

# Groton Daily Independent

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## Groton Area Schedule of Events

**Friday, November 16, 2018**

Debate & Oral Interp, McGovern at Mitchell High School

LifeTouch Retake Pictures at Groton Area Schools

**Saturday, November 17, 2018**

Debate & Oral Interp, McGovern at Mitchell High School

Robotics at Harrisburg High School

**Monday, November 19, 2018**

5:00pm- 7:00pm: Family Night at GHS Gymnasium

7:00pm: City Council Meeting at Groton Community Center

**OPEN:** Recycling Trailer in Groton  
The recycling trailer is located at 10 East Railroad Ave. It takes cardboard, papers and aluminum cans.



**Sperry Stump Removal** Tyler: 605/216-8431  
**Over 30 Years of Combined Experience!**  
TJ: 605/380-7915 **TreeLine Tree Service**

## SD Ag Lands Assessment Task Force Meeting

The South Dakota Agricultural Land Assessment Implementation and Oversight Advisory Task Force met in the Capital Building on November 13. The much-anticipated study by Dr. Matthew Elliott and his team from South Dakota State University was finalized and presented. You can find the full results of this study by visiting [https://melliott-sdsu.shinyapps.io/r\\_app\\_HBU/](https://melliott-sdsu.shinyapps.io/r_app_HBU/).

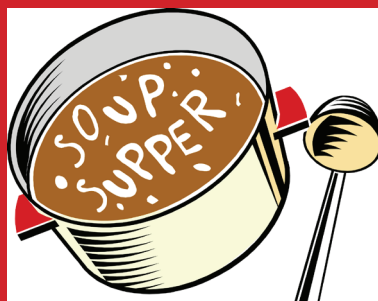
"We are extremely thankful for the thoroughness that Dr. Elliot and his team have put into this project. The study's conclusions are consistent with Stockgrowers members' experiences." said South Dakota Stockgrowers Association President Gary Deering

Deering, Stockgrowers' lobbyist Jeremiah M. Murphy, and Executive Director James Halverson were on hand to listen in on the results.

Dr. Elliott, the study's author, explained his methodology and results. Dr. Elliott's team concluded:

- NRCS soil ratings provide measures of soil productivity/capability, but are less accurate in predicting the most probable use\* of Ag land— particularly in Western SD.
- NRCS ratings do not measure highest and best use\*.
- Alternative methods and additional data can be used to improve highest and best use measures and better predict most probable use of Ag land.
- The additional data and updated methods would be consistent with the Appraisal Institute's definitions of highest and best and most probable use, and consistent with the Appraisal Foundation's standards for mass appraisal and highest and best use determination.

After review and thorough discussion of the study results, the task force then considered three pieces of legislation that were brought forward. The first would allow land that has been in grass for at least 10 years to be classified as "non-cropland". The second would apply the "Actual Use" as the basis for all ag land classification, and the third would provide the basis to move forward with considering data from Dr. Elliott's study and South Dakota State University when classifying ag lands. The first and third bills were passed as well as a motion to promote a pilot test program with 10-20 counties throughout the state implementing the "Most Probable Use" method.



**Thursday,  
Nov. 29  
5:30 p.m.  
to 6:30 p.m.**

**Groton Care & Rehab**  
1106 N 2nd St, Groton

**Free Will Donation**

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Jeremiah Murphy testified that the first two bills are consistent with Stockgrowers' policy and are consistent with legislation Stockgrowers have previously supported. Murphy acknowledged that the third bill to implement steps suggested by Dr. Elliot appears consistent with Stockgrowers' concerns with the current system. He told legislators that the study confirmed at the 30,000 foot level the experiences Stockgrowers members were having at the ground level. Murphy also pointed out that Dr. Elliot studied "Actual Use Method" as well as "Most Probable Use Method" and asked that each of these approaches remain in consideration.

"The South Dakota Stockgrowers Association continues to be at the forefront of this issue as we understand the importance of it not only for our members, but for agricultural producers throughout the state. As profits in livestock production continue to diminish and margins tighten, we understand that property taxes need to be assessed fairly. Livestock production is the number one sector of South Dakota's largest industry and we need to make it easier for producers to compete, and for young producers to get started, not create barriers by taxing them out of business." said James Halverson. "We will continue to fight for an equitable tax structure throughout our state so that livestock production can continue to provide the back bone for our rural economies and communities." He added.

"Now that the study has been presented it's time to get to work and make sure the agricultural landowners that make up South Dakotas largest economic industry are taxed fairly in order to sustain this business for years to come." Added Deering

For more information or to join the South Dakota Stockgrowers Association's efforts please contact our office at (605) 342-0429.

\*Per the Dictionary of Real Estate Appraisal, 6th Edition.

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## Today in Weather History

November 15, 1988: A mixture of sleet, freezing rain and snow fell from north central South Dakota into west central Minnesota before changing over to all snow by the afternoon of the 15th. Snow continued across Minnesota during the morning hours on the 16th, along with increasing winds. The winds and falling snow created near zero visibility due to blowing snow in the northwest and west central Minnesota. A 60 mph wind gust was recorded in Morris, MN. Snow and blowing snow blocked roads, caused power outages and closed schools. Snow in many locations accumulated over a sheet of ice that coated roads from preceding rainfall.

1996: An intense, lake effect snow event came to an end over western New York, northeastern Ohio, and northwest Pennsylvania. Chardon, Ohio was buried under 68.9 of snow over a six-day period. Edinboro, Pennsylvania checked in with 54.8 inches. 18.5 inches blanketed Cleveland, Ohio and 42 inches fell at Sherman, New York.

2007: Tropical Cyclone Sidr, a Category 4 storm on the Saffir-Simpson scale, brings torrential rain 150-mph winds and a four ft storm surge to the Bangladesh coast. At least 3200 people die, and millions are left homeless. Since records began in 1877, Sidr obtained the title of the second-strongest cyclone to make landfall in Bangladesh.

1900 - A record lake-effect snowstorm at Watertown, NY, produced 45 inches in 24 hours. The storm total was 49 inches. (14th-15th) (David Ludlum) (The Weather Channel)

1967 - A surprise snow and ice coating paralyzed Boston during the evening rush hour. (David Ludlum)

1987 - Thunderstorms spawned twenty-two tornadoes in eastern Texas, Louisiana and Oklahoma. A tornado moving out of northeastern Texas killed one person and injured ninety-six others around Shreveport LA causing more than five million dollars damage. Tornadoes in Texas claimed ten lives, and injured 191 persons. A tornado caused more than nineteen million dollars damage around Palestine TX. Severe thunderstorms spawned eighteen tornadoes in Mississippi and seven in Georgia the next day, and thunderstorms in southeastern Texas produced wind gusts to 102 mph at Galveston, and wind gusts to 110 mph at Bay City, killing one person. There were a total of forty-nine tornadoes in the south central U.S. in two days. The tornadoes claimed eleven lives, injured 303 persons, and caused more than seventy million dollars damage. (Storm Data) (The National Weather Summary)

1988 - Thunderstorms produced severe weather from Oklahoma and northeastern Texas to northern Indiana and southern Wisconsin from mid morning through the pre-dawn hours of the following day. Thunderstorms spawned forty-four tornadoes, including thirteen in Missouri, and there were more than two hundred reports of large hail or damaging winds. A tornado in central Arkansas hit Scott and Lonoke killing five people, injuring sixty others, and causing fifteen million dollars damage. (The National Weather Summary) (Storm Data)

1988 - A tornado hit Southside, AR, killing one person, injuring ten others, and causing more than two million dollars damage, and a tornado near Clarksville AR injured nine persons and caused more than two million dollars damage. A tornado moving through the southwest part of Topeka KS injured twenty-two persons and caused nearly four million dollars damage. A tornado near Jane MO killed one person and injured twelve others, and a tornado moving across the southwest part of O'Fallon MO injured ten persons. Severe thunderstorms also produced hail three and a half inches in diameter east of Denison TX, and wind gusts to 85 mph at Kirksville MO. (The National Weather Summary) (Storm Data)

1989 - Thunderstorms developing along a powerful cold front began to produce severe weather in the Middle Mississippi Valley before sunrise, and by early the next morning thunderstorms had spawned seventeen tornadoes east of the Mississippi River, with a total of 350 reports of severe weather. There were one hundred reports of damaging winds in Georgia, and five tornadoes, and there were another four tornadoes in Alabama. Hardest hit was Huntsville AL where a violent tornado killed 21 persons, injured 463 others, and caused one hundred million dollars damage. (The National Weather Summary) (Storm Data)

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Today



Sunny then  
Chance Rain  
and Breezy

High: 48 °F

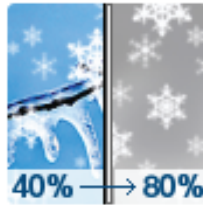
Tonight



Mostly Cloudy

Low: 27 °F

Friday



Chance Wintry  
Mix then Snow

High: 34 °F

Friday  
Night



Chance Snow  
then Mostly  
Cloudy

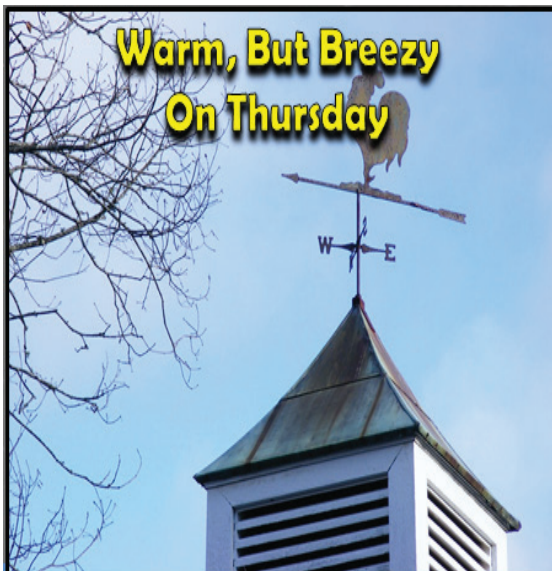
Low: 12 °F

Saturday



Mostly Sunny

High: 20 °F



Thursday's Highs: 43 to 55

Friday's Highs: 29 to 45

NATIONAL WEATHER SERVICE  
OCEANIC AND ATMOSPHERIC ADMINISTRATION

Updated: 11/14/2018 2:02 PM Central

Much Colder on Saturday

Published on: 11/14/2018 at 2:23PM

Thursday will feature mild temperatures with highs in the mid-40s, to the mid-50s. Breezy northwesterly winds are expected as well. A storm system moving through the region on Friday will bring snow to most areas. Central South Dakota may see rain before changing over to snow Friday evening. Saturday will be much colder with highs only in the low 20s.

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## Yesterday's Weather

High Outside Temp: 54 °F at 2:49 PM

Low Outside Temp: 27 °F at 7:57 AM

High Gust: 28 mph at 2:02 PM

Precip: 0.00

## Today's Info

Record High: 72° in 1953

Record Low: -8 in 1900

Average High: 40°F

Average Low: 19°F

Average Precip in Nov.: 0.39

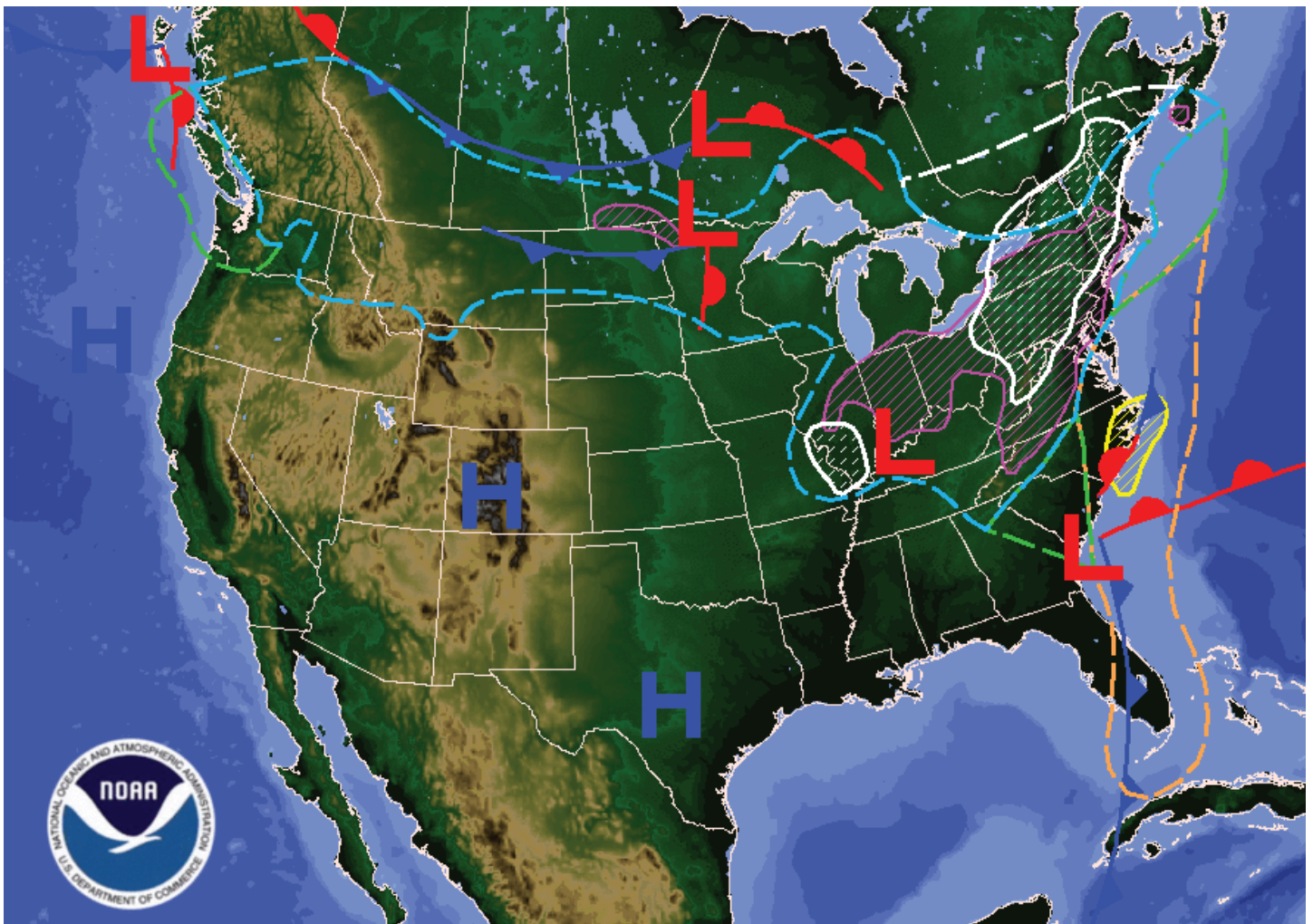
Precip to date in Nov.: 0.76

Average Precip to date: 20.86

Precip Year to Date: 15.81

Sunset Tonight: 5:04 p.m.

Sunrise Tomorrow: 7:34 a.m.



### Day 1 National Forecast Chart

Valid Thu, Nov 15, 2018, issued 4:38 AM EST  
DOC/NOAA/NWS/NCEP/Weather Prediction Center  
Prepared by McCreynolds with WPC/SPC/NHC forecasts

Rain  
Rain and T'Storms  
Rain and Snow  
Snow  
Flash Flooding Possible (hatched)  
Severe T'Storms Possible (hatched)  
Freezing Rain Possible (hatched)  
Heavy Snow Possible (hatched)

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## WHERE IS HE WHEN WE NEED HIM?

The night was so dark that even the stars were hidden behind the clouds. The winds were so fierce and the rains so heavy that it was nearly impossible to see. A chaplain noticed a young sailor trying to hide behind the ship's guns where there was a dim light. Trying to comfort him, the chaplain opened his New Testament to John 3:16 and asked him to read that verse. He wanted to talk to him about God. For God so loved the world, he began reading quietly, that He gave His only forgotten Son.

Many of us frequently forget the Lord, His Word and His works until we need His help. This happened to the people of Israel. The Psalmist reminds us of this in two simple words that all of us, unfortunately, can relate to: They forgot.

Often when we face a crisis, it is easy to focus on the crisis rather than the Christ who can guide and guard us through it safely if we would only allow Him. We think of everything that we can do rather than what He can do. So we delay calling on Him. More than we can realize He is waiting to hear our voice. He wants to comfort and care for us, strengthen and sustain us. But we choose to tackle the task by ourselves - believing that we can live life without Him. Then, when we realize that we are helpless, we turn to Him and, as always, He responds. Perhaps He allows us to try it on our own and fail so that He can remind us of our weakness and His enduring strength.

His promise? Call on me, and I will answer you... And again, I will never leave you nor forsake you!

Prayer: How foolish we are, Father, to ever forget that You are always present waiting and wanting to help us. In Jesus Name, Amen.

Scripture for Today: Psalm 106:13a But they soon forgot what He had done.

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## 2018 Groton SD Community Events

- Groton Lion's Club Bingo- Wednesday Nights 6:30pm at the Groton Legion (Year Round)
- Nov./Dec./Jan./Feb./Mar. Groton Lion's Club Wheel of Meat- Saturday Nights 7pm at the Groton Legion (Fall/Winter Months)
- 1/27/2019 Carnival of Silver Skates 2pm & 6:30pm
- 4/13/2019 Easter Egg Hunt (Saturday a week before Easter Weekend)
- 5/4/2019 Spring City-Wide Rummage Sales (1st Saturday in May)
- 5/27/2019 Groton American Legion Post #39 Memorial Day Program at the Cemetery, Lunch to follow at the American Legion (Memorial Day)
- Transit Fundraiser (Middle Thursday in June)
- SDSU Golf at Olive Grove
- 6/15/2019 Triathlon (Saturday before Father's Day)
- 7/4/2019 Firecracker Golf Tourney (4th of July)
- 7/14/2019 Summer Fest
- 9/7/2019 Fall City-Wide Rummage Sales (1st Saturday after Labor Day)
- 10/12/2019 Pumpkin Fest (Saturday before Columbus Day)
- 10/11/2019 Lake Region Marching Band Festival (2nd Friday in October)
- 10/31/2018 Trunk or Treat (Halloween)
- 11/10/2018 Groton American Legion Post #39 Turkey Shoot (Saturday closest to Veteran's Day)
- 12/01/2018 Olive Grove Golf Course 2018 Holiday Party
- Best Ball Golf Tourney
- SDSU Golf Tourney
- Sunflower Golf Tourney
- Santa Claus Day
- Fireman's Stag
- Tour of Homes
- Crazy Dayz/Open Houses
- School Events



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## News from the Associated Press

### SD Lottery

By The Associated Press

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

Dakota Cash  
01-04-11-14-28  
(one, four, eleven, fourteen, twenty-eight)  
Estimated jackpot: \$73,000

Lotto America  
14-21-28-30-45, Star Ball: 4, ASB: 4  
(fourteen, twenty-one, twenty-eight, thirty, forty-five; Star Ball: four; ASB: four)  
Estimated jackpot: \$11.32 million

Mega Millions  
Estimated jackpot: \$122 million

Powerball  
07-42-49-62-69, Powerball: 23, Power Play: 5  
(seven, forty-two, forty-nine, sixty-two, sixty-nine; Powerball: twenty-three; Power Play: five)  
Estimated jackpot: \$107 million

### Study: Weak reporting on missing, murdered Native women

By MARY HUDETZ, Associated Press

ALBUQUERQUE, N.M. (AP) — Numerous police departments nationwide are not adequately identifying or reporting cases of missing and murdered indigenous women and girls as concerns mount over the level of violence they often face, according to a study released by a Native American nonprofit Wednesday.

The report from the Seattle-based Urban Indian Health Institute, the research arm of the Seattle Indian Health Board, was conducted over the past year amid worry in tribal communities and cities that Native American and Alaska Native women are vanishing in high numbers, despite limited government data to identify the full scope of the problem.

U.S. Sen. Lisa Murkowski, a Republican from Alaska, joined other lawmakers and representatives of the Urban Indian Health Institute to review the report's findings at a news conference in Washington. Its release comes as multiple bills at the state and federal level have been proposed to address the issue and improve data collection, including Savanna's Act, which the U.S. Senate Committee on Indian Affairs voted Wednesday to send to the full chamber for consideration.

The bill would expand tribal access to some federal crime databases, establish protocols for handling cases of missing and murdered Native Americans, and require annual reports on the number of missing and murdered Native American women.

"We simply don't have a grasp of the extent of the problem we're dealing with," Murkowski said. "Making sure that we do not have these gaps in reporting is going to be a critical and important first step."

The authors of the Seattle nonprofit's report said they identified some 500 missing persons and homicide cases involving Native American women in 71 cities after reviewing data obtained through media reports and public records requests sent to police departments.

They reviewed cases dating back to the 1940s, though roughly two-thirds were from the past eight years,

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according to Annita Lucchesi, a cartographer and descendant of the Southern Cheyenne whose database of missing and murdered indigenous women in the U.S. and Canada was the basis for the research.

In total, she has a list of some 2,700 names. Of the cases included in the report on U.S. cities, a quarter represented missing persons cases, and just more than half were homicides.

Researchers said they expect their figures represent an undercount, in part, because some police departments in cities with substantial Native American populations — such as Albuquerque and Billings, Montana — did not provide figures in response to records requests, or because Native American victims may have been identified as belonging to another race.

Police in Albuquerque and Billings did not immediately respond to The Associated Press' requests for comment.

"What it does show is, yes, this is happening," said Abigail Echo-Hawk, who is the director of the Urban Indian Health Institute. "But there has to be major changes to the way data is collected."

Some efforts to improve data collection at different levels of government are already underway.

In Washington state, for example, a law was enacted in June that requires the State Patrol to conduct a study to examine how to improve the collection and sharing of information about missing Native American women. The study also will develop an estimate of how many Native women are missing in the state. A report to the Legislature is expected in June.

In Congress, meanwhile, Savanna's Act is among several proposals drafted to address cases involving missing and murdered Native American and Alaska Native women.

A proposal for reauthorizing the Violence Against Women's Act also calls for annual reports on the number of missing and murdered Native Americans.

Savanna's Act was introduced last year by North Dakota Sen. Heidi Heitkamp, a Democrat who lost her bid for re-election last week. She named the bill Savanna's Act in honor of Savanna LaFontaine-Greywind, a 22-year-old who was brutally killed in Fargo, North Dakota, in 2017 while eight months pregnant.

Her neighbor Brooke Crews admitted to the killing and was sentenced to life in prison without parole earlier. Her boyfriend William Hoehn was sentenced last month to life in prison with a chance at parole for conspiring to kidnap the baby and lying to police about it.

The child survived and lives with her father.

Heitkamp has said that if authorities had more accurate statistics, they might be able to detect patterns to help solve more cases. The authors of the nonprofit's report share that opinion, but also point out that the legislation's data collection mandates likely would not include LaFontaine-Greywind herself.

That's because the bill would largely set mandates for federal law enforcement, which has some jurisdiction over crimes on reservations and other tribal lands but not municipalities, like Fargo.

The report underscores U.S. Census figures showing that a majority of Native Americans now live in urban areas. The study said that shows the need for including consideration of cases stemming from cities in reforms.

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Associated Press national writer Sharon Cohen in Chicago contributed to this report.

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Follow Hudetz on Twitter at <https://twitter.com/marymhudetz>

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Read AP's full coverage on missing Native American women: <https://apnews.com/tag/MissingInIndian-Country>

## **Inmate's last words: 'Is it supposed to feel like that?'**

**By JAMES NORD, Associated Press**

SIOUX FALLS, S.D. (AP) — A transcript from the recent execution of a South Dakota inmate who killed a prison guard shows the inmate asking after the lethal injection: "Is it supposed to feel like that?"

Corrections officials released a transcript Tuesday from the Oct. 29 execution of Rodney Berget, who

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was sentenced to death for killing corrections officer Ronald "R.J." Johnson during a 2011 prison escape attempt. Berget, 56, was pronounced dead 12 minutes after the lethal injection of the barbiturate pentobarbital began.

A national group that compiles information on capital punishment said the state should release more details about the drug used.

"We don't know the manufacturing process that was involved, we don't know the age of the drugs and the comment is consistent with remarks made by other prisoners who had been executed using drugs that" may have been outdated or impure, said Robert Dunham, executive director of the nonprofit Death Penalty Information Center, which doesn't take a position on capital punishment but is critical of the way it's administered.

"On the other hand, it could simply be an expression of surprise, and without transparency by the state, we won't know the answers," he said.

The state Department of Corrections didn't immediately respond to an email from The Associated Press seeking comment on Berget's last words.

After the drug was administered at 7:25 p.m., Berget groaned and pushed out his chest. He drifted off and snored briefly before his eyes closed. He was pronounced dead at 7:37 p.m. CDT. The transcript shows Berget's last words were, "Is it supposed to feel like that?"

The widow of the corrections officer killed by Berget, Lynette Johnson, witnessed the execution. She said afterward that her husband experienced "cruel and unusual punishment" but Berget's lethal injection was "peaceful" and "sterile."

Some past executions have raised questions about the use of pentobarbital. In Texas, an inmate put to death in July cursed twice and said the drug burned his throat. An inmate executed in June started taking quick breaths as the sedative started to take effect, muttering at one point that it was "burning" and that it "hurt." Before that, a Texas inmate said the drug burned. "Oooh-ee! I can feel that," he said before slipping into unconsciousness.

Dunham said South Dakota should reveal the source and manufacturer of the drug, the production date, any initial and revised expiration dates and the storage and transportation conditions. State lawmakers in 2013 approved hiding the identities of its drug suppliers.

Berget was serving a life sentence for attempted murder and kidnapping when he and another inmate, Eric Robert, attacked Johnson on April 12, 2011, in a part of the penitentiary known as Pheasantland Industries, where inmates work on upholstery, signs, furniture and other projects.

Johnson turned 63 on the day that he was killed, and he was nearing the end of a nearly 24-year career as a guard.

After Johnson was beaten, Robert put on Johnson's pants, hat and jacket and pushed a cart loaded with two boxes, one with Berget inside, toward the exits. They made it outside one gate but were stopped by another guard before they could complete their escape through a second gate. Berget admitted to his role in the slaying.

Robert was executed on Oct. 15, 2012.

Berget's mental status and death penalty eligibility played a role in court delays. Berget in 2016 appealed his death sentence, but later asked to withdraw the appeal against his lawyers' advice. Berget wrote to a judge saying he thought the death penalty would be overturned and that he couldn't imagine spending "another 30 years in a cage doing a life sentence."

The transcript of his last moments shows Berget joked about a several-hour delay to his execution. He also thanked people who supported him and said he loved "Tammy," "sonny boy" and "Gigi." Berget's execution was the state's fourth since reinstating the death penalty in 1979.

Jeff Larson, an attorney for Berget, said the execution of his client was yet another violent act in the "vile" death penalty process. Larson said it's an embarrassment to the legal profession that "we try to solve problems in this manner."

## Deadwood group to ask lawmakers for sports betting amendment

By JAMES NORD, Associated Press

SIOUX FALLS, S.D. (AP) — Four years after South Dakota enthusiastically voted to allow Deadwood casino patrons to play keno, craps and roulette, a gambling industry group plans to ask state lawmakers for a 2020 ballot measure to bring legal sports betting to the historic mining town.

The push comes after the U.S. Supreme Court in May cleared the way for all states to offer legal sports betting; so far, just five do, but Pennsylvania is about to join soon and others are considering it. The South Dakota constitutional amendment would help keep the Black Hills city competitive as a gambling destination, Deadwood Gaming Association executive director Mike Rodman said.

"We look at this as just another opportunity for marketing of Deadwood and keeping Deadwood successful," Rodman said. "We just don't want to be left behind, you know, we want to be a part of that national conversation."

Known as the city where Wild Bill Hickok was gunned down in 1876 while playing poker in a saloon, Deadwood got legalized gambling in 1989 that has helped it become a force in South Dakota's major tourism industry. In 2017, visitor spending in the county that encompasses Deadwood — and other popular destinations — was \$444 million, or nearly 30 percent of tourist spending in the Black Hills region, according to the state Department of Tourism.

But Deadwood's casinos have struggled in recent years with declining revenues, though Rodman said operators hope to end 2018 with slight growth.

Rodman said an improving economy is likely the overriding factor in boosting revenue this year, but said the gaming industry isn't letting up, continuing to add events and entertainment options for visitors. He said it's difficult to know how sports wagering would affect Deadwood gambling revenues, which were roughly \$100 million in 2017. He estimated it could bring in roughly \$1.5 to \$2 million.

Toby Keehn, owner of sports bar Mustang Sally's, said the change would help in Deadwood's off-season. He said he would like to see more people come to town on weekends to watch sports and put \$20 on their favorite football team.

"You can roll a bowling ball down Main Street sometimes this time of year," said Keehn, whose participation in sports wagering would depend on how the state taxed it.

Rodman said the gaming group envisions players would have to be physically at a casino to place a bet on a sporting event. The proposed constitutional amendment would give the Legislature the authority to implement the wagering in Deadwood and at tribal casinos. If it got voter's blessing in 2020, Rodman anticipated it could be available by July 2021.

Rodman said sports betting is already happening illegally in South Dakota; the amendment would give the state the opportunity to "clean that up" and ensure that people who want to participate can do it in a safe, regulated manner, he said.

The Legislature can decide to place a constitutional change before voters or amendment supporters could collect thousands of signatures to put it on the ballot. In 2014, 57 percent of voters approved an amendment authorizing lawmakers to allow keno, craps and roulette in Deadwood.

House Majority Leader Lee Qualm said he opposes the plan set to be debated during the upcoming 2019 session. But he said the chamber's Republican caucus hasn't yet talked about it.

"I'm sure it'll be a very heated discussion on it for sure," Qualm said.

## Former Aberdeen doctor pleads guilty to distributing drugs

ABERDEEN, S.D. (AP) — A former Aberdeen doctor has pleaded guilty in federal court to illegally distributing opioids.

Forty-seven-year-old Dr. Troy Adolfson pleaded guilty Wednesday to one count of distribution of a controlled substance.

Authorities say Adolfson wrote prescriptions for the painkiller oxycodone, which were filled by a co-worker and two others and then returned to him in exchange for a \$50 tip and some of the pills.

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Adolfson was employed at Avera St. Luke's Hospital as a radiation oncologist from October 2014 through April 2017.

Defense attorney Reed Rasmussen says Adolfson no longer is licensed to practice medicine in South Dakota, but still has an active license in Iowa.

The American News reports sentencing is set for May 13. The maximum sentence is 20 years in prison and a \$1 million fine.

Information from: Aberdeen American News, <http://www.aberdeennews.com>

## **Aberdeen woman enters insanity plea in fatal stabbing**

ABERDEEN, S.D. (AP) — A South Dakota woman accused of fatally stabbing another woman this summer has pleaded not guilty by reason of insanity.

Thirty-eight-year-old Tanisha Renee Jordan-Mondo of Aberdeen entered her plea Wednesday and requested a jury trial.

Jordan-Mondo was arrested in August following an investigation into the death of 37-year-old Michelle Ladner. Police and emergency responders found Ladner when they were called to a medical emergency at her apartment building in Aberdeen on July 19. She was suffering from stab wounds and died six days later at a Sioux Falls hospital.

The American News reports a trial date was not immediately set. Jordan-Mondo remains in the Brown County Jail.

Information from: Aberdeen American News, <http://www.aberdeennews.com>

## **High school students help out at scene of fire in Parker**

PARKER, S.D. (AP) — A group of Beresford High School students attending an extracurricular event in Parker are credited with helping out at the scene of an apartment building fire.

Beresford school officials tell the Yankton Daily Press & Dakotan that the seven FFA students came upon the fire Monday night. They helped residents get out of the building and battled the flames with a fire extinguisher.

Parker firefighters who responded quickly put out the blaze. No injuries were reported.

Information from: Yankton Press and Dakotan, <http://www.yankton.net/>

## **Judge sentencing veteran takes military service into account**

RAPID CITY, S.D. (AP) — A South Dakota judge sentencing a man in a drunken driving crash took the man's military service into account, as well as the fact he was being sentenced two days after Veterans Day.

Thirty-two-year-old Conan Morrison, of Bridger, pleaded guilty last month to vehicular battery after admitting to fleeing from police and crashing his car near Badlands National Park in June 2017. The crash seriously injured his cousin.

The Rapid City Journal reports Judge Robert Gusinsky on Tuesday told Morrison that his actions were "incredibly stupid."

But Gusinsky also agreed to a defense sentencing recommendation of five years of probation. Morrison's attorney cited his five years in the military, including two combat tours in Iraq, as proof Morrison can follow orders. Morrison was facing up to 10 years in prison.

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

## Hartford man caught by wife with child porn pleads guilty

SIOUX FALLS, S.D. (AP) — A Hartford man charged with multiple counts of possessing child pornography after being caught by his wife has pleaded guilty.

The Argus Leader reports the wife of 39-year-old Frederick Finch called authorities after she found a memory card in his pajama pants pocket that contained videos of young boys. Police searched his home and seized numerous digital devices. He was indicted in February.

Finch pleaded guilty Tuesday to two felony counts of possessing, manufacturing or distributing child pornography. Each count is punishable by up to 10 years in prison and a \$20,000 fine. Under terms of a plea deal, Finch could be sentenced to serve as much as seven years in prison.

A psycho-sexual evaluation will be done before sentencing, which wasn't immediately scheduled.

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

## EU divorce deal in peril after two UK Cabinet ministers quit

By JILL LAWLESS, RAPHAEL SATTER and RAF CASERT, Associated Press

LONDON (AP) — Two British Cabinet ministers, including Brexit Secretary Dominic Raab, resigned Thursday in opposition to the divorce deal struck by Prime Minister Theresa May with the EU — a major blow to her authority and her ability to get the deal through Parliament.

A defiant May insisted Brexit meant making "the right choices, not the easy ones" and urged lawmakers to support the deal "in the national interest."

"The choice is clear," May told the House of Commons. "We can choose to leave with no deal. We can risk no Brexit at all. Or we can choose to unite and support the best deal that can be negotiated — this deal."

But the resignations, less than a day after the Cabinet collectively backed the draft divorce agreement, weakened May and emboldened her rivals within her Conservative Party.

Jacob Rees-Mogg, a leader of the party's pro-Brexit wing, threatened to trigger a leadership challenge. He asked rhetorically in Parliament, "should I not write" to Graham Brady, who heads a committee governing Conservative leadership contests.

Under Conservative rules, a confidence vote in the leader is triggered if 15 percent of Conservative lawmakers — currently 48 — write a letter to Brady, head of the party's so-called 1922 Committee of backbenchers.

Raab said in his resignation letter that "I cannot in good conscience support the terms proposed for our deal with the EU."

"I cannot reconcile the terms of the proposed deal with the promises we made."

Raab is the second Brexit Secretary that May has lost — David Davis, who like Raab backed Brexit in the U.K.'s June 2016 referendum on its membership of the EU, quit in July of this year.

Work and Pensions Secretary Esther McVey followed Raab out the door. She said in a letter that it is "no good trying to pretend to (voters) that this deal honors the result of the referendum when it is obvious to everyone that it doesn't."

The departures — several junior ministers have also quit — are a further sign that many supporters of Brexit won't back May in a vote in Parliament on the deal. That prompted a big fall in the value of the pound, which was trading 1.3 percent lower at \$1.2829.

Pro-Brexit politicians say the agreement, which calls for close trade ties between the U.K. and the bloc, would leave Britain a vassal state, bound to EU rules that it has no say in making.

Before Parliament votes on the deal — the culmination of a year and a half of negotiations between the two sides — EU leaders have to give their backing. On Thursday, EU chief Donald Tusk called for a summit of leaders to take place on Nov. 25 so they can rubber-stamp the draft deal reached by officials earlier this week.

May has supporters in her party, and they argued Thursday that the alternatives — leaving the trading bloc without a deal or a second vote on Brexit — were not realistic options.

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"No deal' is not pretty," Health Secretary Matt Hancock told BBC Radio 4. "A second referendum would be divisive but not be decisive."

But May's chances of getting her deal through Parliament before the U.K. leaves the bloc on March 29 appeared to be shrinking. Her Conservative government doesn't have enough lawmakers of its own to get a majority, and relies on the support of the Democratic Unionist Party from Northern Ireland, which says it will not back the deal.

The DUP leader in Parliament, Nigel Dodds, said the "choice is now clear: we stand up for the United Kingdom, the whole of the United Kingdom, the integrity of the United Kingdom, or we vote for a vassal state with the breakup of the United Kingdom, that is the choice."

Opposition parties also signaled that they would vote against the agreement if it comes before them — most likely in December.

Main opposition Labour Party leader Jeremy Corbyn said May should withdraw the "half-baked" Brexit deal. He said Parliament "cannot and will not accept a false choice between this deal and no deal."

Ian Blackford, who heads the Scottish National Party in Parliament, said the deal was "dead on arrival" and urged May to stop the countdown clock to Britain's exit, less than five months away.

"Do the right thing and we will work with you," he said. "Stop the clock and go back to Brussels."

Meanwhile in Brussels, Tusk heaped praise on the EU's Brexit negotiator, Michel Barnier, who had "achieved the two most important objectives" for the bloc — limiting the damage caused by Britain's impending departure and maintaining the interests of the other 27 countries that will remain in the EU after Brexit.

"As much as I am sad to see you leave, I will do everything to make this farewell the least painful possible for both for you and for us," said Tusk, who in his role as European Council President chairs the meetings of leaders.

The deal requires the consent of the European Parliament as well as the British one. The parliament's chief Brexit official, Guy Verhofstadt, welcomed the draft deal as "the best agreement we could obtain." Verhofstadt predicted the EU Parliament could approve the deal at the start of next year, well in time of the March 29, 2019 exit.

— Casert contributed from Brussels.

## Bangladesh scraps plan to start repatriating Rohingya

By JULHAS ALAM, Associated Press

COX'S BAZAR, Bangladesh (AP) — The head of Bangladesh's refugee commission said plans to begin a voluntary repatriation of Rohingya Muslim refugees to their native Myanmar on Thursday were scrapped after officials were unable to find anyone who wanted to return.

The refugees "are not willing to go back now," Refugee Commissioner Abul Kalam told The Associated Press, adding that officials "can't force them to go" but will continue to try to "motivate them so it happens."

The announcement came after about 1,000 Rohingya demonstrated at a camp in Bangladesh against returning to Myanmar, from where hundreds of thousands fled army-led violence last year.

At the Unchiprang camp, one of the sprawling refugee settlements near the city of Cox's Bazar, another Bangladeshi refugee official had implored the Rohingya to return to their country over a loudspeaker.

"We have arranged everything for you, we have six buses here, we have trucks, we have food. We want to offer everything to you. If you agree to go, we'll take you to the border, to the transit camp," he said.

"We won't go!" hundreds of voices, including children's, chanted in reply.

Bangladesh authorities had attempted to begin the repatriation of more than 700,000 Rohingya, despite calls from United Nations officials and human rights groups to hold off. According to a U.N.-brokered deal with Bangladesh and Myanmar, the Rohingya cannot be forced to repatriate.

The countries had planned to send an initial group of 2,251 back from mid-November at a rate of 150 per day.

The huge exodus of Rohingya began in August last year after Myanmar security forces launched a brutal

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crackdown following attacks by an insurgent group on guard posts. The scale, organization and ferocity of the operation led to accusations from the international community, including the U.N., of ethnic cleansing and genocide.

Most people in Buddhist-majority Myanmar do not accept that the Rohingya Muslims are a native ethnic group, viewing them as “Bengalis” who entered illegally from Bangladesh, even though generations of Rohingya have lived in Myanmar. Nearly all have been denied citizenship since 1982, as well as access to education and hospitals.

Despite assurances from Myanmar, human rights activists said Thursday the conditions were not yet safe for Rohingya refugees to go back.

“Nothing the Myanmar government has said or done suggests that the Rohingya will be safe upon return,” Human Rights Watch refugee rights director Bill Frelick said in a statement.

The group said 150 people from 30 families were to be transferred to a transit camp on Thursday, but the camp was empty except for security guards.

Bangladesh authorities have said they’ve worked with the U.N. refugee agency to compile lists of people willing to return to Myanmar.

At the Jamtoli refugee camp, 25-year-old Setara said she and her two children, age 4 and 7, were on a repatriation list, but her parents were not. She said she had never asked to return to Myanmar, and that she had sent her children to a school run by aid workers Thursday morning as usual.

“They killed my husband; now I live here with my parents,” said Setara, who only gave one name. “I don’t want to go back.”

She said that other refugees whose names have appeared on the Bangladesh government’s repatriation list had fled to other camps, hoping to disappear amid the crowded lanes of refugees, aid workers and Bangladeshi soldiers.

Negotiations for repatriation have been continuing for months, but plans last January to begin sending refugees back to Myanmar’s Rakhine state were called off amid concerns among aid workers and Rohingya that their return would be met with violence.

Foreign leaders, including U.S. Vice President Mike Pence, have criticized Myanmar’s Nobel Peace Prize-winning leader Aung San Suu Kyi this week on the sidelines of a summit of the Association of Southeast Asian Nations in Singapore for her handling of the Rohingya crisis.

But on Thursday, Pence said that U.S. officials were “encouraged to hear that” the repatriation process would begin.

Canadian Prime Minister Justin Trudeau said his country would continue working with international partners including the U.N. “to ensure that the Rohingya themselves are part of any decisions on their future.”

In addition to those who arrived in Bangladesh last year, about 200,000 other Rohingya had fled Myanmar during previous waves of violence and persecution.

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Associated Press reporters Annabelle Liang and Samuel McNeil in Singapore contributed to this report.

## **Saudi prosecutor seeks death penalty in Khashoggi’s killing**

**By AYA BATRAWY, Associated Press**

DUBAI, United Arab Emirates (AP) — Saudi Arabia’s top prosecutor announced Thursday he’s recommended the death penalty for five suspects charged with ordering and carrying out the killing of Saudi writer Jamal Khashoggi at the kingdom’s consulate in Istanbul.

The announcement by the kingdom’s top prosecutor, Saud al-Mojeb, appears aimed at distancing the killers and their operation from Crown Prince Mohammed bin Salman, whose decision-making powers have placed in the center of global outcry over the killing. The announcement was published in a statement carried by the state-run Saudi Press Agency.

The brutal death of Khashoggi, a Washington Post columnist who had been critical of the crown prince, has shocked the world and led many analysts and officials to believe it could not have been carried out



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without the prince's knowledge.

Turkey says an assassination squad was sent from Riyadh for the writer and insists the orders for the killing came from the highest levels of the Saudi government, but not King Salman.

After issuing the statement, the spokesman for al-Mojeb's office, Shalan al-Shalan, told a rare press conference Thursday in Riyadh that Khashoggi's killers had set in motion plans for the killing on Sept. 29 — three days before his slaying in Istanbul. He says the killers drugged and killed the writer inside the consulate, before dismembering the body and handing it over for disposal by an unidentified local collaborator.

Prosecutors said the highest-level official incriminated in connection with the killing is former deputy intelligence chief Ahmed al-Assiri, who was fired as pressure from Turkey and the world mounted on Saudi Arabia.

Al-Assiri, a close confidant of Prince Mohammed, is facing charges that include ordering Khashoggi's forced return to Saudi Arabia.

Saudi prosecutors said al-Assiri deemed Khashoggi a threat because of his work as a writer and because he was allegedly backed by groups and countries that are hostile to Saudi Arabia.

However, it appears al-Mojeb has stopped short of accusing al-Assiri of ordering the killing itself — further distancing the killers from the crown prince's inner circle.

Khashoggi had been living in self-imposed exile abroad for nearly a year before he was killed by Saudi agents at the consulate on Oct. 2. In his writing, he was especially critical of the crown prince, who'd been leading a wide-reaching crackdown on activists and critics inside the kingdom since last year.

The kingdom also confirmed Turkish claims that a 15-man hit squad was sent to Turkey, and that these agents killed Khashoggi.

The writer's body has not been found. Khashoggi had gone to the consulate in Istanbul to obtain documents for his upcoming marriage. His Turkish fiancée waited outside and first raised the alarm about his disappearance.

The prosecutor said 21 people are now in custody, with 11 indicted and referred to trial.

This story has been corrected to fix the spelling of the first name of the top Saudi prosecutor and to say that he did not hold the press conference but his spokesman.

## US, China rivalry challenging entwined Asia-Pacific region

By ANNABELLE LIANG and ELAINE KURTENBACH, Associated Press

SINGAPORE (AP) — The rivalry between the U.S. and China in the Asia-Pacific is proving "awkward" for Southeast Asian nations that do not want to have to choose between their friends, Singapore's prime minister said Thursday as he wrapped up a regional summit.

"It's easiest not to take sides when everybody else is on the same side. But if you are friends with two countries which are on different sides, then sometimes it is possible to get along with both, sometimes it's more awkward if you try to get along with both," Lee Hsien Loong said when asked about the competition between the U.S. and China in the region at a news conference.

Lee, who hosted the annual summit of the Association of Southeast Asian Nations, said countries whose economies and strategic interests are deeply entwined with both powers would prefer not to have to decide, "but the circumstances may come where ASEAN may have to choose one or the other. I hope it does not happen soon."

The comments appeared intended to send a message to the U.S., represented this week by Vice President Mike Pence in place of President Donald Trump, and to China, whose growing influence across the region is abundantly clear at such international gatherings.

Trade tensions between the U.S. and China over Beijing's technology policy and other market access issues have added to strains within the region, especially since Trump took office in early 2017. The two

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sides have imposed tariffs on billions of dollars of each other's products in a standoff that has shown no sign of easing.

Lee also remarked on Trump's "America First" deal-oriented diplomacy, saying it was a departure from the past, when "they were generous, they opened their markets, they made investments, they provided regional security, and in the indirect benefits of a prospering region, the U.S. prospered along."

"But now they say 'no, that's not good enough. I want every deal to come,' and that will mean a different kind of relationship and we will have to get used to it if the U.S. decides that this is the direction which they would go in the long term," Lee said.

In comments to the gathering earlier in the day, Pence stressed the American commitment to the region, where he said there was no room for "empire or aggression."

In a veiled swipe at China's growing influence and military expansion in the South China Sea, he said that "Our vision for the Indo-Pacific excludes no nation. It only requires that every nation treat their neighbors with respect, they respect the sovereignty of all nations and the international rules of order."

The ASEAN meetings focus on enhanced trade and security in a region of more than 630 million people. They ended with commitments to work toward a regional free trade agreement and enhance cybersecurity, counter-terrorism efforts, e-commerce, disaster preparedness and environment protection.

Many of the same leaders will head to the Asia-Pacific Economic Cooperation forum in Papua New Guinea, where many of the same issues will be on the agenda.

While in Singapore, Chinese Premier Li Keqiang sought to reassure China's neighbors over its expanding reach, both economic and military, across the region and urged fellow Asian leaders to help reassure world markets roiled by trade tensions.

Southeast Asian countries and others in the region share China's consternation over the Trump administration's rejection of multilateral trade regimes and the global trade system that have helped them modernize and enrich their economies. Many of the leaders attending the meetings in Singapore have emphasized the need to fight protectionism and safeguard the rules that help govern global trade.

The region needs to "take concrete action to uphold the rules-based free trade regime and to send a message — a positive message — to the market to provide stable, predictable and law-based conditions for the market," Li said.

Security issues, in particular managing conflict in the South China Sea, were another major focus of the meetings. The sea is a potential flashpoint, and a huge concern for the U.S. and other countries that rely on the right of passage for shipping.

China is pitted against its smaller neighbors in multiple disputes in the sea over coral reefs and lagoons in waters crucial for global commerce and rich in fish and potential oil and gas reserves.

ASEAN leaders said they discussed the need for restraint in the area.

"We all agreed on ways and means not to increase tensions in the South China Sea. And that means not bringing in warships and allowing for freedom of navigation," Malaysian Prime Minister Mahathir Mohamed told reporters. "Small patrol boats are needed to deal with piracy, mainly, but big warships may cause incidents and that will lead to tension."

Philippine President Rodrigo Duterte, who has relaxed his country's stance on Chinese claims to islands also claimed by Manila, said it also was crucial that the countries involved finish work on a "code of conduct" to help prevent misunderstandings that could lead to conflict.

"China is there. That is the reality," he told reporters before joining the day's meetings. "Strong military activity will prompt a response from China. I do not mind everybody going to war, but except that the Philippines is just beside those islands. If there is shooting there my country will be the first to suffer."

The sessions Thursday followed scores of bilateral meetings among the leaders.

While the gathering was typically focused on cooperation and goodwill, concerns over Myanmar's treatment of its ethnic Rohingya Muslims flared with unusually sharp, public comments both by Pence and Mahathir to the country's leader, Nobel Peace Prize laureate Aung San Suu Kyi.

More than 700,000 Rohingya have fled from western Myanmar's Rakhine state to escape killings and destruction of their homes by the country's military and vigilantes, drawing widespread condemnation and

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international accusations of genocide against Myanmar.

Asked if Suu Kyi had agreed to his direct request that she pardon two Reuters' journalists imprisoned in Myanmar, Pence replied, "We did not get a clear answer on that." He said Suu Kyi had given some details on the appeals process and judicial handling of their cases.

ASEAN groups Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. Its annual summit includes meetings with various other nations.

Next year's summit is planned in Thailand, whose capital Bangkok was the site of the 1967 meeting that created ASEAN.

## 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. CALIFORNIA WILDFIRE DEATH TOLL HITS MILESTONE

Experts say the wildfire burning north of Sacramento that has killed at least 56 is the deadliest in a century.

### 2. BREXIT DEAL IN CHAOS

Two British Cabinet ministers, including Brexit Secretary Dominic Raab, resign in opposition to the divorce deal struck by Prime Minister Theresa May with the EU.

### 3. WHERE US, CHINA DIFFER AT ASEAN

Vice President Mike Pence says there is no room for "empire or aggression" in the Asia-Pacific region as Washington and Beijing offer rival visions at the summit.

### 4. SAUDIS MOVE ON JOURNALIST'S SLAYING

Riyadh's top prosecutor recommends the death penalty for five suspects who allegedly carried out the killing of Saudi writer Jamal Khashoggi in Istanbul.

### 5. FARM ANIMALS MAY SOON GET NEW FEATURES THROUGH GENE EDITING

A company called Recombinetics wants to alter farm animals by adding and subtracting genetic traits in a lab.

### 6. TRANSIT RIDERS, DRIVERS BRACE FOR AMAZON'S ARRIVAL

New York and Washington's gridlocked streets and creaky subway systems are about to feel more pain as an influx of the online retailer's employees loom.

### 7. 'I HAVE NEVER STRUCK A WOMAN'

Michael Avenatti, the lawyer for Stormy Daniels, denies allegations of domestic violence after his arrest near his ritzy Los Angeles skyscraper apartment.

### 8. ELECTRONIC DRIVING SYSTEMS DON'T ALWAYS WORK

Testing by AAA shows that electronic driver assist systems may not keep vehicles in their lanes or spot stationary objects in time to avoid a crash.

### 9. WHO WON BIG AT CMAs

Chris Stapleton wins the most awards at the Country Music Association Awards, but it was Keith Urban who won the top prize — entertainer of the year.

### 10. LEBRON PASSES WILT ON SCORING LIST

LeBron James scores 44 points in the Lakers' win over the Trail Blazers, passing Wilt Chamberlain for fifth place on the NBA's career scoring list.

## Trump administration defends its case against CNN's Acosta

By ASHRAF KHALIL, Associated Press

WASHINGTON (AP) — President Donald Trump's administration is trying to fend off a legal challenge from CNN and other outlets over the revocation of journalist Jim Acosta's White House "hard pass."

U.S. District Court Judge Timothy Kelly heard arguments Wednesday afternoon from lawyers representing CNN and the Justice Department. The news network is seeking an immediate restraining order that

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would force the White House to return Acosta's press credentials — which grant reporters as-needed access to the 18-acre complex.

Kelly said he would announce his decision Thursday afternoon.

Acosta has repeatedly clashed with Trump and press secretary Sarah Huckabee Sanders in briefings over the last two years. But the dynamic devolved into a near-shouting match during a combative press conference last week following midterm elections in which Republicans lost control of the House.

Acosta refused to give up a microphone when the president said he didn't want to hear anything more from him. Trump called Acosta a "rude, terrible person."

The White House quickly announced that Acosta's White House access would be revoked.

The CNN lawsuit calls the revocation "an unabashed attempt to censor the press and exclude reporters from the White House who challenge and dispute the President's point of view."

The Associated Press joined with a group of 12 other news organizations, including Fox News, in filing an amicus brief Wednesday in support of CNN.

"Secret Service passes for working White House journalists should never be weaponized," said a statement by Fox News President Jay Wallace. "While we don't condone the growing antagonistic tone by both the President and the press at recent media avails, we do support a free press, access and open exchanges for the American people."

On Wednesday, Justice Department lawyer James Burnham argued that Acosta was guilty of "inappropriate grandstanding" and deserved to lose his access over "his refusal to comply with the general standards of a press conference."

Burnham also pointed out that CNN has dozens of other staffers with White House credentials, so excluding Acosta would not harm the network's coverage.

The network's lawyer, Theodore Boutros, contended that Acosta was being singled out for his body of work, not his alleged rudeness during a press conference.

"The White House has made very clear that they don't like the content of the reporting by CNN and Jim Acosta," Boutros said. "Rudeness really is a code word for 'I don't like you being an aggressive reporter.'"

Prior to Wednesday's hearing, the White House had maintained that it has "broad discretion" to regulate press access to the White House.

A pre-hearing legal filing argued, "The President and his designees in the White House Press Office have exercised their discretion not to engage with him and, by extension, to no longer grant him on-demand access to the White House complex so that he can attempt to interact with the President or White House officials."

Trump himself, in an interview published Wednesday, was uncertain how the court fight would end, saying: "We'll see how the court rules. Is it freedom of the press when somebody comes in and starts screaming questions and won't sit down?"

Trump told The Daily Caller that "guys like Acosta" were "bad for the country. ... He's just an average guy who's a grandstander who's got the guts to stand up and shout."

The White House's explanations for why it seized Acosta's credentials have shifted over the last week. Sanders initially explained the decision by accusing Acosta of making improper physical contact with the intern seeking to grab the microphone. But that rationale disappeared after witnesses backed Acosta's account that he was just trying to keep the mic, and Sanders distributed a doctored video that made it appear Acosta was more aggressive than he actually was.

On Tuesday, Sanders accused Acosta of being unprofessional by trying to dominate the questioning at the news conference.

Both Sanders and Trump are named as defendants in the CNN suit, along with Chief of Staff John Kelly and Randolph Alles, director of the Secret Service.

## After arrest, Michael Avenatti denies LA domestic violence

By MICHAEL BALSAMO and ANDREW DALTON, Associated Press

LOS ANGELES (AP) — Michael Avenatti, the lawyer for Stormy Daniels, has denied allegations of domestic violence after his arrest near his ritzy Los Angeles skyscraper apartment.

"I have never struck a woman, I never will strike a woman," Avenatti told reporters Wednesday after being booked and posting \$50,000 bail.

Avenatti said he has been an advocate for women's rights his entire career and is confident that he will be exonerated.

Police didn't immediately disclose details about the arrest incident but Officer Tony Im, an LAPD spokesman, said the victim has visible injuries.

Earlier, he released a statement through his law firm slamming the allegation as "completely bogus" and intended to harm his reputation.

Avenatti became famous representing Daniels, the porn actress who alleges she had an affair with Donald Trump in 2006 and has sued to invalidate the confidentiality agreement she signed days before the 2016 presidential election that prevents her discussing it. She also sued Trump and his personal attorney, Michael Cohen, alleging defamation.

Avenatti, who has said he's mulling a 2020 presidential run, pursued the president and those close to him relentlessly for months, taunting Trump in interviews and baiting him and his lawyers in tweets.

The Vermont Democratic Party canceled events planned for Friday and Saturday, where Avenatti was scheduled to speak, and is refunding ticket sales.

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Balsamo reported from Washington. Associated Press writer Catherine Lucey in Washington contributed to this report.

## Nielsen's DHS replacement to face same border challenges

By COLLEEN LONG and JILL COLVIN, Associated Press

WASHINGTON (AP) — President Donald Trump and Homeland Security chief Kirstjen Nielsen never quite clicked personally as the president chafed at her explanations of complicated immigration issues and her inability to bring about massive changes at the U.S.-Mexico border.

With Nielsen's departure now considered inevitable, her eventual replacement will find there's no getting around the immigration laws and court challenges that have thwarted the president's hard-line agenda at every turn — even if there's better personal chemistry.

The list of potential replacements for Nielsen includes a career lawman, two military officers and former acting U.S. Immigration and Customs Enforcement head Thomas Homan — a tough-talker who echoes Trump's border rhetoric.

"A good DHS person ought to be able to scare America" about heroin coming over the border and illegal crossings, former Trump campaign adviser Barry Bennett said. "But, the system is so against you legally and structurally."

Trump soured on Nielsen in part over frustrations that she has not been able to do more to address what he has called a "crisis" at the U.S.-Mexico border. Trump has seized on statistics about illegal border crossings that have grown on her watch after reaching a record low early in his term. More than 50,000 people were detained at the southwest border in October — the highest monthly total since 2014 and up dramatically from 11,000 in April 2017.

"It's a tough job. You're someone who has to get good numbers on border crossing. He's always looking for that and it's tough," Bennett said.

But illegal border crossings could also be tied to the seasons — some experts argue that more migrants make the dangerous journey through the desert when it's not as hot. And Nielsen has largely carried out the president's wishes, including pushing for funding for his border wall and defending the administration's

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now-abandoned practice of separating children from parents.

She also moved to abandon long-standing regulations that dictate how long children are allowed to be held in immigration detention, and was working to find space to detain all families who cross the border. She limited what public benefits migrants can receive, and last week put regulations in place that circumvent immigration law to deny asylum to anyone caught crossing the border illegally. Nearly everything has been challenged or watered down by the courts.

"I don't think they're going to get the magic person," said Andrew Selee, president of the Migration Policy Institute, a nonpartisan think tank that studies migration issues. "Nielsen had been fairly hard-line implementing what Trump wants, but she's not willing to skirt around the law to do it."

And it's not just about policy.

Trump has also told allies that he never fully trusted Nielsen, whom he associated with President George W. Bush, a longtime foe. And he has told those close to him that he feels, at times, that she has stronger loyalty to her mentor — chief of staff John Kelly — than to the president. On occasions when she has tried to explain the complicated legal challenges associated with instituting some of his policies, Trump has exploded, belittling her in front of colleagues and blaming her for not being able to skirt the law.

Trump had been expected to dismiss Nielsen as soon as Tuesday as part of a post-midterm elections shakeup that is likely to include a slew of other departures.

But her departure has been postponed for now in part because there was no obvious successor, according to two people familiar with the discussions who were not authorized to speak publicly and spoke on condition of anonymity. She has no deputy secretary, and the next in line would be Claire Grady, the undersecretary of homeland security for management.

Trump said in an interview with The Daily Caller on Wednesday that he'd make a decision on homeland security "shortly."

Potential candidates include U.S. Customs and Border Protection Commissioner Kevin McAleenan, and two military officers — Transportation Security Administration head David Pekoske, formerly of the Coast Guard, and Maj. Gen. Vincent Coglianesse, who runs the Marine Corps Installations Command, according to people familiar with the discussions.

A Customs official didn't return a call seeking comment. A spokesman for Coglianesse said he had not been approached by anyone regarding a position with DHS and was focused on his current job.

Pekoske said at an unrelated news conference that Nielsen was a strong leader.

"I have an outstanding relationship with Secretary Nielsen," he said.

Homan is regarded as a top pick, according to people familiar with the discussions. He was nominated by Trump to lead Immigration and Customs Enforcement, but stepped down before he was confirmed, and it's not clear if his nomination would pass the Senate or if he'd even be up for the job. He left in part because he wanted to spend more time with his family.

"I won't speculate what the president will do," he said on Fox News, but praised Nielsen as a "strong secretary" and said she was succeeding in a difficult job.

"It's a 24/7/365 job," Homan said. "Fifty percent of America hates you 100 percent of the time, you can't win on this topic because it is so divisive."

## Northern California fire death toll at 56; 130 missing

By KATHLEEN RONAYNE, Associated Press

MAGALIA, Calif. (AP) — As the scope of a deadly Northern California wildfire set in, the sheriff said more than 450 people had now been assigned to comb through the charred remains in search for more bodies. The blaze has killed at least 56 people and authorities say 130 are unaccounted for.

Many of the missing are elderly and from Magalia, a forested town of about 11,000 to the north of Paradise. The one major roadway that runs through the mostly residential town is dotted with gas stations, a pizza shop, a hair salon and Chinese restaurant and convenience stores. There is no Main Street or town center. Resident Johnny Pohmagevich says a Rite Aid on the main road is as much of a center as the town has.

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"When I say downtown I mean Paradise," said Pohmagevich, who opted to stay in Magalia even as fire closed in.

Pohmagevich, an 18-year Magalia resident who works at Timber Ridge Real Estate and lives just up the road from many burned homes, said he stayed to protect his employer's property from looters and to prepare some cabins and mobile homes so business tenants can live if they come back.

"If this town does recover, it's going to take many, many years," he said.

A week after the deadly Camp Fire struck, police teams drive around Magalia searching for those still in their homes, checking if they need any food and water. Crews from Pacific Gas & Electric are also in the area. With the death toll at 56, it is the deadliest wildfire in a century. There were also three fatalities from separate blazes in Southern California.

As officials raised the loss of homes to nearly 8,800 Wednesday, Sheriff Kory Honea said the task of recovering remains had become so vast that his office brought in another 287 searchers Wednesday, including National Guard troops, bringing the total number of searchers to 461 plus 22 cadaver dogs. He said a rapid-DNA assessment system was expected to be in place soon to speed up identifications of the dead, though officials have tentatively identified 47 of the 56.

Interior Secretary Ryan Zinke joined California Gov. Jerry Brown Wednesday on a visit to the nearby leveled town of Paradise, telling reporters it was the worst fire devastation he had ever seen.

"Now is not the time to point fingers," Zinke said. "There are lots of reasons these catastrophic fires are happening." He cited warmer temperatures, dead trees and the poor forest management.

Brown, a frequent critic of President Donald Trump's policies, said he spoke with Trump, who pledged federal assistance.

"This is so devastating that I don't really have the words to describe it," Brown said, saying officials would need to learn how to better prevent fires from becoming so deadly.

It will take years to rebuild, if people decide that's what should be done, said Brock Long, administrator of the Federal Emergency Management Agency.

"The infrastructure is basically a total rebuild at this point," Long said.

While most of the town of Paradise was wiped out, in Magalia, a sharp dividing line marks those that survived and those that did not.

"Magalia has so many trees. I honestly can't believe it just didn't get leveled," said Sheri Palade, an area real estate agent.

For some, the areas left untouched offered a ray of hope.

Tom Driver, the office manager and elder at Magalia Community Church, said he had heard the church survived the blaze, though he did not know the status of his own home.

"I've been able to account for all of the congregation," said Driver, who is staying with family in Oakland. "They're all over the place but they got out in pretty good time."

Driver said many residents of Magalia work at the university in Chico or out of their homes. When the blaze spread into Paradise, residents there drove down and faced horrendous traffic. Driver said he and some others in Magalia were able to escape north on a winding narrow road that put them ahead of the fire, not behind it.

Kim Bonini heard someone on a bullhorn two blocks over on Thursday urging people to leave. The power in her home had gone out that morning, leaving her only with her car radio to tell her if she needed to leave.

"My cell didn't work, my house phone didn't work, nothing. Nothing except for me crawling into my car," Bonini said from her daughter's home in Chico on Wednesday. "If I wouldn't have heard them two blocks down I wouldn't have known I had to evacuate."

The cause of the fire remained under investigation, but it broke out around the time and place that a utility reported equipment trouble.

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Associated Press writers Janie Har and Olga R. Rodriguez in San Francisco, Amy Taxin in Santa Ana, California and Andrew Selsky in Salem, Oregon, also contributed to this report.

## Migrants fill Tijuana shelters, more on way to US border

By ELLIOT SPAGAT and MARIA VERZA, Associated Press

TIJUANA, Mexico (AP) — The first members of a caravan of Central Americans to reach the U.S. border slept in overcrowded shelters and in tents with a view of armed U.S. Border Patrol agents, with many saying they will wait for other migrants to join them before making their next moves.

Hundreds of migrants have arrived by bus in Tijuana since Tuesday, occupying the little space still available in the city's shelters and spilling onto an oceanfront plaza sandwiched between an old bullring and a border fence topped with recently installed concertina wire.

Some men climbed up on the fence to take a look at the other side Wednesday. Women and young children sleeping in tents on the plaza could see Border Patrol agents carrying machine guns in camouflage gear with San Diego's skyline in the distance.

The Juventud 2000 shelter squeezed in 15 women and their children, bringing occupancy to nearly 200, or double its regular capacity. Others were turned away. Several dozen migrants, mostly single men, spent the night at a beach that is cut by the towering border wall of metal bars.

The first arrivals generally received a warm welcome despite Tijuana's shelter system to house migrants being at capacity. Migrants lined up for food while doctors checked those fighting colds and other ailments.

Some migrants said they would seek asylum at a U.S. border crossing, while others said they might attempt to elude U.S. authorities by crossing illegally or perhaps settle in Tijuana. But all of about a dozen people interviewed Wednesday said they would first wait for others from the migrant caravan to arrive and gather more information.

"We have to see what we're offered, just so they don't send us back to our country," said Jairon Sorto, a 22-year-old Honduran who arrived by bus Wednesday.

Sorto said he would consider staying in Tijuana if he could get asylum from Mexico. He said he refused to consider Mexico's offer of asylum in the southern part of the country because it was too close to Honduras and he felt unsafe from his country's gangs.

U.S. Defense Secretary Jim Mattis, meanwhile, visited U.S. troops posted at the border in Texas and said the deployment of military personnel ordered by President Donald Trump provides good training for war, despite criticism that the effort is a waste of taxpayer money and a political stunt. Most of the troops are in Texas, more than 1,500 miles from where the caravan is arriving.

On Wednesday, there was no evidence of caravan members at Tijuana's main border crossing to San Diego, where asylum seekers gather every morning. The San Ysidro port of entry, the busiest crossing on the U.S.-Mexico border, processes only about 100 asylum claims a day, resulting in waits of five weeks even before migrants in the caravan began to arrive.

The first wave of migrants in the caravan, which became a central theme of the recent U.S. election, began arriving in Tijuana in recent days, and their numbers have grown each day. The bulk of the main caravan appeared to still be about 1,100 miles (1,800 kilometers) from the border, but has recently been moving hundreds of miles a day by hitching rides on trucks and buses.

Mexico has offered refuge, asylum and work visas to the migrants, and its government said Monday that 2,697 temporary visas had been issued to individuals and families to cover them during the 45-day application process for more permanent status. Some 533 migrants had requested a voluntary return to their countries, the government said.

The Central Americans in the caravan are the latest migrants to arrive in Tijuana with the hope of crossing into the United States. Tijuana shelters in 2016 housed Haitians who came by the thousands after making their way from Brazil with plans to get to the U.S. Since then, several thousand Haitians have remained in Tijuana, finding work. Some have married local residents and enrolled in local universities.

Claudia Coello, a 43-year-old Honduran, said she was exhausted after four days of hitchhiking and bus rides from Mexico City with her two sons, two daughters-in-law and 1-year-old grandson. As she watched her daughter-in-law and grandson lying inside a donated tent, she said she would wait for caravan leaders



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to explain her options.

A few people pitched tents at the Tijuana beach plaza while most, like Henry Salinas, 30, of Honduras, planned to sleep there in the open. Saying he intended to wait for thousands more in the caravan to arrive, Salinas said he hoped to jump the border fence in a large group at the same time, overwhelming Border Patrol agents.

"It's going to be all against one, one against all. All of Central America against one, and one against Central America. ... All against Trump, and Trump against all," he said.

On Wednesday, buses and trucks carried some migrants into the state of Sinaloa along the Gulf of California and farther northward into the border state of Sonora. The Rev. Miguel Angel Soto, director of the Casa de Migrante in the Sinaloa capital of Culiacan, said about 2,000 migrants had arrived in that area.

Small groups were also reported in the northern cities of Saltillo and Monterrey, in the region near Texas.

About 1,300 migrants in a second caravan were resting at a Mexico City stadium where the first group stayed several days last week. By early Wednesday, an additional 1,100 migrants from a third and last caravan also arrived at the stadium.

Like most of those in the third caravan, migrant Javier Pineda is from El Salvador, and hopes to reach the United States. Referring to the first group nearing the end of the journey, Pineda said, "if they could do it, there is no reason why we can't."

Associated Press writer Elliot Spagat reported in Tijuana, Mexico, and AP writer Maria Verza reported from Escuinapa, Mexico.

## Gov's race: Dems doubt Kemp's claim of 'insurmountable lead'

By KATE BRUMBACK and BILL BARROW, Associated Press

ATLANTA (AP) — As Democrats ratcheted up their attacks on Georgia Republican Brian Kemp, he claimed Wednesday that results certified by county election officials confirm he has an "insurmountable lead" in the governor's race.

At a news conference, Georgia Democrats cast doubt on the legitimacy of any election count that ends with the former secretary of state being certified as the winner of a fiercely fought election against Stacey Abrams, who's seeking to become the first black woman elected governor in the U.S.

"We believe that Brian Kemp mismanaged this election to sway it in his favor," said Abrams' campaign manager Lauren Groh-Wargo, surrounded by Democratic lawmakers at the Georgia Capitol.

Democrats beyond Georgia have started to echo the notion that a Kemp victory would be illegitimate. Ohio Sen. Sherrod Brown said Wednesday that if Abrams loses it's because Republicans stole the election.

"If Stacey Abrams doesn't win in Georgia, they stole it. I say that publicly, it's clear," Brown, speaking at a briefing for the National Action Network.

Kemp's campaign, which has repeatedly called on Abrams to concede, repeated that call Wednesday, saying Abrams and her supporters have used "fake vote totals," "desperate press conferences" and "dangerous lawsuits" to try to steal the election.

"After all of the theatrics, the math remains the same," Kemp campaign spokesman Cody Hall said in an email. "Abrams lost and Brian Kemp won. This election is over."

Since he declared himself governor last week and resigned as secretary of state, Kemp's lead has narrowed as counties have tabulated more ballots. And the numbers could change again as federal courts issue new guidance on counting certain provisional and absentee ballots.

Groh-Wargo said Tuesday that the Abrams campaign believes she needs a net gain of 17,759 votes to pull Kemp below a majority threshold and force a Dec. 4 runoff. Kemp's campaign said even if every vote that Abrams campaign is arguing for is granted by the courts and counted for her, she cannot overcome his lead or force a runoff.

The Associated Press has not called the race.

Meanwhile, U.S. District Judge Steve Jones on Wednesday ruled that the secretary of state must not

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certify the state election results without confirming that each county's vote tally includes absentee ballots on which the voter's date of birth is missing or incorrect.

The order stems from a request in a lawsuit filed Sunday by the Abrams campaign. But Jones also rejected the campaign's other requests.

He declined to extend the period during which evidence could be submitted to prove the eligibility of voters who cast provisional ballots. He also declined to order that provisional ballots cast by voters who went to a precinct in the wrong county be counted.

The lawsuit was one of several election-related complaints filed before multiple federal judges.

U.S. District Judge Leigh May ordered Gwinnett County election officials Tuesday not to reject absentee ballots just because the voter's birth year is missing or wrong. She also ordered the county to delay certification of its election results until those ballots have been counted.

Jones' ruling effectively extended May's order to the other 158 counties in Georgia.

U.S. District Judge Amy Totenberg late Monday ordered state officials not to do their final certification of election results before 5 p.m. Friday.

State law sets a Nov. 20 deadline, but secretary of state's office elections director Chris Harvey testified last week that the state had planned to certify the election results Wednesday, a day after the deadline for counties to certify their results. He said that would allow preparations to begin for any runoff contests, including those already projected in the races for secretary of state and a Public Service Commission seat.

Totenberg's order left untouched the county certification deadline. Candice Broce, a spokeswoman for secretary of state's office, said Wednesday that all counties but Gwinnett have certified their totals.

Totenberg also ordered the secretary of state's office to establish and publicize a hotline or website enabling voters to check whether their provisional ballots were counted and, if not, why not. And she ordered the secretary of state's office to review or have county election authorities review the eligibility of voters who had to cast provisional ballots because of registration issues.

With state lawmakers gathered at the Georgia Capitol Tuesday for the start of a special legislative session, dozens of protesters gathered in statehouse rotunda, loudly chanting "Count every vote!" and waving signs with the same slogan. Police arrested 15 people, including state Sen. Nikema Williams, an Atlanta Democrat.

Police zip-tied Williams' hands behind her back and led her to one of two vans holding other arrested protesters.

She gave a tearful speech on the Senate floor Wednesday, saying she was booked and strip-searched at the Fulton County jail and held for five hours. She said her 3-year-old son heard news of her arrest on the radio and told a baby sitter: "That's mommy."

"I didn't do anything to obstruct anyone from doing their job or their business on the floor," Williams said. "What I did was I stood with my constituents as they wanted their voices to be heard."

The Georgia Constitution says legislators "shall be free from arrest during sessions of the General Assembly ... except for treason, felony, or breach of the peace."

Four Democratic lawmakers delivered remarks in the Senate condemning Williams' arrest. No Republican senators stood to address Williams' arrest.

GOP Lt. Gov. Casey Cagle asked the Republican chairman of the Senate Public Safety Committee to meet with authorities "to look at the facts surrounding this issue and see if we can bring some kind of resolve to the matter at hand."

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Associated Press writer Russ Bynum in Atlanta and Juana Summers in Washington contributed to this report.

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Follow Barrow and Brumback on Twitter at <https://twitter.com/BillBarrowAP> and <https://twitter.com/katebrumback> .

## Chris Stapleton wins big at CMAs, Keith Urban nabs top prize

By MESFIN FEKADU, AP Music Writer

Chris Stapleton won the most awards at the 2018 Country Music Association Awards and had the show's best performance, almost capping a perfect night.

That was until Keith Urban surprisingly won the top prize — entertainer of the year — moments before the three-hour show wrapped Wednesday night.

Urban's actress-wife, Nicole Kidman, was in tears as the singer walked onstage to collect the award at the Bridgestone Arena in Nashville, Tennessee.

"Baby girl, I love you so much," he said. "I'm shocked beyond shocked."

Urban last won entertainer of the year in 2005 and also beat out Luke Bryan, Jason Aldean and Kenny Chesney for the prize.

"I wish my dad was alive to see this," the Australian performer said.

Stapleton, however, cleaned house at the CMAs, winning four awards including male vocalist, song and single of the year.

"I want to thank my kids who put up with me being gone quite a bit and not getting to be as a good daddy that I would always like to be," said the father of four and soon to be five since his wife, singer-songwriter Morgane Stapleton, is pregnant.

Stapleton also won the performance of the night: His supergroup featuring Mavis Staples, Maren Morris, Marty Stuart and his wife gave a soulful and powerful performance of "Friendship," a song made famous by Pop Staples, the iconic singer's late father. They then performed "I'll Take You There," jamming onstage along with a choir. They earned a standing ovation from the audience.

When Stapleton won single of the year — where he won as both a performer and producer — earlier in the show, he said he was "thinking about the people in California right now" and he wants to "dedicate this award to them."

He was referring to the 12 people who were killed at a Southern California country music bar last week, who were also honored at the top of the show when Garth Brooks held a moment of silence as the names of the victims were displayed on the screen.

"Tonight let's celebrate their lives. Let the music unite us with love," Brooks said.

The CMAs, which aired on ABC, also took time to honor those affected by the deadly wildfires in California.

"We send our love to you," said Carrie Underwood, also mentioning the "brave firefighters."

Underwood worked triple-duty as co-host, performer and nominee at the CMAs. She was teary-eyed when she won female vocalist of the year.

"Thank you God. I have been blessed with so much in my life," she said. "Thank you family. Thank you country music. Thank you country music family. ...It's all about family around here."

She kept the positive and uplifting theme of the show going when she gave a rousing performance of her song "Love Wins." It features the lyrics, "I believe you and me are sisters and brothers/And I believe we're made to be here for each other."

Kacey Musgraves, the only woman nominated for album of the year, won the prize for "Golden Hour."

"This is really, really crazy timing — 10 years ago today I moved to Nashville. That's so crazy," she said.

"I'm so proud of it," she said of the pop-leaning country album, which was inspired by Sade, the Bee Gees and others. "It's inspired by this beautiful universe, and all of you, and mostly love."

Dan + Shay lost in all four categories they were nominated in but gave an impressive performance of their hit "Tequila." When Brothers Osborne won vocal duo of the year, John Osborne said, "I thought this was going to go to Dan + Shay. Make some noise for those boys."

"I don't know why we keep winning this," John Osborne said when he first walked onstage.

"If this was in Florida there definitely would be a recount," added T.J. Osborne, which earned laughs from the crowd.

Luke Combs, who has the year's most-streamed country music album, sang onstage with a red cup in his hand and won new artist of the year.

"God, I love country music, man," said Combs.

Brooks performed a touching new song dedicated to his wife, Trisha Yearwood, who was teary-eyed and was hearing the song for the first time. Recent Country Hall of Famer Ricky Skaggs performed alongside Brad Paisley and Urban.

Underwood and Paisley returned as CMA hosts for the 11th time this year, telling jokes at the top of the show, which ranged from Lady Gaga and Bradley Cooper's "A Star Is Born" to Underwood's pregnancy.

Underwood seemingly revealed a secret about the child, saying it will be a "Willie" after Paisley repeatedly asked about the sex of the baby.

## Hearing reveals chilling details of fatal Southwest flight

By **DAVID KOENIG** and **CLAUDIA LAUER**, Associated Press

There was a loud bang, and suddenly the Southwest Airlines jet rolled sharply to the left. Smoke began to fill the cabin, and flight attendants rushed row by row to make sure all passengers could get oxygen from their masks.

When flight attendant Rachel Fernheimer got to row 14, she saw a woman strapped in her lap belt but with her head, torso and arm hanging out a broken window.

Fernheimer grabbed one of the woman's legs while flight attendant Seanique Mallory grabbed her lower body. They described being unable to bring the woman back in the plane until two male passengers stepped in to help.

The harrowing details from the April 17 fatal flight were released for the first time as the National Transportation Safety Board began a hearing Wednesday into the engine failure on Southwest Flight 1380, which carried 144 passengers and five crew members.

The flight attendants told investigators at least one of the male passengers put his arm out of the window and wrapped it around the woman's shoulder to help pull her back in. Fernheimer said when she looked out the window, she could see that one of the plane's engines was shattered, and there was blood on the outside of the aircraft.

Flight attendants asked for medical volunteers. A paramedic laid the woman across a row of seats and began chest compressions. They tried a defibrillator but it indicated that there was no shock. The paramedic and a nurse took turns at CPR.

Passengers asked if they were going to die. Fernheimer said she squeezed their hands. "She told them that they were going to make it," an investigator wrote.

Pilots Tammie Jo Shults and Darren Ellisor landed the crippled Boeing 737 in Philadelphia. The passenger in the window seat, Jennifer Riordan, was fatally injured — the first death on a U.S. airline flight since 2009. Eight other passengers, including at least one of the men who helped pull Riordan back in the window, suffered minor injuries.

Wednesday's hearing in Washington focused on design and inspection of fan blades on the engine, made by CFM International, a joint venture of General Electric and France's Safran S.A.

An official from CFM defended the design and testing of fan blades like the one that snapped on the Southwest plane as it flew high above Pennsylvania, triggering an engine breakup that flung debris like shrapnel into the plane.

After the fatal accident, CFM recommended the use of frequent and more sophisticated tests using ultrasound or electrical currents.

Another Southwest jet had suffered a similar blade-related engine breakup in 2016 over Florida.

CFM and federal regulators considered the Florida incident an aberration.

"We determined early that we would require some corrective action in that it was an unsafe condition," an FAA expert on engines, Christopher Spinney, testified on Wednesday, "but we also determined we had some time."

Rather than order immediate inspections of fan blades after the 2016 incident, the FAA began a slower process for drafting a regulation and getting public comment before enacting it. That process was still

underway when the fatal accident occurred nearly two years later.

Since the deadly flight, widespread inspections have turned up eight other fan blades on similar CFM engines that also had cracks. The fan blade that broke was last inspected six years earlier and, it was determined, suffered from metal fatigue even then — but it went unnoticed by a less sophisticated exam used at the time.

Fan blades have been thought to have no real lifetime limit. CFM and FAA officials said they were now considering whether blades must be replaced at some point even if they don't show wear.

Representatives from CFM also testified about testing and certification of jet engines, which are supposed to be built to prevent pieces from breaking off and flying free.

The investigation is continuing. Most of Wednesday's hearing was highly technical. It was led by one of the safety board's five members, Bella Dinh-Zarr. The full board is expected to determine a probable cause for the accident in the next several months.

Meanwhile, Riordan's husband, Michael, said in a statement on behalf of his family that they were "grateful for the heroic actions of the passengers who tried to save Jennifer's life."

"The most important thing now is making sure that the aircraft and engine failures that caused Jennifer's untimely and unnecessary death never happen again," he said.

## **Migrant caravan groups arrive by hundreds at US border**

**By ELLIOT SPAGAT and MARIA VERZA, Associated Press**

TIJUANA, Mexico (AP) — Migrants in a caravan of Central Americans arrived in Tijuana by the hundreds Wednesday, getting their first glimpse of the robust U.S. military presence that awaits them after President Donald Trump ordered thousands of troops to the border.

Several hundred people from the caravan got off buses and made their way to a shelter on the Mexican side near the border to line up for food. Doctors checked those fighting colds and other ailments while several dozen migrants, mostly single men, spent the night at a Tijuana beach that is cut by a towering border wall of metal bars. Several Border Patrol agents in San Diego watched them through the barrier separating the U.S. and Mexico.

The first wave of migrants in the caravan, which became a central theme of the recent U.S. election, began arriving in Tijuana in recent days, and their numbers have grown each day. The bulk of the main caravan appeared to be about 1,100 miles (1,800 kilometers) from the border, but has recently been moving hundreds of miles a day by hitching rides on trucks and buses.

Many of the new arrivals were waiting in Tijuana for the caravan leaders to arrive and provide guidance on their immigration options to the U.S., including seeking asylum. Some said they might cross illegally.

U.S. Defense Secretary Jim Mattis, meanwhile, visited U.S. troops posted at the border in Texas and said the deployment provides good training for war, despite criticism that the effort is a waste of taxpayer money and a political stunt. Most of the troops are in Texas, more than 1,500 miles from where the caravan is arriving.

The first arrivals generally received a warm welcome from Tijuana, despite the fact that its shelter system to house migrants is at capacity. The city's secretary of economic development has said there are about 3,000 jobs for migrants who want to stay in the city. Some residents came down to where the men were camped on a beach and gave them tacos to eat Wednesday.

The Central Americans in the caravan are the latest migrants to arrive in Tijuana with the hope of crossing into the United States. Tijuana shelters in 2016 housed Haitians who came by the thousands after making their way from Brazil with plans to get to the U.S. Since then, several thousand Haitians have remained in Tijuana, finding work. Some have married local residents and enrolled in local universities.

"Mexico has been excellent; we have no complaint about Mexico. The United States remains to be seen," said Josue Vargas, a migrant from Honduras who finally pulled into Tijuana on Wednesday after more than a month on the road.

Ilse Marilu, 24, arrived in Tijuana late Tuesday with her 3-year-old daughter, having joined the caravan

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with a large contingent from San Pedro Sula, Honduras. She walked several miles Tuesday in a fruitless search for space in a migrant shelter before reaching the beach plaza. A Mexican couple dropped off a tent that her daughter and three other children used to sleep in as an evening chill set in.

She planned to stay in Tijuana until caravan leaders arrived and offered help on how to seek asylum in the US.

"We are going to enter through the front door," Marilu said, insisting she would never try to enter the country illegally.

A few people pitched tents at the Tijuana beach plaza while most, like Henry Salinas, 30, of Honduras, planned to sleep there in the open.

He said that he intended to wait for thousands more in the caravan to arrive and that he hoped to jump the fence in a large group at the same time, overwhelming Border Patrol agents.

"It's going to be all against one, one against all. All of Central America against one, and one against Central America. ... All against Trump, and Trump against all," he said.

On Tuesday, a couple of dozen migrants scaled the steel border fence to celebrate their arrival, chanting "Yes, we could!" One man dropped over to the U.S. side briefly as border agents watched from a distance. He ran quickly back to the fence.

Tijuana's head of migrant services, Cesar Palencia Chavez, said authorities offered to take the migrants to shelters immediately, but they initially refused.

"They wanted to stay together in a single shelter," Palencia Chavez said, "but at this time that's not possible" because shelters are designed for smaller groups and generally offer separate facilities for men, women and families.

But he said that after their visit to the border, most were taken to shelters in groups of 30 or 40.

On Wednesday, buses and trucks carried some migrants into the state of Sinaloa along the Gulf of California and farther northward into the border state of Sonora.

The Rev. Miguel Angel Soto, director of the Casa de Migrante in the Sinaloa capital of Culiacan, said about 2,000 migrants had arrived in that area. He said the state government, the Roman Catholic Church and city officials in Escuinapa, Sinaloa, were helping the migrants.

The priest said the church had been able to get "good people" to provide buses for moving migrants northward. He said 24 buses had left Escuinapa on an eight-hour drive to Navojoa in Sonora state.

Small groups were also reported in the northern cities of Saltillo and Monterrey, in the region near Texas.

About 1,300 migrants in a second caravan were resting at a stadium in Mexico City, where the first group stayed several days last week. By early Wednesday, an additional 1,100 migrants from a third and last caravan also arrived at the stadium.

Like most of those in the third caravan, migrant Javier Pineda is from El Salvador, and hopes to reach the United States. Referring to the first group nearing the end of the journey, Pineda said, "if they could do it, there is no reason why we can't."

Mexico has offered refuge, asylum and work visas to the migrants, and its government said Monday that 2,697 temporary visas had been issued to individuals and families to cover them during the 45-day application process for more permanent status. Some 533 migrants had requested a voluntary return to their countries, the government reported.

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Associated Press writer Elliot Spagat reported in Tijuana, Mexico, and AP writer Maria Verza reported from Escuinapa, Mexico.

## Experts: California wildfire is deadliest in last 100 years

By The Associated Press

Wildfire experts say the Northern California wildfire that has killed at least 56 is the deadliest in a century. California officials say the fire burning in a rural area far north of San Francisco killed more people than any blaze in the state's recorded history.

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But the U.S. government doesn't closely track civilian casualties and records from long ago are incomplete. Stephen Pyne, a regent professor at Arizona State University's School of Life Sciences and author of "Between Two Fires: A Fire History of Contemporary America," and Crystal Kolden, a professor at the University of Idaho and expert in fire science, said 1918 was the last time more people were killed in a wildfire. "For the modern era, this is definitely going to go down as the deadliest on record for the U.S.," said Kolden, who has studied wildfires for 20 years since she worked as a wildland firefighter for the U.S. Forest Service.

A century ago, the Cloquet Fire broke out in drought-stricken northern Minnesota and raced through a number of rural communities, destroying thousands of homes and killing an estimated 1,000 people. The fire helped prompt the federal government to start developing firefighting practices and policies.

Pyne, who was a firefighter before he began researching wildfires in 1977, said U.S. government agencies still don't keep good statistics on civilian casualties from wildfires.

"Fire statistics are not very good because they're remotely generated," he said. "It's very hard to find out even how many houses burned in a year."

## **Bitter Florida recount: Lawsuits pile up, machines overheat**

**By GARY FINEOUT, BRENDAN FARRINGTON and KELLI KENNEDY, Associated Press**

TALLAHASSEE, Fla. (AP) — With time running out in Florida's high-stakes election recount, lawsuits piled up Wednesday amid a maelstrom of courtroom arguments, outdated ballot-scanning machines overheated and President Donald Trump leveled his latest unfounded allegation, that people had been voting in disguise.

Many counties have wrapped up their machine recount ahead of a Thursday deadline to complete reviews of the U.S. Senate and governor races, but larger Democratic strongholds were still racing to meet the deadline.

No less than six federal lawsuits have been filed so far in Tallahassee. In a key court battle, a federal judge said he was unlikely to order election officials to automatically count thousands of mail-in ballots that were rejected because the signatures on the ballots did not match signatures on file. U.S. District Judge Mark Walker, however, did say he was open to giving voters extra time to fix their ballots.

State officials said the matching requirement had led to the voiding of nearly 4,000 ballots, although that figure did not include larger counties such as Miami-Dade.

Walker rebuffed arguments from lawyers representing the state that allowing people until Saturday evening to fix their ballots would disrupt the recount process and the deadlines to report results. The deadline for hand recounts is Sunday.

"I don't understand why it's going to completely bring Florida to its knees," Walker said.

He said that, divided among 67 counties, the number of ballots would be only a handful per county, and they'd be considered while the elections supervisors are still counting overseas ballots.

"What are the possibilities that all 5,000 are going to show up?" Walker said if people are given an opportunity to correct their signatures. "I can tell you the odds: Zero."

President Donald Trump also added to the grumblings about the recount by arguing without evidence that some people unlawfully participated in the election by dressing in disguise.

"When people get in line that have absolutely no right to vote and they go around in circles," Trump said in an interview with The Daily Caller published Wednesday. "Sometimes they go to their car, put on a different hat, put on a different shirt, come in and vote again."

The state elections department and the Florida Department of Law Enforcement, both run by Republican appointees, have said they haven't seen any evidence of voter fraud of this sort.

But it was disclosed that a top attorney at the Florida Department of State sent a letter last week asking federal prosecutors to investigate whether Democrats distributed false information that could have resulted in voters having mail-in ballots disqualified.

Four county supervisors turned over information that showed Democratic Party operatives changed official forms to say that voters had until two days after the election to fix any problems with mail-in ballot

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signatures. Under current law, a voter has until the day before Election Day to fix a problem.

In other developments, Republican Gov. Rick Scott agreed to step down from the state panel responsible for certifying the final results. Scott is locked in a tight race with U.S. Sen. Bill Nelson and has already suggested fraud may be taking place in some counties. Critics have said Scott should have no role in overseeing the election given his close contest.

Meanwhile, problems continued in Palm Beach County, where tallying machines overheated while working overtime. That caused mismatched results with the recount of 174,000 early voting ballots, forcing workers to go back and redo their work.

"The machines are old," said Supervisor of Elections Susan Bucher, who said they underwent maintenance right before the election. "I don't think they were designed to work 24/7 — kind of like running an old car from here to L.A. And so, you know, things happen to them."

Right now, Palm Beach County looks like it could miss the Thursday deadline, even though Nelson and Democrats filed lawsuits seeking to suspend it.

Also among the half-dozen federal lawsuits filed in Florida's capital, Nelson's campaign also is suing to seek public records from a north Florida elections supervisor who allowed voters in GOP-heavy Bay County to email their ballots in apparent violation of state law.

Walker, citing a well-known "Star Trek" episode about rapidly-reproducing furry aliens, said during one election lawsuit hearing Wednesday that "I feel a little bit like Captain Kirk in the episode with the Tribbles where they start to multiply." He began his third hearing of the day by correcting himself: "The lawyers are multiplying like Tribbles — not the lawsuits."

The developments are fueling frustrations among Democrats and Republicans as the recount unfolds more than a week after Election Day. Democrats have urged state officials to do whatever it takes to make sure every vote is counted. Republicans, including Trump, have argued without evidence that voter fraud threatens to steal races from the GOP.

The Republican candidates for governor and Senate, Ron DeSantis and Scott, hold the narrowest of leads over their Democratic counterparts, Andrew Gillum and Bill Nelson.

Scott was in Washington, D.C., while the court battles rage on. He stood at Senate Majority Leader Mitch McConnell's left shoulder Wednesday when the Kentucky Republican welcomed GOP senators who will take their seats in January when the new Congress is sworn in.

During the brief photo-op in McConnell's Capitol office, Scott did not reply to a question about whether he contends there was fraud in the election.

State law requires a machine recount in races where the margin is less than 0.5 percentage points. In the Senate race, Scott's lead over Nelson was 0.14 percentage points. In the governor's contest, unofficial results showed DeSantis ahead of Gillum by 0.41 percentage points.

Once the machine recount is complete, a hand recount will be ordered in any race where the difference is 0.25 percentage points or less, meaning it could take even longer to complete the review of the Senate race if the difference remains narrow.

If the Senate race does go to a hand recount, the deadline for counties to finish is Sunday.

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Associated Press writers Jennifer Kay and Freida Frisaro in Miami and Alan Fram, Darlene Superville and Zeke Miller in Washington contributed to this report. Kennedy contributed to this report from Fort Lauderdale.

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For AP's complete coverage of the U.S. midterm elections: <http://apne.ws/APPolitics> .

## **Catholic bishops' meeting nears end, no vote on abuse plan**

**By DAVID McFADDEN and DAVID CRARY, Associated Press**

BALTIMORE (AP) — U.S. Catholic bishops made clear their frustrations Wednesday as a national assembly focused on clergy sex-abuse neared its conclusion without strong new steps to combat the multifaceted



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crisis.

Avoiding any direct confrontation with the Vatican, the U.S. Conference of Catholic Bishops ended the public sessions of its three-day meeting without any vote on two major anti-abuse proposals that had been drafted weeks ago. On the eve of this week's meeting, the Vatican issued a surprise order for such action to be delayed until after a global meeting on sex abuse scheduled for February.

"The decision of the Holy See to constrain us did allow a limited response," Bishop Christopher Coyne of Burlington, Vermont said. "All of us are disappointed that we weren't able to do as much as we wanted."

The U.S. Catholic church has been grappling with sex-abuse scandals for many years, but events this year have taken a heavy toll on the leadership's credibility.

In August, a grand jury report in Pennsylvania detailed decades of abuse and cover-up in six dioceses, alleging more than 1,000 children had been abused over the years by about 300 priests. Since then, federal prosecutors and attorneys general in several other states have launched investigations.

Bishops at this week's meeting appeared to be most angered and embarrassed by the scandal involving disgraced church leader Theodore McCarrick, who allegedly abused and harassed youths and seminarians over many years as he rose to be archbishop of Washington and a member of the College of Cardinals until his removal by Pope Francis in July.

Several investigations, including one at the Vatican, are underway to determine who might have known about and covered up McCarrick's alleged misconduct. The U.S. bishops expressed eagerness to learn details of the Vatican probe but defeated a motion Wednesday pressing for access to information uncovered in that process.

"We have taken no official action to distance ourselves from the shameful behavior of one of our own," said Bishop Liam Cary, of Baker, Oregon. "What do people make of our silence?"

Bishop Michael Olson, of Fort Worth, Texas, noted with regret that McCarrick has not been defrocked and would have been eligible to participate in this week's assembly.

"He is not welcome," Olson said. "We should say that for his sake, and out of respect for those he has harmed."

For much of Wednesday's session, the bishops discussed the two anti-abuse proposals that initially had been scheduled for votes. One would establish a new code of conduct for individual bishops; the other would create a nine-member special commission, including six lay experts and three members of the clergy, to review complaints against the bishops.

Leaders of the conference said the Vatican intervened to ensure that steps taken by the U.S. bishops would be in harmony with those decided at a Vatican-convened global meeting on sex abuse in February. They also said more time was needed to vet aspects of the U.S. proposals that might conflict with church law.

The head of the bishops' conference, Cardinal Daniel DiNardo of the Galveston-Houston Archdiocese, said a newly formed sex-abuse task force would work on fine-tuning those and other proposals ahead of the global meeting in Rome in February. One proposed step will be a national mechanism for publishing the names of clergy who face substantiated claims of abuse.

"I opened this meeting expressing some disappointment — I end the meeting with hope," DiNardo said. "We leave this place committed to take the strongest possible action at the earliest possible moment."

In other action, the bishops approved a pastoral letter condemning racism, the first time they have spoken as a group on that issue since 1979.

"Every racist act — every such comment, every joke, every disparaging look as a reaction to the color of skin, ethnicity or place of origin — is a failure to acknowledge another person as a brother or sister, created in the image of God," the document said.

It also denounced racial profiling of Hispanics and African-Americans and decried "the growing fear and harassment" of people from Muslim countries.

According to Catholic News Service, the committee responsible for the pastoral letter rejected a proposed amendment that would have included the Confederate flag as a symbol of hate, along with nooses and swastikas.

The bishops also voted to endorse a campaign seeking sainthood for Sister Thea Bowman, a Mississippi-

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born descendant of slaves who became the first black member of the Franciscan Sisters of Perpetual Adoration and — in 1989 — the first black woman to address a national meeting of the bishops' conference.

Among the bishops elected to USCCB posts was Archbishop Salvatore Cordileone of San Francisco, who will head the Committee on Laity, Marriage, Family Life and Youth. Cordileone, an outspoken opponent of same-sex marriage, suggested Tuesday that the bishops commission a new study on whether there's a link between clergy sex abuse and the presence of gays in the priesthood. A church-commissioned study in 2004 determined there was not a link.

Not far from the assembly venue, a Minnesota attorney who handles sex abuse cases nationwide and three men who say they were abused by clergy during their boyhoods gathered to announce a lawsuit against the bishops conference, accusing it of hiding the crimes of predator priests.

Jeff Anderson, who filed the lawsuit this week in federal court in Minnesota, said the bishops were named because their dioceses kept secret files about clergy whose misconduct might expose the church to more abuse accusations.

"We are taking the opportunity to do everything we can together to protect kids, to disgorge the secrets," Anderson said.

The federal lawsuit demanding a trial by jury has six plaintiffs; three joined Anderson in Baltimore.

Among them was Joseph McLean, of Minneapolis. The priest he says abused him decades ago was publicly named as a "credibly accused" offender in 2015 by the Archdiocese of St. Paul and Minneapolis.

"I am here to protect kids today. I'm here to protect kids tomorrow. And I'm here to protect children who have grown into adults and who haven't had an opportunity to heal from the abuse that they suffered," McLean said.

Crary reported from New York.

## Storm: 2 dead, 44 hurt in bus crash on icy road near Memphis

By ADRIAN SAINZ and JEFF AMY, Associated Press

BYHALIA, Miss. (AP) — An Alabama tour bus bound for a Mississippi casino overturned Wednesday on an icy highway, leaving two people dead and 44 others aboard with injuries, authorities said, as a pre-winter storm blasted parts of the South and lower Midwest.

The National Weather Service says snow and ice fell during the day across parts of Mississippi, Arkansas, Tennessee, Missouri, Kentucky, Indiana and Illinois. Snow and ice are predicted Thursday and Friday for areas ranging from Ohio and the Appalachian Mountains through Washington, D.C., New York and New England from the storm barreling toward the Northeast.

Witnesses told Mississippi investigators that the bus driver lost control after crossing an icy overpass and the bus rolled over on its driver's side, coming to rest in median of Interstate 269 in Byhalia around 12:35 p.m., said Mississippi Highway Patrol spokesman Capt. Johnny Poulos. That Mississippi town is about 35 miles (55 kilometers) southeast of downtown Memphis, Tennessee.

Killed were 70-year-old Betty Russell and 61-year-old Cynthia Hardin, both of Huntsville, Alabama, said DeSoto County Coroner Joshua Pounders. The injured were taken to Memphis-area hospitals, with at least three listed in serious condition Wednesday evening. Officials said the group was bound from Huntsville, Alabama, to gamble at a casino in Mississippi's Tunica County, about 40 miles (65 kilometers) to the west.

The red tour bus with white and gray stripes was later towed from the crash site, its windows mostly missing and a smell of gasoline lingering in the air. Large scratches and other damage were visible on the driver's side.

Poulos said investigators hadn't yet concluded how fast the bus was traveling. He said because the road was icy, investigators have no skid marks to evaluate as part of their investigation.

"We can't really tell what the vehicle did," said Poulos, adding more findings could be available Thursday.

The bus was operated by Teague VIP Express, based in Anniston, Alabama. The company posted a message on its Facebook page that said: "Our hearts and prayers go out to victims of this tragedy. Please

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keep everyone involved and families in your prayers.”

The company has only three buses and three drivers, according to licensing information from the Federal Motor Carrier Safety Administration. The agency gives Teague a satisfactory rating and lists no crashes in the last two years.

However, agency records show Teague had three buses fail random unannounced inspections in February 2017: One bus was ordered off the road because of worn, welded or missing steering system components and a second bus was ordered off the road because of steering problems and defective or missing axle parts. A third bus was ordered off the road because of a cracked or broken wheel or rim, records show.

A Teague driver was ordered out of service in September 2017 after an Alabama traffic stop found the driver didn't have the required duty status records, according to the records.

There was no indication Wednesday's crash was related to the violations.

Federal Motor Carrier Safety Administration spokesman William DeBruyne declined to comment on Teague VIP's safety record. He said a bus is only ordered out of service because of an "imminent hazard."

"It's so egregious that the vehicle cannot be allowed to operate," he said.

The coroner declined to describe the causes of the deaths and no autopsies were planned.

In Washington, National Transportation Safety Board spokesman Keith Holloway said the federal agency hasn't determined yet whether it will investigate Wednesday's crash.

It was the second charter bus excursion to a Mississippi casino town to end in fatalities in two years. A bus carrying Texas senior citizens to a Gulf Coast casino in Biloxi, Mississippi, got stuck on train tracks and was slammed by a freight train in March 2017. The crash resulted in four deaths and 38 injuries. The NTSB found that the probable cause of the crash was the failure of a railroad and the city to work together to improve the safety of a sharply humped railroad crossing where it was well known that vehicles occasionally got stuck.

Around the upper South, meanwhile, the storm spread scattered sleet and light snow. Flash flood watches were posted for parts of Georgia, South Carolina, North Carolina and Virginia. Freeze warnings were posted as far south as the Gulf Coast. And in Virginia, NASA said, the planned launch early Thursday of an unmanned cargo rocket to the International Space Station had to be rescheduled by one day because of the weather. The unmanned Cygnus cargo craft is now to lift off early Friday from Wallops Island on the Eastern Shore carrying with supplies and research materials for the astronauts aloft.

Amy reported from Jackson, Mississippi and Sainz from Byhalia, Mississippi. Associated Press writer Jay Reeves contributed to this report from Birmingham, Alabama.

## Trump ally McCarthy to lead House GOP, work to win majority

By LISA MASCARO, AP Congressional Correspondent

WASHINGTON (AP) — Republican Rep. Kevin McCarthy easily won an internal party election Wednesday to take over the shrunken House GOP caucus, handing the seven-term Californian a familiar role of building the party back to a majority as well as protecting President Donald Trump's agenda.

With current speaker Paul Ryan retiring and the House majority gone, the race for minority leader was McCarthy's to lose. But rarely has a leader of a party that suffered a major defeat — Democrats wiped out Republicans in GOP-held suburban districts from New York to McCarthy's own backyard — been so handily rewarded.

After pushing past a longshot challenge from Ohio Rep. Jim Jordan, the co-founder of the conservative House Freedom Caucus, McCarthy will be tested by Republicans on and off Capitol Hill who remain angry and divided after their midterm losses and split over how best to move forward.

"We'll be back," McCarthy promised, claiming a unified front for the Republican leadership team. He won by 159-43 among House Republicans.

McCarthy, who has been majority leader under Ryan, acknowledged Republicans "took a beating" in the suburbs in last week's national elections, especially as the ranks of GOP female lawmakers plummeted

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from 23 to 13. The GOP side of the aisle will be made up of 90 percent white men in the new Congress — an imbalance he blamed on billionaire former New York Mayor Michael Bloomberg's election spending to help Democrats.

Bloomberg spent more than \$110 million in the midterms. Two Republican women were defeated by candidates he supported, and both were replaced by Democratic women, said spokeswoman Rachel Nagler.

McCarthy has been here before, having helped pick up the party after Republicans last lost control of the House in 2006, leading them to the 2010 tea party wave that pushed them back into the majority.

Trump, who is close to McCarthy but also friendly with Jordan, largely stayed on the sidelines in the intraparty House contest. The outcome gives the president two allies positioned to help him.

While McCarthy provides an affable face for the GOP, Jordan, the former Ohio wrestling champ and a Fox News regular, will be fighting Democrats' investigations into Trump's businesses and administration.

GOP Whip Steve Scalise, the Louisiana Republican who was badly wounded in last year's congressional baseball practice shooting and unanimously won his position Wednesday, said McCarthy "knows what he needs to do."

Rounding out the GOP leadership team will be Rep. Liz Cheney of Wyoming, a daughter of former Vice President Dick Cheney, who was on hand to watch his daughter take over the No. 3 spot he held decades ago. "He told me not to screw it up," she said.

House Democrats put off until after Thanksgiving their more prominent contest, Rep. Nancy Pelosi's bid to regain the speaker's gavel she held when the Democrats last had the majority.

On the other side of the Capitol, Senate Majority Leader Mitch McConnell of Kentucky won another term leading Republicans and Chuck Schumer of New York won for Democrats. Both were selected by acclamation.

Senate Republicans also welcomed the first woman to their leadership team in years, Iowa Sen. Joni Ernst, as they sought to address the optics of the GOP side of the aisle being dominated by men. Ernst called her selection "a great honor."

In the House, Jordan and McCarthy shook hands after a testy two days of closed-door sessions, according to lawmakers in the room for Wednesday's voting. Rep. Mark Meadows of North Carolina, the Freedom Caucus chairman, called it a "gentlemanly" debate.

But the friendly talk papers over the infighting between the GOP's conservative and moderate flanks as lawmakers dole out blame after the midterm election losses that handed House Democrats the majority.

Many Republicans side with Jordan's theory, which is that Republicans, despite a GOP monopoly on power in Washington, lost because they didn't "do what we said" — including delivering Trump's priority to build the border wall with Mexico.

McCarthy made that argument, too, lawmakers said, suggesting that those who lost their races — or came close to losing — didn't work hard enough to sell the GOP's message. At one point, ads featuring McCarthy were running promoting Trump's border wall.

GOP Rep. Peter King of New York rose to object, saying his view was that Republicans lost ground over the GOP tax cuts that reduced deductions for some filers. The harsh immigration rhetoric that turned off suburban voters didn't help, he said.

"We used to own the suburbs," King said. "Now we're down to rural voters."

McCarthy relishes an underdog role, which channels the spirit of his hometown of Bakersfield in California's Central Valley, where he worked his way up from a congressional aide.

"We think he's absolutely our best political strategist, our best fundraiser, our best recruiter," said Rep. Tom Cole of Oklahoma. "And that's job No. 1 in getting back to the majority."

But after eight years of GOP control, the tea party class of 2010 is long gone. So too are the "Young Guns" — former leader Eric Cantor and outgoing Speaker Ryan — who penned that strategy. Voters largely panned the party's latest signature accomplishment, Trump's tax cuts, and Republicans have all but abandoned the tea party promises to cut the deficit and repeal and replace former President Barack Obama's health care law.

Among those who opposed McCarthy, Rep. Thomas Massie of Kentucky, summed up his view of the

Californian's strengths and weaknesses. "He's a savant at making friends," Massie said. "Running the country, probably not so much."

Associated Press writers Matthew Daly, Kevin Freking, Laurie Kellman and Alan Fram in Washington contributed to this report.

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## As wildfires grow deadlier, officials search for solutions

By **MATTHEW BROWN** and **ELLEN KNICKMEYER**, Associated Press

BILLINGS, Montana (AP) — Creating fire buffers between housing and dry brush, burying spark-prone power lines and lighting more controlled burns to keep vegetation in check could give people a better chance of surviving wildfires, according to experts searching for ways to reduce growing death tolls from increasingly severe blazes in California and across the U.S. West.

Western wildfires have grown ever more lethal, a grim reality that's been driven by more housing developments sprawling into the most fire-prone grasslands and brushy canyons, experts say. Many of the ranchers and farmers who once managed those landscapes are gone, leaving neglected terrain that has grown thick with vegetation that can explode into flames when sparked.

That's left communities ripe for tragedy as whipping winds and recurring drought that's characteristic of climate change stoke wildfires like the ones still raging in Northern and Southern California that have killed at least 51 people in recent days.

Hundreds of thousands of people were told to leave their homes ahead of the blazes to get out of harm's way. Yet some experts say there's been an over-reliance on evacuation and too little attention paid to making communities safe, as well as not enough money for controlled burns and other preventive measures.

Search crews found many victims inside their vehicles, or just next to them, overcome by flames, heat and smoke as they tried to flee. Survivors of the blaze that nearly obliterated the Northern California town of Paradise and nearby communities spoke of having just minutes to escape and narrow roads made impassable by flames and traffic jams.

"There are ... so many ways that can go wrong, in the warning, the modes of getting the message out, the confusion ... the traffic jams," said Max Moritz, a wildfire specialist with the University of California Cooperative Extension program.

As deadly urban wildfires become more common, officials should also consider establishing "local retreat zones, local safety zones" in communities where residents can ride out the deadly firestorms if escape seems impossible, Moritz said.

That could be a community center, built or retrofitted to better withstand wildfires, which can exceed 2,000 degrees Fahrenheit, leaving little trace of ordinary homes.

Such fire protection measures in buildings can include sprinklers, fire- and heat-resistant walls and roofs, and barriers that keep sparks out of chimneys and other openings, according to the International Code Council, a nonprofit that helps develop building codes used widely in the United States.

Creating more buffers — whether parks, golf courses or irrigated agriculture, like the vineyards that helped keep 2017 wildfires in California's wine country from spreading into even more towns — around new and old housing developments would help stave off wildfires threatening to overrun cities and towns.

So would burying electric power lines, which can spark and fail in the high winds that drive many of California's fiercest fires, said Jon Keeley, a research scientist with the U.S. Geological Survey in California.

Sparks from electrical utility equipment are suspects in the Northern California wildfire that consumed Paradise, destroying some 7,700 homes, and other deadly blazes in the state.

A proven method to prevent wildfires from getting out of control is the use of controlled burns. By intentionally lighting fires, property owners or land managers can remove dead and low-lying trees and

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brush — material that otherwise accumulates and can accelerate the growth of fires.

In the mid-20th century, California ranchers burned hundreds of thousands of acres annually to manage their lands, said Lenya Quinn-Davidson, director of the Northern California Prescribed Fire Council.

That was phased out in the 1980s after California's fire management agency stepped in to take over the burns, and by the last decade, the amount of acreage being treated had dropped to less than 10,000 acres annually, Quinn-Davidson said.

Former agricultural land that rings many towns in the state became overgrown, even as housing developments pushed deeper into those rural areas. That was the situation in the Northern California town of Redding leading up to a fire that began in July and destroyed more than 1,000 homes. It was blamed for eight deaths.

"You get these growing cities pushing out — housing developments going right up into brush and wooded areas. One ignition on a bad day, and all that is threatened," Quinn-Davidson said. "These fires are tragic, and they're telling us this is urgent. We can't sit on our hands."

The latest California fires have fueled debate over the reasons for ever-more deadly wildfires, with President Donald Trump claiming in a tweet Saturday that "gross mismanagement of the forests" was the sole reason the state's fires had become so "massive, deadly and costly." He also threatened to withhold federal payments to the state.

However, most of California's deadly fires of recent years have been in grasslands and brushy chaparral, Keeley said.

"Most of the fires we've been seeing in the last couple years that are the most destructive are not in the forest. Thinning isn't going to change anything," he said.

Trump's assertion also ignored the huge federal land holdings in the state and brought a quick backlash, with the president of the California firefighters union describing it as a shameful attack on thousands of firefighters on the front lines.

To ease tensions, the White House sent Interior Secretary Ryan Zinke to tour fire-damaged areas and offer assistance to California Gov. Jerry Brown.

In an interview prior to the two-day visit, which began Wednesday, Zinke struck a conciliatory tone and said federal officials share blame for not managing public forest and rangelands aggressively enough.

"We need to work in unison to make sure we thin the forest, especially fire breaks, and make sure we have prescribed burns," Zinke told The Associated Press. "There's been a lack of management on Interior lands, on U.S. Forest Service lands and certainly with state lands."

But it's California, not the Trump administration that is putting more money behind such efforts.

In response to the deadly blazes of recent years, California lawmakers in September approved a measure that would provide \$1 billion over five years for fire protection, including more controlled burns and projects to thin forests and brush land.

By contrast, federal spending on hazardous fuels reduction has been flat in recent years, hovering just under \$600 million, even as direct firefighting costs jumped to a record \$2.9 billion last year.

For 2019, the Forest Service has proposed a \$3 million bump for its wildfire fuels program. At Interior, Zinke proposed a \$29 million cut in fuel management spending.

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Knickmeyer reported from Washington.

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Follow Matthew Brown on Twitter at <https://twitter.com/MatthewBrownAP>

## White House claims right to exclude 'grandstanding' Acosta

By ASHRAF KHALIL, Associated Press

WASHINGTON (AP) — President Donald Trump's administration is trying to fend off a legal challenge from CNN and other outlets over the revocation of journalist Jim Acosta's White House "hard pass."

U.S. District Court Judge Timothy Kelly heard arguments Wednesday afternoon from lawyers represent-

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ing CNN and the Justice Department. The news network is seeking an immediate restraining order that would force the White House to return Acosta's press credentials — which grant reporters as-needed access to the 18-acre complex.

Kelly said he would announce his decision Thursday afternoon.

Acosta has repeatedly clashed with Trump and press secretary Sarah Huckabee Sanders in briefings over the last two years. But the dynamic devolved into a near-shouting match during a combative press conference last week following midterm elections in which Republicans lost control of the House of Representatives.

Acosta refused to give up a microphone when the president said he didn't want to hear anything more from him. Trump called Acosta a "rude, terrible person."

The White House quickly announced that Acosta's White House access would be revoked.

The CNN lawsuit calls the revocation "an unabashed attempt to censor the press and exclude reporters from the White House who challenge and dispute the President's point of view."

The Associated Press joined with a group of 12 other news organizations, including Fox News, in filing an amicus brief Wednesday in support of CNN.

"Secret Service passes for working White House journalists should never be weaponized," said a statement by Fox News President Jay Wallace. "While we don't condone the growing antagonistic tone by both the President and the press at recent media avails, we do support a free press, access and open exchanges for the American people."

On Wednesday, Justice Department lawyer James Burnham argued that Acosta was guilty of "inappropriate grandstanding" and deserved to lose his access over "his refusal to comply with the general standards of a press conference."

Burnham also pointed out that CNN has dozens of other staffers with White House credentials, so excluding Acosta would not harm the network's coverage.

The network's lawyer, Theodore Boutrous, contended that Acosta was being singled out for his body of work, not his alleged rudeness during a press conference.

"The White House has made very clear that they don't like the content of the reporting by CNN and Jim Acosta," Boutrous said. "Rudeness really is a code word for 'I don't like you being an aggressive reporter.'"

Prior to Wednesday's hearing, the White House had maintained that it has "broad discretion" to regulate press access to the White House.

A pre-hearing legal filing argued, "The President and his designees in the White House Press Office have exercised their discretion not to engage with him and, by extension, to no longer grant him on-demand access to the White House complex so that he can attempt to interact with the President or White House officials."

Trump himself, in an interview published Wednesday, was uncertain how the court fight would end, saying: "We'll see how the court rules. Is it freedom of the press when somebody comes in and starts screaming questions and won't sit down?"

Trump told The Daily Caller that "guys like Acosta" were "bad for the country. ... He's just an average guy who's a grandstander who's got the guts to stand up and shout."

The White House's explanations for why it seized Acosta's credentials have shifted over the last week. Sanders initially explained the decision by accusing Acosta of making improper physical contact with the intern seeking to grab the microphone. But that rationale disappeared after witnesses backed Acosta's account that he was just trying to keep the mic, and Sanders distributed a doctored video that made it appear Acosta was more aggressive than he actually was.

On Tuesday, Sanders accused Acosta of being unprofessional by trying to dominate the questioning at the news conference.

Both Sanders and Trump are named as defendants in the CNN suit, along with Chief of Staff John Kelly and Randolph Alles, director of the Secret Service.

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Follow Khalil on Twitter at [www.Twitter.com/Ashrafkhalil](http://www.Twitter.com/Ashrafkhalil)

## Young Jonestown survivors lost everything, built new lives

By **TIM REITERMAN, Associated Press**

OAKLAND, Calif. (AP) — Jonestown was the highlight of Mike Touchette's life — for a time.

The 21-year-old Indiana native felt pride pioneering in the distant jungle of Guyana, South America. As a self-taught bulldozer operator, he worked alongside other Peoples Temple members in the humid heat, his blade carving roads and sites for wooden buildings with metal roofs. More than 900 people lived in the agricultural mission, with its dining pavilion, tidy cottages, school, medical facilities and rows of crops.

"We built a community out of nothing in four years," recalled Touchette, now a 65-year-old grandfather who has worked for a Miami hydraulics company for nearly 30 years. "Being in Jonestown before Jim got there was the best thing in my life."

Jim was the Rev. Jim Jones — charismatic, volatile and ultimately evil. It was he who dreamed up Jonestown, he who willed it into being, and he who brought it down: first, with the assassination of U.S. Rep. Leo Ryan and four others by temple members on a nearby airstrip on Nov. 18, 1978, then with the mass murders and suicides of hundreds, a horror that remains nearly unimaginable 40 years later.

But some lived. Dozens of members in Guyana slipped out of Jonestown or happened to be away that day. Plunged into a new world, those raised in the temple or who joined as teens lost the only life they knew: church, jobs, housing — and most of all, family and friends.

Over four decades, as they have built new lives, they have struggled with grief and the feeling that they were pariahs. Some have come to acknowledge that they helped enable Jim Jones to seize control over people drawn to his interracial church, socialist preaching and religious hucksterism.

With their lives, the story of Jonestown continues, even now.

### CHILD OF BERKELEY

Jordan Vilchez's parents were Berkeley progressives in the 1960s — her father African-American, her mother Scotch-Irish. They divorced when Jordan was 6.

When a friend invited her family to Peoples Temple's wine country church, they were impressed by the integrated community. And when her 23-year-old sister joined, Jordan went to live with her at age 12.

"The temple really became my family," she said.

Devotion to its ideals bolstered her self-worth. At 16, she was put on the Planning Commission where the meetings were a strange mix of church business, sex talk — and adulation for Jones. "What we were calling the cause really was Jim," she said.

Instead of finishing high school, Vilchez moved to San Francisco, where she lived in the church. Then, after a 1977 New West magazine expose of temple disciplinary beatings and other abuses, she was sent to Jonestown.

Grueling field work was not to her liking. Neither were the White Nights where everyone stayed up, armed with machetes to fight enemies who never arrived.

Vilchez was dispatched to the Guyanese capital of Georgetown to raise money. On Nov. 18 she was at the temple house when a fanatical Jones aide received a dire radio message from Jonestown. The murders and suicides were unfolding, 150 miles away.

"She gives us the order that we were supposed to kill ourselves," Vilchez recalled.

Within minutes, the aide and her three children lay dead in a bloody bathroom, their throats slit.

For years, Vilchez was ashamed of the part she played in an idealistic group that imploded so terribly. "Everyone participated in it and because of that, it went as far as it did," she said.

Vilchez worked as office manager at a private crime lab for 20 years and now, at 61, sells her artwork.

This past year, she returned to long-overgrown Jonestown. Where the machine shop once stood, there was only rusty equipment. And she could only sense the site of the pavilion, the once-vibrant center of Jonestown life where so many died — including her two sisters and two nephews.

"When I left at 21, I left a part of myself there," she said. "I was going back to retrieve that young per-



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son and also to say goodbye.”

## THE JONESES' FIRSTBORN

Though he waved and smiled at Peoples Temple services, seemingly enraptured like the rest, Stephan Gandhi Jones says he always had his doubts.

“This is really crazy,” he recalls thinking.

But Stephan was the biological son of Jim and Marceline Jones. And the temple was his life — first in Indiana, later in California.

“So much was attractive and unique that we turned a blind eye on what was wrong,” he said, including his father’s sexual excesses, drug abuse and rants.

As a San Francisco high school student, he was dispatched to help build Jonestown. It would become a little town where people of all ages and colors raised food and children.

Stephan helped erect a basketball court and form a team. In the days before Ryan’s fact-finding mission to the settlement, the players were in Georgetown for a tourney with the Guyana national teams.

Rebelling, they refused Jones’ order to come back. Stephan believed he was too cowardly to follow through with the oft-threatened “revolutionary suicide.”

But after temple gunmen killed the congressman, three newsmen and a church defector on the Port Kaituma airstrip, Jones ordered a poisoned grape-flavored drink administered to children first. That way no one else would want to live.

Stephan Jones and some other team members believe they might have changed history if they were there. “The reality was we were folks who could be counted on to stand up,” he said. “There is no way we would be shooting at the airstrip. That’s what triggered it.”

He went through years of nightmares, mourning and shame. To cope, he says he abused drugs and exercised obsessively. “I focused my rage on Dad and his circle, rather than deal with me,” he said.

More than 300 Jonestown victims were children. Now, Stephan Jones is father of three daughters, ages 16, 25 and 29, and works in the office furniture installation business.

He says his daughters have seen him gnash his teeth when he talks about his father, but they also have heard him speak lovingly of the man who taught him compassion and other virtues.

“People ask, ‘How can you ever be proud of your father?’” he said. “I just have to love him and forgive him.”

## NINTH-GRADER FROM FRESNO

Eugene Smith recalls how his mother, a churchgoing African-American, bought into Jim Jones’ dream after they attended a service in Fresno. She gave her house to the Peoples Temple and they moved to San Francisco.

He was 18 and running a temple construction crew when the church sanctioned his marriage to a talented 16-year-old singer, Ollie Wideman. After Ollie became pregnant, she was sent to Jonestown; Eugene remained behind.

When Smith reunited with his mother and wife in Jonestown, Ollie was 8½ months pregnant.

The reunion with Jones was not as joyous. Jones berated three other new arrivals for misbehavior on the trip; they were beaten and forced to work 24 hours straight.

“He made a promise — once we get to Jonestown there is no corporal punishment,” Smith said. “In an hour, that promise was broken.”

Life became more tolerable after the couple’s baby, Martin Luther Smith, was born. Ollie worked in the nursery, and Eugene felled trees. But he said his discontent festered.

When he was ordered to Georgetown to help with supply shipments, Smith said he concocted an escape plan: Ollie and other temple singers and dancers, he believed, would soon be sent to Georgetown to perform, and the family would flee to the U.S. Embassy.

But the entertainers stayed in Jonestown to entertain Ryan. And Smith’s wife, son and mother died.

“All I could do is weep,” he said.

After more than 22 years at California’s transportation department, Smith retired in 2015. He’s 61 now.

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He's never remarried, and Martin Luther Smith was his only child.

## BORN INTO TEMPLE FAMILY

When John Cobb was born in 1960 in a black section of Indianapolis, his mother and older siblings already were temple members. But in 1973, John's oldest brother and a sister, along with six other California college students, quit the church and became its enemies. When the prodigals visited, the Cobbs kept it secret from Jones.

John was attending a San Francisco high school when he was allowed to join his best friends in Jonestown. There, as part of Jones' personal security detail, Cobb saw the once captivating minister strung out on drugs, afraid to venture anywhere for fear of his legal problems.

"If anything, we felt pity for him," he said, "and it grew into a dislike, maybe hate."

He too was a member of the basketball team. His biggest regrets revolve around the team's refusal to return to Jonestown. "I believe 100 percent that not everyone would have been dead," he said.

Cobb lost 11 relatives that day, including his mother, youngest brother and four sisters.

Now 58, he owns a modular office furniture business in the East Bay and is married with a daughter. 29. One day, when she was in high school, she came home and told her parents that her religion class had discussed Peoples Temple; only then did her father share the story of how his family was nearly wiped out.

She wept.

## JONESES' ADOPTED SON

The Joneses adopted a black baby in Indiana in 1960, and Jim gave the 10-week-old infant his own name. "Little Jimmy" became part of their "Rainbow Family" of white, black, Korean-American and Native American children.

In California, he was steeped in temple life. Those who broke rules were disciplined. At first it was spanking of children. Then it was boxing matches for adults.

"To me, the ends justified the means," he said. "We were trying to build a new world, a progressive socialist organization."

The church provided free drug rehabilitation, medical care, food. It marched for four jailed Fresno newsmen. When Jim Sr., a local Democratic Party darling, met with future first lady Rosalynn Carter, Jim Jr. proudly went along.

After the temple exodus to Guyana, he was given a public relations post in Georgetown — and was part of the basketball team.

He was summoned to the temple radio room. In code, his father told him everyone was going to die in "revolutionary suicide."

"I argued with my Dad," he said. "I said there must be another way."

Jim Jr. would lose 15 immediate relatives in Jonestown, including his pregnant wife, Yvette Muldrow.

In the aftermath, he built a new life. He remarried three decades ago, and he and his wife, Erin, raised three sons. He converted to Catholicism and registered Republican. He built a long career in health care, while weathering his own serious health problems.

Of course, even if he wanted to forget Jonestown, his name was an ever-present reminder.

He has taken a lead role in a 40th Jonestown anniversary memorial to be held Sunday at Oakland's Evergreen Cemetery, where remains of unclaimed and unidentified victims are buried. Four granite slabs are etched with names of the 918 people who died in Guyana— including James Warren Jones, which deeply offends some whose relatives perished.

"Like everyone else, he died there," his son said. "I'm not saying he didn't cause it, create it. He did."

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Tim Reiterman, AP environment team editor, covered Jonestown for the San Francisco Examiner and was wounded when temple members fired on Rep. Leo Ryan's party in 1978. He is the author with the late John Jacobs of "Raven: The Untold Story of the Rev. Jim Jones and His People."

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This story has been updated to correct the spelling of Rosalynn Carter's first name.

## When it came to racism, the pen was Stan Lee's superpower

By **TERRY TANG** and **COREY WILLIAMS**, Associated Press

Stan Lee was a seminal part of Miya Crummell's childhood. As a young, black girl and self-professed pop culture geek, she saw Lee was ahead of his time.

"At the time, he wrote 'Black Panther' when segregation was still heavy," said the 27-year-old New Yorker who credits Lee with influencing her to become a graphic designer and comic book artist. "It was kind of unheard of to have a black lead character, let alone a title character and not just a secondary sidekick kind of thing."

Lee, the master and creator behind Marvel's biggest superheroes, died at age 95 on Monday. As fans celebrate his contributions to the pop culture canon, some have also revisited how the Marvel wizard felt that with great comic books came great responsibility. When black people were risking their lives in the 1960s to protest discrimination where they lived and worked, Lee enacted integration with the first mainstream black superhero. Black Panther, along with the X-Men and Luke Cage, are on-screen heroes today. But back then, they were the soldiers in Lee's battle against real-world foes of racism and xenophobia.

Under Lee's leadership, Marvel Comics introduced a generation of comic book readers to the African prince who rules a mythical and technologically advanced kingdom, the black ex-con whose brown skin repels bullets and the X-Men, and a group of heroes whose superpowers were as different as their cultural backgrounds.

The works and ideas of Lee and the artists behind T'Challa, the Black Panther; Luke Cage, Hero for Hire; and Professor Xavier's band of merry mutants — groundbreaking during the 1960s and 1970s — have become a cultural force breaking down barriers to inclusion.

Lee had his fingers in all that Marvel produced, but some of the characters and plot lines "came from the artists being inspired by what was happening in the '60s," said freelance writer Alex Simmons.

Still, there was some pushback by white comics distributors when it came to black heroes and characters. Some bundles of Marvel Comics were sent back because some distributors weren't prepared for the Black Panther and the kingdom of Wakanda developed by artist and co-creator Jack Kirby.

"Stan had to take those risks," Simmons said. "There was a liberation movement, and I think Marvel became the voice of the people, tied into that rebellious energy and rode with it."

Lee also spoke to readers directly about the irrationality of hate. In 1968, a tumultuous year that saw the assassination of Martin Luther King Jr., Lee wrote one of his most vocal "Stan's Soapbox" columns calling bigotry and racism "the deadliest social ills plaguing the world today."

"But, unlike a team of costumed super-villains, they can't be halted with a punch in the snoot, or a zap from a ray gun," Lee wrote.

Marvel's characters always were at the forefront of how to deal with racial and other forms of discrimination, according to Mikhail Lyubansky, who teaches psychology of race and ethnicity at the University of Illinois, Urbana-Champaign. With the X-Men, many readers saw the mutants, ostracized for their powers, as a commentary on how Americans treated blacks and anyone seen as "the other."

"The original X-Men were less about race and more about cultural differences," Lyubansky said. "Black Panther and some of the (Marvel) films took the mantle and ran with the racial issue in ways I think Stan didn't intend. But they were a great vehicle for it."

Some of the efforts to break out minority characters haven't aged well. Marvel characters like the Fu Manchu-esque villain The Mandarin and the Native American athletic hero Wyatt Wingfoot were considered groundbreaking in the '60s and '70s, but may seem dated and too stereotypical when viewed through a 21st-century lens.

"It's interesting. Stan Lee kind of takes the credit and the blame, depending on the character," said William Foster III, who helped establish the East Coast Black Age of Comics Convention and is an English professor at Naugatuck Valley Community College in Waterbury, Connecticut.

Foster, who started reading Marvel Comics in the 1960s, said even doing something as minor as including people of color in the background was monumental.

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"Stan Lee had the attitude of 'We're in New York City. How can we possibly not have black people in New York City?'" Foster said.

Blacks began taking on the roles of heroes and villains. Foster said some characters may have been seen as "tokenism" but that's sometimes where progress has to start.

In 10 years, the Marvel Cinematic Universe films have netted more than \$17.6 billion in worldwide grosses. The "Black Panther" movie pulled in more than \$200 million in its debut weekend earlier this year. Next year, actress Brie Larson will take flight as "Captain Marvel." An animated movie centered on Miles Morales, a half-black and half-Puerto Rican teen who inherits the Spider-Man suit, will drop next month. And there continues to be interest around Kamala Khan a.k.a. Ms. Marvel, the first Muslim superhero.

"I had a lot of white friends growing up," said freelance writer Simmons, who is black. "We watched 'Batman' and we also watched 'The Mod Squad.' My personal belief is that if you put the material out in front of folks and they connect with it, they are going to connect with it."

For many fans and consumers, it's about the product not the skin color or sexual orientation of the character, he added.

Crummell, the comic book artist, said she thinks representation for minorities and women in comic books is improving.

"I think now, they're seeing that everybody reads comics. It's not a specific group now," Crummell said. "It's not just African-American people — it's women, it's Asians, Hispanic characters now. I would credit Stan Lee with kind of breaking the barrier for that."

## Justice legal opinion backs Whitaker's naming as acting AG

By ERIC TUCKER, Associated Press

WASHINGTON (AP) — The Justice Department on Wednesday released an internal legal opinion supporting the legality of Matthew Whitaker's appointment as acting attorney general as Democrats press the case that President Donald Trump violated the law and Constitution by making Whitaker the country's chief law enforcement officer.

The 20-page opinion from the Office of Legal Counsel, which provides advice to executive branch agencies, aims to rebut mounting complaints that Trump illegally sidestepped procedure by appointing Whitaker over Deputy Attorney General Rod Rosenstein.

Rosenstein, the second-ranking Justice Department official, has been confirmed by the Senate and had been overseeing special counsel Robert Mueller's Russia investigation. Whitaker had been chief of staff to now-ousted Attorney General Jeff Sessions, a job that didn't require Senate confirmation. He became acting attorney general when Sessions was forced out on Nov. 7 and was given oversight of Mueller's inquiry.

Since then, the state of Maryland has challenged Whitaker's appointment, arguing that the top Justice Department job must be held by a Senate-confirmed official such as Rosenstein. A defense lawyer in Las Vegas is similarly arguing that a drug case involving his client should be halted if Whitaker was improperly appointed to lead the department.

Congressional Democrats, meanwhile, have called the appointment unconstitutional and demanded that Whitaker recuse himself from overseeing the Mueller investigation. At least two former Republican attorneys general, Alberto Gonzales and Michael Mukasey, have also raised questions about it, and a handful of GOP senators are urging their leadership to hold a vote on legislation that would protect Mueller.

It was unclear whether the legal opinion would satisfy opponents of Whitaker's appointment, but the document does provide by far the most detailed defense from the Justice Department of a selection that has roiled Washington.

The opinion concludes that Whitaker, even without Senate confirmation, may serve in an acting capacity because he has been at the department for more than a year at a "sufficiently senior pay level."

The opinion tries to reconcile two seemingly conflicting statutes by saying that even though the department's own line of succession specifies that the deputy attorney general may hold the top spot in the event of a vacancy, a more general law known as the Vacancies Reform Act empowers presidents to depart from

that order and to promote officials who haven't been confirmed by the Senate.

Although Whitaker is not Senate confirmed and was not the deputy, the opinion concludes that he nonetheless satisfies a third element of the law by having been with the Justice Department for at least 90 days and earning high enough pay for consideration.

"As all three branches of government have long recognized, the President may designate an acting official to perform the duties of a vacant principal office, including a Cabinet office, even when the acting official has not been confirmed by the Senate," the opinion said.

The opinion identified more than 160 times before 1860 in which non-Senate officials were temporarily appointed to fill vacancies as Cabinet secretaries or equivalent jobs, including some with no prior experience in federal government.

It said that both Presidents George W. Bush and Barack Obama had designated unconfirmed agency officials as acting agency heads and that Whitaker was not the first unconfirmed official to run an agency on an interim basis in the Trump administration.

Even so, the opinion could identify only one instance, in 1866, when a non-Senate confirmed assistant attorney general became acting attorney general. The Justice Department was not established as its own agency until 1870.

"Mr. Whitaker's designation is no more constitutionally problematic than countless similar presidential orders dating back over 200 years," the opinion says.

Stephen Vladeck, a University of Texas at Austin law professor, said that although the Justice Department's legal analysis appeared sound, the circumstances surrounding the Whitaker appointment may be "radically different from what any of these historical examples were dealing with."

"The one point (on) which I can hope everyone can agree is, whatever your bottom line is, Congress should fix this," he added. "Congress should limit the circumstances in which the president can bypass Senate-confirmed officers in the same agency."

A Justice Department official said the White House contacted the Office of Legal Counsel for advice, before Sessions was replaced, about options in the event of a vacancy. The department made the official available to brief reporters only on the condition that the official not be identified by name. The official would not say when exactly the White House had requested the office's advice.

The opinion didn't address the question of whether Whitaker should step aside from overseeing Muller's investigation into potential coordination between the Trump campaign and Russia.

Many Democrats have called on Whitaker to withdraw from that role, citing derogatory comments that Whitaker made about the inquiry before joining the department. The investigation until now had been overseen by Rosenstein.

Online:

Legal opinion: <https://tinyurl.com/ycc8zzad>

## May wins Cabinet backing for Brexit deal but pitfalls remain

By JILL LAWLESS and LORNE COOK, Associated Press

LONDON (AP) — In a hard-won victory, British Prime Minister Theresa May persuaded her fractious Cabinet to back a draft divorce agreement with the European Union on Thursday, a decision that triggers the final steps on the long and rocky road to Brexit.

But she faces a backlash from her many political opponents and a fierce battle to get the deal through Parliament as she tries to orchestrate the U.K.'s orderly exit from the EU.

May hailed the Cabinet decision as a "decisive step" toward finalizing the exit deal with the EU within days. It sets in motion an elaborate diplomatic choreography of statements and meetings.

EU chief negotiator Michel Barnier declared there had been "decisive progress" — the key phrase signaling EU leaders can convene a summit to approve the deal, probably later this month.

Crucially, Barnier said that "we have now found a solution together with the U.K. to avoid a hard border

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on the island of Ireland.”

But the agreement, hammered out between U.K. and EU negotiators after 17 months of what Barnier called “very intensive” talks, infuriated pro-Brexit lawmakers in May’s Conservative Party, who said it would leave Britain a vassal state, bound to EU rules that it has no say in making.

Those “hard Brexit” voices include several ministers in May’s Cabinet. Emerging from the five-hour meeting at 10 Downing St., May said the Cabinet talks had been “long, detailed and impassioned.” She said there had been a “collective decision” to back the deal, though she did not say whether it was unanimous.

“I firmly believe, with my head and my heart, that this is a decision which is in the best interests of the United Kingdom,” she said.

In a warning to her opponents, May said the choice was between her deal, “or leave with no deal; or no Brexit at all.”

If the EU backs the deal, as it likely will, it must be approved by Britain’s Parliament. That could be a challenge, since pro-Brexit and pro-EU legislators alike are threatening to oppose it.

Pro-Brexit lawmakers say the agreement will leave Britain tethered to the EU after it departs and unable to forge an independent trade policy.

On the other side of the argument, pro-EU legislators say May’s deal is worse than the status quo and the British public should get a new vote on whether to leave or to stay.

In between those two camps are May’s supporters, who argue that the deal is the best on offer, and the alternatives are a chaotic “no-deal” Brexit that would cause huge disruption to people and businesses, or an election that could see the Conservative government replaced by the left-of-center Labour Party.

Failure to secure Cabinet backing would have left May’s leadership in doubt and the Brexit process in chaos, with exit day just over four months away, on March 29.

She still faces the threat of a coup attempt from her own party.

Under Conservative rules, a no-confidence vote in the leader is triggered if 15 percent of party lawmakers write letters requesting one. The required number currently stands at 48 lawmakers; only the lawmaker who collects the letters knows for sure how many have been submitted.

Pro-Brexit Conservative lawmaker Conor Burns said he wanted a change of policy rather than a new leader, but added: “There comes a point where if the PM is insistent that she will not change the policy, then the only way to change the policy is to change the personnel.”

The main obstacle to a withdrawal agreement has long been how to ensure there are no customs posts or other checks along the border between the U.K.’s Northern Ireland and EU member Ireland after Brexit. Britain and the EU agree that there must be no barriers that could disrupt businesses and residents on either side of the border and undermine Northern Ireland’s hard-won peace process.

The solution in the agreement involves a “single EU-U.K. customs territory,” to eliminate the need for border checks.

As part of the agreement, the U.K. will agree to follow EU rules in areas like animal welfare, environmental standards and workplace protections — another source of anger for Brexiteers, who say Britain should be free to set its own rules.

The solution is intended to be temporary — superseded by a permanent trade deal. But pro-Brexit politicians in Britain fear it may become permanent, hampering Britain’s ability to strike new trade deals around the world.

Leading Euroskeptic Conservative legislator Jacob Rees-Mogg urged his colleagues to vote against the deal, saying it “will lock us into an EU customs union and EU laws. This will prevent us pursuing a U.K. trade policy based around our priorities and economy.”

The draft agreement also mentions potential “Northern Ireland-specific regulatory alignment” to avoid a hard border.

Northern Ireland’s Democratic Unionist Party, which props up May’s minority government, insists it will oppose any deal that leaves Northern Ireland subject to different rules to the rest of the U.K. after Brexit.

“We could not as unionists support a deal that broke up the United Kingdom,” DUP leader Arlene Foster

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said.

Associated Press writer Jill Lawless reported in London and AP writer Lorne Cook reported from Brussels.

## Walmart sales strong, both online and in stores

BENTONVILLE, Ark. (AP) — Walmart is reporting surging online sales, strong performances at established stores, and it's raising profit expectations for the year heading into the holiday shopping season.

The company on Thursday posted third-quarter earnings of \$1.71 billion, or 58 cents per share. Earnings, adjusted for non-recurring costs, came to \$1.08 per share, which is 6 cents better than expected, according to a survey by Zacks Investment Research.

The world's largest retailer posted revenue of \$124.89 billion, about in line with forecasts.

Walmart Inc. says it now expects full-year earnings in the range of \$4.75 to \$4.85 per share.

Portions of this story were generated by Automated Insights (<http://automatedinsights.com/ap>) using data from Zacks Investment Research. Access a Zacks stock report on WMT at <https://www.zacks.com/ap/WMT>

## Asian stocks lower after Wall Street fall, Brexit approval

By JOE McDONALD, AP Business Writer

BEIJING (AP) — Most Asian stock markets declined Thursday after Wall Street fell for a fifth day and Britain's Cabinet endorsed a draft agreement to leave the European Union.

KEEPING SCORE: Tokyo's Nikkei 225 lost 0.7 percent to 21,686.71 points and Sydney's S&P-ASX 200 retreated 0.6 percent to 5,696.00. The Shanghai Composite Index gained 0.3 percent to 2,641.21 and Hong Kong's Hang Seng advanced 0.1 percent to 25,689.00. Jakarta gained while New Zealand, Taiwan and other Southeast Asian markets declined.

WALL STREET: U.S. markets were dragged down by losses for tech companies, banks and insurers. Apple Inc. lost 2.8 percent. Bond prices rose as traders shifted money into low-risk assets. That pulled yields down, which hurts banks by driving interest rates on loans lower. Energy stocks rebounded as crude oil prices snapped a 12-day losing streak. The Standard & Poor's 500 index fell 0.8 percent to 2,701.58. The Dow Jones Industrial Average lost 0.8 percent to 25,080.50. The Nasdaq composite dropped 0.9 percent to 7,136.39.

BREXIT: Prime Minister Theresa May persuaded the British Cabinet to back an agreement to separate from the European Union, triggering the final steps toward Brexit. May said the decision is a "decisive step" toward finalizing the exit deal with the EU within days, though it was unclear whether Parliament will go along. The deal would allow Britain to stay in a customs union, bound by EU rules, while the two sides negotiate a trade treaty. EU chief negotiator Michel Barnier said the two sides agreed to avoid a "hard border" between Ireland, a member of the trade bloc, and Northern Ireland.

ANALYST'S TAKE: "Despite the U.K. cabinet backing the new Brexit draft plan, the boost for markets had been short-lived with the sea of worries overruling sentiment," said Jingyi Pan of IG in a report. Asian markets are "taking after the poor leads from Wall Street" due to "little data" due out in the region.

AUSTRALIAN JOBS: Government data showed employment rose by 32,800 in October, above market expectations for a gain of 20,000. The jobless rate stayed at 5 percent. The annual rate of job creation rose to 2.5 percent.

ENERGY: Benchmark U.S. crude lost 32 cents to \$55.93 per barrel in electronic trading on the New York Mercantile Exchange. The contract rose 56 cents on Wednesday to close at \$56.25. Brent crude, used to price international oils, fell 24 cents to \$65.88 per barrel in London. It gained 65 cents the previous session to \$66.12.

CURRENCY: The dollar weakened to 113.47 yen from Wednesday's 113.63 yen. The euro strengthened to \$1.1323 from \$1.1309.

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## Today in History By The Associated Press

Today in History

Today is Thursday, Nov. 15, the 319th day of 2018. There are 46 days left in the year.

Today's Highlight in History:

On Nov. 15, 1864, during the Civil War, Union forces led by Maj. Gen. William T. Sherman began their "March to the Sea" from Atlanta; the campaign ended with the capture of Savannah on Dec. 21.

On this date:

In 1777, the Second Continental Congress approved the Articles of Confederation.

In 1806, explorer Zebulon Pike sighted the mountaintop now known as Pikes (cq) Peak in present-day Colorado.

In 1937, at the U.S. Capitol, members of the House and Senate met in air-conditioned chambers for the first time.

In 1942, the naval Battle of Guadalcanal ended during World War II with a decisive U.S. victory over Japanese forces.

In 1959, four members of the Clutter family of Holcomb, Kansas, were found murdered in their home. (Ex-convicts Richard Hickock and Perry Smith were later convicted of the killings and hanged in a case made famous by the Truman Capote book "In Cold Blood.")

In 1966, the flight of Gemini 12, the final mission of the Gemini program, ended successfully as astronauts James A. Lovell and Edwin "Buzz" Aldrin Jr. splashed down safely in the Atlantic after spending four days in orbit.

In 1982, funeral services were held in Moscow's Red Square for the late Soviet President Leonid I. Brezhnev.

In 1984, Stephanie Fae Beauclair, the infant publicly known as "Baby Fae" who had received a baboon's heart to replace her own congenitally deformed one, died at Loma Linda University Medical Center in California three weeks after the transplant.

In 1986, a government tribunal in Nicaragua convicted American Eugene Hasenfus of charges related to his role in delivering arms to Contra rebels, and sentenced him to 30 years in prison. (Hasenfus was pardoned a month later.)

In 1987, 28 of 82 people aboard a Continental Airlines DC-9, including the pilots, were killed when the jetliner crashed seconds after taking off from Denver's Stapleton International Airport.

In 1998, Kwame Ture (KWAH'-may TUR'-ay), the civil rights activist formerly known as Stokely Carmichael, died in Guinea at age 57.

In 2003, two Black Hawk helicopters collided and crashed in Iraq; 17 U.S. troops were killed.

Ten years ago: World leaders battling an economic crisis agreed in Washington to flag risky investing and regulatory weak spots in hopes of avoiding future financial meltdowns. A wildfire destroyed nearly 500 mobile homes in Los Angeles. Gay rights supporters marched in cities coast to coast to protest the vote that banned gay marriage in California. Somali pirates hijacked the Sirius Star, a Saudi-owned oil supertanker, in the Indian Ocean. (The ship was released eight weeks later after the pirates were reportedly paid a ransom.)

Five years ago: Toronto Mayor Rob Ford vowed to take the City Council to court after it voted overwhelmingly to strip him of some of his powers over his admitted drug use, public drinking and increasingly erratic behavior. China's leaders announced the first significant easing of their one-child policy in nearly 30 years and moved to abolish its labor camp system. Dressed in a black Batman costume, 5-year-old leukemia patient Miles Scott fulfilled his wish to be his favorite superhero, fighting villains and rescuing a damsel in distress in an elaborate fantasy staged by the city of San Francisco and arranged by the Make-a-Wish Foundation. (The event cost the city \$105,000, but the tab was picked up by the John and Marcia Goldman Foundation.)

One year ago: Zimbabwe's military was in control of the country's capital and the state broadcaster and



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held 93-year-old President Robert Mugabe and his wife under house arrest; the military emphasized that it had not staged a takeover but was instead starting a process to restore the country's democracy. (The military intervention, hugely popular in Zimbabwe, led to impeachment proceedings against Mugabe, who was replaced.) Eight members of a family who were among more than two dozen people killed in a shooting at a small Texas church were mourned at a funeral attended by 3,000 people. Max Scherzer of the Washington Nationals won his third Cy Young award; Cleveland Indians ace Corey Kluber was the winner in the American League.

Today's Birthdays: Actor Ed Asner is 89. Singer Petula Clark is 86. Comedian Jack Burns is 85. Actress Joanna Barnes is 84. Actor Yaphet Kotto is 79. Actor Sam Waterston is 78. Classical conductor Daniel Barenboim is 76. Pop singer Frida (ABBA) is 73. Actor Bob Gunton is 73. Former New Mexico Gov. Bill Richardson is 71. Actress Beverly D'Angelo is 67. Director-actor James Widdoes is 65. Rock singer-producer Mitch Easter is 64. News correspondent John Roberts is 62. Former "Jay Leno Show" bandleader Kevin Eubanks is 61. Comedian Judy Gold is 56. Actress Rachel True is 52. Rapper E-40 is 51. Country singer Jack Ingram is 48. Actor Jay Harrington is 47. Actor Jonny Lee Miller is 46. Actress Sydney Tamiia (tuh-MY'-yuh) Poitier is 45. Christian rock musician David Carr (Third Day) is 44. Rock singer-musician Chad Kroeger is 44. Rock musician Jesse Sandoval is 44. Actress Virginie Ledoyen is 42. Actor Sean Murray is 41. Pop singer Ace Young (TV: "American Idol") is 38. Golfer Lorena Ochoa is 37. Hip-hop artist B.o.B is 30. Actress Shailene Woodley is 27. Actress-dancer Emma Dumont is 24.

Thought for Today: "News reports don't change the world. Only facts change it, and those have already happened when we get the news." — Friedrich Durrenmatt, Swiss author and playwright (1921-1990).