finally, it demeans the service of the transgender people currently serving in the military, who have volunteered to fight and die for their country, and deserve the gratitude of all Americans.

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Michael R. Bloomberg, the former mayor of New York City, is the founder and majority owner of Bloomberg LP, the parent company of Bloomberg News. He is the UN secretary-general's special envoy for cities and climate change.



## Cuthbert : U.S. and military always learn to regret discrimination

Rob Cuthbert, Opinion contributor

President Trump ordered that the U.S. military will not "accept or allow" transgender servicemembers to support and defend the Constitution against all enemies, foreign and domestic. This is not the first time that the military has refused to mirror the best values of the republic that it defends by discriminating against able-bodied and selfless Americans.

For three years, until May, I managed one of the largest pro bono programs for military discharge upgrades and record corrections. Many of our veteran clients were among the approximately 100,000 servicemembers who were discharged during the shameful ban on gay servicemembers.

The ban, dating from the Revolutionary War, was finally lifted in 2011. But this was cold comfort for the thousands of veterans, living and dead, who were not only deprived of earned honor, but whose careers were cut short by profound discrimination and fear.

At end of the ban, per federal regulation, all veterans were entitled to immediate record correction. If their discharge was less than honorable, it is now supposed to be upgraded to honorable. If "homosexual conduct" is annotated

on their discharge certificate, it is supposed to be removed.

Many of these veterans were career military, who joined with the intent of serving for 20 or more years, then retiring with the benefit of a pension and benefits. Many were among our strongest and most intelligent citizens, people who shunned Wall Street or politics by becoming part of the warrior class. With their abrupt and unjust discharge, they were deprived of their career, deprived of their pension, and deprived of benefits. Instead, they were granted stigma and shame.

It is estimated that there are approximately 2,450 openly transgender active servicemembers. These 2,450 professional warriors are facing immediate administrative separation. They will be forced out of the ranks and forced to confront the financial, professional and social consequences of being laid off by the commander in chief. Once they pack up and say goodbye to their neighbors on base, their partners and families will lose their health care and housing. Their children will have to leave Department of Defense schools. The least fortunate veterans will slip into homelessness and, statistically, any veterans with less than honorable discharges will have an elevated risk of suicide. Ultimately, once again, civilian communities will have to rally to support war fighters and

families whom the military has labeled as disposable.

The transgender servicemembers who have not identified themselves will go underground and suffer. Like thousands, if not millions, of gay servicemembers before them, if they want to serve, they will have to lie about who they are.

From a counterintelligence and security perspective, this is a nightmare. Many servicemembers hold highly sensitive national security positions, and we should expect and support absolute honesty from them. The gay ban led to decades of inquisition and some of the worst abuses of military law enforcement. It also allowed servicemembers to potentially be coerced and blackmailed. The transgender ban sets the stage for history to repeat itself.

I believe that, in time, this vicious, needless transgender ban will be lifted. And, at that time, every one of these veterans will be eligible for record correction by a military board of correction. Record correction is not automatic, the burden is on the veteran to apply and present evidence to the military that a correction is warranted. The boards of correction are already understaffed and underfunded. To many veterans' advocates, including lawyers, the process is time consuming and arcane. For veterans discharged under the gay ban, outreach from the military has been anemic and ineffective.

Accordingly, relatively few veterans have applied, and few have received corrections.

The transgender ban creates a backlog that will quickly grow past 2,450 servicemembers. And, at that time, the military will have a moral and legal obligation to correct a fraction of the injustice that is now the official policy of the United States. However, for veterans discharged under the gay ban, the military is barely fulfilling its duty to correct the record.

In the present, Congress, on an overwhelming bipartisan basis, must immediately act to protect the 2,450 professional warriors who came out of the closet expecting fairness and justice. Absent an immediate change in the law that would overturn the ban, these servicemembers and their families deserve financial, medical and professional support.

Citizens, veterans and veterans' service organizations must take action as well. Within the veterans community, transgender veterans lack a powerful lobby. But, with haste, all of us, veteran and citizen alike, should form a phalanx around those who would give their lives to protect this country.

America and its military always learn to regret discrimination. While discrimination remains the law, transgender veterans, their families and our national security will suffer.

# The Actual 'Medical Cost' of Trump's Ban on Transgender Service Members

James Hamblin  
4 minutes

President Donald Trump issued a ruling on Wednesday outlawing military service by people who do not conform to a binary gender system.

"Please be advised that the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military," he wrote in a string of tweets. "Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail."

Trump previously promised to be an advocate for transgender people, writing during the campaign, "Thank you to the LGBT community! I will fight for you while Hillary brings in more people that will threaten your freedoms and beliefs."

Rather today Trump imposed a rigid standard, preventing service "in any capacity," even roles that might avoid contentious issues like restrooms and living quarters.

His only clear justification was the inability to deal with "tremendous medical costs."

The military has not historically covered gender-transition surgeries, though President Barack Obama did announce plans for it to begin doing so. That cost would be between \$2.4 million and \$8.4 million annually for transition-related costs, according to a RAND analysis commissioned by the Department of Defense. The group estimated there are between 1,320 and 6,630 active-duty transgender servicepeople currently. A study in *The New England Journal of Medicine* in 2015 put the number at 12,800 people and \$4.2 million to \$5.6 million, concluding that "doctors agree that such care is medically necessary."

This would be a military health-care spending increase of 0.04 to 0.13 percent. Even in the most extreme

case, it is one tenth of the annual \$84 million that the military spends on medication for erectile dysfunction.

The relative costs drops into the ten-thousandths of a percent when taken in context of the Department of Defense budget as a whole, expected to be proposed at \$640 billion. The F-35 cost \$1.5 trillion. Military bands cost taxpayers \$437 million.

Of course, not only is it false that the medical costs of transgender soldiers would be prohibitive, it's wrong. The vast majority of medical costs among people of any gender in America are the same: heart disease, dementia, diabetes, and cancers. If these costs are a concern, they could be minimized in many ways, including investing in public-health programs and a system that gives people access to preventive health care.

Rather Trump and congressional Republicans are now proposing to do the opposite.

The diseases that do seem to disproportionately afflict transgender people are mental-health issues. The pathology behind this is abetted by societal marginalization of exactly the sort that Trump's language propagated today—portraying transgender people as a burden to The Mission, with a focus on "medical costs" as an apparent euphemism for gender-reassignment surgeries.

Trump's ruling will leave many talented Americans ineligible for service. Others will opt to serve and deny their own gender identities, an unhealthy situation that will carry its own medical costs. So it's unlikely this is really about medical costs, as much as it is part of Trump's quest to undo measures undertaken by Obama. Even when it means that the commander-in-chief is dividing and weakening his military and country.

## POLITICO Trump's Transgender Ban Is a Legal Land Mine

By JOHN CULHANE  
8-10 minutes

President Donald Trump's Wednesday announcement on Twitter that transgender men and women will not be allowed to serve in the military "in any capacity" was not a complete surprise: Last month, Defense Secretary James Mattis announced that the military was hitting the pause button on an Obama-era plan to welcome openly transgender people into the military.

But the announcement was a legal land mine. The Trump administration may soon learn that singling out a class of people for exclusion violates the constitutional guarantee of equal protection under the law. And as to those transgender soldiers already serving openly, any effort to expel them would face even more profound difficulties.

Story Continued Below

Recall that, until 2011, gay and lesbian soldiers were prohibited from serving openly in the military. When the so-called "Don't Ask, Don't Tell" policy was repealed, though, military policy still excluded transgender men and women from

service. Then, on June 30 of last year, Defense Secretary Ash Carter announced a policy to phase in trans soldiers, which was to have been completed no later than one year later — at the end of last month.

While the military ramped up to implement rules and procedures to make that goal take place smoothly, a ban on discharging trans soldiers went into effect *immediately*. That means that since June 30 of last year, transgender soldiers already serving came out, while others joined the military because of the policy shift.

It's not clear whether the intention is to dismiss those trans soldiers who have been open about their identities since they were invited to serve last year. Trump's tweet says, cryptically, that trans people can't serve "in any capacity." But discharging them after they've been told they have the right to serve would create serious problems of reliance.

Reliance is a legal term defined as acting on another's promise or claim. As a general matter, you can't induce someone to behave in a certain way, and then impose negative consequences when they do so. Courts have long invoked principles of basic equity to prevent

unfairness in different situations. A person relocates based on a job offer, and incurs moving expenses and loss of his current job. A woman promises to give a man \$10,000 to buy a car, and the man makes the purchase based on that promise. If the promisor then reneges on the commitment, courts will make them pay for the injured party's loss. That is, as long as the reliance on the promise is *reasonable*—meaning that someone in the position of the promisee could have been expected to act on the promise.

Applied to this case, discharging someone currently serving as an openly trans person in the military—in other words, someone who came out or joined because of the military's new policy—would create a serious reliance issue. If trans people are discharged, lawsuits will follow. Even if they aren't, we can expect attorneys to seek a declaration from courts that no such discharges would be legal.

But how to resolve the problem can be complicated. Courts try to limit the remedy to whatever is necessary to avoid unfairness—the cost of relocation, for instance, in the first case above (assuming the person could find another job). In this case, the courts might not allow

those who have already come out to be discharged, but could well countenance the reinstatement of a *de facto* "don't ask, don't tell" policy for those who have not yet been open about their transgender status.

As to those transgender men and women seeking to join the military in the future, the administration is likely to face a serious, and quite likely successful, constitutional challenge. The issues will revolve around the justifications for the new policy, and the level of protection that courts—and especially the Supreme Court—might be willing to afford to the trans community.

Generally speaking, laws need only to have a rational basis for courts to uphold them. Otherwise, every piece of legislation would be subject to second-guessing about what might have been a better policy. So owners of bars can't win a challenge to a legally mandated 2 a.m. closing law by saying it hurts their business—it might, but that's a matter to be taken up with lawmakers, not the courts. A city defending the law would just have to show some reason—like neighborhood peace and quiet—for the measure, and courts don't look too hard at the evidence.

But when a law targets a vulnerable group for adverse treatment, the



Supreme Court uses a more searching level of review. Distinctions based on race, religion and gender, for instance, are considered “suspect,” and will be upheld only if there’s a strong justification. The legislature doesn’t get the usual level of deference.

When it comes to the trans community, it’s unclear what standard of review the Supreme Court would apply. But there are strong hints from the court itself, and from lower federal courts, that the group is entitled to protection, meaning that a strong justification would be needed to exclude them. It’s hard to see that justification here. Many foreign militaries allow transgender people to serve. Even if the military were to pay for gender-affirmation surgery, the costs are low—on the order of one-tenth of one percent of health care costs, according to a study by the Rand Corporation. And, as was the case

with allowing gay men and lesbians to serve, “unit cohesion” will be furthered, not weakened, by permitting people to serve openly—as long as the military commits itself to proper training and protocols.

Whatever reasons the administration would ultimately put forth would be weighed against the harm to the people affected, and the Supreme Court’s jurisprudence suggests a willingness to take those harms seriously. In the 1996 case *Romer v. Evans*, the Supreme Court declared that laws justified by nothing other than anti-gay animus are “obnoxious” to the constitutional guarantee of equal protection under the law. In the more recent 2013 case of *United States v. Windsor*, the court’s conclusion that the Defense of Marriage Act was the product of anti-gay and -lesbian animus spelled the law’s doom. Although the Supreme Court has never explicitly applied a strict

standard of review to cases involving sexual orientation, it’s clear that the court is doing so, in practice.

If the military transgender ban is not supported by logic or facts, a similar outcome is quite likely here—but not a sure bet, since the Supreme Court has made no such pronouncements when it comes to the transgender community. So far, the “T” in LGBT has mostly been silent. Lower courts, though, have increasingly seen anti-trans discrimination as a form of sex discrimination. If the Supreme Court agrees that the main issue here is gender, that would be another way to get to a form of more searching review of the military transgender ban. Courts almost never find sex discrimination justified.

All of this is speculative, of course, because the Supreme Court justices can do what they want,

especially since there is no direct precedent. Neil Gorsuch, in a case involving whether the state of Arkansas had to put the names of both spouses in same-sex marriage on the birth certificate, has revealed himself to be unsympathetic to the LGBT community and firmly lined up with the court’s conservative flank. So it’s likely there are four votes on either side of this case, with Justice Anthony Kennedy, as usual, sitting at the court’s fulcrum. Who knows how long he’ll be there, and who his replacement might be?

Ultimately, though, the Supreme Court is likely to see today’s policy decision as animus in the form of dismissal of an entire community. While it’s unrealistic to think that the policy will be overturned by either the president or Congress during the current administration, the court should be able to see through today’s about-face to the discrimination underlying it.



## Feldman : A Ban on Transgender Troops Is Doomed in the Courts

@NoahRFeldman More stories by Noah Feldman

8-10 minutes

A ban on transgender people serving in the U.S. military would probably be unconstitutional under any circumstances. But President Donald Trump has pretty much guaranteed that courts would strike down such a ban by announcing it Wednesday on Twitter, without any real justification.

Who knows whether Trump will follow up his tweets with an actual order. That would normally come from the Pentagon, which was reportedly surprised by the announcement. If he does, courts may use the initial tweet as an indicator that the decision was motivated by anti-transgender sentiment, not reason. That alone would be enough to sink the order, despite the high degree of deference that is usually accorded to the military for national security decisions.

To consider such a ban, start with the basic legal structure. It’s uncertain whether federal sex discrimination law covers transgender people. The U.S. Supreme Court didn’t get to rule on the question in the case of Gavin Grimm, the transgender student who wanted to use the school bathroom of his choice, after the Trump administration changed the federal policy in question. Even if discrimination against transgender people is a form of sex discrimination, the military wouldn’t

be treated exactly the same way as civilian organizations would. After all, bans on women serving in combat were maintained until recently, long after sex discrimination laws went into place.

What’s certain is that the Constitution protects the equal rights of transgender people -- because the Constitution guarantees everybody equal protection of the laws. In the landmark 1996 case, *Romer v. Evans*, the Supreme Court in an opinion by Justice Anthony Kennedy held that a Colorado state constitutional amendment couldn’t treat gay people worse than everybody else.

The court didn’t afford any special protection to gay people. Its reasoning was that a law that was based solely on discriminatory animus violated the equal protection of anyone whom it disadvantaged.

Because the *Romer* case didn’t give special protection to gay people, no special constitutional protection for transgender people is required to conclude that a law targeting them for discrimination would be unconstitutional.

A ban on service in the military is obviously a form of discrimination. The only conceivable way it could be constitutional to ban transgender people would be if the government had a strong reason to do so -- a real reason, not a pretext made up to cover irrational bias.

Trump’s tweets mentioned two reasons. “Our military must be focused on decisive and overwhelming victory,” he wrote,

“and cannot be burdened with tremendous medical costs and disruption that transgender in the military would entail.”

Medical costs and disruption are thus the president’s chosen rationales. But he did not offer any evidence in support of either proposition. That makes both look highly suspicious. To put it bluntly, both sound made up.

An actual order, subsequently challenged in court, would have to offer some basis for these tweeted suggestions.

The medical cost rationale sounds highly doubtful. Even if the cost of some gender transitioning were high, the military could simply decline to cover that transitioning. Beyond that, there’s no particular reason to think that transgender people will cost the military any more in medical expenses than anybody else.

Associated medical risks are not a permissible basis for discrimination. The military could not arbitrarily exclude Ashkenazi Jews because they have higher incidence of certain genetic birth defects, or African-Americans because of an elevated risk of sickle-cell disease.

As for “disruption,” the term is so vague that it would be difficult to substantiate. Among other things, the military would have to show that the presence of transgender people created greater disruption than the presence of gay people or women or people of different races, to give just a few examples of groups formerly excluded from the military

or treated differently for discriminatory reasons.

This is pretty clearly not the case. The disruption or distraction rationale used to keep out women and gay people (and at one time to justify racial segregation) all turned out to be incorrect. What would cause disruption would be the policing of gender in the military to make sure no one was running afoul of the transgender ban.

To be sure, in court the military could try to come up with other explanations or substantiate Trump’s assertions. But it’s entirely likely that a court would look beyond any such justification and directly to the president’s tweets.

That’s precisely what’s happened in various courts in relation to Trump’s immigration ban. Courts have rejected the government’s stated rationales, focusing instead on Trump’s Twitter statements and using them to show bias.

In theory, Trump must know this -- or at least his lawyers do. The language of Wednesday’s tweets was at least a little bit less vernacular than many Trump composes, and suggests perhaps a modicum of vetting.

The only conclusion that can be reached is that Trump doesn’t care. He’s essentially daring the courts to reject this ban, assuming it ever takes legal form.

That looks like governance by distraction -- specifically the distraction of bias. It would be nice to think that the president wants to avoid headlines in which courts

denounce him for discrimination. But it would appear that he actually wants to make more of them -- this time at the expense of transgender people.

## POLITICO Why Trump's Ban on Transgender Servicepeople Is Flatly Unconstitutional

By RICHARD PRIMUS

7-9 minutes

Here's another Trump policy likely to get held up in courts.

President Donald Trump's tweets Wednesday morning proclaiming that no transgender persons should be allowed "to serve in any capacity in the U.S. military" do not have the force of law, and maybe nothing like them ever will. But if the president were to put that edict in an executive order rather than a tweet, the policy it purported to institute would be flatly unconstitutional. As stated, a wall-to-wall ban on transgender Americans in the armed forces could only be understood as rooted in what constitutional doctrine calls animus: that is, the bare dislike of a group of people. And as the Supreme Court has held in cases going back at least to the 1970s, animus is never a constitutionally valid reason for government action.

Probably the most powerful indicator that a complete ban on transgender personnel would be rooted in animus comes from the policy's enormous breadth. The U.S. military employs many people in combat roles, and perhaps defenders of a transgender ban would imagine trying to defend it by arguing that including transgender personnel in combat units would erode the fighting capability of those units—much as opponents of including gays and lesbians used to argue about the negative effect that openly gay and lesbian troops would have on "social cohesion." Trump himself explained the move by tweeting that "our military must be focused on decisive and overwhelming ... victory," with the presence of transgender troops being a "disruption."

Those arguments convince far fewer people today than they did 20 years ago as applied to gays and lesbians, and perhaps the line of reasoning is no stronger as applied to transgender personnel. (The Israeli military, which is not known for compromising its fighting effectiveness out of deference to softheaded social causes, includes transgender individuals in its ranks.) But even if courts could be convinced that transgender combat troops posed sufficient difficulties for the military so as to justify a policy of exclusion, such a conclusion would fall far short of justifying the policy Trump announced. After all, Trump's tweets did not speak of barring transgender *personnel* from combat; it proposed to bar transgender *persons* from military service "in any capacity[.]"

The U.S. military employs people in a lot of capacities. It has doctors, lawyers, chaplains, cartographers, meteorologists, journalists, diplomatic attaches, cargo pilots, engineers and cooks. And it's hard to think of any reason why transgender individuals should be banned from all of those roles. Indeed, it's hard even to think of any reason why a government might want to ban transgender persons from all of those roles—except, of course, for simple dislike of transgender individuals.

Two other possible motives should be briefly mentioned and just as briefly dismissed. First, Trump wrote that having transgender personnel in the military would come with "tremendous medical costs[.]" The government is surely permitted to try to save money, so if this claim were true, it would open up the possibility that the policy was motivated not by sheer animus toward transgender persons but by fiscal concerns. But there is no

reason why transgender personnel need burden the military with great financial costs. Yes, the military might incur such costs if it paid the bill for the medical care associated with actual gender transition, as was the policy under Obama. But if that were the concern, the military could simply stop providing that benefit, thus saving the money without barring all transgender persons.

Second, and perhaps more cynically, such a policy might have simple political motivations. Regardless of whether the president himself bears ill will toward transgender people, his aim might be to appeal to a political base that does. But it's well-established that one cannot escape anti-discrimination rules on the grounds that one is catering to someone else's prejudice rather than acting on one's own. The classic example is a restaurant that refuses to hire black waitstaff, not because the restaurant owner is a racist but because the restaurant owner thinks the customers want the waitstaff to be white. This "customer preference" argument is a known loser, and it's no different as an argument about voters rather than customers.

There's also another way to think about why a transgender ban would be unconstitutional. It's settled law that government actions discriminating on the basis of gender are subject to what constitutional doctrine calls "heightened scrutiny" and in particular that they can survive only if they are "substantially related to important government interests." In other words, it's not enough for the government to proffer some explanation that might conceivably explain the rationality of such a law. Instead, the government has to meet a more demanding standard.

Recently, the Equal Employment Opportunity Commission and the U.S. 7th Circuit Court of Appeals have ruled that this "heightened scrutiny" standard applies not just to laws that discriminate between men and women, but to laws that discriminate between gays and heterosexuals, because the gay-straight distinction is also a matter of gender. To subject laws discriminating against transgender persons to the same heightened scrutiny would take the matter one step further, but it's an entirely foreseeable step and not an illogical one. If laws discriminating against transgender individuals are subject to heightened scrutiny, the likelihood of the government's being able to justify a ban against not just transgender combat troops but transgender meteorologists and engineers seems remoter than remote.

But even if the courts are not ready to rule that discrimination against transgender individuals is subject to heightened scrutiny, it's well-established that government action rooted merely in animus is unconstitutional. And that's what we have here, as made clear by the sheer breadth of the ban.

If a policy is based in animus, it is unconstitutional regardless of whether a similar policy or even the identical policy could have been enacted for permissible reasons. What makes such a policy invalid is its purpose rather than the specifics of how it is carried out.

Presidents have, and should have, significant discretion over matters involving the military. But even the military is not a Constitution-free zone. And one of the Constitution's minimal demands is that government not act against people for no better reason than dislike.



### Murray : Trump's military transgender ban is unfair but correct

Joseph R. Murray II,

Opinion contributor

"There is always inequity in life," President John F. Kennedy said in a 1962 press conference. "It's very hard in military or personal life to assure complete equality. Life is unfair."

Almost six decades later, President Trump made the unfair but

correct decision to refuse applications of transgender individuals from the military. He tweeted that "our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail."

How is Trump wrong? Unlike being gay or lesbian, transgender

individuals face a whole array of social and logistical hurdles.

The plight of the transgender people, though very real, is extremely fluid. Some in the transgender communities are still struggling with their own identities. Look at Harvard swimmer Schuyler Bailar.

In 2016, CBS's 60 Minutes did a segment detailing Bailar's struggle.

Bailar won a scholarship to Harvard's female swim team but identifies as male. During the interview, Bailar - who had top surgery removing his breasts - was asked if he would forgo the ability to have children. Bailar would not rule out childbirth. Thus, Bailar wants the world to accept him as male, but does not want to surrender his female identity.

Trump's transparent transgender Twitter trick: EJ Montini

Military is trending regional and 'all in the family.' We need more diversity.

This is not a dig at Bailar, as he should be applauded for his courage, but merely an example of the many issues presented by transgenderism. These issues are emotional and difficult to solve, thus making the U.S. military an improper forum for their exploration. With North Korea, Syria, and ISIS posing serious threats, the U.S. military needs to be focused on defeating these enemies and not locker rooms, restrooms, and re-assignment surgeries.

Opposition to Trump's decision centers around fairness, for in a culture conditioned by political

correctness, it seems unfair to single out transgender service members just because of who they are. And frankly the argument is correct; it is unfair.

As JFK noted, however, the military (like life) is never fair. It is the nature of the beast. The military is about success and preparedness; it is about national security and uniformity. The idea that the military can be part of a grand egalitarian utopia is not only pie-in-the-sky, it is a dangerous proposition that does little to keep America safe.

Trump foes, especially on the LGBT Left, are unwilling to even consider Trump's reasoning. On the website for the Human Rights Campaign, a leading LGBT rights group, it read: "Trump launches an all-out assault on service members." HRC President Chad Griffin said the

president has "put a target on the backs" of transgender active duty personnel.

Such violent metaphors are inaccurate. They are also dangerous in light of what happened last month at a congressional baseball practice, when James T. Hodgkinson put actual targets on the backs of GOP lawmakers.

Griffin also said Trump was trying to "drag LGBTQ people back into the closet." Was President Barack Obama trying to drag gays back into the closet when he campaigned against marriage equality in 2008? Was Bill Clinton putting a padlock on the closet when he instituted don't ask, don't tell?

Trump was the first U.S. president to enter 1600 Pennsylvania Avenue

supporting marriage equality. When Hillary Clinton was backing her husband's decision to sign the Defense of Marriage Act that limited gay rights, Trump was an LGBT trailblazer in opening his Mar-a-Lago club to gay couples.

It is short-sighted to call Trump anti-LGBT. Supporting LGBT rights does not mean that you have to be an LGBT Santa Claus who continually stuffs the stockings and leaves presents under the tree. Trump has to make decisions for the nation, not one group, and sometimes that means you don't get what you want.

When it comes to LGBT politics it is sexuality first, country second. It is just the opposite when you are POTUS. Trump's decision may be unfair, but it was not incorrect.



## Lake : Love Loses With Trump's Trans Military Ban. (So Does America.)

by Eli Lake @elilake More stories by Eli Lake

5-7 minutes

There are many reasons to cringe at President Donald Trump's decision to reinstate the ban on transgender people in the military. It's un-American to exclude a whole group of people who are willing and able to serve. It plays to the base instincts of the president's core supporters. It marginalizes Americans who in the last few years have made great strides to achieving legal equality.

But in addition to all of this, Trump's decision Wednesday is a strategic error in the current war against jihadis. Think about it like this. The enemy seeks to recreate a caliphate where homosexuality and gender bending would be punishable by death. They advertise this all the time.

When the U.S. Supreme Court in 2015 ruled that same-sex marriage

was legal, sympathizers of the Islamic State responded on Twitter by posting (with the hashtag "#lovewins") gruesome video of gay men being thrown off of buildings in Syria. Demoning the "decadence" of the West has been a staple of jihadi propaganda for decades.

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It's not something to be underestimated. Muslim fundamentalists, like any radical movement, must project momentum. This is why it's so important to take territory from groups like the Islamic State, to puncture its image of conquest and expansion. But it's also important to counter the group's ideological momentum. An American military that includes gay, lesbian and transgender people implicitly proves the superiority of inclusive liberal

societies -- every time a jihadi is killed or captured by that superior, inclusive military.

Nada Bakos, a former CIA analyst who helped target al Qaeda leaders, put it like this to me Wednesday: "An army that is inclusive and shuns bigotry not only demoralizes jihadists, but flies in the face of everything they promote."

Not so long ago, Trump himself seemed to understand this. He campaigned as the most openly pro-gay Republican in U.S. history. After the June 2016 slaughter at a gay nightclub in Orlando, Trump made a speech defending his proposal for a temporary ban on Muslim immigration with an appeal to gay rights. "Remember this," he said. "Radical Islam is anti-woman, anti-gay and anti-American."

Now it's true that Trump too often conflates the religion of Islam with its radical strain. It's also true that Trump has backed away from his

Muslim ban since becoming president. But his point about radical Islam is a strong one and should have informed his deliberations on reversing the 2016 policy that has allowed transgender people to serve openly.

Imagine if Trump had leaned into the military's recent policy instead of reversing it. Perhaps, with a little luck, a transgender special operations officer would be on the team that captures Abu-Bakr al-Baghdadi, the current leader of the Islamic State. Or maybe a transgender drone operator would be the one who fired the missile that rid the world of al Qaeda's boss, Ayman al-Zawahiri.

Think of the opportunities. The Pentagon could tweet the image of Baghdadi on his knees with his hands tied behind his back, or Zawahiri's exploded compound, with just a simple hashtag: #lovewins.



## Andelman : Transgender military ban: Trump isolates America once again

David Andelman, Opinion columnist Published 5:00 a.m. ET July 27, 2017

At least 18 other countries allow transgender people in their military, and nine others may be transitioning toward that, according to a study by the Hague Center for Strategic Studies. They include all major European militaries (Britain, France, Germany and Italy), as well as all the Scandinavian militaries (Norway, Sweden, Denmark and Finland) and Estonia, Belgium,

Canada, the Czech Republic and Austria. All but Finland, Austria and Sweden are members of NATO. Other countries welcoming transgender military members include Australia, Israel, New Zealand and even Bolivia.

The Hague study was prepared four years ago, but Brynn Tannehill, director of advocacy for SPART\*A, representing LGBT people who currently serve or have served in the military, said in an interview that

these numbers have not changed substantially since then.

Many of these allied armed forces have welcomed gay and lesbian as well as transgender members for decades. The Netherlands was first to accept them in 1974 to bring its military into sync with the Dutch constitution, which calls for nondiscrimination by virtue of gender, religion or "any other characterization of that nature."

The Chief of the Australian Defence Force, Angus Houston, seven years ago revoked the policy that had banned transgender service members. It was the last government agency to fire employees for transitioning their gender; it came 18 years after Australia had repealed its ban on lesbian or gay troops..

Bolivia is the only Latin American country that researchers at the Hague Center were able to identify as welcoming transgender

members of the military, but Colombia, Argentina and Uruguay have all joined Bolivia in legalizing a change in an individual's gender.

Sadly, the new Trump policy aligns the United States more closely to Russia, where transgender people are often abused and condemned and the military takes precautions to identify individuals with "sexual deviations." This includes examination for any evidence of "tattoos around the face, and on the

sex organs and buttocks," as the BBC quoted the Russian newspaper *Izvestia*.

Throughout, there has been no substantive evidence that admission of gay, lesbian or transgender individuals has had any impact on the morale or performance in any of the armed services where they have been admitted and served, according to Tannehill. Indeed, in some countries, there are decades of experience — particularly in the

United Kingdom where, Tannehill said, they have been serving for more than 20 years. "The RAND Corporation also looked at the numbers and found costs are negligible," she said. "It is not a cost driver. Trans service members have served all over the world and many have unique skills."

Moreover, in most countries, the military serves as a direct reflection of society at large. The presence or absence of transgender service

members is a critical sign of how open and sensitive a society is to all its members. Trump and the Defense Department would do well to keep this reality in mind before reversing a policy that is going in the opposite direction in virtually every nation which the United States should take as a model, and to which it should serve as an example.

## NATIONAL REVIEW ONLINE

6-7 minutes

# French : Trump's Transgender Military Service Announcement -- Botching Good Policy

As time goes by, it's increasingly clear that there's something limiting and false about the "just call balls and strikes" approach to analyzing the Trump presidency. Yes, you can praise Trump when he does right and critique him when he does wrong, but at some level that small-ball approach to evaluating Trump simply fails. He does good things, and he does bad things, but he does *all things* against a backdrop of impulsiveness, chaos, and divisiveness that undermines sound policies even as it does immense damage to the body politic.

Take, for example, the first version of his so-called travel ban. While I agreed with the fundamental policy goals — a slight moderation on refugee admissions, general re-evaluation of security-screening procedures, and a pause on entries from specific jihadist nations — the actual implementation was so chaotic and incompetent that it not only triggered national hysteria, it undermined public support for even relatively modest immigration reforms. Trump's administration dropped a poorly written, poorly supported policy into the public square, interpreted it as cruelly and maliciously as possible, and has been on the defensive ever since.

I had travel-ban flashbacks this morning as I read Trump's series of tweets announcing that transgender Americans may not serve "in any capacity" in the military. As a

general matter, I agree with the policy. The American military has a specific and violent purpose. It pushes human beings to the limits of their emotional, spiritual, and physical endurance to defeat our nation's enemies. Successful combat operations require not just physical and emotional fitness but also an extraordinary amount of unit cohesion.

Transgender Americans, though undoubtedly as patriotic as any other Americans, are disproportionately likely to suffer from mental illness, are more prone to attempt suicide, abuse alcohol and drugs at higher rates, and often require extensive medical care and comprehensive medical intervention during and after their "transitions." An infantry soldier, for example, could be sidelined for weeks as he purports to transition from male to female — taking hormones that could make him physically weaker and undergoing painful, debilitating surgery that would prevent him from serving in the field and training with his unit for long periods of time. This is not a formula for successful military service, and while there are certainly extraordinary individuals who are able to serve effectively, that is no argument for opening service to a *group* that would collectively degrade military readiness.

Opening the military to transgender service members would repeat the terrible, social-justice-driven mistake of putting women in ground combat. Despite copious evidence that mixed-gender units are less

effective in basic military tasks than single-gender all-male combat units — including in vital tasks such as marksmanship and evacuating casualties — the Obama administration powered through anyway. It imposed new, social-justice-based requirements on a military that will face enemies who don't care about diversity but instead ruthlessly exploit weaknesses. Trump was right to step back from this new transgender brink.

But he did it exactly the wrong way. Not only did he reportedly blindsided members of the military (he tweeted while Secretary of Defense James Mattis was on vacation) with the timing and nature of his announcement, his typical inflammatory tweeting was guaranteed to ignite yet another round of public fury. He virtually guaranteed that the next Democratic president would immediately reverse his policy, and he made any congressional debate that much more challenging.

Here's what *actual* presidential leadership would look like. After permitting his respected secretary of defense to comprehensively study the issue of transgender service, he would draft a carefully written, factually supported statement describing in detail the military justifications for the policy. Then, with the full, prepared backing of the Pentagon, he'd approach a Republican-controlled Congress and write his policy into law — creating a far more permanent standard that couldn't be

quickly reversed by the next administration and wouldn't jerk the military into a game of culture-war hot potato depending on whose party controls the White House.

But that's hard work. It's much easier just to tweet.

In fact, that's the virtual motto of a Trump presidency that's lacking in legislative accomplishments, falling inexcusably behind in presidential appointments (including judicial appointments), and finding itself mired in endless, self-defeating controversies. Sure, there are some "conservatives" who measure success merely by the volume of "liberal tears" spilled on Twitter, and by that measure Trump is a smashing success, but infuriating opponents while alienating the persuadable middle is a poor way to build a political coalition or to prevail in public debate.

Military readiness and military culture are matters of vital national importance. Transgender issues are among the most volatile and contentious matters in modern American politics. By badly handling the controversy, Trump can turn a short-term "victory" (if you can even call his tweets a "win") into far more permanent defeat, one that ultimately renders the American military far more vulnerable to social engineering. President Obama subordinated readiness to a warped vision of social justice. Trump is subordinating effectiveness to impulse and convenience. Our military, and our nation, deserve better.

## The New York Times

# UNE - Allies Warn Trump of Conservative Revolt Unless He Backs Off Sessions

Peter Baker and Jennifer Steinhauer

8-10 minutes

aides have tried to talk him down from his public campaign against Attorney General Jeff Sessions. It was exposing tensions within the administration, stirring consternation with the conservative base and setting off a revolt among Senate

Republicans incensed over the treatment of a former colleague.

Among those urging Mr. Trump to spare Mr. Sessions have been Reince Priebus, the White House chief of staff; Stephen K. Bannon, the president's chief strategist; and Donald F. McGahn II, the White

House counsel, according to officials who asked not to be named describing internal deliberations.

For the White House, the attacks on the attorney general have touched off a serious problem on Capitol Hill when it did not need any other headaches. Senate Republicans

WASHINGTON — For a week, some of President Trump's top

who almost never link arms in unison against a president from their party formed a cordon around Mr. Sessions, making it clear that they neither concurred with nor would tolerate Mr. Trump's repeated threats to the attorney general's tenure. Senate leaders made clear they would block Mr. Trump from replacing Mr. Sessions if he tried to do so during the coming recess.

"I would hope the public discussion of that would end immediately," said Senator Bob Corker, Republican of Tennessee, who said he delivered the message directly to the White House. Those sentiments were echoed publicly by at least a dozen Republican senators, including their top two leaders, Mitch McConnell of Kentucky, the majority leader, and John Cornyn of Texas. Mr. Sessions's removal, Mr. Cornyn said, would be "incredibly disruptive."

By Wednesday afternoon, just hours after the president's latest broadside against the attorney general, several officials said they thought the storm had passed: Mr. Trump would let Mr. Sessions stay in office, at least for now. If he were going to fire the attorney general, they said, he would have already done so. But his anger was deep, they added, and nothing was certain when it came to the volatile president. Sharing the president's frustration have been people in his family, some of whom have come under scrutiny in the Russia investigation.

The persistent presidential barrage against Mr. Sessions "says more about President Trump than it does Attorney General Sessions, and to me, it's a sign of great weakness on the part of President Trump," said Senator Lindsey Graham, Republican of South Carolina. "I hope Jeff Sessions doesn't give in to this humiliation campaign."

The president's pique at Mr. Sessions stems from the attorney general's decision to step aside from overseeing the investigation into Russia's interference in last year's election

and any possible ties to Mr. Trump's campaign team because he had been a top campaign surrogate and met with the Russian ambassador himself. After Mr. Sessions's recusal, his deputy appointed a special counsel, Robert S. Mueller III, to lead the investigation. A new attorney general could in theory fire Mr. Mueller.

Mr. Trump has not spoken with Mr. Sessions since the president's public complaints began a week ago. The attorney general was in the White House on Wednesday for a meeting of cabinet-level officials but did not see the president, officials said. Even as he was visiting, Mr. Trump launched a new fusillade against him.

"Why didn't A.G. Sessions replace Acting FBI Director Andrew McCabe, a Comey friend who was in charge of Clinton investigation but got big dollars (\$700,000) for his wife's political run from Hillary Clinton and her representatives," Mr. Trump wrote on Twitter. "Drain the Swamp!"

Andrew G. McCabe, a career law enforcement official, took over the F.B.I. after Mr. Trump fired James B. Comey, the bureau director, in May. Mr. McCabe's wife, Jill, received contributions in 2015 for a State Senate run in Virginia from the state Democratic Party and a political action committee affiliated with Gov. Terry McAuliffe, who is a close friend of Hillary and Bill Clinton. Ms. McCabe lost the race.

By the afternoon, however, the White House seemed to have subtly moderated the tone, shifting to a more moving-forward message.

"He's obviously disappointed but also wants the attorney general to continue to focus on the things that the attorney general does," Sarah Huckabee Sanders, the White House press secretary, said, referring to the president. "He wants him to lead the Department of Justice. He wants to do that strongly. He wants him to focus on things like immigration, leaks and a

number of other issues, and I think that's what his focus is at this point."

Asked why the president would criticize Mr. Sessions without firing him or asking for his resignation, Ms. Sanders said, "Look, you can be disappointed in someone but still want them to continue to do their job."

Mr. Sessions, who has remained silent since the weekend, seemed to get the message. Anthony Scaramucci, the new White House communications director, said the attorney general was close to announcing an investigation into the intelligence leaks that have so angered Mr. Trump.

"I think he's got a plan that he's put together, and at some point, I don't know if it'd be today, tomorrow or next week, he'll announce that plan," Mr. Scaramucci said on Fox News.

Mr. Trump began his sustained attack on Mr. Sessions in an interview with The New York Times a week ago. While it was known that he was angry about the recusal, Mr. Sessions made the decision months ago, and it remained unclear why it suddenly came up again. Some advisers said they believed that Mr. Trump's anger grew as the Russia investigation touched more on his family, and he blamed Mr. Sessions for not protecting him.

The Times reported that Donald Trump Jr. met with Russians during the campaign as part of what he was told was an effort by the Russian government to help his father's candidacy. Jared Kushner, Mr. Trump's son-in-law and now a senior White House adviser, spent two days this week being interviewed in private about his contacts with Russians by the Senate and House Intelligence Committees.

Although Mr. Trump often publicly criticizes people in his own circle, Mr. Sessions is someone with a powerful base of support in the Senate. This is partly because Mr.

Sessions, who was a senator from Alabama, is a well-liked former colleague with whom many senators remain close. He endured a brutal confirmation in which many of them were forced to vigorously defend him at the behest of Mr. Trump.

But Republicans also fear that the firing of an attorney general in the middle of the Russia investigations would send the country into a political and constitutional tailspin, making it extremely difficult to confirm anyone Mr. Trump nominated to replace him. And they argued that Mr. Trump was jeopardizing his own agenda.

"If you look at so much of what the president of the United States wants to accomplish on his agenda, Sessions is critical to that," Senator Charles E. Grassley of Iowa, chairman of the Senate Judiciary Committee, which would consider any replacement, said in a television interview this week. "And Sessions should remain in office." In a Twitter message on Wednesday night, Mr. Grassley warned that his committee schedule was full with other nominations: "AG no way."

Senator James M. Inhofe of Oklahoma agreed, even as he noted that he supports Mr. Trump. "The only area where I disagree with him is he's got this fight going with Jeff Sessions," he said, "but let me just say this: There is no one I hold in higher regard. He's about the most knowledgeable person, compassionate person and honorable person we can have in that job."

And almost every Republican who has ventured an opinion also agrees that Mr. Sessions was correct in recusing himself. "I think the attorney general is doing a fine job," Mr. McConnell, whose wife, Elaine Chao, the transportation secretary, serves in the cabinet with Mr. Sessions, said on Tuesday. "And I think he made the right decision to recuse himself from the Russia matter."

**THE WALL STREET JOURNAL.**

## In Trump-Sessions Impasse, Aides Urge President to Back Off

Peter Nicholas and Byron Tau

6-7 minutes

July 26, 2017 7:15 p.m. ET

Attorney General Jeff Sessions was about 45 minutes into a routine meeting Wednesday morning at the White House with fellow cabinet members when President Donald

Trump, from another part of the building, took to Twitter.

"Why didn't A.G. Sessions replace Acting FBI Director Andrew McCabe, " whom the president accused of being aligned with former Democratic presidential nominee Hillary Clinton, his message read. "Drain the Swamp."

It marked the third consecutive day that Mr. Trump used Twitter to attack the leadership of the Justice Department. Privately, friends and

White House aides have urged Mr. Trump to back off, but he has shown no sign of letting up, and he and Mr. Sessions haven't yet met to see if they can resolve differences.

"We've seen some of the tweets increase and all I can tell anyone is I don't understand it. I'm not part of it and I'm a little befuddled by it," said Rep. Chris Collins (R., N.Y.), the first member of Congress to endorse Mr. Trump in the 2016 campaign.

White House aides describe an impasse: Mr. Trump isn't about to fire his attorney general, but he also wouldn't be sorry if Mr. Sessions were to quit. In the past week, Mr. Sessions' chief of staff, Jody Hunt, told White House chief of Staff Reince Priebus that the attorney general wasn't going to resign, according to a person familiar with the conversation.

Mr. Sessions' departure could end the investigation led by

special counsel Robert Mueller into Russian interference in the 2016 presidential campaign and whether the Trump campaign colluded in that. Both Mr. Trump and Russia have denied doing so.

According to a January report from the U.S. intelligence agencies, Russia's interference was directed from the highest levels of its government. Its tactics included hacking state-election systems; infiltrating and leaking information from party committees and political strategists; and disseminating through social media and other outlets negative stories about Mrs. Clinton and positive ones about Mr. Trump, the report said.

Driving Mr. Trump is a conviction that Mr. Sessions' decision last year to recuse himself from the Russia probe is now fueling the investigations, White House aides and friends of the president said.

"If he turns on the TV and sees the Russia investigation story he thinks of Sessions' recusal. He draws a straight line from the recusal to the

Russia-all-the-time" focus, a White House official said.

White House spokeswoman Sarah Huckabee Sanders, in a press briefing Wednesday, suggested Mr. Trump hadn't given up on Mr. Sessions.

"He wants him to lead the Justice Department," she said. "He wants to do that strongly. He wants him to focus on things like immigration, leaks, and a number of other issues, and I think that is what his focus is at this point."

Mr. Sessions has moved in his five months on the job to lay the groundwork for a further crackdown on illegal immigration, by stepping up enforcement and ordering prosecutors to bring more cases against repeat unlawful border crossers. He has also moved to reverse a series of Obama administration policies, including reinstating the ability last week for local police to seize cash and guns from suspected wrongdoers and keep much of the proceeds, even if they can't do so under state law.

One White House official said Wednesday that the open criticism of Mr. Sessions is eroding morale inside the administration and making it tougher to recruit new staff.

Sen. Lindsey Graham, a South Carolina Republican, unleashed a flurry of criticism of Mr. Trump's behavior in remarks to reporters on Capitol Hill Wednesday, saying that publicly berating his own attorney general was "unseemly," "inappropriate" and "belittling and humiliating."

Mr. Graham said he spoke to Mr. Sessions on Wednesday. "He's wants to do a good job and he's going to continue to do a good job," said Mr. Graham about the attorney general.

Sen. John Cornyn (R., Texas) and a member of Senate leadership said Mr. Trump "ought to sit down and talk with the attorney general man-to-man and work it out."

The GOP-led Senate would need to approve of any permanent

replacement for Mr. Sessions, something that even Republicans said would be difficult if Mr. Trump fired him or drove him out.

"I don't know if the Senate can confirm a new candidate right now. It'll be very divisive. We don't need it right now. And I know Jeff Sessions to be a good, decent man who is doing a good job," said Sen. John Kennedy, a Louisiana Republican.

Mr. Trump could attempt to make a recess appointment during a break in the Senate's schedule, such as the one in mid-August. But in recent years, the Senate has been holding what are called "pro forma" sessions rather than adjourning in part to prevent the president from making such appointments.

In 2012, former President Barack Obama tried to make a recess appointment in between Senate pro forma sessions to overcome Republican resistance to his nominees. The Supreme Court ruled against him.



## Senate Republicans have tolerated Trump's controversies. His treatment of Sessions is different.

<https://www.facebook.com/paul.kane.3367>

7-9 minutes

Sen. John Cornyn counts Attorney General Jeff Sessions as one of his best friends in Washington, and their wives are even closer, making the couples regular double-date partners.

"We occasionally get together to break bread," the Senate majority whip said Wednesday. One of those double dates came recently enough that Cornyn (R-Tex.) and Sessions could not avoid the elephant in the room: President Trump's public taunting of his attorney general, in a manner that suggests he wants Sessions to resign.

"We didn't talk in any great detail about this, but obviously it's in the news," Cornyn said, reiterating his strong support of Sessions remaining in office.

Cornyn is not alone in rallying to the defense of Sessions, who, despite sometimes having waged lonely battles as one of the chamber's most staunch conservatives, still has many friends among Senate Republicans. Most have issued statements of support, and several are making private calls to reassure Sessions that they are behind him.

But the tension over Trump's treatment of Sessions goes beyond the senators defending a friend.

(Taylor Turner/The Washington Post)

Unlike any other controversial move that Trump has pondered in his six months as president, Senate Republicans are sending preemptive signals that firing the attorney general or pressuring him to resign would be a terrible move.

Some have warned high-level White House officials that it would look as though Trump were making the move solely to shut down an investigation of his campaign and the White House, now overseen by special counsel Robert S. Mueller III, while also making clear that they agree with Sessions's decision to recuse himself from an investigation of the Trump campaign's connections to Russia.

Replacing Sessions would be difficult, and the idea of Trump making a recess appointment during the planned four-week break in August is foolhardy. Democrats can indefinitely stall a resolution to fully adjourn the Senate, having already forced minute-long periods during even shorter breaks to prevent Trump from having the authority to make temporary appointments while the Senate is away.

Democrats may have vehemently opposed Sessions's nomination, but they have no intention of allowing Trump to fire him and name a new attorney general with a recess appointment, and frankly, Republicans do not seem to want to give Trump that power either.

Beyond concerns about the controversy that firing Sessions would bring, Senate Republicans say, Trump's behavior is unseemly toward someone they respect, given that Sessions went out on a limb for the first-time candidate, becoming the first senator to endorse Trump's candidacy.

"I think Sessions deserves to be treated much more fairly. I mean, Jeff was there when no other senator was," said Sen. Orrin G. Hatch (Utah), the longest currently serving Republican in the Senate. Hatch spoke to Sessions last Thursday to declare his support, a message he conveyed to White House officials, and Hatch is trying to set up a call to Trump to deliver the same message.

Senate Majority Leader Mitch McConnell (R-Ky.) made clear in a brief interview Wednesday that his backing of Sessions has gone up the chain of command. Asked if he told Trump of his support, McConnell smiled.

"I've conveyed that to the public and to others," he said.

The support for Sessions runs deep across the Republican Party. Former senator Jim DeMint (S.C.), a conservative renegade who often clashed with McConnell, praised the attorney general Wednesday during a visit to the Capitol.

"One of the best guys I ever worked with," he said. "I hope he and the president can work it out."

The question, however, is how Senate Republicans will respond if Trump does force their friend out of the Justice Department — a move that might be followed by firing Mueller, setting off another crisis at least as big as the ouster of James B. Comey as FBI director in May.

Would there be any ramification beyond just expressing dismay?

That remains to be seen, but some are warning that the fallout would be devastating to the rest of Trump's agenda.

"I think Jeff Sessions is doing a good job, and I think it would be incredibly disruptive and make it more difficult for the president to accomplish his agenda," Cornyn told CNN early Wednesday.

By lunchtime, Cornyn declined to say what the ramifications would be, instead focusing on the attorney general's decision to recuse himself from the Russia investigation. Sessions had served as an adviser to the Trump campaign, a high-

profile surrogate who would travel with him and often introduce him at rallies. He also got caught up in a controversy by not fully revealing during his confirmation process all of his contacts with Russian officials.

That made it a by-the-book call to recuse, delegating the investigation to Deputy Attorney General Rod J. Rosenstein, who then appointed Mueller shortly after he was involved in the Comey firing — which is now its own piece of the Mueller inquiry.

**THE WALL STREET JOURNAL**

5-7 minutes

July 26, 2017 7:18 p.m. ET

President Trump lashed out again Wednesday at Jeff Sessions, and his fury over the Attorney General's recusal from the Russia campaign-meddling probe may take the President down a self-destructive path. So this is a good moment to explain why Mr. Sessions felt obliged to recuse himself and why it was proper to do so.

Mr. Trump seems to think Mr. Sessions recused himself in March due to a failure of political nerve after news broke that he had met with the Russian ambassador during the 2016 campaign. Mr. Sessions did recuse himself shortly after that story broke, and the AG didn't help by forgetting to report those meetings during his confirmation hearing.

But Mr. Sessions and his advisers had been considering recusal long before that story broke—and for reasons rooted in law and Justice Department policy.

After Watergate in 1978, Congress passed a law requiring “the disqualification of any officer or employee of the Department of Justice, including a United States attorney or a member of such attorney's staff, from participation in a particular

“I can't imagine any future nominee would have decided the recusal issue any differently from Jeff Sessions,” Cornyn said.

Sen. Pat Roberts (R-Kan.), who was elected along with Sessions in 1996, became visibly angry when discussing Trump's treatment of his former colleague. “It's very difficult, it's disconcerting, it's inexplicable,” he said. “I don't know why you have to tweet with regards to your feelings about people in your own Cabinet.”

investigation or prosecution if such participation may result in a personal, financial, or political conflict of interest, or the appearance thereof.”

The Justice Department implemented this language with rule 28 CFR Sec. 45.2. This bars employees from probes if they have a personal or political relationship with “any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution” or which they know “has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.”

This language didn't apply to Mr. Sessions during his confirmation process because he didn't know the contours of the FBI and Justice investigation. But the AG soon learned after he arrived at Main Justice in February that the investigation included individuals associated with the Trump presidential campaign.

Mr. Sessions had worked on the campaign, and he clearly had personal and political relationships with probable subjects of the investigation. These included former National Security Adviser Michael Flynn, former campaign manager Paul Manafort, and potentially others.

James Comey publicly confirmed this on March 20 when he told the House Intelligence Committee that the FBI “as part of our

One fallout from Trump's treatment of Sessions could be to guarantee that no Senate Republican will again be willing to give up a seat to accept a job with Trump.

“There are some well-qualified individuals, who otherwise would be inclined to serve, who might be discouraged from doing so given the rift that he has had with one of his most loyal supporters,” said Sen. Susan Collins (R-Maine), a moderate who became friends with Sessions as part of the 1996 class.

counterintelligence mission, is investigating the Russian government's efforts to interfere in the 2016 presidential election and that includes investigating the nature of any links between individuals associated with the Trump campaign and the Russian government and whether there was any coordination.”

Some legal sages say this means Mr. Sessions did not have to recuse himself because this was a “counterintelligence,” not a criminal, probe. But you have to be credulous to think Mr. Comey would ignore potential crimes if he found them in the course of counterintelligence work. Mr. Sessions might have become a subject of the probe because of his meetings with the Russian ambassador.

The AG had no way of knowing where the investigation would lead, and the ethical considerations were serious as the post-Watergate statute makes clear. During his confirmation hearing in January, Mr. Sessions had promised that “if a specific matter arose where I believed my impartiality might reasonably be questioned, I would consult with Department ethics officials regarding the most appropriate way to proceed.”

Mr. Sessions fulfilled that promise, and on March 2 he announced that he'd recuse himself “from any existing or future investigations of any matters related in any way to the campaigns for President of the

After Comey was fired, Sessions led the recruiting effort to get Cornyn the nomination to run the FBI. Their wives talked about the idea and Cornyn warmed to it, before other Republicans signaled that he would be too political a choice to run the independent investigative body.

Now, their double dates take on a different tone when they discuss working for Trump.

“He's doing fine,” Cornyn said of Sessions. “He did the right thing, and I think he has the confidence that he did the right thing.”

United States” based on the advice of senior career Justice officials. Imagine the media storm if word leaked that Mr. Sessions had ignored his department's ethics officials.

Mr. Sessions's recusal helped Mr. Trump for a time by eliminating an easy conflict-of-interest target for Democrats. The calls for a special prosecutor died down. They only erupted again in May after Mr. Trump fired Mr. Comey and tweeted his phony threat that there might be White House tapes.

We understand Mr. Trump's anger at special counsel Robert Mueller's open-ended Russia probe, and Deputy AG Rod Rosenstein made a mistake in appointing Mr. Mueller, who is close to Mr. Comey and part of the FBI fraternity. Mr. Rosenstein should have selected a more disinterested special counsel, and even now the Mr. Rosenstein should insist that Mr. Mueller investigate Clinton campaign contacts with the Russians, as our colleague Holman Jenkins Jr. has argued.

But Mr. Trump will only compound the problem now if he fires Mr. Sessions and appoints a replacement who fires Mr. Mueller. He will cause multiple resignations and bipartisan talk of impeachment. Mr. Sessions acted honorably in recusing himself, and the President should let him do his job without harassment.

Trump might want to reconsider his approach.

We can't disagree with any of this, although we're puzzled by the sense of surprise. Mr. Trump's debasement of Mr. Sessions — starting with a mind-boggling interview he gave last week to The Times — is in line with everything he's said and done since he fired

## UNE - Why Jeff Sessions Recused - WSJ

The Editorial Board

## Editorial : Donald Trump's Assault on Jeff Sessions

The Editorial Board

president's most stalwart supporters.

Rush Limbaugh called Mr. Trump's behavior “unseemly” on his radio show Monday. Of Mr. Sessions he said, “I hate to see him being treated this way.” Over in the Trump-friendly confines of Fox News, Tucker Carlson said the president's humiliation of the

attorney general was “a useless, self-destructive act,” and Mr. Carlson implored Mr. Trump: “For God's sake, lay off Jeff Sessions. He's your friend, one of the very few you have in Washington.”

Meanwhile, Republican senators lined up to defend Mr. Sessions and to suggest, ever so gently, that Mr.

**The New York Times**

5-6 minutes

It's heartening to see that President Trump's weeklong, passive-aggressive assault on his own attorney general, Jeff Sessions, has crossed a line even for many of the

James Comey, the F.B.I. director, in May, in an inept attempt to shut down the bureau's investigation into whether the Trump campaign colluded with the Kremlin to influence the outcome of the 2016 election. Mr. Trump has been unpredictable in many things, but he has been utterly consistent when it comes to resisting any inquiry, however warranted and public-spirited, into his campaign or his close associates.

Mr. Trump's gratuitous, schoolyard abuse of Mr. Sessions is nonetheless breathtaking. With his thumb-tapping bravado, the president is publicly going after the nation's top law enforcement officer for doing what professional ethics and department rules required the attorney general to do — recuse himself from any investigations related to the presidential campaign. (Mr. Trump kept up the fusillade on Wednesday, criticizing

Mr. Sessions for not firing the acting F.B.I. director, Andrew McCabe, whose wife has political ties to Hillary Clinton.)

Mr. Sessions's recusal was necessary, of course, because of his role as one of Mr. Trump's earliest and staunchest supporters, and his own undisclosed contacts with Russian officials — facts that make it impossible for him to maintain the neutrality and independence essential to any credible inquiry. Mr. Trump, who appears to understand little and care even less about the importance of these limitations, thinks Mr. Sessions's job is to protect him by impeding those investigations. In other words, he expects the attorney general to obstruct justice on his behalf.

Mr. Trump is startlingly blunt about this, calling Mr. Sessions's recusal "unfair to the president," as though

he is owed a personal loyalty that supersedes the rule of law. The irony is that Mr. Sessions has been the most loyal of Mr. Trump's supporters, arguably more invested in implementing the Trump agenda than the president himself.

This page is no fan of Mr. Sessions, whose dark vision of America includes a hard-line stance on illegal immigration, a return to the war on drugs and other discredited tough-on-crime policies, and a government newly empowered to seize cash and other property from ordinary citizens without due process. But just as Mr. Sessions was right to recuse himself, he is right to stand his ground now, effectively daring Mr. Trump to fire him.

This demeaning cat-and-mouse game may be shocking to some of the president's most blinkered advocates, but it only illustrates

what any clear-eyed observer has been able to see all along, which is that Mr. Trump cares more about protecting himself, his business and his family than anything else. To him, the rule of law, the principle on which America was built, is at best an abstraction. More often it is an obstacle to be evaded.

For that reason, Mr. Trump may in the end follow the advice of the conservative commentator Ann Coulter, who urged him to "be a man" and fire Mr. Sessions. Presumably that would be the first step toward getting rid of Robert Mueller, the special counsel overseeing the Russia investigation. Then Mr. Trump, and the rest of us, might at last learn whether his party will impose any limits on his desecration of the presidency.

**The  
New York  
Times**

## Douthat : A Trump Tower of Absolute Folly

Ross Douthat

7-9 minutes

President Trump has continued his campaign against Attorney General Jeff Sessions. Doug Mills/The New York Times

Donald Trump's campaign against his attorney general, Jeff Sessions, in which he is seemingly attempting to insult and humiliate and tweet-shame Sessions into resignation, is an insanely stupid exercise. It is a multitiered tower of political idiocy, a sublime monument to the moronic, a gaudy, gleaming, Ozymandian folly that leaves many of the president's prior efforts in its shade.

Let us walk through the levels of stupidity one by one. First there is the policy level — generally the lowest, least important in Trumpworld, but still worth exploring.

To the extent that any figure in the Trump administration both embodies "Trumpism" and seems capable of executing its policy ambitions, it is Sessions, who is using his office to strictly enforce immigration laws and pursue an old-school law-and-order agenda.

You may hate his agenda (as most liberals do) or dislike parts of it (as I do), but it is clearly the agenda that Trump ran on, and the attorney general's office is one of the few places where it is being effectively pursued. So cashiering Sessions would be a remarkable statement (though hardly the first) that the president cares almost nothing for

his own alleged platform and governing philosophy.

Next in our tower of folly is the institutional level. Trump has had difficulty staffing his administration, his secretary of state is muttering about leaving, and his White House is riven by factionalism and paranoia. Meanwhile, he is both under investigation by Senate Republicans *and* dependent on their good will to keep the investigations contained to just the Russia business.

Trying to defenestrate Sessions, the lone Republican senator in Trump's corner during the primary campaign and a popular figure among his former Senate colleagues, will make things worse for the president on both fronts. It demonstrates a level of disloyalty that should send sane people running from Trump's service, it tells other cabinet members to get out while the getting's good (and to leak and undermine like crazy on their way), and it further alienates Republican senators whom Trump needs to confirm appointees (including any Sessions replacement) and to go easy on his scandals.

Next on our tour is the level of mass politics, where Trump's war on Sessions is one of the few things short of a recession that could hurt him with his base — which he needs to hold, since he isn't doing anything to persuade anyone outside it.

Of course many Trump supporters will side with him no matter what and lots don't care about Sessions one way or another. But the Trumpian core also includes

conservatives who like Sessions for ideological reasons, who trust Trump in part because Sessions vouched for him, and who don't like or trust very many other people (the family, the New Yorkers, the ex-Democrats) in Trump's inner circle. Which is why Trump's campaign against Sessions has already brought him negative coverage from Breitbart, Tucker Carlson and various pro-Trump or anti-anti-Trump pundits — making it an extraordinary act of political malpractice from a White House that lacks a cushion for such follies.

Next there is the legal level. By his own admission, Trump's beef with Sessions centers on the attorney general's recusal from the Russia investigation, which from Trump's perspective led to the appointment of a special counsel he now obviously yearns to fire.

This blame-Sessions perspective is warped, since it was Trump's decision to fire James Comey (an earlier monumental folly) that was actually decisive in putting Robert Mueller on the case. But regardless of whether he has his facts straight, Trump's logic is a straightforward admission that he wants to eject his attorney general because Sessions has not adequately protected him from legal scrutiny — an argument that at once reveals Trump's usual contempt for laws and norms and also suggests (not for the first time) that he has something so substantial to hide that only omertà-style loyalty will do.

Which, of course — now we've reached the peak of the tower of folly — he probably will not get if Sessions goes, because no hatchet

man will win easy confirmation, and until Sessions is replaced the acting attorney general will be Rod Rosenstein, the man who appointed Robert Mueller as special counsel in the first place!

So it's basically madness all the way to the top: bad policy, bad strategy, bad politics, bad legal maneuvering, bad optics, a self-defeating venture carried out via deranged-as-usual tweets and public insults.

And if it were any other president behaving like this — well, rather than repeat arguments I've made before, I'll quote Bloomberg View's Megan McArdle, writing a few months ago in response to my admittedly extreme suggestion that Trump's behavior might justify removal under the 25th Amendment:

Imagine, if you will, that George W. Bush had started acting like Donald Trump partway into his second term .... Is there any question that people would be talking about invoking the 25th Amendment to remove him? Not for political reasons, but because it would be obvious that some tragic mental impairment had befallen the commander in chief.

Adults of mature years know not to engage in histrionic self-pity in public, not necessarily because they avoid self-pity, but because outside of high school parties, this is a singularly ineffective way to make people like and support you. Competent leaders do not preside over staff who are leaking what is essentially one long and anguished primal scream to any reporter they can get to hold still. Seasoned



professionals do not, suddenly and for no apparent reason, say things in public that make them better targets for legal investigations ...

And so the only possible explanation for such a quick succession of stunning lapses in judgment would be a severe stroke, an aggressive brain tumor or some other neurological disaster that had rendered him unfit to continue in

**The  
Washington  
Post**

6-7 minutes

Mr. President, please cut it out. Tweet to your heart's content, but stop the wildly inappropriate attacks on the attorney general. An honorable man whom I have known since his days as a U.S. attorney in Alabama, Jeff Sessions has recently become your piñata in one of the most outrageous — and profoundly misguided — courses of presidential conduct I have witnessed in five decades in and around the nation's capital. What you are doing is harmful to your presidency and inimical to our foundational commitment as a free people to the rule of law.

The attorney general is not — and cannot be — the president's "hockey goalie," as new White House Communications Director Anthony Scaramucci described Sessions's job. In fact, the president isn't even his client. To the contrary, the attorney general's client is ultimately "We the People," and his fidelity has to be not to the president but to the Constitution and other laws of the United States. Indeed, the attorney general's job, at times, is to tell the president "no" because of the supervening demands of the law. When it comes to dealing with the nation's top legal officer, you will do well to check your Twitter weapons at the Oval Office door.

The relationship between President Trump and

office, at least until it could be treated. I don't even think this would be controversial, even among his supporters. "Poor fellow," they'd murmur, "the strain of the office has destroyed his health. He has given more than his life for his country." Time to let him rest and heal while someone else shoulders his Sisyphean burdens.

## **Starr : Kenneth Starr: Mr. President, please cut it out**

By Kenneth W. Starr

Attorney General Jeff Sessions has deteriorated in recent months. Here's a look at how they got to this point. The relationship between President Trump and Attorney General Jeff Sessions has deteriorated in recent months. Here's a look at how they got to this point. (Video: Taylor Turner/Photo: Jabin Botsford/The Washington Post)

(Taylor Turner/The Washington Post)

A rich history buttresses my uninvited but from-the-heart advice. In the wake of President Richard Nixon's resignation, the colorful Sen. Sam Ervin (D-N.C.) — a hero of the long Watergate ordeal — held hearings on a newly minted proposal to create an independent Justice Department, along the lines of other independent agencies such as the Federal Communications Commission. The idea was simple: Especially in the wake of the Nixon-era scandals infecting it, the department should, to the fullest extent possible, be insulated from raw political considerations in the enforcement of the nation's laws.

Although nobly intended, Ervin's reform proposal went nowhere. But along the way, a national civics lesson unfolded. One of the "teachers," so to speak, was Ted Sorensen, President John F. Kennedy's legendary speechwriter. In the hearings on the proposal, Sorensen spoke eloquently about the need for the president to have trust in the attorney general but at the same time for the attorney

Trump hasn't had a stroke or suffered a neurological disaster, and his behavior in the White House is no different from the behavior he manifested consistently while winning enough votes to take the presidency.

But he is nonetheless clearly impaired, gravely deficient somewhere at the intersection of reason and judgment and

general to remain at arm's length in providing honest legal guidance to the president.

This represents a paradox. As a member of the president's Cabinet, the attorney general needs to be a loyal member of the president's team, yet at the same time he must have the personal integrity and courage to tell the president what the law demands — and what the law will not permit. That's especially true with respect to enforcing the nation's criminal laws, and why — rightly — the attorney general needs to step aside on matters where his own independence of judgment has potentially been compromised.

That's the key to solving the paradox. Independence of judgment, as opposed to blind loyalty, characterizes great attorneys general. An example from the Reagan years illustrates the point: Attorney General William French Smith sat down one-on-one with President Ronald Reagan and advised him that one of the administration's favorite tools — the legislative veto, which was a congressional contrivance used to strike down agency regulations — violated our system of separation of powers and was thus unconstitutional.

In coming to that wildly unpopular position, Smith (I was his chief of staff at the time) had been persuaded by the department's chief constitutional lawyer, Ted Olson. Having determined that Olson — and the entire Office of

conscience and self-control. Pointing this out is wearying and repetitive, but still it must be pointed out.

You can be as loyal as Jeff Sessions and still suffer the consequences of that plain and inescapable truth: This president should not be the president, and the sooner he is not, the better.

Legal Counsel — was spot on in its analysis, Smith outlined the department's thinking in his session with Reagan in the White House residence. Reagan listened intently and immediately accepted his attorney general's advice. No taking the matter "under advisement" or consulting with White House lawyers. As with Kennedy and his younger brother, Bill Smith and the president were close personally and politically. What the attorney general said, the president accepted. It was a matter of trust.

How to manage the paradox — loyalty to the president leavened by rock-ribbed integrity of judgment? It comes down to courage on the part of the attorney general and a willingness by the president to listen respectfully to what he may well not want to hear.

Oliver Wendell Holmes Jr. once opined that in our life as a society ruled by law, a page of history is worth a volume of logic. Experience teaches that even a 21st-century "drain the swamp" president would do well to tweet a little less and listen a little more to the voices of the past — bringing back to mind what President Abraham Lincoln elegantly described as "the mystic chords of memory."

Mr. President, for the sake of the country, and for your own legacy, please listen to the growing chorus of voices who want you to succeed — by being faithful to the oath of office you took on Jan. 20 and by upholding the traditions of a nation of laws, not of men.

## **POLITICO Sessions' powerful friends stand up to Trump**

By JOSH GERSTEIN and JOSH DAWSEY

9-11 minutes

Attorney General Jeff Sessions' supporters in Congress and the conservative movement are pressing forward with a loose-knit but determined effort to defend him in the wake of yet another day of pointed Twitter attacks from his boss, President Donald Trump.

South Carolina Republican Sen. Lindsey Graham was among Sessions' most vocal defenders Wednesday, when he seemed to almost be taunting the president, suggesting that his failure to fire Sessions showed weakness, while also hinting that the impact of such a move could be catastrophic for Trump's presidency.

"He's trying to get Sessions to quit and I hope Sessions doesn't quit. If the president wants to fire him, fire him," Graham said. "I think anybody

who's strong would use the power they have and be confident in his decision. Strong people say: 'I've decided this man or woman can't serve me well and I'm going to act accordingly and take the consequence.' To me weakness is when you play around the edges and don't use the power you have."

One conservative activist said an effort is underway to coordinate and amplify such statements because of fears that Trump doesn't understand the blow his

administration and the conservative movement would suffer if Sessions departs.

"No question that partywide, conservatives in the Republican Party are very concerned about the ramifications and effects of Sessions no longer being the AG," said the activist, who asked not to be named. "A lot of people on all sides of the Republican Party are in common agreement that it would be very bad for the president and the party if the AG goes."

The activist said part of the message is aimed at trying to “buck up” Sessions, while the other part is intended to reach Trump.

“The message we’re trying to make sure reaches the president is: Is this fight to have right now? The danger of this fight with [Attorney] General Sessions is he’s not only a loyal supporter of the president, which sends a bad message to supporters, but he’s also getting the job done,” said the source, referring to Session’s initiatives on such issues as illegal immigration and toughening criminal sentencing.

Numerous prominent conservative voices have publicly rallied to Sessions side, including former House Speaker Newt Gingrich, former Sen. Jim DeMint (R-S.C.), former Trump transition domestic policy chief and Ohio Secretary of State Ken Blackwell and Family Research Council President Tony Perkins.

“I think he should keep Jeff Sessions. And I think he ought to quit publicly maligning him,” Gingrich said on NPR early Wednesday. “I think that Jeff Sessions, in fact, was one of his earliest and most loyal supporters. I think Jeff Sessions is a solid conservative. I think, yeah, you can argue either way. I mean, even a guy like Rudy Giuliani, who’s very pro-Trump, said he would have recused himself.”

“I understand the President’s frustration with the endless media obsession over Russia. ... But pushing Jeff Sessions out won’t get Congress to move forward on his policies or stop liberals attacks, and Trump would lose a great ally and widely respected advocate for the rule of law,” DeMint said in a statement.

Several Republican senators have reached out directly to Sessions and told him to stay put, expressing their frustrations with his puzzling situation, according to a person with knowledge of the contacts. Sessions has basically mused back to them he doesn’t understand it

either — but that he won’t quit at the moment.

The senators view Trump’s treatment of their former colleague as “offensive,” the source said. Some GOP senators also fear that if Trump pushes out Sessions, the results could be dire for the president. Such a development might lead to mass resignations at the Justice Department and it might be impossible to find a majority in the Senate to confirm a replacement for Sessions, the source added.

Sen. Chuck Grassley (R-Iowa), chairman of the Senate Judiciary Committee, tweeted Wednesday that he had no intention of trying to confirm a new attorney general this year: “Everybody in D.C. Shld b warned that the agenda for the judiciary Comm is set for rest of 2017. Judges first subcabinet 2nd / AG no way.”

Despite public and private urging from various quarters that he abandon his public laceration of his attorney general, the president took another shot at Sessions on Wednesday morning, faulting him for failing to remove acting FBI Director Andrew McCabe.

“Why didn’t A.G. Sessions replace Acting FBI Director Andrew McCabe, a Comey friend who was in charge of Clinton investigation but got big dollars (\$700,000) for his wife’s political run from Hillary Clinton and her representatives. Drain the Swamp!” Trump tweeted.

Trump’s statement was puzzling because the president has the authority to name an acting FBI director and the White House publicly toyed with the idea of bringing in another FBI official to replace McCabe, but never did so.

Senior White House strategist Steve Bannon is the moving force in the effort to persuade Trump to back away from his public salvos at Sessions, sources said.

Trump’s repeated pillorying of his own Cabinet member led to some bizarre spectacles on Capitol Hill,

including some Democrats seeming to express sympathy for Sessions.

“President Trump continues to find new ways to humiliate his own Attorney General, Jeff Sessions, a man who stuck his neck out for the president before any other senator would,” Senate Minority Leader Chuck Schumer said on the Senate floor Wednesday, reacting to a Wall Street Journal interview Tuesday in which the president suggested Sessions jumped aboard his campaign to ride Trump’s political coattails.

“As I remember it, when Jeff Sessions supported him he was an underdog. And everyone said, ‘Wow, Jeff Sessions is doing that out of loyalty and friendship with Donald Trump.’ Not because he was jumping on a train that was headed down the track. Maybe he saw that, but no one else did,” Schumer said. “And now the President humiliates him. I would say to my fellow Americans, Democrat, Republican, liberal conservative, every American should be troubled by the character of a person who humiliates and turns his back on a close friend after only six months.

Schumer — who in March called for Sessions to resign over his contacts with then-Russian Ambassador Sergey Kislyak — warned Wednesday that forcing out Sessions would be a prelude to an effort to dismiss the man leading the investigation into the Trump campaign’s alleged ties to Russia, special counsel Robert Mueller. The Democratic leader said he’d do everything in his power to thwart such a move.

“All Americans should be wondering: Why is the President publicly, publicly demeaning and humiliating such a close friend and supporter, a member of his own Cabinet? They should wonder if the president is trying to pry open the office of attorney general to appoint someone during the August recess who will fire special counsel Mueller and shut down the Russia investigation,” Schumer added. “Let

me say, if such a situation arises, Democrats would use every tool in our toolbox to stymie such a recess appointment.”

Democrats’ statements of concern for Sessions left some observers’ heads spinning.

“Only Trump could make Sessions into a sympathetic figure,” said James Gagliano, a former FBI agent in New York and an adjunct professor of leadership studies at St. Johns University. “It’s unifying some factions I don’t think would ever have unified. Maybe he is a unifier.”

Gagliano also voiced concern Wednesday for McCabe, a former colleague now caught in the cross fire of Trump’s fight with Sessions.

“Andy is a guy I’d consider a model FBI agent. It’s too bad to see somebody ridiculed, mocked and shamed publicly because of the president’s bigger political aspirations,” Gagliano said. “What is the point in going after him publicly in 140 characters or, today, 280 characters? What is the point of it? What does it serve. I don’t know. “

Graham said Sessions doesn’t plan to leave his post despite the highly publicized snubs from Trump.

“He’s a humble man. He says, ‘I’m trying to make a difference here, I want to serve the president well,’ and just, basically he’s not a quitter,” Graham added.

He denied suggestions that he’d directly asked other senators to speak out on Sessions’ behalf.

“Nope. That’s what was so neat about it. ... I think a lot of people are speaking their mind and I’m very pleased with how our colleagues are rising to the occasion,” Graham told POLITICO on Wednesday afternoon. “I called Jeff yesterday morning when I saw the tweets and said, ‘Jeff, I’m sorry, you just hang in there. A lot of us will have your back’ and he really appreciated it. ... It was me calling him and I read him my statement. He said, ‘That meant a lot to me.’”



## Editorial : For Trump and Sessions, loyalty runs in one direction

Attorney General Jeff Sessions has been nothing if not loyal to President Trump.

As a longtime senator from Alabama, he was one of candidate Trump’s earliest and most pivotal backers, helping him to win over social conservatives.

As attorney general, he has gamely enforced Trump’s hard-right policies on immigration, mandatory

sentencing, intelligence leaks and more.

In fact, so loyal was Sessions that Democrats openly wondered during his confirmation hearings whether he would put that loyalty above his duty to the law and the Constitution.

For Trump to launch a fusillade of attacks on Sessions on a daily basis this week — calling him weak and criticizing some of his actions — is

bizarre in the extreme, even by the standards of this White House.

For one, the efforts to demean Sessions are politically self-destructive. To much of the Republican base, Sessions is a hero for his positions and hostility to East Coast elites.

Sessions also remains popular with many of his former Senate colleagues, who are aghast at the attacks and might be less willing to

support Trump on health care and other hot-button issues.

More important, Trump’s behavior toward the nation’s top law enforcement officer — hanging him out to twist in the wind — is wildly inappropriate for a president of the United States.

His tweet asking why Sessions had not launched an investigation of Hillary Clinton would be unworthy of a banana republic. It was also

strange, given how Trump long ago agreed to abandon the "lock her up" nonsense that he used in his campaign.

Moreover, how is Trump going to attract competent people to serve in his administration if he undercuts or abandons them? And how is he going to win over skeptical judges, foreign allies and lawmakers, not to mention the majority of Americans who disapprove of his presidency, if he repeatedly interferes in law enforcement matters?

Earlier this year, Trump rashly fired FBI Director James Comey, who at the time was overseeing an investigation into Russia's meddling in the 2016 election and any possible ties to the Trump campaign.

Now Trump has apparently set his sights on special counsel Robert Mueller, who took over the Russian investigation. Trump can't order Sessions to fire Mueller, because Sessions — appropriately — has recused himself on all matters regarding Russia. And Trump can't

get Deputy Attorney General Rod Rosenstein to do it either because Rosenstein, a career prosecutor and Justice Department lawyer, has too much integrity.

Trump's actions seem designed to pressure Sessions to resign voluntarily, so he can be replaced by someone who would agree to fire Mueller. Trump might even attempt to make an appointment when Congress is in recess, so his designated henchman would not face Senate confirmation.

All of this is deeply disturbing and raises the question: Why is Trump is so obsessed with the Russia probe that he would undermine his own abilities to govern?

The attorney general should not allow himself to be bullied by Trump. The Sessions saga shows the lengths to which he will go to humiliate even the most loyal of allies. It also provides further confirmation that for this president, loyalty is a concept that runs in one direction.

## POLITICO Lowry : Trump Family Values - POLITICO Magazine

By RICH LOWRY

5-7 minutes

Jeff Sessions thought he was on the Trump team, but he was sadly mistaken.

For President Donald Trump, the world breaks down into three neat categories — there's family, who are part of the charmed Trump circle by blood or marriage; there are "winners," who have earned Trump's regard by making lots of money (often at Goldman Sachs); and then there's everyone else, who are adornments to be cast aside as Trump finds convenient.

Sessions is emphatically in the latter category. If the former Alabama senator wanted to be securely ensconced in Trump world, he should have had the foresight to marry Ivanka. Nothing else — not endorsing early, not lending candidate Trump staff and policy expertise, not carrying water in trying circumstances — will ever make him anything more than some guy who happens to be attorney general of the United States.

Trump's treatment of Sessions over the past week is unprecedented in the annals of American government. Cabinet officials have been hung out to dry before. They have been frozen out. They have been forced to resign or fired. Never before has a Cabinet secretary been publicly belittled in an ongoing campaign of

humiliation by the president who appointed him.

The drama hangs a lantern on Trump's flaws, not the attorney general's. Trump lacks gratitude, dismissing Sessions' endorsement of him in the primaries as merely the senator's reaction to the size of Trump's crowds. He obviously doesn't feel any respect for someone who, as an honorable person with a long career in public service, deserves it. He doesn't care about propriety, which would dictate dressing down Sessions in private, not flaying him in public. And, finally, he doesn't feel any loyalty, despite Sessions having given up a safe Senate seat to serve in his administration.

For Trump, loyalty is unilateral, not reciprocal, and it has a very particular content. It's not loyalty to the agenda (Sessions was onboard the agenda before Trump was) or loyalty to the party (Sessions was a Republican long before the president), but loyalty to Trump, narrowly defined as his ego and his personal interests and honor.

Robert Mueller's investigation, at the very least, punctures Trump's ego by creating an ongoing cloud over his election victory (and perhaps creates legal jeopardy for his family members). Insofar as Trump believes that Sessions enabled this assault on his personal honor by recusing himself from the Russian investigation, the attorney

general is persona non grata. He might as well have told the president that, yes, Hillary Clinton won the popular vote and Barack Obama had a bigger inaugural crowd. Sessions is guilty of what in legal parlance is called a status offense — he's offended Trump's status.

As a result, he's been getting essentially the same treatment as Low Energy Jeb and Cryin' Chuck Schumer. The attorney general doesn't have a disparaging nickname, but Trump is demeaning him and using the same weapons he uses against any of his targets — namely, anything at hand, whether or not it makes any sense.

Trump hits Sessions for not pursuing Clinton, when the president himself had called for letting the Clinton scandal go (Hillary had "suffered greatly," Trump said after the election). He criticizes Sessions for not firing FBI official Andrew McCabe, even though the White House reportedly interviewed McCabe to replace James Comey permanently as FBI director. Sessions should consider himself lucky that Trump has not, as of yet, accused any of his family members of being involved in the assassination of JFK.

Of course, Trump is free to fire Sessions whenever he likes. That he is not doing it and prefers to run him down, apparently in hopes that he will quit, speaks to an

unwillingness to take responsibility. He's not a commentator from the sidelines any more. This is his government; he should either back his appointees or cashier them (or directly order them to do what he wants), not troll them on Twitter.

The episode shows the challenge that Republicans face in Trump. It is not ideological. Substantively, Trump is governing as more or less a conventional Republican. The challenge is characterological. How to work with a president who is key to advancing much of the GOP agenda without endorsing his brazen disregard for institutional and personal norms?

The Sessions imbroglio may blow over as Trump moves on to the next thing, having diminished his AG and himself for no good reason. But it offers a window into how Trump could collapse his own administration — by letting the pressure of criticism and investigation get the best of him, venting his anger uncontrollably, destroying any cohesiveness within his own government and party, and creating an ongoing sense of crisis that eventually really does spin out of control.

If this nightmare scenario becomes reality, the bizarre and small-minded campaign against Jeff Sessions will have been a sign of things to come.



### Jeff Sessions Shouldn't Resign. He Should Force Trump to Fire Him.

Whatever one might think of Attorney General Jeff Sessions's record as a U.S. senator, policy priorities in his current role, peculiar recollections of his meetings with Russian government representatives as expressed during his recent congressional appearances, or role in the firing of former FBI Director James Comey, there is no denying this: In what will probably go down as the single most important

decision of his professional life, he made the right call.

Sessions was right to recuse himself from the Department of Justice investigation into Russian interference in the 2016 election, now led by Special Counsel Robert Mueller. He had been a visible and reliable surrogate for Donald Trump during the presidential campaign, a senior member of the transition team, and apparently allowed himself to partake in meetings with Russian government officials that

have proved hard for him to explain meaningfully in a public setting. But shortly after arriving at the Justice Department for duty, he solicited the advice of the department's ethics officials, and as far as the public record reflects, took that advice. He recused himself.

Trump's campaign provided moments that previewed what would become the president's assault on justice. We need not lay out the history of these statements here — they are on the public

record and have been reported on extensively. His repeated calls for the criminal prosecution of his political opponent provided early warning of his views on how justice should be administered and by whom. He articulated a vision of political retribution and abusive prosecution. He said it; he meant it.

Since assuming office, he has continued this assault. He fired Acting Attorney General Sally Yates for refusing to defend in court an order she believed to be illegal (a

judgment that, as the acting attorney general, was literally her job to make). He fired the FBI director for not subverting an ongoing law enforcement investigation that he wanted quashed. He has publicly gone after in verbal statements or tweets the deputy attorney general and the acting FBI director. And now, he has publicly chastised the attorney general for making a decision required by the department's ethics rules.

Take note of who he is firing or pressuring to resign in his first six months in office — these are the senior government officials responsible for the equitable enforcement of our laws. The president is attacking the integrity of the leadership of the Department of Justice, the fair application of the law, and the pursuit of truth.

On my bookshelf at home, I have a yellowed copy of the 1996 book entitled *Main Justice*, by Jim McGee and Brian Duffy. I first read it before my first day of work in the department, 20 years ago this month. It's not an academic or legal book; it's a colorful read of some notable cases and personalities that the department's modern history is made of. The authors describe the Justice Department as "...one of the few major institutions in society where individuals can make a profound difference in the problems facing the nation." That much is true. I have a few awards from my 13 years in the Department, but the one I treasure the most is the smallest in size — it is a wooden plaque a few inches wide that those of us who served in a small national security office after the September 11 attacks were handed by our office leadership in a windowless

conference room. In the ensuing, challenging years, leaders of that office reminded the lawyers regularly that our client was not the agency we were doing work for, the department itself, or even the president; our client was the American public.

These are not sentiments that I expect Trump will ever come to understand. But that does not mean that the rest of Washington, or the country, does not. The fair administration of justice does not just live in the halls of the Justice Department headquarters, or in rules promulgated by the attorney general, but in the Constitution and its bedrock requirements. We are a nation of laws, and those laws require honest people to enforce them. As Chief Justice William Rehnquist wrote in *All the Laws But One: Civil Liberties in Wartime*, "[i]n

any civilized society the most important task is achieving the proper balance between freedom and order." The Justice Department, and its leadership, does its work every day ensuring this balance is maintained. Allowing a president unencumbered by an appreciation for this role to dismantle the department's independent leadership risks that this fundamental balance will not be honored when tested.

Sessions should not resign; he should force the president to fire him. Why? Because capitulation to this gross politicization of justice would make him unworthy of the office that he has the honor of holding.

## NATIONAL REVIEW ONLINE

# Williamson : Trump's Jeff Sessions Attack Is Off Base, Attorney General Should Stay

6-7 minutes

I wish Jeff Sessions held more libertarian views on things like the so-called War on Drugs and asset forfeiture. But if Americans wanted a more libertarian attorney general, then they should have elected Rand Paul or Ted Cruz.

They elected Donald Trump, Donald Trump is entitled to appoint an attorney general who broadly shares his policy views, and Jeff Sessions is probably the best the Trump administration is going to do: He is smart, competent, and principled — and so, naturally, the Trump administration wants him gone.

Sessions should not go gently.

Trump does not take advice very well. But Senator Mitch McConnell, who rarely indulges lost causes, has nonetheless tried to advise the president that Sessions's decision to recuse himself from the Russian investigation — the proximate cause of Trump's displeasure with him — was proper and ethically necessary. Even Newt Gingrich, whose rapid descent into sycophancy has been terrible to behold, has tried to advise the president that firing the attorney general over his compliance with a fairly straightforward ethical standard would be an error.

President Trump, as usual, does not quite understand what is going on around him. He thinks that the attorney general is his lawyer. But the attorney general, like the other

members of the cabinet, does not work for the president. He serves at the president's pleasure — he works for the American people, as does the president himself. His job is not to serve the president politically or personally, for instance by violating ordinary ethical standards in order to keep his hand in a potentially embarrassing federal investigation. The conflation of the national interest and the national business with the president's interest and the president's business is one of the unhappy byproducts of our new cult of the imperial presidency, which did not originate with Trump and his movement but which certainly has grown worse with the ascent of Trumpism.

There are many reasons for Sessions to remain on the job. For one, as my friend Michael Brendan Dougherty points out, immigration reform would be very difficult to achieve without Sessions in the administration. As the rolling fiasco that is the Republican effort at health-care reform so dramatically demonstrates, trying to achieve a major policy reform without intelligent and legislatively literate leadership from within the executive branch is very difficult to pull off — you need an executive to execute. President Trump, who has been all over the map on what is, after all, his keystone issue, is not going to provide that leadership. Without Sessions on the job, who will? Steve Bannon? Jared Kushner? Ivanka Trump?

Good luck with that.

Beyond that, Trump needs a few intelligent and reasonably prudent men around him to save him from his own worst tendencies. If it is the case that Trump has in mind a Richard Nixon-style Saturday Night Massacre — which is to say, if he intends to fire Deputy Attorney General Rod Rosenstein and/or special investigator Robert Mueller, a possibility broached by Corey Lewandowski, among others — Sessions needs to remain in place as a firewall between the president and that potentially disastrous course of action. If the case against Sessions is that he has been insufficiently attentive to the political needs of the president, then we can assume that his replacement would be a more deferential man.

We also ought to keep in mind the not inconsequential fact that on the question of his recusal, Sessions is in the right. There is a Justice Department investigation into the Trump campaign; Jeff Sessions served on the Trump campaign; Jeff Sessions cannot be directly involved in the investigation into a political campaign of which he was an active part. This is an ethical necessity, and one that is not to be set aside at the whim of the president or in service to the president's political needs. For Sessions to voluntarily step aside for having done the right thing would muddy those waters to the detriment of his reputation and, more important, to the detriment of our national standard for ethical conduct in government, or whatever remains of it.

The Obama administration's naked politicization of everything from the IRS to the EPA to the DOJ did enormous damage to the credibility of our governmental institutions. Re-establishing that credibility will prove a long and difficult task, and the first step of that thousand-mile journey is: Stop making things worse. That means affirming that the Justice Department and its executive are instruments of American government, not instruments of presidential convenience.

If the Trump presidency is to be saved from total disaster — and I am not confident it can be — it will be saved by the fact that President Trump has in the main managed to surround himself with very good people: Scott Pruitt, Betsy DeVos, Rick Perry, Kevin Hassett, Tom Price. It will fall upon these people to tell the president what he needs to hear, even — especially — when he is not inclined to hear it. Jeff Sessions is probably the best the Trump administration is going to do as attorney general, and for him to allow himself to be pressured into resigning for having done the right thing on the Russia investigation would be a public disservice unworthy of Sessions's admirable career in office.

Jeff Sessions may not have known what exactly he was getting into when he accepted the job. But accept it he did, and it is his to do.



## Borger : Cabinet members beware: What Trump is doing to Sessions can happen to you

(CNN)Just imagine you are a key member of the President's cabinet. Maybe you were completely loyal to him during the campaign; maybe you came around late in the game. Or maybe you were apolitical. Whatever your history, you're in the thick of it now. And you're in the job to serve the country.

But as you watch the President publicly troll, trash and torment Attorney General Jeff Sessions every day -- the man who was the first senator to endorse him, who never abandoned his candidate (even in the darkest days of the Access Hollywood tape), who happily gave up a 20-year Senate career to serve -- you have to understand: this could happen to you.

And that isn't going to change.

The incoming communications chief Anthony Scaramucci put it this way: "The President wants his Cabinet secretaries to have his back." And a friend of the President makes it even more clear. "This is the way the President likes it. Nobody has command and control except him."

In the President's mind, this source explains, Sessions' decision to recuse himself from the Russia investigation was an act of personal treason, a "tremendous error of character and judgment. He sees it as too weak," a sign that he gave in to conventional thinking and, in the process, legitimized the Russia probe. What's more, adds this source, the President insists on being the ultimate decider, always. "He gets so frustrated when people don't do what he tells them to do, whether he's right or wrong." That's apparently the Trump definition of loyalty.

Even, it seems, if it rubs right up

against the rule of law.

As cabinet members watch Sessions twist -- and wonder, along with the rest of us, how long he can or should take this barrage -- it's not as if they haven't had problems of their own with this administration. Remember that embarrassing dog and pony show in mid-June, in which cabinet members went around the table and delivered high praise to their fearless leader? Sessions, who was already in Trump's doghouse, said this to the President then: "It's an honor to be able to serve you in that regard and to send the exact right message, and the response is fabulous around the country."

Well, probably not a good idea to try that theater again.

One Republican source who has spoken with multiple cabinet members, says it has not escaped them that what happened to Sessions could happen to them.

They're not revolting -- and they are even loathe to talk about this, on or off the record -- nor are they going to up and quit because a member of the club is being mistreated. But as a source close to one cabinet secretary puts it, some are "perturbed, to put it mildly." And why wouldn't they be? "He's neutralized the cabinet," says another source with knowledge of the situation. "Most are under no illusion that they can only do exactly what the President wants them to do."

Sure, cabinets ordinarily serve their Presidents, and at the will of the President. However, they are not ordinarily required to pay homage on every front or perpetually fear for their jobs. Let's just say this might send a chill through the next cabinet session in the Roosevelt room.

Ironically, Sessions hasn't deviated from the administration's agenda; in fact, he's arguably Trump's biggest cheerleader -- on immigration, on taking a hard line on criminal justice and on the travel ban. Meantime, other cabinet members' complaints have been pretty well documented.

As CNN Chief National Correspondent John King first reported, Secretary of State Rex Tillerson considered the public rebuke of Sessions unprofessional. What's more, he has felt the encroachment of Trump's son-in-law, Jared Kushner, on his turf, and been undercut by the White House in the dispute between Qatar and its Gulf State neighbors. Not to mention his widely reported blowup at the White House for slow staffing approvals -- especially when his suggested hires were not deemed sufficiently loyal to Donald Trump, all of which has prompted speculation that he might make an early exit. On Wednesday, Tillerson said, "I'm not going anywhere."

One outsider who speaks with him -- and is a fan -- calls the former Exxon CEO "a class act who has run something bigger than he's running now." He also says "he's too smart to do something abrupt." Although this source added, "his best day was the day he got nominated." Ouch.

And while National Security Advisor H.R. McMaster is not a member of the cabinet, CNN Chief National Security Correspondent Jim Sciutto reports that he is at odds with President Trump on many national security issues, according to a congressional source. Compounding the situation is that McMaster is very much used to speaking truth to power -- a quality that can be problematic in this White House.

Instead, the one-way Trumpian notion of loyalty -- which includes purging any former anti-Trumpers from government -- remains at center stage. Another example: one source with knowledge says that a top staffer for Education Secretary Betsy DeVos was called by the White House to say he was fired (he had been a Jeb Bush supporter). A frustrated DeVos called the White House to protest, and then suggested the President call her to discuss. The call never came and the staffer remains on the job. (CNN made several attempts to contact the Department and the Secretary's office, and received no response.)

Small wonder that Defense Secretary James Mattis, according to Pentagon correspondent Barbara Starr, has decided to pursue direct access to the President to avoid intramural instructions, debates and squabbles. Good idea.

By the way, it didn't start out this way. Remember those confirmation hearings when cabinet secretaries contradicted candidate Trump on issue after issue -- from NATO, to torture, to immediately building a wall? And the President chirped in a tweet: "...I want them to be themselves and express their own thoughts, not mine."

That was then. But their thoughts were about policy -- not about Trump's personal stake in any Russia investigation. So it's different now. Now it's about loyalty to a President who feels under attack every day. It's about a President who demands personal fealty as he soldiers on. "He (the President) is really looking at this saying he's leading a revolution," says a source who speaks with the President. "And you may have to burn all the ships as you cross the sea."



## If Trump offers you a job, don't take it

(CNN)General Michael Flynn bought in during what you could call the pre-opening sales period, when an eager purchaser could get the best deal.

He joined the Trump campaign early and became national security advisor to the President. Jeff Sessions was another early-purchaser, becoming the first senator to stand up for Trump. He was named attorney general. Sean Spicer was a latecomer, but anted

up his credibility. It bought him the job of White House press secretary.

Today, Flynn is in legal peril after being forced to resign after 23 days on the job after the White House was warned he had misled the administration about his contacts with Russians. Freshly unemployed, Spicer faces professional disgrace after expending much of his credibility in support of Trump's myriad lies and having a new man installed above him. And Sessions is being undermined by the President, who has hit him with a

barrage of humiliating social media posts, including, "Attorney General Jeff Sessions has taken a VERY weak position on Hillary Clinton crimes."

Donald Trump is using the same old bullyboy tactics

Although each of the President's loyalists has suffered in a unique way, their experience with the President has followed a pattern. Flynn, Spicer, and Sessions were players in the game of politics and

policy who never quite earned superstar status. Then came Trump, with his billionaire's swagger and his private aircraft, insisting that the old rules no longer apply. He offered them sudden promotions that likely fulfilled their long-life dreams. The deals were too good to pass up, so they bought.

How did the President's men, each blessed with enough competence and intelligence to at least reach the big leagues, wind up in such a world of hurt? The answer is that they ran into a high-pressure salesman with

an apex predator's eye for weakness and an instinct for exploiting it.

Throughout his life Trump has demonstrated he is a keen student of human nature who reduced men and women to certain basic drives. In his view, people were, like him, interested mainly in money, sex, power, and attention. He is a man who unashamedly says, "I'm very handsome" and openly admits, "I'm a greedy person." In my encounters with Trump he made it clear that he felt I shared his values. At one point he flattered me, a bearded, bald man, for my appearance and at another he talked about how it would benefit me if I wrote about him in a positive way.

If it doesn't occur to Trump that some people can't be bought with money or flattery it may be because it often seems like these techniques work. "I play to people's fantasies," he explained in his book *"Trump, The Art of the Deal."* "People may not always think big themselves, but they can still get very excited by those who do."

Trump's method for making people excited begins with setting the proper mood. As a businessman he put his name in huge gold letters over the entrance to the tower where he kept his office. He decorated the interior to look like the Hollywood version of a modern mogul's lair and filled it with young women with movie star looks, who addressed him only as "Mr. Trump." It was the next best thing to working in the Oval Office and being called "Mr. President."

Deal seekers and job applicants who entered Trump's world found themselves confronted with the classic techniques of high-pressure salesmanship. Confusing chatter, emotional manipulation and a charming sort of friendliness all combine to make a target drop his or her guard. Trump's preposterous honesty about things like his greed and his clumsy/folksy pattern of speech combine to create a sense of familiarity and even common cause.

With the voters, Trump built a relationship based on a shared sense of anger at politicians (even though he had become one). Ambitious operatives seeking to advance found in Trump a possible shortcut to the top. Flynn, Spicer and Sessions were not likely to reach the highest ranks on their own, but Trump gave them the chance to become instant superstars and thus defy all those who may have once considered them each second-rank. They may have felt that the appeal of such a great reward justified the risk of signing up with a leader whose own record was so tarnished -- by bankruptcies, scandal, and lies -- that sober-minded people, including great numbers of mainstream Republicans, avoided him.

Individual voters invested only their hopes and a ballot in President Trump. Some may be feeling misgivings about the choice, but politics and policy are not, for most, all-consuming interests. The same cannot be said for those who threw in with a President who seems to demand loyalty to him -- personally -- as a condition of employment.

James Comey, whom Trump appeared to admit to firing because of his commitment to an impartial probe of the Trump campaign and Russia's meddling in the 2016 election, testified that the President said, "I need loyalty, I expect loyalty." Comey, whose commitment to the Constitution was obviously greater than his commitment to Trump, didn't satisfy the demand and was soon dismissed.

What made Comey choose the system over the man? It's most likely that he didn't fit Trump's assumptions about the motivations that drive people to succeed. As a public servant Comey wasn't making much money, at least by Trumpian standards, and he didn't come in for much admiring commentary about his appearance.

He was powerful, but that power was held by his office, not the man. In the end, Comey was like a potential customer who brings a supply of sales resistance into every encounter with someone who wants to sell him something. Simply put, his sales resistance was so highly developed that none of Trump's high pressure techniques worked.

For a better sense of how much Comey differed from the men who have suffered as they made their deals with Trump, consider how much each of them compromised to make their arrangements work. Flynn so wanted to be Trump's national security advisor, especially after being fired by President Obama, that he risked omitting key information from his government paperwork.

Spicer was so eager to stand at the podium in the West Wing briefing room that he was happy to double down on presidential lies to such a degree that he became a laughingstock. And Sessions, whom no other president was likely to name to the office of attorney general, so loves his job that he has tolerated Trump's repeated public criticisms. To a man, they confirmed the President's worst assumptions about the nature of ambitious men.

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The man whose hiring led Spicer to quit, Anthony Scaramucci is himself a super salesman and a willing buyer of the Trump sizzle and shine. He debuted with such an outpouring of affection for his new boss that it almost seemed like he had been offered not a job, but a place in the Trump family. However, Scaramucci is, by all accounts, independently wealthy and he is so good at cultivating attention on his own that he may not need the reflected glory the White House offers. With these two qualities, he may endure longer than anyone who would have accepted the job because he or she really needed it.

Most recently rumors are swirling about Secretary of State Rex Tillerson's unhappiness with Trump's behavior. Always more Comey than Flynn, Tillerson is a man who was already a star (as CEO of Exxon) when Trump recruited him. Accomplished and confident, he doesn't need the job to fill his purse, or satisfy his ego. For these reasons, he may be gone even sooner than Sessions.

## The New York Times

5-7 minutes

### Collins : Wow, Trump Can't Terminate - The New York Times

Gail Collins

application to hire 70 foreign workers at Mar-a-Lago.

But let's talk for a minute about the way our president gets rid of unwanted members of his administration. It's a monument to passive-aggressive ineptitude. With Sessions, Trump has been broadcasting his displeasure to the world for more than a week without making the obvious follow-through.

And this was the guy who made "You're fired!" his calling card. Clearly, he brought a lot of fiction to reality TV. Clay Aiken, a onetime contestant on "The Celebrity Apprentice," recently told an interviewer that Trump actually "didn't decide who got fired on 'Apprentice,'" and had to be fed his lines by producers.

Not exactly a shock, but watching the president in action over recent weeks, you have to wonder how

he'd have functioned if he ran that show without prompting.

*On Sunday, "Celebrity Apprentice" promises "fireworks" when Donald Trump tells other people he has no confidence in Rhoda, the beleaguered fashion model and ferret breeder. It will be the seventh week in which the real estate superstar has said unpleasant things about Rhoda to her friends, family and American viewers. Tension rises as contestants wait to see if their mentor will continue his strategy or send a bodyguard to deliver the bad news to Rhoda in person.*

Trump's attempts to drive Sessions out of office without actually confronting him began last week with his famous New York Times interview and then escalated through press conferences and the social media ("VERY weak"). In one tweet Trump referred to Sessions

as "our beleaguered A.G." Now "beleaguered" means under attack, and this was sort of like taking a jackhammer to the street in front of your house and then complaining to the city about potholes.

On another occasion Trump said he was "disappointed" in Sessions. This was during a press conference with Lebanese Prime Minister Saad Hariri in which the president took a few questions after praising Hariri for being "on the front lines in the fight against ISIS, Al Qaeda and Hezbollah." Carping minds noted that Hariri actually has a power-sharing arrangement with Hezbollah, which controls most of the people in his cabinet. But if you wanted a president who was going to split hairs, you should have voted for somebody else.

O.K., I know, I know.

President Trump in Ohio on Tuesday. Doug Mills/The New York Times

Pick your favorite irony:

- 1) Donald Trump turns out to be terrible at firing people.
- 2) The White House celebrates its "American Heroes Week" by banning transgender volunteers from serving in the military.
- 3) Thanks to the president's harangues, we are actually starting to feel sympathy for Jeff Sessions.

I can definitely understand if you want to pick No. 2, especially since Trump just finished observing "Made in America Week" with an

Trump appears completely unaware that he's beginning to look like the worst terminator in history. Introducing Tom Price, the secretary of health and human services, at an event this week, the president jovially said that Price had better get the health care bill passed through Congress, "otherwise, I'll say: 'Tom, you're fired.' I'll get somebody."

This was at that Boy Scouts jamboree when Trump did such a great job of impersonating your Uncle Fred Who Gets Drunk at Family Dinners. How many of you think the Boy Scouts have been yearning for the day when the president would come to their big

event, tell the teens that their federal government is a "sewer," recount a long and incoherent story about a real estate developer who went off to make whoopee on his yacht, and brag incessantly about having won the election? On the plus side, Trump did not misrepresent the Scout position on Hezbollah.

Trump has been complaining a lot about Sessions's lack of loyalty, which might have confused people who remembered that Sessions was the first senator to endorse his presidential campaign, back in February of 2016. You'd think that standing up to fellow Republicans who regarded Trump as a

dangerous lunatic should have merited a little bit of long-run gratitude.

Trump cleared all that up, however, in an interview with The Wall Street Journal where he explained that Sessions's endorsement was "not like a great loyal thing," but merely an insignificant politician trying to feed off his star power and crowd-drawing charisma. ("He was a senator from Alabama. ... He looks at 40,000 people and he probably says, 'What do I have to lose?' And he endorsed me.")

Now Trump wants Sessions gone so he can replace him with an attorney general who will fire special

counsel Robert Mueller. Sessions can't do it because he recused himself from all things Russia-related.

Mueller's probe into the Trump camp's relationship with Russia terrifies the president, especially if it involves an investigation of Trump family finances. So obviously, we are rooting for Sessions to stay right where he is ... and, um, keep persecuting immigrants, ratchet up imprisonments for nonviolent crimes and maybe go back to his old dream of imposing the death penalty on marijuana dealers.

Well, I told you this was about irony.



## Bernstein : A Lawless Presidency Isn't Without Its Risks

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Bernstein

Donald Trump's assault on civil-military norms is incredibly dangerous and irresponsible.

By contrast, his inappropriately political speech to the Boy Scouts on Monday isn't really very dangerous at all. I've seen some commentators claim he was trying to turn them into Trump Youth, but there's little in Trump's record to support the idea that he would actually do the work (or have anyone else do it) for anything that insidious. Others

were personally saddened or angered by Trump's speech, but I'll have to admit I don't care one way or another about Boy Scouts, so I can't really share that.

Nevertheless, it was yet another terrible violation of his responsibilities.

Why? Because the president of the United States is, as introductory courses on American government will tell you, both the "head of government" and the "head of state." And this kind of appearance, talking to the Boy Scouts, is a "head of state" moment, one in which it's his responsibility to speak for the whole nation. He did not do so; he

spoke, as he always does, only for himself and those who support him. To speak this way in a "head of state" moment implies that those who don't support their president are not fully American.

My guess, by the way, is that this kind of behavior is self-defeating. The ability to represent the United States as a whole -- to be a symbol of the nation -- is a political asset for any president, and one that Trump has squandered by this kind of behavior. I certainly can't prove that there's any direct connection between Trump's refusal to put partisan politics aside and his terrible approval ratings in the early

months of his presidency, but it stands to reason that those whom he consistently alienates, even in the moments that are normally inclusive, would never give him a chance.

Again, there are plenty of even worse things this president has done. And of course anyone can pick out mild instances in which previous presidents acted a bit partisan in "head of state" situations. But Trump does it consistently and blatantly; there's nothing "a bit" about it. It's sad, and yes, I do consider it a violation of his oath of office.



## Donald Trump & His Critics -- Attacks Must Stop

5-7 minutes

The American political system has never quite seen anything like the current opposition to President Trump and his unusual reaction to it.

We are no longer in the customary political landscape. Usually, the out-of-power opposition — in this case, the Democratic party — offers most of the criticism and all of the alternative policies in order to win in the next election. Instead, Trump has an entire circle of diverse critics shooting at him. But they just as often end up hitting one another — and themselves.

So far, Trump's most furious Democratic opponents have not been able to offer alternative visions to Trump's agenda that might help them win back Congress in the 2018 midterm elections. Higher taxes, more government regulations, less gas and oil production, loose immigration policies, and the promotion of identity politics are not really winning issues.

Instead, the aim is to either to remove Trump before his first term is up or to so delegitimize him that he is rendered powerless.

House Majority Whip Steve Scalise discharged from hospital

Yet obsessions with Trump often lead to boomerang excesses — mad talk and visuals, from obscene rants to decapitation art — that hurt the attackers more than Trump.

Republicans should have been delighted with control of both houses of Congress, the Supreme Court, state governorships and the legislatures, and the White House. In principle, they laud Trump's efforts to appoint strict constructionists to the federal courts, to increase oil and gas production, to reform Obamacare and the tax code, and to restore deterrence abroad.

Yet the Republican-controlled Congress is nearly paralyzed. It simply cannot unite to deliver on promised major legislation. Some senators and representatives find Trump too uncouth to support his otherwise agreeable proposals, and

they fear (or hope) that he may not finish out his term. Some worry that Trump's low approval rating might hurt their own reelections. Some are careerists who value getting along more than fighting for the White House agenda.

The result is that when factions of the Republican Congress are not battling one another, they are feuding with Democrats and often with the Trump White House.

One reason Trump has been slow to make major appointments is that he cannot trust the establishment of his own party, many of whom in 2016 signed petitions declaring Trump unfit for office.

At best, some anti-Trump intellectuals and pundits still cannot separate Trump's conservative agenda (which they privately support) from Trump's reality-television persona (which they find boorish and beneath the dignity of the presidency). At worst, some are so invested in the idea that Trump would or should fail that their opposition threatens to become an obsessive self-fulfilling prophecy.

The anti-Trump conservative-intellectual establishment also does not quite know where to aim its fire. At Democrats whose agendas they used to oppose? At Congress for supporting or not supporting Trump? At the liberal media that court anti-Trumpers because they find their Trump hatred useful for the time being?

The media have given up on impartial news coverage. Some journalists have announced that Trump is so beyond the pale that he deserves only unapologetic critical treatment. Research has shown that network coverage has been overwhelmingly anti-Trump.

So the circular shooting goes on until someone is left standing — or all are too wounded to continue.

At the center of this directed fire is the flamboyant, sometimes polarizing but usually cunning Trump. He is not a stationary target. He constantly ducks and weaves, with a flurry of executive orders, major White House shakeups, and trips throughout

Europe and the Middle East, where he often gives good speeches and sometimes is warmly greeted.

The result of the circular firing squad is a crazed shootout where everyone gets hit.

Democrats as of yet have no obvious presidential candidates or even credible spokespeople to make the case against Trump. It is one thing to boast about the

## THE WALL STREET JOURNAL

### Rove : How Long Can the Trump Tumult Go On?

Karl Rove

5-7 minutes

July 26, 2017 6:08 p.m. ET

Even for this dramatic administration, the past seven days have been extraordinary. Start a week ago Wednesday, when President Trump said Attorney General Jeff Sessions "should have never recused himself" from the investigation of Russian electoral meddling, calling the recusal "very unfair." These comments were followed by the unlikely rumor that the Trump legal team would go after Special Counsel Robert Mueller's staff, along with more-plausible suggestions that the president might fire Mr. Mueller.

On Friday, Mr. Trump appointed New York financier Anthony Scaramucci as White House communications director, prompting press secretary Sean Spicer to resign. This all sparked speculation about the standing of chief of staff Reince Priebus and chief strategist Steve Bannon, both of whom allegedly opposed hiring Mr. Scaramucci.

Then on Monday, a Senate panel interviewed White House senior adviser Jared Kushner about a July 2016 meeting with a Russian lawyer. That meeting was organized by Donald Trump Jr., who had

supposed buffoonery of Trump but quite another to offer a candidate and an agenda that would rebuild the so-called blue wall of swing states and reverse the results of 2016.

The media are increasingly discredited and poll more poorly than Trump does.

The Republican-majority Congress is likewise even less popular than

received an email saying Russian officials possessed "documents and information that would incriminate Hillary." Young Mr. Trump was told this "very high level and sensitive information" was "part of Russia and its government's support" for his father.

The following day, the president renewed his attacks on his attorney general, tweeting that Mr. Sessions had taken "a VERY weak position on Hillary Clinton crimes (where are E-mails & DNC server) & Intel leakers!" Later, during a Rose Garden presser, Mr. Trump lamented that he was "very disappointed in Jeff Sessions."

During this swirl of events, Team Trump portrayed Mr. Scaramucci's appointment as a major reset, saying the president was his administration's best communicator and that he would benefit from delivering more of his message directly. But this is a misdiagnosis of what ails the administration's public relations. The president's job-performance rating has dropped from an even 44% approval and disapproval on Jan. 27 to 40% approval and 55% disapproval this Wednesday, according to the RealClearPolitics average. Mr. Trump's ratings are sliding because of his own messages and actions, not those of his subordinates.

In addition, although Mr. Scaramucci is an effective,

unpopular Trump. Conservative voters may remember that Trump beat the unfavorable odds to deliver the White House to Republicans, while those in Congress blew favorable odds by not passing legislation when they enjoyed clear majorities in the House and Senate.

So the circular shooting goes on until someone is left standing — or all are too wounded to continue.

personable advocate for Mr. Trump, his ultimate value must come from planning and executing a coherent communications strategy that results in a disciplined message and advances the president's agenda. This requires working with the entire White House leadership, the rest of the administration, congressional Republicans and outside allies. It can be done only with consultation, thoughtfulness, collegiality and constant thinking ahead. The communications director's job is complicated even in normal presidencies, which this isn't.

One of Mr. Scaramucci's strengths is his relationship with Mr. Trump. He can assist the president most by using his influence to help Mr. Trump resist his worst impulses. The president could demonstrate that this isn't an impossible hope by ending his public humiliation of Mr. Sessions, which is unfair, unjustified, unseemly and stupid.

Mr. Trump should consider how ugly the next six months will be if he continues attacking Mr. Sessions. If he fires the attorney general, the president will guarantee that every other message is buried under bad press as he deals with the fallout and searches for an acceptable replacement. Senate Democrats would spend months tormenting that person during confirmation proceedings, and even Republican senators would raise tough questions. If Mr. Trump instead

Forgotten in the hail of 360-degree suicide gunfire is the only story that counts: the welfare of the United States.

If Trump improves the economy, creates more jobs and national wealth, achieves energy independence, and restores deterrence abroad, all the wild firing will cease. If not, he and his attackers will finish one another off.

makes a recess appointment, a crisis will ensue.

For the record, Justice Department rules require Mr. Sessions to recuse himself from any investigation that touches the Trump campaign. Those rules—required by federal law—dictate that no Justice official "shall participate" in an investigation "if he has a personal or political relationship with . . . any person or organization substantially involved . . . that is the subject of the investigation." This is why then-Attorney General John Ashcroft recused himself after the Valerie Plame incident. (I was involved in the matter and had previously been Mr. Ashcroft's campaign consultant.)

Mr. Sessions, a decent and principled man, is doing his best to further the Trump agenda and restore the Justice Department's tattered reputation. That the president is publicly shaming him, heedless of the damage it's causing, shows just how vindictive, impulsive and shortsighted Mr. Trump can be.

This past tumultuous week should wake up the president and all those around him. If Mr. Trump continues this self-destructive behavior, he will drown out his message and maybe even blast his presidency to bits before his first year in office is even out.

## The Washington Post

### Dionne : The norms of government are collapsing before our eyes

<http://www.facebook.com/ejdionne>

5-7 minutes

The news is being reported on split screen as if the one big story in Washington is disconnected from the other. But President Trump's lawless threats against Attorney General Jeff Sessions have a lot in common with the Senate's reckless approach to the health coverage of tens of millions of Americans.

On both ends of Pennsylvania Avenue, we are witnessing a collapse of the norms of governing, constant violations of our legitimate expectations of political leaders, and the mutation of the normal conflicts of democracy into a form of warfare that demands the opposition's unconditional surrender.

Trump's latest perverse miracle is that he has progressives — along with everyone else who cares about the rule of law — rooting for Sessions. The attorney general is as wrong as ever on voter suppression, civil rights enforcement and immigration. But

Sessions did one very important thing: He obeyed the law.

When it was clear that he would have obvious conflicts of interest in the investigation of Russian meddling in our election and its possible links to the Trump campaign, Sessions recused himself, as he was required to do.

Trump's attacks on Sessions for that recusal are thus a naked admission that he wants the nation's top lawyer to act illegally if that's what it takes to protect the president and his family. Equally inappropriate are Trump's diktats from the Oval Office calling on

Sessions to investigate Hillary Clinton and those terrible "leakers" who are more properly seen as whistleblowers against Trump's abuses.

Our country is now as close to crossing the line from democracy to autocracy as it has been in our lifetimes. Trump's ignorant, self-involved contempt for his duty under Article II, Section 3 of the Constitution to "take care that the laws be faithfully executed" ought to inspire patriots of every ideological disposition to a robust and fearless defiance.



But where are the leaders of the Republican Party in the face of the dangers Trump poses? They're trying to sneak through a health-care bill by violating every reasonable standard citizens should impose on public servants dealing with legislation that affects more than one-sixth of our economy. Senate Majority Leader Mitch McConnell and House Speaker Paul D. Ryan have little time for worrying about the Constitution because they are busy doing Trump's bidding on health care.

Let it be said that two Republican senators will forever deserve our gratitude for insisting that a complicated health-care law should be approached the way Obamacare — yes, Obamacare — was enacted: through lengthy hearings, robust

debate and real input from the opposition party. In voting upfront to try to stop the process, Sens. Susan Collins and Lisa Murkowski demonstrated a moral and political toughness that eluded other GOP colleagues who had expressed doubts about this charade but fell into line behind their leaders.

The most insidious aspect of McConnell's strategy is that he is shooting to pass something, anything, that would continue to save Republicans from having a transparent give-and-take on measures that could ultimately strip health insurance from 20 million Americans or more. Passing even the most meager of health bills this week would move the covert coverage-demolition effort to a

conference committee with the House.

The Senate's unseemly marathon thus seems likely to end with a push for a "skinny repeal" bill that would eliminate the Affordable Care Act's individual and employer mandates and its medical device tax. But no one should be deluded: A vote for skinny repeal is a vote for an emaciated democracy.

A wholesale defeat of what might be described as the Trump-McConnell-Ryan Unhealthy America Act of 2017 is essential for those being served by the ACA but also for our politics. It was disappointing that Sen. John McCain's passionate plea on Tuesday for a "return to regular order" did not match his votes in this week's early roll calls.

But McCain could yet advance the vision of the Senate he outlined in his floor speech and rebuke "the bombastic loudmouths" he condemned by casting a "no" vote at the crucial moment. Here's hoping this war hero will ultimately choose to strike a blow against everything he said is wrong with Congress.

And when it comes to the ongoing indifference to the law in the White House, Republicans can no longer dodge their responsibility to speak out against what Trump is doing. They should also examine their own behavior. The decline of our small-r republican institutions can be stopped only if the party brandishing that adjective starts living up to the obligations its name honors.

**NATIONAL  
REVIEW  
ONLINE**

## Geraghty : Trump White House Chaos Becomes Unproductive Routine

6-8 minutes

One of the biggest obstacles to the agenda of President Trump is Donald Trump himself.

Start with the perception that several cabinet members are on the verge of dismissal or departure, just six months into his presidency. For three days, Trump publicly fumes about Attorney General Jeff Sessions being "VERY weak" when it comes to investigating leaks and prosecuting his 2016 rival. While speaking at the Boy Scout Jamboree, the president threatened to fire Health and Human Services Secretary Tom Price if the Senate GOP could not pass an Obamacare repeal. Secretary of State Rex Tillerson, according to sources who spoke to CNN on condition of anonymity, is so frustrated he may quit before serving a year.

National Security Adviser H. R. McMaster and Trump aren't getting along, according to anonymous sources cited by Axios. The *Daily Beast*, also citing anonymous sources, reported in May that Trump wants to bring back McMaster's short-lived predecessor, Michael Flynn.

Then there are the sudden public shifts in legislative strategy. In a 36-hour span, President Trump tweeted out that Republicans should pass a simple repeal of Obamacare without legislation to replace it; then he urged them to "let ObamaCare fail and then come together and do a great healthcare plan," and then he went back to urging passage of a replacement bill: "Republicans never discuss how good their healthcare bill is, & it will get even better at lunchtime."

There's little time to implement the strategy because the strategy changes every twelve hours.

00:42

Trump: Apple is going to build 3 'big, big, big' plants in US

This all comes as White House press secretary Sean Spicer resigns and the new communications director, Anthony Scaramucci, tells reporters "I'm going to fire everybody" if that's what it takes to stop leaks. There is widespread speculation that Scaramucci could replace chief of staff Reince Priebus, who has been rumored to be on the verge of an involuntary departure from the White House since the administration's first day.

Among the more frustrating moments of Spicer's brief tenure was the one-hour warning he was given about the president's decision to fire FBI director James Comey, and the difficulty of the president going out the next day and contradicting the official statements of his own White House about the rationale for firing Comey.

Trump allegedly wants to fire special counsel Robert Mueller, and if Deputy Attorney General Rod Rosenstein refuses an order to fire Mueller, Trump could well fire Rosenstein, too. Wednesday he fumed on Twitter: "Why didn't A.G. Sessions replace Acting FBI Director Andrew McCabe, a Comey friend who was in charge of Clinton investigation but got big dollars (\$700,000) for his wife's political run from Hillary Clinton and her representatives. Drain the Swamp!" Presumably Trump wants McCabe removed from the FBI entirely.

Wednesday morning, President Trump announced, also via Twitter,

a sweeping change in the Department of Defense policy on transgender individuals. "The United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military," Trump wrote. Secretary of Defense James Mattis is on vacation this week; Captain Jeff Davis of the Navy, a Pentagon spokesman, referred all questions about the new policy to the White House.

At what point does a president become too erratic to function?

Does the president walk around the White House, wondering why all these bad things keep happening to him through no fault of his own? Does he see himself as a lone, tortured strategic genius constantly held back by the incompetent staff around him? Or can he realize that some of the problems of his White House stem from his own behavior and decision-making?

If President Trump wants the rest of his presidency to be better and more productive than the first six months, he will have to make some changes — not to his staff, and not to his policies, but to himself.

If there are particular tax cuts or infrastructure projects that Trump considers make-or-break for the legislation, he should spell them out and explain why the specific ideas are so important.

The long and difficult road to repealing Obamacare demonstrates that the president had little familiarity with the details of the legislation and even fewer clear priorities; he wants to sign a bill and be able to boast that he did it. On tax reform and infrastructure, which

the White House had called its next major goals, the president may need to spell out which provisions he thinks are high priorities. He has a bully pulpit and is sometimes pretty good when he puts his mind to it. If there are particular tax cuts or infrastructure projects that he considers make-or-break for the legislation, he should spell them out and explain why the specific ideas are so important.

To work better in the fights ahead, the White House communications shop might need more than an hour's warning about major decisions. If Trump wants to make a sweeping change in defense policy, he may want to make sure someone at the Pentagon is ready to explain and defend the policy change.

The president might need to stop winging it in interviews. The communications director and press secretary could probably use a heads-up if the president feels like criticizing one of his own cabinet members in an interview with the *New York Times*.

The president's Twitter account can be a powerful tool, one that is probably best not focused on the face of Mika Brzezinski or the question of who will replace Greta van Susteren on MSNBC.

A common bit of self-help advice is "if you keep doing what you're doing, you'll keep getting what you're getting." If President Trump is genuinely dissatisfied with the results of his presidency so far, he will have to contemplate changing the way he handles his duties.

Presuming, of course, that a 71-year-old man can significantly change the way he operates.

## Kmiec : How Trump could stop the Russia investigation — on constitutional grounds

Kmiec  
7-8 minutes

President Trump wants to put an end to the Department of Justice's Russia inquiry. He has questioned whether he can pardon himself and whether Atty. Gen. Jeff Sessions should have recused himself from the investigation.

The president is a fighter, but he'll need to pick his fight. Expressing annoyance with his attorney general and daydreaming about pardoning himself won't do. Sessions' recusal merely reflects that no one can investigate himself, and the embarrassing idea that a president may grant his own pardon has been consistently rejected by the Justice Department's Office of Legal Counsel.

There is, however, another question the president has every reason to be asking: Is the post of special counsel, a Department of Justice administrative creation, itself constitutional? The appointment of Robert S. Mueller III is open to reasonable doubt.

To begin with, the role of the special counsel cannot be justified by the Supreme Court's 8-1 approval of the earlier independent counsel law, which was passed in 1978 and expired in 1999. The high court's dissenter was Justice Antonin Scalia, and subsequent precedent and scholarship acknowledge that Scalia had the better argument.

Indeed, Congress let the law expire because, as Scalia reasoned, it made it too easy to falsely call one's political opponent a crook. (Both Republicans and Democrats were equally happy to see the law sunset.)

Is the post of special counsel, a Department of Justice administrative creation, itself constitutional?

Under the expired law, independent counsels were appointed by a special three-judge panel of the U.S. Court of Appeals, but only after the attorney general conducted a preliminary investigation based on "specific and credible" information about alleged wrongdoing by the president. Under the old law, if there were "no reasonable grounds" after the preliminary investigation, that was reported to the court and the matter ended. These careful first steps are not explicit in the Justice Department's current special counsel regulations, and there are no signs that in the wake of Sessions' recusal, a constitutionally sufficient process triggered the Mueller appointment.

Statutorily appointed independent counsels also had an obligation to make reports to the appointing court every six months. In order to expand the boundaries of an investigation, they had to get the approval of the attorney general and notify the court. The court decided what reports were made public or sent to Congress. By comparison, Mueller appears to be operating unilaterally.

News reports indicate that Mueller is directing White House personnel to retain documentation and that he's going after Trump's tax returns. Those suspicious of the president insist upon the necessity of this line of inquiry, but they skip over whether a politically unaccountable, unconfirmed special counsel may constitutionally make such demands.

Another basic objection can be raised about the special counsel. Scalia noted that employing an independent counsel stands criminal practice on its head: The normal order is crime first, ascertain the guilty second. Mueller's appointment originated with former FBI Director James Comey's ethically dubious press leak and his apparent presumption of the president's bad intent. Perhaps preidentification of guilt was considered acceptable under the independent counsel law because it also mandated protections against abuse, but again, Mueller's administrative appointment isn't subject to such checks.

An Oct. 16, 2000, memorandum, by then-Assistant Atty. Gen. Randolph D. Moss, affirmed the Office of Legal Counsel view going back as far as 1818: A sitting president cannot be indicted and criminally prosecuted. The special counsel has not formally indicted Trump. But given Comey's hair-trigger assumption that Trump was up to no good, and the way the special counsel process defines the president as a wrongdoer before

any wrong is established, the investigation itself is arguably equivalent to an unconstitutional indictment.

Indicting a sitting president is unconstitutional because it gives insufficient weight to the people's considered choice of chief executive. Presidents can be subject to civil litigation (such as Paula Jones' suit against President Bill Clinton) but not to the burden and stigma of a criminal case. In the words of the Office of the Legal Counsel, "To wound the president by criminal proceeding is to hamstring the operation of the whole government apparatus, both in foreign and domestic affairs."

Why have those advising Trump not raised these fundamental questions? Perhaps it is because his advisors, like the president, are more familiar with business law — transactional law — where the ingenuity of legal counsel combines with investment savvy to achieve a success memorialized in a contract. Business law and constitutional practice are not the same, and the president is not well served if his advisors do not make that clear.

That the application of the Constitution is not a matter of commercial arm-wrestling might seem to the disadvantage of a president whose measure is "the art of the deal," but it is not. Moreover, asking basic questions about the constitutionality of the special counsel's appointment does not place the president above the law; it merely gives him the benefit of it.

## UNE - Senate Soundly Rejects Repeal-Only Health Plan

Thomas Kaplan  
9-11 minutes

WASHINGTON — The Senate on Wednesday soundly rejected a measure that would repeal major parts of the Affordable Care Act without providing a replacement, leaving Republicans still searching for a path forward to fulfill their promise of dismantling President Barack Obama's signature health law.

Seven Republican senators joined Democrats to vote against the measure, which had been embraced by conservatives but could have left millions of people without health coverage.

The rejection of "clean repeal" laid bare the deep divisions within the

Republican caucus about how best to proceed. The night before, nine Republicans, including both conservatives and moderates, voted against comprehensive legislation to repeal the health law and provide a replacement.

Without the votes to replace the health law or to simply repeal major parts of it, Senate Republicans appeared increasingly likely to try to pass a modest measure that would repeal only a few provisions of the law, such as the tax on medical devices and the requirements that most individuals have insurance and that large employers offer coverage to workers.

But even that narrow bill could have a significant impact on the nation's health care system. Democrats on Wednesday night released a

Congressional Budget Office analysis of the effects of repealing several provisions that could be part of a "skinny" repeal measure. The analysis found that the number of uninsured people would increase by 15 million next year compared with current law, and Democrats said they were told that premiums would be roughly 20 percent higher.

But the point of the narrow repeal measure would not be to enact it. Instead, Republicans are simply trying to get some measure to bring to negotiations with the House.

"I think people would look at it not necessarily based on its content, but as a forcing mechanism to cause the two sides of the building to try to solve it together," said Senator Bob Corker, Republican of Tennessee.

Senator Chuck Schumer of New York, the Democratic leader, called that "a ruse to get to full repeal" and warned that hard-line Republicans in the House would apply pressure to reluctant moderate Republicans in the Senate.

A scaled-down bill would fall far short of what Senate leaders had aspired to pass. But if 50 senators could agree, with Vice President Mike Pence breaking any tie, such a bill would keep alive the effort to repeal the Affordable Care Act, under which about 20 million people have gained coverage.

Senator Chuck Schumer of New York and Senator Claire McCaskill of Missouri on Wednesday after the Senate rejected a measure that would repeal major parts of the

Affordable Care Act. Stephen Crowley/The New York Times

"What we need to do in the Senate is figure out what the lowest common denominator is — what gets us to 50 votes so that we can move forward on a health care reform legislation," Tom Price, the

secretary of health and human services, said on CNBC.

That strategy would require conservative senators like Rand Paul of Kentucky, Ted Cruz of Texas and Mike Lee of Utah to vote for a measure that leaves the basic structure of the Affordable Care Act

in place, hoping that House-Senate negotiations could produce a more ambitious repeal. Such senators have argued that far broader replacement legislation did too little to eradicate the health law.

And cracks are already showing.

"The skinny plan is not a replacement of Obamacare," Senator Lindsey Graham, Republican of South Carolina, said. "Would it be better than Obamacare? Yeah. But that's not the goal. The goal is to replace Obamacare."



## UNE - GOP momentum grows for more modest plan to overhaul Obamacare

<https://www.facebook.com/kelsey.snell.3>

11-14 minutes

The Senate rejected a proposal Wednesday that would have repealed major parts of the Affordable Care Act, but Republican leaders were growing more confident about their chances of passing a more modest overhaul of the health-care law later this week.

Republicans appeared to be coalescing around a "skinny repeal" that would abolish the individual and employer insurance mandates and perhaps just one tax in an attempt to sustain their seven-year quest to unwind President Barack Obama's health-care law. But even if they succeed — and start negotiations with the House — they will face significant obstacles in accomplishing anything more substantial.

Top Republicans such as Sen. John Thune (S.D.), the chamber's third-ranking Republican, said that although leaders have not yet found "the sweet spot" between conservatives and centrists, they had picked up support for a more modest plan because it did not include deep cuts to Medicaid. Some Republican senators were simply open to any legislation that could keep alive the roller-coaster push for an overhaul.

"We're edging closer and closer" to getting 50 votes for a bare-bones plan, Thune said. He said leaders were betting that some Republicans who defected on votes this week would feel more pressure to support any bill that emerged from negotiations with the House to face a final vote in the Senate.

"Voting on something at the end of the process when it's the only train leaving the station . . . I think that's a different vote for a lot of people," he said.

Which health-care plans the Senate is voting on

More than half a dozen centrists from states that expanded Medicaid

under the Affordable Care Act objected to the original Senate draft GOP leaders crafted last month. It would have cut the program for low-income Americans by \$772 billion over 10 years and curtailed its long-term growth rate.

Yet even if Republicans agree on a minimalist plan to alter the ACA, uniting with their House colleagues to enact a bill would be far more challenging. On Wednesday — even before the skinny repeal came up for a vote — some House conservatives were calling it untenable.

Rep. Mark Meadows (R-N.C.), chairman of the House Freedom Caucus and a key player in negotiating the House-passed bill, told reporters recently that a skinny repeal would be "dead on arrival" in the House and that a conference committee would have to be convened to work out a compromise.

Senate Majority Leader Mitch McConnell (R-Ky.) overcame serious opposition from his rank-and-file members to begin debate on health care — a prospect that seemed dim just last week. President Trump has taken to Twitter and made public statements challenging Senate Republicans to support an overhaul or take ownership of the ACA's failure.

But in two votes within 24 hours of each other, lawmakers rejected differing approaches to rewriting the landmark 2010 law. The open voting process — which is likely to drag on for the rest of the week — has laid bare the fact that Senate Republicans haven't been able to find a comprehensive replacement for the law they have relentlessly lambasted.

Republicans on Wednesday lacked answers for how or even whether they can break their gridlock by simply extending their endeavor, but they appeared determined to press ahead.

"I think it's a good idea to start with what we agree on and see how big we can get the bill from there," said Sen. Rand Paul (Ky.), who has pushed for a repeal of the law and

has repeatedly clashed with GOP leaders.

Sen. Lindsey O. Graham (S.C.) said that a scaled-back bill "is not a solution to the problem" the American health-care system is facing, but that there did not appear to be another option.

GOP leaders have little room to navigate when it comes to crafting a bill, as just three defections within their ranks would deprive them of the 50 votes they need to pass legislation with the assistance of Vice President Pence, who can break a tie.

And in each of the two most important votes the Senate has cast since taking up the bill, at least 13 percent of Republicans defected to join Democrats in opposition.

"This certainly won't be easy. Hardly anything in this process has been," McConnell said on the Senate floor Wednesday.

In an effort to muster enough votes for a narrow bill, GOP leaders suggested that even some proposals that have died in the Senate could come up again once they enter negotiations with the House.

Senate Majority Whip John Cornyn (Tex.) said proposals offered by Sens. Rob Portman (R-Ohio) and Ted Cruz (R-Tex.) that were rejected Tuesday as part of a broader rewrite measure could resurface. Graham, meanwhile, said he is willing to go along with the skinny repeal — but only if he is assured that a plan he has offered would be reconsidered.

Portman's measure calls for adding \$100 billion in federal funding to help consumers with out-of-pocket medical costs and allowing states to provide cost-sharing assistance to low-income people who transition from Medicaid to private insurance with a federal tax credit. Cruz's amendment would let insurers offer health plans on the ACA market that do not provide the full benefits required under the law, as long as they offer at least one option that does.

A total of 57 senators, including nine Republicans, voted against the measure that included both of those provisions. But Cornyn said that passing a skinny repeal would buy time for the Congressional Budget Office to score those two plans, which may be revisited in a conference committee.

Senate Democrats announced late Wednesday afternoon that a preliminary CBO estimate found that 16 million people would lose coverage if Republicans enacted a handful of the policies floated for the pared-down repeal bill. The analysis was based on the assumption that the GOP wants to repeal the individual and employer mandates, end a 2.3 percent tax on medical device manufacturers, ban funding for Planned Parenthood and repeal prevention health funds.

In a sign of how the prospect of a spike in the uninsured rate continues to worry governors, a bipartisan group of 10 of them — including Republicans Brian Sandoval of Nevada and John Kasich of Ohio — urged Senate leaders late Wednesday to work together with governors in developing a new plan and to reject a skinny repeal, which they said "is expected to accelerate health plans leaving the individual market, increase premiums, and result in fewer Americans having access to insurance."

Senate Republicans hope that once their members are faced with enacting an imperfect measure, or not accomplishing one of their chief legislative goals, they will decide that some progress is better than none.

That sort of thinking prompted Senate Minority Leader Charles E. Schumer (D-N.Y.) to say Wednesday that a skinny repeal is a "Trojan horse" that would lead House conservatives to push the plan back to a much more aggressive attack against the ACA.

"There is no such thing as 'skinny' repeal; it's a ruse to get to full repeal, with all the concomitant cuts to Medicaid and tax breaks," Schumer said on the floor.

The Senate also voted down a pair of attempts by Democrats to end debate by forcing two Senate committees to review and debate the legislation, and an amendment from Sen. Dean Heller (R-Nev.) affirming support for Medicaid and asking for the Senate to review the program further. Democrats grew frustrated by the spectacle Wednesday evening and threatened to stop offering amendments until GOP leaders released details of the narrow repeal measure they plan to offer.

Meanwhile, the ongoing uncertainty on Capitol Hill sent jitters through the insurance industry.

Joseph R. Swedish, the chief executive of Anthem — the nation's second-largest health insurer — said on a conference call to review second-quarter earnings that the company is reassessing its participation in ACA marketplaces for next year. Anthem has decided to largely withdraw from the markets in three of the 14 states it participates in, and he said it may stop participating elsewhere unless the markets seem stable.

He cited, in particular, the question of whether Congress and the Trump administration will continue “cost-sharing subsidies” that the ACA provides insurers to help lower-income customers — about 7 million this year — afford deductibles and other out-of-pocket expenses.

Noting that Anthem's “2018 market footprint” for selling ACA health plans is not fully decided, Swedish said, “If we aren't able to gain certainty on some of these items quickly, we do expect that we will need to revise our rate filings to further narrow our level of participation.”

The Blue Cross Blue Shield Association warned that even the skinny repeal Republicans now envision could undermine the individual insurance market because it would eliminate the requirement that Americans buy insurance or pay a tax penalty. The measure, which

remains subject to negotiation, also would probably eliminate the ACA's requirement that employers with 50 workers or more provide health coverage, and a medical device tax that generates \$19.6 billion in federal revenue over a decade.

“If there is no longer a requirement for everyone to purchase coverage, it is critical that any legislation include strong incentives for people to obtain health insurance and keep it year-round,” the Blue Cross Blue Shield Association said in a statement.

A CBO estimate in December projected that repealing the ACA's individual mandate would leave 15 million Americans uninsured most years and prompt premiums to rise by 20 percent.

Several Republicans appeared wary Wednesday of moving too quickly to undo the health-care law without a replacement in hand. That proposal was defeated on a vote of 55 to 45, with seven Republican senators — including John McCain (Ariz.) and Lamar Alexander (Tenn.), who chairs one of the key committees that would normally craft a health-care bill — opposing it.

Alexander said after the vote that although he supported an outright repeal in 2015, his constituents could not tolerate that kind of uncertainty now.

“I don't think most Tennesseans would like the idea of our saying to them, ‘We're going to cancel insurance for 22 million Americans and then trust Congress to replace it in two years,’” he said. “I think most pilots, when they take off, like to know where they're going to land.”

The mood among Republicans on Wednesday was far from the excitement that some expected to accompany the first votes to fulfill their long-standing promise to repeal the ACA. Instead, they described feeling frustrated and unhappy with their options.

“The mood is nothing,” Sen. Bob Corker (Tenn.) told reporters after Tuesday's failed vote on the Senate

GOP's original plan. “It's perfunctory.”

In a letter on Wednesday, 10 governors — five Republicans and five Democrats — urged the Senate to reject a “skinny” repeal measure. The Blue Cross Blue Shield Association, a major insurance trade group, warned senators about the consequences of repealing the mandate that most people have health coverage without otherwise incentivizing people to get and maintain coverage.

“A system that allows people to purchase coverage only when they need it drives up costs for everyone,” the association said.

With two legislative approaches having been rejected by Republicans — the comprehensive measure and then the repeal-only measure — Democrats were left wondering what exactly Republican leaders were cooking up, and how they could reasonably expect senators to vote on that legislation in just a day or two. Republican leaders have been plotting strategy and drafting legislation largely behind closed doors, with a final vote likely by Friday.

Republicans are seeking to pass a repeal bill under special budget rules that limit debate to 20 hours and preclude a Democratic filibuster.

Senate Republican leaders, including the majority leader, Mitch McConnell of Kentucky, have emphasized that senators would be free to offer any amendments they see fit. But Senator Ben Cardin, Democrat of Maryland, highlighted a major challenge that he and other senators face: How can they prepare amendments to legislation without knowing what they are amending?

“What is the bill that we are considering?” he asked. “It's not the bill that Senator McConnell brought forward because that bill was defeated. It's not the ‘repeal and we're starting from a blank slate’ because that was defeated.”

Just a week ago, Mr. McConnell seemed to have failed in putting together a health bill that could pass the Senate. But he managed to persuade enough of his reluctant members to agree on Tuesday to vote for a procedural motion to take up the repeal bill that passed the House in May, and on Wednesday, he vowed to press forward with the repeal effort.

The vote on the repeal-only measure showed the changing political dynamics that Republicans have grappled with this year on health care. With Mr. Obama in the White House, they could pummel his health law, with their words and with their votes, but his veto pen still loomed.

The Senate passed a similar repeal-only bill in 2015, and only one current Republican senator, Susan Collins of Maine, voted against it at the time. But that measure was vetoed by Mr. Obama, while senators are now trying to pass a bill that will actually become law.

But the Congressional Budget Office said last week that the repeal-only legislation would increase the number of people who are uninsured by 17 million next year and by 32 million in 2026 compared with current law.

Senator Lamar Alexander of Tennessee, the chairman of the Senate health committee, was among the Republican senators who voted against the measure on Wednesday. He said he did not believe his constituents would like the idea of “canceling insurance” for millions of Americans and then “trusting Congress to find a replacement in two years.”

“Pilots like to know where they're going to land when they take off,” Mr. Alexander said, “and we should too.”

**THE WALL  
STREET  
JOURNAL.**

## UNE - Senate GOP's Fallback Plan Gains Support After Vote to Repeal Health Law Fails

Kristina Peterson, Michelle Hackman and Stephanie Armour

WASHINGTON—Senate GOP leaders picked up support Wednesday for their plan to pass a scaled-back bill to repeal a handful of elements in the current health law, and then open negotiations

with House Republicans to try to bring together their two very different bills.

Republican senators said they recognized passing a “skinny repeal” would essentially postpone tough decisions on health care until later, but they seized on it as potentially their best option as the Senate this week began considering

and rapidly discarding other plans, with no alternative appearing likely to attract the 50 Republican votes needed to pass.

A measure to repeal most of former President Barack Obama's 2010 health law, with a two-year expiration date to allow lawmakers to craft a replacement, failed in a 45-55 vote on Wednesday, as

seven GOP senators joined all Democrats in voting against it. That came after the latest version of the broader Senate Republican bill was defeated 43-57 on Tuesday, leaving the leaders with few options.

Senate Majority Leader Mitch McConnell (R., Ky.) has pitched the skinny repeal plan in recent days. GOP leaders say that passing it

could be their only alternative to giving up on a health overhaul, and that the bill could be improved in Senate-House talks.

With no other plan capable of unifying Republicans, the skinny repeal plan gained traction with senators from the party's conservative and centrist wings, as well as rank-and-file Republicans who didn't want the health-care push to die in their chamber. The House narrowly passed a far more sweeping bill in May.

"I've been saying for months we should start with what we agree on, and try to build up," said Sen. Rand Paul (R., Ky.). "The previous strategy was to start big and try to have the whole kitchen sink in there."

The proposal under discussion would likely end the much-debated requirement under the Affordable Care Act that most people have insurance or pay a penalty. It would also overturn the requirement that most employers provide health insurance to their workers.

But it would leave in place much of the broad shape of the Obama administration's signature health law, including the expansion of the Medicaid program for low-income Americans in 31 states; regulations that require insurers to cover people regardless of their health status; and a mandate that most health plans cover a raft of specific benefits such as maternity care. Republicans haven't been able to agree on how, or whether, to modify or cut those elements.

Insurers and Democrats reacted with alarm to the idea that Republicans might pass the scaled-back bill.

Health insurers warn of the danger of ending the individual insurance mandate without other provisions to prod young, healthy people to buy insurance. Without such efforts, individual insurance markets have in the past gone into meltdowns known as "death spirals," they say, meaning cycles of rising premiums and shrinking enrollment, leaving insurers covering the sickest, costliest patients.

Some GOP senators, including Shelley Moore Capito of West Virginia and Mike Lee of Utah, were undecided on the idea Wednesday, and it's not clear it will have the votes to pass. Mr. McConnell presides over a narrow 52-48 Republican majority and can lose no more than two Republicans, with Vice President Mike Pence breaking a potential 50-50 tie.

The proposal appealed to some centrist Republicans, who have been uneasy over \$756 billion in cuts to federal Medicaid funding that was part of earlier GOP proposals.

Sen. Dean Heller (R., Nev.) said he appreciated that the skinny repeal did not seek to make cuts to federal funding for Medicaid and viewed it "favorably" on Wednesday. "Right now Medicaid expansion has worked for the state of Nevada," he said.

But Mr. Heller and other senators acknowledged that passing such a measure would open up unpredictable negotiations with House Republicans, who would likely lobby to return Medicaid cuts and other conservative measures.

The House could take up and pass the skinny repeal bill as is, if it clears the Senate, but that appears unlikely as a first step. Rep. Mark Meadows (R., N.C.), the chair of the conservative House Freedom Caucus, a group of about three dozen conservative lawmakers, said he would oppose such a move.

"Would we send that to the president? The answer is no," Mr. Meadows told reporters, saying a scaled-back Senate bill should serve only to jump-start negotiations.

But striking a broader compromise between the two chambers wouldn't be easy, given the deep divisions between Republicans on a variety of issues, including whether, how much and how quickly to cut Medicaid funding.

Sen. John Thune (R., S.D.) warned that Republicans have to see the pared-back legislation as a good enough product to become law, in case the House decided to simply pick it up and pass it.

"If it represents what we can do, hopefully we can improve on it and get it in shape in conference with the House," he said. But "maybe the House will pick up what we pass."

Health and Human Services Secretary Tom Price signaled support for the skinny repeal plan Wednesday, urging lawmakers to vote in favor of any measure that stands a chance of passing.

"What we need to do in the Senate is figure out what the lowest common denominator is," he said on CNBC. "Whatever can get us to 50 votes so that we can move forward on a health-care reform legislation."

Indeed, Republican leaders' strategy at this point is to keep the health push alive as long as needed, in the hopes of striking a deal at some point despite having no road map on how to do so. Previously, Mr. McConnell had signaled he would move on to other issues if a health plan stalled in the Senate.

In a move that could siphon support for the skinny repeal proposal, a group of five GOP governors and five Democratic governors pressed senators to abandon the idea. The governors wrote in a letter to Senate leaders Wednesday night that a skinny repeal plan is "expected to accelerate health plans leaving the individual market, increase premiums, and result in fewer Americans having access to coverage." They instead urged senators to work with governors and colleagues from both parties to shore up the individual insurance market.

Attacking the proposal, Sen. Elizabeth Warren (D., Mass.) said on the Senate floor Wednesday the skinny plan would boost premiums for many Americans, in part because Senate passage would usher in a period of uncertainty.

"The Senate Republicans will be responsible for every dollar of premium increases that occur over the weeks and months that follow, as this bill sits in a conference with the House and insurance companies jack up prices because

they don't know what they might be required to cover," Ms. Warren said.

Senate Minority Leader Chuck Schumer (D., N.Y.) said Wednesday night that Democrats wouldn't offer any amendments until GOP leaders had unveiled their final version of a health-care bill.

About 15 million fewer people would have coverage in 10 years if the ACA individual mandate is repealed, according to an estimate last year from the nonpartisan Congressional Budget Office. Premiums on the individual market would increase 20% because healthier and younger people, who help offset the costs of older and sicker consumers, would likely drop coverage, the CBO found.

"A system that allows people to purchase coverage only when they need it drives up costs for everyone," Blue Cross Blue Shield Association said in a statement on Wednesday.

A new CBO analysis released Wednesday night, which was requested by Democrats based on reports of the skinny repeal plan, pegs the number of additional uninsured at 16 million over the next decade.

The Senate's failure to pass the repeal-only proposal on Wednesday was notable in part because of the 52 current GOP senators, 49 voted for the same repeal bill in 2015. Ms. Collins was the only current Republican senator to vote against it at the time.

But some senators said conditions had changed. "In 2015, we could have waited two years for relief, but we cannot now," Sen. Lamar Alexander (R., Tenn.) said after the vote. "I don't think Tennesseans would be comfortable canceling insurance for 22 million Americans and trusting Congress to find a replacement in two years. Pilots like to know where they're going to land when they take off, and we should, too."

**The  
New York  
Times**  
5-7 minutes

## Silvers : Why 'Skinny' Obamacare Repeal Is a Terrible Idea

J. B. Silvers

the Affordable Care Act. What does this actually mean, and what would it produce?

The proposal most often labeled "skinny" would repeal the insurance mandate for individuals and larger employers under the banner of choice and freedom — both standard objectives of conservatives. It also would repeal

taxes on medical-device manufacturers and, perhaps, also on insurers, with the goal of reducing the costs that must be reflected in premiums.

On the surface, both of those changes seem modest and reasonable. But I can assure Congress, as a former insurance company chief executive, that they

would lead to a bloated upscale version of the Medicaid expansion so hated by conservatives. The result would be not only the loss of coverage for millions of people but also an even bigger bill for the government to pick up.

You have to look at the dynamics of the insurance market to understand this. To survive, an insurer has to

predict the risk of costly claims and to obtain sufficient enrollment to balance customers who need a lot of health care with enrollees who have few or no claims. This works because while an insurer can't know the timing or severity of illness for an individual, it can estimate the average claims of a group of individuals fairly well.

In health care, some individual needs are predictable — young people use less, and those with chronic conditions demand more. The only way to obtain a reasonable average is to have a broad pool, like the employees of a company covered by a group plan.

The individual market never had this natural grouping, so premiums varied widely, as did coverage, if it was available at all. The Obamacare individual mandate was intended to produce a representative group and to keep average premiums in bounds.

But a variety of problems resulted in predictably higher premium rates for insurance exchanges. The

mandated coverage for qualified health plans was broader, enrollment was skewed by pricing that favored older customers, and risk-reduction mechanisms were insufficiently funded. Most of those can be laid at the feet of the Republican Congress and of President Trump for his sabotage in limiting enforcement of the mandate, cutting enrollment efforts and threatening to withhold the risk-sharing payments for low-income enrollees.

As a result, insurance companies' actuaries have filed rate increases in double-digit percentages based on expected higher claim costs — fewer healthy people have signed up — and on risks that they thought were shared by the government being shifted back to them. At the same time, underlying health care inflation is closer to about 4 percent. In addition, many insurers have simply left the market because of unpredictable government policy.

Others sticking it out have bet that their higher premiums, combined with the loss of competitors, will let

them cover the higher risk. They are probably right. The widely predicted "death spiral" won't happen: Subsidies provide a low ceiling on the net premium for over three-quarters of enrollees.

So what will it mean for individuals if the mandate is jettisoned in a "skinny repeal"? Those receiving subsidies will be largely immune to higher costs — their increased premiums will be offset by larger government subsidies — but it's actually middle-income people without subsidies who will be priced out of the market.

Without the mandate, they will just return to their previous uninsured status, frequently turning into emergency-room patients and bad debts for hospitals and doctors. The Congressional Budget Office has estimated that, in a decade, about 15 million people would be hurt, including independent professionals and small-business employees.

Those remaining in the exchanges will be receiving much higher subsidies because of the higher

premiums, making them very similar to existing Medicaid beneficiaries. This is why the likely outcome is a much bigger tab for the government.

In effect, a "skinny repeal" will result in an unintended expansion of ever larger government subsidies to the working poor. The difference is that those people will have higher incomes than allowed under normal Medicaid or the expanded Medicaid coverage that has been so controversial in red states.

Some liberals may consider this extension of Medicaid-like coverage to be good policy that provides an on-ramp for the working poor to higher incomes and jobs with benefits. Yet the loss of insurance for millions of others is a steep cost for that expansion.

Those Republicans who advocate "skinny repeal" as just a lighter version of "repeal and replace" are likely to be very surprised at the unintended result. Most important, this piecemeal approach is no way to do health policy.



## Slavitt : GOP 'health' bill isn't about health. It's about winning and job protection.

Andy Slavitt, Opinion columnist

Somewhere along the line, the health care debate stopped being about health care and devolved into how we are getting used to seeing the Trump administration do business. Threats to fire people or, if they're in Congress, to work against them. So with any pretense gone, Trump's point person on health care, Health and Human Services Secretary Tom Price, described the administration's new goal as "what gets us 50 votes so we can move forward."

Not a law which covers more people? Or reduces the cost of care? Or protects American families from bankruptcies?

When I served in the Obama administration, we dealt with hard issues and didn't always get them right, but we never lost sight of who we were serving — working families, kids, seniors, people with disabilities, people plotting their retirements with modest incomes — and often at their most vulnerable moments.

In these last six months, the country has been introduced to the Little Lobbyists, parents and kids with complicated illnesses, who have come to the Capitol urging that hundreds of billions of dollars not be cut from the Medicaid program. I've

gotten to know Laura Packard, a self-employed young woman with Stage 4 cancer who lives in Nevada, whose doctors believe she can beat her cancer if she can keep up her treatments, which are dependent on her plan from the ACA.

Yet for Price, repealing the ACA is personal in a different way. As with Attorney General Jeff Sessions, Price was warned by a grinning Trump during a public speech that his job was on the line if the bill didn't pass. As amusing as that may have been, the message was crystal clear. Fifty votes, any way you can get them, and Vice President Pence will break the tie.

In other words, the already fragile premises of repealing and replacing the ACA have been officially shattered.

The premise that a bill was needed to save the ACA by increasing stability. The "skinny bill" the Senate now aims to pass would quickly hasten a death spiral by removing the coverage mandates that spread risk among the healthy and the sick.

The premise that Trump won't accept a "mean" bill, as he once called the House bill. The Senate is committing to an "unconditional surrender of Senate GOP to the

House bill" in the words of Senator Chris Murphy, D-Conn., if they pass a "skinny bill" and go into negotiations with the House in a conference committee.

The premise that there is a maverick out there who is ready to put the impact on the American public or a well-functioning Senate over party politics. Arizona Sen. John McCain returned to the floor from surgery on a brain tumor to lecture the Senate about voting for what he vividly described in unflattering terms. Only to vote for it right afterwards.

With these premises shattered, as shallow as they once were, one-sixth of the economy and the lives of people like Laura are now tied up in pure win-or-lose politics. Tom Price's job, McConnell's reputation as a leader, allegiance to a stale campaign promise.

The "skinny bill" would raise premiums by 20% while causing 16 million fewer people to have coverage next year, according to the nonpartisan Congressional Budget Office. The House bill is even worse. The CBO estimates it would cost 23 million Americans their health insurance by 2026 and cause premiums to rise 20% next year, while dramatically cutting Medicaid and ending federal insurance protections for people

with pre-existing conditions. Many Americans who are low-income, older or living in rural communities would no longer be able to afford insurance — while the savings from the bill would be applied to tax cuts for the wealthy.

The president called it a mean bill for a reason. And it is not dead. It or a close relative could rise again in a House-Senate conference committee. Then it would go to both chambers for a simple up-or-down vote after very limited debate, and no ability to change it.

GOP Sens. Susan Collins of Maine and Lisa Murkowski of Alaska, by voting this week against proceeding with any bill, have said enough is enough. All they ask is a return to regular order — public hearings and committee work sessions followed by debate, amendments and votes on the Senate floor.

If you're like me and you still put some stock in the institutions of our democracy, including the reasoned, considered processes of the Senate, the last bit of your faith may be in the hands of one more senator willing to see the Senate as a final check on the president's tear-it-all-down approach.

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Jonathan Bernstein

How did Mitch McConnell finally come up with the votes -- 50 of the 52 Republicans plus the vice president to break the tie -- to begin Senate debate and the amendments process on a Republican health-care bill?

While it's hard to prove anything, Tuesday's big vote, like everything else that's happened so far since January, is consistent with the view that most Republicans in Congress believe this ends in failure, and (almost) all of them are scrambling to shift blame elsewhere. Which means it's still quite possible that they'll almost accidentally blame-shift their way into passing something none of them really want to see as law.

Of course, McConnell still needs a bill.

Right now, the Senate is considering amendments, including full substitutes for the House-passed bill they are working from. But this is all mainly for show and to send messages. What will really matter is the final amendment to the sequence, which is tentatively scheduled to come to a vote on Friday. That will be the one that McConnell thinks can pass the Senate, which is apparently some version of a "skinny repeal," which would eliminate Affordable Care Act mandates and some taxes but leave certain Medicaid and Obamacare regulations and subsidies in place.

Under the procedure they are working under, if it passes, it will wipe out everything else they have done to that point. If it doesn't pass, then McConnell has nothing for the Senate to vote on, so they'll have to either give up or try again.

So while the amendment votes might give McConnell some clues about what will and won't pass -- and might give operatives on both sides material for campaign ads next year -- the real action is McConnell's efforts to find something that can win the support of 50 Republicans. There, the math remains the same: About 35 of the 52 Republicans will apparently vote for anything; a dozen or so senators are worried about cuts that might hurt their constituents directly or harm them in a general election; and three or four extreme conservatives oppose anything that institutionalizes government involvement in guaranteeing health insurance for everyone. Since they can only lose two Republican votes, that's no easy task.

Or, to put it another way: The "skinny repeal" bill might make Rand Paul, Ted Cruz, Mike Lee and Ron Johnson happy because it would remove an important piece of Obamacare -- the individual mandate -- without replacing it with something they would consider a big government intervention, even though it will be nowhere close to full repeal of the Affordable Care Act. However, removing the mandate may well collapse the individual market for health insurance. Many other senators

don't want to vote for something that would have that effect, and it will likely push McConnell to include some mechanism intended to replace the mandate -- but in doing so, McConnell might lose the votes of Paul, Cruz, Lee and Johnson. And if Maine's Susan Collins and Alaska's Lisa Murkowski, both of whom voted against the motion to proceed, wind up lost to McConnell anyway, then he can't lose anyone else.

McConnell will presumably attempt to sell a vote on a Senate version of a bill the same way he sold the "motion to proceed" vote: as the only way to keep the process moving forward. That may work. After all, it worked on Tuesday. But senators will probably believe a vote on passing a specific bill will be a more risky vote than one to consider amendments.

The Senate won't be the final step. We know that anything that passes in the Senate will be at least somewhat (and probably very) different from the bill that narrowly passed the House. That leaves three options. The House could simply vote on the Senate-passed version, and if it passes, it will go to the president for his signature. That's still the most likely next step, but it's not at all clear the House will support anything the Senate passes. It's also possible that House leadership (perhaps in consultation with Senate leadership) could modify or even entirely rewrite the bill coming out of the Senate, then take a vote on that new version. Under that "ping-pong"

procedure, the bill would move back and forth between chambers until the same exact version passes in both; at the very least, this would mean both the House and Senate would have at least one more vote after initial Senate passage.

The third, and by far least likely, option would be a formal conference committee in which members of the House and Senate meet to settle their differences. That used to be how normal legislating happened, but it's fallen out of favor recently regardless of which party holds majorities, and nothing about the secrecy with which Paul Ryan and Mitch McConnell have chosen so far suggests that they would risk the public wrangling of a conference committee. If they do, the bill agreed to in conference would still need approval by both House and Senate.

All we really learned from the Senate motion-to-proceed vote was that at least 50 of the 52 Republicans weren't willing to let the process end at this point; it's a very different action to vote for a specific bill. The bill right now is probably the least dead it's been in some time. It's hardly healthy, however. We won't know for a while whether the bill is Not Dead Yet and recovers, or is like the princess's father, who "when he seemed about to recover, suddenly felt the icy hand of death upon him." And yes, it doesn't help the bill that far more people outside Congress want it to be entirely and completely dead.



## Trump's Legislative Health-Care Miracle - The Atlantic

David A. Graham

5-6 minutes

Like a figure in a classic Western—whether he's a hero or villain depends on your political views—Donald Trump keeps being left for dead in the desert, and he keeps sauntering into the town saloon with a smirk on his face, to gasps all around.

Tuesday afternoon, the Senate voted to proceed on debate on the latest attempt to repeal Obamacare. It is an early, incremental, and partial victory for the president, but it is a victory nonetheless. And it is the second time that a bill has appeared dead in one of the chambers of Congress, only to be resuscitated—in part by Trump's refusal to let legislators move on.

The ultimate fate of the health-care effort remains murky. The Senate voted to open debate, but then failed to approve a broad repeal Tuesday night, leaving it unclear what bill if any the Senate might pass, or what might happen in conference committee with the House.

"I want to congratulate American people because we're going to give you great health care," Trump said Tuesday afternoon in the Rose Garden, where he was holding a brief press conference with visiting Lebanese Prime Minister Saad Hariri. "And we're going to get rid of Obamacare which should have been, frankly, terminated long ago. It's been a disaster for the American people."

The celebration was more subdued than after the House passed its repeal bill in May, which Trump marked with a Rose Garden bash

with congressional leaders. But it was still an important win. Barely 24 hours earlier, the Senate seemed incapable of even opening debate, much less passing any bill. That was certainly the case last week, when a distracted Trump suddenly realized that the Senate didn't have the votes and began taking action.

Senate Majority Leader Mitch McConnell deserves a greater share of the credit than Trump, but the president upped his involvement. He invited senators to the White House to discuss health care, where he shamed them for not getting things done. "I don't think we should leave town unless we have a health-insurance plan," he said. He also had a veiled threat for Nevada Senator Dean Heller, who had been a holdout on the bill and was seated to Trump's right. "Look, he wants to remain a senator, doesn't he?" Trump quipped.

During his bizarre appearance at the annual Boy Scout Jamboree in West Virginia, he publicly bullied both Health and Human Services Secretary Tom Price and Mountain State Senator Shelley Moore Capito, another holdout. "You going to get the votes?" Trump asked Price. "He better get them. He better get them. Oh, he better—otherwise, I'll say, Tom, you're fired. I'll get somebody. He better get Senator Capito to vote for it." As the coup de grace, Trump got the clinching vote from John McCain, the GOP elder statesman he'd derided during the campaign, who flew in just days after surgery and a brain-tumor diagnosis.

But Trump's most important role was simply his refusal to let the bill die. Republican legislators have recognized the dilemma that faces them: It's very hard to find any bill that can pass both houses of

Congress, satisfying both the conservative and centrist wings of the party, and any bill that does will fall well short of the promises that Republicans—most especially Trump—have made. There's simply no solution that will reduce premiums, expand or maintain coverage, cut costs, and stabilize the insurance system while eliminating the individual mandate, insurance regulations, and Medicaid expansion. But after the House bill failed, and Trump took heat for it, he insisted that the House take it back up. Then he did

the same again when the Senate bill looked dead.

Trump still seems to have little understanding of how the health-insurance system works. During a recent *New York Times* interview, he delivered an inscrutable riff about insurance costs that bore no resemblance to the actual system. During his lunch with senators, he once again promised to drastically reduce premiums, something that no GOP proposal actually does. And the struggles of the House and Senate bills are partly his fault,

since he has declined to set any real (or realistic) parameters for a bill and has largely stayed out of the arm-twisting process until things are falling apart, in both cases.

The Obamacare repeal process in the Senate and in conference remains in a fragile state, and Trump could always change his mind and torpedo the process later. Having thrown the big bash to celebrate the House bill, he later turned around and called it "mean." Having demanded that Republicans both repeal and replace Obamacare

at the same time, he then complained that they should have sought to repeal first and deal with replacement later, then reverted back to his initial view. Any bill that emerges will be politically toxic and strip millions of insurance. For the time being, however, Trump has managed to rescue a bill everyone else believed to be dead.



## Obama Stays Silent on Health Care Debate. Here's Why.

Sam Stein  
07.26.17  
8:00 PM ET

4-5 minutes

As the process for repealing and replacing Obamacare incrementally advances through Congress, its namesake remains largely absent from the give-and-take of the debate.

President Barack Obama has weighed into the health care fray only occasionally—and always from a distance—even as his eponymous signature piece of domestic legislation comes under heightened threat.

It is not for lack of want. Aides and advisers say that the former president is, like all Democrats, troubled by ability of Republican leadership to keep repeal efforts alive. One official said he did not expect GOP lawmakers to get even this far. But he is wary of engaging in a highly visible way, even in this critical hour, for fear that it would backfire politically.

"We are acutely aware that opponents of the Affordable Care Act would like no better foil than

him," said one Obama advisor. "We don't want to make this any harder than it is. Allowing opponents to make this about Obama's legacy undermines the debate about the actual impact of the law."

For now, Hill Democrats say they're comfortable with Obama at a distance. Though the party has been unable to stop repeal-and-replace efforts at critical junctures—the most recent coming in the form of a narrowly-lost vote to start debate in the Senate—the prospect of turning the debate into a Obama-v-Trump narrative is viewed as counterproductive.

"I think [Obama] faces a dilemma of potentially becoming the issue and he wants to avoid that distraction," Sen. Richard Blumenthal (D-CT) told *The Daily Beast*, off to the side of a Capitol Hill rally featuring individuals whose health care is dependent on Obamacare-related coverage. "He may be at the emotional breaking point... but I think he is intensely rational and deliberative and he has thought through what would happen if he became the image of this fight and he has decided it is better that the image be the kind of people we have here."

There have been two components to date to Obama's post-presidential involvement in the repeal and replace debate—one public, the other private. When the Senate introduced its health care legislation in late June, he blasted the "fundamental meanness at the core of this legislation" in a Facebook post. Since then, he's been quiet.

### Related in Politics

Behind the scenes, the 44th president has kept close tabs on the debate, discussing legislative strategy with Democratic members of Congress and hosting occasional conference calls with administration alums who are involved on the issue. Should the legislation make it through the Senate and into conference committee with the House, associates say his presence may grow. Obama is already slated to hit the campaign trail this fall for Virginia gubernatorial candidate Ralph Northam, during which health care reform will undoubtedly come up. There is also talk of getting Obama more involved in fundraising efforts for health care advocacy organizations.

But there are no plans to have the former president go much beyond there, whether by delivering a major

speech or giving interviews on the topic. Lawmakers say there would be only marginal utility to doing so since, as Senator Kirsten Gillibrand (D-NY) put it, the public already "knows the president's views."

"I think what is most important is that people who are here, people who are organizing across this country, are being heard," Gillibrand added. "They are going to make a difference."

But there is also a larger fear; mainly, that Obama's involvement would reactivate his political opponents and green light on-the-fence Republicans to side with party leadership. The goal for Democrats, at this juncture, is simply to get more lawmakers to vote no. With the party fully united against repeal-and-replace legislation, it's not entirely clear how the former president can help with that. It's not inconceivable that he may hurt.

"I am more than willing to criticize Obama for floating above it all—just not this time," said Jim Manley, a longtime advisor to former Senate Majority Leader Harry Reid (D-NV). "[A]nything he says Trump will just uses as a way to distract from his efforts to take away health care for millions of Americans."