

# Groton Daily Independent

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## South Dakota Driver Exam Stations Closed April 28-29

All South Dakota state driver exam stations will be closed THIS Friday and Saturday, April 28-29.

The closure is a yearly event and is needed for the annual employee training.

The exam stations will reopen on their normal dates and at their regular times next week.

**Open:** Recycling Trailer in Groton

The recycling trailer is located at 10 East Railroad Ave.

**The cardboard/paper**  
recycling trailer at the school is **Closed**

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## Wednesday, April 26

**Senior Menu:** Turkey chow mein, rice/chow mein noodles, broccoli, sour cream apple pie square, whole wheat bread.

**School Lunch:** Shrimp poppers, tater tots, fruit, romaine salad.

**School Breakfast:** Cinnamon roll, yogurt, fruit, juice, milk.

**St. John's Lutheran:** Confirmation at 3:45 p.m.

**Emmanuel Lutheran:** League at 6:30 p.m., Confirmation at 7 p.m.

**United Methodist:** Wednesday coffee time at 9 a.m., Kid Zone at 3:30 p.m., Confirmation at 6 p.m.

## Thursday, April 27

**Senior Menu:** Roast beef, mashed potatoes with gravy, malibu blend vegetables, peach cobbler, whole wheat bread.

**School Lunch:** Popcorn chicken, smile potatoes, fruit, broccoli and dip.

**School Breakfast:** Bosco sticks, fruit, juice, milk.

10 a.m.: Girls Golf at Redfield

3:30 p.m.: 7th/8th grade track in Groton

7 p.m.: FCCLA Style Show

## Friday, April 28

**Senior Menu:** Scalloped chicken, spinach, strawberry Jell-O with Mandarin oranges, Gingerbread with topping.

**School Lunch:** BBQ, baked chips, fruit, romaine salad.

**School Breakfast:** Cereal, yogurt, fruit, juice,

## Groton Chiropractic Clinic

Carol McFarland-Kutter, D.C.  
1205 N 1st St., Groton 397-8204

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Temporary stop lights have been installed at the junction of US12 and SD37 in Groton. This will be a prelude of the permanent ones to be installed this spring. In the photo below, you will see there is no more "hugging" the intersection when stopping. And yes, that is snow you are seeing on the ground this morning!





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WE'RE TICKLED PINK!  
AND HAPPY TO SAY  
A BABY GIRL IS ON THE WAY!

JOIN US FOR A COME AND GO  
BABY SHOWER HONORING  
MOM-TO-BE

McKinsey Smith  
MAY 20, 2017  
9:30 TO 11 A.M.  
STEVE AND CAROL SMITH HOME  
1104 North Main Street, Groton

McKinsey is registered at Target



## *50th Anniversary*

Dave and Mary Blackmun are celebrating 50 years of marriage. Please join family and friends for an open house Saturday, April 29th, at Olive Grove golf course in Groton, SD from 2-4 pm. No gifts please.

## The Cons (and Pros) of Pain

As a physician, I am often visited by people who are in pain. They might have pain in their back, an ache in their gut, or maybe a tightness in their chest. Regardless, people often seek medical help because they are experiencing some type of discomfort. For some people, this pain is sudden, or acute. For others, the pain has persisted for several months and would be considered chronic.



By Richard P. Holm M.D.

In most cases, especially those which are chronic, pain is seen as an entirely negative thing. Granted, the experience of pain is not what many would consider pleasant. However, it is important to remember that pain has an evolutionary purpose for our preservation. Pain is most often a symptom, or a 'warning', of an underlying issue which threatens our well-being and survival. Without pain, we wouldn't know to pull a hand away from a hot stove or to avoid running on a sprained ankle. We need to have pain to know the noxious and harmful things in life or, to put it in another way, pain is there to tell us what to avoid. Without the ability to feel pain, we would be in considerable trouble.

Take leprosy, for example. This disease conjures up the image of an ancient flesh eating disease. What is not well known about leprosy is that it is so harmful because it destroys the nerve cells, inhibiting sensation in that area. Where there is no feeling, the individual is not constantly reminded to protect a limb or body part from harm. The result is the slow destruction of that body part, particularly in a third world setting where hygiene is poor.

The same thing happens in a diabetic person's feet when feeling is lost as a complication of an elevated blood sugar for too long a time. Without meticulous care, loss of the sensation of pain, especially with diabetic vascular blockage of blood flow to that limb, can result in amputation.

In the same vein, pain medication must not cover up clues to a diagnosis. If I treat a patient who has abdominal pain with too much pain medicine too early, I could put off making the diagnosis of appendicitis, delay the needed surgery, turn the whole thing into a 'ruptured' appendix, and increase suffering and risk of severe complications. There are ironies in medicine, and this is one of them: sometimes trying to help results in harm.

So, what is the take home message? Believe me, I'm so very happy we have tools to relieve pain, and I'm not saying all pain is good, but people need to understand that medicine's goal should be to treat the cause first, then find a way to help people handle pain. Most of the time it's not best to take it all away, lest that patient end up hurting themselves even worse. First of all, do no harm.

## Groton City-Wide Spring Cleanup

**April 29th - May 5th, 2017**



Bring anything you wish to dispose of to the City Shop located at 10 E Railroad Ave starting April 29th. Please place items in the appropriate pile.

Keep Metal, Tires, Paint, Batteries & Chemicals Separate

**Pickup can be arranged for Monday, May 1<sup>st</sup> to Friday, May 5<sup>th</sup> by calling City Hall 397-8422.**

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## Today in Weather History April 23, 2002:

April 26, 1986: Intense thunderstorms swept across southeast South Dakota, southwest Minnesota, and northwest Iowa. Baseball size hail fell in a 15-mile wide swath from near Pickstown to Scotland, South Dakota. The large hail caused extensive damage to windows, roofs, siding, and vehicles in the path of the storm. Wind gusts of 70 to 80 mph and rain amounts of 2 or more inches in a short period (including 5 inches at Centerville) were reported in southeast South Dakota. Several tornadoes moved across northwest Iowa including one that ran across part of Lyon County destroying several farmsteads. Another tornado moved through Lyon County, Iowa into Nobles County, Minnesota damaging, at least, 16 separate farms. Another tornado touched down briefly on the south side of Okebena in Jackson County destroying or damaging several houses.

April 26, 1991: During a severe thunderstorm event, large hail fell over parts of Brown, Spink, Hand, and Buffalo Counties. Both Brown and Hand Counties received hail up to 1.75 inches in diameter.

April 26, 2008: A strong low-pressure area brought widespread heavy snow of 6 to 20 inches to most of northeast South Dakota for much of the 25th and into the early morning hours of the 26th. The precipitation began as light freezing rain in the early morning across parts of the area before changing to all snow by mid-morning. As the low-pressure area intensified, snowfall rates and the north winds also increased. The heavy snow combined with the high winds created widespread visibility problems along with large snowdrifts. Snowfall amounts included, 6 inches at Andover, Britton, Gann Valley, and 15 miles south of Miller, 8 inches at Roy Lake, 9 inches at Clark, Big Stone City, Hillside Colony, and Sisseton, 10 inches 7 miles south of Bristol, and 11 inches at Hayti. Locations with a foot or more of snowfall included 12 inches at Wilmot, Webster, and Waubay, 13 inches at Milbank, 15 inches at Castlewood, 16 inches near Victor, and near Summit, 17 inches at Clear Lake, 19 inches at Watertown, and 20 inches at Bryant.

There were some automobiles that went into the ditch along with many other vehicles damaged in accidents. Many stranded motorists had to abandon their vehicles in the hardest hit areas. Travel was not advised across the entire area. A school bus slid into a ditch east of Castlewood with no injuries occurring. Interstate-29 was closed from 3 pm the 25th until 3 pm on the 26th from Brookings north to the North Dakota border. Also, South Dakota State Highway 12 was closed from Webster to the Minnesota line from the afternoon of the 25th until the late morning of the 26th. Most counties affected by the storm opened emergency shelters when Interstate 29 was closed to house stranded motorists. Also, many schools were closed across the area.

The very heavy snow set several records across the area. The 19 inches at Watertown broke its all-time 24-hour snowfall record of 16 inches. Both Victor and Clear Lake had their second-highest snowfall ever recorded in a 24 hour period. Watertown, along with several other locations in northeast South Dakota, received near record or record snowfall for the month of April. In fact, Watertown's 29.5 inches of snow for the month of April was almost their normal seasonal snowfall.

1884: Tornadoes were hard to capture on old cameras with their hard to use glass plate negatives. The first recorded photograph of a tornado was taken on this date by A.A. Adams near Garnett, Kansas.

1978: An unusually strong occluded front swept out of the Gulf of Alaska and produced the first April thunderstorm of record at Fairbanks. Pea-size hail fell northeast of Fairbanks from thunderstorms whose tops were less than 8000 feet.

1986: The Chernobyl nuclear power station in Kiev Ukraine suffered a massive explosion. The radioactive cloud of particles and gas carried westward and northwestward, contaminating large areas of Europe in the following week.



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Winter Weather Advisory		Today	Tonight	Thursday	Thursday Night	Friday	Friday Night	Saturday
90%	70%							
Snow then Rain/Snow Likely		Slight Chance Rain then Mostly Cloudy	Partly Sunny	Mostly Clear	Mostly Sunny	Partly Cloudy	Partly Sunny	
High: 37 °F		Low: 27 °F	High: 48 °F	Low: 24 °F	High: 52 °F	Low: 28 °F	High: 56 °F	

## Winter Makes a Comeback!

*Cold temperatures with snow accumulations and light icing*

### Snowfall Forecast

### High Temperatures

**National Weather Service – Aberdeen, SD**

[weather.gov/Aberdeen](http://weather.gov/Aberdeen)
 National Weather Service Aberdeen
 @NWSAberdeen
 Updated: 4/26/2017 5:23 AM Central

Upper level low pressure over the region today will bring snowfall and mixed precipitation. This morning, snow is ongoing over northeast South Dakota with accumulations already occurring. There are also pockets of light freezing drizzle or light freezing rain, with light icing possible. Snow will continue into the afternoon, eventually becoming mixed with rain. Accumulations of 1 to as much as 4 inches are possible, with the highest accumulations along the ND/SD border and northward into North Dakota. Although by this afternoon, snow will already be dwindling away as temperatures rise into the mid and upper 30s.

Published on: 04/26/2017 at 5:29AM

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## Yesterday's Weather

**High Outside Temp: 36.5 F at 12:10 AM**

**Low Outside Temp: 32.5 F at 7:36 AM**

**High Gust: 29.0 Mph at 2:48 PM**

**Snow: 1" Precip: 0.00**

## Today's Info

**Record High: 86° in 1952**

**Record Low: 20° in 1931**

**Average High: 63°F**

**Average Low: 36°F**

**Average Precip in April.: 1.50**

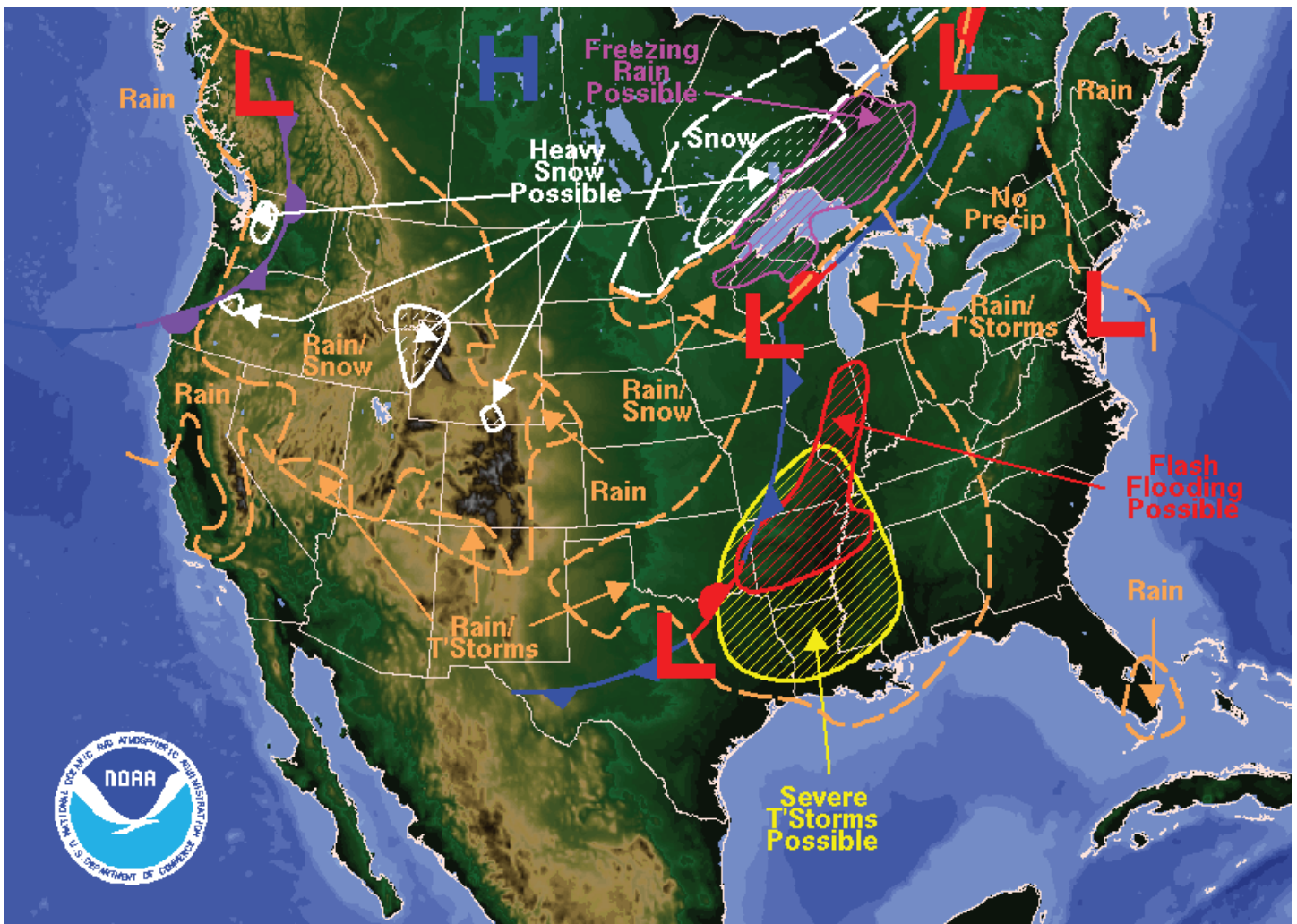
**Precip to date in April.: 1.09**

**Average Precip to date: 3.68**

**Precip Year to Date: 1.68**

**Sunset Tonight: 8:34 p.m.**

**Sunrise Tomorrow: 6:27 a.m.**



Weather Forecast for Wed, Apr 26, 2017, issued 4:52 AM EDT  
DOC/NOAA/NWS/NCEP/Weather Prediction Center  
Prepared by McCreynolds based on WPC, SPC and NHC forecasts





## HOW A CHILD SPELLS LOVE

Children have a special way of spelling love. And it only includes one letter from the word, love. Children spell love: T-I-M-E! They hunger for our companionship more than any other gift we can give them. No amount of toys, pets, gifts or devices can take the place of Sunday school teachers or youth leaders. Time shared with a child is an opportunity to make a difference in eternity – if the time is God-honoring.

Not long ago, while visiting with an executive, we were talking about the importance of helping children become who God would have them to be. Suddenly, he interrupted our conversation and called his secretary on the intercom and said, "I've decided to spend more time with my children. See how you can fit them into my schedule."

The writer of Proverbs saw it quite differently. He very clearly stated that we are to, "Train up a child in the way he should go," and in keeping with his individual gifts "and he will not depart from them." God has given each child a particular set of skills or gifts or abilities that are in keeping with the plan He has for their life. Parents and Christian leaders are responsible to God to recognize the potential and future that He has "locked-up" within each child.

Parents and Christian leaders are obligated to God to "train" children to fulfill the plans He has for them. We are accountable to Him to follow His directions.

Prayer: We often cringe, Father, from what we see in the lives of children who do not know You – yet do little to help them. Burden us to work with You to save them. In Jesus' Name, Amen.

Scripture for Today: Proverbs 22:6 Train up a child in the way he should go, And when he is old he will not depart from it.

## News from the Associated Press

### SD Lottery

By The Associated Press

PIERRE, S.D. (AP) \_ These South Dakota lotteries were drawn Tuesday:

Mega Millions

03-13-33-40-50, Mega Ball: 2, Megaplier: 4

(three, thirteen, thirty-three, forty, fifty; Mega Ball: two; Megaplier: four)

Estimated jackpot: \$52 million

Powerball

Estimated jackpot: \$100 million

### Bond set for man accused of threats at anti-Islam event

SIOUX FALLS, S.D. (AP) — Bond was set Tuesday for a South Dakota man who livestreamed himself brandishing weapons and making threats to the public outside an anti-Islam event.

Ehab Jaber appeared via teleconference in Lincoln County court where bond was set at \$2,500 cash. The 45-year-old Sioux Falls man is charged with making terrorist threats.

Jaber pleaded not guilty on Monday to a drug charge in Minnehaha County, which came after a search of his residence allegedly turned up methamphetamine. Authorities say they seized guns and the meth.

The charges stem from an incident outside an April 9 event titled "Sabotaging America: Islam's March Toward Supremacy," the Argus Leader (<http://argusne.ws/2pfphZh>) reported.

In a Facebook Live video, Jaber stood in the back of the room holding a Quran until he was asked to leave. The video continued in his car, where Jaber showed several firearms.

During the Tuesday court appearance, prosecutors pushed for a \$10,000 bond, but the judge lowered it because of his lack of criminal history.

Sioux Falls police initially said Jaber wouldn't face charges in the incident, but forwarded the case to prosecutors for review. Attorney General Marty Jackley and Lincoln County State's Attorney Tom Wollman later announced Jaber had been charged for making terrorist threats and disclosed the alleged meth seizure.

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Information from: Argus Leader, <http://www.argusleader.com>

### Beer stores near reservation appeal loss of liquor licenses

LINCOLN, Neb. (AP) — The owners of four Nebraska beer stores that sell millions of cans of beer each year near a South Dakota American Indian reservation that is plagued by alcohol-related problems are appealing a state regulator's decision not to renew their liquor licenses.

The appeal filed late Monday in Lancaster County District Court says the Nebraska Liquor Control Commission's decision last week was arbitrary, unsupported by evidence and contrary to Nebraska law. The commission cited concerns about a lack of adequate law enforcement near the stores in the village of Whiteclay, 360 miles (580 kilometers) northwest of Omaha.

The licenses are scheduled to expire Sunday, although a judge could allow them to remain open.

The stores sell beer and malt liquor just 200 yards (180 meters) south of the Pine Ridge Indian Reservation, which bars alcohol but continues to struggle with high rates of fetal alcohol syndrome and other alcohol-related issues among members of the Oglala Lakota Tribe. The stores have operated for decades, despite criticism that the area lacks adequate law enforcement to enforce state liquor laws and prevent violence and sexual assaults.

The judge will weigh the potential harm to the public against the potential harm to the businesses, said Dave Domina, an attorney for residents who oppose the liquor license renewals. A hearing on the request is expected later this week.

Domina said advocates who oppose the stores are already planning to revitalize the town.

"I think there's a real effort to begin moving forward," he said.

The liquor control commission said in its ruling that the beer store owners' testimony during an April 6 public hearing was "self-serving and failed in any way to show that law enforcement in Whiteclay was adequate and consistent with the public interest."

Longtime advocates who have sought to improve conditions in Whiteclay said the ruling could set the stage for a larger transformation that will serve members of the Oglala Lakota Nation. Lawmakers were planning to visit the area in May, and tribe members were expected to hold a prayer vigil to call for courts to uphold the commission's ruling.

"We look at this decision as an initial and vital early step in what will be a transformed Whiteclay, one that promotes life, healing and hope," said Bruce BonFleur, a faith leader who lives in Whiteclay.

## Sturgis-area campground fights for city status in court

By JAMES NORD, Associated Press

PIERRE, S.D. (AP) — The Buffalo Chip Campground of Sturgis Motorcycle Rally fame asked South Dakota's Supreme Court on Tuesday to let it remain a city.

The high court heard arguments after a lower court ruled against the Board of Meade County Commissioners and the campground last year. The annual Sturgis rally draws hundreds of thousands of people to the area, and the campground hosts hordes of those visitors.

The campground-turned-city has faced opposition from nearby Sturgis and others. Campground attorney Kent Hagg said he believes Sturgis someday wants to annex Buffalo Chip for sales tax revenue. Businesses in Buffalo Chip reported roughly \$123,000 in municipal taxes due in 2016, according to the state Department of Revenue.

Sturgis has a history of "seeking to involuntarily annex areas that produce very, very strong sales tax revenue during the rally," Hagg said.

A campground spokeswoman referred a request for comment to Hagg. Campground CEO Rod Woodruff told the Meade County Times-Tribune in 2015 that the incorporation would improve economic opportunities at Buffalo Chip.

"This is opening doors to serious economic development. It's a win-win," he said.

Sturgis Mayor Mark Carstensen didn't immediately return a telephone message requesting comment. His city argues the lower court's decision should be upheld.

The lower-court judge ruled that Meade County commissioners didn't follow state law in approving Buffalo Chip's petition to become a municipality. They voted in February 2015 to allow the campground to move forward in its bid to become a town. Voters confirmed it in an election months later.

Circuit Court Judge Jerome Eckrich also ruled that people who voted to approve the town didn't technically live at addresses where they registered to vote. He found that the city's incorporation was void and that the election was a nullity.



"If you drive by the campground, you can see nobody lives there, and it's not a well-kept secret in Meade County that nobody lives at this campground," Mark Marshall, an attorney for Sturgis resident Gary Lippold, said during the Tuesday arguments.

## Sioux Falls building collapse leads to company fines

SIOUX FALLS, S.D. (AP) — The construction company that was remodeling a historic downtown Sioux Falls building when it collapsed and killed a worker will be fined nearly \$100,000 by the federal government for violations related to the site.

The Argus Leader (<http://argusne.ws/2pe1uc4>) reported the U.S. Occupational Safety and Health Administration levied the fines Monday against Hultgren Construction. The company was cited for more than two dozen violations, some related to the load-bearing wall thought to have caused the collapse of the former Copper Lounge building. The fines are among the largest ever levied in South Dakota by OSHA, according to the agency.

"The employer had employees and temporary employees engaged in the removal of a load bearing wall and piled the brick and debris in different areas of the floor without ensuring the safe carrying capacities of the floor were not exceeded," one citation said.

Hultgren is currently reviewing the OSHA documents, company president Aaron Hultgren said in an email statement.

Command Center, a temporary labor agency that provided workers for the project, was also fined over \$114,000 for more than a dozen citations, including failing to initiate and maintain a safety program.

Brendan Simaytis, an attorney for the agency, said in a statement that the company disagrees with OSHA's findings and plans to appeal.

"Command Center and its employees had absolutely nothing to do with the ultimate reason the building collapsed," Simaytis said. "There were no Command Center workers on site at the time of this tragic incident. As a staffing agency, our limited role in this project was to provide workers to work under the direction and supervision of Hultgren Construction. None of the issued citations ascribe any blame to Command Center related to the actual building collapse."

OSHA says there is a separate ongoing investigation on 24-year-old Ethan McMahon's death resulting from the December collapse.

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Information from: Argus Leader, <http://www.argusleader.com>

## Regional Health board rejects doctors' concerns about CEO

RAPID CITY, S.D. (AP) — The board of directors at Regional Health is publicly supporting the CEO at its hospital in Rapid City after nearly 100 doctors called for his removal.

Earlier this month, the doctors cast a no-confidence vote for Brent Phillips. They cited concerns about Phillips' management style and allocation of hospital resources, particularly in regard to the administration's recent decision to jail overflow mental health patients.

The board at a recent meeting expressed "full confidence" in Phillips' leadership.

Dr. Stephen Eckrich, in an email to the Rapid City Journal (<http://bit.ly/2q1ejXk>), says the fact the board doesn't appreciate the concerns of the majority of the physicians at the hospital shows changes are also needed in the board's composition.

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Information from: Rapid City Journal, <http://www.rapidcityjournal.com>

## South Dakota US senators praise Perdue as ag secretary

PIERRE, S.D. (AP) — South Dakota's U.S. senators are praising the Senate's confirmation of former Georgia Gov. Sonny Perdue as agriculture secretary.

Perdue has assured nervous farm-state senators that he'll advocate for rural America, even as President Donald Trump's administration has proposed deep cuts to some farm programs. Both Sen. John Thune and Sen. Mike Rounds voted for him, as he was confirmed Monday by a vote of 87-11.

Thune touted Perdue's experience as a farmer, agribusinessman and public servant.

Rounds and Perdue were fellow governors. Rounds says Perdue's leadership skills and knowledge of production agriculture will be beneficial as the Senate begins work on a new farm bill.

South Dakota U.S. Rep. Kristi Noem also is a Perdue supporter, saying he's a close family friend and she can attest to his character.

## 15 indicted in eagle trafficking case; more charges expected

By JAMES NORD, Associated Press

RAPID CITY, S.D. (AP) — Federal officials in South Dakota said Monday that 15 people have been indicted for illegally trafficking eagles and other migratory birds after a two-year undercover operation potentially involving hundreds of birds.

U.S. Attorney Randy Seiler said that officials expect "significant" additional federal charges in the case, which focused on trafficking of eagles and eagle parts and feathers for profit. Authorities said the case involves more than 100 eagles, a number that could climb as high as 250.

Seiler described one operation as basically a "chop-shop for eagles" in which eagle feathers were stuffed into garbage bags. He said it was clear that it was a moneymaking operation and that the feathers and eagle parts such as talons and beaks were treated as merchandise.

"There was no cultural sensitivity. There was no spirituality," Seiler said. "There was no tradition in the manner in which these defendants handled these birds."

He said the investigation involved confidential informants, a multi-state area and the purchase of regalia items such as ceremonial fans. A spokeswoman for the U.S. attorney's office said in an email that there are a variety of reasons why people buy eagle parts, and a collectors market plays a role.

Dan Rolince, U.S. Fish and Wildlife Service assistant special agent in charge of law enforcement for the region, said that some of those accused used code words to avoid detection by describing the eagle and other bird parts for sale using the names of animals or even car parts. He said the eagles were primarily shot.

"At the end of this process, I have full confidence that it will be one of the largest cases of this nature we've ever worked," he said.

Three Rapid City men charged in the case are involved with Buffalo Dreamers, which performs Native American dance programs. Owner Troy Fairbanks has been charged with conspiracy to commit wildlife trafficking and violations of the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act and Lacey Act.

Fairbanks, 54, allegedly sold or traded eagle parts to an informant including a golden eagle head for \$250, a trade involving about \$5,400 of legal merchandise for eagle parts and selling two sets of eagle wings for \$900. Rolince said that a whole eagle carcass would generally sell for between \$1,000 and \$1,200.

The indictment says Fairbanks in 2015 claimed he could acquire between 30 and 40 eagles by February 2016. Fairbanks also said in 2015 that he had 19 people in the Los Angeles area who wanted to buy

“eagle feathers/parts” from him, according to the document.

It wasn't immediately clear if Fairbanks has an attorney, and he didn't immediately return an email from The Associated Press. A telephone number for Buffalo Dreamers went directly to voicemail.

According to another indictment, Juan Mesteth sold fans and eagle feathers to an informant. The document says Mesteth in 2015 discussed having connections in Wyoming who could get whole carcass eagles and would take the informant hunting for eagles. It wasn't immediately clear if the 39-year-old Mesteth, of Pine Ridge, had an attorney who could speak on his behalf.

Those accused in the case include people from Iowa, Nebraska, South Dakota and Wyoming. Authorities didn't immediately disclose how much the defendants are thought to have profited in the case, and Seiler said some of the 15 defendants are unconnected to each other.

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Follow James Nord on Twitter at <https://twitter.com/Jvnord>

## **Drowning victim was university student from Nepal**

GARRETSON, S.D. (AP) — Authorities say the young man who drowned in a South Dakota state park over the weekend was a student from Nepal attending a university in Minnesota.

Minnehaha County Sheriff Mike Milstead said Monday the body of 19-year-old Arbin Thapa was recovered in Palisades State Park on Sunday.

Authorities say Thapa jumped in the water around 5 p.m. Saturday. Milstead says the cold temperature of the water likely contributed to the young man's death.

The sheriff says his office has been in touch with Thapa's family in Nepal. He was a student at South-west Minnesota State University.

## **Judge cites Trump's comment in 'sanctuary city' ruling**

**By SUDHIN THANAWALA, Associated Press**

SAN FRANCISCO (AP) — For the third time in two months, a federal judge has knocked down an immigration order by President Donald Trump and used Trump's own language against him.

In a ruling on Tuesday, U.S. District Judge William Orrick quoted Trump to support his decision to block the president's order to withhold funding from “sanctuary cities” that do not cooperate with U.S. immigration officials.

Trump called the sanctuary cities order a “weapon” against communities that disagree with his preferred immigration policy, Orrick said. The judge also cited a February interview in which he said the president threatened to cut off funding to California, saying the state “in many ways is out of control.”

The first comment was evidence that the administration intended the executive order to apply broadly to all sorts of federal funding, and not a relatively small pot of grant money as the Department of Justice had argued, the judge said.

The second statement showed the two California governments that sued to block the order — San Francisco and Santa Clara County — had good reason to believe they would be targeted, Orrick said.

Orrick's ruling was another immigration policy setback for the administration as it approaches its 100th day in office later this month. The sanctuary city order was among a flurry of immigration measures Trump signed in January, including a ban on travelers from seven Muslim-majority countries and a directive calling for a wall on the Mexican border.

Trump reacted to the decision on Twitter on Wednesday morning, calling the decision “ridiculous” and saying he would take his fight to the highest court, tweeting: “See you in the Supreme Court.”

Trump tweeted: “First the Ninth Circuit rules against the ban & now it hits again on sanctuary cities-



both ridiculous rulings.”

Trump tweeted that the 9th Circuit Court of Appeals has “a terrible record of being overturned (close to 80 percent).”

He said, “They used to call this ‘judge shopping!’ Messy system.” That was apparently a reference to the 9th circuit’s liberal reputation and rulings that have often irked conservatives.”

Trump’s words were also cited by federal judges in Maryland and Hawaii, who last month blocked his revised ban on new visas for people from six Muslim-majority countries. U.S. District Judge Derrick Watson in Hawaii and U.S. District Judge Theodore Chuang in Maryland said comments by Trump supported the allegation that the ban was aimed at Muslims.

Orrick’s preliminary injunction against the sanctuary cities order will stay in place while the lawsuits by San Francisco and Santa Clara work their way through court.

The government hasn’t cut off any money yet or declared any communities sanctuary cities. But the Justice Department sent letters last week advising communities to prove they are in compliance. California was informed it could lose \$18.2 million.

Orrick said Trump cannot set new conditions on spending approved by Congress.

Even if the president could do so, those conditions would have to be clearly related to the funds at issue and not coercive, as the executive order appeared to be, Orrick said.

White House chief of staff Reince Priebus described the ruling as another example of the “9th Circuit going bananas.”

The administration has often criticized the 9th circuit. Orrick does not sit on that court but his district is in the territory of the appeals court, which has ruled against one version of Trump’s travel ban.

“The idea that an agency can’t put in some reasonable restriction on how some of these moneys are spent is something that will be overturned eventually, and we will win at the Supreme Court level at some point,” Priebus said.

The Trump administration says sanctuary cities allow dangerous criminals back on the street and that the order is needed to keep the country safe. San Francisco and other sanctuary cities say turning local police into immigration officers erodes the trust that is needed to get people to report crime.

San Francisco City Attorney Dennis Herrera praised the ruling and said the president was “forced to back down.”

“This is why we have courts — to halt the overreach of a president and an attorney general who either don’t understand the Constitution or chose to ignore it,” Herrera said in a statement.

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Associated Press writers Sadie Gurman and Julie Bykovicz in Washington contributed to this story.

## Massive Trump tax cuts face big hurdles as debt mounts

By **STEPHEN OHLEMACHER** and **JOSH BOAK**, Associated Press

WASHINGTON (AP) — President Donald Trump is proposing tax cuts for individuals and businesses even as Washington struggles with mounting debt and the populist president tries to make good on promises to bring jobs and prosperity to the middle class.

Trump is scheduled Wednesday to unveil the broad outlines of a tax overhaul that would provide massive tax cuts to businesses big and small. The top tax rate for individuals would be cut by a few percentage points, from 39.6 percent to the “mid-30s,” said an official with knowledge of the plan.

Small business owners would see their top tax rate go from 39.6 percent to 15 percent, said the official.

The official, who spoke on condition of anonymity, was not authorized to speak publicly about the plan

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before Trump's announcement,

White House officials already said the top corporate tax rate would be reduced from 35 percent to 15 percent. The plan will also include child-care benefits, a cause promoted by Trump's daughter Ivanka.

Trump dispatched his top lieutenants to Capitol Hill Tuesday evening to discuss his plan with Republican leaders. The meeting lasted only half an hour.

Afterward, Sen. Orrin Hatch, R-Utah, called it "a preliminary meeting."

"They went into some suggestions that are mere suggestions and we'll go from there," said Hatch, who chairs the powerful Senate Finance Committee.

The president's presentation Wednesday will be "pretty broad in the principles," said Marc Short, Trump's director of legislative affairs.

In the coming weeks, Trump will solicit more ideas on how to improve it, Short said. The specifics should start to come this summer.

Short said the administration didn't want to set a firm timeline, after demanding a quick House vote on a health care bill and watching it fail.

However, Short added, "I don't see this sliding into 2018."

Republicans who slammed the growing national debt under Democrat Barack Obama said Tuesday they are open to Trump's tax plan, even though it could add trillions of dollars to the deficit over the next decade.

Echoing the White House, Republicans on Capitol Hill argued that tax cuts would spur economic growth, reducing or even eliminating any drop in tax revenue.

"I'm not convinced that cutting taxes is necessarily going to blow a hole in the deficit," Hatch said.

"I actually believe it could stimulate the economy and get the economy moving," Hatch added. "Now, whether 15 percent is the right figure or not, that's a matter to be determined."

The argument that tax cuts pay for themselves has been debunked by economists from across the political spectrum. On Tuesday, the official scorekeeper for Congress dealt the argument — and Trump's plan — another blow.

The nonpartisan Joint Committee on Taxation said Tuesday that a big cut in corporate taxes — even if it is temporary — would add to long-term budget deficits. This is a problem for Republicans because it means they would need Democratic support in the Senate to pass a tax overhaul that significantly cuts corporate taxes.

Republicans have been working under a budget maneuver that would allow them to pass a tax bill without Democratic support in the Senate — but only if it didn't add to long-term deficits.

Senate Majority Leader Mitch McConnell, R-Ky., said the Senate was sticking to that strategy.

"Regretfully we don't expect to have any Democratic involvement in" a tax overhaul, McConnell said. "So we'll have to reach an agreement among ourselves."

Democrats said they smell hypocrisy over the growing national debt, which stands at nearly \$20 trillion. For decades, Republican lawmakers railed against saddling future generations with trillions in debt.

But with Republicans controlling Congress and the White House, there is no appetite at either end of Pennsylvania Avenue to tackle the long-term drivers of debt — Social Security and Medicare. Instead, Republicans are pushing for tax cuts and increased defense spending.

"I'm particularly struck by how some of this seems to be turning on its head Republican economic theory," said Sen. Ron Wyden of Oregon, the top Democrat on the Senate Finance Committee.

Sen. Bob Casey, D-Pa., said, "On a lot of fronts, both the administration and Republicans have been contradictory, to say the least."

"There's no question we should try to reduce (the corporate tax rate), but I don't see how you pay for

getting it down that low," Casey said. "Fifteen percent, that's a huge hole if you can't make the math work."

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Associated Press writers Alan Fram and Matthew Daly contributed to this report.

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Follow Stephen Ohlemacher on Twitter at: <http://twitter.com/stephenatap>

## **US sets up missile defense in S. Korea as North shows power**

**By FOSTER KLUG, Associated Press**

SEOUL, South Korea (AP) — Hours after a display of North Korean military power, rival South Korea announced Wednesday the installation of key parts of a contentious U.S. missile defense system meant to counter the North.

South Korea's trumpeting of progress in setting up the Terminal High-Altitude Area Defense system, or THAAD, comes as high-powered U.S. military vessels converge on the Korean Peninsula and as a combative North Korea signals possible nuclear and missile testing.

North Korea conducted live-fire artillery drills on Tuesday, the 85th anniversary of the founding of its million-person Korean People's Army. On the same day, a U.S. guided-missile submarine docked in South Korea. And the USS Carl Vinson aircraft supercarrier is also headed toward the peninsula for a joint exercise with South Korea.

The moves to set up THAAD within this year have angered not only North Korea, but also China, the country that the Trump administration hopes to work with to rid the North of nuclear weapons. China, which has grown increasingly frustrated with North Korea, its ally, and Russia see the system's powerful radars as a security threat.

South Korea said in a statement Wednesday that unspecified parts of THAAD were installed. It said that Seoul and Washington have been pushing to get THAAD quickly working to cope with North Korea's advancing nuclear and missile threats. According to the Yonhap news agency, the parts include two or three launchers, intercept missiles and a radar.

Some people near the site in the country's southeast are worried that THAAD may cause health problems, and thousands of police officers assembled Wednesday, blocking the main road, Yonhap reported. About 500 protesters rallied, and 13 villagers and police officers were injured in scuffles and treated at hospitals, reportedly for broken bones, according to the Seongju fire department.

Chinese foreign ministry spokesman Geng Shuang said Wednesday that the system's deployment would "disrupt the regional strategic balance and further aggravate the tension on the peninsula."

Geng said "China will firmly be taking necessary measures to defend our own interests" but offered no details. China's defense ministry has also repeatedly criticized THAAD's deployment and said the military will take unspecified actions in response.

On Tuesday, North Korea conducted what it called its largest ever combined live-fire drills, near the east coast port city of Wonsan.

North Korea's official media reported Wednesday that leader Kim Jong Un personally observed the exercises, which involved the firing of more than 300 large-caliber artillery pieces and included submarine torpedo-attacks on mock enemy warships.

Along with sending U.S. military assets to the region in a show of force, President Donald Trump is leaning on China to exert economic pressure on North Korea. Chinese President Xi Jinping, who spoke to Trump on Monday, is urging restraint from both North Korea and the U.S.

In Washington, top Trump administration officials are due to brief the entire U.S. Senate on Wednes-



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day. A rapid tempo of North Korean weapons testing in the past year has pushed Kim Jong Un's authoritarian nation closer to developing a nuclear-armed missile that could reach the U.S. mainland.

Republican Sen. Lindsey Graham voiced confidence that Trump won't allow North Korea to reach that point. Graham, a defense hawk who dined with Trump on Monday night, said North Korea should not underestimate the president's resolve.

The USS Michigan, a nuclear-powered submarine, arrived Tuesday at the South Korean port of Busan for what was described as a routine visit to rest crew and load supplies. The U.S. 7th Fleet said two American destroyers were conducting simultaneous maritime exercises with naval ships from South Korea and Japan.

North Korea routinely accuses the United States of readying for an invasion, and threatens pre-emptive strikes to stop it. An unidentified North Korean Foreign Ministry spokesman said the U.S. administration's policy to maximize pressure on North Korea was "little short of lighting the fuse of total war," the state news agency reported Tuesday.

The streets of Pyongyang, however, were quiet for Tuesday's anniversary, which was overshadowed by April 15 celebrations of the birthday of the nation's late founder, Kim Il Sung, and were marked by a missile test the following day.

On Friday, U.S. Secretary of State Rex Tillerson is to chair a special meeting of the U.N. Security Council.

Tillerson will be "very vocal" about nations enforcing sanctions on North Korea, State Department spokesman Mark Toner said. Trump said Monday the council must be prepared to impose stronger sanctions.

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Associated Press writers Hyung-jin Kim and Kim Tong-Hyung in Seoul, South Korea; Eric Talmadge in Pyongyang, North Korea; and Chris Bodeen in Beijing contributed to this report.

## 10 Things to Know for Today

By The Associated Press

Your daily look at late-breaking news, upcoming events and the stories that will be talked about today:

### 1. WHO STANDS TO BENEFIT MOST FROM TRUMP TAX CUTS

An official says the top corporate tax rate would be reduced from 35 percent to 15 percent, while small business owners would see theirs go from 39.6 percent to 15 percent.

### 2. LITTLE CHANGE ON RACE IN BOSTON POLICE STOPS

The gap between how often minorities are subjected to stops, searches and frisks by police than their white counterparts doesn't appear to be improving in the city, an AP review finds.

### 3. LEADING GOP MODERATE OPPOSES PLAN TO MOVE HOUSE HEALTH BILL

Rep. Charlie Dent, R-Pa., says the changes would cut too deeply into the Medicaid program for the poor and leave many people unable to afford coverage.

### 4. SOUTH KOREA SAYS THAAD DEPLOYED

The announcement that key parts of a contentious U.S. missile defense system have been installed comes as North Korea signals possible nuclear and missile testing.

### 5. TRUMP'S IMMIGRATION ORDER SWATTED AGAIN

A U.S. district judge in San Francisco cites statements by Trump in a ruling that blocks the president's order to withhold funding from "sanctuary cities" that do not cooperate with U.S. immigration officials.

### 6. DEBATE HEATED OVER WHO SPEAKS FOR ISLAM

Al-Azhar, one of the top institutions of clerics in the Muslim world, is at the center of a political feud in Egypt over who speaks for the religion as Pope Francis is set to visit Cairo.

## 7. TRUMP'S TWEETING ISN'T LIFTING TWITTER'S PROFIT

The people already on the site may well be using it more, but America's first true "Twitter President" hasn't inspired others to sign up en masse.

## 8. INTERNET FIRMS WIND UP FOR FIGHT VS. TELECOMS, FCC

The premise of "net neutrality" is under siege, enabling broadband providers to play favorites or steer users toward (or away from) particular websites.

## 9. WHO'S KEEPING A WARY EYE ON LATIN AMERICAN ALLY

So far Cuba is weathering the political unrest rocking Venezuela, which is the island's greatest ally and source of hundreds of millions of dollars a year in highly subsidized oil.

## 10. NASCAR HAS HOLE TO FILL AFTER BIGGEST STAR RETIRES

The big question is whether Dale Earnhardt Jr. will also take Earnhardt Nation and its thousands of race fans with him, too.

## Different president, same old government shutdown threats

By ERICA WERNER, AP Congressional Correspondent

WASHINGTON (AP) — There's an unconventional new president in the White House. And the Republicans now have a new lock on both ends of Washington's Pennsylvania Avenue. But the capital city is still up to its old gridlock tricks.

Just as occurred repeatedly during the Obama administration, the government is only days away from a shutdown, and Congress and the White House are engaged in familiar partisan brinkmanship.

How little has really changed under President Donald Trump.

Some of the issues are different this time around as lawmakers scramble to finish up the annual government-wide spending bills that are Congress' most basic function. The \$1 trillion catch-all legislation for the remainder of the 2017 budget year is leftover business from last year and comes due Friday at midnight.

Without action before then, the government will partially shut down Saturday, which happens to be the 100th day of Trump's presidency.

Will that happen? Lawmakers do not expect a shutdown.

Instead, a very short-term extension at existing funding levels is likely. Such "continuing resolutions" are familiar on Capitol Hill when Congress needs a little more time to complete its business, yet signing one to keep the government running while Trump marks his 100th day in office is an ignominious position for him.

The difficulties point to a weakness of Trump's administration, some Republicans privately say: Despite his self-proclaimed deal-making prowess, he had little exposure to the rituals and rhythms of Congress before to taking office, and his team is light on experienced legislative hands. The former lawmakers he has brought on board, such as Budget Director Mick Mulvaney, were not known for cutting deals during their time on Capitol Hill.

"I'm sure the president has a much better sense of the legislative process than he did a year ago or even 100 days ago, and every president does, no matter how well prepared they think they are for that job," said Sen. Roy Blunt, R-Mo.

"Congress generally works on the calendar not the clock, and when you say that April 28 is going to be the day, I think you have to assume not much gets done before April 28," Blunt added.

The remainder of the year will only bring more crucial deadlines. Once this year's federal spending is

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finally set, bills for the 2018 budget year must be passed. And the government's borrowing limit needs to be raised or the U.S. risks an unprecedented default this fall.

Under the Obama administration, divisions among Republicans were already causing problems. Over the objections of GOP leaders, a faction of conservatives tried to use must-pass spending bills to promote one pet cause or another, with little to show in the end. An unsuccessful push to "defund Obamacare" led to a 16-day partial shutdown in 2013, temporarily tanking the GOP's poll numbers.

Having an outsider Republican president in the White House has not eliminated those divisions, as has already become clear from the House's failure to advance a health care bill.

On the spending legislation the intraparty divisions emerged in a different form, as Trump himself, or at least some of his White House lieutenants, threw a last-minute wrench into negotiations by suddenly demanding money for construction of a border wall on the U.S.-Mexico border.

Up until then negotiations had been proceeding fairly smoothly, according to participants. With Democratic votes needed to pass the legislation, senior Republicans had no expectation of achieving the president's most contentious policy objectives in the spending bill, and instead planned to include border security money that would not be designated specifically for a wall.

Trump's sudden push for the wall money sent talks into a tailspin and Democrats into high dudgeon. And even after he backed off, apparently clearing the way for final work toward a deal, the episode left some fellow Republicans questioning whether their party, now in full control of Washington, will be able to perform any better under Trump than under Obama.

"This remains our challenge here in the House. We've had a very difficult time performing the very basic fundamental tasks of governing," said Rep. Charlie Dent, R-Pa. "I certainly hope those dynamics change."

Republicans accuse the Democrats of courting a shutdown for political gain.

"Our colleagues on the other side of the aisle feel that any kind of shutdown works in their favor, because Republicans always get blamed for it," said Sen. John Hoeven of North Dakota. "So they're negotiating really hard, I mean we're really going the extra mile."

Democrats, on the other hand, say Republicans have only themselves to blame.

"I think the main reason they're really struggling to pass the FY17 appropriations is not because of vigorous opposition from Democrats, it's because of internal disagreements," said Democrat Chris Coons of Delaware. "The reality is a Republican president and a Republican-controlled Congress ought to be able to get the government funded and moving forward."

That's something else that never changes: No matter who's in charge and what they're fighting over, the other party is to blame.

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Associated Press writer Mary Clare Jalonick contributed.

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Associated Press writer Mary Clare Jalonick contributed.

## Trump's constant tweeting isn't lifting Twitter's profit

By **BARBARA ORTUTAY, AP Technology Writer**

NEW YORK (AP) — You'd think Twitter would be able to milk its status as President Donald Trump's megaphone. But the company still faces stagnant user growth, has never made a profit and may even report a quarterly revenue decline Wednesday, a first since going public.

Trump's frequent tweets ricochet well beyond his 28 million Twitter followers. Anything he tweets can serve as fodder for social media, TV news shows and, often, late-night comedy. Analysts say Twitter's user engagement — how often people respond, retweet or "like," for instance — likely benefited from "political discourse" in the first quarter.

The problem: The people already on Twitter may well be using it more, but America's first true "Twitter President" hasn't inspired others to sign up for Twitter en masse.

Michael Pachter, an analyst with Wedbush Securities, expects "minimal" user growth, consistent with recent quarters. Twitter is expected to release its quarterly financial report on Wednesday morning.

At the end of 2016, Twitter had just 319 million monthly users. By contrast, Facebook had 1.89 billion and Facebook-owned Instagram had 600 million. More users, of course, mean more advertising revenue for the companies, since businesses try to reach as many eyeballs as possible.

Twitter has never turned a profit, and for the first time since going public in 2013, it is expected to report a decline in revenue from the previous year. In the first three months of 2016, the San Francisco-based company posted revenue of nearly \$595 million.

With its slogan "it's what's happening," Twitter has been trying to corner the market for real-time information, to be a place where people can go to find out what's going on in the world and talk about it with friends and strangers.

And it's not just politics, but also sports events like the March Madness college basketball tournament or World Cup soccer, not to mention the stuff seemingly made for Twitter, such as the outrage over the dragging of a paying United passenger off a full flight to make room for crew. Video was shared widely on Twitter, as were jokes and anger toward the airline.

As with Facebook, Twitter also has been pushing live video — whether on its main service or through its Periscope app — to keep users interested and engaged. This includes both user-generated content and live-streaming deals. Sports events are especially lucrative.

That's why the recent loss of an NFL deal to Amazon was an especially hard blow to Twitter. Twitter

streamed 10 Thursday Night Football games last year and had counted on them to lure in users and keep existing ones entertained. In its quarterly letter to investors in February, the company called the games "the major highlight of the fourth quarter" when it comes to live sports.

Amazon appears to have simply outbid Twitter. The Associated Press and other news outlets reported that Amazon's one-year deal for the 2017 season is worth close to \$50 million, about five times what Twitter paid for the right to stream the games last year. Stifel analyst Scott Devitt said that while the NFL deal likely contributed about 1 percent of Twitter's 2016 revenue, it "seemed to be an important pillar of Twitter's Live strategy."

And in the wake of such setbacks, competition is growing. Besides Facebook and Instagram, Twitter is also vying for advertising revenue from Snap Inc., the owner of Snapchat. Snap recently had completed its initial public offering and will report earnings in May.

## **NASCAR has huge hole to fill after Earnhardt retires**

**By JENNA FRYER, AP Auto Racing Writer**

CHARLOTTE, N.C. (AP) — There was a moment during the Bristol Motor Speedway race that captured the essence of Dale Earnhardt Jr.

He was walking briskly to the care center for a mandatory health check after a crash. Flanked by a television reporter on one side, a handler on the other, he was explaining why he wrecked while hustling to his destination. A fan approached him from behind, Earnhardt turned, and the fan was shoved away when it became clear he just wanted a selfie.

Earnhardt never broke stride. He just gave his aw-shucks smile and continued on his way. Once cleared by the medical staff, he found the fan and posed for the photo.

Earnhardt is a 14-time winner of NASCAR's most popular driver award for a reason. He's personable and authentic and as close to the roots of racing as any driver alive today. When he walks away from NASCAR at the end of this season, he will take a lot more than 26 Cup wins.

He will also take a big, reliable chunk of NASCAR's identity. The big question is whether he will also take Earnhardt Nation and its thousands of fans with him, too. It's the last thing NASCAR needs in a time of transition, both in terms of structure and in its celebrity lineup of drivers.

NASCAR has already lost Jeff Gordon, the driver who took the sport mainstream and announced his retirement two years ago at 43, just like Earnhardt. Then a year ago it lost Tony Stewart, the talented, volatile rebel who said what everyone was too scared to say out loud.

Carl Edwards, friendly and a strong ambassador, walked away from NASCAR at the start of this year.

Now here goes Earnhardt, the blue-collar everyman. A third-generation racer from North Carolina who says "ain't" and "Daddy" and talks the way the good ol' boys always did.

So what does NASCAR do now, with its most bankable stars rapidly exiting stage left at a time when the sport needs to rebuild its audience?

"It will be an important year for fans to look at what other drivers are out there and who will make them interested in continuing to watch," said Jill Gregory, chief marketing officer for NASCAR. "We knew these days were going to come, we just didn't know when."

Gregory said the biggest challenge for NASCAR is introducing the current crop of young talent to fans and giving the drivers a chance to make their own marks rather than pigeonhole them in roles as the next Gordon, Stewart or Earnhardt.

"What is true to them? What is authentic?" asked Gregory. "You look at Kyle Larson, he loves to race. That's what he is going to do, and allowing him to do what he naturally loves, that's what we want to



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highlight. I don't think there's an effort to say 'We're going to make this guy into the next Jeff Gordon.'

"We have to let it come naturally and what do they gravitate toward, because if it's natural, that's what makes it real to the fans. If we are trying to manufacture it, that's how it is going to be seen. We have to let it play out."

Earnhardt didn't hesitate to name the future of the sport: Larson, the current Monster Energy Cup points leader, and Chase Elliott, his current teammate who replaced Gordon last season.

Elliott is the son of Hall of Famer "Awesome" Bill Elliott, a Georgia native who grew up at NASCAR tracks. Larson is a dirt tracker from California who will race anything at any time and is likely headed in 2018 for a seat in the Indianapolis 500. Earnhardt also praised Ryan Blaney, another second-generation NASCAR driver, and Bubba Wallace, who have used social media to show the life of a millennial and not been afraid of overstepping their place.

Although their personalities are often overshadowed by the veterans, they are settling into their own niches and engaging a much younger fan base for a series whose origins are steeped in the bootlegging days of Prohibition.

"All those guys have great attitudes, great personalities," Earnhardt said. "I know them well enough to be excited about how fans are going to know them in the future. I feel like that these are the guys that they're the cream of the crop, and maybe I'm the only one that sees it in this room, but I really have a lot of confidence in the personalities that we have."

"We've just got to get them in front of the fans, let the fans get to know them, and I think the rest will take care of itself," he added.

The new regime has certainly stepped up through the first two months of this season. Three of the top four drivers in the standings are 27 or younger. Blaney is 10th in the standings, rookie Erik Jones is 13th and although reigning Xfinity Series champion Daniel Suarez is only 22nd in the standings, the rookie driver from Mexico has brought a huge new following to NASCAR.

As team owner Rick Hendrick prepares to fill a hole in his No. 88 Chevrolet, he's not worried about the options.

"I've never seen so much young talent," Hendrick said. "They're here, they're young, they're aggressive, they're fun. I think the sport has got a lot to be excited about, and I think the fans, let's face it, Dale is unique. You can't replace Dale.

"But he also is still going to be in and around and visible in the sport, and help tap these young guys on the shoulder and really tutor them. Tell them what they're doing wrong, what they could do better, because he's been through all those cycles of life. No one in the garage could be any better than Dale Earnhardt to mentor these guys because he's been through all the different stages, and every one of them look up to him."

More AP auto racing: <http://racing.ap.org>

## **New issue in executions: Should the death chamber be silent?**

**By KELLY P. KISSEL, Associated Press**

VARNER, Ark. (AP) — The nation's first double execution in more than 16 years raised a new issue involving transparency and the death penalty: Should witnesses be allowed to hear what goes on in the death chamber?

A lawyer who watched Monday's executions in Arkansas said he saw an inmate open his mouth several times when it should have been still, prompting another lawyer to claim in a court filing that Jack

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Jones was gulping for air after being given a sedative, the first component of a lethal injection. Other witnesses did not see it the same way. An open microphone could have settled the question.

When the two convicted murderers were put to death, the 20 or so witnesses heard only what Department of Correction Director Wendy Kelley wanted them to hear.

A spokesman for the Arkansas prison system, Solomon Graves, said he inherited a policy that limits what can be heard from the death chamber. The standard procedure has been to turn off a microphone inside the 18-by-12-foot chamber after an inmate's last statement and turn it on again for the official pronouncement of death. Several other states have similar policies.

"There is no legitimate reason to turn off the sound," said Robert Dunham, executive director of the Death Penalty Information Center, which opposes capital punishment. "If you're going to have public oversight and the witnesses are going to be able to do their jobs to determine whether the execution was carried out in a competent manner, if there's something unanticipated that happens, the way you tell is by what people say."

Because the microphone was off during Monday's first execution, witnesses disagreed on whether Jack Jones was struggling for air after being given 500 milligrams of midazolam. A lawyer who believed he saw Jones moving his mouth testified in a late-night court hearing Monday on whether a stay should be given to Marcel Williams, the second inmate killed Monday night, to avoid inflicting a "tortuous" death. A judge rejected his plea.

Williams, who weighed 400 pounds, probably needed a second 500 milligram dose of midazolam. An attendant could be seen mouthing the words "I'm not sure" after checking Williams' consciousness five minutes into the night's second execution. Arkansas' protocol requires that the inmate receive a second dose of midazolam if the first does not render him sufficiently unconscious.

Texas, which has executed the most prisoners since the U.S. Supreme Court reauthorized the death penalty in 1976, does not shut off the audio in the death chamber.

At Huntsville, Texas, in the 1980s, there was no glass wall separating the witnesses from the condemned, though at times it was difficult to hear if the prisoner mumbled or spoke softly. Plexiglass was put up after an intravenous line popped out and began to spurt toward witnesses during a December 1988 execution, but it's been a given that the witnesses should see and hear what is happening.

Witnesses in the other states are often close enough to the chamber that they can hear through the glass wall without any help from a microphone.

Kelly Gissendaner sang "Amazing Grace" from the gurney in Georgia in a voice loud enough for witnesses to listen. Other prisoners have moved their lips as if they were speaking or praying. In Florida's death chamber, an air conditioner runs so loudly that it's difficult to hear noises with the microphone off. An inmate in Alabama could be heard coughing for 13 minutes in his December execution, even without a microphone.

Associated Press witnesses in Arizona and Ohio said they could hear inmates breathe heavily, snore or snort during lengthy executions, and a lawyer at Joseph Wood's execution in Arizona in 2014 said the inmate could be heard particularly when a microphone was on during periodic updates.

"The gasping and gulping sounded like a freight train," said Dale Baich, an assistant federal public defender who witnessed the execution.

Oklahoma left its microphone open until the execution of Clayton Lockett, who struggled against his restraints before dying. The state now turns off the mic after an inmate's final statement.

Secrecy runs throughout Arkansas' capital punishment system, with strict rules to protect the identity of prison staff members, drug suppliers and others. Witnesses are not allowed to see workers place intravenous lines in the inmates — a process that the prison log said took eight minutes for Jones and 40 for Williams Monday night — because that would expose members of the execution team

Legislators adopted those rules out of fear that those who take part in lethal injections could be subjected to personal or financial risks. They also wanted to safeguard the identity of drug suppliers to ease the state's ability to obtain components of the lethal injection.

The Associated Press in 2015 was able to use packaging materials to identify drug manufacturers whose products would be used, prompting them to complain. One drug supplier stepped forward this month to say a Department of Correction deputy had duped the company into supplying vecuronium bromide for executions last year. This year, a company intervened in a federal lawsuit after learning Arkansas intended to use potassium chloride it had produced.

The first drug shuts down a prisoner's lungs, the second stops the heart.

The state has put three inmates to death since April 20 in its first executions since 2005. Another man is scheduled to be executed Thursday. The accelerated execution schedule was prompted by the fact that Arkansas' current stock of midazolam expires at the end of the month. The prison system has said it has no new source.

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Associated Press writers Kate Brumback in Atlanta; Kim Chandler in Montgomery, Alabama; Melinda Deslatte in Baton Rouge, Louisiana; Andrew DeMillo in Little Rock, Arkansas; Astrid Galvan in Phoenix; Mike Graczyk in Houston; Andrew Welsh-Huggins in Columbus, Ohio; and Sean Murphy in Oklahoma City contributed to this report.

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## **APNewsBreak: Little change on race in Boston police stops** **By PHILIP MARCELO, Associated Press**

BOSTON (AP) — The rate at which minorities are subjected to stops, searches and frisks by police doesn't appear to be improving in Boston in the year since the department claimed it was narrowing racial disparities in their tactics.

At least 71 percent of all street level, police-civilian encounters from 2015 through early 2016 involved persons of color, while whites comprised about 22 percent, an Associated Press review of the most recently available data shows.

That's only a slight decline from the 73 percent that minorities comprised in such street-level encounters between 2011 and early 2015, according to data the city made available last year.

It's also higher than the roughly 63 percent that blacks comprised between 2007 and 2010, according to a report the department released in 2015. That report didn't include the tallies for other minority groups.

And the gap between minorities and whites in the most recent reporting period is likely higher.

Over 7 percent of all police-civilian encounters compiled in the department's 2015 to 2016 "Field Interrogation, Observation, Frisk and/or Search" reports don't list the civilian's race at all.

Civil rights activists have complained for years that blacks, in particular, comprise a majority of these kinds of police interactions in Boston, despite accounting for about 25 percent of the population.

The disparity matters because it affects how some residents in largely minority communities perceive police, said Carl Williams, of the Massachusetts chapter of the American Civil Liberties Union, which provided the recent police data the AP analyzed.

"People feel uncomfortable talking with police when they feel they're getting stopped unjustly," he said.

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Big city police departments vary in how they collect data on such encounters and how public they make it.

New York City Police, prompted by a class action lawsuit, has been releasing quarterly reports for years, something the Massachusetts ACLU chapter has also sued Boston to provide.

New York's data shows at least 83 percent of stops through the first three quarters of 2016 involved blacks or other minorities. From 2011 to 2014, they averaged roughly 84 percent of stops.

Philadelphia police also provide regular data as part of a court order. The most recent report, which covers the first half of 2015, shows minorities accounted for 77 percent of stops during that time period.

Boston Police spokesman Michael McCarthy argued the AP's review was "not appropriate and quite frankly irresponsible" because it didn't account for other variables. The department has said neighborhood crime statistics, a subject's prior arrests and gang affiliations, among other factors not addressed in the data, also should be considered.

"Anything short of that is a complete disservice," McCarthy said in an email. "Too many reporters think they can look at this data set and accurately describe what it means."

Last year, the department enlisted independent researchers to conduct a deeper study of the 2011 to 2015 data. Further analysis would bear out how police are making gains in perceived disparities in treatment, it said at the time.

But that study won't be complete at least until this summer because researchers are seeking more information from police, said Anthony Braga, head of Northeastern University's criminal justice school and a researcher on that study.

He also dismissed analysis of the raw data before that study was complete as "overly simplistic, woefully incomplete, and, quite frankly, irresponsible."

But Shea Cronin, a criminal justice professor at Boston University, who is not affiliated with the police data study, said the numbers were fairly clear cut.

"My reading of the statistics is that there has not been much change in the racial composition," he said.

Cronin suggested the department should incorporate reviews of these and other statistics in their management evaluations to see whether specific officers, units or shifts use such tactics most often.

In an improvement on past data, the latest numbers from Boston Police provide more detail about the reasons for the police-civilian encounters and some of the actions police took as a result.

In about 21 percent of the incidents from 2015 to early 2016, for example, officers cited "reasonable suspicion" as the reason they engaged suspects. In 31 percent of the time, officer's cited "probable cause."

Generally, police need at least "reasonable suspicion" a crime has been, is being or will be committed in order to stop, briefly detain or frisk an individual. "Probable cause" is a higher legal threshold needed to arrest someone.

Of the more than 17,300 total incidents, officers frisked civilians about 21 percent of the time, searched them or their vehicles over 16 percent of the time, and issued a summons 2 percent of the time.

The data covering 2011 to early 2015, in contrast, provided little to no detail about why officers engaged with civilians, why a person was subsequently subjected to a search or frisk, and what the outcome of the encounters was, an AP review found.

The new data, however, still lack details about what, if anything, came of the stops in terms of arrests or seizures. Civil rights groups have said such information is critical to gauging whether the methods are effective.

"The question remains: Are there aggressive tactics being used?" said Darnell Williams, of the Urban



League of Eastern Massachusetts. "We're not here to second-guess what police are doing, but if there is a disproportionate amount of blacks being stopped for non-obvious reasons, then that's a concern."

Follow Philip Marcelo at [twitter.com/philmarcelo](https://twitter.com/philmarcelo). His work can be found at <http://bigstory.ap.org/journalist/philip-marcelo>.

## US sets up missile defense in S. Korea as North shows power

By FOSTER KLUG, Associated Press

SEOUL, South Korea (AP) — In a defiant bit of timing, South Korea announced Wednesday that key parts of a contentious U.S. missile defense system had been installed a day after rival North Korea showed off its military power.

The South's trumpeting of progress on setting up the Terminal High-Altitude Area Defense system, or THAAD, comes as high-powered U.S. military assets converge on the Korean Peninsula and as a combative North Korea signals possible nuclear and missile testing.

North Korea conducted live-fire artillery drills on Tuesday, the 85th anniversary of the founding of its million-person strong Korean People's Army. On the same day, a U.S. guided-missile submarine docked in South Korea. And the USS Carl Vinson aircraft carrier is also headed toward the peninsula for a joint exercise with South Korea.

The moves to set up THAAD within this year have angered not only North Korea, but also China, the country that the Trump administration hopes to work with to rid the North of nuclear weapons. China, which has grown increasingly frustrated with its ally Pyongyang, and Russia see the system's powerful radars as a security threat.

South Korea said in a statement Wednesday that unspecified parts of THAAD were installed. The statement said that Seoul and Washington have been pushing to get THAAD quickly working to cope with North Korea's advancing nuclear and missile threats. According to Yonhap news agency, the parts include two or three launchers, intercept missiles and a radar.

About 8,000 police officers were mobilized, and the main road leading up to the site in the country's southeast was blocked earlier Wednesday, Yonhap reported. About 200 residents and protesters rallied against THAAD in front of a local community center, some hurling plastic water bottles.

On Tuesday, North Korea conducted what it called its largest ever combined live-fire drills, near the east coast port city of Wonsan.

North Korea's official media reported Wednesday that leader Kim Jong Un personally observed the exercises, which involved the firing of more than 300 large-caliber artillery pieces and included submarine torpedo-attacks on mock enemy warships.

Along with sending U.S. military assets to the region in a show of force, President Donald Trump is leaning on China to exert economic pressure on its wayward ally. Chinese President Xi Jinping, who spoke to Trump on Monday, is urging restraint from both Pyongyang and Washington.

In Washington, top Trump administration officials are due to brief the entire U.S. Senate on Wednesday. A rapid tempo of North Korean weapons testing in the past year has pushed Kim Jong Un's authoritarian nation closer to developing a nuclear-tipped missile that could reach the U.S. mainland.

Republican Sen. Lindsey Graham voiced confidence that Trump won't allow North Korea to reach that point. Graham, a defense hawk who dined with Trump on Monday night, said the North should not underestimate the president's resolve.

The USS Michigan, a nuclear-powered submarine, arrived Tuesday at the South Korean port of Busan

for what was described as a routine visit to rest crew and load supplies. The U.S. 7th Fleet said two American destroyers were conducting simultaneous maritime exercises with naval ships from South Korea and Japan.

North Korea routinely accuses the United States of readying for an invasion, and threatens pre-emptive strikes to stop it. An unnamed North Korean Foreign Ministry spokesman said the U.S. administration's policy to maximize pressure on North Korea was "little short of lighting the fuse of total war," the state news agency reported Tuesday.

The streets of Pyongyang, however, were quiet for Tuesday's anniversary, which was overshadowed by April 15 celebrations for the birthday of the nation's late founder Kim Il Sung, and were marked by a missile test the following day.

The Trump administration is also upping the ante diplomatically.

On Friday, Secretary of State Rex Tillerson will chair a special meeting of the U.N. Security Council.

Tillerson will be "very vocal" about nations enforcing sanctions on North Korea, State Department spokesman Mark Toner said. Trump said Monday the council must be prepared to impose stronger sanctions.

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Associated Press writers Hyung-jin Kim and Kim Tong-Hyung in Seoul, South Korea, and Eric Talmadge in Pyongyang, North Korea, contributed to this report.

## **Chinese court sentences US businesswoman accused of spying**

**By NOMAAN MERCHANT, Associated Press**

HOUSTON (AP) — An American woman detained during a business trip to China was convicted of spying and sentenced Tuesday to 3 ½ years in prison, raising the possibility that she may be allowed to return home soon.

Phan Phan-Gillis has faced an uncertain fate since March 2015, when she disappeared from her group traveling in southern China. She was later accused of espionage, which carries a possible death sentence. A United Nations panel has said her detention violated international norms, and the U.S. has long pressed China to resolve the case fairly.

Her Chinese lawyer Shang Baojun told The Associated Press Wednesday that a deportation order has been issued, and that she should be released "very soon." He said authorities don't usually inform the lawyer of the deportation date.

He said he couldn't give more details about the spying conviction because "it is related to state secrets," but that the court should release its verdict within five days.

The U.S. State Department confirmed that she had been sentenced. While Phan-Gillis' trial was closed to the public, a representative from the American Consulate in Guangzhou was allowed to attend the public announcement of the verdict against her, the State Department said.

The Chinese Embassy in Washington did not respond to a message about her case.

Phan-Gillis is of Chinese descent, but was born in Vietnam and is an American citizen who lived in Houston and worked as a business consultant. Known by friends as "Sandy," she made numerous trips to China for business and as a volunteer to promote cultural and business exchanges.

She disappeared from the rest of her group during a trip in March 2015 to promote business opportunities in Houston. It took her husband, Jeff Gillis, almost two weeks to confirm through American consular officials that she had been detained by Chinese state security.

China's opaque legal system often provides little or no explanation for why someone is detained or

punished. Jeff Gillis, who did not return a message Tuesday, said last year that he was told his wife was accused of conducting a spy mission in 1996, then trying to recruit new spies the following two years — allegations he called “beyond ridiculous.”

“I have the passport that shows that she didn’t even have a visa in ‘96, no entries or exits,” he said. “I have her pay stubs that show that she was not off on extended leave.”

The San Francisco-based Dui Hua Foundation, which monitors human rights and legal issues in China, said Phan-Gillis was the first American citizen to be convicted of spying in a Chinese court since 1973. But Phan-Gillis’ 3 ½-year prison term is on the low end of sentences for espionage charges, according to Dui Hua’s research.

China sometimes releases foreigners as an apparent sign of goodwill. Last year it allowed Kevin Garratt, a Canadian citizen held for two years and accused of spying, to return home after Canadian Prime Minister Justin Trudeau mentioned Garratt to top officials in Beijing.

In Phan-Gillis’ case, John Kamm, founder of Dui Hua, credited the Trump administration and particularly Secretary of State Rex Tillerson, who visited Beijing last month. Kamm said he was told by “people who were in the room” that Tillerson pressed Phan-Gillis’ case in private meetings.

“If U.S.-China relations were not going as well as they are right now, I think this outcome would have been different,” Kamm said.

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Associated Press writer Louise Watt in Beijing contributed to this report.

## **GOP drops US-Mexico wall demands as spending talks advance**

**By ANDREW TAYLOR and ALAN FRAM, Associated Press**

WASHINGTON (AP) — Congressional negotiators on Tuesday inched toward a potential agreement on a catchall spending bill that would deny President Donald Trump’s request for immediate funding to construct a wall along the Mexico border. The emerging measure would increase the defense budget and eliminate the threat of a government shutdown on Trump’s 100th day in office this Saturday.

Top Senate Democrat Chuck Schumer said Republican negotiators were following the lead of Trump, who signaled Monday evening that he would not insist on \$1 billion worth of wall funding now as an addition to the \$1 trillion-plus spending bill. Trump told a gathering of conservative media reporters that he might be willing to wait until September for the funding.

Other stumbling blocks remain, but the decision by Trump and his GOP allies to back down on the wall steered the talks on the spending measure in a positive direction.

Senate Majority Leader Mitch McConnell, R-Ky., said he was optimistic the talks would produce “an agreement in the next few days.”

An existing temporary funding bill expires Friday at midnight and all sides anticipated that another stopgap measure would be required to buy time for the House and Senate to process the massive spending bill, which would wrap together 11 unfinished agency spending bills through September.

Trump campaigned throughout the country last year promising a wall across the entire 2,200 mile southern border, promising that Mexico would pay for it. But while the idea is a priority of Trump’s most fervent supporters, it is resolutely opposed by Democrats and even many Republicans, who see it as wasteful and who prefer other steps like new technologies and additional border agents to curb illegal immigration.

“I support additional border security funding,” said Sen. Lindsey Graham, R-S.C., a GOP critic of Trump who dined with the president Monday at the White House. “But a 2,200-mile wall, I don’t think there’s a whole lot of support for it.”

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Trump vowed to fight for the wall.

"The wall is going to get built," he said at the White House Tuesday. Asked when, he said, "Soon."

Democrats vowed not to give up, either, and look forward to the fight.

"It's not a negotiation," Schumer said. "No wall."

Meanwhile, Trump appeared poised to procure about \$15 billion to boost the military. Democrats said they were satisfied with the emerging outlines of the measure, which stick closely to versions of the legislation that were being negotiated late last year.

Sen. Patty Murray, D-Wash., observed that GOP negotiators "have simply ignored" a roster of "\$18 billion in extreme cuts" offered by White House budget director Mick Mulvaney to lower the measure's cost. The measure would also maintain foreign aid accounts that Trump has targeted, along with a series of grant programs popular with lawmakers in both parties, such as community development block grants.

Several issues remain unresolved. Democrats, with McConnell's help, were pushing to extend health benefits for 22,000 retired Appalachian coal miners and their families whose medical coverage is set to expire at the end of April. Democrats faced White House opposition in an uphill battle to give Puerto Rico help with its Medicaid commitment, while Republicans are pressing policy "riders" to undo new Obama-era financial regulations.

Another potential stumbling block involved a recent threat by Trump to scuttle a portion of former President Barack Obama's health law that helps low-income people afford insurance policies.

Democratic votes are invariably needed to pass catchall spending bills, which typically are resented by many tea party Republicans. That gave Democratic leaders like Schumer and Pelosi significant leverage, and the top Democrats had earlier this month taken a hard line in response to Trump's threats to deny the Obamacare payments for out-of-pocket costs for the poor, injecting the issue into the spending bill talks. Schumer, however, backpedaled on Tuesday and would no longer insist that the issue be addressed in the catchall bill and the White House sent conciliatory signals as well.

Meanwhile, House lawmakers returned to Washington Tuesday evening and faced a renewed push from the White House to revive their beleaguered health care bill in hopes of attracting enough votes to finally push it through the House.

Leaders of the conservative House Freedom Caucus met to consider a proposal to change the GOP legislation to let states get federal waivers to ignore coverage requirements imposed by President Barack Obama's health care law. These include a prohibition against insurers charging higher premiums for seriously ill customers.

The plan "has real merits worthy of consideration for all the Freedom Caucus folks," said Rep. Mark Meadows, R-N.C., leader of that group. He helped craft the idea with Rep. Tom MacArthur, R-N.J., a leader of a group of GOP moderates.

Meadows and numerous conservatives and moderates opposed an initial version of the bill, forcing House leaders to withdraw the measure before a planned vote last month. GOP leaders are trying to determine if the proposed changes can gain enough votes to pass, but that remains uncertain.

## Judge blocks Trump threat to withhold 'sanctuary city' funds

By SUDHIN THANAWALA, Associated Press

SAN FRANCISCO (AP) — A federal judge on Tuesday blocked President Donald Trump's attempt to withhold funding from "sanctuary cities" that do not cooperate with U.S. immigration officials, saying the president has no authority to attach new conditions to federal spending.

U.S. District Judge William Orrick issued the preliminary injunction in two lawsuits — one brought by



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the city of San Francisco, the other by Santa Clara County — against an executive order targeting communities that protect immigrants from deportation.

The injunction will stay in place while the lawsuits work their way through court.

The judge rejected the administration's argument that the executive order applies only to a relatively small pot of money and said Trump cannot set new conditions on spending approved by Congress.

Even if the president could do so, those conditions would have to be clearly related to the funds at issue and not coercive, as the executive order appeared to be, Orrick said.

"Federal funding that bears no meaningful relationship to immigration enforcement cannot be threatened merely because a jurisdiction chooses an immigration enforcement strategy of which the president disapproves," the judge said.

It was the third major setback for the administration on immigration policy.

White House chief of staff Reince Priebus described the ruling as another example of the "9th Circuit going bananas."

The administration has often criticized the 9th U.S. Circuit Court of Appeals. Orrick does not sit on that court but his district is in the territory of the appeals court, which has ruled against one version of Trump's travel ban.

"The idea that an agency can't put in some reasonable restriction on how some of these moneys are spent is something that will be overturned eventually, and we will win at the Supreme Court level at some point," Priebus said.

San Francisco City Attorney Dennis Herrera praised the ruling and said the president was "forced to back down."

"This is why we have courts — to halt the overreach of a president and an attorney general who either don't understand the Constitution or chose to ignore it," Herrera said in a statement.

Santa Clara County Counsel James Williams said the ruling will allow cities and counties across the country to prepare budgets without the "unconstitutional threat of federal defunding hanging over our heads."

A Justice Department attorney, Chad Readler, previously defended the president's executive order as an attempt to use his "bully pulpit" to "encourage communities and states to comply with the law."

Readler also said the order applied to only three Justice Department and Homeland Security grants that would affect less than \$1 million for Santa Clara County and possibly no money for San Francisco.

But the judge said the executive order was written broadly to reach all federal grants and potentially jeopardized hundreds of millions of dollars in funding to San Francisco and Santa Clara.

He cited comments by the president and Attorney General Jeff Sessions as evidence of the order's scope and said the president himself had called it a "weapon" to use against recalcitrant cities.

The government hasn't cut off any money yet or declared any communities to be sanctuary cities. But the Justice Department sent letters last week advising communities to prove they are in compliance. California was informed it could lose \$18.2 million.

"Sanctuary cities" is a loosely defined term for jurisdictions that don't comply with immigration authorities.

The Trump administration argued that the executive order applied narrowly to cities that forbid officials from reporting people's immigration status to federal authorities. But Orrick said it could also be construed to apply to cities that refuse to hold jail inmates for immigration authorities.

The Trump administration says sanctuary cities allow dangerous criminals back on the street and that the order is needed to keep the country safe. San Francisco and other sanctuary cities say turning local police into immigration officers erodes the trust that is needed to get people to report crime.

The order has also led to lawsuits by Seattle; two Massachusetts cities, Lawrence and Chelsea; and a third San Francisco Bay Area government, the city of Richmond. The San Francisco and Santa Clara County lawsuits were the first to get a hearing before a judge.

On Tuesday, mayors from several cities threatened with the loss of federal grants emerged from a meeting with Sessions saying they remain confused about how to prove their police are in compliance with immigration policies.

The sanctuary city order was among a flurry of immigration measures Trump signed after taking office in January, including a ban on travelers from seven Muslim-majority countries and a directive calling for a wall on the Mexican border.

A federal appeals court blocked the travel ban. The administration then revised it, but the new version also is stalled in court.

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Associated Press writers Sadie Gurman and Julie Bykovicz in Washington contributed to this story.

## **Trump to propose massive tax cuts for businesses**

**By STEPHEN OHLEMACHER and JOSH BOAK, Associated Press**

WASHINGTON (AP) — President Donald Trump plans to propose massive tax cuts for businesses big and small as part of an overhaul that he says will provide the biggest tax cuts in U.S. history.

In addition to big tax cuts for corporations, Trump also wants to cut taxes for small business owners from a top tax rate of 39.6 percent to a top rate of 15 percent, said an official with knowledge of the plan.

The top tax rate for individuals would be cut from 39.6 percent to the "mid-30s," the official said.

The official, who spoke on condition of anonymity, was not authorized to discuss the plan publicly ahead of Trump's announcement, scheduled for Wednesday.

White House officials had already revealed that Trump's plan would reduce the top corporate income tax rate from 35 percent to 15 percent. The plan will also include child-care benefits, a cause promoted by Trump's daughter Ivanka.

Republicans who slammed the growing national debt under Democrat Barack Obama said Tuesday they are open to Trump's tax plan, even though it could add trillions of dollars to the deficit over the next decade.

Echoing the White House, Republicans on Capitol Hill argued that tax cuts would spur economic growth, reducing or even eliminating any drop in tax revenue.

"I'm not convinced that cutting taxes is necessarily going to blow a hole in the deficit," said Sen. Orrin Hatch, R-Utah, chairman of the Finance Committee.

"I actually believe it could stimulate the economy and get the economy moving," Hatch added. "Now, whether 15 percent is the right figure or not, that's a matter to be determined."

The argument that tax cuts pay for themselves has been debunked by economists from across the political spectrum. On Tuesday, the official scorekeeper for Congress dealt the argument — and Trump's plan — another blow.

The nonpartisan Joint Committee on Taxation said Tuesday that a big cut in corporate taxes — even if it is temporary — would add to long-term budget deficits. This is a problem for Republicans because it means they would need Democratic support in the Senate to pass a tax overhaul that significantly cuts corporate taxes.

The assessment was requested by House Speaker Paul Ryan, R-Wis., who has been pushing a new tax on imports to fund lower overall tax rates. Senate Republicans have panned the idea, and officials in the Trump administration have sent mixed signals about it.

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The import tax is not expected to be part of Trump's plan.

Trump dispatched his top lieutenants to Capitol Hill Tuesday to discuss his plan with Republican leaders. They met for about half an hour. No Democrat was invited.

Afterward, Hatch called it, "a preliminary meeting."

"They went into some suggestions that are mere suggestions, and we'll go from there."

Republicans have been working under a budget maneuver that would allow them to pass a tax bill without Democratic support in the Senate — but only if it didn't add to long-term deficits.

Senate Majority Leader Mitch McConnell, R-Ky., said the Senate was sticking to that strategy.

"Regretfully we don't expect to have any Democratic involvement in" a tax overhaul, McConnell said. "So we'll have to reach an agreement among ourselves."

Democrats said they smell hypocrisy over the growing national debt, which stands at nearly \$20 trillion. For decades, Republican lawmakers railed against saddling future generations with trillions in debt.

But with Republicans controlling Congress and the White House, there is no appetite at either end of Pennsylvania Avenue to tackle the long-term drivers of debt — Social Security and Medicare. Instead, Republicans are pushing for tax cuts and increased defense spending.

"I'm particularly struck by how some of this seems to be turning on its head Republican economic theory," said Sen. Ron Wyden of Oregon, the top Democrat on the Senate Finance Committee.

Sen. Bob Casey, D-Pa., said, "On a lot of fronts, both the administration and Republicans have been contradictory, to say the least."

"There's no question we should try to reduce (the corporate tax rate), but I don't see how you pay for getting it down that low," Casey said. "Fifteen percent, that's a huge hole if you can't make the math work."

The Trump administration on Tuesday stuck with its assertion that tax reform could push economic growth above 3 percent. Commerce Secretary Wilbur Ross said that the combination of changes on taxes, trade and regulations being pushed by the administration would accelerate the pace of economic gains.

"There is no reason that we should not be able to hit that — if not beat it," Ross said at the White House news briefing.

Many economists are skeptical that growth could consistently eclipse 3 percent. The flow of workers into the U.S. economy has slowed because of retirements by an aging baby boomer population, while improvements in productivity have been sluggish.

Officials with the Federal Reserve estimate that the economy will grow at a 2.1 percent clip this year and at 1.8 percent in the longer run.

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Associated Press writers Alan Fram and Matthew Daly contributed to this report.

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Follow Stephen Ohlemacher on Twitter at: <http://twitter.com/stephenatap>

## Contrasting accounts of Arkansas execution from witnesses

By **ANDREW DeMILLO**, Associated Press

LITTLE ROCK, Ark. (AP) — As a condemned killer lay on a gurney awaiting lethal injection in Arkansas' death chamber, a federal judge had to decide whether there was sufficient evidence that an inmate executed earlier that evening showed signs that he was suffering while he was put to death.

The judge ultimately allowed the second execution to go ahead after a hastily arranged 20-minute hearing by phone, marking the nation's first double execution on one day in nearly 17 years, but the

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widely varying witness accounts of the first execution illustrate the risks that have made efforts to put more than one inmate to death in a day so rare.

Those questions loom as Arkansas prepares to put another inmate to death Thursday under what originally was an unprecedented plan to execute eight men over an 11-day period.

"Now you've got to turn around in 48 hours or so and see if you can figure out whether it actually worked right before Thursday's execution," said John Blume, director of the Death Penalty Project at Cornell Law School. "I think it's just really an almost impossible test."

The last-minute wrangling focused on the execution of Jack Jones' execution, the first inmate put to death Monday night.

An Associated Press reporter who witnessed Jones' 14-minute execution saw him move his lips for about a minute after he completed his final words. With the microphone in the death chamber turned off, it was unclear whether Jones was speaking. Attorneys for Marcel Williams, who was executed after Jones, said that Jones was moving his lips and gulping for air about five minutes into his execution. Williams' attorneys argued that the execution appeared to be "torturous and inhumane."

Jeff Rosenzweig, Jones' attorney, said in addition to Jones' lips moving after the statement he saw the inmate's mouth move five minutes into the execution three to five times.

"There was maybe 10-15 seconds between each one," Rosenzweig said. "There wasn't any movement other than that."

Republican Rep. Kim Hammer, who witnessed both executions Monday night, said he did not see Jones gasp or gulp for air. Hammer said he saw the inmate moving his lips for about 30 to 45 seconds as though he were speaking after he delivered his final words.

"After last night's experience, I saw nothing that was inhumane that would have caused me to change my mind" about the death penalty, said Hammer, who supports capital punishment.

A state prison spokesman said Jones was speaking to state Correction Department Director Wendy Kelley when his lips moved, but did not know if a transcript was available. The state does not record audio or video of its executions.

According to a log of the execution released by the state Tuesday, it took officials eight minutes to connect Jones to IV lines and 40 minutes to connect Williams. Williams' attorneys had claimed infirmary staff tried unsuccessfully to place a central line in Jones' neck for 45 minutes before placing one elsewhere on his body. It was not clear why there was a discrepancy between the state and Williams' attorneys.

Williams was on the gurney when the stay was issued temporarily halting his execution, and was allowed to return to his cell to use the restroom while the stay was in place. He was not brought back into the chamber until the stay was lifted.

Monday marked the first double execution in the U.S. since 2000, and the questions surrounding Jones' execution shows why they've become rare, experts say. Jones' execution provided attorneys an argument for halting Williams' execution, but also gave them a very narrow window to argue for sparing their client's life.

"If there was one execution and witnesses had these observations there would have been time for the lawyers and experts to evaluate it and time for the court to consider it," said Dale Baich, an assistant federal public defender who witnessed Joseph Rudolph Wood's slow death in a lethal injection in 2014 in Arizona that involved midazolam, a drug Arkansas has used in its three executions over the past week.

It's unclear whether the concerns over Jones' execution could pose challenges for the state's plan to execute Kenneth Williams on Thursday night. The inmate's attorneys have several challenges pending in state and federal court, but none so far have focused on claims the execution would amount to



cruel and unusual punishment. Shortly after Monday's execution, Gov. Asa Hutchinson's office said the governor did not have any concerns about moving forward with Thursday's execution.

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Associated Press Writer Kelly P. Kissel contributed to this report

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Follow Andrew DeMillo on Twitter at [www.twitter.com/ademillo](http://www.twitter.com/ademillo)

## Lawmakers suggest former Trump aide Flynn broke US law

By CHAD DAY and STEPHEN BRAUN, Associated Press

WASHINGTON (AP) — President Donald Trump's former national security adviser, Michael Flynn, appeared to violate federal law when he failed to seek permission or inform the U.S. government about accepting tens of thousands of dollars from Russian organizations after a trip there in 2015, leaders of a House oversight committee said Tuesday.

The congressmen also raised new questions about fees Flynn received as part of \$530,000 in consulting work his company performed for a businessman tied to Turkey's government.

The bipartisan accusations that Flynn may have broken the law come as his foreign contacts are being examined by other congressional committees as part of investigations into Russian meddling in the 2016 election and potential ties between Trump associates and the Kremlin. Congress returned earlier this week from its spring recess, and Tuesday's announcements reflected renewed interest on Capitol Hill.

Reps. Jason Chaffetz, R-Utah, and Elijah Cummings, D-Md., said they saw no evidence that Flynn, a retired Army lieutenant general, properly disclosed foreign payments he received to military officials or on his security clearance paperwork. Flynn, who headed the military's top intelligence agency, was Trump's national security adviser until he was fired in February.

Among the payments in question was more than \$33,000 that Flynn received in 2015 from the Russia Today television network, which has been described by U.S. intelligence officials as a propaganda front for Russia's government.

"That money needs to be recovered," said Chaffetz, chairman of the House Committee on Oversight and Government Reform.

Chaffetz said Flynn was obligated as a retired Army officer to request permission from both the Defense and State departments about prospective foreign government payments before he received them. "There was nothing in the data to show that Gen. Flynn complied with the law," Chaffetz said.

Cummings said Flynn's failure to formally report the Russian payments on his security clearance paperwork amounted to concealment of the money, which could be prosecuted as a felony.

Flynn's attorney, Robert Kelner, said Flynn reported his plans to travel to Russia to his former agency, the Defense Intelligence Agency, and he briefed officials there after he returned. Kelner declined to answer questions about whether Flynn properly disclosed the payments.

The congressmen spoke after reviewing classified documents regarding Flynn that were provided by the Defense Intelligence Agency. They were also briefed by agency officials. The congressmen declined to describe in detail the materials they reviewed. But Cummings said the documents were "extremely troubling" and he urged the administration to declassify them.

Chaffetz and Cummings said they planned to write to the comptroller of the Army and the Defense Department's inspector general for a final determination as to whether Flynn broke the law and whether the government needs to pursue criminal charges and seek to recover the payments Flynn received.

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Cummings also criticized the White House for refusing to turn over documents the committee requested about Flynn's foreign contacts during his three-week stint as national security adviser. In response to a letter to White House Chief of Staff Reince Priebus, an administration official told the committee that documents relating to those contacts likely contained classified and other sensitive information, weren't relevant to the committee's investigation and could not be turned over.

"That is simply unacceptable," Cummings said.

At the White House, Press Secretary Sean Spicer said the committee's request for Flynn's security clearance information was referred to the Defense Department, which turned over documents. He said the White House did not release a detailed list of Flynn's contacts with foreign officials, a request he dismissed as "outlandish."

Spicer said that the president was confident in his decision to fire Flynn in February on grounds that Flynn had misled the vice president about a conversation he had with the Russian ambassador to the U.S. during the transition. Spicer declined to say whether the White House believed Flynn had violated the law. He said the conduct occurred before Flynn was appointed national security adviser in January.

Kelner, Flynn's attorney, said in a statement that Flynn briefed the Defense Intelligence Agency about the 2015 Moscow event organized by the Russia Today news organization. Flynn had led the spy agency until 2014, when he was forced to retire by the Obama administration.

During his briefings, Flynn "answered any questions that were posed by DIA concerning the trip," Kelner said.

A spokesman for the Defense Intelligence Agency, Jim Kudla, has said Flynn briefed the agency in advance about his trip to Moscow "in accordance with standard security clearance procedures." A spokesman for Flynn has said that Flynn also disclosed the RT trip when he last came up for a security clearance review in January 2016.

Chaffetz and Cummings said the documents they reviewed showed no evidence Flynn asked permission for the payments or later detailed the amounts he received to military authorities. Chaffetz added that while "it would be a bit strong to say that Flynn flat-out lied," he should have sought and received permission before accepting any foreign government payments.

Both Cummings and Chaffetz said the committee's investigation into Flynn's foreign payments includes examining consulting work he did for a Turkish businessman last year.

Flynn's firm registered as a foreign agent last month with the Justice Department for the consulting work and acknowledged that it may have principally benefited the government of Turkey. Flynn's client, Inovo BV, is owned by a Turkish businessman who is also a member of a committee overseen by Turkey's finance ministry. In government filings, Flynn disclosed that he personally received between \$50,000 and \$100,000 as part of his stake in Flynn Intel Group, the company that performed the foreign agent work.

Earlier Tuesday, a Senate Judiciary subcommittee announced a public panel May 8 to hear testimony for the first time from the former acting attorney general, Sally Yates, who played a role in Flynn's firing.

Yates was supposed to testify publicly before the House intelligence committee in March, but that was canceled and has yet to be rescheduled. Some Democrats believe the White House wants to limit what Yates says publicly, but the White House has denied this. Former National Intelligence Director James Clapper is also to testify at the May 8 hearing.

Also Tuesday, there were complaints that the Senate investigation was not moving quickly enough. Democratic Sens. Kamala Harris and Dianne Feinstein of California said they believed the committee needed to move at a faster rate.

Preliminary interviews now have been completed with about 27 individuals from multiple intelligence

agencies. And there are nine staffers working full-time on the investigation, according to one Senate aide, who was not authorized to discuss the matter publicly and spoke only on condition of anonymity. By contrast, the House Select Committee on Benghazi employed more than 50 congressional staffers.

The aide said the committee has gained access to additional materials at intelligence agencies, including categories and types of intelligence documents that have never been provided to Congress before.

Committee members and staff are reviewing thousands of pages of materials at CIA headquarters and the National Security Agency.

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Associated Press writers Eric Tucker, Eileen Sullivan and Deb Riechmann contributed to this report.

## **No sign probes into Russia, Trump campaign will die down**

**By ERIC TUCKER, Associated Press**

WASHINGTON (AP) — An FBI investigation and congressional probes into the Trump campaign and contacts with Russia continue to shadow the administration, each new development a focus of White House press briefings and attention on Capitol Hill.

President Donald Trump has dismissed the story as “fake news” and raised allegations of politically inspired spying by the Obama administration, but the investigations show no sign of abating anytime soon.

Here are the latest developments and background on the scandal:

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### THE LATEST

A Senate Judiciary subcommittee says it will hear testimony in May from former acting attorney general Sally Yates, who was fired in the early days of the Trump administration, and James Clapper, the former director of national intelligence under President Barack Obama. The May 8 open hearing will be the first opportunity for the public to hear Yates’ account of her role in the firing of Trump’s first national security adviser, Michael Flynn.

Separately, leaders of the House Committee on Oversight and Government Reform say Flynn appeared to violate U.S. criminal law when he failed to seek permission for or inform the government about accepting tens of thousands of dollars from Russian organizations after a trip there in 2015. Flynn’s lawyer said in a statement that Flynn disclosed the trip in conversations with the Defense Intelligence Agency, where he was its former director.

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### THE BACKGROUND

Hackers broke into the computer network of the Democratic National Committee during the 2016 campaign, which U.S. officials and cybersecurity experts have publicly tied to Russian intelligence services. Stolen emails to and from top Democratic Party officials, including then-DNC chairwoman Debbie Wasserman Schultz, were released to the public last summer on the secret-sharing website WikiLeaks, followed in the fall by the hacked messages of John Podesta, the campaign chairman of Democratic presidential candidate Hillary Clinton.

U.S. intelligence agencies have been blunt in their assessment that the hacks of Democratic email accounts were intended to benefit Trump and harm Clinton, his Democratic opponent.

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### THE INVESTIGATIONS

FBI Director James Comey told Congress in March that a federal investigation examining Russian

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interference in the presidential election, and potential coordination between Russia and the Trump campaign, began in late July. The counterintelligence investigations like this one that examine the operations of foreign intelligence services on U.S. soil are heavily classified, historically time-consuming and rarely result in criminal charges. It's not clear when this one will end or whether anything criminal will be found, though Comey has said the investigation is being done with an eye on whether any laws were broken.

The House and Senate intelligence committees are conducting their own, simultaneous investigations. Republicans in Congress also are concerned that classified material about Trump associates recorded having conversations with Russian officials was improperly leaked to the news media and that the information had been improperly disseminated throughout government agencies.

The House probe has been riven with discord. Devin Nunes, the top Republican on the committee who reported meeting with a secret source at the White House to review classified material that he said indicated that communications of Trump associates were captured in "incidental" surveillance of foreigners, recused himself in April from the investigation.

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## THE PLAYERS

Numerous figures in the Trump orbit have come under scrutiny for communications with Russians, though each has denied doing anything improper — and no one has been charged with any crime.

Flynn was interviewed by the FBI in the early days of the Trump administration about communications he had with the Russian ambassador, Sergey Kislyak, during the transition period. The White House fired him in February after concluding that he had not been truthful about those conversations.

Republican strategist Roger Stone has said he communicated with Guccifer 2.0, the unnamed hacker that has taken credit for breaking into the DNC servers. But Stone has denied that he worked with Russian officials to influence the presidential election.

Carter Page, a foreign policy adviser to the Trump campaign, met with a Russian intelligence operative in 2013 and provided him documents about the energy industry, according to court documents from a 2015 prosecution alleging a Cold War-style spy ring in New York. Page, referred to in the filing as "Male-1," is not accused of wrongdoing and said in a statement that he shared "basic immaterial information and publicly available research documents."

Meanwhile, Justice Department officials have scrutinized the business dealings of Paul Manafort, who resigned in August as Trump's campaign chairman. The Associated Press has reported that Manafort wrote Russian billionaire and aluminum magnate Oleg Deripaska in 2005 with an ambitious proposal to promote the interests of "the Putin government" and undermine anti-Russian opposition across former Soviet republics.

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## THE RESPONSE

Trump has sought to dismiss the story as "fake" and has countered with his own allegations of politically motivated spying by the Obama administration. The White House has also tried to publicly minimize the contributions either to the campaign or administration of some of the individuals whose names have surfaced as part of the investigation, such as Manafort and Flynn.

Trump took to Twitter in March to accuse President Barack Obama of having wiretapped him at his New York skyscraper during the campaign. Law enforcement, congressional and intelligence officials have called that allegation untrue.

In an interview with MSNBC, Susan Rice, Obama's national security adviser, acknowledged that she had sometimes asked for the names of Americans who were referenced in intelligence reports, but denied that she or anyone else in the administration had used those reports for political intelligence



purposes. Trump said the following day that he believed Rice had committed a crime.

Follow Eric Tucker on Twitter at <http://www.twitter.com/etuckerAP>

## Hope for preemies as artificial womb helps tiny lambs grow

By LAURAN NEERGAARD, AP Medical Writer

WASHINGTON (AP) — Researchers are creating an artificial womb to improve care for extremely premature babies — and remarkable animal testing suggests the first-of-its-kind watery incubation so closely mimics mom that it just might work.

Today, premature infants weighing as little as a pound are hooked to ventilators and other machines inside incubators. Children's Hospital of Philadelphia is aiming for a gentler solution, to give the tiniest preemies a few more weeks cocooned in a womb-like environment — treating them more like fetuses than newborns in hopes of giving them a better chance of healthy survival.

The researchers created a fluid-filled transparent container to simulate how fetuses float in amniotic fluid inside mom's uterus, and attached it to a mechanical placenta that keeps blood oxygenated.

In early-stage animal testing, extremely premature lambs grew, apparently normally, inside the system for three to four weeks, the team reported Tuesday.

"We start with a tiny fetus that is pretty inert and spends most of its time sleeping. Over four weeks we see that fetus open its eyes, grow wool, breathe, swim," said Dr. Emily Partridge, a CHOP research fellow and first author of the study published in Nature Communications .

"It's hard to describe actually how uniquely awe-inspiring it is to see," she added in an interview.

Human testing still is three to five years away, although the team already is in discussions with the Food and Drug Administration.

"We're trying to extend normal gestation," said Dr. Alan Flake, a fetal surgeon at CHOP who is leading the project and considers it a temporary bridge between the mother's womb and the outside world.

Increasingly hospitals attempt to save the most critically premature infants, those born before 26 weeks gestation and even those right at the limits of viability — 22 to 23 weeks. Extreme prematurity is a leading cause of infant mortality, and those who do survive frequently have serious disabilities such as cerebral palsy.

The idea of treating preemies in fluid-filled incubators may sound strange, but physiologically it makes sense, said Dr. Catherine Spong, a fetal medicine specialist at the National Institutes of Health.

"This is really an innovative, promising first step," said Spong, who wasn't involved with the research.

One of the biggest risks for very young preemies is that their lungs aren't ready to breathe air, she explained. Before birth, amniotic fluid flows into their lungs, bringing growth factors crucial for proper lung development. When they're born too soon, doctors hook preemies to ventilators to keep them alive but risking lifelong lung damage.

Flake's goal is for the womb-like system to support the very youngest preemies just for a few weeks, until their organs are mature enough to better handle regular hospital care like older preemies who have less risk of death or disability.

The device is simpler than previous attempts at creating an artificial womb, which haven't yet panned out.

How the "Biobag" system works:

—The premature lambs were delivered by C-section and immediately placed into a temperature-controlled bag filled with a substitute for amniotic fluid that they swallow and take into their lungs.

"We make gallons of this stuff a day," said fetal physiologist Marcus Davey. It's currently an electrolyte solution; he's working to add other factors to make it more like real amniotic fluid.

—Then the researchers attached the umbilical cord to a machine that exchanges carbon dioxide in blood with oxygen, like a placenta normally does.

—The lamb's heart circulates the blood, without the need for any other pump.

The researchers tested five lambs whose biological age was equivalent to 23-week human preemies, and three more a bit older. All appeared to grow normally, with blood pressure and other key health measures stable and few complications during the weeks they were inside the womb-like device.

The study didn't address long-term development. Most of the lambs were euthanized for further study that found normal organ development for their gestational age. One was bottle-weaned and is now more than a year old, apparently healthy and living on a farm in Pennsylvania.

Flake stressed that the womb-like system isn't intended to support preemies any younger than today's limits of viability — not what he calls the more "sensationalistic" idea of artificially growing embryos.

He acknowledged that parents might question the approach, but notes that the preemies always could be whisked into standard care if they fared poorly in the new system. And while he said further adaptation of the device is needed before it can begin human testing, he envisioned parents being able to see the baby and even piping in the sound of mom's heartbeat.

## **NASCAR star Dale Earnhardt Jr. to retire after season**

**By JENNA FRYER, AP Auto Racing Writer**

CHARLOTTE, N.C. (AP) — It's never easy to be the son of a legend, especially when he is a tough-as-nails hero and the most feared man in his profession.

Follow in his footsteps? Forget it.

Just being able to drive cars was enough for Dale Earnhardt Jr., and if it made his daddy proud, well, hopefully somebody would tell him.

The Earnhardt era of NASCAR opened its final chapter Tuesday when the driver known simply as Junior said he will retire at the end of this season, his 18th in the Cup series. It will bring to a close the golden days of the sport, when Lee and Richard Petty helped build a stock car series that they turned over to Dale Earnhardt to carry into the next phase.

When Earnhardt died on the final lap of the 2001 Daytona 500, the burden fell on a young Earnhardt Jr. to fill a void and help heal the broken hearts of Earnhardt Nation. His decision to walk away did not come lightly for NASCAR's most popular driver and it is a blow to a series scrambling to hang onto its fans.

"When my dad was doing so well and there were a couple of guys coming into the sport that were sons, it was difficult for them to replicate their dads' success," Earnhardt said. "I just saw even at an early age, before I was a driver, that growing up in that man's shadow was going to be a real hard challenge.

"I wanted to race, but I knew racing would put me in that shadow. I knew the odds of me really having any talent at all and being able to do it were thin. They are for anyone. So at a very young age, all I wanted to do was be able to make a living driving cars. I didn't set goals. I didn't dream of winning championships or Daytona 500s or working with one of the best owners in the business, driving for one of the best organizations. I was afraid of not being able to do it. So I guess what I'm saying is I've accomplished way more than I ever dreamed — way more than I ever thought I'd accomplish."

Earnhardt called the decision, revealed to team owner Rick Hendrick on March 29, "very bittersweet" and admitted there were tears as he prepared for Tuesday's announcement. But he wanted the oppor-

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tunity to go out on his own terms.

"Having influence over my exit only became meaningful when it started to seem most unlikely," Earnhardt said. "As you know, I missed a few races last year and during that time I had to face the realization that my driving career may have already ended without me so much as getting a vote on the table. Of course, in life we're not promised a vote, and that's especially true in racing."

Colorful, candid and talented, Earnhardt has been plagued by concussions the last several years and he missed half of last season recovering from a head injury. He had delayed contract talks on an extension to drive the No. 88 Chevrolet, and the two-time Daytona 500 winner will now call it quits when the season ends in November.

"You deserve everything, all the awards and all of the accolades," Hendrick said. "There will never be another Dale Earnhardt Jr. You're the one."

The news shocked and saddened drivers throughout the paddock.

"He has a tremendous sense of the history of NASCAR and, while he shares his father's name, Dale has made a name for himself with his accomplishments in racing," said Jeff Gordon, former teammate at Hendrick and once one of Dale Earnhardt's biggest rivals.

Steve Letarte, the crew chief tasked with rebuilding Earnhardt's shattered confidence during a lengthy slump in his career, said Earnhardt can't be measured simply as a race car driver.

"Dale is all encompassing," said the NBC analyst. "He carried the popularity of a sport on his shoulders. Anyone who tries to separate what he does behind the wheel to what he does in the sport doesn't know Dale Jr."

Added NASCAR chairman Brian France, "His passion for the sport will leave an impact on NASCAR that will be felt over its entire history."

A third-generation racer, Earnhardt turns 43 in October, is newly married and has said he wants to start a family. He has lately become a vocal advocate for research into sports-related brain injuries, and the hit he took last June led to months of rehabilitation that gave him a new perspective on his life. His wife, Amy, posted on Twitter shortly after the announcement: "I'm so proud of Dale for working so hard to get back and even prouder for his courage & self awareness to make the decision to retire. I'm sure God has many other great plans for him and us!"

She wiped away tears as she watched her new husband, dressed in a suit, nervously discuss his decision.

The news was the latest blow to the stock car series, which lost two other popular drivers in Gordon and Tony Stewart to retirement the past two years. Now Earnhardt, the last of the true country boys, is following them out the door. Born and raised in North Carolina, Earnhardt has deep roots in NASCAR. Besides his father, who won seven titles and was known as "The Intimidator," grandfather Ralph ran 51 races at NASCAR's highest level.

Even so, Earnhardt didn't grow up with a silver spoon. He had a difficult relationship with his father when he was younger, and he was sent to Oak Ridge Military Academy. His sister, Kelley, joined him there to watch out for her brother.

Once out of school and aspiring to be a race car driver, Earnhardt lived in a trailer and constantly irked his father with his hard-partying ways. Publicly, the Intimidator didn't know if his kid had the chops for the business. Privately, he probably wouldn't have told him, anyway.

"I never would assume that he was proud of me when he was alive," Earnhardt said. "I certainly wouldn't make that mistake after he passed. I just never felt like I was worthy of assuming that of him. ... I've talked to some people in the past 24 hours that know him pretty well, and they're pretty confident that he would be very proud."

Hendrick assured Earnhardt, the driver he treated as a son, that his father would have been proud.

"I knew your daddy pretty well," Hendrick said. "He would be proud of the man that you are and what you've done for so many, all the charities and all the good will that you've done. He would be — and is — very, very proud of you."

Earnhardt has won NASCAR's most popular driver award a record 14 times. He has 26 career Cup victories and is a two-time champion of NASCAR's second-tier Xfinity series, where he plans to race twice next year. But the son of the late champion has never won a Cup title after more than 600 career series starts.

Earnhardt has driven for Hendrick since 2008 after a nasty split with Dale Earnhardt Inc., the team founded by his father but run by his stepmother. He was unhappy with the direction of DEI since his father's 2001 death, and a frosty relationship with his stepmother led him to bolt to NASCAR's most powerful team.

Earnhardt is not off to the greatest start this season, with only one top-five finish so far. He took another hit Monday at Bristol Motor Speedway when a mechanical issue caused him to crash.

Even in retirement, Earnhardt vowed he won't be far from the track. He said he wants to be part of the "future of this sport" for many years to come.

"I do have ambition to work," Earnhardt said. "I'm not going to quit working. There's a feeling to being an asset to something. I don't have to be the guy holding the trophy, but being a part of that success, I really enjoy. I really enjoy making people happy and doing stuff as a team. I think I can replicate that in the next chapter of my life."

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AP Sports Writer Steve Megargee contributed to this report.

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More AP auto racing: <http://racing.ap.org>

## World's last male northern white rhino gets help from Tinder

By TOM ODULA, Associated Press

NAIROBI, Kenya (AP) — The world's last male northern white rhino has joined the Tinder dating app as wildlife experts make a last-chance breeding effort to keep his species alive.

"I don't mean to be too forward, but the fate of the species literally depends on me," the rhino's profile says. "I perform well under pressure."

The campaign called "The Most Eligible Bachelor in the World," by a Kenyan wildlife conservancy and the dating app, focuses on the rhino named Sudan.

The 43-year-old and his last two female companions are unable to breed naturally because of issues that include old age.

Ol Pejeta Conservancy and the app aim to raise \$9 million for research into breeding methods, including in-vitro fertilization, in an effort to save the species from extinction.

"We partnered with Ol Pejeta conservancy to give the most eligible bachelor in the world a chance to meet his match," said Matt David, head of communications and marketing at Tinder. "We are optimistic given Sudan's profile will be seen on Tinder in 190 countries and over 40 languages."

The conservancy's website had crashed by Tuesday evening.

Sudan lives at the conservancy, protected by guards around the clock, with the two females, Najin and Fatu.

"The plight that currently faces the northern white rhinos is a signal to the impact that humankind is having on many thousands of other species across the planet," said Richard Vigne, the conservancy's



chief executive officer. "Ultimately, the aim will be to reintroduce a viable population of northern white rhino back into the wild, which is where their true value will be realized."

## Ivanka Trump hears groans as she defends father in Berlin

By DAVID RISING, Associated Press

BERLIN (AP) — Ivanka Trump drew groans and hisses Tuesday from an audience in Berlin while defending her father's attitude toward women, but she brushed it aside as "politics" during her first overseas trip as a White House adviser.

Appearing on a high-powered panel at a conference to push for more support for women in business, Trump also said she was still trying to define her place in her father's administration.

"I am rather unfamiliar with this role as well, as it is quite new to me, it's been a little under 100 days," she said.

Trump has been a vocal advocate for policies benefiting working women and vocational training. But she also has faced criticism in the United States, particularly from those who think she has done little to temper her father's conservative agenda.

Sharing a stage with German Chancellor Angela Merkel, International Monetary Fund director Christine Lagarde, Canadian Foreign Minister Chrystia Freeland and others, Trump was asked by the moderator whom she was representing — President Donald Trump, the American people, or her own business interests.

"Certainly not the latter," Trump said,

As Trump described her father as "a tremendous champion of supporting families and enabling them to thrive," she drew scattered groans and hisses from the audience, prompting moderator Miriam Meckel to press her for a response.

"You hear the reaction from the audience, so I need to address one more point: Some attitudes toward women your father has publicly displayed in former times might leave someone questioning whether he is such an empowerer for women," said Meckel, the editor of a business magazine and a professor of corporate communications at a Swiss university. "Are things changing?"

Trump replied: "I've certainly heard the criticism from the media, and that's been perpetuated."

She added that her own personal experience and the fact that "thousands" of women have worked with and for Donald Trump for decades in the private sector "are a testament to his belief and solid conviction in the potential of women and their ability to do the job as well as any man."

"He encouraged me and enabled me to thrive," Trump said. "I grew up in a house where there was no barrier to what I could accomplish beyond my own perseverance and my own tenacity."

There was, she stressed, "no difference between me and my brothers. And I think as a business leader you saw that, and as a president you will absolutely see that."

Talking later to a small group of reporters, Trump said she was unfazed by Meckel's direct questions in a public forum.

"I'm used to it. It's fine," she said, and also shrugged off the audience's reaction.

"Politics is politics, as I'm learning, and there are many different viewpoints and people with different options and perspectives," she said.

Trump, who promoted child care and family leave policies during her father's campaign, also told reporters that child care "is going to be part of comprehensive tax reform."

Before the event, the president tweeted that he is "proud of @IvankaTrump for her leadership on these important issues."

The 35-year-old Trump stepped away from both running her fashion brand and from an executive role at the Trump Organization to become an unpaid White House adviser, but she continues to own her lifestyle brand, which allows her to profit off her rising profile and has prompted criticism from ethics experts.

She said she was "humbled to be here with so many formidable leaders" and would bring their advice and knowledge back to her father.

"This is very early for me; I'm listening, I'm learning, I'm defining the ways in which I think that I'll be able to have an impact," Trump said.

During Merkel's visit to Washington in March, she organized a discussion with the German leader, her father, and U.S. and German executives about how companies can better train workers.

On Tuesday's panel, she applauded a suggestion for a special fund to be created to help female entrepreneurs secure international funding, adding that more needs to be done to help in the U.S.

"We are not where we need to be," she said.

Later, Siemens CEO Joe Kaeser gave Trump a tour of a Berlin training center run by the German industrial conglomerate. Germany is proud of its vocational training system, and Trump has said she hopes to learn from German successes.

Siemens said it has some 12,000 young people worldwide, including 9,000 in Germany, in programs that combine study with practical training.

Before heading to a formal dinner, Trump visited the capital's memorial to the 6 million Jews murdered by the Nazis. Trump converted to Judaism herself ahead of her 2009 marriage to Jared Kushner, also a White House adviser.

During the 25-minute visit, Trump walked slowly through the field filled with concrete slabs. She was accompanied by U.S. Embassy personnel and a strong police guard to keep curious tourists and others at a distance.

She paused occasionally to look at the slabs, meant to symbolize the chaos of the Holocaust, and donned sunglasses before emerging on the other side of the monument to a crush of cameras and onlookers.

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Catherine Lucey contributed to this report from Washington and Geir Moulson from Berlin.

## Senator: Trump won't let NKorea build missile to reach US

By RICHARD LARDNER, Associated Press

WASHINGTON (AP) — A senior Republican senator says he emerged from a dinner meeting with Donald Trump confident the president will not allow North Korea to build a nuclear-tipped missile capable of striking the United States.

"If I were North Korea, I would not underestimate President Trump's resolve to stop them from getting a missile to hit our homeland," Sen. Lindsey Graham of South Carolina told reporters Tuesday.

Graham joined Sen. John McCain of Arizona for the dinner at the White House on Monday evening. Graham and McCain are defense hawks and have been two of Trump's sharpest GOP critics on foreign policy matters. But both senators are backing Trump's approach on North Korea, which has threatened to use pre-emptive strikes or any other measures it deems necessary to defend itself against the "U.S. imperialists."

The Trump administration has warned that all options, including a military strike, are on the table to block North Korea from developing a nuclear-tipped missile that could reach the U.S. mainland. But a pre-emptive strike against North Korea's nuclear and missile facilities isn't likely. The Trump administra-

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tion is instead seeking to put pressure on North Korea with the help of China.

Graham said it's uncertain whether North Korea may actually launch a weapon of mass destruction at the U.S. But, he said, Trump "is not going to allow this problem to get any worse than it is today." The key, Graham added, is to make North Korea realize there's a "new sheriff in town."

McCain, the chairman of the Senate Armed Services Committee, declined to discuss the specifics of the meeting with the president. But he said the Trump administration's tough talk of defusing North Korea's nuclear and ballistic missile programs is justified.

"Obviously you have to follow words with action, but I think their expressed concern is very legitimate. And I don't think it's inflammatory rhetoric," McCain said. North Korean leader Kim Jong Un "is intent on having the capability to strike the United States of America. That is the threat."

McCain said Trump is "exploring all options" on North Korea. But a pre-emptive strike, he said, "would be the last one."

In a show of force, Trump has dispatched to waters near the Korean Peninsula what he's called an "armada" of ships, including an aircraft carrier. South Korea's navy is planning to hold joint naval drills with U.S. aircraft carrier USS Carl Vinson battle group, which has trained with Japanese destroyers in recent days, around the weekend.

Trump also has sought to press Chinese President Xi Jinping to exert greater pressure on North Korea, given China's status as the country's economic lifeline and sole major ally.

McCain said he welcomed the outreach to China. But he also criticized Beijing for repeatedly refusing to use its influence to bring North Korea to the negotiating table and curb what McCain considers Pyongyang's bellicose behavior.

"Instead, China has chosen to bully South Korea for exercising its sovereign right to defend itself from the escalating North Korean threat," McCain said, referring to a decision to deploy the THAAD missile defense system to the Korean Peninsula. China, in response, has waged a campaign of economic retaliation against South Korea, which McCain said has inflicted real damage.

"The twisted reality is that China is doing all of this to stop the deployment of a missile defense system, which is only necessary because China has aided and abetted North Korea for decades," he said.

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Contact Richard Lardner on Twitter: <http://twitter.com/rplardner>

## Today in History By The Associated Press

Today in History

Today is Wednesday, April 26, the 116th day of 2017. There are 249 days left in the year.

Today's Highlight in History:

On April 26, 1777, according to a widely accepted account from the American Revolutionary War, 16-year-old Sybil Ludington, the eldest child of Col. Henry Ludington, a militia commander in Dutchess County, New York, rode her horse into the night to alert her father's men of the approach of British regular troops who were sacking Danbury, Connecticut. (Ludington, sometimes referred to as "the female Paul Revere," was said to have covered 40 miles, more than twice the distance of the Boston silversmith's ride.)

On this date:

In 1607, English colonists went ashore at present-day Cape Henry, Virginia, on an expedition to establish the first permanent English settlement in the Western Hemisphere.

In 1865, John Wilkes Booth, the assassin of President Abraham Lincoln, was surrounded by federal

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troops near Port Royal, Virginia, and killed.

In 1913, Mary Phagan, a 13-year-old worker at a Georgia pencil factory, was strangled; Leo Frank, the factory superintendent, was convicted of her murder and sentenced to death. (Frank's death sentence was commuted, but he was lynched by an anti-Semitic mob in 1915.)

In 1923, Britain's Prince Albert, Duke of York (the future King George VI), married Lady Elizabeth Bowes-Lyon at Westminster Abbey.

In 1937, German and Italian warplanes raided the Basque town of Guernica during the Spanish Civil War; estimates of the number of people killed vary from the hundreds to the thousands.

In 1945, Marshal Henri Philippe Petain (an-REE' fee-LEEP' pay-TAN'), the head of France's Vichy government during World War II, was arrested.

In 1952, the destroyer-minesweeper USS Hobson sank in the central Atlantic after colliding with the aircraft carrier USS Wasp with the loss of 176 crew members.

In 1964, the African nations of Tanganyika and Zanzibar merged to form Tanzania.

In 1972, the first Lockheed L-1011 TriStar went into commercial service with Eastern Airlines.

In 1986, an explosion and fire at the Chernobyl nuclear power plant in Ukraine (then part of the Soviet Union) caused radioactive fallout to begin spewing into the atmosphere. (Dozens of people were killed in the immediate aftermath of the disaster while the long-term death toll from radiation poisoning is believed to number in the thousands.)

In 1994, voting began in South Africa's first all-race elections, resulting in victory for the African National Congress and the inauguration of Nelson Mandela as president. China Airlines Flight 140, a Taiwanese Airbus A-300, crashed while landing in Nagoya, Japan, killing 264 people (there were seven survivors).

In 2000, Vermont Gov. Howard Dean signed the nation's first bill allowing same-sex couples to form civil unions.

Ten years ago: The Senate joined the House, 51-46, in clearing legislation calling for the withdrawal of U.S. troops from Iraq to begin by Oct. 1, 2007, with a goal of a complete pullout six months later (President George W. Bush later vetoed the measure). Eight Democratic presidential hopefuls gathered in Orangeburg, South Carolina, for their first debate of the 2008 campaign, during which they heaped criticism on President Bush's Iraq policy. Former White House aide and movie industry lobbyist Jack Valenti died in Washington, D.C. at age 85.

Five years ago: Former Liberian President Charles Taylor became the first head of state since World War II to be convicted by an international war crimes court as he was found guilty of arming Sierra Leone rebels in exchange for "blood diamonds" mined by slave laborers and smuggled across the border. (Taylor was sentenced to 50 years in prison.) Pakistan's Supreme Court convicted Prime Minister Yousuf Raza Gilani (gee-LAH'-nee) of contempt but spared him a prison term for refusing to reopen a corruption case against his boss, President Asif Ali Zardari (AH'-seef ah-LEE' zahr-DAH'-ree).

One year ago: Republican Donald Trump roared to victory in Maryland, Pennsylvania, Connecticut, Delaware and Rhode Island while Democrat Hillary Clinton prevailed in four of those states, ceding Rhode Island to Bernie Sanders. Kelly Ripa returned to her daytime talk show after time off to "gather (her) thoughts" in response to learning her co-host Michael Strahan was leaving.

Today's Birthdays: Architect I.M. Pei is 100. Movie composer Francis Lai is 85. Actress-comedian Carol Burnett is 84. Rhythm-and-blues singer Maurice Williams is 79. Songwriter-musician Duane Eddy is 79. Singer Bobby Rydell is 75. Rock musician Gary Wright is 74. Actress Nancy Lenehan is 64. Actor Giancarlo Esposito is 59. Rock musician Roger Taylor (Duran Duran) is 57. Actress Joan Chen is 56. Rock musician Chris Mars is 56. Actor-singer Michael Damian is 55. Actor Jet Li (lee) is 54. Rock musi-